



Shadow Report
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Introduction

1. This report was prepared based on the official data collected by Mexican civil society organizations regarding the violence that women continue to face in Mexico. The document contains gender violence recommendations issued in 2018 and the responses given by the State. It also contains recommendations to address the violence against women and mechanisms to redress the damage against women. This report is part of a series of thematic reports that 180 civil society organizations in the country developed jointly.

Sexual and reproductive rights

Pregnancy termination

2. In 2018, Denmark, Georgia, Slovenia, Albania, Iceland, France and Cameroon recommended harmonizing federal and state legislation on pregnancy termination. New Zealand recommended modifying practices that were discriminatory against women and girls, including guaranteeing equal access to safe and legal abortion and respectful medical services. Finally, India recommended further decreasing maternal mortality and morbidity rates, particularly among women from low-income and disadvantaged groups.

3. Mexico ranks first in teenage pregnancies among the member states of the Organization for Economic Cooperation and Development (OECD), with a fertility rate of 77 births per 1,000 adolescents between 15 and 19 years of age.¹ Of pregnant adolescents aged 15 years or older, 9.4% were sexually abused, 36.5% had unplanned sexual intercourse, and 17.5% had no information about contraceptive methods or where to obtain them.² According to the report of the National Strategy for the Prevention of Adolescent Pregnancy (ENAPEA, 2020), it is estimated that in 2020, the majority of births in children under 15 years of age occurred 0.7% in 11-year-old girls, 2.4% in 12-year-old girls, 14.2% in 13-year-old girls, and 82% in 14-year-old adolescents.³

4. According to the World Health Organization (WHO), safe abortion⁴ is a reliable procedure and non-complex health intervention when performed with the recommended methods appropriate for the gestational age and applied by trained personnel. The decision to continue or terminate a pregnancy is a personal one and the Mexican State has the obligation to guarantee the best conditions for women to make their decisions freely and enjoy the highest available standard of health. However, women in Mexico face serious obstacles in exercising their reproductive rights. Women are criminalized for terminating unwanted pregnancies, subjected to obstetric violence, they die during pregnancy, childbirth or the recovery period, and are discriminated against when seeking access to assisted reproductive technologies.

¹ National Autonomous University of Mexico (UNAM). (September, 2021). "México, primer lugar en embarazos adolescentes entre países integrantes de la OCDE". Boletín UNAM-DGCS-729.

² Muradas, Maricruz. (2020). "El embarazo adolescente limita la vida de niñas, jóvenes y el desarrollo del país". Estudios Sociodemográficos y Prospectiva del Consejo Nacional de Población.

³ Grupo Interinstitucional para la Prevención del Embarazo Adolescente (2020). Informe 2020 de la Estrategia para la Prevención del Embarazo Adolescente.

⁴ Abortion is a medical procedure through which a pregnancy is terminated, and constitutes an essential health service for girls and women.

5. Cases of forced contraception have been documented among women with disabilities and women deprived of their liberty; in some parts of the country, the latter are forced/coerced to accept a contraceptive method as a condition for conjugal visits. In addition, access to safe abortion services in cases of rape in detention, has been registered as precarious or non-existent.⁵

6. The lack of information about sexuality and reproduction as well as the lack of access to safe, legal and affordable abortion services is an obstacle to the full enjoyment of sexual and reproductive rights and may lead to violations of these rights. In Mexico, in 2020, abortion became the 9th leading cause of maternal deaths and by 2021 it was the 6th leading cause of maternal deaths. By 2022, abortion became the 3rd leading cause of maternal death.⁶

7. In 2021, the National Supreme Court of Justice (SCJN) ruled that the criminalization of abortion was unconstitutional; however, only 13 of the 32 states have harmonized their Criminal Code with the Court ruling.⁷ It is important to highlight that even the states that have decriminalized abortion, such as the Ciudad de México (CDMX), continue to open investigation files for the “crime” of abortion.⁸ In April 2023, according to data from the Attorney General’s Office of the CDMX, 20 investigation files were opened for the “crime” of abortion in the state (compared to only 2 for feminicide, in contrast).⁹ This is because although abortion is decriminalized under certain grounds, the law is not applied with a gender perspective. Prosecutors open investigation files against women who have had an abortion when they do not comply with the grounds protected by law (voluntary termination of pregnancy is legal up to 12 weeks of gestation or in case of rape), which results in the continued criminalization of the right to decide even when it is decriminalized.

8. An example of the lack of access to safe abortion is the state of Guerrero, where on May 17th, 2022, the Congress of the State of Guerrero approved the reform to the Criminal Code decriminalizing abortion without gestational limit for all pregnant people, one of the most inclusive legislations in the country and a historic achievement. However, one year after decriminalization, serious problems persist in guaranteeing access to safe abortion services in the state: lack of information, bureaucratic and administrative obstacles to access the service, stigma when requesting information and/or performing the internship, etc. The same is true in virtually all states that have decriminalized abortion. There is little dissemination of information about decriminalization and how to access lawful abortion services, which results in the persistence of obstacles for women to exercise their right.

⁵ Grupo de información en Reproducción Elegida [GIRE], (2015). “Informe 2015: Niñas y Mujeres sin Justicia. Derechos Reproductivos en México”

⁶ National Institute of Statistics and Geography (INEGI), Press Release No. 486/22 August 31, 2022

⁷ These are the States of Mexico City, Oaxaca, Hidalgo, Veracruz, Baja California, Colima, Sinaloa, Guerrero, Baja California Sur, Coahuila and Quintana Roo.

⁸ It should be noted that in the states that decriminalized abortion (Baja California, Mexico City, Colima, Guerrero, Baja California Sur, Oaxaca, Hidalgo, Veracruz, Coahuila, Guerrero, Quintana Roo), abortion is decriminalized in the first 12 weeks of gestation, becoming “legal interruptions of pregnancy”, but the crime of abortion continues to exist after that 12-week period.

⁹ Data available at: <https://www.fgjcdmx.gob.mx/storage/app/media/Estadisticas%20Delictivas/2023/04-boletin-abril-2023.pdf>

Violence against women.

