

# MEXICO CASE STUDY: STEPS ON THE PATHWAY TO NO IMPUNITY

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Regional Assessment of Access to Justice as a preventive  
mechanism to put a stop to violence against women

2011-2015

UN WOMEN



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## Abbreviations and acronyms

AAJ	Acceso a Justicia (ATJ, Access to Justice)
BANAVIM	Banco Nacional de Datos e Información sobre Casos de Violencia contra las Mujeres (National Data and Information Bank on Cases of Violence against Women)
CAMI	Casa de la Mujer Indígena (Indigenous Women's House)
CDI	Comisión Nacional para el Desarrollo de los Pueblos Indígenas (National Commission for the Development of Indigenous Peoples)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CoIDH	Corte Interamericana de Derechos Humanos (Inter-American Court of Human Rights) [Translator's note: Spanish abbreviation used in this text to avoid confusing two bodies with identical abbreviations in English]
CONATrib	Comisión Nacional de Tribunales Superiores de Justicia (National Commission of the High Courts of Justice)
CONAVIM	Comisión Nacional de Prevención, Atención, Sanción y Erradicación de la Violencia contra las Mujeres (National Commission for the Prevention, Response, Punishment and Eradication of Violence against Women)
CSO	Civil Society Organization
CTEIPG	Comité Técnico Especializado de Información con Perspectiva de Género (Specialized Technical Committee on Information with a Gender Perspective)
ECLAC	Economic Commission for Latin America and the Caribbean
ENDIREH	Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares (National Survey on the Dynamics of Household Relationships)
FDPH	Female Deaths with Presumption of Homicide
FGE	Fund for Gender Equality
GIG	Grupo Interagencial de Género (Interagency Gender Group)
IFAD	International Fund for Agricultural Development
INEGI	Instituto Nacional de Estadística y Geografía (National Institute of Statistics and Geography)
INMUJERES	Instituto Nacional de las Mujeres (National Institute for Women)
LGAMVLV	Ley General de Acceso a las Mujeres a una Vida Libre de Violencia (General Law for Women's Access to a Life Free from Violence)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PGJE	Procuraduría General de Justicia Estatal (General Procuratorate of State Justice)
PROIGUALDAD	Programa Nacional para la Igualdad de Oportunidades y la no Discriminación (National Programme for Equal Opportunities and Non-Discrimination)
SCJN	Suprema Corte de Justicia de la Nación (Supreme Court of Justice of the Nation)
SIVIMU	Sistema de Información Automatizado en Materia de Violencia Contra las Mujeres (Electronic Information System on Violence against Women)
SNIEG	Sistema Nacional de Información Estadística y Geográfica (National Statistical and Geographical Information System)

SNIMH	Sistema Nacional de Igualdad entre Mujeres y Hombres (National System for Equality between Women and Men)
SNPASEVCM	Sistema Nacional de Prevención, Atención, Sanción y Erradicación de la Violencia contra las Mujeres (National System for the Prevention, Response, Punishment and Eradication of Violence against Women)
TEPJF	Tribunal Electoral del Poder Judicial de la Federación (Electoral Tribunal of the Judicial Branch of the Federation)
TSJDF	Tribunal Superior de Justicia del Distrito Federal (High Court of Justice of the Federal District)
TSJE	Tribunal Superior de Justicia Estatal (State High Court of Justice)
UNAM	Universidad Nacional Autónoma de México (National Autonomous University of Mexico)
UNCT	United Nations Country Team
UNIFEM	United Nations Development Fund for Women
UNS	United Nations System
VAW	Violence against Women
VAWG	Violence against Women and Girls

## 1. Introduction

This report presents the case study of Mexico, one of the four studies conducted as part of UN Women's Regional Assessment of Access to Justice as a Preventive Mechanism to End Violence against Women (VAW) 2011-2015.

The objective of the case studies is twofold. Its first objective is to answer questions raised in the regional assessment, conducting a country-level analysis of the interventions and programmes conducted, as well as their contribution to the ultimate objective of ensuring access to justice for women victims or survivors of gender-based violence. Its second objective is to identify those interventions, programmes or strategies that have been particularly successful and/or paradigmatic, to analyse and understand both the keys to their success and the lessons learned from their implementation with a view to their possible replication in other contexts or countries. These case studies have also provided an opportunity to analyse the UN Women Theory of Change on this subject and its improvement in light of the results.

Data collection was carried out by a field visit conducted between 8 and 12 February 2016 that included the opportunity to interview a total of 18 people in two group meetings and 14 individual interviews. To this is added a document review of primary and secondary sources that has made it possible to expand, complement and triangulate the information obtained from key people consulted.

This evaluation would not have been possible without the collaboration of UN Women Mexico, which gave substantial support to the conduct of the evaluation exercise, both by developing a high level agenda and by giving logistical support during the field work. Their contributions to the findings and conclusions of this study should also be noted.

We also wish to thank everyone interviewed as part of this exercise for their availability and support. From their different perspectives, they have generously shared their opinions and

have been of great help, enabling the assessment team to know and understand the country context, progress on access to justice for women victims of violence and discrimination, and the main contributions made by UN Women Mexico in this regard. We thank them all for the time they dedicated to the assessment process and for their valuable opinions.

## 2. The context of Mexico as regards Access to Justice (ATJ) for the victims of violence against women

In the last 35 years, the international community has recognized violence against women as a human rights violation. In 1979 the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** was adopted,<sup>1</sup> its General Recommendation 19 recognizing that gender-based violence is a form of discrimination.<sup>2</sup> In July 2015, CEDAW issued its General Recommendation on women's access to justice,<sup>3</sup> establishing that women's right to access to justice is essential for the realization of the rights protected under the Convention and examining the obligations of states parties to ensure that women have access to justice.<sup>4</sup> The recommendation also includes a call to states to ratify the Optional Protocol to the Convention that creates an additional international legal mechanism to enable women to file complaints relating to alleged violations of the rights contained in the Convention and for the Committee to conduct investigations into violations of the rights enshrined in the Convention, thus strengthening women's right to access justice.<sup>5</sup>

Additionally, in 1993, in the **Declaration on the Elimination of Violence against Women**, the General Assembly of the United Nations officially recognized women's right to a life free from violence and one year later, in the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Belém do Pará Convention)**, this right was recognized once again, coining the expression "gender-based violence" as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". Specifically, the Belém do Pará Convention defines violence against women (VAW) not only as a human rights violation but as an offence to human dignity that "pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations". Both the Declaration and the Belém do Pará Convention establish the right of states to proceed with "due diligence" to prevent, investigate and, in line with national legislation, punish any act of violence against women and provide remedies to the victims, whether these acts are perpetrated by the state or by individuals.

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<sup>1</sup> Adopted and opened by the General Assembly in its resolution 34/180 of 18 December 1979 for signature and ratification or accession.

<sup>2</sup> General Recommendation 19 (1992) on violence against women, paragraph 7, considers gender-based violence as a form of discrimination that impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, such as the right to life, the right not to be subject to torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to equal protection under the law, and the right to the highest standard attainable of physical and mental health.

<sup>3</sup> CEDAW/C/GC/33 General Recommendation on women's access to justice (23 July 2015).

<sup>4</sup> The right of access to justice is considered a multidimensional right that encompasses justiciability, availability, accessibility, good-quality and accountability of justice systems, and provision of remedies for victims.

<sup>5</sup> CEDAW/C/GC/33 Section VI. Ratification of the Optional Protocol to the Convention.

To this binding international framework for states is attached a series of consensus documents such as the **"Beijing Declaration and its Platform for Action"**<sup>6</sup> that mentions violence against women as one of the critical areas of concern, establishing that *"Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms."* Violence against women was also the priority theme of the **57th Session of the Commission on the Status of Women (CSW)**<sup>7</sup> of 2013, which ended with the adoption of the conclusions adopted for **"The elimination and prevention of all forms of violence against women and girls."** These conclusions form a set of global reference standards for achieving gender equality and a life free of violence of women and girls. It is the first international agreement to specifically mention femicide and it pays special attention to access to justice and to putting an end to impunity. It also mentions the situation of women human rights defenders and violence against indigenous women, among other matters.

In the case of **Mexico** the Mexican Government adopted these international commitments on the human rights of women when it ratified CEDAW in 1981, its Optional Protocol in 2002 and the Belém do Pará Convention in 1998. This international legal framework should be complemented by contributions from case law with constitutional status in Mexico and in this regard rulings recently handed down by the Inter-American Court of Human Rights (CoIDH) for Mexico are noteworthy, that is *González et al*<sup>8</sup> ("*Campo Algodonero*", 2009), *Inés Fernández Ortega*<sup>9</sup> (2010) and *Valentina Rosendo Cantú*<sup>10</sup> (2010).

Ratification of these conventions has become a major driver for policies, laws, national action programmes and services aimed at the prevention and elimination of VAW. Thus, in the last 10 years the Federal Government has created an institutional, legislative and policy framework aimed at ensuring a life free of violence for women and girls.

In the legislative field, a series of changes began, mainly from 2006, both amendments to existing laws and the adoption of new ones, recognizing the issue of VAW in all its forms<sup>11</sup> and in all the settings in which it occurs. Particularly noteworthy in this regard is the 2011 reform of the Constitution of the United Mexican States, (Article 1),<sup>12</sup> which gives constitutional status to international commitments ratified by Mexico, and the passing of the General Law for Women's Access to a Life Free from Violence (LGAMVLV),<sup>13</sup> a globally pioneering law that takes a legislative leap forward in breaking with the familialist<sup>14</sup> view of laws on domestic violence on the continent. This Act, in line with international standards, contextualizes violence against

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<sup>6</sup> UN Women (1995) Beijing Declaration and Platform for Action. Beijing +5 Political Declaration and Outcome.

