



RESPONSES TO INFORMATION REQUESTS (RIRs)

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MEX43289.E

Mexico: Violence against women in a non-domestic setting, particularly with respect to females who are being stalked and/or threatened by a male suitor or former partner; state protection available and enforcement of laws, if any, against stalkers who persist in harassing the victim, either prior to or after an actual physical assault (Replaces MEX33678.E of 10 February 2000)

Research Directorate, Immigration and Refugee Board, Ottawa

Information obtained from the Embassy of Mexico in Ottawa on 9 February 2000 stated that the Mexican Penal Code has no provisions regarding stalking. However, an actual assault could fall under various provisions. Since February 1996 the Penal Code has undergone amendments, which include an increase in punishment for sexual crimes when these are committed by more than one person, a relative, or a public servant.

The amendments also include a provision on sexual harassment, which penalizes lascivious behaviour by a person in a position of authority with a fine, and, in the case of a public servant, with dismissal; the law requires the victim's initiative and the existence of damages or personal harm to initiate prosecution for sexual harassment.

In 12 January 2005 correspondence, a consular official of the Embassy of Mexico in Ottawa referred the Research Directorate to the country's Federal Criminal Code [Codigo Penal Federal] (Mexico 26 May 2004) and, in particular, Section 15, "Crimes Against Freedom and Normal Psychosexual Development" (Delitos contra la Libertad y el Normal Desarrollo Psicosexual). Chapter 1 of this section of the federal law outlines various penalties for sexual harassment (*hostigamiento sexual*), sexual abuse (*abuso sexual*) and rape (*violacion*) (ibid.). Neither the correspondence from the Embassy of Mexico nor the law mentions stalking.

Although the Federal Criminal Code does provide penalties for sexual harassment, each state in Mexico has its own laws and institutions for addressing cases of sexual harassment, abuse and other issues related to violence against women (Cimacnoticias 7 June 2004; OAS 13 Oct. 2004). According to a 2003 study on sexual harassment in the workplace in Mexico, 16 of the country's 32 states "do not have criminal legislation to punish sexual harassment offenders" (ILRF May 2003). The report also mentions that

[o]nly 14 out of the 16 jurisdictions that do recognize sexual harassment as a crime refer to sexual harassment in a strict sense, the other two refer to such crimes as "taking sexual advantage" and "harassment," but what they are criminalizing is not harassment itself, but the fact of actually having sexual intercourse as a condition for being hired, not being dismissed or being promoted, obtaining a salary raise or a labor right or benefit. Only one state, Guerrero, explicitly considers both sexual harassment and sexual advantage as crimes in its criminal code (ibid.).

Country Reports 2003 noted that with regard to sexual harassment legislation "victims must press charges" and that "[m]any female victims were reluctant to come forward, and cases were difficult to prove" (25 Feb. 2004, Sec. 5). For example, the president of the National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES), Patricia Espinosa Torres, stated that violence and sexual abuse in public and private workplaces are still common and that many women do not report these incidents for fear of losing their jobs (*Vanguardia* 8 Dec. 2004). Torres added that women are hesitant because the current reporting process does not guarantee that a woman making the complaint will be able to keep her job (ibid.).

Government and news sources of 2003 and 2004 reported on the lack of uniformity in laws across Mexico pertaining to violence against women and the need for reform and harmonization (Cimacnoticias 18 Nov. 2003; Mexico 5 Mar. 2004; *La Jornada* 26 Nov. 2004). On 25 November 2004, the International Day for the Elimination of Violence Against Women, as President Vicente Fox was affirming his commitment towards combatting all forms of violence against women (Mexico 25 Nov. 2004; *La Jornada* 26 Nov. 2004), the president of INMUJERES commented that it was shameful and frustrating (*vergonzoso y frustrante*) that in some parts of the country violence against women was still not considered a crime (ibid.). Even President Fox stated that lawmakers in Mexico "must bring legislation up to date to include explicitly the protection of girls and women of all ages" (Mexico 25 Nov. 2004).

State Protection Efforts

While news sources in 2003 and 2004 continued to report that the Public Ministry (Ministerio Publico, MP [for more information about the MP, please consult the Research Directorate's May 2004 Issue Paper *Mexico: Police*]) lacked training and sensitivity in cases involving violence against women (Cimacnoticias 26 Nov. 2004; *ibid.* 10 Nov. 2003), federal and state authorities have created specialized agencies for addressing cases of sex crimes committed against women (ILRF May 2003; Cimacnoticias 7 June 2004). After the first specialized sex crimes unit was established in the Federal District in 1989, another 28 states have introduced various agencies mandated to investigate and prosecute sexual offences and to assist victims of sex crimes (*ibid.*).

