

# 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.

12 August 2010

### MEX103540.E

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*) in the state of Guanajuato (2006 - July 2010)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

As of March 2009, Guanajuato had not harmonized its legislation with 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*) (*Correo* 13 Mar. 2009; *Milenio* 13 Mar. 2009).

The news source *Milenio* reports that data from a study conducted at the end of 2006 by the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI) shows that 59 percent of women 15 years of age and older living in Guanajuato encountered at least one incident of violence from their partner, family, community, school or work, with domestic violence identified as the most frequent form, at 43.2 percent (*Milenio* 25 Nov. 2009). *El Universal*, a daily newspaper in Mexico, noted that the Human Rights (HR) Centre Victoria Diez (Centro Victoria Diez de Derechos Humanos) reported that in a four year period, a total of 154 murders of women occurred in the state of Guanajuato, with 24 in 2006, 32 in 2007, 41 in 2008, 43 in 2009, and 14 as of April 2010 (*El Universal* 18 Apr. 2010). The Director of the HR Centre Victoria Diez blames these murders on the lack of harmonization of the state law with the General Law on Women's Access to a Life Free of Violence, as well as on the high level of impunity among perpetrators (*ibid.*).

According to the National Women's Institute (Instituto Nacional de las Mujeres, Inmujeres), the state of Guanajuato published its Law for the Prevention, Intervention and Eradication of Violence in the State of Guanajuato (*Ley para Prevenir, Atender y Erradicar la Violencia en el Estado de Guanajuato*) on 27 March 2009, and its Regulation was published on 27 October 2009 (Mexico 25 Mar. 2010). This state law differs from the General Law as it does not include specific types of violence directed toward women, such as femicide, sexual harassment, and gender violence (*Milenio* 13 Mar. 2009; *Correo* 13 Mar. 2009), which are defined by the General Law, but rather the state law incorporates all types of violence (*ibid.*). According to *Milenio*, the state law replaces a previous Law for Interfamilial Violence (*Ley de Violencia Intrafamiliar*), and establishes Multidisciplinary Violence Intervention Centres (Centros Multidisciplinarios para la Atención Integral de la Violencia) in place of the Centers for Victims (Centros de Atención a Víctimas, Cenavis) (*Milenio* 13 Mar. 2009).

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) indicates that

[i]n some states, such as Guanajuato, where the General Act against Violence has been enacted, it is focused on domestic violence and fails to recognize other forms and types of violence established in the [General Law]. Furthermore, the subject of violence against women is only dealt with in relation to its prevention while the rest of the act refers to all family members who suffer violence (Red TDT 8-26 Mar. 2010, Para. 23).

According to the journal *Correo*, this law addresses the prevention and eradication of violence within a family situation, and excludes gender-based violence (27 Nov. 2009). *Correo* also reports that a member of the Mexican political party Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) stated that the law is incomplete because it continues to promote impunity and the victims do not receive immediate attention (*Correo* 13 Mar. 2009).

News sources report that representatives from the Mexican political parties Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) and Convergence Party (Partido de Convergencia) stated that the Law for the Prevention, Intervention and Eradication of Violence in the State of Guanajuato does not properly address the

General Law, and they are trying to initiate the establishment of the state Law on Women's Access to a Life Free from Violence (*Ley de Acceso de las Mujeres a una Vida Libre de Violencia*) (A.M. 5 Mar. 2010; Notimex 5 Mar. 2010).

Information on the implementation of the Law for the Prevention, Intervention and Eradication of Violence in the State of Guanajuato 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

A.M. [Mexico]. 5 March 2010. Catalina Reyes Colín. "Proponen dos diputados ley para mujeres." <<http://www.am.com.mx/Nota.aspx?ID=387585>> [Accessed 25 July 2010]

*Correo* [Guanajuato]. 27 November 2009. Rosa Balderas. "Exhortan al PAN a crear ley contra violencia a mujeres." <[http://www.correo-gto.com.mx/incluyes/pop/nota\\_imprimir.asp?id=138993](http://www.correo-gto.com.mx/incluyes/pop/nota_imprimir.asp?id=138993)> [Accessed 5 July 2010]

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*Milenio* [León]. 25 November 2009. "59% de mujeres sufre violencia en Guanajuato." <<http://www.milenio.com/node/328494>> [Accessed 5 July 2010]

\_\_\_\_\_. 13 March 2009. Luis Negrete. "Aprueban ley para erradicar la violencia." <<http://impreso.milenio.com/print/8544476>> [Accessed 5 July 2010]

Notimex. 5 March 2010. "Piden en Guanajuato ley vs violencia a mujeres." (*El Universal*) <[http://www.eluniversal.com.mx/notas/vi\\_663618.html](http://www.eluniversal.com.mx/notas/vi_663618.html)> Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (Red TDT). 8-26 Mar. 2010. "Information Presented by Organizations Forming part of the Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (National Network of Human Rights Civil Organizations "All Rights for All") to the UN Human Rights Committee for Consideration as Part of its Fifth Periodical Report on Mexico Pursuant to Article 40 of the International Covenant on Civil and Political Rights." <[http://www2.ohchr.org/English/bodies/hrc/docs/ngos/RNOCDH\\_mexico98.pdf](http://www2.ohchr.org/English/bodies/hrc/docs/ngos/RNOCDH_mexico98.pdf)> [Accessed 15 July 2010]

*El Universal* [Mexico]. 18 April 2010. Xóchitl Álvarez. "En Guanajuato crece la violencia de género." <[http://www.eluniversal.com.mx/estados/vi\\_75552.html](http://www.eluniversal.com.mx/estados/vi_75552.html)> [Accessed 5 July 2010]

## Additional Sources Consulted:

**Oral Sources:** Representatives from the House of Women's Support (Casa de Apoyo de la Mujer), the Human Rights Centre Victoria Diez (Centro de Derechos Humanos Victoria Diez), Guanajuatan Women's Institute (Instituto de la Mujer Guanajuatense, IMUG), and the Attorney General's Office of Justice (Procuraduría General de Justicia) did not respond within the time constraints of this Response.

**Internet sources, including:** Amnesty International (AI), Encuesta Nacional Sobre la Dinámica de las Relaciones en los Hogares, Guanajuato State Government, Instituto Nacional de las Mujeres (Inmujeres), United Nations (UN) Human Rights Council.

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