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Mexico: Domestic violence

COI Compilation

May 2017



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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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1 Relevant legislative framework

General Act on Women's Access to a Life Free of Violence

In a July 2016 state report on the implementation of the Covenant on Economic, Social and Cultural Rights, the government of Mexico notes that domestic violence is defined in Article 7 of the General Act on Women's Access to a Life Free of Violence (Government of Mexico, 21 July 2016, p. 19). An English translation of the legal definition of domestic violence is provided in a footnote of the report:

“Domestic violence is defined as an ‘act of abuse of power or of intentional omission that is intended to dominate, subjugate, control, or attack women in a physical, verbal, psychological, economic, property-related or sexual manner, whether within or outside the family home, in which the perpetrator has or had a family relationship by consanguinity, affinity, marriage or cohabitation with the woman concerned or has or had maintained a de facto relationship with her’.” (Government of Mexico, 21 July 2016, p. 19, footnote 48)

Fundar, a Mexican independent non-partisan organization, which promotes the advancement of democracy and monitors public policies and public institutions, in June 2016 published a research paper for the ELLA programme. ELLA is a knowledge and exchange programme, coordinated by Practical Action Consulting (PAC) Latin America, funded by the UK Department for International Development (DFID), UK Aid and supported by the Institute for Development Studies (IDS) of Sussex University. The report gives an overview of domestic violence and state responses in Latin America, but the main focus is on Mexico, where a case study was carried out in a Mexico City shelter for victims of domestic violence. The report describes the different levels of protection services stipulated in the General Law on Women's Access to a Life Free from Violence, which are available to Mexican women who survive violence. It further states the different actors involved in order to address violence against women:

“The Mexican case is interesting in several ways. First, it has a unique law [General Law on Women's Access to a Life Free from Violence] that makes reference to different types of violence against women, and domestic violence is considered one of the spheres where violence takes place. Besides defining domestic violence, the law also recognises other forms of violence against women, such as violence in the workplace or the school, violence in the community, violence in public/state institutions, and femicide as the most extreme form of violence.

Secondly it is unique in how it proposes to coordinate different institutions to prevent, protect, attend and sanction violence against women. And finally, the law includes a protection component for women who survive violence, with a reference to shelters as a specific mechanism to do so. The protection component is the only mechanism dealing directly with women which seeks to ensure they understand the social nature of the violence, beyond their personal/ individual histories.

Thus the Model of Protection for women who survive domestic violence is an essential part of the law. It encompasses a set of comprehensive and specialised services provided to women survivors, their children, and perpetrators, in order to address in a comprehensive

way the impact of the violence. Moreover, these services must be provided in accordance with a coordinated national policy, guiding principles of human rights, and the so-called Comprehensive Programme to address violence against women. It envisions the participation of three main branches of the government: the Public Health System (article 46), the National Women's Office (article 48) and the Special Prosecutor's Office also known as CAVI (article 47), at the federal, local and municipal levels. These institutions are mandated to provide immediate and basic protection as first and second levels of protection that are key to prevent violence becoming more extreme. In the specific case of the Public Health System, whenever a case of domestic or sexual violence is detected, the personnel is obliged to bring it to attention in accordance to a mandatory protocol NOM 046 [Norma Oficial Mexicana 046] which includes specific standards that medical personnel should follow for the treatment of women who have survived domestic violence.

Another crucial institution of the protection model corresponds to shelters. These are included in the third level of protection services and provide a set of specialised and comprehensive services to attend women who have survived extreme forms of domestic violence. Based on this conceptualization, the shelters' main objective is the satisfaction of women's basic needs such as a confidential, temporary and free of charge space where they can feel safety from the aggressor. Psychological, educational, medical, legal and social work services are mandated to be provided to women and their children by specialized personnel (Sotelo Olivares & Lopez Blas 2011). In Mexico there are 72 shelters of which 34 belong to civil society organisations, 4 to private welfare institutions and 34 are public institutions. Of this total, 44 shelters were articulated in a National Network of Shelters (RNR), a civil society organisation established in 2004 to 'provide security, protection and specialized services to women and their children who live at risk of family violence, and to share best practices in approaches to care.'" (Fundar, 30 June 2016, pp. 18-19)

The International Campaign for Women's Right to Safe Abortion, a network of organisations, groups and individuals who support safe abortion as a woman's right in a May 2017 report gives the following explanation of the abovementioned Mexican Official Norm 046:

"Yet the Norma Oficial Mexicana 046, which outlines the criteria for care and prevention of sexual and domestic violence against women, revised in March 2016, states that 'any woman or girl of 12 years of age who has suffered a sexual assault and has become pregnant has the right to go to any public health centre for an abortion, without the need to submit a complaint of rape and without authorisation from any authority (such as the Office of the Public Prosecutor or a judge) or the consent of a parent or guardian.'" (International Campaign for Women's Right to Safe Abortion, 2 May 2017, p. 4)