Public policy to prevent and address violence against women.

9. In the 2018 Universal Periodic Review, recommendations, Italy and Guyana recommended that the Mexican State continue with measures to promote and protect the rights of women and children and prevent violence and abuse against them. For their part, Germany, Australia, Korea, Ecuador, Japan, Nepal and Serbia recommended increasing actions and strengthening efforts to prevent and eradicate gender-based violence and domestic violence.

10. Regarding sexual violence against women, according to the Executive Secretariat of the National Public Security System (SESNSP)¹⁰, in 2022, 82,715 sexual crimes were reported throughout the country, of which 23,099 were rapes. It is important to mention that Mexico is obliged since the Campo Algodonero ruling¹¹ to have protocols for investigation of sexual crimes and access to medical services and support for victims of sexual crimes. However, currently most states do not have protocols for sexual violence victims, or they are outdated.¹² In addition, the NOM 046 of the Ministry of Health¹³ is not properly applied because there are few trained personnel to provide care to victims, who often experience revictimization as a result of this.

11. For example, in the state of Jalisco, according to information from the state Attorney General's Office, there is a high percentage of sexual abuse of girls between 12 and 17 years of age. In the last three months of 2023, 818 cases of sexual abuse were recorded against minors under 18 years of age. It is important to note that in Jalisco, the classification of rape of minors under 18 years of age as sexual abuse (the most severe classification in criminal matters)¹⁴, has served as an excuse to deny comprehensive care to victims up to abortion, under the Mexican Official Norm (NOM) 046.¹⁵ The state denies women the right to abortion because it assumes that the crime of sexual abuse is less serious, less violent and more severe than the crime of rape. Abortion was denied and all the previous rights that attend and are linked to the practice of abortion were denied

12. A review of the Comprehensive Program to Prevent, Address and Punish Violence against Women (PIPASEVM)¹⁶ shows that there was an increase in proposals related to the

¹⁰ Report as of December 31, 2022 .Executive Secretariat of the National Public Security System of the Secretariat of Security and Citizen Protection.

¹¹ Inter-American Court of Human Rights. GONZÁLEZ ET AL. ("CAMPO ALGODONERO") VS. MEXICO. Ruling of November 16, 2009.

¹² The states without protocol or with outdated protocol are: Aguascalientes, Baja California, Baja California Sur, Chiapas, Chihuahua, Colima, Durango, Guanajuato, Guerrero, Hidalgo, Michoacán, Morelos, Oaxaca, Querétaro, Sonora, Tabasco, Yucatán, Zacatecas.

¹³ The Mexican Official Standard addresses family violence, sexual violence and violence against women

¹⁴ In criminal matters, the crime of sexual abuse differs from the crime of rape because in the former there is no penetration, while in the latter there is. Therefore, in the scale of application of the penalty, the crime of sexual abuse has much more severe penalties of deprivation of liberty.

¹⁵ Mexican Official Standard 046-SSA2-2005. Family, Sexual Violence and Violence against Women: Criteria for Prevention and Attention, establishes the mechanisms for prevention and attention to sexual violence.

¹⁶ Refers to the Comprehensive Program to Prevent, Address and Punish Violence against Women (PIPASEVM); published in the Official Gazette of the Federation on December 30, 2021.

adoption of or reform of legislation, as well as the criminal punishment of violence and those related to the promotion and dissemination of information on gender, human rights, care services or legal resources. Despite efforts in this area, violence prevention is not understood from a comprehensive perspective by state institutions.¹⁷

13. The actions taken by the Institutes and State Women's Secretariats in Mexico¹⁸ address gender-based violence by giving the resources at individual level¹⁹, opting for individual therapy, leaving aside any collective or community strategy aimed at eradicating violence. The absence of a systemic view prevents establishing the link between the increase in violence, the participation of organized crime in the political and economic dynamics of the country, the decomposition of social fabric, corruption and the weakening of institutions.²⁰

14. The Institutes and State Women's Secretariats face multiple challenges in preventing and addressing gender-based violence, such as: a) legal and administrative difficulties (bureaucracy, dependence on other government agencies for certain administrative actions, legal limitations on functions and powers, etc.) that place these agencies at a disadvantage in fulfilling their function of coordinating policies related to gender-based violence; b) insufficient and discontinuous allocation of government resources, which has a negative impact on the implementation of programs to address violence; c) insufficient professionalization of working teams due to staff turnover²¹ lack of long-term public policy planning.

15. Regarding access to the Justice Centers for Women (CEJUM)²², only 5 out of every 100 Mexican women who suffered gender-based violence requested support from a CEJUM.²³ For the proper functioning of these Centers, several obstacles have been identified: lack of budget; insufficient staff due to the high demand for services, but also to the hiring scheme and staff turnover; lack of knowledge of the services provided by the CEJUM among the general population;²⁴ and finally, waiting times for attention, and, in some cases, the geographical location of the CEJUMs make these services inaccessible to the entire population.²⁵

¹⁷ EQUIS Justice for Women (2022). "Report. Prevention of violence against women. Mexico, 2015-2021." Available at: <https://equis.org.mx/prevencion-de-las-violencias-contra-las-mujeres/>.

¹⁸ Women's institutes and secretariats are public agencies of the federal executive branch and of each state, responsible for the design, development and implementation of public policies for women.

¹⁹ Approaching the application of public policies at the individual level, leaving aside a community and collective perspective when it comes to working on gender violence.

²⁰ Comisión Ejecutiva de Atención a Víctimas, Modelo Integral de atención a víctimas, 2015, <https://www.gob.mx/cms/uploads/attachment/file/127943/MIAVed..pdf>

²¹ Inter-American Commission on Human Rights, "Access to Justice for Women Victims of Violence in the Americas, n.d., <https://www.cidh.oas.org/women/acceso07/cap2.htm>.

