

Mexico: Domestic Violence Documentation
Compiled by Lisa Weissman-Ward

Table of Contents

	Page Number
I. General Country Information, Conditions and Human Rights	
• Country Reports on Human Rights Practices	1
II. Prevalence of Gender Violence in Mexico	
• Country Reports on Human Rights Practices	1
• Amnesty International Media Briefing	2
• Report of the Special Rapporteur on Violence Against Women	2
• Domestic Violence in Mexico, A Letter from Mexico	2
• Participation of the Health Sector in the Fight Against Gender Violence: Background and Challenges for Mexico	3
• Women of the World: Laws and Policies Affecting Their Reproductive Lives	3
• Mexico: Domestic Violence and Other Issues Related to the Status of Women	4
III. Status of Women/Societal Attitudes about Domestic Violence	
• Mexico: Domestic Violence and Other Issues Related to the Status of Women	4
• Country Reports on Human Rights Practices	4
• CLADEM Alternative Report to the Periodic Report on the Compliance Status Regarding the Convention on the Elimination of all Forms of Discrimination Against Women	5
• Participation of the Health Sector in the Fight Against Gender Violence: Background and Challenges for Mexico	5
• Women of the World: Laws and Policies Affecting Their Reproductive Lives	6
• CLADEM Interviews	6
IV. Governmental Action: Mexican Legislation	
• Law of June 26, 1997 on Assistance for Prevention of Intrafamily Violence	6
• Decree of December 26, 1997	7
• National Women's Program	7
• Mexican National Institute for Women Act	8

V. Governmental Action: International Treaties

- Inter-American Convention of the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem Do Para 8
- ILO Convention 111: Discrimination (Employment and Occupation) 8
- The Convention for the Elimination of all Forms of Discrimination Against Women 8
- Convention on the Political Rights of Women 8
- The International Covenant on Economic, Social, and Cultural Rights 8
- The International Covenant on Civil and Political Rights 8

VI. Comments on the lack of Impact of the National Laws and International Treaties; Support (or lack of) for Victims of Domestic Violence.

- CLADEM Alternative Report to the Periodic Report on the Compliance Status Regarding the Convention on the Elimination of all Forms of Discrimination Against Women 8
- Mexico: Domestic Violence and Other Issues Related to the Status of Women 9
- CLADEM Paper: Balance of Domestic Violence 11
- Barriers to Protection at Home and Abroad: Mexican Victims of Domestic Violence and the Violence Against Women Act 12
- Domestic Violence in Mexico, A Letter from Mexico 12
- Participation of the Health Sector in the Fight Against Gender Violence: Background and Challenges for Mexico 13
- Committee on the Elimination of Discrimination Against Women, Concluding Observations 13
- Women's Reproductive Rights in Mexico: A Shadow Report 14
- In Mexico, an Unpunished Crime 14
- Crying out For Justice: Murders of Women in Ciudad Juarez, Mexico 15
- Hundreds of Thousands in Mexico March Against Crime 15
- Missing Story 15

I. General Country Information, Conditions & Human Rights

Country Reports on Human Rights Practices, 2005. Released by the Bureau of Democracy, Human Rights, and Labor (March 8, 2006)

<http://www.state.gov/g/drl/rls/hrrpt/2005/62736.htm>

- “Mexico, with a population 106 million, is a federal republic composed of 31 states and a federal district, with an elected president and bicameral legislature.”
- “While civilian authorities generally maintained effective control of the security forces, elements of the security forces frequently acted independently of government authority.”
- “The government generally respected and promoted human rights at the national level; however, violations persisted at the state and local level.”
- “Violence against women continued to be a problem nationwide, particularly in Ciudad Juarez and the surrounding area. Government efforts to improve respect for human rights were offset by a deeply entrenched culture of impunity and corruption.”
- “While the government or its agents did not commit any politically motivated killings, security forces acting both within and outside the line of duty killed numerous persons during the year.” (Section 1.a.)
- “Corruption continued to be a problem, as many police were involved in kidnapping, extortion, or in providing protection for or acting directly on behalf of organized crime and drug traffickers.” (Section 1.d.)
- “Corruption was a problem at all levels of government as public officials continued to be involved frequently in bureaucratic abuses and a variety of criminal acts with impunity.” (Section 3)
- “Domestic violence was pervasive and vastly underreported. The law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; however, actual sentences were normally lenient. According to a 2003 survey of the National Statistical Institute (INEGI), 47 percent of women age 15 and over had suffered at least 1 incident of physical, emotional, or sexual aggression. Victims generally did not report abuse for a variety of reasons, including reprisal by their spouse, fear of becoming economically destitute if their spouse is imprisoned, and the general disinterest of authorities in prosecuting such offenses.” (Section 5.)
- “The law prohibits rape and includes penalties of up to 20 years; however, victims rarely filed complaints with police. In November the Supreme Court confirmed that marital rape was illegal. In February Special Rapporteur of the UN Commission on Human Rights on Violence Against Women Yakin Erturk stated that impunity for sexual violence against women in the country was extensive and that perpetrators of such crimes rarely were brought to justice. According to the NGO Mexican Commission for Human Rights, spouses or partners committed 58 percent of reported homicides against women, and in 63 percent of sexual assault cases, the woman brought charges against someone in her family. Rapporteur Erturk added that violence against indigenous women was often "dismissed or justified within the context of cultural specificity." (Section 5)

- “The problem of violence against women was particularly grave in Ciudad Juarez and the state of Chihuahua, where 34 killings were discovered during the year. In August Special Commissioner Morfin submitted her second progress report, which attributed the slow investigative process to a culture of impunity, dubious investigative techniques, including torture, and police corruption and ineptitude (see section 1.c.). Morfin acknowledged that the state and municipal authorities of Chihuahua had shown a more favorable attitude and a new willingness to investigate cases correctly, but federal, state, and local efforts to solve the killings and restore security needed to be better coordinated.” (Section 5)
- “The law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary, but victims must press charges. Reports of sexual harassment in the workplace were widespread, but victims were reluctant to come forward, and cases were difficult to prove.” (Section 5)
- The minimum wage did not provide a decent standard of living for a worker and family, and only a small fraction of the workers in the formal workforce received the minimum wage. (Section 6.e.)

