



Mexico's Compliance with the Convention on the Elimination of Discrimination against Women (CEDAW): List of issues prior to reporting (LOIPR)

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing **systemic violence, persecution by drug cartels, and impunity in Mexico** have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations they experienced in Mexico has been used in this submission.

The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

EXECUTIVE SUMMARY

1. The 2007 General Law on Women’s Access to a Life Free of Violence has not been fully implemented across Mexico. Further, certain legal mechanisms introduced under the General Law have not proven to be effective, as violence against women remains a significant concern.
2. Despite significant reforms to the criminal justice system, individuals continue to lack adequate protection from violence and human rights abuses to which law enforcement is complicit, if not directly involved. Even when cases are investigated or brought to trial, there is significant pressure against the pursuit of justice for victims of human rights abuses.
3. The Advocates for Human Rights (“The Advocates”) has received direct information about different scenarios of gender-based violence against women and its following impunity from victims seeking asylum in the United States.¹ The firsthand experiences of The Advocates’ asylum clients confirm that the legal system and policies in Mexico fail to provide individuals with adequate protection from violence and human rights abuses to which law enforcement is complicit, if not directly involved.

I. Impunity and Administration of Justice & Access to Justice in Cases Related to Gender-Based Violence, Violence Against Women, and Domestic Violence (Concluding Observations, paragraphs 13, 14 and 23)

4. In its 2018 Concluding Observations, the Committee against the Elimination of discrimination against women (“CEDAW Committee” or “Committee”) expressed concern about institutionalized obstacles that hinder women’s capacity to access justice for gender based violence.² The Committee was specifically concerned with stereotypes held by law enforcement as well as the judiciary that facilitate limited knowledge of women’s rights, bias resolutions of cases that fail to attain justice, and minimal accountability for judges that do not utilize gender-sensitive practices.³ The Committee voiced their concern about Mexican women’s lack of awareness of their rights and available legal options.⁴
5. Notwithstanding the legislative reported improvements to women’s access to justice, Mexico expressed concern that 69.4 percent of women that do not report their violent partners, for “26.9 per cent [this is] because they think that it is unimportant, 25.2 per cent because they are afraid, 21.4 per cent because of their children, 19 per cent owing to shame,

¹The case information presented in this submission is compiled from intake and other interviews conducted by The Advocates for Human Rights with asylum seekers from Mexico from 2018 to 2023 (hereinafter referred to as “Interviews conducted by The Advocates 2018 to 2023”) Some details have been removed to maintain confidentiality and to protect the identities of clients and their families. Information has been used with permission of the impacted individuals.

² Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 13.

³ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 13.

⁴ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 13.

14.5 per cent because they did not know they could and 11 per cent because they do not trust the authorities.”⁵

6. The Advocates has received information from different cisgender and transgender women clients who have endured systemic lack of protection. Transgender women clients have recalled that they suffered from intrafamilial violence based on their gender from an early age, including physical and sexual violence, without the opportunity to access resources for protection.⁶
7. Testimonies from our clients Another client of The Advocates reported that she suffered physical and sexual violence from her husband; the violence included being locked with her daughter in the house every day by her husband. When the mother and daughter finally escaped, our client reported did not go to the police because she affirmed that “the police never help.”⁷
8. Multiple testimonies from clients also report a lack of protection from intimate partner violence, often including impunity of perpetrators when they are members of criminal organizations, such as drug cartels. One client fled to the United States out of fear of being killed by her former partner, a member of a Mexican drug cartel. The police told her that they were unable to do anything about her partner’s violent abuse and his threats to her family. The client reported the lack of police intervention to known complicity between the cartels and the police. In her words, she explained that the cartel “had the police.”⁸
9. Testimonies revealed potential cases of harassment by police. One of The Advocates’ clients reported that, when seeking assistance from the captain of the local police station, she was told that she would only receive help in return for sexual favors. When she threatened to report the sexual harassment, the police captain replied, “something worse would happen to her.” The client also reported that following the incident, the police officer and fellow officers frequently harassed and threatened her when patrolling in her neighborhood.⁹ This kind of conduct by law enforcement in Mexico has also been reported by civil society organizations, highlighting the targeted violence on women’s rights defenders.¹⁰
10. Credible secondary sources confirm that the problem of violence perpetrated by organized crime is compounded by a lack of accountability for its members. Amnesty International has reported that “Investigations by the State of Mexico Attorney General’s Office into feminicides preceded by disappearances are seriously flawed due to the inaction and negligence of the authorities leading to evidence being lost, all lines of inquiry not being investigated, and a gender perspective not being applied correctly. These shortcomings