The Mexican Official Norm 046 can be accessed via the following link:

- NOM-046-SSA2-2005. Violencia familiar, sexual y contra las mujeres. Criterios para la prevención y atención, 16 April 1999, with amendments up to 24 March 2016 http://www.cndh.org.mx/sites/all/doc/Programas/VIH/LeyesNormasReglamentos/NormaOficialMexicana/NOM-046-SSA2-2005_ViolenciaFamiliarSexual.pdf

The IACHR in its December 2015 report elaborates on a mechanism called the “alert on gender violence” set out in Article 22 of the General Law on Women's Access to a Life Free from Violence:

“236. To address gender-based violence in the country, the Mexican State, spurred on by civil society organizations and recommendations of international bodies, has enacted a series of laws, regulations, institutions and mechanisms. One such mechanism is the ‘alert on gender violence’ set out in Article 22 of the General Law on Women's Access to a Life Free from Violence, which is defined as ‘a set of emergency governmental measures to confront and eradicate violence against women in a given territory, whether perpetrated by individuals or by the community itself’, and its main objective is to ensure the safety of women, the cessation of violence against them, and to eliminate inequalities produced by a legislation that breaches human rights. [...]

237. The issuance of gender violence alerts is the competence of the federal government through the Ministry of the Interior, and is notified to the Executive branch of the state where it is issued.

238. According to the General Law on Women’s Access to a Life Free from Violence, a declaratory Alert on Gender Violence against Women (AVGM) must be issued when the following conditions are met: i) common crimes against women’s lives, liberty, integrity and security, breaching the social peace in a given territory and the request by society; ii) a similar grievance impeding the full exercise of women’s human rights; and iii) at the request of human rights organizations at the national level or of the federal entities, civil society or international organizations. In its observations to the draft of this report, indicated that it has made important improvements to the process to issue the Alert on Gender Violence against Women (AVGM), the administrative scrutiny mechanism that is designed to identify context of extreme violence against women in certain areas and, consequently, determine the emergency government actions (prevention, security and justice) that need to be taken to address the problem.” (IACHR, 31 December 2015, pp. 113-114)

The General Act on Women’s Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia) of 1 February 2007 can be accessed via the following link:

- Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, 1 February 2007, with amendments up to 17 December 2015
<http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo17079.pdf>

An English translation of the law as of 1 February 2007 can be accessed via the following link:

- General Law on Women’s Access to a Life Free of Violence, 1 February 2007
http://www.summit-americas.org/brief/docs/Law_on_access_to_a_life_free_violence.pdf

The Inter-American Commission on Human Rights (IACHR), an autonomous organ of the Organization of American States that promotes and protects human rights in the American hemisphere, in December 2015 published a report on the human rights situation in Mexico.

Within a footnote of this report, the following remarks are made by the Mexican state regarding the General Law on Women's Access to a Life Free of Violence:

"The State also informed the Commission that each of the 32 states in the country has its own state Law on Women's Access to a Life Free of Violence. In addition, 29 of those states already have the corresponding regulation. The states of Campeche, Michoacan and Tamaulipas are in the process of adopting it. According to the provisions of the respective laws on Women's Access, each federal state has the obligation to install a local system to Prevent, Punish and Eradicate Gender Violence against Women. To date, all 32 states have their own state system.

Communication of the Mexican State, Observations of the Mexican State to the Draft Report regarding the Human Rights Situation in Mexico, Note No. OEA-03636, December 15, 2015." (IACHR, 31 December 2015, p. 113, footnote 327)

In its latest Concluding observations, dated July 2012, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) refers to the problems concerning harmonisation of legislation:

"The Committee notes the State party's federal legislative advances, such as the constitutional reform on human rights (2011). However, it is concerned that the different levels of authority and competences within the State party's federal structure result in a differentiated application of the law depending on whether or not appropriate harmonization of the relevant legislation has been conducted at the state level, such as with respect to the principle of non-discrimination and equality between men and women. The Committee notes with concern that this situation results in discriminatory provisions against women or to different definitions and sanctions related to, inter alia, rape, abortion, forced disappearances, trafficking, injuries and homicide for reasons of so-called honour, as well as on adultery across the 32 states of the State party. It is further concerned about the lack of consistent harmonization of the State party's legislation, for example, civil, penal and procedural laws at the federal and state level, with the General Act and/or local laws on women's access to a life free of violence and with the Convention. It is concerned about the lack of effective mechanisms to implement and monitor the laws on women's access to a life free of violence and relevant legislation and regulations related to women's access to health-care services and education. The Committee is also concerned about the effects of the reform of the criminal justice system (2008) and its progressive implementation on the situation of women before the judicial authorities as well as about the lack of official data on the number of prosecutions, convictions and sentences inflicted against perpetrators of violence against women." (CEDAW, 27 July 2012, p. 4)