Amnesty International Media Briefing: Making Violence Against Women Count: Facts and Figures. (March 5, 2004)

<http://web.amnesty.org/library/index/ENGACTION770362004> or go to

<http://web.amnesty.org/library/engindex> and search by AI Index Number: ACT77/036/2004

- “The impunity surrounding the murder and abduction of hundreds of women and girls in the state of Chihuahua, Mexico, highlights the obstacles to justice faced by women at risk of violence in the community and home. Similar patterns of gender-based killing were reported in other parts of Mexico.” (p. 2)
- 30-50% of women reported that they have experienced physical violence or psychological abuse from their partners according to surveys in different localities. (p. 4)

Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Mission to Mexico, Office of the United Nations High Commissioner for Human Rights (January 13, 2006)

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/101/95/PDF/G0610195.pdf?OpenElement>

- “The present report makes the case that the high levels of violence against women in Mexico are both consequence and symptom of widespread gender discrimination and inequality.” (p. 2)
- “Violence against women in Mexico typically resembles only the tip of an iceberg with more systemic and complex problems lurking below the surface, which can only be understood in the context of socially entrenched gender inequality on the one hand and a multilayered governance and legal system that does not effectively respond to violent crime, including gender-based violence, on the other hand.” (p. 5)
- “The *machista* culture relegates women to a subordinate role in their family and community. Irrespective of women’s contributions to family sustenance, it is the man who is perceived as the provider. Women are defined and ultimately come to define themselves through their relation with the men that dominate different phases of their

- lives. This factor, which denies women an independent existence, makes it difficult for many women to escape abusive relationships as it may appear tantamount to a loss of identity and subjection to greater vulnerability. As a result, it may often be the victimized women themselves who evoke distorted notions of privacy to preserve the impunity of their tormentors, a situation that is reinforced by societal norms and practices.” (p. 5)
- “The extended family, still the backbone of Mexican society, often perpetuates gender discrimination.” (p. 5)
 - “Legal standards to prevent and respond to violence against women differ significantly throughout the country.” (p. 6)
 - “In some states, for example, the seduction of minors is only considered to be an offence, if the victim proves to have conducted herself “with chastity and honesty” (which is usually interpreted as being a virgin) prior to the offence. Article 122 of the Chiapas Penal Code stipulates that the physical abuse of spouses and partners is not punishable if the perpetrator “exercised his right of correction towards those against whom he may exercise it” and the inflicted injuries take less than two weeks to heal. In eight states, no shelter exists for women victims of violence. Shockingly, the penal codes of 20 states fail to criminalize marital rape and 11 states do not recognize domestic violence as a specific ground for divorce.” (p. 6-7)
 - “According to a 2003 national survey, one in four women has been the victim of physical violence at least once in her lifetime and one in six women has experienced sexual violence. The same survey has identified domestic violence to be by far the most prevalent type of violence against women.” (p. 7)
 - “From 1993, Ciudad Juárez became the focal point of national and international attention due to the high incidence of murders and disappearances of women. According to official figures, 377 women were murdered in Ciudad Juárez between the beginning of 1993 and 12 December 2005. At least 33 more women have disappeared. (p. 12)
 - “The murders of women in Ciudad Juárez and Chihuahua as well as those in other parts of the country form part of the same problem and ought to be treated as such.” (p. 12)
 - “The continued problems in Chihuahua noted, it needs to be re-emphasized that the case of Chihuahua is uniquely visible, but not unique. Extreme levels of violence against women are observed in other regions as well. The southern border with Guatemala appears to be one such region. Furthermore, while the killings and disappearances of women are an especially dramatic manifestation of violence and discrimination against women, they should be perceived as dimensions of a continuum of violence that take many forms.” (p. 17-8)
 -

Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Office of the United Nations High Commissioner for Human Rights (February 27, 2003) <http://daccessdds.un.org/doc/UNDOC/GEN/G03/113/04/PDF/G0311304.pdf?OpenElement> or go to http://ap.ohchr.org/documents/dpage_e.aspx?m=106 and search by date.

- A survey on sexual violence conducted by INEGI in 1999 of 6,000 homes in the Federal District and the state of Mexico, one out of three homes experienced some form of domestic violence. (p. 252)
- Only 14.4% of those experiencing domestic violence sought assistance. (p. 252).

- 70% of the homes in which domestic violence was present reported that they experienced a fear of future violence. (p. 252)

Domestic Violence in Mexico; A Letter from Mexico (The Journal of the American Medical Association, volume 275, n24: June 26, 1996)

- *Note- this article was published prior to the actual 1996 changes in legislation regarding domestic violence, however authors were aware of the pending legislation.
- “Violence is a part of the lives of many women in urban as well as rural Mexico....In Mexico, the home is the most dangerous place for women and children...” (p. 1)
- A study of Anglo-American and Mexican-American women living in shelters in the United States demonstrated that Mexican-American women “are more likely to accept certain levels abuse as normal when immersed in cultures that grant men the implicit right of control and censure their behavior.” (p. 2)
- The tradition of violence against women has existed in many rural sectors of Mexico for decades, ranging from violence at the hands of conquistadors, to the hands of landowners, to the hands of family members. (p. 3)
- Research on domestic violence has also shown that “low socioeconomic status participates in the genesis and manifestations of this phenomenon with a marked preference for more physical forms of violence.” (p. 3)
- There are major barriers to understanding the actual prevalence of domestic violence because of the vast amount of underreporting. This underreporting is in part due to the complicated and burdensome procedures which must be completed when filing a claim for domestic violence. Many women choose not to undergo the stressful process and thus opt not to report the violence. (p. 4)
- One report estimates that 80% of the instances of domestic violence are never registered because many of the judicial authorities are of the view that incidents involving domestic violence are a private (as opposed to public) matter. (p. 4)
- “From 1989 through 1994, hospitals and clinics in Mexico City reported attending to a yearly average of approximately 28,000 people suffering intentional injuries, 21,000 men (76%) and 6,700 women (24%). A total of 5,200 (78%) of the women had been injured by their spouse or by a male member of the family, 1850 (28%) filed charges, and 102 sentences (1.5%) were passed.” (p. 6)
- Change and successful eradication of domestic violence will not come from modifications in the law alone or with stricter punishments against perpetrators, and as a result, educational programs must focus on prevention of the problem along with effective solutions for those being abused. (p. 5)
- The present day legal system is biased in favor of male perpetrators and the system is lenient when dealing with such aggressors of violence. (p. 5)

Participation of the Health Sector in the Fight Against Gender Violence: Background and Challenges for Mexico (from the Symposium 2001, “Gender Violence, Health, and the Rights in the Americas” June 2001)

Link to download report at <http://www.paho.org/English/AD/GE/symposium.htm>

- “In many aspects, [dealing with domestic violence] is still at the level of mere statements, and there is still a long way to go for things to become a reality at the level of public policies with significant political and budgetary support.” (p. 4)
- The World Bank has identified the Latin America and Caribbean region as one of the most violent in the world. Mexico’s homicide rate is well above the world average. (p. 2)
- This document includes tables of the percentage of women abused in a number of specific locations, including: Jalisco (44 percent), Ciudad Nezahualcoyotl (33 percent), Mexico City (50 percent), and Monterrey (46 percent). The national percentage of violence against women is reported to be 45 percent. (p. 3)
- In addition to gender violence in the home, such violence is also present in the workplace, where women are consistently paid lower wages; in the media, where women are portrayed as dependent and lacking in intelligence; at official and service institutions (army or health services), where there are documented cases of maltreatment during deliveries, forced sterilization, and racial violence. (p. 1, 2)
- Historically, the health sector has been highly reluctant to address the problem of domestic violence, rationalizing such behavior by categorizing domestic violence as a private matter beyond the health sector’s responsibility. (p. 4)
- Mexican legal and justice systems have not displayed commitment to addressing the problem of domestic violence. For example, domestic violence was not a legal cause for divorce until 1997.
- A survey released in May of 2002, entitled “Domestic Violence, Methodological Document and Results” identified that one out of three households in the metropolitan area experience some type of domestic violence (this survey was conducted in a total of 4.3 million households). (p. 6)

