





Violence Against Women in Mexico

February 2021.

The National Citizen Observatory on Femicide (OCNF), a national network comprising 43 NGO in 23 states in Mexico, the National Network of Civil Human Rights Organizations (Red TDT), comprising 86 NGO in 23 states and Catholics for the Right to Decide contacted the Committee for the Elimination of all Forms of Discrimination against Women within the framework of the intermediate evaluation of the Mexican State regarding the status of women in Mexico.

During our accompaniment of cases of victims of family violence, sexual violence, femicide and the disappearance of women, girls, and adolescents, we have documented the weakness of the measures implemented by the authorities to address the problem, as evidenced even by official data, in addition to the information we have as NGO accompanying cases at the legal, psychosocial and incidence levels.

I.-Disappearance of women

From December 1, 2018 to December 31, 2020, the National Register of Disappeared and Unlocated Persons documented the disappearance of 19,938 women, girls, and adolescents in Mexico.¹

According to the "Clandestine Graves and National Register of Missing or Unlocated Persons" report published by the National Commission for the Search of Persons, between **December 1, 2018 and December 31, 2019, a total of 3,093 women disappeared**², of which 1,816 have been located, and 1,277 have yet to be found.³ Most of the missing women, equivalent to 368 cases, or 28%, were aged between 15 and 19.

According to information from prosecutors' and state prosecutors' offices, provided to the OCNF, through information requests⁴, between January and August 2020, 5,223 women and girls disappeared in just 12 states in Mexico⁵, and a total of 1,290 have yet to be located. It is important to note that 48% of the missing women are minors.

The OCNF identified the following major obstacles to the effective search if women in Mexico:

- Lack of due diligence in the implementation of the search mechanism.
- In some states, the Alba Protocols treat disappearances as "absences", "losses", or "non-location', as a result of which the imminent risk of the disappearance of women entails fails to be acknowledged.
- In cases where victims are located, in most cases, possible crimes against them are not acknowledged, investigated or punished.
- There is no strategy to make public protocols for the search of women. This lack of dissemination prevents families from demanding their implementation.
- Lack of coordination between Prosecutors' Offices, the National Search Commission, State Search Commissions and other authorities that first hear of the disappearance of women, to implement immediate search actions within the first 24 and 72 hours.

Registro Nacional de Personas Desaparecidas y No Localizadas en México: https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral

² Report on Clandestine Graves and the National Registry of Missing or Missing Persons" of the National Commission for the Search of Persons, January 6, 2020: https://www.gob.mx/cms/uploads/attachment/file/535387/CNB_6_enero_2020_conferencia_prensa.pdf.pdf

³ The states with the highest number of missing women in the period in question are **Jalisco**, **Puebla**, **Nuevo León**, **Tamaulipas**, and **Chihuahua**.

⁴ Responses to requests for access to public information: Folio 00539/FGJ/IP/2020 General Attorney's Office of CDMX; Folio 0113100098020 General Attorney's Office of Mexico State; Folio 02023420 General Attorney's Office of Guanajuato; Folio 00841420 General Attorney's Office of Quintana Roo; Folio FGE/DGS/4121/2020-10 General Attorney's Office of Morelos; Folio 108612020 General Attorney's Office of Chihuahua; Folio 00367720 General Attorney's Office of Colima; folio 01819420 General Attorney's Office of Puebla; Folio 00850420 General Attorney's Office of Michoacán.

⁵ Mexico State, Mexico City, Guanajuato, Quintana Roo, Morelos, Chihuahua, Colima, Puebla, Campeche, Sinaloa, Zacatecas, Michoacán.

- There are no Search Cells, or Specialized Police or State Operative Groups to launch an immediate search.
- The first procedures still involve sending official letters rather than prioritizing telephone tracking, camera identification, interviewing witnesses, investigating social networks and cyber police intervention, among other actions.
- The opinions of the Analysis and Context units, responsible for identifying the contexts of violence, modus operandi and patterns in the disappearance of women are not taken into account to reinforce lines of investigation by the Public Prosecutor's Office.⁶

II.- Femicidal violence

Murders of women

Regarding the murders of women, the SESNSP documented that between **January 2018 and December 2020**, 11,217 women and girls were murdered in Mexico. It should be mentioned that in recent years the number of murders of women has remained constant and has not decreased in Mexico.