²² According to the Ministry of the Interior, as of March 2023, 65 Justice Centers for Women (CEJUM) have been installed in Mexico. The CEJUMs are institutions whose purpose is to provide comprehensive, sequential, specialized and free care to women victims of violence, as well as to their children under 18 years of age. They offer diverse services such as medical and psychological care, legal orientation and legal representation, temporary shelter, social care, educational access, as well as economic empowerment counseling

²³ National Institute of Statistics and Geography (Inegi). (2022). National Survey on the Dynamics of Relationships in Households. <https://www.inegi.org.mx/programas/endireh/2021/>

²⁴ According to the report "Promotoras mayas de justicia: resultados y aprendizajes" (EQUIS, 2018), a survey revealed that out of 160 Mayan women in Yucatan, Mexico, none identified the CEJUM in their state as an institution they could turn to in case of violence. Available at: <https://equis.org.mx/promotoras-mayas-justicia-resultados-aprendizajes/>.

²⁵ EQUIS Justice for Women (EQUIS). (In press). *Report on Women's Justice Centers. 2018-2021*.

16. In addition to the deficiencies in the attention given to women, in Mexico only one protection order²⁶ is issued to safeguard the integrity and life of women for every 7.5 cases of violence.²⁷ The authorities make their granting conditional on the opening of a criminal, civil or administrative proceeding; they even confuse their legal nature with mechanisms such as protection and precautionary measures²⁸, do not carry out an adequate analysis of the context or the level of risk and are based on stereotypes that disqualify the victims. The implementation and follow-up of protection orders involves authorities from the three levels of government, but there is still lack of coordination. As for the General Law of Access to Women to a Life Free of Violence (LGAMVLV), it is not aligned with international protection standards, and there is no updated statistical information available by state or public versions of the orders issued.²⁹

17. In terms of support services for victims of violence, state shelters for women victims of violence are scarce compared to the number of victims of different types of violence who request these services. As a description of the above, the National Shelter Network (RNR) attended 45,490 women, girls and boys survivors of gender-based violence committed by men in 2021; and from January to March 2022, it provided accompaniment, comprehensive care and protection to 10,031 people.³⁰ Despite the above, the resources allocated to shelters from 2020 to 2021 decreased (from 446.5 million Mexican pesos to 420), and from 2021 to 2022 they remained the same,³¹ which contravenes the gender budget law that establishes that budgets must be progressive. It is also important to note that the State has not delivered the budget allocations on time. On May 26, 2022, The National Commission to Prevent and Eradicate Violence Against Women, by means of a public statement declared that the financial resources established in the "Operating Guidelines of the Support Program for Specialized Shelters for Women Victims of Gender-Based Violence, their daughters and sons" for the fiscal 2020, will begin the transfer of resources as of May 25, 2022.³² However, by July of the same year, several shelters stated that they had not yet received the resources. The National Network of Shelters established that approximately 15% of the shelters in the country had not even received the first allocation of resources in the seventh month of the year.³³

²⁶ Protection orders are a mechanism for prevention and protection against violence against women, based on the General Law on Women's Access to a Life Free of Violence, which obliges administrative and jurisdictional authorities, within the scope of their competencies, to issue, implement and enforce such mechanisms.

²⁷ Banco Nacional de Datos e Información sobre Casos de Violencia contra las Mujeres (Banavim). (2023). https://banavim.segob.gob.mx/Banavim/Informacion_Publica/Informacion_Publica.aspx

²⁸ Protective and precautionary measures are referred to in the National Code of Criminal Procedures. The former are issued by the Public Prosecutor's Office ex officio to protect the victims of a crime and are valid for a period of 60 days, which may be extended. The second are issued by criminal judges, as well as the Public Prosecutor's Office, and are intended to prevent the accused person from obstructing the criminal proceeding, and therefore remain in effect for as long as the proceeding lasts. In both cases, the filing of a complaint is required.

²⁹ EQUIS Justice for Women (2022). "Guía para dictar órdenes de protección. Claves para una protección eficaz desde los Poderes judiciales" (Guide to issuing protection orders. Keys to effective protection from the judiciary). <https://equis.org.mx/guia-para-dictar-ordenes-proteccion/>

³⁰ Red Nacional de Refugios, "De los discursos a los hechos II: Análisis del Programa de Apoyo para Refugios Especializados para Mujeres Víctimas de Violencia de Género, sus hijas e hijos desde un enfoque de derechos humanos e igualdad"

³¹ *Idem*

³² Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres, "Se garantiza entrega de recursos a refugios para atención de mujeres con sus hijas e hijos en condición de violencia por razones de género.", 26 de mayo 2022, <https://www.gob.mx/conavim/prensa/se-garantiza-entrega-de-recursos-a-refugios-para-atencion-de-mujeres-con-sus-hijas-e-hijos-en-condicion-de-violencia-por-razones-de-genero-303251?idiom=es>

³³ El País, "La falta de presupuesto ahoga a los refugios para mujeres víctimas de violencia en México", 08 de julio 2022, <https://elpais.com/mexico/2022-07-08/la-falta-de-presupuesto-ahoga-a-los-refugios-para-mujeres-victimas-de-violencia.html>

Gender-Based Violence Against Women Alert Mechanisms (AVGM)

18. In the 2018 UPR, Spain, Austria, France and Norway recommended evaluating the application of the Gender-Based Violence Against Women Alert (AVGM) mechanism, creating the necessary regulations to eliminate legal uncertainties in its implementation, as well as strengthening inter-institutional coordination with broad consultation with civil society to decrease the high levels of gender-based violence in the country. In addition, Norway, Austria, Moldova and Spain recommended taking further measures to ensure the effective implementation of the General Law on Women's Access to a Life Free from Violence (LGAMVLV), with the objective of ending impunity for violence against women.

19. According to the LGAMVLV, the AVGM is a set of coordinated, comprehensive, emergency and temporary governmental actions carried out among the authorities of the three orders and government levels. Its function is to confront and eradicate feminicide violence in a given territory³⁴. The objectives of the AVGM include guaranteeing of life, integrity, freedom and security, as well as access to justice for women, adolescents and girls. It also generates the conditions and public policies that contribute to the reduction and elimination of feminicidal violence against them.³⁵ There is an alert mechanism but it can be requested for different causes: feminicidal violence, disappearances of women, sexual violence.

