

**ISSUE PAPER**

**MEXICO: DOMESTIC VIOLENCE AND OTHER ISSUES  
RELATED TO THE STATUS OF WOMEN**

All the sources of information contained in this document are  
identified and are publicly available.

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**MAP**

Source: Perry-Castañeda Library (PCL), University of Texas in Austin, 1997

**GLOSSARY**

CIMAC	Comunicación e Información de la Mujer, A.C. (Communication and Information for Women)
CLADEM	Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (Latin American and Caribbean Committee for the Defence of Women's Rights)
COVAC	Asociación Mexicana contra la Violencia a las Mujeres, A.C. (Mexican Association Against Violence Towards Women)
DIF	Sistema Nacional para el Desarrollo Integral de la Familia (National System for the Integral Development of the Family)
INMUJERES	Instituto Nacional de las Mujeres (National Institute for Women)

## 1. INTRODUCTION

This issue paper supplements and updates information provided in Extended Response to Information Request MEX29195.FEX of 11 May 1998, concerning amendments to Mexican legislation on domestic violence and other issues related to the situation of women who are victims of spousal abuse. This issue paper also updates information provided in Responses to Information Requests MEX33700.E of 1 February 2000, MEX35087.E of 3 November 2000 and MEX39826.E of 6 September 2002 concerning spousal abuse and protection available to victims, and MEX36237.E of 20 March 2001, MEX39866.E of 27 September 2002 and MEX40336.E of 11 October 2002 concerning protection available to women who are victims of domestic violence in cases where the abuser is a police officer. This issue paper reviews new legislation governing domestic violence at the federal, state and Federal District levels, legal remedies available to women who are victims of violence, services available to such women, and other related issues. Please note that this paper is not an exhaustive analysis of the issues mentioned above and that it essentially covers the 2001-2002 period.

For more information on the status of women in Mexico, see the report of the Latin American and Caribbean Committee for the Defence of Women's Rights (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer, CLADEM) published in July 2002 and entitled *Report for the United Nations' Special Reporter on Violence Against Women, its Causes and Consequences, Dr. Rhadika Coomaraswamy, in the Context of the Preparation of her Final Report to be Presented in the 59th Session Before the Human Rights Commission*<sup>1</sup> at <<http://www.cladem.org/english/regional/Violenciadegenero/index.asp>>. Please note that this report is largely based on information provided in the document *Cuestión de Vida* published by CLADEM in 2000.

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<sup>1</sup> The Website of the Office of the United Nations High Commissioner for Human Rights states that the 59<sup>th</sup> Session of the Human Rights Commission will be held in Geneva from 17 March to 25 April 2003 (2002). The report entitled *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women*, available at <<http://www.unhcr.ch/pdf/chr59/75AV.pdf>> in an advance edited version, will be discussed at the next session of the Commission on Human Rights (United Nations Commission on Human Rights 6 Jan. 2003). The report notes that the Special Rapporteur on Violence against Women had postponed her trip to Mexico in 2002 and hoped to travel there in 2003 (ibid.).

## 2. OVERVIEW OF THE CURRENT SITUATION

### 2.1 Statistics on violence against women

According to *Country Reports 2001*, violence against women is “both widespread and vastly underreported” (2002, Sect. 5). Sources state that domestic abuse occurs in one of every three homes in Mexico (*Country Reports 2001 2002*, Sect. 5; CIMAC 6 June 2002; *La Jornada* 29 May 2002). According to UNICEF México, in Mexico as a whole, four in 10 women report acts of spousal violence committed against them, and only three of those commence legal proceedings (2001). Men are the perpetrators in 90 per cent of family violence cases<sup>2</sup> (*La Jornada* 29 May 2002).

According to the chairperson of the Committee on Equality and Gender of the Federal District Legislative Assembly, the incidence of violence against women in the Federal District is the same as for Mexico as a whole, which means that it occurs in one in every three households (ibid. 29 Apr. 2002). In 2001, Federal District authorities dealt with 16,000 cases of domestic violence (ibid. 2 Mar. 2002), and according to statistics compiled by the Justice Attorney General's Office of the Federal District (Procuraduría General de Justicia del Distrito Federal), 48 per cent of homicides committed in 2001 were attributed to domestic violence (ibid. 29 Apr. 2002). Of the 9,132 people in the Federal District who used the services of specialized family violence units (Unidades de Atención a la Violencia Familiar) in 2001, 96 per cent were women or girls (ibid.). For more information on these units, see Response to Information Request MEX40336.E of 11 October 2002.