Femicides

According to official data, 3,656 women were murdered in 2018, of which 893 cases were investigated as femicide, equivalent to just 24%.

In 2019, 3,809 women were murdered, and 940 cases, also equivalent to 24.%, were investigated as femicide. 8

According to the SESNSP, from January to December 2020, 3,752 women and girls were murdered, of which 969 cases, equivalent to 26%, are being investigated as femicide.⁹

The most recent information from the SESNSP, from January to December 2020, shows that **10.2 women and girls are murdered every day in Mexico**.

The prevalence of femicides shows that actions continue to be insufficient to prevent, address and punish violence against women, which is framed in a context of generalized violence, discrimination, and impunity.

The report "Femicide impunity, an x-ray of official data on violence against women 2017-2019," prepared by the RedTDT, shows that according to data obtained through requests for access to information, in 2018, 746 investigation files were opened for the crime of femicide, while from January to May 2019, 459 files for femicide were opened in 23 states in Mexico¹⁰.

Regarding the number of sentences for femicide, the judicial authority reported that **228 convictions were handed down in 2018**, whereas from **January to May 2019, 102 convictions were handed down for femicide**.¹¹

The information presented by the National Institute of Statistics and Geography (INEGI) reveals that **the number of women murdered in 2018 is the highest recorded since 1990**. In 2018, an average of 10 women and girls were murdered every day due to intentional assaults.¹²

⁹ Información sobre violencia contra las mujeres. Incidencia delictiva y llamadas de emergencia 911, SESNSP, updo December 31, 2020: https://drive.google.com/file/d/1RHUjF-foAgeft_iaAGgXliPvvgRfPT9b/view

⁶ It is important to note that **Jalisco** and the **State of Mexico** have Analysis and Context units, which are structured and in operation. However, it is necessary to strengthen them and make them binding.

⁷ Información sobre violencia contra las mujeres. Incidencia delictiva y llamadas de emergencia 911, SESNSP, up to January 31 2020: https://drive.google.com/file/d/1IzIZK10_yWfIz8FsNYzL_VcL69DJcAEX/view

⁸ Ibíd.

¹⁰ The states are Aguascalientes, Baja California, Campeche, Chihuahua, Mexico City, Colima, Durango, Guanajuato, Guerrero, Jalisco, Michoacán, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Veracruz, Yucatán and Zacatecas.

¹¹ The states that recorded the highest number of condemnatory sentences are Mexico City, Guanajuato and Mexico State.

^{12 &}quot;Estadísticas a proposito del Día Internacional de la Eliminación de la Violencia contra las Mujeres", Press release 592/19, November 21, 2019: https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2019/Violencia2019_Nal.pdf

In absolute terms, INEGI recorded that a total of 3,752 women and girls were murdered in 2018, representing an increase of 25%, the highest number in the country in the past 29 years. This shows that femicides in Mexico have not decreased and that on the contrary they have increased.

Characteristics of the murders of women in Mexico

Regarding the characteristics of the murders of women, INEGI reported that women are killed with greater violence and viciousness than men, in events in which methods are used that produce greater pain, prolong their suffering before dying and, above all, involve the use of bodily force to subdue them.

The information available on the means or weapon used to cause death indicates that **the most commonly-used method is firearms**. ¹³

At the same time, **30 out of every 100 women murdered are hanged or suffocated, drowned, burned, beaten with an object, or wounded with a sharp weapon**, whereas only 18.3% of men were murdered by any of these means. ¹⁴

Context of femicide in the 18 states with the Declaration of Violence against Women Alert in Mexico in the period from January 2018 to December 2020

State	Femicides 2018	Femicides 2019	Femicides 2020	Total
Mexico State	110	122	150	382
Morelos	28	39	33	100
Michoacán	22	12	21	55
Chiapas	23	20	28	71
Nuevo León	79	67	67	213
Veracruz	92	104	84	280
Sinaloa	49	37	26	112
Colima	13	11	12	36
San Luis Potosí	27	28	27	82
Guerrero	33	16	12	61
Quintana Roo	8	16	15	39
Nayarit	5	5	12	22
Zacatecas	21	11	10	42
Oaxaca	30	28	38	96
Durango	40	10	12	62
Campeche	5	6	3	14
Jalisco	26	61	66	153
Puebla	32	58	52	142