20. The AVGM is issued when there is a context of feminicidal violence characterized by the persistent increase of acts or crimes involving violations of the rights to life, liberty, integrity and security of women, adolescents and girls in a given territory.³⁶

21. Most AVGMs have been requested for feminicides, disappearances and sexual violence.³⁷ This tool still faces the challenge of having effective mechanisms for the follow-up and evaluation of the decreed measures and to have research based on an adequate methodology that allows for the analysis of contexts that facilitate the detection of deficiencies in public policies to address, prevent and punish violence against women and to generate adequate measures for their attention. It should also be noted that there are no mechanisms to indicate when the alert is lifted.

22. To date, 25 AVGM have been declared in 22 of the 32 states in the country,³⁸ which represents the State's recognition through legal and institutional means of the latent risks of being a woman in 70% of the national territory. In addition to the above, there are states that have had AVGM for feminicide violence for 8 years, such as Morelos and State of Mexico.

³⁴ Article 22 LGAMVLV

³⁵ Article 23 LGAMVLV

³⁶ Article 24 LGAMVLV

³⁷ CONAVIM, "Seguimiento de los mecanismos de Alerta de Violencia de Género contra las Mujeres 2020", 30 de junio 2020, https://www.gob.mx/cms/uploads/attachment/file/567408/VF_INFORME_AVGM_2020.pdf
CNDH México, "Informe mensual AVGM", octubre 2022, https://igualdaddegenero.cndh.org.mx/Content/doc/Publicaciones/INFORME_AVGM_OCTUBRE_22.pdf

³⁸ Instituto Nacional de las Mujeres, "Alerta de Violencia de Género contra las Mujeres", 24 de octubre 2021, <https://www.gob.mx/inmujeres/acciones-y-programas/alerta-de-violencia-de-genero-contra-las-mujeres-80739>

23. Although the Mexican State has made recent reforms to the LGAMVLV,³⁹ normative gaps continue to predominate in terms of regulations and operating guidelines, perpetuating the lack of harmonization and inter-institutional coordination among the corresponding agencies. This causes the perpetuation of human rights violations due to the omission and/or action of the institutions and the lack of certainty of their competencies and responsibilities within the Mechanism.

24. Despite the information provided on the follow-up of the recommendations by the agencies, government, Working Groups and Interinstitutional and Multidisciplinary Groups (GIM) of the different AVGMs⁴⁰, each one in each state creates its own indicators to define whether or not the measure was complied with in terms of creation, but not implementation, without the process to create such indicators being transparent. This situation generates that the indicators are different in each state, which makes it difficult to evaluate the measures with uniform and standardized criteria at the federal level.

25. Finally, it is observed that despite the existence of a budget earmarked for some of the public agencies that must implement the AVGM,⁴¹ there is no clarity in the federal and local competencies for its implementation and/or follow-up. In addition, it is necessary that the recommendations of the AVGM be standardized and considered within the construction and implementation of public policies for the prevention of gender-based violence, human rights and attention to victims.

Violent deaths, homicides of women and feminicides

26. At the 2018 UPR, Estonia, Syria and Liechtenstein recommended strengthening the fight against gender-based violence, particularly against feminicide and the murder of women. For their part, Canada, Cuba, Belgium and France recommended conducting thorough, independent and impartial investigations into feminicides, ensuring that perpetrators are brought to justice, guaranteeing reparations for the victim's families for the harm suffered, systematically using the protocol for investigating the crime of feminicide. However, sexual and gender-based violence is a serious problem that continues to affect young and adolescent girls, women and their families in particular.

27. Despite government efforts to stop gender-based violence, this continues to be a problem that has not been eradicated. In Mexico, according to information from Executive

³⁹ Diario Oficial de la Federación: "Se reforma el artículo 7; artículo 8, párrafo único; artículo 34 Ter, fracciones XIX y XX; artículo 34 Quáter, fracción XII; artículo 38, fracciones IX, X, XII y XIII; artículo 41, fracciones V y XIX; artículo 42, fracción XIV, el título de la Sección Cuarta del Capítulo III del Título III; artículo 44, párrafo único fracciones I, IV y XI; artículo 47, fracción IX; artículo 49, párrafo único, fracciones XXIII y XXIV; artículo 52, fracción III y el último párrafo vigente; artículo 54, párrafo único y fracciones IV y VI. Se adiciona una fracción XVII al artículo 5; párrafo segundo al artículo 8; fracción XX, al artículo 34 Ter, recorriéndose la subsecuente, fracción XIII al artículo 34 Quáter, recorriéndose la subsecuente; fracciones XIV, XV y XVI al artículo 38; fracción XX, al artículo 41, recorriéndose la subsecuente; fracciones XV, XVI, XVII, XVIII y XIX al artículo 42, recorriéndose la subsecuente; fracciones XII y XIII, al artículo 44 y se recorre la subsecuente; fracción XXV, al artículo 49, recorriéndose la subsecuente; dos últimos párrafos al artículo 52; un último párrafo al artículo 54; Capítulo VI, denominado De los Centros de Justicia para las Mujeres al Título III, con los artículos 59 Bis, 59 Ter, 59 Quáter, 59 Quinquies, 59 Sexies, 59 Septies, 59 Octies, 59 Nonies y 59 Decies. Se deroga la fracción III del artículo 44 de la Ley General de Acceso de las Mujeres a una Vida Libre de Violencia", 8 mayo 2023

⁴⁰ The main objective of the Interinstitutional and Multidisciplinary Group will be to analyze, evaluate and issue recommendations to improve the implementation of actions generated as a result of the Gender Violence Alert against women, through the following actions. Article 24 Quater LGAMVLV

⁴¹ The states that have a labeled budget are: Campeche, Chiapas, Chihuahua, Mexico City, Colima, Durango, State of Mexico, Guerrero, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tlaxcala, Veracruz, Zacatecas. Source: Publication of results on projects submitted to be beneficiaries of resources destined to coadjutant actions for daygm for fiscal year 2023.