It is noteworthy that only 12 per cent of judicial police officers in the Federal District are women (*La Jornada* 1 Oct. 2002). The Research Directorate was unable to find, within time constraints, statistics regarding the number of women employed in other Mexican police forces.

### 2.2 Attitudes among authorities and the public

Mexican society generally considers domestic violence to be a private matter (*Country Reports 2001 2002*, Sect. 5) and views it as completely [translation] “normal” behavior (CIMAC

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<sup>2</sup> Please note that many of the sources consulted by the Research Directorate address the issue of domestic violence from the standpoint of “family violence” (*violencia familiar* or *violencia intrafamiliar*).

13 Dec. 2002). This is why the police are reluctant to intervene in domestic violence cases (*ibid.*; *Country Reports 2001 2002*, Sect. 5). Similarly, many Mexicans believe that racism, sexism and even violence against women are part of the social fabric; in fact, such issues are even joked about (AP 22 Mar. 2002).<sup>3</sup> The concept of womanhood is still structured around patriarchal concepts which are influenced by the Catholic Church (*NACLA Report on the Americas* Mar.-Apr. 2001, 39). According to a *Washington Post* article, a “*machismo* culture” has led many men to “believe they are superior and dominant, and that women are an object” (30 June 2002). In addition, that mindset has led many men — including policemen, prosecutors, judges and others in positions of authority — to underestimate the problem of violence against women (*The Washington Post* 30 June 2002; CIMAC 13 Dec. 2002).

Women who are victims of domestic violence face numerous obstacles when they attempt to report it (*ibid.*; CLADEM July 2002, 92; Copley News Service 12 June 2002; COVAC 27 Nov. 2002; *La Jornada* 27 July 2002). According to one source, spousal abuse is widespread because few women file complaints, specialized judicial authorities are in short supply and [translation] “reporting is not part of the culture” (Seguridad y Defensa Noticias 8 Apr. 2002). According to the Mexican Association Against Violence Towards Women (Asociación Mexicana contra la Violencia a las Mujeres, A.C., COVAC) there are three reasons why few women file criminal charges after they are assaulted (27 Nov. 2002). First of all, they tend to opt for administrative or civil proceedings (such as conciliation, non-aggression agreements and divorce) to resolve cases of spousal abuse (COVAC 27 Nov. 2002). Secondly, they fear reprisals, and are concerned that they could become financially destitute, embarrass their children, be alone if their spouses are in jail, and more generally, undergo a change in their lives (*ibid.*). Thirdly, they have little information about the types of recourse available to them (*ibid.*). In addition, COVAC notes that women in general do not trust the legal system because of generalized corruption among authorities (*ibid.*). COVAC also reports that men are generally the ones who possess enough money to bribe the authorities to secure a favourable outcome for their cases (*ibid.*).

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<sup>3</sup> The Associated Press article of 22 March 2002 notes that many Mexican soap operas feature scenes of violence against women.



Women are increasingly relying on divorce as a way to escape domestic abuse, according to Rafael Crespo Dávila, a judge with the Federal District Superior Court of Justice and former family court judge (*La Jornada* 24 June 2002). Consequently, the divorce rate has increased between 10 and 20 per cent in the past few years (*ibid.*). The judge noted that 300 to 400 of the 1,300 trials over which he presided on average each year in family court resulted in a divorce (*ibid.*).

### **3. LEGISLATIVE CONTEXT**

#### **3.1 General**

The following information was provided on 16 December 2002 by Marta Torres, Coordinator of the Interdisciplinary Women's Studies Program (Programa Interdisciplinario de Estudios de la Mujer, PIEM) at the Colegio de México.

Mexico has administrative, civil and criminal laws which sanction family violence. Administrative laws have a limited scope, but the proceedings which can be undertaken under these laws are easy to initiate because they do not require the services of a lawyer. In the Federal District, the administrative legislation is enforced by specialized family violence units acting under administrative delegations (*Delegaciones Políticas*). In the states, the administrative legislation is generally enforced by family services agencies. Occasionally, proceedings under administrative legislation enable couples to reach a separation or divorce agreement, but the accords between victims and spouses are generally just [translation] "mutual respect" agreements. According to Marta Torres, administrative legislation is helpful in raising the awareness of the authorities regarding the problem of family violence, but have no concrete repercussions in terms of eliminating the problem and imposing sanctions.

As far as civil legislation is concerned, Marta Torres notes that family violence has been recognized as a ground for divorce since 1997. This legislative amendment has enabled women — at least those who have the financial means — to invoke family violence as a basis for having their marriage dissolved. The problem in relying on this ground of divorce is proving that the violence took place, since it often occurs in private where there are no witnesses to the violent act.