Classification of Feminicide as a Criminal Offer	ıce
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¹⁴ Idem

 $^{^{13}}$ Idem

Femicide is typified in the Federal Criminal Code¹⁵ and in each of the various Criminal Codes of the 32 states in Mexico¹⁶. They all have a specific regulation for femicide and a description of the crime, as well as mostly objective characteristics within the statement of gender reasons¹⁷. Despite this, **five states still have poor classifications of femicide as a criminal offence** because they contemplate various subjective characteristics, which does not facilitate their accreditation, resulting in a high number of cases that become invisible¹⁸.

Although 27 states have a classification of femicide as a criminal offence based on the federal classification, on January 28, 2020, at a plenary meeting held between Attorney General Alejandro Gertz Manero and congressmen, the Attorney General expressed his aim of eliminating the classification of femicide as a criminal offence, on the grounds that, "It is difficult to for the Public Prosecutor's Office to prove this."

As human rights defenders, we have warned that eliminating the classification of femicide as a criminal offense and redefining it as an aggravating factor in homicide, within the framework of the initiative to create a Single Penal Code in Mexico, **constitutes a serious setback to women's rights.**

It is therefore necessary to evaluate in greater depth the assumptions that can be added, from both a legal and a sociological point of view, so that a greater number of objective elements are contemplated within them, as well as to anticipate the assumptions required due to the widespread femicidal violence experienced by women in Mexico. **To date there is no Single Criminal Code of femicide at the federal level**.

At present, the problem for proving the crime of femicide lies in the lack of due diligence and gender perspective in investigations of this crime, causing these types of events to remain in total impunity.

The serious shortcomings in the accreditation of the crime of femicide on the part of the investigating authorities that continue to be perpetuated, include:

- The lack of professional staff and appropriate skills among the police, experts, and agents in the Public Prosecutor's Office.
- The political and legal resistance of the authorities to recognize the crime of femicide.
- The lack of specialized personnel with a gender perspective in these investigations.
- The chain of impunity that occurs throughout the criminal procedure.
- The loss of important clues and evidence from the beginning of the investigation due to omissions and negligence.
- The lack of timeliness in regarding the crime under investigation as femicide.
- From the start of the investigation, the procedures carried out have been the basic minimum to comply with due diligence, but not to prove gender reasons.
- There are no specialized personnel to undertake social examinations with a gender perspective ¹⁹, to assist in the accreditation of gender reasons.

¹⁵ It is important to note that on June 14, 2012, the Classification of Femicide as a Penal Offence was included in the Federal Penal Code, which contemplated essentially objective elements for stating gender reasons, which made contributing evidence to accredit this crime much easier. Since then many states in Mexico have taken up the classification of femicide as a criminal offence contained in the Federal Penal Code, which served as the basis for drafting their own codes. They used some or all of its elements to attempt to homologate their classification of penal offences with those in federal legislation.

Twenty-seven of the Penal Codes in the country are drafted in a similar way and based on the federal classification of criminal offenses. The states are Aguascalientes, Baja California Sur, Campeche, Chiapas, Coahuila, Colima, Mexico City, Durango, Mexico State, Guerrero, Hidalgo, Jalisco, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán and Zacatecas.

¹⁷ The incorporation of objective gender reasons enables the crime of feminicide to be more easily accredited, without hindrance or the impossibility of this within the penal procedure. This increases the likelihood that this behavior will be effectively sanctioned. Subjective elements hamper the accreditation of the crime of femicide.

¹⁸ The states with a poor classification of femicide as a criminal offence are Baja California, Chihuahua, Guanajuato, Michoacán, and Quintana Roo.

¹⁹ The authorities continue using examinations in psychological necropsy.