General Act on Equality between Women and Men

The 2006 General Act on Equality between Women and Men (Ley General para la Igualdad entre Mujeres y Hombres) mentions several times the objective to prevent, address, sanction and eradicate violence against women among other things through legislative reforms. It also

refers to the elimination of gender stereotypes and the establishment of mechanisms for the care of victims. (Ley General para la Igualdad entre Mujeres y Hombres, 2 August 2006)

The General Act on Equality between Women and Men (Ley General para la Igualdad entre Mujeres y Hombres) of 2 August 2006 can be accessed via the following link:

- Ley General para la Igualdad entre Mujeres y Hombres , 2 August 2006, with amendments up to 24 March 2016

http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIMH_240316.pdf

General Law on the Rights of Children and Adolescents

In a January 2017 briefing on Mexico for the UN Committee on Economic, Social and Cultural Rights, the Global Initiative to End All Corporal Punishment of Children, a multinational initiative which advocates to end corporal punishment of children, explains the following concerning “the legality of corporal punishment of children in Mexico” within the home:

“Home (lawful): Law reform to date has not yet achieved full prohibition. The new General Law on the Rights of Children and Adolescents 2014 states in article 105: ‘The federal and state laws shall under the provisions of this Act and within the scope of their powers undertake the necessary measures that effect is given to the following obligations: (1) That those exercising parental authority, guardianship or custody of children and adolescents, care and look after them and protect them against all forms of abuse; respect their dignity and provide guidance to them, so that they know their rights and learn to defend and respect those of others; ... (4) That those dealing with children and adolescents refrain from any violence against them, including corporal punishment.’ Article 103 sets out the duties of those exercising parental authority, including to create ‘an emotional, caring and non-violent environment’, to ‘protect against all forms of violence’ and to ‘refrain from any attack on [children’s] physical and mental integrity’, adding that ‘the exercise of parental authority, guardianship or custody of children and adolescents cannot be justification for breaching the obligation under [the latter]’. However, the Law does not explicitly repeal the ‘right of correction’. The near universal acceptance of physical punishment in childhood means that it is not typically perceived as harmful or abusive or to violate integrity unless it is severe or causes obvious injury: prohibition requires clarity in law that no corporal punishment should be used.” (Global Initiative to End All Corporal Punishment of Children, January 2017, p. 2)

The January 2017 report by the Global Initiative to End All Corporal Punishment of Children further refers to the “right to correct” of persons with parental authority:

“The ‘right to correct’ of persons with parental authority is confirmed in the Civil Code. In 1997, the Federal Civil Code 1928 was amended so that the exercise of the right to correct should not involve the use of force which endangers the physical or mental integrity of children, and new provisions against family violence were added. A new Federal Civil Code was adopted in 2012 that reiterated these provisions without further amendment. Article 422 of the Code states (unofficial translation): ‘Persons with parental power or custody of a child are required to educate them suitably.’ Article 423 states: ‘For the purpose of the

preceding article, those who exercise parental authority or have children in their custody have the power to correct [‘la facultad de corregirlos’] them and the obligation to observe behaviour which sets a good example. The power to correct does not imply the infliction on children of force which violates their physical or psychological integrity in accordance with the provisions of article 323bis of this Code.” Article 323bis states that family members – including children – are entitled to respect for their physical and mental integrity by other family members and that family members should avoid behaviours that lead to domestic violence. Domestic violence is defined in the article as ‘the use of physical or moral force, or serious omissions, repeatedly by one family member on another, which violates their physical and/or psychological integrity, regardless of whether or not it results in injury, provided that the attacker and the attacked family members live at the same address and there is a relationship of kinship, marriage or cohabitation.’ These provisions appear to protect children from physical punishment inflicted ‘repeatedly’, but it is not clear that isolated punitive assault on a child would not be tolerated. The majority of states have enacted provisions similar to the federal law in their Civil Codes and other legislation – i.e. confirming a ‘right of correction’ within limits which in many cases are linked to legal definitions of domestic violence.” (Global Initiative to End All Corporal Punishment of Children, January 2017, p. 2)

The General Law on the Rights of Children and Adolescents (Ley General de los Derechos de Niñas, Niños y Adolescentes) can be accessed via the following link:

- Ley General de los Derechos de Niñas, Niños y Adolescentes, 4 December 2014
<http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo99957.pdf>

The Federal Civil Code (Código Civil Federal) of 26 May 1928 with amendments up to 24 December 2013 can be accessed via the following link:

- Código Civil Federal, 26 May 1928, amendments up to 24 December 2013
<http://www.ordenjuridico.gob.mx/Documentos/Federal/pdf/wo17186.pdf>

Penal code

In its March 2017 human rights report covering the year 2016, the US Department of State (USDOS) notes with regard to the federal penal code and penal codes of different states:

“Rape and Domestic Violence: Federal law criminalizes rape, including spousal rape, and conviction carries penalties of up to 20 years’ imprisonment. Twenty-four states have laws criminalizing spousal rape. [...]