Criminal legislation is most often applied in connection with violence against minors. When a victimized woman files a complaint regarding family violence under this type of legislation, the outcome of her complaint will largely depend on the attitude of the public prosecutors and judges. In many cases, prosecutors and judges prefer to call on the specialized family violence units to settle the cases, or encourage the women to come to an agreement with their husbands, for example one in which the woman agrees to take her husband back if he promises not to commit any violent acts in the future.

According to Marta Torres, despite the progress made in the legislative field, the existing legislation on spousal abuse has not yet had a decisive impact.

### **3.2 Federal legislation**

There is no federal law which focuses only on domestic violence, or on violence against women more generally (Carmona 25 Nov. 2002; CLADEM July 2002, 92). Only the Penal Code can be applied in such cases (*ibid.*).

However, there is a national health regulation requiring all of the country's health centres to record domestic violence complaints (Carmona 25 Nov. 2002). Official Mexican regulation NOM-190-SSA1-1999 (Norma Oficial Mexicana NOM-190-SSAI-1999) of 8 March 2000 establishes standards for medical care delivered to victims of family violence (Rico Galindo 4-7 June 2001). The purpose of the regulation is to ensure that medical staff are able to recognize cases of family violence and report them to the competent authorities; it also provides for the rehabilitation of abusers (*ibid.*). The organization Communication and Information for Women (Comunicación e Información de la Mujer, A.C., CIMAC) notes that the regulation requires physicians to report spousal abuse cases to the public prosecutor quickly enough so that the victim can be notified of her right to file a criminal complaint (12 July 2002). However, the victim is the one who ultimately decides whether she wants to bring her case before the courts (CIMAC 12 July 2002). If a victim is personally unable to file a complaint because she is receiving emergency medical care, the physician, in the presence of a family member, a witness or a legal representative, may report the case to the authorities in her place (*ibid.*). The regulation

requires all public or private institutions to have staff qualified to deal with family violence, or a manual of procedures listing the steps to be taken to assist victims of violence (ibid.).

### 3.3 State legislation

Guadalupe Aguilar Moreno, Director of the legal aid department of the National System for the Integral Development of the Family (Sistema Nacional para el Desarrollo Integral de la Familia, DIF), provided a list of all entities of the Mexican federation that have legislation governing domestic violence, namely: Aguascalientes, Coahuila, Colima, Chiapas, Durango, Federal District, Guanajuato, Guerrero, Jalisco, Morelos, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Veracruz and Yucatán (Mexico 27 Nov. 2002). Only the Federal District and the state of Sonora have enacted regulations under their spousal abuse legislation (ibid.). Marta Torres added that the states of Oaxaca, Nuevo León and Zacatecas also had family violence legislation (30 Jan. 2003). In addition, the Congress of the state of México approved on 22 November 2002 (*La Jornada* 22 Nov. 2002) the Law for the Prevention and Punishment of Family Violence (Ley para la Prevención, Atención y Sanción de la Violencia Familiar) (Mexico 4 Sept. 2002). See section 4.3 of this paper for more information on this law.

However, CIMAC notes that under the legislation of several states, family violence is not considered to be a criminal offence (CIMAC 19 Nov. 2002). According to this organization, those states are Aguascalientes, Chihuahua, Jalisco, Nuevo León, Yucatán, Nayarit, Durango, Hidalgo, Campeche and Puebla (ibid.). The general provisions applying to offences causing bodily harm are used to punish spouses who commit acts of family violence, and as of November 2002, according to CIMAC, not a single sentence has been handed down under such provisions in a case involving domestic violence (ibid.). The National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES) notes that Oaxaca's penal code was the only one in the country that described family violence as a criminal offence (Mexico July 2002).

According to Concepción González Molina, President of the Equality and Gender Commission of the Chamber of Deputies (Comisión de Equidad y Género de la Cámara baja), only the Federal District and Oaxaca have criminalized spousal rape (Seguridad y Defensa

Noticias 8 Apr. 2002). Rape in general is a crime punishable under state laws, whose provisions vary from one state to the next (*The Washington Post* 30 June 2002). However, “many states require that if a 12-year-old girl wants to accuse an adult man of statutory rape, she must first prove she is ‘chaste and pure’” (ibid.). Furthermore, 19 state laws still provide that rape cases can be dropped if the rapist agrees to marry his victim (ibid.).

