



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Information received from Mexico on follow-up to the concluding observations on its ninth periodic report^{*,}**

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** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. The Government of Mexico has made progress towards the full exercise of the human rights of women and girls since 2018, including the following examples:

(a) Gender, inclusion and non-discrimination were mainstreamed in the 2019–2024 National Development Plan,¹ putting women at the centre of policy, especially those facing multiple forms of discrimination (indigenous women, Afro-Mexican women, women with disabilities, women from sexually diverse groups and/or women living in poverty or vulnerable situations);

(b) The Agreement on Equality between Women and Men was signed in 2019;²

(c) A joint session of Congress approved the Constitutional Reform on gender parity in the three orders of Government and in the three powers of the union;³

(d) The 2019–2024 Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women was approved in September 2019. Currently being published, it was based on four National Consultation Forums in Oaxaca, Colima, Culiacán and Naucalpan, with the participation of the three orders of Government, members of the national system to prevent, address, punish and eradicate violence against women, civil society and academia;

(e) Seven federal acts to prevent, punish, eradicate and criminalize political violence against women were amended in 2020;⁴

(f) Preparation of the 2020–2024 National Programme for Equal Opportunity and Non-Discrimination against Women, with an intersectional approach built on women's demands in 32 state forums. It has six priority objectives, 37 strategies and 267 action lines, to combat gender violence, promote coverage of the women's justice centres, shelters, refuges and transit houses; promote medical services with a gender and human rights perspective; eradicate forced marriage; strengthen the implementation of the protocol for the gender-sensitive investigation of sexual violence by prosecutors, experts and the police and the protocol for the gender-sensitive investigation of femicide by prosecutors, experts and the police; and promote comprehensive and expeditious reparation in cases of femicide and trafficking.

2. In addition, in November 2018 the CEDAW Commission was established, to coordinate the response to the Committee's concluding observations and recommendations on the ninth periodic report. Created within the framework of the national system for equality between women and men, the Commission has six working round tables and is led by the competent government institutions.

3. In compliance with the Committee's request, the steps taken to implement the recommendations contained in paragraphs 24 (c), (d), (e) and (h) are presented below.

4. It should be noted that, owing to the COVID-19 pandemic, the Government has taken extraordinary steps to contain the contagion and to deal with their impacts, especially on women. In fact, the announcement of the pandemic highlighted the work of shelters and care centres for women victims of violence and their children and

¹ See https://www.dof.gob.mx/nota_detalle.php?codigo=5565599&fecha=12/07/2019.

² See <https://www.gob.mx/conavim/articulos/firma-del-acuerdo-por-la-igualdad-entre-mujeres-y-hombres-228406>.

³ See http://dof.gob.mx/nota_detalle.php?codigo=5562178&fecha=06/06/2019#:~:text=SE%20REFORMAN%20LOS%20ART%3%8DCULOS%202,MATERIA%20DE%20PARIDAD%20ENTRE%20G%C3%89NEROS.&text=Art%C3%ADculo%204o.,el%20desarrollo%20de%20la%20familia.

⁴ See http://dof.gob.mx/nota_detalle.php?codigo=5591565&fecha=13/04/2020.

activities to seek and impart justice as essential and priority activities (see annex I).⁵ Addressing the pandemic has also posed challenges related to the actions and activities planned by the CEDAW Observations Follow-up Committee.

II. Follow-up information

A. Follow-up information relating to the recommendations contained in paragraph 24 (c) of the concluding observations (CEDAW/C/MEX/CO/9)

Criminalization of femicide

5. The CEDAW Commission found that the crime of femicide is described in the criminal laws of all the country's states. However, given that the federal system gives the states autonomy to enact laws, at the state level femicide is legislated with diverse elements and penalties (annex II). The National Institute for Women and the National Commission for the Prevention and Elimination of Violence against Women are promoting the harmonization of the crime of femicide, including gender-based motives, with what is established in the Federal Criminal Code.