<sup>7</sup> Commission on the Status of Women. Report on the 57th Session (4 to 15 March 2013). Official Records of the Economic and Social Council 2013 Supplement No. 7

<sup>8</sup> CASO GONZÁLEZ Y OTRAS ("CAMPO ALGODONERO") VS. MÉXICO, Judgement of 16 November 2009.

<sup>9</sup> CASO FERNÁNDEZ ORTEGA Y OTROS VS. MÉXICO, Judgement of 30 August 2010.

<sup>10</sup> CASO ROSENDO CANTÚ Y OTRA VS. MÉXICO, Judgement of 31 August 2010.

<sup>11</sup> The General Law of Women's Access to a Life free from Violence covers every type of gender-based violence: psychological, inheritance-related, economic, physical, employment-related, institutional, sexual and partner, that taken together constitute violence against women.

<sup>12</sup> Reformed in 2011, it establishes as a right the enjoyment of the human rights recognized in the Constitution and international treaties entered into by the Government of Mexico, as well as the duty of the State to guarantee their enjoyment.

<sup>13</sup> Published 1 February 2007. Regulations published 11 March 2008.

<sup>14</sup> In the familialist approach, the view that takes precedence is the protection of the family unit, over the protection of the human rights of the members of the family.

women as a form of discrimination and recognizes the continuum of violence perpetrated against them. This law was followed by the General Law to Prevent, Punish and Eradicate Crimes of Trafficking in Persons and for the Protection and Assistance of the Victims of these Crimes,<sup>15</sup> the General Victims' Law<sup>16</sup> and the reforms of the National Code of Criminal Procedures<sup>17</sup> and the Federal Criminal Code<sup>18</sup> to create the offence of femicide as a specific crime, establishing the toughest penalty among the countries of the region for this type of crime (from 40 to 60 years) in addition to including the offence committed by a public servant who "maliciously or negligently delays or obstructs the procurement or administration of justice shall be subject to imprisonment of three to eight years and 500 to 1500 days' fine,<sup>19</sup> in addition to being dismissed and barred for three to ten years from fulfilling any other public employment, role or commission." Currently, 31 of the 32 federative entities have included the separate offence of femicide in their criminal codes.

In terms of policy, in addition to Mexican Official Standard NOM-046-SSA2-2005 on family violence, sexual violence and violence against women, criteria for prevention and response,<sup>20</sup> the National Programme for Equal Opportunities and non-Discrimination 2013-2018 (PROIGUALDAD)<sup>21</sup> was published in 2013 and more recently the Comprehensive Programme to Prevent, Respond to, Punish and Eradicate Violence against Women 2014-2018.<sup>22</sup>

From the institutional point of view, the most significant is the creation in 2001 of the National Institute for Women (INMUJERES),<sup>23</sup> the leading Federal institution on Mexican policies on gender equality and combating violence and discrimination against women. The Special Prosecution Department for Crimes of Violence against Women and of People Trafficking (FEVIMTRA)<sup>24</sup> was created in 2008 as a specialized administrative unit of the General Procuratorate of the Republic to investigate and prosecute Federal crimes of VAW and people-trafficking. The Intersectoral Gender Committee<sup>25</sup> was created in 2010 within the federal

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<sup>15</sup> Published 14 June 2012. Latest reform published in Official J of the Republic (DOF) 19/03/2014.

<sup>16</sup> Published 9 January 2013. Latest reform published DOF 03/05/2013.

<sup>17</sup> The National Code of Criminal Procedures establishes a single national code of criminal procedure in order to promote collaboration and coordination between the security and justice authorities responsible for implementing the New Criminal Justice System on the various axes that need to be covered, such as the training and professionalization of police officers, judges, prosecutors, experts and advocates; the alignment of secondary legislation and action protocols; the design and implementation of systems of interconnection between the authorities intervening in the criminal justice procedure, among others. It is the federative entities and the Federation themselves who decide on the time when the new National Code will come into force without exceeding the deadline of 18 June 2016 established in the Constitution.

<sup>18</sup> The Reform of the Federal Criminal Code (article 325) of 13 June 2012 creates the separate offence of femicide within the crimes against life and physical integrity

<sup>19</sup> The day fine equates to the net daily income of the person convicted at the moment of committing the offence, taking account of all the perpetrator's income.

<sup>20</sup> Published in the Official Journal of the Federation on 16 April 2009.

<sup>21</sup> Published in the Official Journal of the Federation on 30 August 2013. The PROIGUALDAD presentation mentions that the Programme is to comply with commitments entered into by the Mexican State within international conventions and treaties, particularly the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention).

<sup>22</sup> Published in the Official Journal of the Federation on 30 April 2014 in accordance with the provisions of articles 25 and 26 of the Constitution of the Mexican United States, the Planning Law and the General Law on Women's Access to a Life Free from Violence (LGAMVLV).

<sup>23</sup> Created by the Law of the National Institute of Women, DOF 12 January 2001. It has its antecedents in the National Programme for the Integration of Women into Development, of 1980.

<sup>24</sup> In accordance with agreement A 109-2012 it is under the Sub-Procuratorate of Human Rights, Care for Victims and Services to the Community (SDHAVSC) of the General Procuratorate of the Republic.

<sup>25</sup> Created 4 May 2010.

judiciary as a mechanism common to the three institutions that make up the judiciary,<sup>26</sup> after the creation between 2007 and 2010 of Gender Equality Commission in the three institutions. Institutional mechanisms for monitoring public policies have also been created, such as the National System for the Prevention, Response to, Punishment and Eradication of Violence against Women (SNPASEVCM),<sup>27</sup> the National System for Equality between Women and Men (SNIMH)<sup>28</sup> and the working committees, such as the Specialized Technical Committee on Information with a Gender Perspective (CTEIPG) created in 2013 by the National Institute of Statistics and Geography (INEGI) with the aim of promoting the generation of statistical information with a gender perspective.

Nevertheless, implementation of this political and legislative framework adopted at Federal level is hampered by the structure of the Mexican State, a federal republic composed of 32 states and with three levels of Government, the federal, that of the federative entities or states, and the municipal. Each state enjoys a very high degree of autonomy, having not only a government structure (executive, legislative and judicial) but also its own constitution, laws and civil and criminal codes. This articulated structure means that changes in policies and laws at federal level have a limited effect with regard to when they have to be adopted in turn by each State in line with its political and legislative powers, obstructing or at least slowing down the generation of changes and visible gains.

Despite the progress mentioned in the legislative, political and institutional fields, the discrimination and violence experienced by Mexican women and girls continues to be alarming, as recognized by the introduction to the PROIGUALDAD Programme when it states that there is compelling statistical evidence to demonstrate this situation. Some of this evidence is: the 2011 National Survey on the Dynamics of Household Relationships (ENDIREH) that showed that 63% of women across the country had suffered some kind of violence, be it physical, sexual, emotional or financial; data from the Executive Secretariat of the National Public Security System that, between January 2014 and September 2015, recorded 35,285 complaints of rape<sup>29</sup> across the country and the vital statistics published by the National Institute of Statistics and Geography (INEGI) showing 10,359 deaths of women with presumption of homicide between 2011 and 2014.<sup>30</sup>

In the same line as the PROIGUALDAD Programme, reports are made by the CEDAW Committee on the country (the latest was 2012) or international jurisprudence. The 2012 CEDAW Committee report,<sup>31</sup> while recognizing the advances made at legislative and institutional levels, points out nonetheless its concern at the fact that "women and girls have

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<sup>26</sup> It comprises the Supreme Court of Justice, the Council of the Judiciary and the Electoral Tribunal of the Judicial Branch of the Federation.

<sup>27</sup> The SNPASEVCM was created as a coordinating body between the Federation, the federative entities and the municipalities, to guarantee access to a life free from violence. <http://vidasinviolencia.inmujeres.gob.mx/vidasinviolencia/?q=sistemanacional>

<sup>28</sup> The SNIMH is a body to coordinate structures, functional relationships, methods and procedures that are set up by and between the agencies and entities of the Federal Public Administration, with the organizations of various social groups and with the authorities of the States, the Federal District and the municipalities, with the goal of taking action by common accord for the promotion and enforcement of equality between women and men.

<sup>29</sup> Source: National Citizen Femicide Observatory. Statement: "Sexual Violence in Mexico".

<http://observatoriofemicidiomexico.org.mx/boletines-de-prensa/posicionamiento-violencia-sexual-en-mexico/>

<sup>30</sup> Source: UN Women Mexico

<sup>31</sup> Committee for the Elimination of all Forms of Discrimination against Women, 52<sup>nd</sup> Session, 9 to 27 July 2012.

been subjected to increasing levels and different types of gender-based violence, such as domestic violence, forced disappearances, torture and murders, especially femicide, by state actors, including law enforcement officials and the security forces, as well as by non-state actors such as organized crime groups."<sup>32</sup>

With regard to international jurisprudence, there are several judgements by the CoIDH condemning the actions of the Mexican State in the face of violations of women's human rights. One of these is the so-called Campo Algodonero case<sup>33</sup> judgement that condemned the Mexican State for violating the human rights of three women who had disappeared and been tortured and killed in Ciudad Juárez, in addition to violating the human rights of their mothers and family members. This ruling shines light on a reality in Ciudad Juárez that can be extrapolated to other States of the country, recognizing not only the crimes committed against women, but also the contexts of violence and impunity that accompany these crimes and the poor - and in some cases criminal - practices of officials responsible for the administration of justice during the investigative procedures for cases, all of which obstructs women's access to justice and right to redress for harm caused.