⁵ Committee on the Elimination of Discrimination against Women, *Ninth periodic report submitted by Mexico under article 18 of the Convention*, (2 February 2017), U.N. Doc. CEDAW/C/MEX/9, ¶ 87.

⁶ Interviews conducted by The Advocates (2018-2023).

⁷ Interviews conducted by The Advocates (2018-2023).

⁸ Interviews conducted by The Advocates (2018-2023).

⁹ Interviews conducted by The Advocates (2018-2023).

¹⁰ Paulina García-Del Moral, “*Police Do Not Protect Me, My Female Friends Do*”: *Police Repression against Feminists in Mexico* 17 Febr. 2021, (Georgetown Journal of International Affairs), also available online at: <https://gjia.georgetown.edu/2021/02/17/police-do-not-protect-me-my-female-friends-do-police-repression-against-feminists-in-mexico/>.

hamper the judicial process and increase the likelihood that cases will remain unpunished.”¹¹

11. Further, research has exposed the connection between organized crime and gender-based violence in the country, arguing that “[o]rganized crime also plays a significant role in the high rates of violence against women in Mexico. Violence is directed towards women in gangs and between gangs.”¹² Moreover, CSOs have reported that “the rise in femicides and female homicides is directly related to organized crime and Mexico’s security policies, which have become more focused on militarization during this period and have changed the ways and spaces in which gender-based violence occurs.”¹³

Violence against women and gender-based violence

12. In its 2018 Concluding Observations, the Committee expressed concern about the prevalence and increased of gender-based violence against women in Mexico.¹⁴ The role of State and non-state actors as perpetrators of these crimes was one issue of particular concern to the Committee.¹⁵
13. Violence against women remains a significant concern in Mexico. According to Amnesty International, in 2022 around “3,450 women were reported to have been killed; 858 of the killings were investigated as feminicides, equivalent to an average of 2.5 per day.”¹⁶ Regarding domestic violence, “the women who have faced violence from their husband or boyfriend throughout their relationships (19.1 million) [and] 64% of cases were severe and very severe violence.”¹⁷ Mexico must strengthen its state’s measures to prevent and protect women from enduring violence, as well as make accountable perpetrators and provide remedies to the victims-survivors. In the following paragraphs of this report, The Advocates presents diverse information on how the Mexican State is falling short of fulfilling its human rights obligations regarding protecting women’s rights.
14. The Inter-American Commission on Human Rights has expressed its concern about violence against women in Mexico with “24,600 women [that] have been reported missing [...], 2,287 rapes and more than 50,000 cases of family or intimate partner violence [...]” Further, the regional organization asserted, “[t]he cases reported during 2022 should not

¹¹ Amnesty International, “Mexico: State Failings in Investigations of Femicides in the State of Mexico Violate Women’s Right to Life, Physical Safety and Access to Justice,” accessed Jun. 7, 2023, <https://www.amnesty.org/en/latest/news/2021/09/mexico-failings-investigations-femicides-state-mexico-violate-womens-rights-life-physical-safety-access-justice/>.

¹² Denver Journal of International Law and Policy, Discarded Women: Gender Based Violence in Mexico, by Kirsten Fetrow (Denver: Dec. 2022), available also online at: <https://djilp.org/discarded-women-gender-based-violence-in-mexico/>

¹³ Lara Loiza, *Mexico’s Rising Femicides Linked to Organized Crime*, 11 Jul. 2023, Insight Crime, also available at: <https://insightcrime.org/news/mexicos-rising-femicides-linked-organized-crime-study-says/>.