### **3.4 Federal District legislation**

On 3 July 2002, the Legislative Assembly of the Federal District unanimously passed an Order amending the Federal District Penal Code (Mexico 3 July 2002a). Articles 200 and 201 of that Order set out new sanctions for family violence:

ARTICLE 200. A penalty of six months to four years in prison, loss of rights with respect to the victim, including succession rights and, if the judge so decides, prohibition for the legal or common-law spouse or blood relative in direct ascending or descending line, without limitation of degree, or collateral blood relative or in-law to the fourth degree, or guardian, foster parent or adoptive parent to go to a specific place or to reside there, if said person:

- I. Uses physical, mental or emotional violence against a member of the family, whether or not injuries occur; or
- II. Fails to prevent the use of violence mentioned in the previous paragraph.

Furthermore, the person committing said violence shall be subject to specialized psychological treatment, which in no case shall exceed the term of the prison sentence, regardless of the penalties for the injuries inflicted or for any other offence that may have been committed.

The education or training of the child shall in no case be considered justification for any form of mistreatment.

Except in the case of a minor or incompetent, offences in this category are prosecutable on the complaint of the victim.

ARTICLE 201. Anyone who commits any of the acts mentioned in the previous article against someone in his or her custody, care or protection or with whose education, instruction or care he or she is entrusted, shall be deemed guilty of family violence and shall be liable to the same penalties and security measures (ibid. 3 July 2002b).

The first transitional provision of the new Penal Code stated that the Code was to come into force 120 days following its publication in the Federal District Official Gazette (*Gaceta*

Oficial del Distrito Federal) (ibid. 3 July 2002a). The new Penal Code was published in the *Gaceta Oficial* on 16 July 2002 (ibid. 16 July 2002).

The new Code was enacted because of the prevalence of domestic violence in the Federal District and the need for stricter sanctions (*La Jornada* 29 Apr. 2002). The new sanctions apply to persons who have committed violent acts towards any member of a family, including wives, children, grandchildren, fathers, mothers, grandparents and common-law spouses, even if the victims have suffered no physical injuries (ibid.).

Nonetheless, Marcela González of COVAC and Silvia Morales of the Association for Rape Victims (Asociación para Personas Violadas) both deplore the fact that the Penal Code amendments penalize women living with violence by making them guilty of family violence if they do not stop or prevent their husbands from abusing their children (see articles 200 and 201 of the Penal Code above) (*Reforma* 22 Nov. 2002).

There is also in the Federal District a Family Violence Assistance and Prevention Law (Ley de Asistencia y Prevención de la Violencia Intrafamiliar), which is in force since 1996 and was the enabling statute for the specialized family violence units discussed in section 2.1 of this paper (*La Jornada* 7 Apr. 2001). However, a representative of CIMAC who specialized in the issue of violence against women stated that this law is not enforced adequately because women generally have little awareness of their rights (13 Dec. 2002). In addition, the Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal) reported in a 2001 study that the law had important shortcomings, notably in the areas of prevention and victim assistance, that the procedures were not being applied uniformly, and that the concerned institutions were not participating sufficiently (*La Jornada* 7 Apr. 2001).

## **4. LEGAL REMEDIES**

### **4.1 General**

In his report to the United Nations on the independence of the judiciary and legal profession in Mexico, the United Nations Special Rapporteur, Dato'Param Kumaraswamy, noted that violence against women remains largely unpunished, and that when convictions are handed

down, the sentences are generally too lenient (United Nations Human Rights Commission 24 Jan. 2002). Lawyers rarely argue sexual violence cases in court and very rarely cross-examine an abuser; for the most part, they make their submissions in writing (Copley News Service 12 June 2002). The Family Violence Assistance Centre (Centro de Atención contra la Violencia Intrafamiliar, CAVI) provided medical, psychological and legal assistance to 13,822 victims from January to July 2001, but only 16 of those cases resulted in legal proceedings (*Country Reports 2001 2002*, Sect. 5).

According to Ricardo Ruiz Carbonell, the Network Director of the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH), and Laura Martínez Rodríguez, President of the Association for the Integral Development of Rape Victims (Asociación para el Desarrollo Integral de Personas Violadas, ADIVAC), the decision-making bodies before which female victims of family violence may seek redress are inadequate because they are not organized in a coordinated manner (*La Jornada* 27 July 2002; *ibid.* 29 May 2002). The Director of the CNDH has therefore proposed the creation of specialized family violence tribunals (*juzgados de violencia familiar*) so that a single authority can coordinate all the necessary legal, social and psychological support (*ibid.* 27 July 2002). No information on whether this proposal has been accepted and implemented could be found among the sources consulted by the Research Directorate.