The cases of Inés Fernández and Valentina Rosendo are another example. They are two indigenous women who were tortured and raped by the Mexican army in the State of Guerrero in 2002. The case reached the CoIDH and resulted in two judgements<sup>34</sup> that in equal measure recognized the breaches of the victims' human rights by the State, ordered it to remedy the harm to the victims and their family members, ordered it to ensure non-repetition and demanded the detention of the guilty to prevent impunity. Civil society organizations (CSOs) are monitoring Government compliance with this judgement; to date it has not been fully complied with.

It is this context of a lack of guarantees for women's human rights that frames the work done by UN Women Mexico on justice for the women victims of violence and discrimination. To do this, as we shall see in detail, an advocacy strategy has been developed along different lines of action for the generation of changes in the political, legislative and institutional framework to secure their harmonization with international standards of due diligence and, specifically, compliance with the CEDAW recommendations for Mexico and the CoIDH judgements finding the country in breach.

### **3. The UN Women Mexico strategy**

The work of UN Women in Mexico has its antecedents in the work done by the United Nations Development Fund for Women (UNIFEM) subregional office for Mexico, Central America, the Dominican Republic and Cuba, based in Mexico City since 1985. Since then, UNIFEM worked with civil society organizations and government institutions to secure the same opportunities

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<sup>32</sup> Page 3, CEDAW report, 7 July 2012.

<sup>33</sup> CASO GONZÁLEZ Y OTRAS ("CAMPO ALGODONERO") VS. MÉXICO, Judgement of 16 November 2009

<sup>34</sup> CASO ROSENDO CANTÚ Y OTRA VS. MÉXICO, Judgement of 31 August 2010  
CASO FERNÁNDEZ ORTEGA Y OTROS VS. MÉXICO, Judgement of 30 August 2010

for women as men have in the full exercise of their political, economic, social and cultural rights.

The creation of UN Women in July 2010, as the UN Entity for Gender Equality and the Empowerment of Women, built on the work done by UNIFEM in the country and the institutional relationships already established. The change from UNIFEM to UN Women did, however, affect the structure of the office, which changed from being a subregional office to a country office. This transition took place in 2012, with subregional issues gradually being passed to the Regional Office for the Americas and the Caribbean, based in Panama, or to the country offices established in Guatemala and El Salvador.

In accordance with its mandate and the priorities identified in the United Nations Development Assistance Framework (UNDAF)<sup>35</sup> agreed with the Government of Mexico, UN Women has concentrated its efforts in the period under evaluation (2011-2015) on the following areas:

- ✓ *Women's political participation and leadership.* In this area, the objective of UN Women is to increase the presence of women in positions of representation in the three levels of government, federal, state and municipal, as well as promoting electoral systems that guarantee and do not violate women's political and electoral rights. To this end, UN Women has developed (1) several knowledge and analysis products in the field of women's political and electoral rights and has (2) carried out work to support the process of legislative harmonization to move towards horizontal and vertical parity in the federative entities, together with (3) supporting and strengthening women's networks working in the protection of women's political and electoral rights. The SUMA, Democracia es Igualdad (ADD UP, Democracy is Equality) project was part of this work. This project had its origin in a project developed with funding from the Fund for Gender Equality (FGE). Jointly conducted between 2011 and 2014 with INMUJERES and five civil society organizations,<sup>36</sup> it focused on building the capacities of women politicians for federal, state and municipal elections with the goal of promoting women's political participation and leadership.
- ✓ *Women's economic empowerment.* In this area, UN Women works to promote the economic empowerment of women with special emphasis on those women who are the most vulnerable, that is, women migrant workers, domestic workers and rural and indigenous entrepreneurs. To do this it has worked (1) on advocacy, aiming to mobilize public and private actors around the women's economic empowerment agenda; (2) on generating knowledge of and visibility for women's contributions to the economy, through time use reports and statistics and strengthening opportunities for dialogue and reflection on these issues. (3) The third line of intervention has consisted of the design and execution of specific projects focused on two vulnerable population groups: women migrant workers and rural women. Firstly, projects targeted at women migrant workers<sup>37</sup> and leading to the

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<sup>35</sup> The agreement for the period 2014-2019 and signed in 2013 is currently in force, the previous one corresponding to the period 2008-2012.

<sup>36</sup> Equidad de Género, Ciudadanía, Trabajo y Familia A.C., Instituto de Liderazgo Simone de Beauvoir A.C, Liderazgo, Gestión y Nueva Política A.C, Mujeres.

<sup>37</sup> "Strengthening the rights of women migrant workers"; "Social and demographic mapping of the situation of women migrant workers on the southern border of Mexico"; "Analysis of public policies and programmes for the protection of the rights of women

generation of knowledge products able to influence policies, programmes and decisions related to the rights of women migrant workers and protection against exploitation and exclusion. Secondly, a project was developed with rural women entrepreneurs as part of the "Expanding Economic Opportunities for Rural Women Entrepreneurs in Latin America" regional programme, funded by the International Fund for Agricultural (IFAD) and implemented by UN Women. The aim of the programme is to contribute to the economic empowerment of rural women entrepreneurs in Mexico, Guatemala, El Salvador and Nicaragua. In the case of Mexico, it is working with women entrepreneurs' organizations in Oaxaca. In this area, the contribution of UN Women to the valorization of domestic and unpaid care work, mostly done by women, is also noteworthy.

- ✓ *Elimination of violence against women and girls.* In this area, UN Women has been working on various aspects ranging from the prevention of violence to advocacy and collaboration work with Mexican institutions on the creation of a legislative and policy environment framework to prevent impunity for violence and violations of women's rights, all this including support for the improvement of judicial mechanisms for the defence of women victims and, finally, on the production of knowledge and key evidence on violence against women, with a view to accountability and decision-making. On prevention, different actions have been conducted within the framework of the Campaign of the Secretary General of the United Nations, "UNiTE to end violence against women"<sup>38</sup> and also as work to promote and secure support for the "HeForShe" movement.<sup>39</sup> In addition to campaigns in the field of prevention, note should be taken of implementation of the global initiative "Safe Cities and Safe Public Spaces for Women and Girls" that has been implemented since 2015 in Mexico City and is beginning in the cities of Puebla and Torreón. Accession by a city to the programme implies a commitment by that city to work to generate awareness, evidence, communication campaigns and good practice in the prevention of sexual harassment and the various types of violence that women and girls face in public spaces. Aspects related to the work of UN Women in other areas mentioned are addressed in detail in the next section, since they are the main focus of this study.
- ✓ *Planning, budgeting and development of gender sensitive statistics.* This line of work includes efforts by UN Women to incorporate the gender perspective into the production and analysis of national statistics and to foster the exchange of experiences in this field with other countries of the region (South-South cooperation), also analysed in the next section. Collaborative work by UN Women with state and municipal institutions for incorporating the gender perspective into planning and budgeting<sup>40</sup> and support for national institutions over the implementation of plans, policies and strategies for gender mainstreaming is also included. Here, special mention must be made of its collaborative work with the National

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migrant workers on the southern border of Mexico"; "Promotion and protection of the Employment and Human Rights of Women Migrant Workers": Participation with International and National Human Rights Mechanisms to Improve Accountability".

<sup>38</sup> The UNiTE Campaign, launched in 2008 by the Secretary General of the United Nations, has the goal of mobilizing public and government opinion to prevent and eliminate violence against women and girls worldwide. <http://www.un.org/es/women/endviolence>

<sup>39</sup> HeForShe aims to raise awareness of the problem and to influence the responsibility that men and boys have to eliminate all forms of discrimination and violence against women and girls, through new models of behaviour that work towards a fair world. <http://www.heforshe.org>

<sup>40</sup> "Institutionalization and Mainstreaming of the Gender Equality Perspective in Mexican Public Budgets at State and Municipal Levels" project.

Institute for Women (INMUJERES) and sectoral ministries to advance the implementation of PROIGUALDAD 2013-2018 and its work together with the Interinstitutional Gender Committee of the Judiciary on implementation of its gender mainstreaming strategy in the three bodies of the judiciary. UN Women is an observer and adviser in both the National Equality System and the National System for the Prevention, Response, Punishment and Eradication of Violence against Women and the Specialized Technical Committee on Information with a Gender Perspective. At regional and global levels, UN Women has contributed to the efforts made by the Mexican Government in international commitments on sustainable development and human rights for the gender perspective to be included in consensuses and agreed conclusions.

In parallel, UN Women Mexico has, in accordance with its mandate played a catalysing role within the United Nations System (UNS) with regard to the inclusion of the gender perspective in policies and programmes. In this area, it leads the Interagency Gender Group (GIG, from the Spanish),<sup>41</sup> the main coordination mechanism on gender between the United Nations System agencies in Mexico. Additionally, UN Women maintains close relations with a group of the System's agencies, participating with these in specific joint initiatives and actions on key issues. Particularly noteworthy among these is its relationship and joint work with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on actions to highlight and defend human rights, support defenders and support rapporteurs on their country visits, such as that of Ms Rashida Manjoo, Special Rapporteur on Violence against Women in her unofficial visit of July 2014. Other examples of cooperation with OHCHR are the presentation of the UN report to CEDAW in 2012 and the presentation of major contributions to the work of the Human Rights Protection System.