¹⁴ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 23.

¹⁵ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 24.

¹⁶ Amnesty International, *Mexico 2022, in Amnesty International Report 2022/23*. Also available at <https://www.amnesty.org/en/location/americas/north-america/mexico/report-mexico/>

¹⁷ Instituto Nacional de Estadística y Geografía, *Estadísticas a Propósito del Día Internacional de la Eliminación de la Violencia Contra La Mujer (Mexico: INEGI Informa, Nov. 2018)*, ¶ 1. Available at: https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2018/violencia2018_Nal.pdf

be analyzed in isolation but should instead be interpreted in the current context of gender-based violence against women in the country, particularly acts of femicide and sexual and intimate partner violence. The IACHR once more stated that gender-based violence is part of an ongoing pattern of violence that derives from historical and structural discrimination that is rooted in the patriarchal, misogynist culture of the region's societies that conditions women, girls, and adolescents through stereotypical notions of inferiority.”¹⁸

15. In 2007, the Mexican Congress established a comprehensive state and federal framework “to ensure the right of women to live free from violence and discrimination.”¹⁹ The 2007 law explicitly addresses femicide, and different types of violence: physical, psychological, patrimonial, economic, sexual, as well as “Any other analogous forms that harm or are likely to harm the dignity, integrity or freedom of women.”²⁰ However, this law has not been fully implemented across Mexico, and some legal mechanisms have proven ineffective,²¹ with inadequate protection for women and girls against domestic and sexual violence.²²
16. **In response to the failings of the current legislation, Mexican civil society has announced a bill that will be presented to Congress: the Bill “Mariana Lima Buendía.”** The bill aims to institute the crime of “denial to access to justice based on gender” (*Negación de la justicia por razones de género*), which will “punish with up to six years in prison any public servant who incurs in omissions, corruption, negligence or obstruction in investigations of cases of violence against women.”²³ This bill responds to the Mexican Supreme Court of Mexico (*Suprema Corte de Justicia de la Nación*) judgment regarding the case of Marianna Lima Buendía. In this case, the Mexican Supreme Court highlighted the lack of gender lens in the judicial process of cases of violence against women.²⁴ According to reports on the initiative, the Bill aims to reform the Código Penal

¹⁸ Inter-American Commission on Human Rights, *Mexico Must Take Urgent Measures to Eradicate Violence Against Women*, press release, 10 May 2022, available online at:

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/097.asp.

¹⁹ Congreso General de los Estados Mexicanos, *Ley General de Acceso de las Mujeres a una Vida Libre de Violencia* (Última Reforma DOF 08-05-2023), Diario Oficial de la federación, art.1. Also available at:

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV.pdf>

²⁰ Congreso General de los Estados Mexicanos, *Ley General de Acceso de las Mujeres a una Vida Libre de Violencia* (Última Reforma DOF 08-05-2023), Diario Oficial de la federación, art.6. Available online at:

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV.pdf>

²¹ For example, the “Alerts of gender-based violence against women”, on Office of the High Commissioner for Human Rights Mexico Office’s *Iniciativa Spotlight, Análisis del Mecanismo de Alerta de Violencia De Género Contra Las Mujeres (Avgm)*, Dic. 2021, also available online at: https://hchr.org.mx/wp/wp-content/uploads/2022/04/ANALISIS_Mecanismo_AVGM_Spotlight.pdf.

²² Alan Jair García-Flores, *El mecanismo de alerta de violencia de género en México: ¿reminiscencia de un diseño normativo garantista?*. *Nova scientia*, 12(25), 00016. Epub 17 de febrero de 2021, also available online at:

https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S2007-07052020000200126

²³ Berenice Chavarria Toro, *Llevarán a Congreso Edomex iniciativa de ley «Mariana Lima Buendía»*, 17 Jul. 2023, CIMAC NOTICIAS, also available online at: <https://cimacnoticias.com.mx/2023/07/17/llevaran-a-congreso-edomex-iniciativa-de-ley-mariana-lima-buendia/#gsc.tab=0>; Alex Morales, *Sentencia ‘Mariana Lima’ podría convertirse en Ley nacional*, 16 Sept. 2023, Noroeste Noticias, also available at:

<https://www.noroeste.com.mx/culiacan/sentencia-mariana-lima-podria-convertirse-en-ley-nacional-CA3992589>

²⁴ Senado de los Estados Unidos Mexicanos, *Proposiciones de ciudadanos legisladores: con punto de acuerdo, por el que se exhorta a la Primera Sala De La Scjn a informar el cumplimiento de la resolución emitida del amparo directo 534/2013 y al gobernador el estado de México a atender dicha resolución, respecto al feminicidio de*

Federal and the state of México, the Código Nacional de Procedimientos Penales, the Ley General de Acceso de las Mujeres a una Vida Libre de Violencia and the ley en la materia del Edomex.²⁵

Access to services and shelters (Concluding Observations, paragraphs 29 and 30)

17. In its 2018 Concluding Observations, the CEDAW Committee did not address shelters in general as a protection measure in multiple cases of gender-based violence against women but expressed concern about insufficient shelters for victims of trafficking. The Committee was concerned with the inadequacy of shelter availability and shelter resources.²⁶
18. Despite systemic violence based on gender still being a critical human rights issue in the country, currently, the federal government has decreased the funding of CSOs that both provide services and advocate in issues such as “health, women’s rights, human rights, Indigenous advocacy, social welfare, science, and culture fields— indeed, causing many to seek funding from outside of Mexico to continue to stay afloat.”²⁷
19. Mexico fails to protect women from violence as women encounter barriers to accessing shelters.²⁸ Mexico does not count with enough shelters available for women, there are approximately 70 institutions mostly administered by CSOs in the country,²⁹ the current number of shelters in the country means that one shelter is available per 900,000 women.³⁰
20. Further, organizations administering shelters encounter significant funding challenges. Research has reported that the mandate of having shelters to protect women by the 2007 General Law on Women’s Access to a Life Free of Violence has not been carried out on the state level.³¹ Likewise, the federal government has allegedly attempted to cancel shelters’ existing funding. It is reported that “in early 2019, again under the argument of tackling corruption, the López Obrador administration sought to cancel subsidies for

Mariana Lima Buendía; que presenta el Senador Luis Sánchez Jiménez a nombre de la Diputada Roxana Luna Porquillo, del grupo parlamentario del PRD, 24 Jun. 2015 (Gaceta Parlamentaria, LXII/3SPR-10-1743/55703, also available online at https://www.senado.gob.mx/65/gaceta_comision_permanente/documento/55703.

²⁵ Expansion Política, Ley Mariana Lima: Irinea Buendía presenta iniciativa ante el Congreso del Edomex (09 Aug. 2023), available online at: <https://politica.expansion.mx/mexico/2023/08/09/ley-mariana-lima-irinea-buendia-iniciativa-edomex>

²⁶ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Mexico*, (25 July 2018), U.N. Doc. CEDAW/C/MEX/CO/9, ¶ 29.

²⁷ Ann Deslandes, *Why has AMLO Accuses USAID of a “Coup Against Mexico?”*, Foreign Policy, Jun. 5, 2021, also available online at: <https://foreignpolicy.com/2021/06/05/why-has-amlo-accused-usaid-of-a-coup-against-mexico-elections/>.

²⁸ Human Rights Watch, *Better to Make Yourself Invisible: family violence against people with disabilities in Mexico*, (New York: Human Rights Watch, June 2020), also available online at: <https://www.hrw.org/report/2020/06/04/better-make-yourself-invisible/family-violence-against-people-disabilities-mexico>

²⁹ Alexis Ortiz, *The Invisibility of Women Displaced by Violence*, El Universal, Jul. 27, 2019, URL: <https://www.eluniversal.com.mx/english/invisibility-women-displaced-violence/>

³⁰ St. Andrews Law Review, “Evaluating Mexico’s General Law for Women’s Access to a Life Free of Violence,” accessed Jul. 14, 2023, <https://www.standrewslawreview.com/post/evaluating-mexico-s-general-law-for-women-s-access-to-a-life-free-of-violence>.