Women of the World: Laws and Policies Affecting Their Reproductive Lives (Mexico), The Center for Reproductive Law and Policy.

http://www.crlp.org/pdf/wowlac_mexico.pdf

- In 1995, women made up 35% of the work force and represented 50% of workers in the informal economy. (p. 145)
- The laws that ultimately determine the legal situations of women come from a variety of different sources, including the federal constitution, laws enacted pursuant to constitutional authority, and international treaties entered into by the president and ratified by the Senate. (p. 148)
- While the constitution mandates legal equality among men and women, legal codes in many Mexican states actually contain discriminatory laws and laws which subordinate women’s rights. (p. 153)
- “The incidence of violence against women by their partners is so high that it has been recommended that it be treated as a public health problem.” (p. 155)
- A study carried out by the Ministry of Health of the Federal District collected data from women between the ages of 14 and 57 who were victims of domestic violence. Most women were mothers between the ages of 22 and 29; and 90 percent were beaten in front of their children. (p. 156)

Mexico: Domestic Violence and Other Issues Related to the Status of Women, 2003 Issue Paper by the Research Directorate of the Immigration and Refugee Board (Ottawa, Canada)

http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=91&cid=145 or go to http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm and search by country.

- “According to UNICEF Mexico, in Mexico as a whole, four in 10 women report acts of spousal violence committed against them...” (p. 2)
- “The incidence of violence against women in the Federal District corresponds to the incidence of such violence in Mexico, as a whole. Violence against women occurs in one of every three households.” (p. 2)
- “Mexican society generally considers domestic violence to be a private matter and views it as completely ‘normal’ behavior. This is why the police are reluctant to intervene in domestic violence cases.” (p.2, 3)
- “‘Machismo’ culture perpetuates the idea that men are superior and dominant; this mindset is present throughout Mexican society, including policemen, prosecutors, judges and others in positions of authority. A corollary to the idea that men are superior and women are objects, is that many of the individuals (policemen, prosecutors, judges, etc...) underestimate the problem of violence against women.” (p. 3)
- “Reporting domestic violence is not part of the Mexican culture.” (p. 3)
- In the Federal District there is administrative legislation enforced by specialized family violence units acting under administrative delegations. In the states such legislation is usually enforced by family service agencies. (p. 4)
- While family violence is now recognized as grounds for divorce, it tends to assist only those who have financial means to invoke the courts for dissolution of the marriage. (p. 4)
- Furthermore, there exist numerous problems in relying on divorce as a means of escaping domestic violence. One must prove that violence and abuse took place, and given the nature of the violence, and the fact that it most frequently occurs in the privacy of one’s own home makes it more difficult to prove. (p. 4)
- The current legislation on spousal abuse has not had a decisive impact. (p. 5)
- There is no federal law focusing ONLY on domestic violence. In such cases, it is the penal code which must be applied. (p. 5)
- Despite national health regulations that require physicians to report the abuse, it is ultimately the victim who decides whether she wants to have the courts adjudicate the case. (p. 5)
- The following states have legislation governing domestic violence: Federal district, Aguascalientes, Coahuila, Colima, Chiapas, Durango, Guanajuato, Guerrero, Jalisco, Morelos, Nuevo Leon, Oaxaca, Puebla, Queretaro, Quintana Roo, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Veracruz, and Yucatan. However, *only the Federal District and Sonora* have enacted regulations under the legislation. Furthermore, under the legislation of several states, family violence is *not* considered to be a criminal offense. Those states which do not consider family violence to be a criminal offense are reported to include: Aguascalientes, Jalisco, Nuevo Leon, Yucatan, Nayarit, Durango, Hidalgo, Campeche and Puebla. (p. 6)
- It is reported that only the Federal District and Oaxaca have criminalized spousal rape. (p. 6)
- According to a United Nations Special Rapporteur, “violence against women [in Mexico] remains largely unpunished, and when convictions are handed down, the sentences are usually too lenient.” (p. 8, 9)

- “The decision-making bodies before which female victims of violence may seek redress are inadequate because they are not in a coordinated manner.” (p. 9)
- “In practice, civil and penal authorities only prosecute cases of domestic violence where acts of physical violence have been committed. Prosecutions are not initiated in cases involving only psychological violence.” (p. 9)
- A prison sentence will not be imposed unless the victim’s injuries are permanent. Generally, the perpetrator will be subject to a fine. (p. 9)
- Protection orders, for those states which provide them, are limited in scope because they are only available to those victims who are married. Women who are assaulted by former common law spouses, boyfriends, etc...cannot seek a protective order as a means of recourse. (p. 10)
- Generally, federal remedies (under the federal penal and civil codes) are effective when judges apply them. However, these remedies are only useful for women who have the financial capability to retain a lawyer. (p. 11)
- “Measures taken by states to combat violence against women are inadequate and do not meet victims’ needs.” (p. 11)
- Women particularly affected by the inadequacy of legislative measures and policy initiatives are women living in poverty and also women living in rural areas.. (p. 11)
- After President Vicente Fox’s was elected to office he established the National Institute for Women (INMUJERES) in August of 2002. (p. 13) The president of INMUJERES notes that their budget was only 50% of that which was needed to meet its obligations under the various pacts and conventions signed with UN agencies. (p. 14)
- It is reported that in 2001 there were 6 shelters offering psychological, legal and medical assistance to victims of domestic violence. (p. 15)

Alternative Report to the Periodic Report on the Compliance Status Regarding the Convention on the Elimination of all Forms of Discrimination Against Women on the Part of the Mexican Government, 1981-2002. Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM)

http://www.cladem.org/english/regional/monitoreo_convenios/cedawmexicoi.asp

- The report focuses on the degree to which Mexico has complied with the obligations associated with the Convention on the Elimination of all Forms of Discrimination Against Women. (p. 1)
- Mexico ratified CEDAW and its Optional Facultative Protocol. This is consistent with its traditional position of ratifying international human rights treaties. However, to this date, such treaties have “not been translated into a political will that materializes actions against gender discrimination, even though Mexico is promoting public policies and legislative changes, aimed at eliminating all the discriminatory stereotypes against women.” (p. 2)
- These policies and legislative initiatives are undertaken with limited resources. The substance and content of the legislative and policy changes, along with the minimal compliance in the legislation and policy, reveal the lack of commitment and political will for eliminating discrimination against women. (p. 2)

- In Mexico, the pervasive attitude seems to be that international treaties are alien to Mexico and as a result, the application of such treaties is not considered in most cases. This is further compounded by the lack of forms of application in other cases. (p. 3)
- In matters of access to justice, antifeminist and “macho” feelings result in discriminatory and unequal treatment towards women. (p. 7)