To carry out its work and development of the lines of work described, UN Women Mexico has had a budget of \$19,860,556 for 2011-2015, of which 49.2% is from its own funds and 50.8% is from external resources, led by contributions from the Government of Mexico at 29.9% of total resources, 3.5% from the European Union, 1.7% from Cooperación Española and 0.5% from the Sony Corporation. Added to this is a contribution in kind of 15% of the total funds managed, from foundations and the private sector.

Below is a chart showing the evolution of the funds managed in the evaluation period.

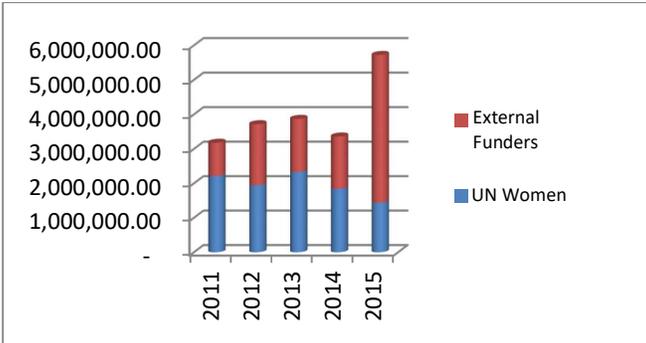


Chart 1 - prepared by author. Source: UN Women Mexico

<sup>41</sup> The GTG is currently led by UN Women and is composed of 15 agencies: ECLAC, United Nations, FAO, OHCHR, RCO, IOM, ILO, UNESCO, UNHCR, UNODC, UNFPA, UNICEF, WHO/PAHO, UNDP and UN HABITAT.

In the period 2011 - 2013, all external funding was from the Government of Mexico. In 2014 the European Union joined and the other funders mentioned joined in 2015.

#### 4. UN Women Mexico's main contributions to access to justice (ATJ) for victims of violence against women in Mexico

The UN Women Mexico office addresses the response to violence and discrimination with a work strategy that covers different areas ranging from prevention to the promotion of a legislative and political environment that meets international standards for the protection of women's rights, including strengthening the mechanisms to respond to breaches of these rights and accountability as a system for evaluation of the response and decision-making tool.

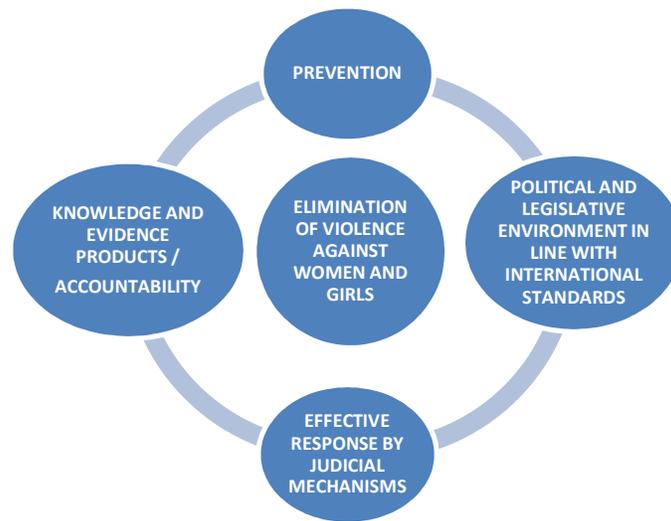


Figure 1 - prepared by author

The country strategy 2014 - 2019 is based on a set of principles that guide the work of UN Women in the field:

- a) Evidence-based advocacy and political dialogue aimed at increasing the accountability of national counterparts with regard to gender equality and women's rights;
- b) Focus on public policies as a driver of the proper institutionalization of processes and frameworks for gender equality and women's rights at national and state levels;
- c) Generation of empirical evidence to make the greatest gender challenges visible;
- d) Knowledge production as a strategic tool for decision-making;
- e) Strengthening and diversification of key alliances, to scale commitments in specific areas;
- f) Implementation of a territorial intervention approach to address inequalities based on gender and territory;
- g) Strategic intervention in SNU-Mexico to increase the system's accountability, coordination and consistency on gender equality issues;
- h) Focus on national-scale programmes with targeted territorial interventions.

Given the purpose of the assessment of which this case study forms part, focusing the eye on aspects related to access to justice for women who have been victims of violence, we shall concentrate our analysis on issues related to the defence of women's rights once they have been violated, without going into detail on interventions in the field of prevention.

To reflect the main contributions of UN Women to its various lines of work, we shall work on the basis of the theory of change underlying its work done in the period under evaluation and which has the final goal of *Guaranteeing access to justice for women and girls who have been victims of violence and discrimination*. This means that the focus of the work done by the office is defence further to any violation of women's rights in general terms, which encompasses not only the episodes of violence they may suffer, but also discrimination in the exercise of any of their rights, including their political and electoral rights. In this arena, in fact, UN Women Mexico is carrying out support work for preparing proposals for the definition and classification of political violence as a discrete offence, not only in Mexico but regionally too.

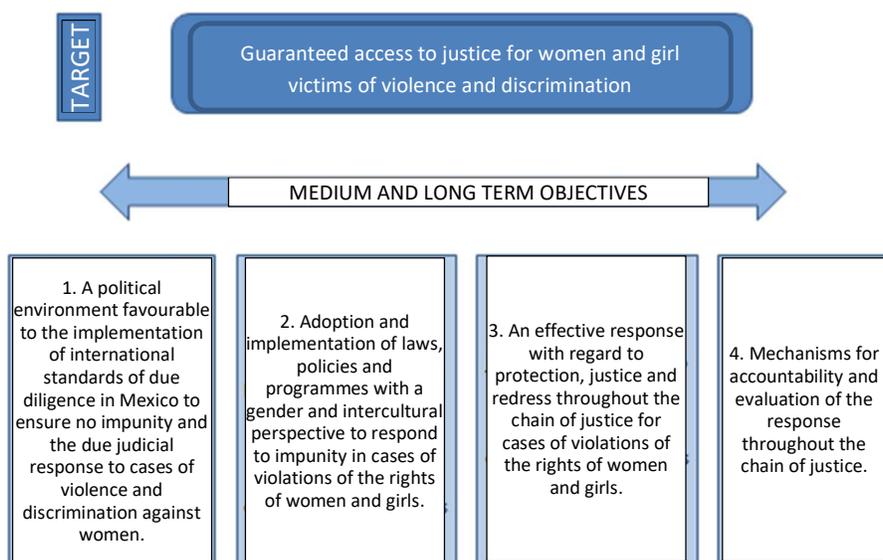


Figure 2. Prepared by author

Access to justice is an area of concern for the office's coordination, standard-setting and programme mandates and it has been addressed from different angles, all of them directed towards contributing to the generation of the preconditions necessary for achievement of the desired change. In this regard, the goals pursued by UN Women in its work to ensure access to justice have been:

1. The creation of a political environment favourable to the implementation of international standards of women's rights in gender equality to ensure no impunity and a proper response to violence and discrimination against women.
2. The adoption and implementation of laws, policies and programmes that have a gender and intercultural perspective to address impunity in cases of violations of the rights of women and girls.

3. An effective response by the State in relation to protection, justice and redress throughout the chain of justice for cases of violations of the rights of women and girls. To work both at the levels of rights holders and of strengthening civil society organizations and their networks for the enforcement of rights through advocacy, policy dialogue and the prosecution of emblematic cases.
4. The strengthening of judicial statistics, accountability mechanisms and the evaluation of the response throughout the chain of justice.

#### ***4.1. Generation of a political environment favourable to the implementation of changes to meet international standards of women's rights and gender equality***

In order to advance the **first objective**, that of the *generation of a political environment favourable to the implementation of changes to meet international standards of women's rights and gender equality by the Mexican Government*, UN Women has developed lines of work on three levels.

**A first level** of work aimed at achieving the **harmonization of the national legislative framework (at federal and state level) with the international human rights framework**, for which it has supported, with inputs and support, international committees in preparing their reports on Mexico, specifically CEDAW and the Committee on the Rights of the Child. In this area of work it has also supported and accompanied members of these Committees on their visits to Mexico and rapporteurs on violence against women and human rights, developing inputs with analyses on priority issues in the field of gender equality, women's rights and access to justice.

With regard to harmonization and meeting international standards, UN Women has, in addition to its work to support CEDAW in drawing up its recommendations and its visits to the country, worked to monitor compliance with CoIDH judgements, such as the Campo Algodonero judgement, supporting the work of the National Citizen Femicide Observatory and Catholic Women for the Right to Decide.<sup>42</sup>

At federative entities level, work has been done on legislative harmonization of state regulatory frameworks with the reforms promoted at federal level to guarantee women's and girls' rights to access justice, such as the LGAMVLV and the National Code of Criminal Procedures. The structure of the Federal State requires additional work at the level of the 32 states to harmonize their respective legislations and means that more work is needed to achieve country-wide change. In this regard, work has been done at federative entity level, especially in the States of Veracruz and Coahuila on administrative records and legislative harmonization,<sup>43</sup> a UN Women experience that it would be useful to gradually move across to other states.

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<sup>42</sup> Support given under the project "Contributing to the Effective Implementation of the General Law of Women's Access to a Life Free from Violence in Mexico and the recommendations of the Inter-American Commission on Human Rights (CIDH) on the Campo Algodonero case", conducted between 2011 and 2015 with funds from the United Nations Trust Fund to End Violence against Women.