- Victims continue to be blamed for their way of life, to justify or dismiss the fact that the death occurred on the basis of gender.
- Femicide protocols only apply when the Public Prosecutor's Office believes that the death may be a femicide. However, there are many cases where the authority assumes that a death is suicide and fails to implement the protocol.

Investigation protocols for the accreditation of the crime of femicide

Of the 32 states, those with the most up-to-date protocols are: Chiapas (2020), Morelos (2020), Chihuahua (2019), Colima (2018), Jalisco (2018), and Nayarit (2018). ²⁰

The states that do not yet have investigation protocols for the accreditation of the crime of femicide in Mexico are: Baja California Sur, Campeche, Durango, Michoacán, Tabasco, and Tlaxcala.

III.-Sexual violence

According to the SESNSP, from January 2018 to December 2020, 150,716 denunciations of sexual crimes were filed, of which 49,195 were rapes and 610, 373 were allegations of family violence.

In 2018 and 2019, a total of 96,374 sexual crimes were reported, including sexual abuse, stalking, harassment, rape, and other crimes that threaten sexual freedom and security. The sexual crimes with the highest rate of complaints are sexual abuse, with 45,500 denunciations in the two years, and the crime of rape, with a total of 32,652 denunciations during the same period.²¹

Between January and December 2020, SESNSP figures indicate that a total of 54,342 sexual crimes were reported.²²

Regarding the problem of sexual violence, the information collected indicates that the states with the highest number of women victims of rape in the period from January 2017 to May 2019 are **Baja California** with 2,958, **Chihuahua** with 2,592, **Puebla** with 1,808, **Mexico City** with 1,630, **Nuevo León** with 1,455, **Chiapas** with 1,311 and **Tamaulipas with 1,267 cases.**²³

Regulations that hamper the guarantee of women's rights in Mexico

In relation to the Declaration of Gender Violence against Women Alert (AVGM), the states of Veracruz and Guerrero have a declaration for comparative tort, because their policies are discriminatory against women and girls, and violate their reproductive rights.

• Gender Violence Alert for Comparative Tort in Guerrero

The government of the state of Guerrero reported that from 2016 to 2019, **13** investigation files were opened **for the crime of abortion**²⁴, which are in process, in other words, in no case has a sentence been issued. Of the cases registered, **two** were classified as culpable and **nine** as malicious.

Guerrero does not apply Norm 046, which establishes that "in the event of pregnancy due to rape, health institutions must provide the service of voluntary interruption of pregnancy" and there is no protocol to perform the Legal Interruption of Pregnancy (ILE), although there are four legal grounds: rape, health, congenital malformations, and non-consensual artificial insemination.

²⁰ Despite having updated proceedings and actions in the accusatory system, the protocols of Chihuahua, Jalisco and Nayarit have yet to incorporate the Evaluation and Follow-up Committee for the Public Prosecutor's Office, Police and Expert Investigation Procedure in cases of violent deaths of women, which is necessary to determine the obstacles to the implementation of the protocol, as well as to evaluate its application, since this is where the problem of proving and punishing the crime lies.

²¹ "Incidencia delictiva del Fuero Común 2018": https://drive.google.com/file/d/18gd2hG0qXKq3FB0PknNtqZQvuAW9svNc/view e "Incidencia Delictiva del Fuero Común 2019: https://drive.google.com/file/d/18gd2hG0qXKq3FB0PknNtqZQvuAW9svNc/view

 $^{{\}color{blue} 22 } Incidencia \ Delictiva \ del \ Fuero \ Común \ 2020: \ \underline{https://drive.google.com/file/d/1t1hLPvUkfCde1wglfjAh--r8NpLONbRf/view}$

²³ It is important to note that the information on sexual crimes registered by the SESNP is not disaggregated by sex. However, various sources indicate that over 90% of victims who denounce sexual violence are women. "Feminicidio en México. Aproximación, tendencias y cambios, 1985-2009". p. 57. *ONU Mujeres*: https://www2.unwomen.org/-/media/field%20office%20mexico/documentos/publicaciones/2011/feminicmx1985-2009.pdf?la=es&vs=4944

²⁴ The places where the abortions were performed were Acapulco (3), San Luis Acatlán (2), Zihuatanejo (2), Arcelia (1), Iguala de Independencia (1), Taxco de Alarcón (1), Chilapa de Álvarez (1) y Chilapancingo (1). Source: Informe del Grupo de trabajo AVG por agravio comparado.