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months’ and four years’ imprisonment. Twenty-nine states stipulate similar penalties, although sentences in practice were often more lenient. [...]

According to the law, femicide - the killing of a woman based on her gender - is a federal offense punishable by 40 to 60 years in prison. It is also an offense listed in the criminal codes of all states. The Special Prosecutor’s Office for Violence against Women and Trafficking in Persons of the PGR [Office of the Attorney General of the Republic] is

responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 40 federal prosecutors dedicated to federal cases of violence against women, approximately 15 of whom specialized in trafficking countrywide.” (USDOS, 3 March 2017, section 6)

In a July 2016 state report on the implementation of the Covenant on Economic, Social and Cultural Rights, the government of Mexico notes that “the Federal Criminal Code and the criminal codes of the 32 federative entities [...] define domestic violence as a serious act that is punishable by a term of imprisonment of between 1 and 7 years and a fine” (Government of Mexico, 21 July 2016, p. 19).

The World Bank Group in a 2016 report on women, business and the law gives an overview of laws and regulations in several countries concerning the ability of women to be entrepreneurs and employees. The data for the report was collected between September 2014 and April 2015. According to the report, Mexico has put in place domestic violence legislation and there are clear criminal penalties for domestic violence. The domestic violence legislation covers physical, sexual, emotional and economic abuse and protects family members, former spouses and unmarried intimate partners. The report goes on to state that protection orders for domestic violence exist in Mexico and that those orders remove the perpetrator from the home and prohibit contact. The report adds that there is a specialized court/procedure for domestic violence in the country. (World Bank Group, 2016, p. 173)

In an older overview presenting data of 2013 the World Bank Group mentions the concrete laws and regulations concerning domestic violence in Mexico. According to the overview, domestic violence in Mexico is addressed in the Articles 343-bis - 343-quáter of the Federal Criminal Code and in Title II, Chapter I of the General Law on Women’s Access to a Life Free of Violence. Articles 8 II and VI, 47 I, 49 XII, 51 III and 52 IV of the General Law on Women’s Access to a Life Free of Violence and Articles 19 and 57 I of the Regulations pertaining to the General Law on Women’s Access to a Life Free of Violence provide for a specialized court or procedure for cases of domestic violence. Article 343-ter of the Federal Criminal Code and Article 7 of the General Law on Women’s Access to a Life Free of Violence protect women in unmarried intimate relationships from domestic violence. Emotional abuse and physical abuse are addressed in Article 343-bis of the Federal Criminal Code and Articles 6 and 7 of the General Law on Women’s Access to a Life Free of Violence. In addition, Articles 6 and 7 of the General Law on Women’s Access to a Life Free of Violence mention financial and sexual abuse. (World Bank Group, 2013)

Article 265-bis of the Federal Penal Code stipulates that if a victim of a rape is the spouse or the cohabitant, the same penalty applies as in Article 265 which stipulates between 8 and 20 years imprisonment for rape. (Federal Penal Code, 14 August 1931)

The July 2016 state report on the implementation of the Covenant on Economic, Social and Cultural Rights mentions that “[t]he Federation and 27 federative entities criminalize marital

rape, and all 32 define sexual abuse as a criminal offence” (Government of Mexico, 21 July 2016, p. 19).

Article 325 of the Federal Penal Code provides a penalty of 40 to 60 years for femicide. (Federal Penal Code, 14 August 1931)

A July 2012 report written by Catholics for the Right to Decide (Católicas por el Derecho a Decidir, CDD), a catholic nonprofit organisation, and the Mexican Commission for the Defence and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, CMDPDH), a Mexican NGO that promotes and defends human rights, provides the following information concerning femicide:

“At the Federal level, the Congress codified the crime of femicide last April 2012, stating on Article 325 of the Federal Criminal Code intended to forbid and sanction the death of a woman under circumstances that show she was physically, psychologically or sexually abused by the perpetrator. The Code provides for penalties ranging from 40 to 60 years in prison for those responsible, but also includes penalties for those public servants who delay or impede the investigation or the application of justice. The Federal Criminal Code establishes certain scenarios to consider there were ‘gender reasons’ so it can be classified as femicide. The reform lists: 1. The victim shows signs of violence of any kind; 2. The victim was inflicted infamous or degrading injuries or mutilations; 3. There is a history of any type of violence in the family, school or work against the victim; 4. A sentimental, affective or trusting relationship between the perpetrator and the victim; 5. Prior threats related to the crime, harassment or injury; 6. The victim was isolated; 7. The body of the victim is exposed or displayed in a public space.” (CDD/CMDPDH, 17 July 2012, p. 15)

You can find more information on the occurrence of femicide in Mexico in the following report covering incidences from 1984 to 2014:

- SEGOB/INMUJERES/ONU Mujeres - Secretaría de Gobernación/Instituto Nacional de las Mujeres/Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres: La Violencia Femicida en México, Aproximaciones y Tendencias 1985-2014, April 2016

http://www.gob.mx/cms/uploads/attachment/file/84740/La_Violencia_Femicida_en_Mexico_aproximaciones_y_tendencias_1985_-2014.pdf

The Federal Penal Code of Mexico (Código Penal Federal) as amended on the 18 July 2016 can be accessed via the following link:

- Código Penal Federal, 14 August 1931, with amendments up to 7 April 2017

http://www.diputados.gob.mx/LeyesBiblio/pdf/9_070417.pdf

Corresponding legislation of the federal entities can be found on the following website:

- SEGOB – Secretaría de gobernación – Unidad General de Asuntos Jurídicos: Inicio, undated
- <http://www.ordenjuridico.gob.mx/index.php>

2 Incidence of domestic violence

The German non-profit think tank Bertelsmann Stiftung mentions in its 2016 Mexico Country Report that “[d]omestic abuse is a widely acknowledged problem” and that “Mexican women are often mistreated by their spouses or by male members of their family”. (Bertelsmann Stiftung, 2016, p. 23)

The US-based non-governmental organization Freedom House in its Freedom in the World 2016 report covering the year 2015 states that “sexual abuse and domestic violence against women are common” and refers to a 2012 study, according to which “46 percent of women have suffered some form of violence”. (Freedom House, 27 January 2016)

The government of Mexico in its July 2016 state report on the implementation of the Covenant on Economic, Social and Cultural Rights mentions figures published in a 2011 national survey:

“According to figures published in the 2011 national survey on the dynamics of household relationships, 44.8 per cent of women who live with a partner experience some form of violence, whether emotional (15.4 per cent), economic (15.8 per cent) or physical and sexual, combined with emotional and/or economic (13.6 per cent). The majority of separated or divorced women (77.7 per cent) have been subjected to attacks of all kinds by their former partners or spouses, mainly to acts of physical and/or sexual violence, together with one of the other types of violence (45.4 per cent).” (Government of Mexico, 21 July 2016, p. 19)

A detailed presentation of the results of the abovementioned 2011 national survey on the dynamics of household relationships (Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares, ENDIREH) conducted by the Mexican National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI) can be accessed via the following link:

- INEGI - Instituto Nacional de Estadística y Geografía: Panorama de violencia contra las mujeres en México – ENDIREH 2011, 2013
http://internet.contenidos.inegi.org.mx/contenidos/productos/prod_serv/contenidos/espanol/bvinegi/productos/estudios/sociodemografico/mujeresrural/2011/702825048327.pdf

The results of the 2016 ENDIREH survey are due to be published on 18 August 2017. (INEGI, 2017, p. 5)

A 2016 study by UNWOMEN, UNDP, and the National Institute of Women on ‘Human Development and violence against women in Mexico’ can be accessed via the following link:

- INMUJERES/PNUD/ONU Mujeres - Instituto Nacional de las Mujeres/Programa de las Naciones Unidas para el Desarrollo/Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres: Desarrollo humano y violencia contra las mujeres en México, 24 November 2016
<http://www2.unwomen.org/-/media/field%20office%20mexico/documentos/publicaciones/2016/desarrollo%20human%20o%20violencia%20contra%20las%20mujeres.pdf?vs=5244>

In a December 2016 state report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the government of Mexico provides the information that from the end of 2012 until June 2016, law enforcement bodies issued 122,047 protection orders for women at regional levels. Over the same period 8,729 sentences were imposed, 7,281 of them because of domestic violence. The report goes on to say that 17 federal entities regularly hand down judgements in cases of domestic violence. (Government of Mexico, 21 December 2016, pp. 17-19)

The Ministry of Health (Secretaría de Salud) in December 2016 published a presentation on the topic “Strengthening the response of the National Health System to violence against women and girls in Mexico”. In the presentation the Ministry of Health indicates that in 2015 233,339 women of 15 years and over were taken in by one of the 335 specialised facilities in situations of severe violence across the country, an increase of 6.6% compared to 2014. The presentation goes on to say that 1,806 women and 3,053 children in situations of extreme violence in 2015 received help in shelters. (Secretaría de Salud, December 2016, pp. 12-13)

Reforma, a daily newspaper based in Mexico City, mentions in a March 2017 article that according to information of the Attorney-General’s Office in Mexico City the number of reports about domestic violence between 2015 and 2016 increased by 17%. The number of persons received in the Center for Domestic Violence (Centro de Atención a la Violencia Intrafamiliar, CAVI) increased from 73,094 to 85,513. (Reforma, 8 March 2017)