<sup>43</sup> Part of this work formed part of the project "Preventing and Addressing Violence against Women and Girls in Albania, Mexico and Timor-Leste", funded by the European Union and which began in 2014.

A **second level** aimed at having issues related to access to justice for women and girls who have been victims of violence **placed on the political agenda**. In this regard, advocacy work has been done on femicide, working for its creation as a specific, discrete offence, achieving the positioning of the United Nations System in Mexico in favour of the creation of a federal offence of femicide<sup>44</sup> and developing knowledge and visibility products on this issue, specifically in the studies *Femicide in Mexico. Approach, trends and changes 1985-2009*,<sup>45</sup> and *Femicide violence in Mexico. Characteristics, trends and new expressions in the federative entities, 1985-2010*.<sup>46</sup> In addition to the studies mentioned above, UN Women has carried out support and advocacy work with the legislature at federal and federative entity levels, detailed below. Advocacy work has also been done in other areas, such as on strategic support for the gender parity movement in the political arena to promote a consensus around the need for legislation that includes political violence; the inclusion of gender issues that affect children and, in particular, child femicide, in the report of the Committee on Children in Mexico; and the campaign for the eradication of early marriage and child motherhood, especially in girls, as part of the of the UNiTE campaign of the Secretary General of the United Nations.<sup>47</sup>

Another dialogue and political positioning topic on which UN Women has worked is that related to access to justice for indigenous women; here, in addition to the work done with the indigenous women's movement detailed below, it proved possible to place the issue on the agenda of the judiciary, resulting in the conduct of a project to train men and women officials in the judiciary on gender and interculturality, and participation in Access to Justice for Indigenous Women Days held in Hidalgo and Querétaro that included the presentation of the paper *Training for Awareness in Gender Equality and Interculturality*. Added to this was participation in a parallel event on access to justice for indigenous women as part of the work of the Third Committee on Social, Humanitarian and Cultural Affairs of the 69th General Assembly of the United Nations.<sup>48</sup>

A **third level** of work consists of **providing spaces for political dialogue between stakeholders** from civil society and public institutions on access to justice for women and girls and, in parallel, **supporting, strengthening and raising the visibility of the work of CSOs**. In this vein, UN Women has worked on building bridges between CSOs and political and judicial institutions to facilitate dialogue and consensus between them, offering strategic support for social auditing processes that detect flaws in the judicial system in cases of violence against women and girls (VAWG). In this task of supporting and strengthening CSOs, the support given to defenders of human rights is notable, especially through the Mesoamerican Women Human Rights Defenders Initiative (IM-Defensoras), with which UN Women has formed a partnership

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<sup>44</sup> <http://www.cinu.mx/comunicados/2011/03/naciones-unidas-exhorta-a-las/>

<sup>45</sup> Femicidio en México. Aproximación, tendencias y cambios, 1985-2009. Published in 2011.

[http://cedoc.inmujeres.gob.mx/documentos\\_download/00\\_femicidMx1985-2009.pdf](http://cedoc.inmujeres.gob.mx/documentos_download/00_femicidMx1985-2009.pdf)

<sup>46</sup> Violencia feminicida en México. Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010. First edition, 2012. Written by the Special Committee for Monitoring Femicide, UN Women and Inmujeres.

<sup>47</sup> In 2015, as part of the UNiTE to end violence against women and children campaign, the 16 days of activism campaign (25 November to 10 December) was devoted to the elimination of child marriage. In this regard, UN Women Mexico promoted the campaign: "From A (Aguascalientes) to Z (Zacatecas), Mexico without early and child marriage in law and in practice." This campaign was designed in coordination with the UN Women Mexico Civil Society Advisory Group and the United Nations System Interagency Gender Group, joined by 12 United Nations agencies to devise a joint communication strategy.

<sup>48</sup> The proceedings of the event are included in the publication *Mujeres Indígenas, Derechos Humanos y Acceso a la Justicia* available at <http://mexico.unwomen.org/es/digiteca/publicaciones/2016/01/mujeres-indigenas-dh-acceso-justicia>

to promote regional strategies for protection, visibility raising and capacity building. Equally important has been the support given to the National Citizen Femicide Observatory as part of the project "Contributing to the Effective Implementation of the General Law of Women's Access to a Life Free from Violence in Mexico and the CoIDH Recommendations on the Campo Algodonero Case", conducted between 2011 and 2015 with funding from the United Nations Trust Fund to End Violence against Women, and the support given to five civil society organizations as part of the SUMA project conducted between 2011 and 2014 with funding from the Fund for Gender Equality (FGE).

Of the work done by UN Women in these areas, three **fundamental contributions** stand out:

- I. On the one hand, a **proven ability to influence** public policies, laws and budgets. This advocacy capacity of the UN Women Mexico office is based on several pillars: (1) the levels of relationships and dialogue achieved with strategic partners in decision-making at political, legislative and judicial levels, and its participation in government mechanisms and initiatives at federal level with the aim of ensuring women's access to justice. (2) Second, it is based on the credibility and recognition achieved by the UN Women office and, especially, by its representative, who ensures that the opinion and proposals presented are taken into consideration. (3) Added to this is a third element related to its work as a bridge between international institutions and mechanisms, committees and rapporteurs who monitor compliance with the "due diligence" of states, which has facilitated to a certain extent the transfer of international pressure to promote change within political bodies.
- II. On the other hand, a second contribution of UN Women has been the link role it has played, **tightening and strengthening relationships between CSOs and the political, legislative and judicial branches of power**. UN Women has brokered both initial relationships and their restoration when dialogue has broken down. This achievement has been one of the most highlighted by respondents, and it implies work to strengthen the CSOs on one hand and a capacity for political dialogue on the other, as well as technical ability, and knowledge of the issues and the best spaces to achieve the establishment of a fluid communication channel between the holders of rights and those of obligations in the political and institutional context of the country. An essential part of playing this role has been UN Women's having maintained a position that is independent both of these organizations and of public institutions. It was precisely from this position of independence that it was able to act as a mediator between the two at times of breakdown in relations or tensions, playing a part as an intermediary from a position of neutrality that it otherwise would not have been able to perform.
- III. Coupled with this work as a bridge, mention must be made of the **impetus, recognition and endorsement** effect that has derived from the support lent by UN Women to proposals made by CSOs to public institutions. UN Women support for proposals made by or strategic litigation driven by CSOs has been considered by these organizations as an element of recognition for their work and proposals that has translated into the opening of doors in political or judicial bodies.

#### ***4.2. Adoption and implementation of laws, policies and programmes with a perspective of gender and interculturality***

Considering the **second objective**, the *adoption and implementation of laws, policies and programmes with a perspective of gender and interculturality*, UN Women has worked both on the elimination and/or reform of discriminatory provisions in the Constitution, laws, and codes, and on the reform or adaptation of policies and programmes to address gaps in access to justice.

Thus, with regard to **legislation**, it has done important **advocacy** work in conjunction with the Committee on Femicide created ad hoc in the Congress of the Republic for **creating the offence of femicide** as a separate offence in the federal criminal code. In this collaboration, a major role was played by the first "Study on Femicide", which collated data on violent deaths of women from 1985 to 2010.<sup>49</sup> At the level of the federative entities, presentations of the study and the legislative proposal were made that led, in the same year as it was passed at federal level, to 10 states including it in their criminal codes with the same characteristics as the federal offence. Currently, every state except Chihuahua has included the offence of femicide in its criminal code, albeit with variations on the conditions for crimes to qualify as femicide. In addition to the creation of the offence of femicide, UN Women has worked with others on the **elimination of discriminatory legal figures that breach women's human rights**, such as the precepts that mitigate penalties for homicide or injury in "honour cases", violent emotion or conjugal infidelity, or the extinction of the crimes of rape, statutory rape or abduction when the perpetrator marries the victim.

At federal level too, UN Women continues to participate as a permanent observer in the **National System for the Prevention, Response, Punishment and Eradication of Violence against Women (SNPASE)**, particularly in providing technical assistance for the reformulation of the Gender Alert Regulations and the role of observers in the review of cases in the system.

In the field of policy, note should be taken of its work on **technical collaboration and support** in the formulation and implementation of the **National Programme on Violence 2014-2018**, and of its collaborative work conducted up to 2012 with the **National Commission for the Development of Indigenous Peoples (CDI)**, one part of which was the development of a programme with three basic pillars consisting of the launch of the so-called Indigenous Women's Houses (CAMIs), the training within UNAM of indigenous women leaders and the strengthening and support of indigenous women's networks, in addition to supporting the CDI gender unit. On specific work on access to justice for indigenous women, the CAMIs carry out important work on detecting cases of violence and supporting the filing of complaints. This collaboration experience was evaluated in 2008 leading to a report on the systematization and evaluation of the process.<sup>50</sup>

The following stand out as achievements from all this political and legislative work:

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<sup>49</sup> *Violencia feminicida en México. Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010*. First edition, 2012. Written by the Special Committee for Monitoring Femicide, UN Women and Inmujeres. There is a previous work published in 2011 under the title of *Femicidio en México: Aproximación, Tendencias y Cambios 1985-2009*.

<sup>50</sup> National Institute of Public Health (2002) *La experiencia de la Casa de la Mujer Indígena: sistematización y evaluación del proceso*.

