

OFFICIAL REPORT ON THE FIRST
**NATIONAL FORUM ON
FEMICIDE:
VISIONS AND SOLUTIONS**

HELD ON OCTOBER 19, 2022
IN THE SENATE OF THE REPUBLIC OF MEXICO

PREPARED BY THE **SPECIAL COMMISSION TO
ADDRESS CASES OF FEMICIDE OF GIRLS AND
ADOLESCENTS AND THE WILSON CENTER'S
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**COMISIÓN ESPECIAL ENCARGADA
DE DAR SEGUIMIENTO A LOS CASOS DE
FEMINICIDIO DE NIÑAS Y ADOLESCENTES**





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I. EXECUTIVE SUMMARY

To contribute to a reduction and, ultimately, the eradication of femicide in Mexico, the Wilson Center's Mexico Institute launched its [“Engendering Safety: Addressing Femicide in Mexico” Initiative](#) in 2022 to bring together key stakeholders to raise awareness, explore the driving factors and enabling environment, and outline action items for both government and civil society. The initiative capitalizes on expressions of interest to collaborate from a range of stakeholders including filmmakers, Mexican lawmakers, academics, and civil society organizations in both the United States and Mexico. In response to this interest, and in keeping with our own conviction on the importance of this issue, the Mexico Institute has embarked on a series of events and consultations to help inform this report to the Mexican Senate on the policy options available to Mexico's legislature to effect positive change for women's safety.

The exponential growth of femicide cases registered during the health crisis that Mexico faced due to COVID-19, led to the creation of the Special Commission to Investigate Cases of Femicide of Girls and Adolescents in Mexico's Senate of the Republic in 2020. The Special Commission aims to carry out actions to understand the nature and causes of this crime, as well as to identify the peculiarities involving this type of violence. Consequently, it seeks to contribute to the revision of norms, programs and protocols of action with a gender perspective in an effort to effectively combat femicide and promote reforms that guarantee the prevention, proper care, legal consequences and eradication of all types of violence against women.

One of the most significant societal challenges facing Mexico is the extreme violence perpetrated against women based solely on their gender. The incidence of femicide, or the murder of a woman based on her gender, has risen significantly in recent years, from 427 reported victims in 2015 to 1,004 in 2021 - a 135% increase. According to the Mexican national statistics agency, INEGI, violence against women and girls in Mexico has increased over the past five years, with seven of ten reporting experiencing some form of violence in their lifetime and an estimated 10 women murdered daily. Despite the fact that femicide was included in the Mexican penal code in 2012, challenges remain, including the classification of a female homicide as a femicide, systemic impunity, and lack of proper training, investigation, and prosecution of femicide cases.

In October 2022, the Mexico Institute, in partnership with the Mexican Senate's Special Commission to Investigate Cases of Femicide of Girls and Adolescents, organized a National Forum titled [Femicide: Visions and Solutions](#). During the one-day session, more than two dozen federal and state-level public officials, lawmakers, civil society organizations, activists, experts, and academics discussed preventive measures, best practices, and legislative actions that can reduce and eradicate femicide in Mexico. The data and research shared has informed the drafting and introduction by Mexican lawmakers of several legislative proposals. In addition, several Mexican states have expressed interest in replicating the National Forum in their local legislatures.

The subsequent report is a compilation of the data, best practices, preventive measures, and public policy recommendations presented during the National Forum. The objective of this report is to summarize the findings of the conference in an effort to raise awareness and so that Mexican lawmakers can utilize this information when drafting and approving bills to prevent, reduce, and eliminate femicide and gender-based violence in Mexico.



II. Report of the Special Commission and the Mexico Institute

1. Context of femicide in Mexico

1.1 Definitions

The Mexican Federal Criminal Code defines femicide as “the violent death of women for reasons of their gender,” which represents “the most extreme form of violence against women and one of the most serious manifestations of discrimination against them” (Article 325).

The expression *femicide* was coined by feminist researcher and advocate Diana Russell during her 1976 testimony before the International Tribunal on Crimes against Women, held in Brussels.