In practice, civil and penal authorities only prosecute cases of domestic violence where acts of physical violence have been committed (COVAC 27 Nov. 2002). Prosecutions are not initiated in cases involving only psychological violence (*ibid.*). Moreover, when public prosecutors take up cases involving physical violence, they tend to seek punishment of the aggressor for the injuries he inflicted on the woman, not for the spousal abuse as such (*ibid.*; *La Jornada* 26 May 2002). Lawyer Adriana Trejo Martínez, author of *Prevención de la violencia intrafamiliar*, states that when the public prosecutor's office decides to open investigations that focus on the injuries sustained by victims rather than focusing on the cycle of domestic violence, the measures available to protect the victim, including detention of the abuser, cannot be implemented (*ibid.*). Adriana Trejo Martínez explains that no prison sentence will be imposed unless the victim's injuries are permanent; otherwise, the abuser will only need to pay a fine

(*ibid.*). She reports that no spousal violence investigations were commenced during the seven-month period in which she worked at the public prosecutor's fourth investigative agency, even though the agency received at least two such complaints daily (*ibid.*).

As for protection orders (*órdenes de protección*), Marta Torres stated that they are limited in scope because they are only available to married women (16 Dec. 2002). Thus, women assaulted by their former common-law spouses or boyfriends cannot obtain a protection order (Torres 16 Dec. 2002). Marta Torres specified that protection orders prohibit abusers from approaching a victim's home or workplace during divorce proceedings (*ibid.*).

Appendix A contains statistics on the number of family violence complaints and convictions in Mexico during the year 2000 provided by the National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadísticas, Geográfica e Informática, INEGI).

With regard to rape, the law provides for sentences of imprisonment of up to 20 years for this crime, but “[w]omen's groups estimate that perhaps 1 percent of rapes are ever punished” (*The Washington Post* 30 June 2002). Moreover, women's rights advocates reported that rape and other acts of violence against women are not treated as serious crimes (*ibid.*; *Mother Jones* 1 May 2002) and that “police, prosecutors and judges often show indifference or hostility toward women who claim rape” (*The Washington Post* 30 June 2002).<sup>4</sup>

Appendix B contains statistics on the number of sentences imposed by Mexican courts in sexual violence cases in 2000 which were provided by INEGI and published in a July 2002 INMUJERES report. Moreover, in the *Seventh United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems (1998-2000)*, the United Nations Office for Drug Control and Crime Prevention notes that 13,061 rapes were recorded in Mexico in 2000 and that 2,589 persons were convicted of rape that year (3 Dec. 2002).

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<sup>4</sup> Among the cases discussed in the 30 June 2002 *Washington Post* article is the case of Yessica Yadira Diaz Cazares, who was reportedly raped by three police officers in 1997. After she reported her rape to the police, she was apparently mocked and threatened with death and received no assistance from the legal system. She committed suicide after attempting for three months to obtain justice.

## **4.2 Federal remedies**

According to COVAC, protective measures available to women who are victims of violence under the federal penal and civil codes are effective when judges decide to apply them (27 Nov. 2002). Generally, however, these measures are only available to women who are able to retain the services of a lawyer, since only lawyers can apply to a judge for protective relief such as an interim allowance, security on property or a restraining order against the abuser (COVAC 27 Nov. 2002). Nevertheless, few complainants have the support or financial means needed to retain a lawyer to undertake such proceedings (ibid.). A few universities have legal aid offices that provide legal counsel services free of charge, but those offices are located in cities (ibid.). Thus, it is difficult for women living in rural areas to obtain such assistance (ibid.).

## **4.3 State and Federal District remedies**

CLADEM explains that measures taken by states to combat violence against women are inadequate and do not meet victims' needs (July 2002, 92). Women sometimes have difficulties in obtaining assistance from the legal system because many of them live in poverty and the government does not provide enough funding for programs aimed at combatting violence against women (CLADEM July 2002, 92). Women living in rural, jungle or desert areas have even less access to the legal system; many aboriginals live in such areas, where legal services and remedies are almost non-existent (COVAC 27 Nov. 2002). Women who live in rural areas are rarely able to get to cities, where bodies responsible for handling domestic violence cases are located (ibid.; Torres 16 Dec. 2002). Marta Torres points out that while urban women face obstacles in accessing services offered to victims, those obstacles are even greater for rural women (ibid.).