6. The CEDAW Commission is preparing a bill of legal amendments to standardize the description of the offence. For that purpose it analysed the 32 state penal codes, reviewing the gender-based motives for the offence to ascertain which can be proven in the courts and the importance of adding them to the amendment proposal. The bill will be sent to the Ministry of the Interior to urge local congresses to standardize the crime of femicide according to a set of motives, aggravating factors, penalties and reparations.

7. In addition, in March 2019, the Commission for Gender Equality of the Chamber of Senators gave its input to the proposed constitutional amendment to issue a single body of criminal laws, which would allow for a single catalogue of crimes, including femicide. The bill has been sent to the Joint Commissions on Constitutional Points and Legislative Studies.

8. To contribute to the analysis of these initiatives, the "Working Group for the Analysis of the Crime of Femicide" was set up, comprising the Office of the Prosecutor General of the Republic (hereinafter the Prosecutor General's Office) and the Chamber of Deputies, which worked on the document "Technical considerations regarding the main problems of the country's Prosecutor-General's Offices and Attorney-General's Offices with regard to the crime of femicide", which highlights the areas for opportunity in these agencies (annex III).

Protocols for the investigation of femicide and effective implementation of pertinent criminal laws

9. Twenty-nine states have a Protocol for the Investigation of Femicide or Gender-Based Crimes.⁶ Most were published before the last amendment to the definition of femicide in each state, so they will continue to be updated and states will be encouraged to consider the investigative obligations included in the Supreme Court decision of 2015.⁷

⁵ See https://www.dof.gob.mx/nota_detalle.php?codigo=5590914&fecha=31/03/2020.

⁶ Baja California Sur, Durango and Tamaulipas do not yet have a specific one.

⁷ Supreme Court Opinion No. CLXII/2015, injunction under review, No. 554/2013, 25 March 2015.

10. The Mexican Government also has ministerial, police and expert investigation protocols with a gender perspective for the crime of femicide and for sexual violence⁸ drawn up by the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking. The protocols are currently being updated and validated by the Prosecutor General's Office in order to standardize the knowledge of those involved in investigations and to incorporate the gender perspective into ministerial, police and expert investigations.

11. In addition, in August 2020 the Senate of the Republic set up the Special Commission to Follow up on Cases of Femicide of Girls and Adolescents in order to review rules, programmes and protocols for action with a gender perspective, in the best interests of children.

B. Follow-up information relating to the recommendations contained in paragraph 24 (d) of the concluding observations

Harmonization of the Amber Alert Programme and the Alba Protocol

12. Currently, 20 states have the Alba Protocol for the search for and immediate location of missing women and girls. The National Commission for the Prevention and Elimination of Violence against Women and the Attorney General's Office of the State of Chihuahua, where the protocol was first applied, agreed to update it during 2020.

13. Under the national system to prevent, address, punish and eradicate violence against women, offices of attorneys general and prosecutors are urged to promote the elimination of all barriers to immediate action when women and girls are missing, and to eliminate the 72-hour wait before beginning a search. The technical collaborative working groups arrived at the following results:

(a) State governors were urged to create Inter-institutional Alba Protocol Committees. So far, 20 such committees have been established;

(b) It was agreed that the Alba Protocol would be implemented in those states where it is not in effect, and that it would be published in newspapers or official gazettes.

14. Regarding the Amber Alert, from 1 July 2018 to 16 July 2020, the National Coordination of the Programme carried out 207 activations and 129 children were located: 91 female and 38 male.

15. The "Cycle of Online Lectures on Basic Tools for the Investigation, with a Human Rights and Gender Perspective, of the Disappearance of Children and Adolescents in the Framework of the AMBER Alert Mexico Programme" is being conducted to train public servants who operate the programme in the 32 states.

Search for missing children

16. In compliance with the General Act on the Forced Disappearance of Persons, the National Search Commission⁹ was established in 2018 and the National Search System was put in place. In addition, the Federal Act on the Special Declaration of Absence for Missing Persons was enacted; the Special Prosecutor's Office for the

⁸ See https://www.gob.mx/cms/uploads/attachment/file/51043/Protocolo_inv_con_pg_para_la_violencia_sexual.pdf and https://www.gob.mx/cms/uploads/attachment/file/253267/Protocolo_Feminicidio.pdf.