Secretariat of the National Public Security System (SESNSP),⁴² from 2015 to 2022 violence against women,⁴³ specifically murders (feminicide victims plus intentional homicides)⁴⁴ has remained at more than 3,000 victims annually nationwide. 2019 is the year with the highest historical record with 3,884 murders of women, which meant 11 women murdered daily.⁴⁵

28. In terms of victims of feminicides, the year 2021 stands out for having the highest historical record with 1,018 registered cases of these crimes⁴⁶ (4% increase compared to the previous year). It is important to note that 2021 was the second year of the SARS-CoV-2 pandemic, which kept most people at home. In particular, for the last annual record from 2022, the states of Guanajuato (with 434), Estado de México (with 409) and Baja California (with 300) ranked in the top three of states with the highest number of victims of lethal violence, concentrating 30% of the national total.

29. In 2018, the historical maximum of feminicide victims over 18 years of age was recorded with 293. Since 2019 they represented 10% of the total at the national level of feminicides. At the state level, the State of Mexico is alarming for concentrating the highest number of female victims of any age range.⁴⁷

30. But femicidal violence is not the only extreme violence suffered by women in Mexico. According to the National Institute of Statistics and Geography (INEGI) (2022)⁴⁸, in the last two decades lethal violence has been reconfigured, while the trend from 2000 to 2007 was downward, from 2008 the homicide rate and records of female victims arose by 33% in the context of the implementation of the militarization policies of public security of former President Felipe Calderon⁴⁹. These numbers have tripled during the last four years, going from 2 to 6 murders per 100,000 women. However, the maximum record of lethal female victims occurred in 2020, a year that stood out for having a high concentration

⁴² As a source of information, we used the database of victims within investigation files initiated in the common jurisdiction, using the update of April 18, 2023. This database contains data from January 2015 to April 2023; the updates made by the SESNSP are monthly, in these they make corrections so there may be differences with the data published here regarding updates of the information after the one already mentioned.

⁴³ Since 2012, the Federal Criminal Code provides that "the crime of femicide is committed by anyone who deprives a woman of her life for gender-based reasons," which can be accredited based on a series of circumstances detailed in Article 325. However, this is not the only definition, as the criminal codes of the different states have integrated this criminal offense with criteria that do not necessarily coincide with each other. As an example of this, a reading of the state criminal codes suggests that the murder of a woman who was also a victim of human trafficking by the same aggressor should be classified as femicide in Aguascalientes. In Oaxaca, Tabasco or Guanajuato, however, the same case could be classified as intentional homicide of a woman. In this context, and given that the aim is to analyze lethal violence against women in general, we will analyze intentional homicides of women and feminicides together to avoid biased comparisons between states. It should be added that only 33% of intentional homicides of women are investigated as feminicides despite the fact that the IACHR obliges the Mexican State to begin the investigation from the beginning under that premise.

⁴⁴ Mexico has different categories of crimes to criminalize the murder of women. Thus, a feminicide is committed by anyone who deprives a woman of her life for a gender-based reason. Homicide is the deprivation of a person's life in which gender issues do not interfere.

⁴⁵ Report as of December 31, 2022. Executive Secretariat of the National Public Security System of the Secretariat of Security and Citizen Protection.

⁴⁶ *Ídem*

⁴⁷ Report as of December 31, 2022. Executive Secretariat of the National Public Security System of the Secretariat of Security and Citizen Protection.

⁴⁸ General homicide death records from INEGI, last updated on October 26, 2022. The information within this registry goes from 1990 to 2021, the information varies each delivery due to corrections and because of this the information within this report may vary with updates after the above mentioned

⁴⁹ It was during the government of Felipe Calderón Hinojosa (2006-2012) when the role of the Armed Forces in public security tasks took on a new magnitude through their participation in the frontal attack strategy against criminal organizations, mainly those involved in drug trafficking. MUCD México Unido contra la delincuencia, "La militarización de la seguridad pública: impidiendo la construcción de un México más seguro y en paz".

of women confined to their homes, due to the pandemic.⁵⁰ The above suggests that the climate of violence and the serious human rights crisis that is experienced in general terms throughout the country, has a differential impact on the bodies and lives of women, which translates into figures and rates of specific violence.

31. Mexico has generated policies and legal frameworks to address the problem of femicide, however this is not adequately implemented, so that victims and family members face various obstacles by the Prosecutor's Offices, such as: 1) The refusal to record the investigation files as attempted femicide in cases of extreme gravity, being classified as injuries or domestic violence. 2) Multiple omissions and errors in carrying out investigative acts, which lead to the loss of evidence necessary for the clarification of the facts and responsibilities. It has been documented that public servants lose evidence related to the facts, do not investigate sufficiently and do not apply a gender perspective, thus promoting impunity.⁵¹ 3) The refusal to apply the gender perspective in the investigation of femicides, as well as to follow specialized protocols in the investigation of the crime of femicide and to classify the violent death of a woman as a femicide, in many cases considering them suicides, contravening their duty to act with due diligence and apply the national standards issued in relation to the cases of femicide resolved by the Supreme Court of Justice of the Nation (SCJN).⁵²

32. It is important to highlight that the manner in which these assaults have been carried out has also changed. Since 2007, firearms have become increasingly relevant in the murder of women: in 2007, 3 out of 10 women were murdered with some firearm, while for the last six years of available records (2016 to 2021), this proportion has increased to 6 out of 10. The place where the murders of women are perpetrated has also varied: for the last year, 6 out of 10 homicides of women were committed on public roads.⁵³

33. By 2021 the ravages left by the confinement of the SARS-CoV-2 pandemic are evident, as 54% of the murders of women inside their homes were committed through the use of arms, that is 517 out of 963.⁵⁴

34. On average, from January to December 2019, 796 cases of orphaned children and adolescents by femicides were identified by the authorities.⁵⁵