According to CLADEM, state and Federal District legislation on domestic and family violence provides for conciliation and arbitration measures for resolving conflicts, but the legislation also provides for punitive measures where the violence constitutes a crime (July 2002, 90). The federal entities whose penal and civil codes provide for measures of constraint are Chihuahua, Guanajuato, Baja California, the Federal District, Colima and Morelos (CLADEM July 2002, 90). The laws of Colima and Morelos also provide for temporary emergency safety



measures (ibid.). For example, a competent judge can award custody of a child or disabled person to an aid agency or third party; a person can be ordered not to disturb or intimidate a family member; the abuser can be subject to a restraining order covering the victim's home, workplace or educational institution; the appropriate police force can be asked to assist and protect the victim; and an arrangement can be made in a court of competent jurisdiction to have an abuser expelled from the home of the victimized family (ibid.).

Since state governments have jurisdiction over domestic violence, complaints must be filed in the victim's state of residence (COVAC 27 Nov. 2002; Carmona 25 Nov. 2002). COVAC specifies that a woman may file a spousal violence complaint in any state, but the judge must forward the case to the state in which the violence occurred (27 Nov. 2002). Adriana Carmona of the Mexican Commission for the Defence and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, CMDPDH) and Marta Torres emphasized that while women may resort to services offered in any state, they cannot appeal to the legal system of a state other than their own (25 Nov. 2002; 16 Dec. 2002). For example, a woman can obtain psychotherapy and legal aid from any federal entity in connection with the violence committed against her, but she can only apply for protective measures in her own state (Torres 16 Dec. 2002; Carmona 25 Nov. 2002).

Several sources refer to the hundreds of women who have disappeared or been killed since 1993 in Ciudad Juárez, a northern city in the state of Chihuahua near the U.S. border (*El Paso Times* 23 June 2002; *Mother Jones* 1 May 2002; New Zealand Press Association 5 Mar. 2002). *El Paso Times* reported that 195 of these 325 women were victims of spousal abuse or violence related to the drug trade (23 June 2002). The New Zealand Press Association reported that “[i]nstead of progressing, investigations are moving backward,” that evidence is not collected properly at murder scenes and that there is a general lack of interest in the cases (5 Mar. 2002). Alfredo Limas, Director of the Cultural and Gender Studies Program at the Ciudad Juárez Autonomous University, stated that police officers in the city often refuse to take legal action against domestic abusers because they approve of their behavior (New Zealand Press Association 5 Mar. 2002). Limas is also reported to have stated that “several state prosecutors who have been in charge of investigations have concluded that the person to blame for the aggression, and even of having lost their lives, is the victim” (ibid.). The New Zealand Press

Association article reported that despite the growing number of deaths, local, state and federal authorities have not taken the appropriate steps to make the investigations progress and prosecute those responsible (ibid.).

With regard to the state of Mexico, the Law for the Prevention and Punishment of Family Violence (*Ley para la Prevención, Atención y Sanción de la Violencia Familiar*), enacted there in November 2002 (see section 3.3 of this paper), is an administrative statute, not a penal statute (CIMAC 17 July 2002). It seeks to protect victims of violence while avoiding criminal prosecutions where possible (ibid.). Among other things, the law provides for the resolution of family conflicts through arbitration and mediation and for various penalties that may be imposed on the accused such as garnishment of wages and administrative detention for periods not exceeding 36 hours (ibid.). In addition, under this law, cases of family violence involving sexual offences or serious consequences must be referred to the criminal courts (ibid.).

For information on legal remedies available to women who are victims of family violence in the states of Yucatán and Puebla respectively, please refer to Responses MEX40759.FE of 13 December 2002 and MEX40558.FE of 9 January 2003.

## **5. INITIATIVES AND SERVICES**

### **5.1 Federal government initiatives**

Shortly after Vicente Fox was elected President of Mexico in December 2000, the government established the National Institute for Women (INMUJERES) (*Misión Permanente de México ante las Naciones Unidas* 6 Aug. 2002). In a document submitted in 2002 to the Committee on the Elimination of Discrimination Against Women (CEDAW), INMUJERES President Patricia Espinosa discusses the successes of her organization since November 2000, when Mexico's fifth report to CEDAW was tabled (ibid.). Among other things, she refers to the National Program for Equality of Opportunities and Non-Discrimination Against Women, 2001-2006 (*Programa Nacional para la Igualdad de Oportunidades y no Discriminación, 2001-2006, PROEQUIDAD*), which establishes the national policy orientations on the status of women and to which all sectors of the federal public service are subjected (ibid.). Patricia Espinosa also states that women's institutes have been established in 25 Mexican states,

and that four states have entered into cooperation agreements with INMUJERES (ibid.). She adds that 30 bills regarding women's issues have been introduced in state legislatures since December 2000 (ibid.).