In February 2017 the Mexican daily newspaper El Universal conducted a survey among 800 women by telephone in all 32 federal entities. Regarding their current partners, 15.1% stated that they have made them feel scared, 3.2% reported that they have been threatened by them with a weapon and 3% mentioned that their partners threatened to kill them, to kill themselves or to kill their children. Concerning former partners, 44% indicated that they ended the relationship because their partners were rude or aggressive and 35.8% said that they experienced physical or sexual violence. (El Universal, 8 March 2017)

In February 2017, El Universal further reports that the Attorney-General’s Office in Mexico City in 2016 processed 27,949 cases of women who were victims of violence carried out by their intimate partner, while the Victim Examination and Operational Support Center (Centro de Investigación Victimológico y Apoyo Operativo, CIVA) provided assistance to 15,891 persons. (El Universal, 14 February 2017)

Milenio, a newspaper based in Mexico City, in a November 2016 article reports that in Jalisco state the number of complaints of domestic violence doubled in two years. In 2014, 4,576 complaints of domestic violence were filed. However, in 2016, 8,979 complaints had already been filed until the end of September, an increase by 49% with three months still to count. The duplication of cases has already been recorded in 2015 with 8,543 complaints of domestic violence. (Milenio, 13 November 2016)

The Mexican newspaper El Economista in a March 2016 article mentions that a report of the Women's Justice Center of Mexico City reveals that spouses, former partners or the family environment in 75% of all cases are the actors of violence against women in Mexico City. (El Economista, 8 March 2016)

The Qatar-based news network Al Jazeera reports in July 2015 that “[d]ozens of women have demonstrated in front of Mexico’s Interior Ministry in the capital to protest against domestic violence” and mentions that according to UN officials “Mexico ranks among the world’s 20 worst countries for violence against women”. (Al Jazeera, 21 July 2015)

In a September 2014 article, Milenio states that in Mexico, according to information from an expert at the National Institute of Criminal Science, domestic violence claims the life of a woman every nine days. In addition, more than 80% of women in Mexico have experienced a form of domestic, labour, community or institutional violence. (Milenio, 14 September 2014)

In October 2015 the United Nations Statistics Division (UNSD) published a presentation by INEGI with the title “Measuring violence against women in Mexico”. It provides information on an Integrated System of Statistics about Violence Against Women (SIEVM) which should “[m]easure the extent and severity of violence; [d]isplay access to services and justice for women victims of violence; and [d]emonstrate government response and the allocation of resources to address this problem (INEGI, 20 October 2015, p. 27). Félix Vélez, economist at the Mexico Autonomous Institute of Technology (Instituto Tecnológico Autónomo de México, ITAM) in a September 2016 article in the Mexican-based digital newspaper Animal Político states that a first version of SIEVM is expected to be finished by the end of 2016 (Vélez, 13 September 2016).

In its March 2017 human rights report covering the year 2016, the USDOS notes that “[v]ictims of domestic violence in rural and indigenous communities often did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint”. (USDOS, 3 March 2017, section 6)

The UN High Commissioner for Refugees (UNHCR) in October 2015 published a report on the reasons why women are fleeing El Salvador, Guatemala, Honduras, and Mexico. It is based on interviews conducted with 160 women in August and September 2015 and provides the following information:

“Mexico has passed several laws intended to give women the right to equality and a life free of violence, and all 32 Mexican States have created and passed their own laws to address violence against women. However, reporting remains low: reports by the United Nations, nongovernmental organizations, and the US Department of State indicate various causes for low reporting of rates of violence against women, including authorities’ ineffective approach to victims, and a perception that cases will not be prosecuted.” (UNHCR, October 2015, p. 18)

The first Mexican Multiple Indicator Cluster Survey (MICS), called Encuesta Nacional de Niños, Niñas y Mujeres, was conducted in 2015 by the National Institute of Public Health and

supported by the UNICEF Country Office in Mexico. For the survey, 11,760 households were visited. According to information presented in the key findings, 63% of children between 1 and 14 years experienced psychological aggression or physical punishment in the month prior to the survey. 37.8% of the interviewed children experienced physical punishment, 5.9% severe physical punishment and 53.1% psychological aggression. Only 30.8% of the children experienced non-violent forms of discipline. (National Institute of Public Health/UNICEF, 2015, p. 21)

The Center for Gender & Refugee Studies at the University of California Hastings College of the Law, which advocates the human rights of refugee women, children and LGBT individuals through legal expertise and training, policy development, research, and in-country fact-finding mentions the following on Mexico in a February 2015 study on childhood and migration in Central and North America:

“Child abuse, neglect, and abandonment, as well as ingrained, tolerated, and widespread violence against children, and gender-based violence in the home and in the broader society also force Mexican children and adolescents to flee. Mexico had the fifth highest rate of homicide of children and adolescents in the world in 2012.” (Center for Gender & Refugee Studies, February 2015, p. ix)