Collection of Interviews of police, judges and operators regarding domestic violence. Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM):

<http://www.cladem.org/espanol/regionales/Violenciadegenero/Proyecto/mexicoentr.asp>

- This document is in Spanish.
- The document contains interview questions and responses from various persons working in the public sector, including police officers, operators, and judges. The questions relate to domestic violence laws, their effectiveness, the need for training, the general opinions about domestic violence, etc...
- A total of 350 police officers were interviewed. In general, the responses towards the effectiveness of the new legislation were negative. The police also stated that they were concerned about speaking too freely about the inadequacies of the law for fear that their bosses would disapprove of the negative statements. (p. 2)
- The majority of police replied that while the law has changed police actions, the newer domestic violence laws are still incomplete and actually contradict other laws. (p. 1)
- The laws are not clear and more police patrols are needed to effectively help victims of domestic violence. (p. 2)
- Judges responded similarly to the police officers in their comments regarding the contradictory nature of the domestic violence laws. (p. 3)
- The document also includes personal interviews from women who have suffered from domestic violence.

Concluding Comments From the Committee for the Elimination of Discrimination against Women: Mexico, August 2006.

http://www.bayefsky.com/./pdf/mexico_t4_cedaw_36.pdf

- “The Committee remains concerned about the pervasiveness of patriarchal attitudes which impede the enjoyment by women of their human rights and constitute a root cause of violence against women. The Committee expresses concern about the general environment of discrimination and insecurity that prevails in communities; workplaces, including maquila factories; and territories with a military presence, such as the northern and southern border areas, which might put women at constant risk of becoming victims of violence, abuse and sexual harassment.” (p. 3)
- “While welcoming the efforts undertaken by the State party, the Committee is concerned about the persistence of the widespread and systematic violence against women, including homicides and disappearances, and in particular about the acts of violence committed by public authorities against women in San Salvador Atenco, State of Mexico.” (p. 3)
- “While noting with appreciation the commitment and efforts of the State party to address the cases of violence against women in Ciudad Juárez, the Committee remains

concerned that crimes against and disappearances of women continue, and that those efforts are insufficient to successfully complete investigations of cases and prosecute and punish the perpetrators as well as to provide access to justice, protection and compensation to victims and their families. It is especially concerned that those efforts have so far failed to prevent further crimes from being committed.” (p. 4)

Balance Sobre Violencia Domestica: Mexico. Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM)

<http://www.cladem.org/espanol/regionales/Violenciadegenero/Proyecto/mexico.asp>

- This document has been translated
- Mexican legislation does not treat domestic violence as a human rights violation. (p. 1)
- While there have been modifications made to the civil and penal codes, there have been no corollary changes made to the procedural codes. There is not an appropriate or suitable process to deal with the specific crimes and infractions relating to domestic violence.
- Mexico does not have sufficient shelters and there are no established emergency procedures or protocols.
- There are not agencies or agent within the Public Ministries who specialize in domestic violence.
- Many states have laws referring to “prevenir y atender” (prevention and attention) of domestic violence. However, these laws are purely administrative.
- 15 of the 31 states do not even have these types of laws.
- The minimal services provided do not include structures created to deal with issues like domestic violence. The processes focus on the theme of family integration and conciliation. Women are not given the possibility to determine their needs and wants.
- As mentioned, these laws are administrative and the principle objectives are mediation, conciliation, and friendly settlement. Under these laws there is no opportunity to come before a judge to ask for other types of petitions, such as divorce, custody, or child support.
- The rules established by these administrative laws contradict other laws as well as rules established by the Secretary of Health. The rules primary objective is conservation of the nuclear family.
- Within the federal district of 20 million people there are only two shelters, with a total capacity of 50 people.
- Within the rest of the country there are only six shelters, with a total capacity of 250 people.
- Women who have children have been severely injured (injuries amounting to “delitos” or crimes), perhaps in front of their children or in cases where the children are also beaten face a further risk of losing their children. This is because when children are involved in abusive situations, the prosecutors will sometimes attempt to remove the children from the home.
- Women are at much higher risk of facing danger when they attempt to confront or accuse their abusers. It is for this reason that many women do go to the police.

- Public health laws have attempted to create procedures which call for doctors notation of domestic violence situations. However, the majority of doctors do not document any. Those few that do make a note of domestic violence only do so in the private files. The documentation is never forwarded on to other public health or public safety institutions.
- 90 percent of the staff that work with domestic violence (whether directly or indirectly), including experts, secretaries, judges, public ministers, magistrates, etc... are not trained.
- There are institutions and centers for women in every state in Mexico. However, none of these institutions have changed their structures or adapted or trained staff to work with victims of domestic violence. These centers are large, with resources and with staff, but none have any special departments devoted to domestic violence.
- There are no judges specializing in domestic violence. Depending on the gravity of the injury, a complaint will go to a civil court judge or a penal court judge.

Barriers to Protection at Home and Abroad: Mexican Victims of Domestic Violence and the Violence Against Women Act; (Lee Teran, Boston University Law Journal Volume 17, Spring 1999).

- Mexico has failed to construct adequate legal protections for victims of domestic violence and has only begun attempting to create legal and social systems with which to control domestic violence. (p. 62, 63)
- With the exception to recent legislative changes made to the Federal District's code, most Mexican states do not have codes which address domestic violence. (p. 64) **
“However Mexican states may soon incorporate the changes made in the Federal District to their own codes. Mexico is a civil law country; the Codes of the 31 Mexican states and the Federal District govern all civil and criminal matters. With few exceptions, the 31 Mexican states had adopted or closely follow the civil and criminal codes of the Federal District.” (p. 65)
- The country lacks resources, namely police and social services, which are crucial in meeting the needs of victims and their families. (p. 64)
- Victims of domestic violence are permitted to request criminal prosecution of the abuser; however, enforcement is inadequate and prosecution is rare, only occurring in certain cases where the victim has been sustained serious physical injuries. (p. 66)
- Similar to the civil codes, the criminal codes in the Mexican states (not including the federal district) do not specifically protect victims of domestic violence. Furthermore, physical violence perpetrated by a spouse is normally only considered to be a minor offense. (p. 67)
- Police protection is inadequate and generally unsuccessful in protecting victims of domestic violence. Many Mexican citizens view the police as both corrupt and incompetent. (p. 67)
- Mexico City is the most heavily populated city in the world only has a few facilities dedicated to providing shelter to victims of domestic violence. (p. 68)

Domestic Violence in Mexico; A Letter from Mexico (The Journal of the American Medical Association, volume 275, n24: June 26, 1996)

Committee on the Elimination of Discrimination Against Women, Concluding Observations: Mexico, 1998.