⁵⁰ See Centro de Estudios Ecueménicos, Data Cívica, EQUIS Justicia para las Mujeres, Intersecta. (2021). Violencia de género con armas de fuego en México. En: <https://www.intersecta.org/presentacion-del-informe-violencia-de-genero-con-armas-de-fuego-en-mexico/> ; Data Cívica. (2019). Claves para entender y prevenir los asesinatos de mujeres en México. <https://media.datacivica.org/pdf/claves-para-entender-y-prevenir-los-asesinatos-de-mujeres-en-mexico.pdf> ; Georgina Jiménez. (2021). ¿Mataron a más mujeres durante la pandemia? En 2020 la culpa también la tuvieron las armas de fuego. Animal Político. <https://www.animalpolitico.com/analisis/organizaciones/el-foco/mataron-a-mas-mujeres-durante-la-pandemia-en-2020-la-culpa-tambien-la-tuvieron-las-armas-de-fuego>

⁵¹ Amnesty International, Trial to Justice. Deficiencias en las investigaciones penales de feminicidios precedidos de desaparición en el Estado de México, available at <https://amnistia.org.mx/contenido/wp-content/uploads/2021/09/Informe-Juicio-a-la-Justicia-Amnist%C3%ADa-Internacional-M%C3%A9xico.pdf>.

⁵² AMPARO EN REVISIÓN 554/2013 y AMPARO EN REVISIÓN 1284/2015

⁵³ Data Cívica. (2019). Keys to understanding and preventing the murders of women in Mexico. <https://media.datacivica.org/pdf/claves-para-entender-y-prevenir-los-asesinatos-de-mujeres-en-mexico.pdf> ;

⁵⁴ Georgina Jiménez. (2021). Did more women get killed during the pandemic? In 2020, firearms were also to blame. Animal Político. <https://www.animalpolitico.com/analisis/organizaciones/el-foco/mataron-a-mas-mujeres-durante-la-pandemia-en-2020-la-culpa-tambien-la-tuvieron-las-armas-de-fuego>

⁵⁵ Technical Roundtables on Access to Justice for Women and Girls in Cases of Violent Deaths carried out in 2019 by the National Women's Institute.

It is worth highlighting the serious situation of children orphaned by femicide in Mexico, which has been increasing since 2015, the year in which its registration began. From December 2018 to April 2021, 5,072 people from 0 to 17 years old have been orphaned due to femicides in Mexico⁵⁶. On average, 177 cases of orphanhood due to femicide have been registered monthly from December 2018 to March 2021; more than five orphaned children and adolescents per day⁵⁷ (El Universal, 2021).

35. In response to this increase in the murders of women, investigations are deficient: evidence is lost, there is insufficient investigation and the gender perspective is not properly applied. Likewise, families are re-victimized because they must invest time and money to investigate, pressure authorities to carry out investigations, are frequently threatened and/or mistreated by some people responsible for the crimes and/or by authorities, which hinders the judicial process and increases the likelihood of cases going unpunished, seriously affecting the families' access to truth, justice and reparations⁵⁸

Disappearances of Women

36. In 2018, Argentina, Belgium, Canada, France, Ghana, Italy, Lithuania and Poland recommended conducting expeditious, detailed, thorough, in-depth, independent and impartial investigations into all cases of enforced disappearance and bringing perpetrators to justice, respecting international standards of justice. For their part, Germany, Korea, Spain, Montenegro and Ireland recommended implementing the Federal Law on Enforced Disappearance of Persons at the national level and providing sufficient resources for its application.

37. However, despite government efforts, the disappearance of people continues. Between 2018 and 2022, more than 40 thousand women were reported missing,⁵⁹ of which, around 11,701 remained missing at the beginning of this year. 55.8% of the women reported missing are in the age range of 10 to 19 years, ages vulnerable to different types of violence and crimes, which reflects the lack of targeted and effective policies to protect girls and adolescents. According to figures from the state prosecutors' offices of 21 states in the country,⁶⁰ in 2020 and 2021 a total of 18,259 women and girls disappeared, 14,480 were located alive and 289 lifeless. Most of the victims are minors. It is important to mention that in relation to this crime there is an underreporting,⁶¹ there is little information on patterns and modus operandi. There is no clarity regarding how many women are found alive, dead and the reasons for their disappearance. Due to underreporting and lack of confidence in the official figures released by the State, it is not known with certainty how many women are found alive, how many are found dead and the reasons for their disappearance

⁵⁶ National Commission to Prevent and Eradicate Violence against Women (CONAVIM), 2021, "Violence against Women in Mexico"

⁵⁷ El Universal, 2021

⁵⁸ Amnesty International (2021), Trial of Justice, available at <https://amnistia.org.mx/contenido/index.php/juicio-a-la-justicia/>.

⁵⁹ Registro Nacional de Personas Desaparecidas y No Localizadas (RNPDNO), accessed el 02 de enero de 2023.

⁶⁰ Aguascalientes, Baja California Sur, Baja California, Campeche, Ciudad de México, Chihuahua, Colima, Estado de México, Guanajuato, Guerrero, Michoacán, Morelos, Nuevo León, Oaxaca, Puebla, Q.Roo, Sinaloa, San Luis Potosí, Tabasco, Tlaxcala, Zacatecas.

⁶¹ Cultura Unam, "Trata de personas, un Modus Operandi sin rastro", 21 de enero 2023, <https://corrientealterna.unam.mx/derechos-humanos/maria-angela-desapariciones-en-metro/>

38. The United Nations Committee on Enforced Disappearances⁶² considered of particular concern the specific victimization of women who, in most cases, are left in charge of their families and face with their own means the search for their loved ones, while suffering the serious social and economic effects of disappearances and, in many cases, are victims of violence, persecution, stigmatization, extortion and reprisals. The seriousness of disappearances, the diversity and intensity of their impacts on victims and Mexican society as a whole require the urgent adoption and implementation of a National Policy for the Prevention and Eradication of Disappearances.