However, the term gained greater theoretical significance in the field of feminism after the murder of 13 female students and a female employee of the University of Montreal, which was perpetrated on December 6, 1989, by Marc Lépine.

In his suicide letter, Lépine wrote: “Keep in mind that if I commit suicide today, (...) it is not for economic reasons (...) but for political ones. Because I have decided to send the feminists, who have always ruined my life, to their Maker. (...) the feminists have always enraged me. They want to keep the advantages of women (e.g. cheaper insurance, extended maternity leave preceded by a preventative leave, etc.) while seizing for themselves those of men.”

This was the first time a man had clearly and directly explained his motives for murdering women.

In 1990, together with the academic and researcher Jane Caputi, Russell redefined the concept as “The murder of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women” (Russell and Caputi, 1992).

In Latin America, the Mexican anthropologist Marcela Lagarde was the one who began to use the term *feminicidio* to refer to the murders of girls and women in Ciudad Juárez which, in the 1990s, became a global reference point for this crime.

For Lagarde, femicide is “genocide against women and occurs when the historical conditions generate social practices which allow for attacks on the integrity, development, health, liberty and life of women. Femicide is shaped by an ideological and social environment of machismo and misogyny, of normalized violence against women, of an absence of laws and government policies, which creates an insecure coexistence for women, puts their life at risk, and favors a set of crimes that we demand be solved and eliminated” (Lagarde, 2006).

The author holds that impunity constitutes an essential element and, in this sense, introduces a new leading actor in this *genocide against women*: the state. According to the anthropologist, the countless disappearances and incessant murders of girls and women in Mexico occur within “a framework of institutional breakdown. It involves a breach in the rule of law, which favors impunity. Femicide is a State crime” (Lagarde, 2006).

1.2 History in Mexico

Between 1993 and 2003, more than 300 women disappeared in Ciudad Juárez. Many of their bodies have been found in clandestine graves with mutilations and signs of rape.



According to Luis Ernesto Cervera Gómez, a researcher at the Colegio de Chihuahua, every year between 2008 and 2012 there were 30 more cases of femicide in Ciudad Juárez than the previous year, rising to an annual figure of 187 (Molina, 2020).

In most cases, the crimes were not solved; in fact, the authorities in Ciudad Juárez tended to dismiss the initial accusations: “those responsible for public safety, in collusion with the media and Juárez businessmen, have dedicated themselves to discrediting the victims, accusing them of being prostitutes, drug addicts, of lacking in morals, of being women who leave their homes in search of danger” (Robles, 2010). Today, only 10 percent of victims of gender violence seek support from the authorities, largely to investigate crimes and secure access to justice.

Although Costa Rica became the first country to classify femicide as a crime in April 2007 with the Law for the Penalization of Violence against Women, according to Toledo (2009), Mexico was the first country in the world to propose such a classification. The earliest attempts include the efforts of Marcela Lagarde and other federal deputies who, in 2007, secured the adoption of the General Law on Women’s Access to a Life Free of Violence, in which the first definition of femicide in Mexican law was expressed:

Femicidal Violence: The extreme form of gender-based violence against women and girls, resulting from the violation of their human rights and the abusive exercise of power, both in the public and private spheres, which can involve social and state impunity. It manifests itself through behaviors of hate and discrimination that put women’s lives at risk or culminate in violent deaths such as femicide, suicide and homicide, or other forms of preventable deaths, and in behaviors that seriously affect the integrity, security, personal freedom and the free development of women and girls (Article 21).

Although it is true that this crime was not immediately incorporated into Mexico’s state criminal codes, the 2007 federal law served as the basis for the initiatives that were subsequently presented, first in Chihuahua and later in the rest of the states (Araiza Díaz, Vargas Martínez and Medécigo Daniel, 2020). Guerrero was the first state to classify femicide as a crime (2008), and in September 2010 it updated its Criminal Code to include the criminal offense of femicide (Kánter Coronel, 2016). By 2017, all the federal states—including Chihuahua, one of the last to define it in this way—had completed this process (FEVIMTRA, 2022).