<http://www1.umn.edu/humanrts/cedaw/mexico1998.html>

- This report comments on the steps taken in order to implement the commitments made at the Fourth World Conference on Women in Beijing. Steps taken include: 1) the establishment of a national machinery for the advancement of women (under the Ministry of the Interior); 2) the establishment of a coordination unit for the international women's issues that monitored the implementation of international agreements; 3) the enactment of special laws and reformation of civil and criminal code (with goals of punishing and combating domestic violence) for the Federal District; and 4) consultations with other Mexican states about reforming their civil and criminal codes. (p. 1)
- The report concludes that Mexican women "still faced many obstacles to the full enjoyment of their rights," recognizing that the most significant changes could only be achieved with a strong political will and commitment to lengthy processes. (p. 2)
- The report comments on the factors and difficulties that have affected the actual implementation of the Convention. Such factors include the Mexico's large size and the fact that it is a multi-ethnic and multicultural developing country with an economy that is severely strained. Another factor having a negative impact on the implementation of the Convention is that a number of Mexican states still have legislation which discriminates against women. Such legislation is not compatible with the provisions of national legislation and the Convention. (p. 4)
- The report expresses concern with regard to specific discrimination faced by indigenous women, the state of Chiapas and other conflict zones, the existence of de facto discrimination (often in labor factories), the widespread violations of labor legislation, and lack of access to health-care services for children and the elderly. The report also comments that although Mexico has enacted various pieces of legislation aimed against violence against women, such violence continues to be a serious problem. (p. 4, 5)

Women's Reproductive Rights in Mexico: A Shadow Report, 1997.

www.reproductiverights.org/pdf/sr_mex_1297_eng.pdf

OR www.reproductiverights.org. Search under "Publications→ Shadow Reports". Scroll down to the title: "Women's Reproductive Rights in Mexico: A Shadow Report"

- The Federal District legislation (Law of Assistance and Prevention of Domestic Violence, 1996) is law which is only to be used "as a means to secure prevention." However, the procedures established in this law include conciliation, friendly settlement, and arbitration. (p. 23)
- "The Center for the Prevention of Inter-Family Violence (CAVI) is the only governmental institution which deals directly with cases of domestic violence." (p. 24)
- "Despite the steps taken by the government to address the phenomenon of domestic violence, various factors impede the efficacy of such efforts. In a governmental analysis of women's status, it states that among the serious obstacles are 'women's ignorance of their rights and of the law designed to safeguard these; the barriers that exist to their

recognizing, filing, and following up on a complaint with the relevant judicial bodies; the lack of enforcement of the laws; and the scarcity of mechanisms and institutions to protect the rights of potential and actual victims of violence.” (p. 24)

VII. Relevant Response to Information Requests (RIRs) from the Immigration and Refugee Board of Canada

(Note: if direct links do not work, go to http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm and search by country.)

Mexico: Selected Issues of In-Country Flight Alternatives (July 2003- July 2005), Issue Paper from the Research Directorate of the Immigration and Refugee Board of Canada (October 2005.)

http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=289&cid=145 or go to http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm and search by country.

Mexico: Violence against women in a non-domestic setting, particularly with respect to females who are being stalked and/or threatened by a male suitor or former partner; state protection available and enforcement of laws, if any, against stalkers who persist in harassing the victim, either prior to or after an actual physical assault (February 16, 2005)

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432371

Mexico: Divorce law and practice, including separation agreements, custody, property dispositions, consent requirements, related issues from women's perspectives and in relation to spousal and child abuse, and legal requirements for taking children abroad by one parent (February 16, 2005)

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432370

Mexico: State protection offered to a woman in the State of Veracruz who is beaten by her husband whose father is a superior officer in the army and tries to protect his son with his influence; state protection offered to this woman's children, parents and relatives; state protection offered to victims of childhood paternal incest in the State of Veracruz (April 5, 2004)

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432436

Mexico: Social and economic aspects of the status of women (1970-2003) (November 13, 2003)

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432469

Mexico: Recourse and protection available to a female victim of violence and harassment by her boyfriend in Xalapa, Veracruz; whether the police ask for a credible witness and proof of physical attack to initiate an investigation; whether the police will register a complaint even though the woman has no proof of physical attack nor a credible witness; whether a woman would receive a copy of the complaint from the police (2001 - 2003) (October 10, 2003)

http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432507

Mexico: Recourse and protection for a female victim of violence and harassment from her former husband in Sahagun, Hidalgo, and Mexico City (2001 - 2003) (September 11, 2003)
http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432517

Mexico: The legal rights of a woman with regard to custody, joint-custody or visitation rights of her child who is currently living with the child's father and who is refusing her access to the child (May 2003) (May 20, 2003)
http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432547

Mexico: Protection and recourse available in Puebla to a young girl beaten and sexually assaulted by her mother's spouse who is not her father (1999 to January 2003) (January 9, 2003)
http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=432572

VIII. News Media Sources

In Mexico, an Unpunished Crime, Washington Post: June 30, 2002

- “Mexico is struggling to modernize its justice system, but when it comes to punishing sexual violence against women, little has changed in a century.” (p. 1)
- In many states stealing a cow results in a higher penalty than rape. (p. 1)
- The law may call for serious penalties for rape, but only rarely is there even an investigation into crimes involving sexual violence. It is estimated that only 1 percent of rapes are ever punished. (p. 1)
- “Police, prosecutors and judges often show indifference or hostility toward woman who claim rape...” (p.2)
- “Rape in Mexico is prosecuted at the state level, and state laws vary. A review of criminal laws in all 31 Mexican states showed that 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’. Nineteen of the states require that statutory rape charges be dropped if the rapist agrees to marry his victim.” (p. 2, 3)
- A woman who files rape charges must submit to medical exams by doctors who are assigned by the prosecutors’s office. These exams are a further barrier to reporting and ultimately allow for the perpetuation of “impunity of rapists”. (p. 3)
- Complete statistics for sexual assault and rape do not exist because most cases are never reported or are settled between the two families. Many parents of victims do not report because of the shame associated with making public complaints. (p. 4)

Crying out for Justice: Murders of Women in Ciudad Juarez, Mexico, October 2003.

- Rape victims are not afforded even the most basic privacy and protection. (p. 1)
- Official investigators often ask women to prove they are virgins, lawyers ask victims if they enjoyed the rape and relatives of the victims often accuse them of provoking the rape.

- It is estimated that only 15 percent of women who are raped in Mexico City report the crime (this number is lower in rural areas). Furthermore, “of those few who file reports, less than half follow through with the reports because of Mexico’s daunting criminal justice system. The legal process requires victims of any crime to confront the accused in public hearings that sometimes run for more than 24 hours nonstop.