The UN Committee on the Rights of the Child (CRC) in its July 2015 concluding observations on the Mexican state report on the implementation of the Convention on the Rights of the Child mentions the “high incidence of corporal punishment against children, domestic violence and gender-based violence”. (CRC, 3 July 2015, p. 7)

In 2014, UNHCR published a report on unaccompanied or separated children leaving Central America and Mexico. The report is based on interviews UNHCR conducted from May until August 2013 with 404 children, 102 of them from Mexico. Of these 102 Mexican children “[t]hirty-two percent spoke of violence in society, 17% spoke of violence in the home and 12% spoke of both”. (UNHCR, 2014, p. 11)

3 Ability and willingness of the state to provide protection

The USDOS human rights report covering the year 2016 provides the following information:

“Human rights organizations asserted authorities at times did not take seriously reports of rape, and victims were socially stigmatized and ostracized. [...] State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced, although states and municipalities, especially in the north, were beginning to prioritize training on domestic violence.” (USDOS, 3 March 2017, section 6)

The IACHR in its December 2015 report notes with regard to the implementation of the gender alert mechanism (Alert on Gender Violence against Women, AVGM):

“239. It is important to note that it was only in 2015 that the only two existing AVGM’s [Alerts on Gender Violence against Women] to date were issued in the country. On July 31, 2015, it was declared in eleven municipalities of Mexico State (Chalco, Chimalhuacán, Cuautitlán Izcalli, Ecatepec de Morelos, Ixtapaluca, Naucalpan de Juárez, Nezahualcóyotl, Tlalnepantla de Baz, Toluca, Tultitlán and Valle de Chalco Solidaridad). The Commission notes the difficulties in issuing the first AVGM in Mexico, and welcomes its adoption. Also, on August 10, 2015, an AVGM was declared in eight municipalities in the state of Morelos (Cuautla, Cuernavaca, Emiliano Zapata, Jiutepec, Puente de Ixtla, Temixco, Xochitepec and Yautepec). According to information provided to the Commission, there are reports of a refusal to make use of AVGMs, even though civil society organizations requested the activation of the Mechanism for Gender Alert eleven times.

240. The State informed the Commission that of the 9 requests for an alert that have been processed under this new regulation: one was declared approved 15 months after the request (Morelos); another one was declared denied due to the response of the state government to address the recommendations and proposals made by the working group (Guanajuato); and the remaining 7 requests are still pending within the allowable timeframes.” (IACHR, 31 December 2015, pp. 114-115)

The USDOS human rights report covering the year 2016 also contains information on the implementation of this mechanism:

“In 2015 and 2016, the federal government began using a ‘gender alert’ mechanism that has existed at the federal level since 2007. The declaration of a gender alert directs relevant local, state, and federal authorities to take immediate action to combat violence against women by granting victims legal, health, and psychological services, and speeding investigations of unsolved cases. Since July 2015 the federal government has activated gender alerts in three states: Mexico, Morelos, and Michoacan. The state government of Jalisco activated its own gender alert. Civil society groups complained that so far the alerts had not led to noticeable changes. In collaboration with civil society, the state of Mexico established the country’s first ‘gender alert’ system to collect information to support investigations of gender-based violence in 11 of the 125 municipalities. At the national level, there were 72 shelters, of which civil society organizations operated 34, private welfare institutions operated four, and 34 were public institutions.” (USDOS, 3 March 2017, section 6)

In its July 2016 state report on the implementation of the Covenant on Economic, Social and Cultural Rights the government of Mexico describes the situation as follows:

“105. The aim of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women is to ensure women a life free of violence, thereby enabling them to develop their overall potential and participate fully in all areas of life. The National Victim Support System approved the 2014-2018 Comprehensive Victim Assistance Programme.

106. There is at least one shelter for women in each state. (Out of a total of 72 shelters, 37 belong to civil society organizations, 31 to state or local governments and 4 to privately run organizations.) [...]

107. Under the National System to Prevent, Address, Punish and Eradicate Violence against Women, judicial personnel have been given training courses on the rights of women and on gender mainstreaming. The Supreme Court has designed a code of conduct for persons administering justice in cases involving children and adolescents, and has handed down important precedent-setting decisions to protect this sector of the population.” (Government of Mexico, 21 July 2016, p. 20)

The abovementioned Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2014-2018 (Programa Integral para Prevenir, Atender, Sancionar y Erradicar la Violencia contra las Mujeres 2014-2018) and the Comprehensive Victim Assistance Programme 2014-2018 (Programa de Atención Integral a Víctimas 2014-2018) can be accessed via the following links:

- Programa Integral para Prevenir, Atender, Sancionar y Erradicar la Violencia contra las Mujeres 2014-2018, 30 April 2014
http://www.dof.gob.mx/nota_detalle_popup.php?codigo=5343064
- Programa de Atención Integral a Víctimas 2014-2018, 16 July 2015
<http://www.ceav.gob.mx/wp-content/uploads/2015/05/PAIV-aprobado-por-el-SNAV-20-mayo-20151.pdf>

In addition to the shelters for women (refugios), the government together with the federal entities and civil society organisations operates a network of 34 Women’s Justice Centers (Centros de justicia para las mujeres) (CONAVIM, 21 March 2017). The United States Agency for International Development (USAID), a US government agency for development cooperation mentions in a June 2016 article that women in these centers “receive legal assistance and victim support” and that the centers “work to both improve access to justice for victims of gender-based violence and raise awareness of violence toward women and girls”. The article further states that the centers integrate “efforts of government crime enforcement agencies and civil service organizations” (USAID, 17 June 2016).