Other government initiatives to assist women confronted with violence include national telephone helplines, support for the National Network of Shelters (Red Nacional de Refugios), and prevention and awareness efforts (OAS 13 Oct. 2004; Mexico n.d.; *El Universal* 25 Nov. 2004a; *ibid.* 25 Nov. 2004b). In November 2002, INMUJERES created a 24-hour telephone hotline called Life without Violence (Vida sin Violencia) [which can be reached at: 01800-911-25-11] in order to assist victims of domestic violence (*El Universal* 25 Nov. 2004a; Mexico n.d.). In November 2004, the federal attorney general Rafael Macedo de la Concha also announced that a new telephone helpline would be set up for women and children who are victims of violence (*El Universal* 25 Nov. 2004b).

With regard to the National Network of Shelters, various sources in 2004 reported that there were between 29 (OAS 13 Oct. 2004) and 32 shelters (Mexico 29 Nov. 2004) operating across the country. Nevertheless, *El Universal* reported in May 2004 that the total 2004 budget for the network of shelters was 9 million pesos [CDN\$964,800 (Bank of Canada 13 Jan. 2005a)], a reduction of 31 million pesos [CDN\$3,323,200 (Bank of Canada 13 Jan. 2005b)] from 2003 (14 May 2004). The article also mentioned that each shelter needs about 2.5 million pesos [CDN\$268,000 (Bank of Canada 13 Jan. 2005c)] a year to maintain operations (*El Universal* 14 May 2004).

In its 2004 national report prepared for the Inter-American Commission of Women, the government of Mexico noted that it had provided a number of workshops, seminars and conferences, as well as public awareness and prevention campaigns to highlight violence against women (OAS 13 Oct. 2004). In particular, government and news sources reported that more than 650 preventive police officers of the Secretary of Public Security (Secretaria de Seguridad Publica, SSP) had received training for addressing violence against women (*ibid.*; *La Jornada* 26 Nov. 2004).

However, human rights sources of 2003 and 2004 have repeatedly pointed to the ongoing situation of violence against women in Ciudad Juarez, Chihuahua, as an example of the state's ineffectiveness in protecting female victims from harm (IRC 24 Nov. 2004; AI 8 Mar. 2004; WOLA 11-13 Oct. 2003). While Amnesty International claimed that the federal government had made "important progress" with regard to addressing the violence in Ciudad Juarez, serious concerns such as "apparent miscarriages of justice and impunity" remained unresolved (8 Mar. 2004). In a November 2004 article, freelance journalist Kent Paterson, writing for the Americas Program of the International Relations Center (IRC), maintained that many murders remain unsolved in Ciudad Juarez and that the persons arrested for committing these crimes were "scapegoats" who were physically coerced into signing confessions (24 Nov. 2004).

For additional information on issues related to state protection for female victims of violence, please consult the Research Directorate's March 2003 Issue Paper *Mexico: Domestic Violence and Other Issues Related to the Status of Women*.

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.

References

Amnesty International (AI). 8 March 2004. *Mexico: Ending the Brutal Cycle of Violence Against Women in Ciudad Juarez and the City of Chihuahua*. (AI Index: AMR 41/011/2004) <<http://web.amnesty.org/library/print/ENGAMR410112004>> [Accessed 7 Jan. 2005]

Bank of Canada. 13 January 2005a. Exchange Rates. "Currency Converter." <http://www.bankofcanada.ca/cgi-bin/famecgi_fdps> [Accessed 13 Jan. 2005]

_____. 13 January 2005b. Exchange Rates. "Currency Converter." <http://www.bankofcanada.ca/cgi-bin/famecgi_fdps> [Accessed 13 Jan. 2005]

_____. 13 January 2005c. Exchange Rates. "Currency Converter." <http://www.bankofcanada.ca/cgi-bin/famecgi_fdps>> [Accessed 13 Jan. 2005]

Cimacnoticias [Mexico City]. 26 November 2004. Roman Gonzalez. "Niegan en MP derecho a levantar denuncias por agresion." <<http://www.cimacnoticias.com/noticias/04nov/04112604.html>> [Accessed 7 Jan. 2005]

_____. 7 June 2004. Monica Perez. "Violencia sexual problema de salud publica." <<http://www.cimacnoticias.com/noticias/04jun/s04060703.html>> [Accessed 12 Jan. 2005]

_____. 18 November 2003. Silvia Magally. "Piden homologar codigos penales sobre violencia familiar." <<http://www.cimacnoticias.com/noticias/03nov/03111804.html>> [Accessed 10 Jan. 2005]

_____. 10 November 2003. Silvia Magally. "Exhortan a denunciar la violencia familiar." <<http://www.cimacnoticias.com/noticias/03nov/03111002.html>> [Accessed 10 Jan. 2005]

Country Reports on Human Rights Practices for 2003. 25 February 2004. "Mexico." United States Department of State. Washington, DC. <<http://www.state.gov/g/drl/rls/hrrpt/2003/27905.htm>> [Accessed 4 Jan. 2005]

Embassy of Mexico, Ottawa. 12 January 2005. Correspondence received from consular official.