Hundreds of Thousands in Mexico March Against Crime, NY Times, June 28, 2004

- “Impunity remains a fact of Mexican life” (p. 2)
- “Police are just as often predators as they are protectors.” (p. 2)
- “Government officials acknowledge that an overwhelmingly majority of crimes go unreported, and the justice system resolves less than 5 percent of reported crime.” (p. 2)

Missing Story, The Texas Observer, August 30, 2002

- This documents discusses the actual numbers of deaths and brutal beatings experienced by women in Ciudad Juarez.
- While many deaths and disappearances are unaccounted, with perpetrators unknown, more of the deaths are by persons known to the victim, including spouses and boyfriends. (p. 2)
- Prior to the early 1990s, female homicides in Ciudad Juarez were less common than female homicides in a comparable city in the United States. However, since then, there has been an epidemic of murders, rapes, and disappearances of women. (p. 2)
- “Simultaneously with this stranger-inflicted crime, boyfriends, husbands, sons and cousins began beating, shooting, stabbing and strangling the women and girls in their lives.” (p. 2)
- While abuse was not a new phenomenon in Juarez in the past, abuse had not manifested itself in death in so many cases. The police reflected the same lack of interest in domestic violence as the law did and few victims complained. (p. 2)

IV. Governmental Action: Mexican Legislation

Law of 26 June, 1997 on Assistance for Prevention and of Intrafamily Violence (Ley de Asistencia y Prevencion de la Violencia Familiar): SOURCE: Diario Oficial*, 9/Jul/1996, Vol. 514, Pt.1, No. 7. 50-55.

- This document is originally in SPANISH
- The objective of this law is to establish non-judicial procedures to protect victims of domestic violence.
- This law may only be used as a means to secure assistance and prevention when the provisions of the penal code are applicable.
- This law is administrative only. Procedures established include conciliation, friendly settlement, and arbitration. Failure to respect the orders established by the law (including failure to arbitrate to reconcile) may result in penalization by a fine of 30-180 days of the minimum salary or administrative arrest of a no more than 36 hours.

- Local police stations are responsible for conducting the arbitration, friendly settlement and conciliation.
- This law was the enabling statute for the specialized family violence units. Applicable in the federal district.
- Many states have adopted similar administrative laws.

Decree of 26 December 1997: SOURCE: *Diario Oficial*, 30/Dec/1997, Vol. 531, Pt. 1, No. 21, 2-7.

Go to <http://www.diputados.gob.mx/LeyesBiblio/index.htm> and locate “Codigo Civil Federal” and “Codigo Penal Federal” for the relevant domestic violence articles.

- This document is originally in SPANISH
- Summary: This decree amends provisions of the Civil Code, Code of Civil Procedure, Penal Code, and Code of Penal Procedure of the Federal District with respect to domestic violence.
 - Federal Civil Code Title Six (Relationships, Health and Family Violence), Chapter III, Family Violence, Articles 323bis and 323ter.
 - SPANISH: Codigo Civil Federal- Titulo Sexto (Del Parentesco, de Los Alimentos y de la Violencia Familiar), Capitulo III, De la Violencia Familiar, Artículo 323bis, 323ter.
 - The civil code has now integrated domestic violence as an offense with an independent definition of family violence.
 - Federal Penal Code- Title nineteen: Crimes against Life and Bodily Integrity, Chapter 8, Family Violence, Articles 343bis, 343ter, 343quater
 - SPANISH: Codigo Penal Federal- Titulo Decimonoveno Delitos Contra La Vida y La Integridad Corporal, Capitulo Octavo, Violencia Familiar, Artículo 343bis, 343ter, 343quater.
 - The penal code has now included domestic violence as an offense with an independent definition of family violence. The definition of family violence is “the use of physical or emotional force, as well as severe neglect, perpetrated by a family member against another family member’s physical or emotional integrity, or both, regardless of whether the injury results.”
 - The law applies to spouses, cohabitants, direct blood relations in ascending or descending order, without limitations to degree; in-law or direct blood relations to the fourth degree; adoptive parents and adopted children.

National Women’s Program 1995-2000, March 8, 1996; SOURCE: Diario Oficial, 21/Aug/1996, Vol. 515, No. 15, 2-49

- This program called for a commitment to undertake immediate strategies to help eliminate the obvious inequality between men of women. This was to be achieved through a committed participation of the Federation, the States and the various municipalities.
- This program proposed the institutionalization of an integrated, interdisciplinary, inter-institutional and coordinated system of public institutions and civil society organizations to combat domestic violence more effectively.

Ley Del Instituto de Mujeres (INMUJERES): Mexican National Institute for Women Act.

Go to <http://www.diputados.gob.mx/LeyesBiblio/index.htm> and locate “Ley del Instituto de Mujeres” for the relevant article.

- Creates an organizational body whose aim is to deal with gender issues, including discrimination and violence.

V. Governmental Action: International Treaties

Inter-American Convention of the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem Do Para, June 1994

<http://www.summit-americas.org/Belemdopara.htm>

- Mexico signed the convention in November of 1994 and it was ratified in November of 1998

Convention 111: Discrimination (Employment and Occupation) Convention, 1959

<http://www.ilo.org/ilolex/english/newratframeE.htm> Search “ratifications” by “text of convention”. Locate convention “C111”.

Or www.ilo.org. Search (lower right hand side of screen) “ILO Library”. Under “Electronic databases” click “ILO databases”. Search ILOLEX database. Display conventions, search for C111. By clicking on C111, the language of the convention will appear.

- Mexico ratified this convention in September of 1961

Convention for the Elimination of all Forms of Discrimination Against Women

<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

- Mexico signed this convention in July 1980. It was ratified in March of 1981.

Convention on the Political Rights of Women

- Mexico signed this convention in 1953. It was not ratified until March of 1981.

The International Covenant on Economic, Social and Cultural Rights

- Mexico ratified this covenant in June of 1981

The International Covenant on Civil and Political Rights

- Mexico ratified this covenant in June of 1981

Master List of Documents: Links & Directions to Documents

1) Country Reports on Human Rights Practices, 2002. Released by the Bureau of Democracy, Human Rights, and Labor (February 25, 2004)
<http://www.state.gov/g/drl/rls/hrrpt/2003/27905.htm>

2) Making Violence Against Women Count: Facts and Figures, Amnesty International Media Briefing (March 5, 2004)
<http://web.amnesty.org/library/engindex> → Search by AI Index Number: ACT77/036/2004
OR <http://web.amnesty.org> → Library tab, Search by AI Index Number: ACT77/036/2004

3) Domestic Violence in Mexico; A Letter from Mexico

The Journal of American Medical Association, Volume 275, n24: June 26, 1996

4) Participation of the Health Sector in the Fight Against Gender Violence: Background and Challenges for Mexico.

Symposium 2001, “Gender Violence, Health, and the Rights in the Americas”, June 2001

5) Women of the World: Laws and Policies Affecting Their Reproductive Lives (Mexico)

The Center for Reproductive Law and Policy

www.crlp.org/pdf/wowlac_mexico.pdf

OR www.crlp.org Search under “Worldwide→Latin America and the Caribbean” Click “Mexico”. At the bottom of the screen there is a link under the title “source” that is entitled “Women of the World: Laws and Policies Affecting Their Reproductive Lives” This link will bring you to a page where you can select Mexico.