Although the 2011 reform of Article I of the Mexican Constitution represented an important advance by incorporating and raising to constitutional status the human rights derived from international treaties ratified by Mexico, it was not until 2012 that the crime of femicide was incorporated into the Federal Criminal Code. Article 325 of the latter states that “whoever deprives a woman of life for reasons of gender commits the crime of femicide,” and clearly establishes the circumstances indicating there are gender-based factors in the deprivation of a woman’s life.

In 2015, the historic ruling of the National Supreme Court of Justice concerning the investigation into the violent death of Mariana Lima Buendía, murdered by her husband in 2010, marked a milestone in the investigation of femicide in Mexico, as it established that all violent deaths of women should be investigated as femicides.

According to Karla Quintana Osuna (2018), this ruling represents “the recognition of the right of women to a life free from violence and discrimination, as well as the obligation to investigate and try a case with a gender perspective, in addition to an effort to provide comprehensive reparation for human rights violations.”



From that moment on, special ministerial, police, and expert investigation protocols began to be drawn up. These instruments “refer to the gender perspective and not to simple biological considerations, and seek to guide criminal justice system officials in adequately investigating homicides of women and identifying cases of femicide” (Alicia Azzolini, 2020).

However, Mexico lacked a comprehensive information system that would allow it to compile all the cases of different types of violence against women to understand the magnitude of the problem. In addition, the state attorney general’s offices didn’t maintain their information systems in such a way that they could follow up on cases of femicide across the country (*La violencia feminicida en México*, 2016). It is important to emphasize that prosecutors’ offices are obliged to share clear data, since it is not uncommon for information to be manipulated.

1.3 Current context in Mexico

In a study on the murders of women in Mexico, Kánter Coronel (2016) reports the data collected by INEGI: 28,175 homicides of women and girls between 2000 and 2015, which represents 11.2 percent of the total number of murders committed over this period in the country. According to Dr. David Shirk (2022), this proportion has been maintained as the total number of homicides in Mexico grows. In other words, there are more femicides and murders of girls and women in net terms, a figure that has increased along with homicides of male victims. According to data from the Belisario Domínguez Institute, the murders of adolescent women and girls accounted for 12.2 percent of the femicides recorded in the first two months of 2022.

The statistical record of the crime of femicide in Mexico begins in 2015. In that year, according to data from the Executive Secretariat of the National Public Security System, 427 women were murdered simply for being women. That number grew by more than 200 percent by 2021, when 1,004 femicides were registered. This increase is in part due to the fact that state prosecutors’ offices have been more rigorous in incorporating a gender perspective.

From January to August 2022 alone, 600 femicides were recorded (SESNSP, 2022). In that year, the State of Mexico was the state that registered the highest number of femicides (93), followed by Nuevo León (70) and Veracruz (49).

However, women’s rights activists point out that although many murders are motivated by gender, homicides of women are often not registered as femicides. This shortcoming highlights the fact that institutions in Mexico do not always incorporate a gender perspective into their investigations of violent deaths of women.

In an interview with *Expansión Política* (2021), the Director of the National Citizen Observatory on Femicide, Maria de la Luz Estrada, notes that state prosecutors still frequently fail to recognize femicides, and instead classify them as “homicides of women.” This shows that in Mexico “there is a network of impunity that hides the true number of femicides behind what the authorities report” (*Expansión Política*, 2021), and that in many cases it is more viable to prosecute a homicide than a femicide.

Many public prosecutors’ offices and state authorities lack sufficient resources, training, and services to respond to, investigate, and prosecute a femicide. Dr. Francisco Rivas (2022), general director of the National Citizen Observatory, indicated that prosecutors’ offices saw their budgets fall by 40% during the pandemic, a period in which the health contingency aggravated the levels of domestic violence and reduced access to victim support services. State prosecutors require more resources to enhance the efficiency of their institutions. Likewise, Shirk (2022) underlines the importance of having specialized prosecutors for the effective investigation of the crime of femicide. It should be noted that personnel who



specialize in femicide must have the necessary support and mental health programs to allow them to continue performing their duties without affecting their well-being.

