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Mexico: Adoption of the General Law on Women's Access to a Life Free of Violence (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*), its implementation regulations, and local implementation laws in the Federal District and the states of Mexico, Jalisco and Querétaro.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Implementation of the General Law on Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia)

The General Law on Women's Access to a Life Free of Violence (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*) came into force on 2 February 2007 (Mexico 1 Feb. 2007, 1st transitional article). This is a federal law adopted by Mexico's Congress (*ibid.*, preamble), whose jurisdiction extends throughout Mexico (*ibid.*, Art. 1). Under the country's political system, each state, through its state congress (*congreso del estado*), also enacts its own local laws and regulations, pursuant to the 1917 constitution (Mexico 5 Feb. 1917, Art. 71; Professor of Law 23 Apr. 2008a). Each state must therefore adopt its own law on women's access to a life free of violence and the related regulations so that the standards are legally binding in its territory (*ibid.*). However, under Article 133 of the Mexican constitution, where there is a conflict between a federal legislative provision and a provision of the Federal District or one of the states, the federal provision governs (Mexico 5 Feb. 1917, Art.133).

Deadline for implementing the federal law

The General Law on Women's Access to a Life Free of Violence includes eight transitional articles relating to the deadlines for implementing the law (Mexico 1 Feb. 2007, Sec. "Transitorios"). The eighth transitional article provides for a six-month deadline from the coming into force of the law for the states to initiate legislative changes to ensure its implementation (Mexico 1 Feb. 2007).

The implementing regulations for the federal law were published on 11 March 2008 (Mexico 11 Mar. 2008; *Infogénero* 19 Mar. 2008), which is 13 months after the law came into force, thus violating the law's second transitional article, which set a deadline of 90 days (*ibid.*; Mexico 1 Feb. 2007, 2nd transitional article). These regulations provide for coordination among the federal executive powers, the states and the Federal District, and the municipalities (Mexico 11 Mar. 2008, Art. 1) and specify the organizations that must comply with them: the Ministry of the Interior (*Secretaría de Gobernación*), the Ministry of Public Security (*Secretaría de la Seguridad Pública*), the Ministry of Social Development (*Secretaría de Desarrollo Social*), the Ministry of Public Education (*Secretaría de Educación Pública*), the Ministry of Health (*Secretaría de Salud*), the Office of the Attorney General of the Republic (*Procuraduría General de la República*), the National Institute for Women (*Instituto Nacional de las Mujeres, INMUJERES*), the National Council for the Prevention of Discrimination (*Consejo Nacional para Prevenir la Discriminación*) and the National Network of Family Development Agencies (*Sistema Nacional para el Desarrollo Integral de la Familia*) (*ibid.*, Art. 54-62).

However, according to Rocío García Gaytán, president of INMUJERES, the federal law has not yet had any effect because of a lack of resources and a lack of consensus among the various public entities concerned regarding their roles and their understanding of the problem of violence against women (*Reforma* 10 Feb. 2008). For example, the National Data and Information Bank on Cases of Violence Against Women (*Banco Nacional de Datos e Información sobre Casos de Violencia contra las Mujeres* [Mexico 1 Feb. 2007, 7th transitional article]) is not yet operational (*Reforma* 10 Feb. 2008).

Content of the federal law

The federal law requires that [translation] "the federation, the states and the Federal District, and the municipalities coordinate their efforts in order to prevent, to punish and to eradicate violence against women" (Mexico 1 Feb. 2007, Art. 1). The Law identifies six types of violence: psychological, physical, economic, sexual, violence against property (*violencia patrimonial*), and violence against the woman's dignity, integrity or freedom (*ibid.*, Art. 6). In addition, [translation] "femicide" [action or failure to act constituting an extreme form of violence against women that can lead to murder or other violent death] appears in the law as a type of violence (*ibid.*, Art. 21).

Under Article 49 of the Law, the states and the Federal District must produce an annual report on the progress of local programs (Mexico 1 Feb. 2007, Art. 49, XIV). No annual report for the Federal District or for the states of Mexico, Jalisco or Querétaro could be found among the sources consulted by the Research Directorate.

The Federal District law

The Law on Women's Access to a Life Free of Violence in the Federal District (*Ley de Acceso de las Mujeres a una Vida Libre de Violencia para el Distrito Federal*) came into force on 8 March 2008 (Mexico 29 Jan. 2008, 2nd transitional article; CIMAC Noticias 8 Mar. 2008).

Under the third transitional article, the head of the government (*Jefe de Gobierno*) of the Federal District has 60 days after the law comes into force to issue the implementing regulations (Distrito Federal 29 Jan. 2008, 3rd transitional article). Martha Lucía Mícher Camarena, Director General of the Mexico City Institute for Women (Instituto de las Mujeres de la Ciudad de México), stated in March 2008 that the implementing regulations should be ready by June (*La Jornada* 13 Mar. 2008).