6) Mexico, Domestic Violence and Other Issues Related to the Status of Women

2003 Issue Paper by the Research Directorate of the Immigration and Refugee Board (Ottawa, Canada)

http://www.irb-cisr.gc.ca/en/researchpub/research/publications/index_e.htm?docid=91&cid=145

OR: <http://www.irb-cisr.gc.ca/index.htm>. Click “English”. Click “Country of Origin Research”. Click “Research Database”. Select Country “Mexico”, Select document entitled “Mexico, Domestic Violence and Other Issues Relating to the Status of Women”

7) Alternative Report to the Periodic Report on the Compliance Status Regarding the Convention on the Elimination of all Forms of Discrimination Against Women on the Part of the Mexican Government, 1981-2002. Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM):

http://www.cladem.com/english/regional/monitoreo_convenios/cedawmexicoi.asp

OR <http://www.cladem.com/english/national/mexico/mexico.asp>. Scroll down to document entitled Monitoring Alternative Report from Mexico to the CEDAW.

8) Collection of Interviews of Police, Judges, and Operators Regarding Domestic Violence

Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM)

<http://www.cladem.com/english/national/mexico/mexico.asp>. Scroll to document entitled “Collection of Interviews of Police, Judges and Operators Regarding Domestic Violence”

9) Balance Sobre Violencia Domestica: Mexico.

Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM).
Julia Perez Cervera

<http://www.cladem.com/english/national/mexico/mexico.asp> Scroll to document entitled “National Balance: Efforts and Activities Addressed to Eradicate Violence Against Women.

10) Barriers to Protection at Home and Abroad: Mexican Victims of Domestic Violence and the Violence Against Women Act.

Lee Teran, Boston University Law Journal, Volume 17, Spring 1999

11) Committee on the Elimination of Discrimination Against Women, Concluding Observations: Mexico, 1998.

<http://www1.umn.edu/humanrts/cedaw/mexico1998.html>

OR <http://www1.umn.edu/humanrts/>. Click “Other UN Documents”. Under the heading “Other Treaty Based Documents” click “Committee on the Elimination of Discrimination Against Women”. Click the third link from the bottom is called “Concluding Observations of the Committee on the Elimination of Discrimination Against Women”. Scroll down to the Mexico report.

12) Women’s Reproductive Rights in Mexico: A Shadow Report, 1997.

www.reproductiverights.org/pdf/sr_mex_1297_eng.pdf

OR www.reproductiverights.org. Search under “Publications→ Shadow Reports”. Scroll down to the title: “Women’s Reproductive Rights in Mexico: A Shadow Report”

13) Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences. Submitted by Radhika Coomaraswamy for the Commission on Human Rights. February 23, 2003

www.unhcr.ch. Scroll to the bottom right under heading: “Human Rights Bodies” to link called “Commission on Human Rights”. On the left hand side click “sessions” and locate the 59th session. Open link and click icon which says “open documents by symbol number”. The symbol number is: E/CN.4/2003/75/Add.1. Locate document. The relevant pages on Mexico are 251-253

<http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/a9c6321593428acfc1256cef0038513e?OpenDocument> (direct link accessible as of 6/23/04)

14) In Mexico, an Unpunished Crime, *The Washington Post*, Mary Jordan
July 30, 2002. Page A.01

15) Crying out for Justice: Murders of Women in Ciudad Juarez, Mexico, Julie Watson, October 16, 1999 (October 2003).

16) Hundreds of Thousands in Mexico March Against Crime, *NY Times*, Ginger Thompson

June 28, 2004.

<http://www.nytimes.com/2004/06/28/international/americas/28mexi.html?ex=1089431757&ei=1&en=7a5e098d7d5f7115>

17) Inter-American Convention of the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem Do Para

www.summit-americas.org/Belemdopara.htm

18) ILO Convention 111: Discrimination (Employment and Occupation) Convention, 1959
<http://www.ilo.org/ilolex/english/newratframeE.htm> Search “ratifications” by “text of convention”. Locate convention “C111”.

Or www.ilo.org. Search (lower right hand side of screen) “ILO Library”. Under “Electronic databases” click “ILO databases”. Search ILOLEX database. Display conventions, search for C111. By clicking on C111, the language of the convention will appear.

19) The Convention for the Elimination of all Forms of Discrimination Against Women

<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

20) Convention on the Political Rights of Women

21) The Convention on Economic, Social, and Cultural Rights

www.unchr.ch/html/menu3/b/a_cescr.htm

22) The Convention on Civil and Political Rights

www.unhcr.ch/html/menu3/b/a_cescr.htm

23) Law of June 26, 1997 on Assistance for Prevention of Intrafamily Violence

<http://www.asambleadf.gob.mx/princip/informac/legisla/leyes/L139/1139p.htm>

24) Decree of December 26, 1997

Located in the Diario Oficial, December 30, 1997, Volume 531, Pt 1, No 21, 2-7

www.cddhcu.gob.mx/leyinfo. Locate “Codigo Civil Federal” and “Codigo Penal Federal” for the relevant domestic violence articles.

25) National Women’s Program 1995-2000

26) Mexican National Institute for Women Act

www.cddhcu.gob.mx/leyinfo

Scroll down to document entitled “Ley del Insitituto de las Mujeres”.

The following are direct links to the text (pdf and word format)

<http://www.cddhcu.gob.mx/leyinfo/pdf/88.pdf> or <http://www.cddhcu.gob.mx/leyinfo/txt/88.txt>

(they may be temporary links; if so, see above).

27) *Missing the Story*, *Texas News and Observer*, Debbie Nathan (August 30, 2002)

http://www.womenontheborder.org/Articles/Senorita_Text.pdf

Summary and Overview

Mexico has suffered a long and unique history of violence against women. Violence in Mexico is rooted in the brutal occupations by conquistadors and the later, equally violent colonization attempts. This violence, in particular the violence perpetrated against women has been institutionalized in Mexico. Such violence is evident today in the prevalence of rapes, domestic violence, and the inadequate legal and social protection against domestic violence, and is further reflected in the attitudes of law enforcement, the lack of public health awareness and general societal unwillingness to confront such violence. Law enforcement agencies are beset by corruption, inefficiency, and a general hostility towards victims of domestic violence. The judicial system is also plagued with similar inefficiencies, hostilities, and animus against victims of domestic violence. Legal procedures are burdensome and complicated and frequently place victims in further danger. Many women are not able to seek help and are relegated to a life of daily inflictions of brutal physical harm and abuse. Although violence against women in Mexico appears to have attracted attention from the Mexican government which has enacted certain legislation, this legislation is superficial and without meaningful or sustainable relief for abused women.

