

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the [UNHCR's Refworld](#) website.

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Mexico: Violence against women in a non-domestic setting, including harassment, stalking, and physical assault; information about protection available to victims (2007- July 2010)

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In the 2010 report for International Women's Day, the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI) cites the National Study on the Dynamics of Home Relations (Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares, ENDIREH) conducted in 2006, which shows that 67 out of every 100 women 15 years of age and older has experienced some sort of violence; this study reports that 39.7 percent of violence against women occurs in the community, 29.9 percent at work, and 15.6 percent at school (INEGI 8 Mar. 2010, 8-9). *El Diario de México* reports that according to a legislative group consisting of members from the Democratic Revolutionary Party (Partido de la Revolución Democrática, PRD) and the Mexican Ecological Green Party (Partido Verde Ecologista de México, PVEM), every minute three acts of violence against women are registered, and 25 out of every 100 women older than 15 years are sexually abused during their lifetime (26 Nov. 2009).

Another article in *El Diario de México* reports that the Director of the Inter-Agency Gender Group of the United Nations (UN) in Mexico (Grupo Interagencial de Género de las Naciones Unidas en México) expressed the opinion that the situation of women in Mexico has improved since 2006 (8 Dec. 2009). In contrast, *El Universal* reports that according to the Director of the National Network of Shelters (Red Nacional de Refugios), gender violence has increased from 2006 to 2009, with an average of four women dying every day in the country reportedly because of the growing proliferation of arms (10 Nov. 2009). In addition, the Director of the Federal District Office of the National Institute for Women (Instituto de las Mujeres del Distrito Federal, Inmujeres-DF), stated in *El Diario de México*, that gender equality in Mexico has experienced [translation] "a pitiful regression" in the [translation] "areas of prevention, attention and harmonization of the laws" (8 Dec. 2009).

Harassment

The National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) reports that, according to ENDIREH, 12.4 percent of working women in Mexico have been harassed at least once (CNDH 7 Mar. 2010). Furthermore, *El Universal* reports that according to a legislator from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) ENDIREH data show that because of sexual harassment, one in four women is fired and four in ten quit their employment (30 May 2010).

In the 2009 National Institute for Women (Instituto Nacional de las Mujeres, Inmujeres) report on the Institutional Culture Program (Programa de Cultura Institucional), the results from the Questionnaire of Institutional Culture with a Perspective of Gender (Cuestionario de Cultura Institucional con Perspectiva de Género), which included the participation of 277,089 federal employees, 42 percent of them women (Mexico Apr. 2009, 42) showed that 25,728 cases of sexual harassment occurred within the Federal Public Administration (Administración Pública Federal, APF), with 7,796 cases of sexual harassment reported to the appropriate authorities, out of which 4,731 were made by women (ibid., 63). The Questionnaire also shows that 15 percent of surveyed women working in the APF reported that they had been victims of sexual and other forms of harassment (ibid., 62). According to Inmujeres, the regulation of any type of harassment in the workplace rests with each individual organization, as there is no judicial definition that covers all the instances that can be considered harassment (sexual or other); a situation that leads to relatively few cases being reported (Mexico Oct. 2009, 17-18). According to the United States (US) *Country Reports on Human Rights Practices for 2009*, federal law prohibits sexual harassment, and penalties

include a minimum of a 40-day salary fine if charges are pressed (US 11 Mar. 2010, Sec. 6). *Country Reports 2009* indicates that 26 Mexican states and the Federal District identify sexual harassment as a crime, with 22 of them punishing perpetrators who are in a position of power (*ibid.*). Corroboration could not be found among the sources consulted by the Research Directorate. According to Inmujeres, as reported by *Country Reports 2009*, sexual harassment is common in the workplace, but victims rarely report it, and cases are hard to verify (US 11 Mar. 2010, Sec. 6).

Femicide

The National Network of Human Rights Civil Organizations "All Rights for All" (Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos", Red TDT) reports that according to the National Citizens' Femicide Watch (Observatorio Ciudadano Nacional del Femicidio, OCNF), formed by 43 women and human rights organizations from 18 states and the Federal District, 1,221 cases of femicide were recorded in 12 states in 2007 and 2008 (Red TDT 8-26 Mar. 2010, Para. 8). From January to June 2009, 430 women were killed in 15 states (*ibid.*, Para. 10). Approximately 18 percent of these cases were sent to the appropriate "authorities with none of them leading to a sentence meeting international standards for restitution of damages" (*ibid.*, Para. 12). *El Universal* indicates that since 1993 there have been dozens of recommendations, both international and national, for ways to put a halt to femicide; none have been followed by current or past governments, at the federal, state or municipal level (24 Nov. 2009).

Corroboration of the information stated in the previous paragraph could not be found among the sources consulted by the Research Directorate.

Legislation

Some states in Mexico have not harmonized their laws with the General Law of Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia) (UN 17 May 2010, Para. 8; AI 30 Jan. 2009). In its Concluding Observations, the United Nations (UN) Human Rights Committee states a concern with Mexico's General Law "since at state level no provision has been made for the establishment of a gender violence alert mechanism or the prohibition of sexual harassment" (UN 17 May 2010, Para. 8). According to Amnesty International (AI), out of the 30 states that passed the law, few have applied the main requirements of the General Law: only 20 states have mechanisms for agency coordination to prevent violence against women, and only two new shelters have been built in Mexico even though the law states that state governments have to promote the establishment of shelters (AI 30 Jan. 2009).

In addition, Red TDT indicates that state laws have not included many of the requirements in the General Law, such as the recognition of femicide and the implementation of protection orders; state laws also have not created frameworks or implementation mechanisms required by the General Law (Red TDT 8-26 Mar. 2010, Para. 21).