39. For its part, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in the case of Ivette Melissa Flores Román resolved⁶³ that the adoption and implementation of a national policy for the prevention and eradication of forced disappearances of women must have as cross-cutting themes the standards of due diligence, the gender and human rights approach, which must be comprehensive, and address and combat the root causes of forced disappearances of women and aim at their non-repetition. The Committee also considered that impunity for these crimes contributes significantly to the consolidation of a culture of acceptance of the most extreme forms of gender-based violence against women in society, which contributes to the continued commission of these crimes.⁶⁴

40. Finally, it should be noted that in the face of the authorities' inaction, it is women who usually take on the task of searching for missing persons, many of them organized in brigades that scour the land throughout the territory to find the remains of family members, receiving no protection but rather intimidation from state agents.⁶⁵ Mexican institutions have a great debt in terms of transparency in cases of serious human rights violations.

Trafficking in persons

41. Côte d'Ivoire, Indonesia, Malaysia and Rwanda recommended continuing efforts to combat human trafficking by adopting measures to comprehensively address trafficking and ensure accountability. The United Kingdom recommended strengthening the human and financial resources of the Special Anti-Trafficking Committees and Units. In addition to a gender perspective by Djibouti, the Philippines and Guyana, Iraq, Sri Lanka and Tunisia recommended additional efforts towards the protection of children and the prevention of child trafficking, child exploitation and involvement in organized crime.

42. According to the Attorney General's Office (FGR)⁶⁶, from 2018 to 2022 there were 241 investigation files related to this crime. Regarding the victims, 85.88% were women and

⁶² Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention Index Information on the visit, findings and first part of the recommendations. CED/C/R.9

⁶³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f83%2fD%2f153%2f2020&Lang=en

⁶⁴ Idem

⁶⁵ Formando Hogar Case: "On December 6 and 11, in a joint operation composed of elements of the Veracruz Investigation Agency and the Secretary of the Navy, previously coordinated operations were carried out in a small geographical area of the "Formando Hogar" neighborhood, in the city of Veracruz, Veracruz, in which police and armed forces squads sowed pain and terror in more than six families, who are still searching for their children. Witnesses claim to have seen the young men alive in police facilities, but for giving this information, they have been threatened." United Nations, "The Binding Nature of the Urgent Actions of the UN Committee against Enforced Disappearance in Mexico," June 2023, https://hchr.org.mx/wp/wp-content/uploads/2023/06/CaracterVinculanteAccionesUrgentesdelCEDenMexico_13062023.pdf

⁶⁶ Attorney General's Office of the Republic. No. Oficio FGR/UTAG/DG/003673/2022 of June 15, 2022 and Fiscalía General de la República. No. Oficio FGR/UTAG/DG/000516/2023 of January 26, 2023.

14.11% were men. About women, 80.82% were adults, 11.64% were under 18 years old and 7.53% were unidentified. This panorama allows us to observe the feminization and sexualization of human trafficking, which is much greater against adult women, especially for the purposes of sexual exploitation; however, it is still worrying that there are minors under 18 years of age in a trafficking situation and that there are unidentified cases. Out of 241 investigation files, only 9 resulted in reparation of damages.⁶⁷ At the state level, from 2018 to 2022 there were 3,953 cases⁶⁸. Despite the fact that the modality of human trafficking for purposes of labor exploitation or forced labor is the second in frequency, the Ministry of Labor and Social Welfare, through its inspections at the federal level and by entity, did not find any case.⁶⁹

43. Of the State Attorney General's Offices and the FGR, only 6% have a specialized shelter for victims of human trafficking, and only 15% have a specialized shelter, which is worrisome given the State's obligation to protect victims and guarantee their social reincorporation through spaces that provide comprehensive care, training and employment opportunities that address situations of vulnerability.⁷⁰

Access to justice and reparation

44. Bahrain, Denmark, Ecuador, Spain, Ireland, the United Kingdom and the Holy See recommended in 2018 to implement mechanisms to address impunity and corruption in investigations of human rights violations to ensure restitution and due reparations, to victims and their families. Bahrain and Malaysia recommended mainstreaming a gender perspective in the investigation of crimes against women and access to justice. Bahrain recommended enacting laws, establishing the necessary protection mechanisms and allocating sufficient resources to combat impunity, especially in relation to crimes committed against women, children and the elderly. Australia, Austria, the Netherlands and the United Kingdom recommended establishing a fully independent Attorney General's Office to conduct impartial and transparent investigations and ensure that perpetrators are brought to justice.

45. In 2021, the SCJN issued the Ruling in Amparo en Revisión 1284/2015 ⁷¹, related to the femicide of Karla Pontigo, whose murder had been classified as culpable homicide. In this ruling, the Attorney General's Office of the State of San Luis Potosí was ordered to reopen the investigation and to carry out the necessary procedures to investigate the death of the young woman with a gender perspective. The SCJN established that the new process must adhere to the standards developed by the Court regarding access to justice, the right to truth and to a life free of violence and discrimination based on gender. In addition, it stated that the conclusion reached must be based on the evidence collected, admitted and presented, and will be analyzed from a gender perspective. Following up on the previous judgment in

⁶⁷ Idem

⁶⁸ According to data from 2021, Mexico went from 415 cases of trafficking in 2015 to 550 in 2020; accumulating a total of 2,583 victims of this crime in five years. Citizen Council for Security and Justice of Mexico City, "Annual Report. Trata de personas", julio 2022, <https://consejociudadanomx.org/pdf/segundo-reporte-de-trata-62e29ecb086e9/Reporte%20Trata%20de%20Personas%20del%20Consejo%20Ciudadano%202021%20-%202022.pdf>

⁶⁹ SENADO, "Trata de personas en México", s.f., https://www.senado.gob.mx/comisiones/trata_personas/docs/trata.pdf

⁷⁰ CNDH, Diagnóstico sobre la Situación de la trata de personas en México 2021, Procuración e impartición de justicia, pág. 71-73.