- I. The **positioning and level of dialogue** achieved by UN Women, especially at federal level, which together with specialized knowledge of the issues that enables it to offer **high quality technical collaboration**, means that its advocacy capacity is significant. This technical collaboration has primarily centred on (1) **supporting the argument for legislative proposals**, providing on the one hand the vision, positioning and international legislation on the issue and, on the other, (2) **generating documents and knowledge products** that make issues visible and are support and advocacy tools to promote changes at policy and legislative level. One example of these products, as mentioned, was the first study on femicide, *Feminicidio en México: Aproximación, tendencias y cambios, 1985-2009*, which proved to be an effective lobbying tool in that it was a rigorous, compelling document that cast light on the reality of the problem and the need to take action. It was used in the Chamber of Deputies<sup>51</sup> by the Special Commission to find out about and monitor in a specific and exhaustive manner the actions taken by the competent authorities with regard to feminicides committed in Mexico, to advocate for and take forward creation of the offence, while dealing with counter-arguments, as especially in the Chamber of Senators there were objections to its approval.
- II. In addition, two main contributions stand out from its work with the CDI: (1) There is the individual and group **training and empowerment of indigenous women**, and (2) its work to **improve the institutional response to indigenous women** through the CAMIs. One highlight from its first line of work are its contributions to the diploma course to strengthen the leadership of indigenous women that was jointly launched in 2008 by UNAM, CDI, the Indigenous Women's Alliance of Central America and Mexico and UN Women. The Diploma opened an opportunity for indigenous women to have a learning space that met their needs, with the particular feature of offering women who had not undergone formal education access to a university academic award. This diploma continues to this day, now without the support of UN Women, partly due to the role of co-responsibility taken on by the indigenous women responsible for teaching it.

At the collective level, support was given to the indigenous women's movement that has continued to date, mostly through joint work with the Indigenous Women's Alliance of Central America and Mexico. This support work has contributed to the **organizational strengthening** of indigenous women and their improved **advocacy capacity** for their priorities to be included into political agendas. An example of such positioning work is running a course on gender and interculturality in the judiciary, described below.

As part of the institutional response to indigenous women (2) there is the launch of the **care spaces for indigenous women** through the CAMIs, the Indigenous Women's Houses. At the start of the agreement with the CDI, 5 houses were opened that became 12 by the end of the programme and 22 by 2013, spread over 12 states with government funding through an annual process and with administration by indigenous women. The CAMIs help overcome significant barriers to justice for indigenous women, ranging from lack of knowledge of their rights and the mechanisms to defend them through to filing a complaint in a language and with procedures that are unknown to

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<sup>51</sup> Chamber of Deputies, LXI Legislature

them. The CAMI model, even though it could be improved, as reflected in the evaluation made of the experience, has made it possible to shine a light on violence against indigenous women in the communities and municipalities within their area of influence, work on aspects of prevention and detection of cases of violence and provide a legal pathway for a population group that faces enormous barriers over the defence of its rights. In this regard its contribution is undeniable, even though it has not been possible to have quantitative data on the number of legal proceedings started with its support.

#### ***4.3. Contribution to securing an effective response by the State in relation to protection, justice and redress throughout the chain of justice for cases of violations of the rights of women and girls.***

A **third objective** of UN Women Mexico's work on access to justice is that of *contributing to securing an effective response by the State in relation to protection, justice and redress throughout the chain of justice for cases of violations of the rights of women and girls*. Under this objective, UN Women has worked on several lines of action.

A **first line** of collaboration with the highest levels of the judiciary to ensure that the administration of justice has the skills to provide legal processes with every guarantee of due diligence for women and girl victims of violence and discrimination. Two projects forming part of this **capacity-building** are those done with INMUJERES and the judiciary, one on "Human Rights and Checks for Compliance with International Conventions" and the other on "Strengthening Justice with a Gender and Intercultural Perspective". The main activity of each course was an on-line course. Each course had three editions with the total participation of 5,257<sup>52</sup> people, (of whom, 43% successfully finished the course), officials from the three instances of the judiciary (Judicial Council, Supreme Court of Justice and the Electoral Tribunal of the Federal Judiciary), mainly from the federal level except that one of the editions was broadened to officials from the judiciaries of the states. Regarding the course on "Strengthening Justice with a Gender and Intercultural Perspective"<sup>53</sup>, although it was mainly intended for officials in the justice department, some places were allocated to lawyers and members of CSOs.

A **second line** focusing on the design of tools, action protocols and resources to judge from a gender and intercultural perspective in line with international standards. Part of this line was the **collaboration and support** of UN Women to the **Interinstitutional Gender Committee of the Judiciary**. The Committee, formed in May 2010, includes representatives of the three organs that make up the federal judiciary. Its aim is to coordinate efforts to unify the criteria for planning the strategy for the institutionalization of the gender perspective in the Judiciary of the Federation, and to monitor and evaluate the actions and projects taken by each of the three instances on matters of gender equality. This Committee decided on and monitored the training courses mentioned above and other collaborations were developed here, including

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<sup>52</sup> A total of 2,947 people took the course on "Human Rights and Checks for Compliance with International Conventions" over its three editions, of whom 1,245 (42%) successfully completed it. Over the three editions of the course on gender and interculturality, 2,310 people took it, with 944 (43%) passing.

<sup>53</sup> An evaluation was conducted after the first edition of the course to assess the satisfaction level of those who took it and the application of knowledge acquired. The results of this evaluation were used to introduce changes and improvement to subsequent editions.

the presentations of protocols developed by the judiciary to judge using a gender perspective, and the participation of UN Women in editions of the Gender and Justice Awards, where recognition is given to notable works in the form of essay, documentary or news report on access to justice.

The **third line** of UN Women action with the judiciary was its collaboration in the form of **contributions to the arguments set out in judgements** in the case of the Supreme Court of Justice (CSJ) and the Electoral Tribunal of the Judicial Branch of the Federation (TEPJF) through the figure of the *Amicus Curiae*. In both cases it was a matter of bringing the vision of the international *corpus iuris* to judges on the issues on which they were judging and offering them arguments for writing their judgements with a gender perspective. Mention should also be made of the UN Women intervention to facilitate the participation of people from the judiciary in international spaces for the interchange of experiences,<sup>54</sup> where they connect with international experts in the field who bring them other enriching visions that are transferable to their own jurisdictional environment.

A **fourth line** of work is that carried out with the General Procuratorate of the Republic, with which it is conducting advocacy using the **Model Latin American Protocol for the Investigation of Gender-based Violent Deaths of Women (femicide/feminicide)**.<sup>55</sup> Account has been taken of this protocol in several state protocols and it was mentioned in the SCJN judgement on the Mariana Lima case that sets specific criteria for the actions that must be taken by prosecutors' offices when the violent death of a woman occurs.

The **fifth line** of work is that relating to **support for strategic litigation**. In this line of work the support and accompaniment provided by UN Women to the National Citizen Femicide Observatory in so-called strategic litigation is noteworthy. Specifically, support for the Mariana Lima case mentioned above, whose writ of amparo before the Supreme Court of Justice resulted in a landmark judgement that condemned the discriminatory actions of the Procuratorate in the investigation of cases of violence against women and set specific criteria for how prosecutor's offices should act in the event of the violent deaths of women. The judgement, of March 2015, set a national level precedent when it established that all violent deaths of women should be investigated as feminicides.

The sixth and last notable line of work is that of collaboration with the Institute of Women of Mexico City, dating from 2008, within the "Viajemos Seguras" ("Let's [we women] travel safely") project designed to **prevent, respond to and punish sexual violence committed against women using public transport**. In addition to a series of measures to prevent these abuses, five public offices have been set up for the victims of sexual abuse on the transport system to make reports and receive care. Together with this programme, the Safe Cities Free from Violence against Women and Girls Programme was launched in Mexico City in July 2015 with a mainly preventive approach but also including immediate reporting points set up specifically for the programme.

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<sup>54</sup> One example of these spaces for dialogue was the meeting of experts held in New York in February 2015 in connection with UN Women's Constitutional Database project.

<sup>55</sup> Regional Office for Central America of the Office of the High Commissioner for Human Rights (OHCHR), UN Women Regional Office for the Americas and the Caribbean. Model Latin American Protocol for the Investigation of Gender-based Violent Deaths of Women (femicide/feminicide). <http://www.unwomen.org/es/digital-library/publications/2014/8/modelo-de-protocolo-latinoamericano>

Of the UN Women work done in this field, respondents pointed to two fundamental contributions:

- I. One of these was the support work for the arguments in judgements of the CSJ and the TEPJF, bringing in international *corpus iuris* for the drafting of judgements with a gender perspective translates into important **advocacy** for the **generation of case law** in this regard. The focus of documents submitted to both bodies had the effect of their being perceived by judges as supporting material for their arguments and not as an exercise of interference in their duties.
- II. In the same vein of generation of case law, a second contribution of UN Women is that of providing **impetus for the positioning of strategic litigation** launched by CSOs and reinforced and positioned with the support of UN Women. This support had a very positive outcome in the Mariana Lima case mentioned above, in that it led to a landmark judgement by the CSJ.

#### ***4.4. Strengthening of judicial statistics, accountability mechanisms and the evaluation of the response throughout the chain of justice.***

The **fourth** and final **objective** for which UN Women has worked to ensure access to justice for women and girl victims of violence and discrimination is that related to the *strengthening of judicial statistics, accountability mechanisms and the evaluation of the response throughout the chain of justice*. To this end, UN Women has worked on different fronts at national and international levels.