Protection available to victims

In a summary prepared by the Office of the High Commissioner for Human Rights (OHCHR), "JS1: Civil Society Organizations for the UN Universal Periodic Review (joint submission)" (UN 3 Dec. 2008, 11) reports that in Mexico, the investigation, as well as the punishment, of violence against women is scarce or absent, and that officials lack both awareness and training on the issue (UN 3 Dec 2008, Para. 16). *El Universal* reports that even though campaigns promoting denunciations against "crimes" (*delitos*) have been launched, there are insufficient services to protect and attend to victims (31 Jan. 2009). Red TDT states that local and federal "public employees and authorities" are inefficient in carrying out their responsibilities in the investigation of cases of violence against women and "continue to demonstrate serious acts of negligence, omission and crimes in the administration of justice" (Red TDT 8-26 Mar. 2010, Para. 14).

An article in *El Universal* states that a female victim of violence usually has to ask for official help four to seven times before [translation] "receiving effective help" from the authorities (31 Jan. 2009). The same article also indicates that the majority of National Networks of Family Development Agencies (Sistema Nacional para el Desarrollo Integral de la Familia, DIF) use mediation as a means of resolution to violence, resulting in [translation] "juridical contradictions and systemic violations of human rights" (*El Universal* 31 Jan. 2009). Corroboration could not be found among the sources consulted by the Research Directorate.

According to Human Rights Watch *World Report 2010: Events of 2009*, legal protection is weakly enforced and women who suffer violence or rape often do not report the crime because authorities receive them with mistrust and a lack of sympathy or respect (Jan. 2010). *Country Reports 2009* indicates that even though rape is a criminal offence, it is rarely reported to the authorities because officials are "ineffective and unsupportive", there is a general perception that prosecution of cases is rare, and victims are "socially stigmatized and ostracized" (US 11 Mar. 2010, Sec. 6).

In its Concluding Observations, the Human Rights Committee expresses concern at the low number of

sentences handed out to aggressors towards women, considering the continued prevalence of gender violence (UN 17 May 2010, Para. 8).

Protection offices

The Human Rights Committee mentions the establishment of the Office of the Special Prosecutor for violent crimes against women and human trafficking [Fiscalía Especial para los Delitos de Violencia Contra las Mujeres y Trata de Personas, (Xinhua 7 Mar. 2009) FEVIMTRA], and a project for the improvement of women's access to justice, called houses of justice (*casas de justicia*) (UN 17 May 2010, Para. 8). According to a statement made by JS1 and the Latin America and Caribbean Committee for the Defence of Women's Rights (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer, CLADEM), FEVIMTRA is not very effective (UN 3 Dec. 2008, Para. 16).

Xinhua, news agency of the government of China, reports that in 2008, FEVIMTRA had a budget of 5.293 million US dollars (7 Mar. 2009). According to *Country Reports 2009*, FEVIMTRA has a total of 19 professional employees, including legal, administrative and technical staff; it encourages government programs to raise awareness of gender violence and it investigates and prosecutes crimes on a federal level (US 11 Mar. 2010, Sec. 6). However, with only five lawyers, FEVIMTRA is understaffed and has problems getting convictions (*ibid.*). Corroboration could not be found among the sources consulted by the Research Directorate.

According to Red TDT, if agents from local governments commit violent crimes against women, such as rape or femicide, FEVIMTRA has no jurisdiction over the cases, even though they can hold a parallel investigation to that of the state; this leaves victims in the hands of local authorities, which can make it difficult for victims to obtain justice (Red TDT 8-26 Mar. 2010, Para. 4).

Public transport and help centers

According to the Xinhua article, because of high rates of violence against women in the Mexican public transportation system, in 2007 Inmujeres and the Federal District Government (Gobierno del Distrito Federal, GDF) initiated the campaign "Safe Travelling, Zero Harassment" ("*Viajamos seguras, acoso cero*"), installing crime warning and prevention modules in metro stations, along with cameras and alarm buttons, as well as women-only buses and taxis (7 Mar. 2009). *La Cronica de Hoy* reports that after seven months of operation, the modules had received 157 reports of sexual aggression, with a total of 446 cases of violence reported in 2007, and 468 in 2008 (19 Aug. 2008).

According to *El Informador*, Guadalajara, Jalisco, offers women-only sections on its public transport system (9 Mar. 2010) due to the high number of cases of sexual aggression: 73 percent of women travelling by bus have suffered some form of sexual assault (2 Mar. 2010). To report sexual aggression or rape, women can go to the Agencies of the Public Ministry (Agencias del Ministerio Público), which are open 24 hours every day of the year, and to the State Victim Attention Center in Jalisco (Centro de Atención a Víctimas del Estado de Jalisco), which offers medical, psychological, judicial and social assistance (*El Informador* 2 Mar. 2010).

An article from Agencia MVT, indicates that there are 120 Centres for the Prevention of Violence (Centros para la Prevención de la Violencia, CEPAVI) in Mexico (17 June 2010). *El Universal* reports that there are 60 civil society places of refuge in all of Mexico, and that there are two government-based places of refuge that were under construction as of 2009 (31 Jan. 2009). Another article in *El Universal* reports that there are 14 places of refuge in Mexico, with the majority located in urban areas (10 Nov. 2009).

Hotline

According to Inmujeres, the national hotline "Life without Violence" ("*Vida sin Violencia*") that deals with preventing and fighting violence against women, a total of 19,959 calls were received between January and November of 2009, 85.1 percent of which were new cases, and 9.1 percent follow-ups (Mexico 27 Dec. 2009).

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.

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Internet Sources, including: Catedra UNESCO de los Derechos Humanos, UNAM-México, Mujeres Hoy, Sistema Nacional para el Desarrollo Integral de la Familia (DIF), [UN](#) Secretary-General's database on violence against women.

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