According to the independent journalism association Serendipia (2022), in September of that year, 248 women were victims of homicide in Mexico, but only 78 cases were classified as femicides.

On the other hand, in Mexico there are many legal gaps in the fight against gender violence. One of the most serious is the lack of legislative harmonization on the issue of femicide.

In this country, substantive criminal legislation falls mainly to state congresses; that is to say, each state has the freedom to regulate crimes as it sees pertinent. As a result, more than in the definition of femicide itself, there are currently differences in: the hypotheses, which must be updated so that there is consistency in what are considered “gender-based reasons” for which a woman is deprived of her life; the punishments, which include custodial sentences and financial penalties; and in the aggravating circumstances. For example, in states such as Michoacán or Coahuila, a penalty of 20 to 50 years in prison is applied for the crime of femicide, while in Oaxaca the penalty is 50 to 60 years (*Información acerca de casos de feminicidios en niñas y mujeres adolescentes en México; marco legal y estadísticas*, 2022).

According to Nayeli Sánchez Macías (2022), Coordinator of the United Nations Spotlight Initiative, crimes of violence in Mexico are usually prosecuted from a criminal perspective, completely leaving aside the family process. Almost no state legislation considers, for example, the custody of minors left unprotected after the death of their mother at the hands of their father. In Mexico between 2018 and 2021 alone, more than 5,000 children were orphaned as the result of femicide.

In several states, deputies have presented initiatives to make changes to the corresponding criminal codes in this regard. A case in point is the Monzón Law: in July 2022, after the femicide of the activist and lawyer Cecilia Monzón, who was allegedly murdered on the orders of her ex-partner, the Puebla state congress approved amending the state’s Criminal Code and Civil Code to withdraw the custody of minors from fathers accused in a femicide trial.

In addition, excessive bureaucracy, lack of information about proper care for victims, and the absence of a gender perspective on behalf of those dealing with the crime in question are ongoing challenges. On many occasions, these deficiencies prevent correct action.

It is not only essential to reform the protocols for attention to victims and ensure the correct categorization of the crime, but also to implement preventive measures—in addition to reactive ones—to eradicate crimes of gender violence and femicide. Cultural and structural changes must be promoted through awareness, education, and prevention programs, including—for example—classes in schools on gender, programs to protect women in public transport, and measures to enhance gender inclusion in the formal economy. In addition, more academic and practical research on the subject is needed to continue to identify effective prevention and education programs. Without deep cultural and structural changes, there will be no real change to the current levels of gender violence in the country.

2. The Special Commission

The torture and brutal murder of a 7-year-old girl in February 2020 “has become the latest symbol of outrage in a country that breaks records of tragedy every day” (*El País*, 2020). Fátima Cecilia Aldriguett Antón was kidnapped while she was waiting for her mother outside of school. Several days later, her body was found in a plastic bag in the south of Mexico City.



On February 18, 2020, Senator Josefina Vázquez Mota presented a proposal to the Upper House requesting the creation of a special commission to address the problem of femicide and violence against girls and adolescents in Mexico. In August of that year, the Special Commission in charge of following up on cases of femicide of girls and adolescents was set up in the Mexican Senate. In March 2022, Senator Gabriela López Gómez was appointed president of this commission. Under her leadership, three main lines of work were established, namely:

1. Promote the harmonization of the federal legal framework in the 32 states in order to align all types of violence against women covered both in the General Law on Women’s Access to a Life Free of Violence and in the Federal Criminal Code. These include femicide and femicidal violence.
2. Promote coordination mechanisms with those responsible to standardize institutional guidelines and protocols for action. Generate protocols that, on the one hand, help governments to act as soon as a complaint is filed and, on the other, encourage women with violent partners to have the confidence to seek help in the courts.
3. Assist in the review of standards, programs, and protocols of action, considering the best interests of children, as well as their right to a life free of violence.