On the topic of violence against women specifically, the President of INMUJERES notes some of the government's accomplishments during the period, including the creation of an Institutional Panel to Coordinate Preventive Action and Attention to Domestic Violence and Violence Against Women (Mesa Institucional para Coordinar las Acciones de Prevención y Atención de la Violencia Familiar y hacia las Mujeres) (ibid.). The panel's mandate is to establish a national framework for combatting the problem of violence in a coordinated manner (ibid.). Among the federal government's accomplishments, Patricia Espinosa notes the adoption of new legislation on violence against women in 15 states, the implementation of programs in 16 states to combat such violence, and the creation of a national women's health program under the direction of the Ministry of Health, which seeks to develop an integrated prevention, detection and assistance model in domestic violence cases (ibid.). To ensure that these accomplishments are sustained, she states that the government must work, among other things, to reinforce institutional mechanisms so that they better meet the needs of abused women and encourage changes in [translation] "discriminatory and sexist" attitudes (ibid.).

However, Patricia Espinosa noted in December 2001 that INMUJERES' budget for 2002 was only 50 per cent of the amount the government would have needed to meet its obligations under the pacts and conventions it signed with the main UN agencies, namely the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the United Nations Development Fund for Women (UNIFEM) (CIMAC 26 Dec. 2001).

## **5.2 Initiatives by states and the Federal District**

While an exhaustive listing of projects launched in Mexican states could not be compiled within the time constraints for the production of this issue paper, a report published by INMUJERES in July 2002 lists a number of initiatives taken by many Mexican states since 2001 to combat domestic violence. Here are a few examples:

- Awareness campaigns on violence against women for the general public or women specifically: Aguascalientes, Baja California Sur, Chiapas, Federal District, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, Tlaxcala and Veracruz (Mexico July 2002);
- Services for aboriginal women: Chiapas, Guerrero and Oaxaca (ibid.);
- Training for health care workers on family violence: Morelos, Nuevo León and Querétaro (ibid.);
- Opening of assistance centres for victims of violence: Colima, Federal District, Hidalgo, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tlaxcala and Veracruz (ibid.);
- Legal orientation services for victims of violence: Federal District, Puebla, Quintana Roo, San Luis Potosí and Tlaxcala (ibid.).

The full version of the INMUJERES report is available on the Internet at the following address: <<http://www.inmujeres.gob.mx/publicaciones/insumospararelatoraviolencia2002.htm>>.

### **5.3 Services for women who are victims of violence**

According to the National Shelter Network (Red Nacional de Refugios), six shelters offered psychological, legal and medical assistance to women who were victims of violence in November 2001 (Mexico 14 Nov. 2001). These shelters are located in Aguascalientes, the Federal District, Morelia, Mexicali, Puebla and Monterrey (ibid.). The network added that it was urgent for each of the federal entities to open a shelter to respond to the growing problem of family violence (ibid.). However, COVAC explains that existing shelters established for victims of violence are saturated and that the assistance that can be received there is temporary and does not generally respond to the growing needs in the cities (27 Nov. 2002).

In addition, a May 2002 article stated that Mexico had a total of six rape crisis centres (*Mother Jones* 1 May 2002). One such centre, the Casa Amiga, is located in Ciudad Juárez (ibid.). Esther Chavez established Casa Amiga in 1998 to assist women who are victims of spousal violence, rape and incest (ibid.).

On 13 December 2002, CIMAC reported that there are several governmental and non-governmental organizations in the Federal District that assist victims of violence, including the following:

Dirección de Atención a la Violencia Familiar, Tel: (52.55) 5341.9691 and (52.55) 5341.4443;

Asociación para el Desarrollo de Personas Violadas (ADIVAC), Pitágoras 842, Col. de Valle, Tel.: (52.55) 5682.7969 and (52.55) 5543.4700;

Centro de Atención a la Violencia Intrafamiliar (CAVI), Dirección de Atención a Víctimas del Delito de la PGDF, Dr. Carmona y Valle 54, Tel.: (52.55) 5345.5248 and (52.55) 5345.5249;

Fundación para la Equidad (APIS), Londres # 70 Col. Del Carmen del Coyoacán, C.P. 04100, Tel.: (52.55) 5659.0548;

Colectivo de Hombres por Relaciones Igualitarias, A.C. (CORIAC), Diego Arenas Guzmán No. 189, Col. Iztaccihuatl, C.P. 03520, Tel.: (52.55) 5696.3498;

Defensa Jurídica y Educación para las Mujeres, Ezequiel Ordóñez 153-1 Col. Copiló El Alto, C.P. 043360, Tel.: (52.55) 5659.6839;

Tech Palewi, Pitágoras 567, Col. Narvate, C.P. 03020 Tel.: (52.55) 5523.7444 and (52.55) 5523.7305.