⁹ It promotes efforts to link, operate, manage, evaluate and follow up on actions among authorities involved in the search for and location and identification of people.

Investigation of Crimes of Forced Disappearance Crimes was created; and the single protocol for the investigation of crimes of forced disappearance of persons committed by individuals was published, providing for crime reports and the processing of investigations; specifying that family members may give their opinion, provide evidence and request proceedings from the Public Prosecutor's Office; ascertaining the motive and reasons for the disappearance; and improving investigations in the offices of attorneys general and prosecutors for the crimes of forced disappearance and disappearance committed by individuals.

17. The National Search Commission is drafting the standard protocol for the search for missing and unaccounted-for persons.¹⁰ This seeks to coordinate the actions of the State, hand-in-hand with relatives of the missing person, in order to locate them. It establishes the following obligations:

(a) Conduct searches, identifying patterns or practices that may have caused the disappearance or non-location, verifying the presence of gender-based motives, and considering contexts of possible personal or individual violence, and general or social contexts;

(b) A crime determination system that establishes that, upon receiving a crime report or complaint of the disappearance of a girl and/or woman, a crime must be presumed to have been committed; therefore, at the same time as the administrative search, a criminal investigation must be initiated in conjunction with the other procedures that complement the case (femicide protocol, Alba Protocol, Amber Alert).

18. The National Register of Disappeared and Unaccounted-for Persons includes information based on international standards for cases of disappearance, applicable regulations and good practices from various countries. It provides support in searches for and the location and identifications of missing and unaccounted-for persons, and in-context analysis. The Register allows a person to be reported as missing anonymously without a formal complaint and allows government agencies to include the information automatically.¹¹

19. From 1992 to 31 December 2019, a total of 63,014 women, girls and adolescents were reported missing or unaccounted for (15,866 have not been located or their whereabouts are unknown; 47,148 have been located: 46,387 alive and 761 dead) (annex III).

20. Each register has information on each of the women, girls and adolescents reported missing, in accordance with the provisions of the General Act on the Forced Disappearance of Persons and the National Search System.

21. Mexico presented more detailed information on the actions taken to combat the crime of disappearance in the dialogue with the Committee on Enforced Disappearances, in November 2018, and with the Human Rights Committee, in October 2019.

Mitigating risks associated with the disappearance of women and girls

22. The National Institute for Women promotes gender mainstreaming in national and state laws. Since 2018, there have been 277 reforms in criminal matters and 132 in family and civil matters, eliminating discriminatory expressions for women on the basis of their gender or increasing penalties in crimes against women and expanding

¹⁰ Public version: https://www.gob.mx/cms/uploads/attachment/file/551671/PPHB_Versi_n_para_fortalecimiento_5may2020__2_.pdf.

¹¹ The public version is available at <https://versionpublicarnpdno.segob.gob.mx/>.

crimes of violence against women (gender-based injuries, or aggravating circumstances: digital violence, political violence and family fraud).

23. “Technical Committees on Access to Justice for Women and Girls in Cases of Violent Deaths” are being held to incorporate the gender perspective into police, ministerial and judicial actions. There are currently 12 round tables dealing with three topics: protection orders and measures; investigation and litigation with a gender perspective; children orphaned by femicide and reparation.

24. In 2020, the National Protocol for the Comprehensive Care of Children and Adolescents Orphaned by Femicide was drawn up for all municipal, state and federal authorities directly responsible for the comprehensive protection of children and adolescents.

25. The Women Peacebuilders Programme is being implemented to rebuild the social fabric at the local level and promote conflict resolution with the participation of women.

26. The Spotlight Initiative is being implemented in Mexico in coordination with local governments and civil society, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme, the United Nations Population Fund, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children’s Fund (UNICEF) for four years in five municipalities: Ecatepec and Naucalpan (State of Mexico), Ciudad Juárez and Chihuahua (Chihuahua State) and Chilpancingo (Guerrero State).