By October 2022, the Senate of the Republic had embarked on a series of different actions to seek solutions to the problem of femicide in Mexico, including most notably the following:

On July 6, Senators Olga Sánchez Cordero and Gabriela López Gómez presented an initiative to reform the General Law on Women’s Access to a Life Free of Violence. This proposal seeks to combat impunity and prevent any possible error in the preparation of the case files. A criminal category within the law would ensure there is a single parameter for trying anyone who murders a woman and, therefore, the same criteria and the same rigor would be used in every part of the country.

To follow up on the cases of femicide of girls and adolescents, the *National Femicide Forum: Visions and Solutions* was held on October 19, organized by the Special Commission and the Mexico Institute of the Wilson Center. One of the objectives of the Forum was to collect statistical data and analyze best practices and protocols for solving this problem.

Officials from the federal and state governments, and representatives of civil society organizations presented the situation and an updated analysis of the key aspects of the femicide problem. The different panelists shared different visions and potential solutions to combat and eradicate violence against women, girls, and adolescents, as well as to strengthen their right to justice.

3. Proposed actions

Presented below are proposals and practices successfully applied in certain federal states:

Pillar 1. Promote the harmonization of the federal legal framework.	
Objective	Proposal
Harmonize the law in relation to the crime of femicide.	- Establish a single criminal categorization , as part of the <i>General Law on Women’s Access to a Life Free of Violence</i> .



	<ul style="list-style-type: none"> - Establish the same legal framework for determining the crime of gender-based killing in all states. - Unify the penalty of 40 to 60 years in prison in all states of Mexico. - Increase the sentence by one-third in aggravating circumstances. - Categorize femicide as an aggravated form of homicide instead of a separate offense, to allow prosecution for the appropriate offense rather than the one that is easiest to prosecute. - Require that any murder of a woman be automatically investigated as a femicide, and that this categorization can only be dismissed on the basis of evidence.
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Pillar 2. Promote mechanisms for coordination.

Reduce recidivism.	<ul style="list-style-type: none"> - Create a sex offenders register (<i>Spotlight Initiative</i>)/Morelos Deputy Verónica Anrubio Kempis (PANAL) that collects this information: full name; alias; unique population registry code (CURP); recent photograph; crime for which they were convicted; and stipulated custodial sentence. - Introduce a law similar to the English policy known as Clare’s Law which grants a woman the right to know about her partner’s history of violence: the woman can consult the police to find out if, due to their history, her partner represents a risk of harm to her, and even allows for information to be requested about the partner of a close friend or family member. - Establish the definitive loss of custody or guardianship, including in the case of succession, for perpetrators of femicide.
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Reduce the risk of femicide through economic support and specialized care services (strengthen the autonomy of women in	<ul style="list-style-type: none"> - Support program for women at high risk of femicide in the CDMX (<i>Spotlight Initiative</i>): economic resources are offered (\$5,000 MXN per month for 6 months) and follow-up provided on the social, psychological, and
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<p>situations of gender-based violence).</p>	<p>legal care processes for women in situations of gender-based violence.</p> <ul style="list-style-type: none"> - A life free of violence program in CDMX: intervenes to protect potential victims of domestic and femicidal violence; provides economic, psychological, and safety care; the motto is: “they are listened to, they are believed and they are supported.”
<p>Ensure the access of girls, adolescents, and women to effective justice with a gender perspective.</p>	<ul style="list-style-type: none"> - Educate and raise awareness about what gender violence means and the resources that exist to support victims. <ul style="list-style-type: none"> o Expand digital resources and anonymous platforms for victims of gender violence. o Facilitate the anonymous complaint process via phone, website, and text message. - Establish specialized courts for domestic violence against women in Coahuila. Establish special courts for cases of gender violence. This requires judges to receive mixed training in family and criminal issues to avoid the re-victimization of women who suffer from violence. The judge may determine precautionary measures for the protection and custody of minors, as well as the granting of alimony. The obligations of judges include knowing: the investigation stages of the oral accusatory criminal procedure and the family sphere, crimes against life, personal health and human dignity, crimes against liberty and security, and against privacy and personal image.
<p>Pillar 3. Assist in the review of standards, programs, and protocols of action.</p>	
<p>Ensure dignity for personnel involved in immediate care and investigation, and strengthen the institutional culture from the perspective of gender and human rights.</p>	<ul style="list-style-type: none"> - Allocate more resources to prosecutors, experts, and police training to improve investigations and vindicate victims and their families. - Train first responders, ministerial police, expert witnesses, judicial police, and prosecutors, and equip them with the necessary resources to assist victims with a gender perspective. - Design a standardized protocol of action which:



	<ul style="list-style-type: none"> ○ ensures effective police action from the first contact with the victim (first responders must follow a protocol that includes specific questions to ask the victim, should know how to treat the victim, and should be able to prevent and avoid perpetuating gender stereotypes at the crime scene); ○ integrates the gender perspective to provide comprehensive care in accordance with the needs of the victims; ○ includes tools to prevent unjustified use of force and avoid abuse of power in policing; and ○ incorporates awareness-raising processes so that police officers provide victim-centered care. <p>- Provide mental health support and care for first responders who arrive at crime scenes so they can continue to carry out their work without harmful effects on their well-being.</p>
<p>Invest in preventive measures to correct cultural factors that permit and encourage gender violence.</p>	<p>- Address security and governance issues to strengthen the rule of law and thereby reduce impunity. Invest in preventive measures, not only reactive ones.</p> <p>- Implement gender education programs in schools from an early age. Raise awareness among teachers so that they teach from a gender perspective and intervene to stop sexist aggression in classrooms and schools.</p>

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III. Appendix

The following pages include presentations, speeches, articles, and investigations that the convened experts have provided as inputs to inform the legislature on the subject of femicide.

A) Context of femicide in Mexico

ALMA LILIA JUÁREZ ARMENTA, PHD CANDIDATE IN PUBLIC HEALTH AT THE UNIVERSITY OF CALIFORNIA, BERKELEY

In Mexico, the Federal Criminal Code (Art. 232) defines femicide as the murder of a woman “for reasons of gender.” Specifically, a homicide is considered a femicide if the victim shows signs of sexual violence; if there are degrading injuries or mutilations; if there were acts of necrophilia; if there is a history of domestic, workplace or school violence between the victim and the perpetrator or if they were involved in a relationship; if there were prior threats; if the victim was kidnapped, or if the body was exhibited in a public place. As may be seen from this list, the definition is limited to the sexual sphere, and the crime is reduced to a matter of intimate partner violence.

This definition is based on a limited understanding of femicide that emphasizes the sexual connotation and “domestic” violence, but fails to analyze the murder of women as a product of the intersection of racial capitalism and the colonial structures that exist in Mexico. If it did, other murders related to obstetric violence, selective violence in the drug trade, deaths following involvement in prostitution, and virtually any murder of a woman or girl in a patriarchal society could be included as a femicide, which would increase the visibility of the complex problem of violence against women.

As a result, it is necessary to question the current definition to better understand the magnitude of the problem, both in Mexico and in many other countries. Incorporating the impact of other oppressive structures will help describe the complexity of the phenomenon and put in place a more precise measure.. It is also necessary to study how murders and the way they are measured comprise a specific type of record, one that is often obscured by the lack of information; though when it is available it becomes a public spectacle of violence in the media.

The main explanation for these murders has been attributed to a cultural aspect inherent in many societies—the Mexican one in this case—which is rooted in an essentialist idea of machismo. Reducing these deaths to a cultural explanation sets aside the analysis of femicides, transferring them to the private sphere of domestic violence.

An example of this reductionism was the 2021 murder of Victoria Salazar, a Salvadoran woman who was killed in Mexico by a female police officer after being arrested for being drunk in a convenience store. The characteristics of this case led to the question of whether it really was a femicide, since there was no partner component as mentioned in the Criminal Code.



By failing to protect a disadvantaged woman, the state, the police, and the law truly failed Victoria. So did the Mexican immigration authorities who, despite having granted her a refugee permit three years earlier, did not offer her any kind of security in the receiving country. A bottom-up legal approach considering all forms of discrimination is needed to challenge the various entangled systems of oppression and, ideally, to challenge the hierarchy as a whole rather than protect its own source of privilege in a one-dimensional manner. Victoria and other women who have been murdered deserve better accounts that embrace the intersectionality of their lives and deaths, as well as legal systems that protect everyone, but especially people who suffer from multiple disadvantages.