The home is the most dangerous place for a woman (Doc #3¹). Violence against women affects women from all walks of life, crossing socio-economic, geographic, and educational boundaries. In a five month span, it was reported that one-third of women seeking medical care were victims of domestic violence (Doc #13). A survey conducted in 1999 reported that out of 6,000 homes in the federal district one out of every three experienced some form of domestic violence (Doc #13). While more than 70 percent of those who are victimized fear the violence will escalate and or continue, less than 15 percent actually sought assistance from local authorities (Doc #13). A further indication of the prevalence of violence against women in Mexico is the phenomenon of hundreds of murders of women in Ciudad Juarez. Over the last decade, almost 400 women have been brutally raped and killed, many of them related to incidents of domestic violence (Doc #27). The majority of these killings have remained unsolved with few resources having been devoted to this ten year massacre of women and girls, revealing the attitudes of indifference amongst government and law enforcement agencies in Mexico. Ciudad Juarez is a reflection of the public's unwillingness to deal with violence against women occurring in the public domain. Most domestic violence cases remain outside of the mainstream concerns of law enforcement and legal professionals. Domestic violence is understood to be an issue of private nature that does not require attention from the general public (Doc #4).

The statistics available do not comprehensively depict the pervasiveness of domestic because of the problems in underreporting domestic violence. Women in Mexico are systematically discouraged from reporting domestic violence (Doc #4). Underreporting in Mexico is a result of the dangers faced by women who report, the discouragement of reporting within communities, and the lack of resources available to victims of domestic violence. Many women fear that reporting will result in further violence and more egregious assaults (Doc #6, #13). Women in Mexico face the dangers and obstacles related to separation violence, a phenomenon that entails escalated violence perpetrated on the women when they attempt to leave their abusers. While this phenomenon is not unique to Mexico, Mexico's inadequate

¹ All citations correspond to the document numbers in the "Master List of Documents: Links & Directions to Documents."

social and legal responses heighten the threat of violence a woman will experience if she reports. Women are also discouraged from reporting domestic violence because of the financial costs in doing so. Women in Mexico have little recourse to financial or housing support if they leave their abusive partners. Furthermore, a woman who reports is likely to suffer isolation from her family and community because reporting to law enforcement is disapproved and discouraged.

Underreporting is also a problem because of the documented hostile attitudes of police in dealing with domestic violence. The police in Mexico are generally distrusted and viewed as corrupt, violent and often the frequent perpetrators of horrendous violence themselves (Doc #1). Police often show indifference or antagonism towards women who seek help for domestic violence and rape (Doc #15). In many cases, the Mexican police often blame the victim. In the cases of Ciudad Juarez murders, the initial official response was to blame the women and threaten the families of victims who pressed for greater accountability in prosecuting these crimes (Doc #14). Police corruption allows men to buy their way out and avoid criminal charges (Doc #15). In some cases, the police have been known to abuse women themselves who seek law enforcement assistance (Doc #15). The lack of trust for the police discourages reporting and further contributes to the lack of accurate statistics about domestic violence.

Mexico's social responses to victims of domestic violence are inadequate and contribute to both the prevalence of domestic violence as well as to the inability of victims to seek help. Mexico lacks the social mechanisms to protect victims of domestic violence. Violence against women has remained outside of the mainstream concerns of the medical profession; the health sector has been highly reluctant to address the problem of domestic violence, rationalizing such violence as a private matter, beyond the responsibility of the health sector (Doc #4). A more recent health code requiring doctors to document suspected cases of domestic violence has gone largely unheeded. The law is not enforced and only on occasion does the doctor make note of domestic violence in the records. Those few records remain with the doctor and are never passed along to law enforcement (Doc #12).

Mexico's lack of resources for victims of domestic violence contributes to a lack of alternatives for women seeking to escape abusive situations. Mexico is comprised of 31 states and a Federal District and has a total population of over 100,000,000. Within the federal district (a population of over 20 million) there are only two shelters with a combined capacity of 50 people. Within the rest of the country (31 states) there are only six more shelters, with a total capacity of 250 people. In all, Mexico has only 8 shelters with the total capacity of serving 300 individuals. (Doc #12).

In many areas, appropriate procedures or laws specifically implementing procedures to deal with domestic violence do not exist. The laws that do exist enumerating domestic violence tend to involve administrative and civil proceedings, including reconciliation and amicable settlement, two processes known to be contradictory to the resolution of cases involving domestic violence. Conciliation processes are conducted by local police stations, the majority of which have had no formal training on domestic violence. Further examination of the laws demonstrate that while the laws may define domestic violence and create separate codes discussing such violence, the laws are not actually equipped to deal with domestic violence (Doc #12). Instead, they are aimed at preserving the family unit and often disregard the violent and dangerous atmosphere within the home (Doc #12). The law's aforementioned goals are consistent with the institutionalized male dominated conservative mentality. Under these laws, the victim of the abuse is not entitled to speak to a judge, nor is there an opportunity to seek out

other petitions of relief, such as child support, protective orders or divorce decrees. While there have been other changes made to the civil and penal codes, to date there have been no procedural changes in the codes (Doc #12). The result is that while the laws define domestic violence, they do not create any suitable means by which to deal and confront with such violence.

Police have no training or resources allocated to investigation and prosecution of domestic violence crimes (Doc #7, #8). There are no emergency procedures and not a single agency within the Public Ministry (Prosecutor's office) has had specific training on domestic violence (Doc #12). The failure to properly investigate crimes against women has been attributed to indifference, lack of will, negligence and inability. This is reflected in Ciudad Juarez; to date there have been no proper police investigations to identify suspects in the cases of Ciudad Juarez murders. Police response to domestic violence is insufficient and is reported to reflect an atmosphere of impunity and tolerance for such violence (Doc #15).

Mexico has signed international treaties alleging commitment to ending discrimination against women. However, statistics and reports demonstrate that despite ratification of such treaties, the Mexican government has yet to incorporate the terms into everyday practices. As in the case of national legislation, these treaties have no tangible effects on women who are victims of domestic violence. Mexico signs the treaties because of the pressure to ascribe to internationally accepted norms; however, the application of these treaties is superficial to non-existent. Mexico has failed to implement the terms of the ILO Convention Against Discrimination as well as the Convention for the Elimination of all Forms of Discrimination Against Women. CEDAW compliance reports document the fact that the treaties have "not been translated into a political will" (Doc #7). Policies and legislation initiatives have been undertaken with limited resources and compliance with the policies is not enforced (Doc #7). The well-documented maquila industry which relies overwhelmingly on women employees demonstrates the failure of the Mexican government to enforce international legal norms concerning women. Woman employees in the maquila sector regularly face sexual discrimination, harassment, and violence, and have been unable to obtain full rights in the workplace. Despite a constitutional provision providing that women shall have the same rights and obligations as men, women are paid less than their male co-workers and are concentrated in lower-paying occupations (Doc #1). Documented labor law violations by the maquiladora industry which regularly forces female employers to undergo pregnancy screenings in pre-employment physicals and in regular examinations during a woman's term of employment continue without interference from the Mexican government (Doc #1).

The lack of laws, the ineffectiveness of the laws which do exist, the barriers and obstacles to seek out recourse, demonstrates the institutionalized acceptance of violence against women in Mexico and has created a deadly situation for victims of domestic violence. Women suffer abuse at the hands of their abusers as well as at the hands of the Mexican government which is unable and unwilling to eradicate violence against women.