Under the fifth transitional article of the Federal District law, the legislature must harmonize its legislation (Distrito Federal 29 Jan. 2008, 5th transitional article). According to information published in March 2008, a series of legislative measures on this subject was being drafted and was to be submitted to the legislative assembly of the Federal District (Agencia NOTIMEX 13 Mar. 2008; see also CIMAC Noticias 8 Mar. 2008). According to Karla Michelle Salas, a consultant at INMUJERES, changes have to be made to the civil code, the code of civil procedure, the criminal code, and the code of criminal procedure, as well as to the organic laws of the Superior Court of Justice of the Federal District (Tribunal Superior de Justicia del Distrito Federal) and of the Office of the Attorney General of the Federal District (Procuraduría General de Justicia del Distrito Federal, PGJDF) (*El Universal* 4 Mar. 2008).

Content of the Federal District law

The six types of violence defined by the federal law are also found in the Federal District law (Distrito Federal 29 Jan. 2008, Art. 6). Under Article 5 of the Federal District law, a woman who is a victim of any type of violence has the right to free and prompt legal assistance (*ibid.*, Art. 5, IV). In addition, the PGJDF (*ibid.*, Art. 3, XIII) provides legal representation (in criminal matters) for victims through a female lawyer for women victims of violence (*abogada victimal*), who is assigned by the Victims of Crime Assistance System (Sistema de Auxilio a Víctimas del Delito) (*ibid.*, Art. 58, I). The law does not sanction the offences defined in it (Distrito Federal 29 Jan. 2008). The sanctions will be established when [civil and criminal] legislation is harmonized (Agencia NOTIMEX 13 Mar. 2008).

The state of Mexico

In correspondence sent to the Research Directorate on 12 December 2007, the Assistant Director of the INMUJERES unit responsible for monitoring public policies on security and justice did not include the state of Mexico in its list of states that had adopted a law on women's access to a life free of violence as of 21 November 2007. Information on the implementation in the state of Mexico of the measures set out in the federal General Law on Women's Access to a Life Free of Violence could not be found among the sources consulted by the Research Directorate.

The state of Mexico is required to comply with the federal law, in particular with articles 54 through 59, which concern shelters for victims of violence (Mexico 1 Feb. 2007). According to María Elena de Tejada, a local member of the state congress for the National Action Party (Partido Acción Nacional, PAN) who was quoted in the Mexican daily *El Universal*, her party twice urged Governor Enrique Peña Nieto to order the construction of shelters for women victims of violence (6 Mar. 2008). According to Tejada, the state of Mexico needs at least three shelters (*ibid.*).

Jalisco

On 22 April 2008, the Jalisco congress approved its own law on women's access to a life free of violence (*Mural* 23 Apr. 2008a). The law will come into force the month following its publication (*Mural* 23 Apr. 2008b). According to *Mural*, that means that the law will be fully enforceable in December 2008 (*Mural* 23 Apr. 2008b). According to *La Jornada Jalisco*, the reform of 14 state laws has been approved for the purpose of harmonization (11 Mar. 2008). In the harmonized legislation, prison terms for aggressors are lengthier and assault no longer needs to be repetitive to constitute a crime (*Mural* 23 Apr. 2008a).

According to *Mural*, the Office of the Public Prosecutor (Ministerio Público) can issue preventive or emergency protection orders valid for 72 hours or more, during which the aggressor is prohibited from approaching the victims' home, workplace or place of study (*Mural* 23 Apr. 2008b). The electronic version of the Jalisco daily *El Informador* indicates that, under the law, anyone who violates a protection order may be placed in detention (22 Apr. 2008). Additional sources consulted by the Research Directorate did not mention this provision, and the Research Directorate could not obtain a copy of the law.

The Jalisco coordinator for the Latin American and Caribbean Committee for the Defense of Women's Rights told the daily *Mural* that there is a lack of tracking and evaluation mechanisms (24 Apr. 2008). In addition, *Mural*

reports that the state of Jalisco was legally obligated in 1999 to create a care centre for victims of crime, but that the project never materialized (23 Apr. 2008a).

Querétaro

The state of Querétaro has not enacted its own law on women's access to a life free of violence (*El Norte* 2 Mar. 2008) and no such a law is included in the list of laws adopted by the congress of Querétaro (Querétaro n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral sources: A researcher at the Centre for Research and Economic Education (Centro de Investigación y Docencia Económica), a professor at the University of Texas, a doctoral student at the Centre for Women's Studies at the University of Guadalajara, and a professor of law at the National Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM) did not respond to requests for information within the time constraints of this Response.

Internet sites, including: Congreso del Estado de Jalisco, Congreso del Estado de México, Instituto Jalisciense de las Mujeres, Instituto Municipal de las Mujeres de Guadalajara.

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