This debate led to questions around the definition of femicide. Simultaneously, more research emerged that began to study the practical effects of the term. Jaso (2021) analyzed the impact that the classification of a femicide had on the reduction of incidence rates in the 32 states of Mexico, each adopting the definition at different times in order to apply a quantitative approach of difference-in-differences. The results are not encouraging: the classification of the crime had no impact on the reduction of the commission of the crime. This research, however, draws attention to both the significance and variability ascribed to the concept. Although all states must adhere to the Federal Criminal Code, each has its own state criminal code, which gives rise to different interpretations of the term. These range from just adding elements of femicide violence to the crime of homicide, to classifying it as a separate crime.

Table 1. Criminal elements added/modified to a case of femicide in different states of Mexico

Criminal Elements	States
When the crime is a consequence of gender violence, the perpetrator being known, unknown or unrelated to the victim.	State of Mexico
When the perpetrator's intention is to establish or re-establish a relationship with the victim.	Yucatán
When the victim shows signs of repeated physical violence.	Michoacan and Tamaulipas
When there is gender violence, understood as the commission of a crime associated with the exclusion, subordination, discrimination or exploitation of the passive subject.	Tlaxcala
When the perpetrator abuses a public office to commit a crime.	Tabasco
When the perpetrator abuses a woman's defenseless state or lack of support due to being alone, unable to communicate with others, or unable to seek help.	Sinaloa and Sonora
When the aggressor has forced the victim into prostitution or has trafficked her.	Quintana Roo
When the aggressor abuses a relationship of trust.	Puebla
When the perpetrator commits a crime out of jealousy.	Puebla
When the perpetrator commits a crime out of misogyny.	Puebla
When the remains of the victim are hidden.	Oaxaca



When the aggressor acts out of homophobia.	Jalisco
When the crime scene demonstrates humiliation of the victim.	Guanajuato and Jalisco

Source: Jaso Martinez, V. (2021). *Los efectos disuasivos de la tipificación del feminicidio en la tasa de muertes violentas de mujeres en México.*

As can be seen, there are additional dimensions of violence that must be taken into account and the subtle differences between states show that there are different and broader conceptualizations of what a case of femicide implies depending on the region (table 1). For example, in Tabasco, the role of the government, contemplating the possibility of someone abusing public office to commit a femicide; in the State of Mexico, where it is not necessary to have an intimate relationship with the victim and, therefore, the definition transcends partner violence; or in Tlaxcala, where any relationship of subordination that results in a homicide—such as in the case of Victoria Salazar—is considered a femicide.

Victoria’s case highlighted not only the limits of the Mexican Federal Criminal Code in relation to the definition of femicide, but also the definition that appears in scholarly texts on the matter more generally. It was made clear that the law conveys an outdated idea of what gender violence is: it labels it in a dimension that is (wrongly) called “crimes of passion,” and not as an interaction of oppressions that place a person of the female sex in a position of added vulnerability and that culminate in her murder and/or, at least, facilitate it. This can be better explained if we unravel all the aggravating factors that made her vulnerable to violence.

At the international level, it is interesting to note that not all countries refer to femicides as femicide. In the United States, where—according to the Violence Policy Center, based on an analysis of 2018 homicide data¹—approximately 3 women are murdered every day, the murder of Gabrielle Petito in 2021 sparked the first public discussions about specifically femicide violence. This figure shows that it is a widespread problem that is as concerning as in other countries, although it does not receive the same level of attention, since the lack of a name for it means attention is dispersed, further reinforcing the exoticization of the phenomenon outside of its borders, in places like Mexico.