The Observatory of Violence against Women in Guerrero has monitored at least six cases of rape; of which five were under 16. They came to the NGO after the Health Ministry had denied them access to a legal abortion, despite the fact that in three of the cases, a complaint had been filed with the Public Prosecutor's Office.

In one case, we documented the fact that after the health personnel performed the ILE, they placed the fetus on the victim girl's chest, subjecting her to psychological trauma. In another case, the health personnel gave the remains to the family for burial and issued a death certificate.

It should be noted that girls are more vulnerable to sexual violence, because it is common for people close to them (parents, uncles, neighbors, etc.) to abuse them and it is not evident until a pregnancy occurs, which the authorities subsequently refuse to interrupt, first because they argue that they are in the second trimester of pregnancy and then because the girl's health is at risk. In one case, we recorded that a doctor suggested that due to the girl's degree of malnutrition, abortion "was not feasible", since her body would not endure the procedure, suggesting that she should therefore continue with the pregnancy.

According to the SESNSP, between January 2019 and July 2020, there were 350 complaints of rape in Guerrero. During the same period, 452 denunciations of sexual abuse were registered together with 13 denunciations of abortion.

• Declaration of Alert for Gender Violence for Comparative Tort in Veracruz

On November 23, 2016, the National Commission to Prevent and Eradicate Violence against Women declared the first AVGM for Veracruz. However, the failure of the three branches of government (Executive, Legislative and Judicial) forced civil society organizations to request the second AVGM for comparative tort in April 2016.

On December 13, 2017, the Gender Violence Alert for Comparative Tort was decreed. Comparative tort is related to discriminatory laws and regulations that prevent the guarantee of women's human rights.

According to the SESNSP, from January 2019 to July 2020, there were 622 denunciations of rape in Veracruz. During the same period, 1,130 denunciations of sexual abuse were registered, together with 39 denunciations of abortion.

Although the authorities responsible were given six months to comply with a series of recommendations to guarantee the right of women to reproductive health, and the efforts of civil society organizations to provide information on the highest standards in the matter, they ignored them, and minimized the problem. Consequently, the second declaration for Veracruz shows - once again - the lack of interest on the part of the state in guaranteeing sexual and reproductive rights and the non-discrimination of women.

To date, the authorities have refused to modify a legal framework that violates the reproductive rights of women and to generate public policies that will guarantee reproductive health and the effective implementation of the causes of abortion, which threatens the life, integrity, and dignity of women in Veracruz.

IV.-Mechanism of the Gender Violence against Women Alert (AVGM)

Until December 2020, 45 Declarations of Gender Violence against Women Alerts (DAVGM) have been requested in Mexico.²⁵ As a result of these requests, 21 declarations were decreed in 18 states in the country.²⁶

Despite the fact that in July 2018 the CEDAW Committee recommended that the Mexican State guarantee the participation of civil society organizations in the AVGM process, to date this has not been legally guaranteed in the regulations of the General Law on Women's Access to a Life Free of Violence.

It is important to note that in several states the tools to address violence have already been created. The challenge now is to implement them, immediately and effectively. There have been efforts by the authorities to provide an effective response and protect and guarantee the safety of women. However, the data fail to show that the implementation of these tools guarantees the improvement of care, investigation, and punishment.

In the DAVGM, the criteria used to measure the progress of security, prevention and justice measures do not allow us to clearly establish the progress of the governments and the obstacles they continue to face, although the authorities have repeatedly been told to create evaluation tools to be able to make substantial progress.

²⁵ The states where AVGM have been declared are Baja California (1), Campeche (1), Coahuila de Zaragoza (1), Colima (1), Chiapas (1), Chihuahua (1), Mexico City (2), Durango (1), Guanajuato (3), Guerrero (2), Hidalgo (1), Jalisco (1), Mexico State (2), Michoacán de Ocampo (1), Morelos (1), Nayarit (1), Nuevo León (1), Oaxaca (2), Puebla (6), Querétaro (1), Quintana Roo (1), San Luis Potosí (1), Sinaloa (1), Sonora (2), Tabasco (1), Tlaxcala (2), Veracruz (3), Yucatán (1) and Zacatecas (2): https://www.gob.mx/conayim

²⁶ Of the 21 DAVGM, two were decreed because of comparative tort and two because of disappearance.