³¹ St. Andrews Law Review, “Evaluating Mexico’s General Law for Women’s Access to a Life Free of Violence,” accessed Jul. 14, 2023, <https://www.standrewslawreview.com/post/evaluating-mexico-s-general-law-for-women-s-access-to-a-life-free-of-violence>.

shelters that provide services for women and children fleeing violence. Again, direct cash transfers were the proposed alternative. After a significant backlash from NGOs, the media and some public officials—who argued, using the hashtag *#AusteridadMachista*, that women fleeing violence required a safe space instead of cash—the government backtracked. But the proposal itself delayed funding and led to the closure of several shelters all the same.”³²

21. The current service availability falls short of providing the necessary services and resources to women victim-survivors, as “prior to budget cuts and COVID-19, domestic violence shelters in Mexico were already operating at 80% capacity.”³³
22. Shelters lack protection and safety for victim-survivors, and even for staff members. Reports reveal that on many occasions, aggressors know shelters’ locations and have threatened the residents and staff. Further, testimonies affirm that due to such circumstances, the shelter staff must prioritize the safety of everyone by allowing some women to leave with their aggressors. Workers’ testimonies describe the challenging conditions of their job, including limited resources, low salaries, and vicarious trauma from hearing the stories of the women they serve. Additionally, the report on this issue mentions the testimony of staff members who claimed that the presence of death threats leads to burnout among the staff and causes some to leave their positions.³⁴

II. Recommendations

23. The Advocates for Human Rights respectfully suggest to include the following List of Issues Prior to Reporting for the Government of Mexico:
 - What measures has the state taken to combat impunity by enacting laws to ensure oversight and accountability of Mexico’s state and municipal police forces?
 - Provide information about the measures taken to strengthen mechanisms of police accountability in cases of potential complicity of law enforcement with drug cartels, as well in gender-based violence cases/
 - What mechanisms have Mexico taken in place to ensure access to justice and protection for victims of violence, especially in rural areas and areas where violence by criminal organizations and drug cartels is prevalent?
 - What steps has Mexico taken to allocate and provide all the maximum available resources to ensure that victims have access to specialized assistance and services that fulfill the specific needs of women victims of violence? Including:

³² Cecilia Farfán-Méndez, *Why Gender Violence in Mexico Persists- and How to Stop It*, Americas Quarterly, May 17, 2022, available online at, <https://americasquarterly.org/article/why-gender-violence-in-mexico-persists-and-how-to-stop-it/>.

³³ Science Matters, COVID-19 and Mexico’s Domestic Violence Crisis: almost half of all women in Mexico experience domestic abuse and the global COVID-19 pandemic has made the situation even worse, by Carolina Mayen Huerta (Melbourne: The University of Melbourne, August and 2020). <https://pursuit.unimelb.edu.au/articles/covid-19-and-mexico-s-domestic-violence-crisis>

³⁴ International Crisis Group, *I Don’t Want to Disappear: how violence reshapes women’s lives*, by Angélica Ospina-Escobar (Mexico: International Crisis Group, April and 2023), <https://www.crisisgroup.org/latin-america-caribbean/mexico/i-dont-want-disappear-how-mexicos-criminal-violence-reshapes-womens-lives>.

- Strengthen the service for women experiencing mental health concerns, both to prevent and address violence. This includes access to long-term counseling, affordable housing, childcare supports, better legal assistance, and employment opportunities.
 - Increase funding to NGOs that provide services and legal assistance to victims.
 - Ensure that assistance and services are specialized and meet the specific needs of women victims of violence.
- Provide information about the federal and state policies that have implemented to remove the stigma and barriers to accessing institutional protection and the right to justice for victims of domestic violence and in general gender-based violence against women.
 - Provide information about the efforts taken by the State party to conduct awareness-raising campaigns about the nature of domestic violence and the power dynamics associated with gender.
 - Provide information about the efforts taken by the State party to strengthen judicial mechanisms to ensure trauma-based, victim-based, and gender-based lenses to the investigation and sanctions of violence against women, such as the crimes of femicide and domestic violence.