

Mexico: Domestic Violence Documentation

General Country Information, Conditions & Human Rights

Document 1. Country Reports on Human Rights Practices, 2003. Released by the Bureau of Democracy, Human Rights, and Labor (February 25, 2004)

- Mexico is a federal republic comprised of 31 states and a federal district. There is an elected President and a bicameral legislature. (p. 1)
- “The judiciary is generally independent; however on occasion, it was influenced by governmental authorities.” (p. 1)
- Police forces (made up of federal and state judicial police, the federal preventive police, municipal police, and other police auxiliary forces) have primary responsibility for maintenance of order and law enforcement. (p. 1)
- While the constitution provides for equality between sexes, neither the authorities nor society in general respect this principle in practice. (p. 21)
- “Corruption was widespread within police ranks and also was a problem in the military.” (p. 1)
- “There have been instances of state and local police involvement in kidnappings and extortion.” (p. 1) State law enforcement officials were accused of committing unlawful killings and there were also reports of vigilante killings. (p. 1)
- While the government is said to generally respect many of the human rights of its citizens, there remain serious problems in Guerrero, Chiapas, and Oaxaca. (p. 1)
- “Police corruption is a problem. Police have been involved in kidnappings, armed robbery, and extortion, as well as protection of criminals and drug traffickers.” (p. 8). There have been reports that judicial officials often solicited bribes in exchange for not pressing charges. (p. 8)
- Voting: “traditional customs vary from village to village. In some villages, women do not have the right to vote or to hold office. In others they can vote but not hold office.” (p. 18)
- An estimated 25% of the population lives in rural area.
- Income distribution is disparate; “in 2000, the top 10 percent of the population earned 37.8% of total income, while the bottom 20 percent earned only an estimated 3.6 percent.” (p.1)
- “The minimum wage does not provide a decent standard of living for a worker and family.” (p. 29)

Document 2. 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

The document outlines the structure of Mexico’s government. The coordination between its complicated federal and state systems has significantly impaired the implementation of the 1996 legislation.

- **Structure of Government:** Mexico is a federal republic composed of 31 sovereign states and a Federal District, which houses the federal government, composed of three branches (executive, legislative, and judicial). (p. 147-48)
 - “The administration of the states is parallel to that of the federal government” and “[f]ederal law is not hierarchically superior to state law.” (p. 148)
- **Sources of Law:** 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)
 - Laws regulating reproductive rights reflect societal attitudes with regards to women’s social status. (p. 153)
- **Status of Women:** In 1995, women made up 35% of the work force and represented 50% of workers in the informal economy. (p. 145)
 - 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)

Prevalence of Gender Violence in Mexico

The following documents provide statistical information on the number of women in Mexico who have been subjected to sexual harassment, domestic violence, and other issues related to the pervasiveness of violence against women.

Document 1. (listed above) Country Reports on Human Rights Practices, 2003. Released by the Bureau of Democracy, Human Rights, and Labor (February 25, 2004)

- “The most pervasive violations of women’s rights involve domestic and sexual violence. Both are widespread and vastly underreported.” (p. 20)
- “The law provides for fines equal to 30-180 days’ pay and the detention of violators for up to 36 hours.” (p. 20)
- “According to a national survey by the Secretariat of Health (SSA), one third of women in health centers and hospitals...were victims of domestic violence.” (p. 20)
- “The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges....Reports of sexual harassment in the workplace are widespread. In the latest statistics available from 2001, the CDHF estimated that at least 80 percent of the women who work in Mexico City have experienced sexual harassment.” (p 21)

Document 3. Amnesty International Media Briefing: Making Violence Against Women Count: Facts and Figures (March 5, 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 in Mexico reported that they have experienced physical violence or psychological abuse from their partners according to surveys in different localities. (p. 4)

Document 4. Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences (February 27, 2003)

- 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)

Document 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)

- 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)
- 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)

Document 2. (listed above) 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

- “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)

Document 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)

- “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)

Status of Women/Societal Attitudes about Domestic Violence

Document 6. (listed above) 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)

This paper highlights the societal obstacles and assumptions surrounding the issue of domestic violence, namely that it is private matter that should not be reported and that men are superior.