Please see the Website of Isis Internacional dedicated to disseminating information on the status of women in Latin America, at <<http://www.isis.cl/mujereshoy/vi/catalog/mex.htm>>, for information on more than 40 governmental and non-governmental organizations throughout Mexico that offer services to women who are victims of violence.

## NOTES ON SELECTED SOURCES

### **Carmona, Adriana**

Adriana Carmona is a lawyer specializing in the issue of violence against women at the Mexican Commission for the Defence and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, CMDPDH) (Carmona 25 Nov. 2002). Prior to this, Carmona worked with the Federal District System for the Integral Development of the Family (Sistema para el Desarrollo Integral de la Familia del Distrito Federal, DIF-DF) where she was responsible for implementing the Federal District's legislation on domestic violence (ibid.). She works closely with the Committee on the Elimination of Discrimination Against Women and the Inter-American Commission on Human Rights (ibid.). Notably the CMDPDH is working on the case of the more than 300 women killed since 1993 in Ciudad Juárez, Chihuahua State (ibid.).

### **Communication and Information for Women (Comunicación e Información de la Mujer, A.C., CIMAC)**

CIMAC, a non-governmental organization dedicated to women's rights, was established in 1988 (Isis Internacional 25 Sept. 2002). Its main activities include a news service, the preparation of information summaries regarding the status of women in Mexico, and a documentation centre (ibid.). Its news service index is available at <http://www.cimacnoticias.com/noticias/>.

### **Mexican Association Against Violence Towards Women (Asociación Mexicana contra la Violencia a las Mujeres, A.C., COVAC)**

COVAC provides training and disseminates information on sexual and family violence, addressing the problem from a social, emotional and legal perspective (Amigos Contra el Sida 11 Aug. 2000). It also offers psychological assistance to individuals and groups at its premises or over the phone and runs a documentation centre on the prevention of family violence (ibid.).

### **National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES)**

The legislation establishing the Instituto Nacional de las Mujeres, published in the *Diario Oficial de la Federación* on 12 January 2001, states that the mandate of the organization is to [translation] “promote a culture of non-violence and non-discrimination against women and a culture of gender equality, in order to strengthen democracy” (Mexico July 2002). One of its goals is to develop, by December 2004, a national program to

combat violence against women (Programa Nacional en Contra de la Violencia hacia las Mujeres) (ibid.).

**National System for the Integral Development of the Family (Sistema Nacional para el Desarrollo Integral de la Familia, DIF)**

The DIF seeks to ensure that its counterparts at the state and municipal levels, as well as the private institutions and civil associations that render assistance to low-income individuals, implement international and national provisions regarding services for victims of family violence (Mexico n.d.). For more information about the DIF, please consult its Website at <<http://www.dif.gob.mx/web/index.html>>.

**Torres, Marta**

Marta Torres, a lawyer by training, is the Coordinator of the Interdisciplinary Women's Studies Programme (Programa Interdisciplinario de Estudios de la Mujer, PIEM) at Colegio de México (Torres 16 Dec. 2002). She is a specialist of the legal aspects related to family violence (ibid.).

**APPENDIX A: Statistics on family violence provided by the National Institute of Statistics, Geography and Informatics (INEGI)**

<b>Federal entity</b>	<b>Family violence cases reported in 2000</b>	<b>Cases resulting in conviction in 2000</b>
Mexico (overall)	355	99
Coahuila de Zaragoza	3	1
Federal District	83	56
Guerrero	78	8
Hidalgo	1	0
México	7	0
Morelos	1	0
Nuevo León	12	4
Oaxaca	20	7
San Luis Potosí	119	20
Tamaulipas	28	3

Note: According to INEGI, the states that do not appear in this table recorded no complaints in 2000.

Source: Mexico, Instituto Nacional de Estadística, Geográfica e Informática (INEGI), 19 November 2002.



**APPENDIX B: Statistics on sexual violence provided by the National Institute of Statistics, Geography and Informatics (INEGI)**

<b>Offence</b>	<b>Number of cases heard by courts in 2000</b>	<b>Percentage of total number of cases for all types of crimes</b>	<b>Convictions in 2000</b>	<b>Acquittals in 2000</b>	<b>Percentage of cases resulting in acquittal</b>
Rape	3,370	2.85%	2,575	795	24%
Sexual assault	847	0.72%	761	86	10%
Indecent assault	1,071	0.91%	933	138	13%

Source: Mexico, Instituto Nacional de las Mujeres (INMUJERES), July 2002.

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