The Bertelsmann Stiftung mentions in its 2016 Mexico Country Report that there are “thousands of unresolved crimes of violence against women in many regions, especially, but not exclusively, in Ciudad Juárez and the State of Mexico” (Bertelsmann Stiftung, 2016, p. 23). In its world report covering the year 2015, Freedom House notes that perpetrators of domestic violence “are rarely punished”. The report continues to state:

“Implementation of a 2007 law designed to protect women from such crimes remains halting, particularly at the state level, and impunity is the norm for the killers of hundreds of women each year. In July 2015, authorities in the State of Mexico issued a ‘gender alert,’ thereby triggering greater scrutiny and an influx of resources to combat an epidemic of violence against women; women’s rights advocates expressed hope it would serve as a precedent for other similarly afflicted regions.” (Freedom House, 27 January 2016)

Fundar, in a September 2016 brief based on its abovementioned June 2016 report, provides the following summary of the main findings of the case study carried out in a Mexico City shelter for victims of domestic violence:

“In relation to the Mexican protection model for women who survived domestic violence, the literature and interviews revealed that the system does not always lead to greater protection and that this is largely due to institutional failures. The main objective of working with different levels of protection in the Mexican Law is to be able to detect domestic violence at an early stage. However, those institutions providing first and second level of attention, particularly the CAVI [Centro de Atención a la Violencia Intrafamiliar] and the Police, do not perform their duties adequately, treating domestic violence as though this was the ‘normal’ state of affairs.

From the interviews, it became clear that none of the women who tried to access the protection services through the justice system (Police and CAVI) obtained any proper protection. Police and CAVI personnel sometimes reproduce social and gender stereotypes that translate into blaming women for the violence they suffer, they do not respecting survivors’ decisions to report (or not to report) their aggressor, and they discourage them from receiving attention or going to a shelter. At the same time, public health institutions and their staff do not always detect and address cases of domestic violence – as the legal framework mandates – and can inflict institutional violence against victims. In not a single case in the shelter that we visited, had the violence experienced by the interviewed women been detected by the health sector.

As stereotypes deeply embedded in society are currently reproduced by the institutions involved, this not only hinders women from breaking the cycle of violence, but also creates huge pressure on shelters, the third level of specialized services, where survivors of extreme violence end up. Furthermore, because of the lack of protection at health institutions and in the justice system, women who do end up seeking direct access to a shelter were only able to do so because of an intervention by a relative, close friend or a good willing acquaintance.

As for the services provided at the shelter, all interviews made clear that they are highly valued by survivors because of their comprehensive model that addresses the range of needs of women and their children (physical, psychological and legal) and because they help women to understand the cycle of violence they are experiencing and how to overcome this.

However, the study revealed that the confidentiality issues in shelters, - which stipulates that the women and their children must leave their house for three months, cannot receive

visitors and are not allowed to make their location known - is an important barrier for many survivors. Many do not want to be isolated from their families and community for such a long period.” (Fundar, 24 September 2016, pp. 4-5)

UNHCR in its October 2015 report mentions that “Mexican women interviewed for this report reflected a lack of trust in the authorities’ capacity to respond in those areas from which they fled”. (UNHCR, October 2015, p. 6)

The Spanish news agency EFE in a November 2016 article cites Wendy Figueroa, the director of the national network of shelters (Red Nacional de Refugios) who states that Mexico faces a crisis of gender-based violence. According to Figueroa, impunity still prevails and women have no access to justice. (EFE, 26 November 2016)

CRC in its July 2015 concluding observations mentions the “lack of access to justice for child victims” and notes:

“31. While welcoming the provisions of the General Act on the Rights of Children and Adolescents on the adoption of legislation and policy, at the federal and state levels, to prevent, address and sanction violence against children, the Committee is concerned about the effective implementation of those provisions and that extensive impunity prevails for violence against children.” (CRC, 3 July 2015, p. 7)

In its February 2015 report The Center for Gender & Refugee Studies mentions that “[h]igh levels of impunity and corruption exist in Mexico, particularly for violence by organized criminal syndicates, but also for intrafamilial violence”. (Center for Gender & Refugee Studies, February 2015, p. ix)

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