- “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. There are three main reasons why women generally will not choose to file charges after they have been assaulted by intimate partners. The first reason is that the state prefers administrative or civil proceedings which often involves the victim being subjected to conciliation, non-aggression agreements and divorce. The second reason is that many women fear further violence and assaults if they report, they are concerned for their children, concerned about financial hardship and societal embarrassment. The third reason that many women do not file charges against the abusers is because they have little information about the recourses available to them. (p. 3)

Document 1. (listed above) Country Reports on Human Rights Practices, 2003. Released by the Bureau of Democracy, Human Rights, and Labor (February 25, 2004)

This report documents the disconnect between the equal status afforded to women by the Mexican constitution and the discriminatory practice.

- “Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respect this principle in practice. The legal treatment of women's rights is uneven. Women have the right to own property in their own names and to file for separation and divorce. However, in some states a woman may not bring suit to establish paternity and thereby obtain child support unless the child was a product of rape or cohabitation, the child resides with the father, or there is written proof of paternity.” (p. 21)
- “The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that ‘equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency.’ However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations” (p. 21)

Document 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)

This article demonstrates the historical prevalence of women's subordination and the consequent limited access to justice.

- Women generally have not been able to access rights to the same extent that men have. While women were given rights such as education in the 1900s, such rights were not actually realized for a very high percentage of women until the 1940's and 50's. Women were not granted rights to citizenship until 1953. (p. 5)
- Evidence of the historical acceptance of violence against women becomes obvious upon examination of the maquiladora industry. Patterns, similar to those which existed during the Spanish colonial time period, including the right to rape indigenous women of his property is still evident in relationships within the maquiladora industry. (p. 5)
- In matters of access to justice, antifeminist and "macho" feelings result in discriminatory and unequal treatment towards women. (p. 7)

Document 5. (listed above) 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)

This article points to some of the common social conditions that have created negative societal and cultural attitudes about women.

- Domestic violence is simultaneously socially disapproved of and justified in practice because it generally occurs within the privacy of one's home. (p. 1). 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)
- Gender violence is rooted in social conditions, including economic disadvantages, lack of public care facilities, inappropriate legislation, and alcoholism. (p. 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.

Document 8. Collection of Interviews of police, judges and operators regarding domestic violence. Latin American and Caribbean Committee for the Defense of Women's Rights (2004) (CLADEM):

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.

- Selective portions of this document have been translated from Spanish
- 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.

Governmental Action: International Treaties

Document 9: List of treaties ratified by Mexico

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

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

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

- Mexico ratified this convention in September of 1961

Convention for the Elimination of all Forms of Discrimination Against Women

- 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

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

Document 7. (listed above) 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)

This 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. It documents the continued presence of discrimination against women despite the positive measures taken by the Mexican states to remedy gender violence. This is a result of a dismissal of signed international treaties, the lack of societal recognition of the problem of gender violence, and the partial and fragmented nature of its own legislative reforms.

- **Lack of societal recognition:** Early guarantees ensuring equal treatment of women generate “the myth that currently, in Mexico...there is no discrimination against women...and that existing norms are enough to equally protect women and men...” (p. 2)
- **Dismissal of International Treaties:** 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)
 - 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)
- **Inadequacies of Penal Code:** 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)
 - The penal reform instituted by the December 30, 1997 Decree do not provide protection in all situations of gender violence, do not provide justice for victims, and even in those few states that have criminalized intrafamily violence, such as Baja California, not a single sentence has been issued against an aggressor. (p. 5-6)

Document 6. (listed above) 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)

- 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)
- 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)

- **Family Violence and Grounds for Divorce:** 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. Once 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)
- **Legislation and Adjudicatory Inadequacies:** There is no federal law focusing ONLY on domestic violence. In such cases, it is the penal code which must be applied. (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)
 - 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. A woman cannot apply for protective relief (interim allowances, restraining orders, etc) pro se. She must have a lawyer who applies for such relief on her behalf. (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. Many women living in rural areas have minimal access legal services and remedies. They face the hardship of getting to a city where the organizations and institutions responsible for providing relief are located. (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. The shelters were located in Aguascalientes, the Federal District, Morelia, Mexicali, Puebla and Monterrey. (p. 15)

Document 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).