⁷¹ SCJN, Sentencia mediante cual se resuelve el amparo en revisión 1284/2015, 13 de noviembre 2012, https://www.sitios.scjn.gob.mx/casascultura/sites/default/files/page/documentos/2020-06/Sentencia%20AR%201284-2015_Karla%20Pontigo%20Lucciotto.pdf

the case of Mariana Lima Buendía, the Court noted that: "all cases of women's deaths, including those that *prima facie* appear to have been caused by criminal motives, suicides and some accidents, must be analyzed with a gender perspective to rule out/confirm gender-related reasons for the death."⁷²

46. The sentence in the case of Karla Pontigo is relevant because it opens the possibility that 10 years after her femicide, her family will have access to justice, and reiterates the obligation of judicial authorities to investigate all violent deaths of women with a gender perspective. However, impunity and lack of due investigation persist. According to the organization Impunidad Cero, less than half of the registered femicides have resulted in a conviction.⁷³

47. From 2020 to the end of 2021, the Prosecutor's Office for the Investigation of Crimes Committed against Groups of Priority Attention in Mexico City initiated 119 investigation files for gender violence, where 90% of the victims are women, and of which only 28 were prosecuted.⁷⁴ The right to access to justice is essential to achieve judicial processes with a gender perspective and a human rights approach that result in sentences with comprehensive reparations. In relation to access to justice for indigenous women, we found deficiencies in guaranteeing that their defense is in their mother tongue. Government institutions do not have translation services into indigenous languages, nor do they have suitable professionals to follow up, judge and sentence these cases with an intercultural perspective.

48. Regarding the reparation of damages, the Executive Commission for Attention to Victims (CEAV) has delegations in the 32 entities of the Republic, however, it operates with a deficit. For 2022, the CEAV required more than 2,500 million pesos, but less than 1,000 million pesos were approved, so there was not enough money to operate the institution and guarantee payments to 3,000 victims. In addition, payments to victims for reparation of damages fell by 80%⁷⁵. According to the CEAV, regarding the use of the Fund for Aid, Assistance and Integral Reparation, on November 6, 2020 the decree was published in the Official Gazette of the Federation by which "the extinction of the Fund for Aid, Assistance and Integral Reparation took place, which had the purpose, among others, to provide integral reparation to the victims of crime and human rights violations",⁷⁶ which had a negative impact on the integral reparations of the damage.

49. Currently, the CEAV's budget does not define the percentage to be allocated for the attention and/or reparation of damages, nor is it classified by priority attention groups,

⁷² SCJN, Sentencia mediante cual se resuelve el amparo en revisión 1284/2015, 13 de noviembre 2012, (p. 79) https://www.sitios.scjn.gob.mx/casascultura/sites/default/files/page/documentos/2020-06/Sentencia%20AR%201284-2015_Karla%20Pontigo%20Lucciotto.pdf

⁷³ "Regarding the accumulated impunity indicator, which allows us to know the aggregate of six years, impunity for femicide from 2016 to 2021 amounts to 56.6% nationwide. That is, less than half of the registered femicides have concluded with a conviction since the criminal justice system began to operate, and the crime was gradually typified in the states." Impunidad Cero, "Impunidad en Homicidio doloso y Femicidio", 2022, <https://www.impunidadcero.org/uploads/app/articulo/175/contenido/1669895146115.pdf>

⁷⁴ National Transparency System. Information request 0113100285521, Febrero de 2022.

⁷⁵ CEAV will operate in 2022 with a deficit of more than 1.6 billion; payments and contracting are in danger. At URL: <https://www.animalpolitico.com/2021/12/ceav-2022-deficit-peligran-pagos-contrataciones/> consultado el 3 de mayo de 2022.

⁷⁶ Executive Commission for Attention to Victims. Response to Information Request 331020422000029 of May 20, 2022

victims of crimes and/or serious human rights violations⁷⁷. Without defined items in the budget, nor reports that account for its exercise, coupled with the lack of attention to victims of crimes and serious human rights violations, the rights to reparation of damages, access to justice and a life free of violence are violated, perpetuating institutional violence against women and girls who are victims of violence.

Recommendations

50. Guarantee access to information through the dissemination of official data on women victims of family and gender violence, as well as sexual crimes, through the Executive Secretariat of the National Public Security System

51. Standardize the legislation on the voluntary interruption of pregnancy in the 32 states,

52. Standardize and update the protocols for the care and investigation of cases of sexual violence against women.

53. Guarantee progressive budget allocations for Justice Centers for Women (CEJUM) in the federal entities' budgets.

54. Standardize and guarantee the correct functioning of the Protocol of Care for Children and Adolescents orphaned by Femicide. Create a register, so that these children and adolescents have access to the coverage of the essential rights for a dignified life.

55. To publish the Regulation of the LGAMVLV, in accordance with the provisions of the reform of the Law in relation to the AVGM mechanism, which establishes its operation.

56. Strengthen the federal and state budgets of the Specialized Prosecutor's Offices for Gender-Based Crimes to increase the number of personnel dedicated to the investigation of cases from a gender perspective.

57. Update the Protocols for the Investigation of the Crime of Femicide of the State Prosecutor's Offices from a gender perspective, that is, the accreditation of the gender reasons for feminicides.

58. Develop diagnoses on the patterns of disappearance and location of women for the purpose of prevention of disappearances of women and related crimes such as human trafficking, domestic violence, abduction of girls and adolescents, and femicide.

59. Provide greater resources for the creation and maintenance of shelters, refuges and halfway houses for victims of trafficking that favor their social reintegration

60. Strengthen accountability and transparency mechanisms in the Commissions for Attention to Victims, prosecutors' offices and state and federal attorney general's offices.

61. Conduct diagnoses, in collaboration with civil society, to evaluate policies related to comprehensive reparation, taking on board a gender-responsive, survivor-centered and intersectional approach which tailors the reparations to the specific needs of victims/survivors.

⁷⁷ National Transparency System. Information requests folios 0063300021021, 0308100013421, 0328300021821, 0328300021721. September 2021 to February 2022.

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