27. In human trafficking, the Protocol for Standard Action with a Gender Perspective in the Investigation of Sex Trafficking Crimes is used to conduct investigations of these crimes from the perspectives of human rights, gender and the comprehensive protection of children.

Strengthening the gender perspective in the Executive Commission for Victim Support

28. The 2020–2024¹² Institutional Programme of the Executive Commission for the Comprehensive Care of Victims and the 2020–2024 Programme for the Comprehensive Care of Victims mainstream care and reparation with a comprehensive, differential, gender, children’s, intercultural, non-discriminatory and inclusive approach to victims. The Executive Commission’s protocol for care and reparation of damage to victims of femicide is currently being drawn up with contributions from civil society, victims, specialists and federal and local agencies. Training has also been conducted to raise awareness and provide information on the subject (annex V).

C. Follow-up information relating to the recommendations contained in paragraph 24 (e) of the concluding observations

29. From 2015 to 30 June 2020, the National Commission for the Prevention and Elimination of Violence against Women received 57 requests for activation of the gender-based violence alert mechanism and 21 alerts were declared in eighteen states:¹³ 18 for femicide violence (in 389 municipalities), 2 for aggravated assault

¹² See http://www.dof.gob.mx/nota_detalle.php?codigo=5595136&fecha=17/06/2020.

¹³ State of Mexico, Morelos, Michoacán, Chiapas, Nuevo León, Veracruz, Sinaloa, Colima, San Luis Potosí, Guerrero, Quintana Roo, Nayarit, Zacatecas, Oaxaca, Durango, Campeche, Jalisco and Puebla States.

(293 municipalities in Veracruz State) and 1 for disappearance of women (State of Mexico). Five procedures are currently being followed up.¹⁴

30. The alerts allow for the coordination of the measures issued and implemented by the three state powers, the aforementioned municipalities and the offices of attorneys general. These measures promote policies in the following areas:

(a) Security: the dissemination of the gender-based violence alert mechanism; the recovery of public spaces and the prevention of violence; the assessment of protection orders; and immediate care modules in risk situations;

(b) Prevention: the integration and updating of the data bank; a single training programme for state governments and judges; the timely detection of violence against children; campaigns to prevent gender-based violence; strengthening of complaints; the establishment and/or strengthening of women justice centres; traffic lights on femicidal violence; measures for indigenous women; training; the programme of work of the National Search Commission; a single comprehensive model for victims of gender-based violence; and a state programme for legal abortion;

(c) Justice and reparation: strengthening of the investigation and punishment in cases of violence against women and femicide; strengthening of local public prosecutors' offices; the creation of analysis and context units; the mapping of crimes against women; special units for the punishment of femicide, intentional homicide and sexual crimes against women; mechanisms for the supervision and punishment of public servants; victim-treatment evaluation programme; mechanisms for reparation; and physical and mental health care for survivors of femicide and their children.

31. Thirty-nine working groups have been established that have carried out studies on gender-based violence in the corresponding states. They have a mandate to harmonize state laws in accordance with international and national standards in this area. Ten of them¹⁵ involve civil society organizations that have requested gender-based violence alert activations.

32. In 2019, a workshop on experiences, progress, challenges and obstacles related to requests for gender-based violence alert activations was held to discuss joint intervention strategies with civil society organizations, independent human rights organizations and state authorities.

33. Municipal programmes were created to guarantee coordinated actions by the three tiers of Government in the implementation of gender-based violence alert measures and there have now been 105 municipal reports.

34. In December 2019, the Chamber of Deputies approved a bill to amend the General Women's Access to a Life Free of Violence Act, in order to strengthen violence against women alert mechanisms. The bill is currently before the Senate.¹⁶ Its purpose is to strengthen gender-based violence alert applications, clarify the obligations of the tiers of Government and establish Expert Women Committees under the mechanism.