**Firstly**, it carried out intensive work aimed at the **improvement of statistics and data on the prevalence and extent of violence**, in collaboration with INMUJERES and the National Institute of Statistics and Geography. This collaboration worked through the participation of UN Women together with these institutions in the Specialized Technical Committee on Information with a Gender Perspective,<sup>56</sup> the space where the conceptual design of surveys is discussed along with academics, producers and users of information. Presence in this work space, formally created in 2013 has made it possible to take part in the discussion of, for example, the methodology and questionnaires for the 2016 National Survey on the Dynamics of Household Relationships (ENDIREH).<sup>57</sup>

Prior to its creation, UN Women had been participating in work sessions with the same actors to discuss the questionnaires, conceptual frameworks and samples for ENDIREH 2003, 2006 and 2011. Similarly, the Committee finalized work on the *Guidelines for Mainstreaming Gender in the National Statistical and Geographical Information System* that, once approved by SNIEG will be an indispensable tool for the production, integration and dissemination of statistical information with a gender perspective.

**Secondly**, UN Women has worked on the **improvement of records and censuses that reflect the institutional response to cases of VAWG**. In this vein, UN Women has been collaborating

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<sup>56</sup> [http://www.snieg.mx/contenidos/espanol/comites/cte\\_acuerdos/demo/CTE%20Informacion%20de%20Genero.pdf](http://www.snieg.mx/contenidos/espanol/comites/cte_acuerdos/demo/CTE%20Informacion%20de%20Genero.pdf)

<sup>57</sup> This survey aims to learn about the different types of violence suffered by women aged 15 years and older in the home, school, work and social environments and the physical and emotional consequences endured by women abused by their partners.

with INMUJERES since 2010 on conducting a series of studies to analyse the gaps in administrative records associated with the chain of justice (health institutions, procuratorates and the judiciary) that prevent data being obtained on the violence suffered by women and the judicial response to it. Work began in 2010 with a pilot in for federative entities that was extended in 2012 to the 28 others. From this work an appraisal was obtained of the information recorded in General Procuratorates on women victims of violence and in 2012 this was followed by a study to detect strengths and weaknesses in the administrative records on violence against women and proposals for improvement, to drive public policies and the applicability of Constitutional reform in the field of human rights in seven federative entities.<sup>58</sup> From this study, a series of recommendations were made for improving the administrative records in the process of attending to women victims of violence; these recommendations were made to the Ministry of Health, the General Procuratorate of the State, (PGJE) and the State High Court of Justice (TSJE) of the seven federative entities. All this work has served as a basis for the preparation of a proposed Single Register of Cases of Violence against Women (RUCVCM) to be used by the Health, Prosecution and Justice bodies of every federative entity of the country.

Taking a step forward, within the "Preventing and Addressing Violence Against Women and Girls in Albania, Mexico and Timor-Leste" project funded by the European Union, a detailed design has been produced of an electronic Information system on violence against women (SIVIMU) that includes the variables and data from cases of violence against women that it is proposed that the bodies involved will collect throughout the chain of Justice. Currently, as a first step towards harmonization, work is being done on development of a concrete proposal for the variables for the records of the courts, work that will later need to be done with health institutions and the procuratorates too. This proposal is being analysed in the so-called Working Group for the Generation and Approval for the Catalogues of Judicial Statistics, convened by the High Court of Justice of the Federal District. This group has the participation of INMUJERES, INEGI BANAVIM<sup>59</sup> and UN Women together with the National Commission of the High Courts of Justice, CONATRI, which is the entity that encompasses all the courts of the 32 federative entities.

**Thirdly**, in the same space for collaboration between UN Women and CONATRI, work is being done for the **improvement of the information currently provided by censuses on the procurement and delivery of justice**. The objective is that the variables collected in both the courts and procuratorates provide sufficient data to generate statistics that reveal pertinent aspects about crimes that violate women's rights.

**Fourthly**, from the international point of view, the role of Mexico stands out as a reference country in the field of production of statistics in the Latin America region, an issue over which it has traditionally developed **South-South Cooperation** experience with other countries in the region. For over a decade, international expert meetings have been organized on gender statistics with INEGI, INMUJERES and ECLAC's Gender Affairs Division, as well as expert meetings on time use, and this has served to position the issue of gender statistics in general, and on VAW and time use in particular.

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<sup>58</sup> Baja California, Chiapas, Distrito Federal, State of México, Guerrero, Quintana Roo and Tlaxcala.

<sup>59</sup> The National Data and Information Bank on Cases of Violence against Women.

**Fifthly** and finally, mention should be made of the work done by UN Women Mexico in generating **statistics-based knowledge products**. Uppermost among these products are the reports on femicide<sup>60</sup>, two to date and third about to be published. These are unique reports in the region and the world, offering a mapping of the violence suffered by women in its most extreme expression, shining a spotlight on a problem of enormous magnitude, generating debate and positioning it in the front row of politics. These are documents that give a scientific dimension with a human rights perspective. The reports, whose rigour was highlighted by everyone interviewed, are written on the basis of female deaths with presumption of homicide (FDPH), appearing in vital statistics on deaths. This source was chosen because it has a uniform level of quality across the federative entities and provides a range of data on the victims that allows analysis of various aspects related to the victim's profile and the causes of death.

In the areas of activity described, the three most significant advances secured by UN Women have been:

- I. Firstly, the **positioning achieved in key decision-making areas**, both on statistics and administrative records and judicial censuses.
- II. Secondly, its record of work and accumulated knowledge in statistics and records enabling the preparation and **presentation of concrete proposals based on rigorous diagnoses and studies**, conducted to detect gaps and options for improvement.
- III. A third advance that is fruit of this work is the **heightened visibility of the violence** that women face, both through support for the generation of statistics and censuses and through the writing of studies and documents such as those relating to femicide. This proves a fundamental gain in a context wherein it is enormously difficult to shed light on data on the human rights violations suffered by women, due both to political will and to the absence of gender-disaggregated data in record systems and censuses on the procurement and delivery of justice.

## 5. Identification of good practices and lessons learned

The contributions referred to throughout this report lead to the conclusion that the **strategy** followed by UN Women Mexico in the field of access to justice for women victims of violence and discrimination has been **successful and consistent with its mandate and the resources available to it**. Of the total funds managed by UN Women in the period 2011-2015, \$19,860,556, resources allocated throughout this period to programmes and action in the field of access to justice amount to \$3,265,209.14, or 16.8% of the total budget spent. Of these resources, 3% are from UN Women's own funds, 84% from Mexican public institutions (INMUJERES, CDI and the judiciary) and 13% from the European Union. Given the limited volume of funds managed and the context of geographic breadth and stakeholders in a federal

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<sup>60</sup> Femicidio en México. Aproximación, tendencias y cambios, 1985-2009. Published in 2011. [http://cedoc.inmujeres.gob.mx/documentos\\_download/00\\_femicidMx1985-2009.pdf](http://cedoc.inmujeres.gob.mx/documentos_download/00_femicidMx1985-2009.pdf)  
Violencia feminicida en México. Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010. Published in 2012 <http://mexico.unwomen.org/es/digiteca/publicaciones/2012/5/violencia-feminicida-en-mexico#sthash.zv028Y6H.pdf>

state, the strategic choice of work areas is crucial in terms of efficiency, as is its demonstrated ability to mobilize external, mainly local funding to work in these areas. In this regard, the decision to concentrate efforts on the creation of a legal and policy framework mainly at the federal level as a necessary prior step to work on harmonization at federative entity level, and collaboration with the third power of the state, the judiciary, also at federal level, is considered the ideal choice to lay the foundations for work to be done later at the state level.

The **strategy** designed by UN Women Mexico has been thought through and has been directed towards separately **improving the capacities of duty bearers and strengthening rights holders**, while additionally playing a **key role as a bridge or hinge between both**. Through various actions, UN Women has supported CSO networks of different types, supported human rights defenders and supported organizations of indigenous women. On the institutional side, it has secured dialogue and positioning in decision-making spaces in the federal legislature, executive and judiciary. Both for rights holders and duty bearers, it has supported capacity development and the broadening of their international vision, supporting their participation in spaces for dialogue and international forums. This dual approach has contributed to a remarkable level of impact on positioning issues on the political agenda, in driving legislative initiatives and the generation of jurisprudence with a gender perspective, together with an improvement and impetus to the influence exercised through CSOs on behalf of rights holders.

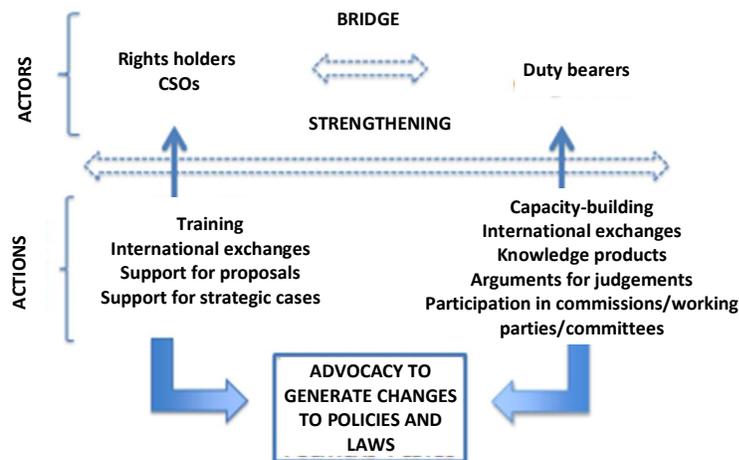


Figure 3. Prepared by author

Of the achievements mentioned in section 4, two of them stand out for their differentiating and added value in comparison with the work of other actors:

- The role as catalyst for relationships between CSOs and public institutions with all the work to support and strengthen both stakeholders shown in figure 3.