This article highlights the inadequacies of civil and penal legislation to protect women from gender violence. Agents in charge of investigating and prosecuting claims have inordinate amounts of discretion and will make women go through unwarranted evidentiary steps before proceeding with a complaint. Moreover, many agents and police are not obtaining the necessary training to enforce the laws. As a result, reforms designed to protect women are destined to fail in their implementation.

- **Lack of Resources:** 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)
 - Mexico City which 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)
 - There is a pervasive lack of emergency and long-term services for victims of domestic violence, especially for those in rural areas. (p. 68)
- **Difficulties in Obtaining Prosecution:** 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 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)
- “A victim is not only burdened with having to go to extraordinary lengths to demonstrate she has suffered a significant injury, but she must also identify her abuser and establish a motive.” (p. 67)
- **Failure of Reforms:** “The government does not have the resources to open offices to attend to family violence cases. Moreover, even though changes have been made to the codes in Mexico, there has been no corresponding training of police, prosecutors, and judges to ensure that the laws will be enforced.” (p. 69)
 - As of July 1998, no protection orders had been issued by the Federal District Superior Court, and there were no reports of any convictions against batterers in Mexico, DF. (p. 69)
 - “The failure to implement the domestic violence legislation is consistent with past omissions. While Mexico has passed commendable human rights legislation, its legal system is exceedingly slow and the government has failed to enforce new laws and protections.” (p. 69)
- “If forced to return to Mexico, these women face archaic civil laws designed to discourage divorce, criminal codes which punish only the most egregious injuries, and untrained, understaffed, and unsympathetic law enforcement.” (p. 70)

Document 11. Domestic Violence in Mexico: A Letter from Mexico (The Journal of the American Medical Association, volume 275, n24: June 26, 1996)

This article emphasizes the fact that violence against women in the home in Mexico has thus far remained outside the mainstream concerns of the medical profession, due in large part from underreporting. The article then demonstrates the reasons for underreporting: cultural acceptance and stigma, tradition of violence, judicial obstacles, and lack of services for survivors for domestic violence survivors.

- *Note- this article was published prior to the actual 1996 changes in legislation regarding domestic violence, however authors were aware of the pending legislation.
- **Underreporting:** “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)
 - 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)
- **Cultural Acceptance:** 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)
- **Tradition of Violence:** 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)
- **Judicial Obstacles:** “The current penal law in Mexico requires a woman presenting a claim of domestic violence to show evidence of motive, even when physical bruises are obvious. In addition, a witness has to accompany the women to attest that her bruises are in fact the result of domestic violence.” (p. 4)
 - 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)
 - A prison study showed that of the women prisoners incarcerated for homicide, the majority had been convicted of killing a relative, half of whom had killed a spouse or partner and many of whom had previously gone to the police to report attacks of domestic violence with no success. (p.5)
- **Insufficient Resources:** Mexico has numerous other public health issues (aside from domestic violence), which are competing for attention and funding. While there are a few grassroots organizations and a few government institutions (mainly located in the capital), adequate attention to domestic violence does not exist. (p. 6)

Document 5. (listed above) 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)

- “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)

Document 12. Committee on the Elimination of Discrimination Against Women, Concluding Observations: Mexico, 1998.

This report comments on the steps taken in order to implement the commitments made at the Fourth World Conference on Women in Beijing, concluding that Mexican women still face many obstacles.

- 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)

Document 13. Women's Reproductive Rights in Mexico: A Shadow Report, 1997

This report underscores the failure of the state to protect women against family violence despite positive steps taken by the Mexican government.

- 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)

Periodicals

Document 14. 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)

Document 15. Teen-age Girls Raped by Mexican Cops, Associated Press, October 16, 1999.

- 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.

Document 16. 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)

Document 17. Missing the 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)

Updates

Document 18. Special Rapporteur On Violence Against Women Ends Visit To Mexico. United Nations Press Release, March 2, 2005.

Document 19. The Second Assault: Obstructing Access to Legal Abortion after Rape in Mexico. Human Rights Watch, March 2006.
Full report at: <http://hrw.org/reports/2006/mexico0306/mexico0306web.pdf>