_____. 9 February 2000. Telephone interview with official in the legal affairs office.

International Labor Rights Fund (ILRF). May 2003. *A Report on Sexual Harassment in the Workplace in Mexico*. <<http://www.laborrights.org/projects/women/Mexico%20report.pdf>> [Accessed 11 Jan. 2005]

International Relations Center (IRC). 24 November 2004. Kent Paterson. "The Juarez Women's Murders: Mothers Step Up Justice Campaign as a Cover-Up Takes Hold." <<http://www.americaspolicy.org/pdf/focus/0411juarez.pdf>> [Accessed 24 Jan. 2005]

La Jornada [Mexico City]. 26 November 2004. Rosa Elvira Vargas. "Fox ofrece aclarar feminicidios y castigar a funcionarios negligentes." <<http://www.jornada.unam.mx/2004/nov04/041126/049n1soc.php>> [Accessed 6 Jan. 2005]

Mexico. 29 November 2004. Instituto Nacional de las Mujeres (INMUJERES), Coordinacion de Relaciones Publicas y Comunicacion Social. "Impulso Inmujeres convenio entre Motorola y la Red Nacional de Refugios." <http://www.inmujeres.gob.mx/comunicacion/nota_inf/11-04/29-11-04.pdf> [Accessed 6 Jan. 2005]

_____. 25 November 2004. Presidencia de la Republica. "Violence has no justification in a democratic society: President Vicente Fox." <<http://envivo.presidencia.gob.mx/?P=42&Orden=Leer&Tipo=&Art=9113>> [Accessed 6 Jan. 2005]

_____. 26 May 2004.Codigo Penal Federal, Titulo Decimoquinto, Capitulo 1. <<http://www.cddhcu.gob.mx/leyinfo/doc/9.doc>> [Accessed 13 Jan. 2005]

_____. 5 March 2004. Secretaria de Desarrollo Social (SEDESOL). "Necesario reformar el marco legal para reconocer a plenitud derechos de mujeres: JVM." <http://www.sedesol.gob.mx/prensa/comunicados/c_049_2004_i.htm> [Accessed 11 Jan. 2005]

_____. n.d. Instituto Nacional de las Mujeres (INMUJERES). "Vida sin Violencia." <<http://cedoc.inmujeres.gob.mx/>> [Accessed 6 Jan. 2005]

Organization of American States (OAS). 13 October 2004. "Informe Nacional: Mexico." Inter-American Commission of Women (CIM). Report presented at the XXXII Assembly of Delegates of the CIM, Washington, DC, 27-29 October 2004. (OEA/Ser.L/II.2.32 CIM/doc.29/04) <<http://www.oas.org/cim/XXXII%20Asamblea%20de%20Delegadas/DOCUMENTOS/CIM-doc%2029.esp.doc>> [Accessed 5 Jan. 2005]

El Universal [Mexico City]. 25 November 2004a. Liliana Alcantara. "¿Alguien me puede ayudar, senorita?" <http://www.el-universal.com.mx/pls/impreso/version_himprimir?p_id=118398&p_seccion=2> [Accessed 7 Jan. 2005]

_____. 25 November 2004b. Ruth Rodriguez. "Son agredidas 47 de cada 100." <http://www.el-universal.com.mx/pls/impreso/version_himprimir?p_id=118379&p_seccion=2> [Accessed 7 Jan. 2005]

_____. 14 May 2004. Liliana Alcantara. "Mujeres que trabajan, las mas agredidas." <http://www.el-universal.com.mx/pls/impreso/noticia.html?id_not=110886&tabla=Nacion> [Accessed 6 Jan. 2005]

Vanguardia [Saltillo, Coahuila]. 8 December 2004. "Al menos 10 millones de mexicanas padecen violencia en sus trabajos." <<http://noticias.vanguardia.com.mx/showdetail.cfm/421715/Al-menos-10-millones-de-mexicanas-padecen-violencia-en-sus-trabajos>> [Accessed 6 Jan. 2005]

Washington Office on Latin America (WOLA). 11-13 October 2003. "Trip Report: October 2003 Congressional Delegation to Ciudad Juarez, Mexico." <http://www.wola.org/Mexico/hr/ciudad_juarez/trip_report.htm> [Accessed 25 Jan. 2005]

Additional Sources Consulted

Internet sites, including: Amnesty International, Comite de America Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), Freedom House, Human Rights Watch, Instituto de Investigaciones Juridicas, Isis Internacional, Legislacion Federal de Mexico, Parent International, Redfem, UNIFEM, World News Connection.

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