- The generation of knowledge products of uncompromising quality that are effective tools to make the reality of the violence experienced by women in Mexico visible and to influence political decision-making and the generation of legislative changes.

These contributions gain in importance if one takes account of the political and institutional complexity of the context in which UN Women Mexico is working; they are the fruit of constant multidimensional work that has been sustained over time.

Finally, after analysis of the work done by the UN Women office, and taking into account the **horizontal and triangular cooperation role** that Mexico has been playing in the region, a series of issues have been identified in which it would be interesting to publicize the experience developed by UN Women Mexico with a view to their **potential for replication** in other countries:

1. On **accountability**, given its long history of work in this field, it would be useful to document its experience of collaborating with INEGI on statistics and censuses, and its work with INMUJERES in the field of administrative records through to arriving at the proposed single record system. Mexico already plays a pioneering role in this area and has learning and experience that are exportable to other countries; documenting these lessons learned would facilitate their replication.
2. Although its support for the **arguments for judgements**, both in the CSJ and in the TEPJF through **Amicus Curiae** work has been on a case-by-case basis, it has been significant when judgements have been given on electoral rights with a gender perspective, providing legal arguments to support their drafting. Its approach based on information rather than imposition and the usefulness of its content has caused the people to whom it is directed to consider it as support and not interference in their work.
3. The **femicide reports** too have proved important tools for raising the visibility of a real and very serious problem, providing analysis and support for the making of policy decisions and the generation of legislative changes. For this reason the preparation of studies of this type is considered a very relevant experience in light of its replicability in other countries. In fact, they have been used as good practice in the regional programme on femicide/feminicide and presented in some countries, such as Colombia in 2015 at an event organized by UN Women on the occasion of the passing of the femicide law in that country.
4. The **CAMI model** as an experience of prevention, detection and support for making complaints of cases of violence against indigenous women. After the time that has passed and the number of houses in operation today, the circumstances are right to conduct an analysis to obtain data on the usefulness of this mechanism as a gateway to justice for indigenous women, to learn the figures for complaints referred with the support of the women working in them, and the outcomes of these complaints. There is no doubt that the learning from this experience will help evaluate options for adapting this model in other countries with similar realities to those of Mexico.

5. In relation to the **experience of training the judiciary** on gender and interculturality, the format of the courses and the availability of the materials means that they can be used, with the appropriate updates, in Mexico at state level and in other countries with similar indigenous reality.

## 6. Recommendations for the future

From the interviews and documentary analysis, a series of future work spaces have been identified that, in some cases, are lines of work that have already begun that it would be advisable to continue to prioritize and, in other cases, represent an opening to work with other strategic stakeholders on access to justice. The proposal is ordered on the basis of the four transversal areas in which UN Women Mexico focuses its efforts:

### RECOMMENDATIONS FOR ADVOCACY

- (1) With regard to advocacy, it would be appropriate to continue work to support **strategic litigation** brought forward by CSOs, giving impetus to the organizations' proposals and strengthening the CSOs and on account of the impact and opportunity to generate case law with a gender perspective represented by the judgements in cases of this type.
- (2) At **institutional level**, building on the progress achieved at federal level, it would be advisable to **move advocacy work down to the state level** (on the promotion of policies, on legislative harmonization and working with the judiciary). There is already experience of this type of work with the states of Veracruz and Coahuila that could be transferable to those federative entities with which there are already established relationships, or to those where a will or interest has been identified on the part of their leaders to bring about changes in this field.
- (3) Thirdly, given the considerable history of **collaboration with INEGI on gender indicators and improving official statistics and justice censuses**, it is more than appropriate to continue this working relationship. Regarding surveys, the systematic work that has been done should be continued and on records it should be advanced with a view to introducing changes to the variables and information kept in administrative records. Here, there is work in progress with the judiciary, through CONATrib, that should be continued with the other two providers of data in this area, the institutions of Health and Prosecutions.
- (4) In this vein and as an important part of **strengthening the increase in gender alerts** in cities with high levels of VAWG, another area for advocacy on statistics would be that of **extending the samples for INEGI surveys to municipality level**. The availability of municipal-level data would be very useful, both for developing effective strategies within the frameworks of programmes such as Safe Cities, and as a basis for declarations of gender alerts.
- (5) At stakeholder level, UN Women has a very positive history of working with the institution responsible for the trial phase, the judiciary. Work with the Public Prosecutor has not been as systematic because there is no Public Prosecutor that is independent of the Executive. Its transformation into an autonomous body is scheduled for 2018 in the Law of the Department of Public Prosecutions of the Republic, which represents a medium-term opportunity for UN Women to work with this key player in the phases

prior to trial, with whom it would be essential to work to be able to have a trial with due process guaranteed. In this regard, advocacy work with the Procuratorate would enable improvements to be introduced to the stages of the initiation of proceedings and investigation, thus complementing all the phases of the chain of justice.

#### RECOMMENDATIONS FOR THE AREA OF TECHNICAL COLLABORATION

- (1) To complement its advocacy work it is recommended to continue with the **technical collaboration in the drafting of judgements**, of both the Supreme Court of Justice and the Electoral Tribunal of the Judicial Branch of the Federation through the figure of the *Amicus Curiae*, on account of the contributions that have already been mentioned with regard to the generation of case law.
- (2) This support for the drafting of arguments, together with the opportunity to learn about other experiences and points of view from experts in the field at international meetings, helps judges broaden their vision on the topic and equips them with knowledge tools to judge with a gender perspective. For this reason, **participation in spaces for dialogue** is considered to be a very useful line of work in order to see it continue into the future.

#### RECOMMENDATIONS FOR THE AREA OF CAPACITY BUILDING

- (3) In relation to capacity-building, since the courses run to date have been one-offs (two courses, each with three editions) and with a low number of beneficiaries in relation to the number of people involved in the judiciary, it would be relevant to work for the institutionalization of the training and its inclusion within the training that agents of justice receive when they take up post or as in-service training, regardless of which new editions of the courses already run could be made, targeted at, for example, the state courts. On the **institutionalization of training**, there is an opportunity here through INMUJERES, which has been tasked with introducing a course on gender in the initial training received by newly-appointed officials and this could be a future line of collaboration between UN Women and INMUJERES.
- (4) What is more, efforts made for the training of agents of justice have mainly focused on just one of the actors involved in the process: officials of the judiciary. However, to ensure due process it would be useful to **train other profiles that are also involved in the chain of justice**: public defenders/lawyers, police officers in the service of the court, prosecutors and coroners, when applicable, for investigation with a gender perspective. In this regard, advocacy work with academics for the creation of a specialized master's or the introduction of specific subjects within the curriculums of degrees linked to defence or expertise, or equally through work with the professional schools linked with the field of justice. Work with these possible allies should be carried out with a **view to the institutionalization of the training**, trying to avoid these courses turning into one-off training experiences.
- (5) In relation to the **Safe Cities Programme** under way in Mexico City and starting in Puebla and Torreón, this is a flagship programme that combines prevention with the referral of complaints of abuse on public transport, for which reason its continuation and possible extension to other cities would be very relevant.

## RECOMMENDATIONS FOR THE AREA OF KNOWLEDGE MANAGEMENT

- (1) In the area of knowledge management, it is recommended to continue with the production and dissemination of femicide reports and, given the impact these reports have achieved and their usefulness for advocacy, it would be interesting to evaluate the **possibility of producing reports on other issues** about which UN Women also has experience and knowledge. This is the case for the femicide of girls, which is already the subject of significant emphasis in the femicide studies conducted so far, or for the situation of women human rights defenders.
- (2) Another interesting area of work would be to conduct studies of judgements with a gender perspective given by the CSJ and TEPJF. Reviews of judgements have been conducted from time to time as part of awards processes or training courses, but the production of an in-depth study that shone light on judgements that were exemplars on account of their content, argument or approach could be a useful tool for both judges and lawyers in the judicial process. In addition, they could help publicize effective judicial responses to cases of VAWG and encourage victims and their defenders to file complaints and take them to the highest courts.

## ANNEXES

### Annex 1 - Key persons consulted

Position	Institution
Country representative	UN Women
Programme specialist	UN Women
Programme manager	UN Women
Specialist in gender equality policies	UN Women
Programme Associate	UN Women
Specialist in statistics and gender	UN Women
UNV Monitoring and evaluation	UN Women
Acting representative	OHCHR
Director of training and professionalization	INMUJERES
Director General	Institute of Women of Mexico City
Magistrate	Tribunal Electoral del Poder Judicial de la Federación (Electoral Tribunal of the Judicial Branch of the Federation)
Former minister	Suprema Corte de Justicia de la Nación (Supreme Court of Justice of the Nation)
Judicial clerk	Suprema Corte de Justicia de la Nación (Supreme Court of Justice of the Nation)
Director	Simone de Beauvoir Leadership Institute
Coordinator	Observatorio ciudadano Nacional de Femicidio (National Citizen Femicide Observatory)
Coordinator of Strategic and Political Communication	JASS Mesoamérica
E-course tutor and former member of the gender team of the judiciary	External consultant
Expert consultant on issues of interculturality and gender	External consultant

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