35. The National Institute for Women is managing the preparation of a technical annex on the implementation of the monitoring and evaluation system, a technological tool for the review, monitoring, conclusion and follow-up of gender-based violence against women alerts.

¹⁴ Chihuahua, Sonora, Tlaxcala and Baja California States and Mexico City.

¹⁵ Chiapas, Veracruz, Durango, Morelos, Guerrero, Zacatecas, Sinaloa, Jalisco, Nuevo León and San Luis Potosí States.

¹⁶ See http://sil.gobernacion.gob.mx/Archivos/Documentos/2019/04/asun_3871939_20190429_1556226208.pdf.

D. Follow-up information relating to the recommendations contained in paragraph 24 (h) of the concluding observations

36. In 2019, the Office of the Attorney General of the State of Veracruz reopened the investigation into the Pilar Argüello Trujillo case. To clarify the circumstances of time, manner and place of the case, the Attorney General's Office set up the Analysis and Context Unit of the Special Prosecutor's Coordinating Office and has promoted training in analysis of the criminological, judicial, systematic, criminal, georeferencing, statistical, philosophical, physiological and social work contexts in order to apply this analysis to the investigation file. Because this is an ongoing investigation and in order to preserve due process, the information it contains is confidential.

37. In addition, to address the observations in the report on the case, the Office of the Attorney General of the State of Veracruz is implementing or has taken the following steps:

(a) Updating and publication, in July 2019, of the Protocol of Basic Proceedings to be Followed by Prosecutors Investigating Crimes against Life and Personal Health; Danger to Life or Personal Health; Sexual Freedom and Security; Free Development of Personality; the Family; Femicide; Gender Violence and Trafficking in Persons.¹⁷ The Protocol seeks to establish guidelines for action to clarify crimes committed in Veracruz. Its international legal bases are the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belém do Pará;

(b) Constant updating of information on progress in prosecutions and investigations of femicides opened by the Office of the Attorney General of the State of Veracruz Special Prosecutor for the Investigation of Crimes of Violence against the Family, Women, Girls and Trafficking in Persons;

(c) The Protocol for the Care of Victims of the Crime of Gender-based, Family and Sexual Violence; Trafficking in Persons; and Femicide will be applied in investigations opened into such cases and others that so merit. The Protocol establishes the importance of not revictimizing victims with leading or incriminating questions, or doubting the veracity of the facts stated;¹⁸

(d) Training for public servants in investigative protocols and basic proceedings for crimes of violence against women, the gender perspective and women's human rights; and the application of official standards in this area;

(e) Publication and dissemination in the media and prominent places of the nature and scope of the Gender-Based Violence against Women Alert Activations.

Final considerations

38. The Mexican Government reiterates its firm commitment to make progress in the full implementation of the Convention and to address the Committee's observations and recommendations, for which it has identified, inter alia, the following actions:

(a) Strengthening of the CEDAW Commission, the mechanism that will permit adequate follow-up to the recommendations and will gather information on actions taken to put them into effect. This will contribute to the coordination and implementation of agreements and actions between the three branches and the three orders of Government;

¹⁷ See https://sisdti.segobver.gob.mx/siga/doc_gaceta.php?id=2190.

¹⁸ See https://www.gob.mx/cms/uploads/attachment/file/50337/Protocolo_de_atencion_victimas_MP.pdf.

(b) Including the theme of intersectionality in the 2020–2024 National Programme for Equal Opportunity and Non-Discrimination against Women, encouraging buy-in among the three branches and tiers of Government to impact the implementation of programmatic and regulatory frameworks;

(c) Ensuring that the data generated by available gender indicators can feed into the design, implementation and evaluation of results of institutional programmes on the human rights of women and girls and, mainly, on the issue of gender-based violence;

(d) Expanding and strengthening dialogue with civil society, which has made a significant contribution to meeting international obligations on gender equality. To this end, on 17 July 2020, a virtual meeting was held which initiated a dialogue to promote civil society participation in the work of the CEDAW Commission.
