



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### MEX102926.E

Mexico: 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) (June 2008 - April 2009)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Various news and human rights sources report that two years after the enactment 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 law continues to face implementation challenges (AI 29 Jan. 2009; *ibid.* 3 Feb. 2009; *Milenio* 9 Mar. 2009). Freedom House notes that since the General Law was passed in February 2007, "its efficacy has yet to be determined" (2008).

As of 29 January 2009, as outlined in an attached table prepared by Amnesty International (AI), 30 out of 32 states have passed the law in Mexico; however, there remain a number of states that have not realized key provisions, including "implementation mechanisms," an agency coordination mechanism, and the building of new shelters. Nevertheless, according to the ex-legislator and co-creator of the General Law, Angélica de la Peña Gómez, the law has been successful for two reasons: the first because it has been able to gain approval in almost every state in the country, and "broke the inertia" (*ha roto la inercia*) other national laws have faced in state congresses; and the second concerns the approval of budgetary payments of 3 million pesos [\$1 CAN = 10.62 MEX (Canada 22 Apr. 2009)] for each state to implement the law (CIMAC 3 Feb. 2009). The legal coordinator of the National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES), also describes the General Law as a "very significant advance" (*avance muy significativo*) because 30 states have passed it (*La Jornada* 12 Feb. 2009).

In March 2009, however, the President of INMJURES, Rocio García Gaytán, stated that only six states in the country have approved the corresponding regulations outlined within the General Law (*Milenio* 9 Mar. 2009). In this context, García Gaytán noted that while efforts to harmonize state laws were advancing, in states like Campeche, Tamaulipas and Michoacán provisions such as "murder for reason of honour" (*homicidio por razón de honor*), still appear in the criminal code (*ibid.*). Ex-legislator Pena Gomez also stressed the urgency for states which passed the General Law, to begin enforcing the rules outlined in the law so that the system could begin to function effectively at the local level (CIMAC 3 Feb. 2009). Peña Gómez stated that in order to enforce the rules, state legal frameworks still require budgetary endorsement for their implementation (*ibid.*). AI corroborates the preceding information, noting that:

The real test of the effectiveness of the new legislation in combating violence against women will be its impact at the state and municipal level. In the vast majority of cases, it is the 32 state governments that have the primary responsibility for ensuring that women who experience violence have access to justice, security and reparations. To become effective at this level, legislation in all 32 states needs to clearly identify responsibilities, lines of accountability and budgets. (1 Aug. 2008, 13)

A major implementation challenge for the 2007 law is budgetary funding (*La Jornada* 8 Mar. 2009; *Reforma* 8 Mar. 2009; *El Universal* 24 Nov. 2008). In an 8 March 2009 *La Jornada* news article, Worker's Party (Partido del Trabajo) legislator, María Mercedes Maciel Ortiz noted that sustained funding is needed to make the General Law a reality. For example, *El Universal* reported on 29 January 2009 that the funding for the institutional implementation of the General Law saw a reduction of 263.3 million pesos in 2009 (from 1,163 million in 2008 to 899.7 million in 2009). In March 2009, *Reforma* reported that in the Federal District (Distrito Federal, DF), the computerized information network to follow up on gender violence cases established in the law had not yet been activated because of a lack of funding (8 Mar. 2009). This information network, which is supposed to be operated by the DF office of INMUJERES in conjunction with law enforcement agencies, ministries and judicial authorities, would compile statistical data about gender violence cases, including the creation of a unique registry file (*cédula de registro único*) for each complaint would be used to follow up on each case until its conclusion (*Reforma* 8 Mar. 2009).

On 27 February 2009, the DF entered into force the regulations for the General Law (*El Universal* 28 Feb. 2009; CIMAC 27 Feb. 2009), establishing the functioning of the Gender Violence Alert, inter-institutional coordination (*coordinación interinstitucional*), prevention, assistance, access to justice, protection measures, and emergency shelters (*ibid.*). In particular, the protection measures outlined within the regulations require the police to intervene immediately in cases of acts of violence in progress in order to halt the violence without having to

obtain an order from a judge (ibid.; *El Universal* 28 Feb. 2009). In addition, the public prosecutor now has the power to provide protection orders without having to obtain these orders from the judicial authority (CIMAC 27 Feb. 2009).

Information on the application of these new regulations in the DF and further progress on the implementation of the General Law across the country could not be found among the sources consulted by the Research Directorate.

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 sources consulted in researching this Information Request.

#### References

Amnesty International (AI). 29 January 2009. "Mexico: Two Years On: The Law to Protect Women has had No Impact at State Level." <<http://www.amnesty.org/en/for-media/press-releases/mexico-two-years-law-protect-women-has-had-no-impact-state-level-2009012>> [Accessed 16 Apr. 2009]

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Freedom House. 2008. "Mexico." *Freedom in the World 2008*. <<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7447>> [Accessed 22 Apr. 2009]

*La Jornada* [Mexico City]. 8 March 2009. Mariana Norandi. "Poco avances en planes de apoyo a las mujeres." <<http://www.jornada.unam.mx/2009/03/08/index.php?section=politica&article=024n1pol>> [Accessed 16 Apr. 2009]

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*Milenio* [Mexico City]. 9 March 2009. "Exige titular de Inmujeres homologar leyes que las protegen." (Factiva)

*Reforma* [Mexico City]. 8 March 2009. Rafael Cabrera. "Retrasa el GDF 'escudo' a mujeres." (Factiva)

*El Universal* [Mexico City]. 28 February 2009. "Ya opera ley que protege a mujeres agredidas." <<http://www.eluniversal.com.mx/ciudad/94341.html>> [Accessed 16 Apr. 2009]

\_\_\_\_\_. 29 January 2009. Nora Sandoval. "Letra muerta, ley que protege a mujeres." <<http://www.eluniversal.com.mx/notas/572824.html>> [Accessed 17 Apr. 2009]

\_\_\_\_\_. 24 November 2008. "Leyes de protección a mujeres, sin presupuesto para su aplicación." (Factiva)

#### Additional Sources Consulted

**Oral sources:** Representatives from the Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), the Association for the Integral Development of Rape Victims (Asociación para el Desarrollo Integral de Personas Violadas, ADIVAC), the United Nations (UN) Development Fund for Women (UNIFEM), and officials from the Federal District office of the National Institute for Women (Instituto Nacional de las Mujeres Distrito Federal, INMUJERES DF), the Centro de Atención a la Violencia Intrafamiliar (CAVI), and the Office of the Attorney General of the Federal District (Procuraduría General de Justicia del Distrito Federal, PGJDF) were contacted but did not respond to information requests.

**Internet sites, including:** Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH), Comisión Nacional de los Derechos Humanos (CNDH), CLADEM, Human Rights Watch (HRW), United Nations (UN) Committee on the Elimination of Discrimination Against Women, UNIFEM, United States (US) Department of State.

#### Attachment

Amnesty International (AI). 27 January 2009. "Implementation of the General Law on Women's Access to a Life Free of Violence in Mexican States." Unofficial translation from Spanish to English by the Research Directorate, 6 pp. <<http://www.amnesty.org/en/library/asset/AMR41/005/2009/es/75484e12-ed42-11dd-ae9c-f5894f0650de/amr410052009spa.pdf>> [Accessed 21 Apr. 2009]

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