Likewise, various legal loopholes exist at the moment an AVGM is decreed, such as the fact that no deadlines are established for compliance with the measures. In other words, there is no evaluation methodology, coupled with an excessive number of measures, since many of them are unnecessary.

It is also necessary to regulate the obligation to have an evaluation mechanism, whose methodology contains baseline, means of verification, collection method, field visits, qualitative and quantitative indicators, as well as the measurement of results that promote the effective operation of the DAVGM as a guarantee mechanism for women's rights.

Recommendation

I.-Disappearance of women

- Immediately and effectively implement the Alba Protocol and the Amber Alert in the event of the disappearance of women.
- Eliminate the reproduction of gender stereotypes when a woman disappears.
- Act immediately and in a coordinated manner so as not to waste valuable time that could hinder the return of the missing
 women alive.
- Conduct investigations with a gender perspective that also link disappearance with other probable gender crimes such as human trafficking, child pornography and femicide.

II.-Murders of women and femicides

- The Mexican State cannot eliminate the classification of femicide as a criminal offense. Categorizing it as an aggravating factor to the crime of homicide constitutes a setback to women's rights.
- It is necessary for modifications to the Federal Penal Code (or a newly created Single Penal Code) to incorporate objective gender reasons, so that the crime can be effectively proven.
- Investigate with gender perspective and ensure that all violent deaths of women are initially investigated as femicide, in compliance with the Mariana Lima sentence handed down by the Supreme Court of Justice of the Nation.
- Accelerate investigations related to violent deaths of women to guarantee access to justice and reduce levels of impunity.
- Guarantee that the Investigation Protocols for the crime of femicide are homologated with the new Criminal Justice System. Incorporate a differential, ethnic or multicultural approach, in addition to due diligence, a gender perspective and a human rights perspective.
- Mexican authorities must guarantee comprehensive reparation to families and children orphaned by femicide.
- Specialized personnel such as personnel in criminalistics, forensic chemistry, forensic genetics, forensic medicine as well
 as specialists in the various social sciences such as social anthropology, sociology, psychology, and social work, to
 strengthen the gender reasons that guarantee the accreditation of femicide as a criminal offence.

III.-Sexual violence

- Although it is mandatory to implement NOM 046 to attend to victims of family and sexual violence and the Legal Interruption of Pregnancy (LIP), it is not properly implemented. Health authorities are reluctant to provide comprehensive care for victims or to guarantee the interruption of the pregnancy resulting from rape unless a denunciation has been made. The state must therefore guarantee its effective implementation.
- Guarantee that the legislative branch modifies the normative frameworks that are discriminatory against women, which
 have been denounced in the AVGM for comparative tort requested for Veracruz and Guerrero, which they have refused
 to modify to date.

IV.-Mechanism of the Gender Violence against Women Alert

• It is necessary for the Regulation of the LGAMVLV to stipulate that, from the outset, the Interinstitutional and Multidisciplinary Group should comprise experts on the problem denounced, as well as organizations petitioning for the AVGM, who must participate with the right to speak and vote.

- Create a mechanism to follow-up on the measures issued through the AVGM, to promote their immediate and effective compliance, in which civil society will participate.
- Modify the LGAMVLV and its Regulations to prevent legal loopholes and specify the procedure of this mechanism and consider the participation of civil society, to prevent margin for discretion.
- Priority should be given to undertaking the legislative reforms stipulated by the AVGM that are necessary to prevent further undermining the rights of women.
- The AVGM must continue to promote the creation, correction and strengthening of public policies, to guarantee the attention, punishment, and prevention of violence against women. The AVGM should not substitute all the public policies the state is obliged to implement to guarantee a life free of violence, but instead reinforce and focus public policies that effectively address the problem.

National Citizen Observatory of Femicide Catholics for the Right to Decide National Network of Civil Human Rights Organizations

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