It should be noted that the most recent report indicates that, in the United States, 9 out of 10 women were murdered by a man they knew, most of the time with a firearm. In 63 percent of cases, the perpetrator was the victim’s husband or boyfriend at the time of the homicide, or a man to whom she had previously been married. In addition, racialized groups, such as Native Americans, turned out to be—unsurprisingly—the worst affected. The homicide rate for indigenous women and girls is six times that of white women and girls, and 94 percent of cases are attributed to men with whom they were or had been romantically involved. As if that were not enough, the National Resource Center for Indigenous Women showed that half of the reports of homicides of indigenous people are not recorded in the data of the Federal Bureau of Investigation (FBI). Recent figures from this agency indicate that, of the 3,573 homicides of women in the United States, 1,904 were white women, 1,440 black women, and 470 Hispanic or Latina women. It is important to indicate that since not all information agencies provide data on race and ethnicity, in some cases the total by race and ethnicity does not correspond to the total number of victims.

¹ Hackman, Rose. 2021. *Femicides in the US: The Silent Epidemic Few Dare to Name*” in *The Guardian*, September 26, 2021, US news section. <https://www.theguardian.com/us-news/2021/sep/26/femicide-us-silent-epidemic>.



Along the same lines, in Canada, the rate of female victims killed by their spouse or partner was eight times higher than the other way around. If other systems of oppression are taken into account, violence and femicide against indigenous women are disproportionate. Reports from the last few decades indicate more than 600 murders of indigenous women in Canada.

In France, where the term femicide is used, a woman is killed by her partner or ex-partner every three days, according to data from *Feminicides par compagnons or ex* (Femicides by partner or ex), an activist group that compiles this information. In other parts of the world, such as Japan or South Korea, there are also high numbers of femicides, although information is scarcer. In Japan, one of the countries with the lowest homicide rates in the world (1 per 100,000 inhabitants), the percentage of women murdered in relation to the total number of homicides is one of the highest in the world: 59.25 percent of victims are women. Next on the list is South Korea, where 52.5 percent of the victims are female victims. According to a 2020 article published by TIME magazine, “the three places in the world with the highest murder rates for women are in North Asia.”²

Relatively few countries have adopted terms such as *femicide* or *gendercide* or *female genocide*. India, which follows a pattern that is not exempt from the international gaze, is one of them. Other places that are internationally considered “backward”—for example, the countries of the Middle East—also appear to be more aware of violence against women. In response to a statement by the Turkish government that they had no records on violence against women, the civil society group *Kadın Cinayetlerini Durduracağız* (“We will end femicide”) announced that 474 women had been murdered in that country in 2019, most at the hands of family members or partners.

The “otherness” of the culture being criticized allows the culture that is judging it to distance itself from that type of violence. However, it is also important to consider the power that comes with “acknowledging” violence in one’s own country: many (mainly) civil society organizations have understood the violent conditions in which women live and have adopted the term femicide, in order to begin fighting it by naming it first. Perhaps the countries that don’t call it femicide (curiously, countries “distant” from these other “violent and backward places”) have not adopted the term because they still do not recognize the impact of violence against women within their borders.

It is essential to understand the context of the place and its relationship with violence, and not adopt an international perspective that creates hierarchies of violence, since practically all countries have a problem of violence against women. It should not be forgotten that there are oppressive structures that encompass all societies and can explain femicides beyond cultural reasons, as is the case of the intersection with capitalism, the media, or the parallel narco-State.

The aforementioned leads us to think that women are not safe anywhere, even in countries that pride themselves on being “progressive” and “advanced,” and that, as such, do not use the term femicides but rather “homicides of women,” ignoring and minimizing the violence that is experienced in their own territory.

Are there feminist political possibilities? Does the neoliberal configuration of the declining welfare state at the end of the 20th century help to emancipate women, or does it make them dependent on a justice system that does nothing for them and only implements masculinist policies? It may be that other places with complex blends of violence, such as Colombia, which

² “V-Day: Places with the World’s Top Female Homicide Rates in *Time*, n.d.
<https://time.com/4668658/violence-women-v-day-domestic-asia-homicide-sexism/>



in 2014 went from having one of the most violent cities in the world to recording the lowest homicide rate, are leading the way.

Although there are many criticisms of the term femicide—especially since most of the vocabulary comes from the radical and liberal feminism of the second wave of feminism, which has not incorporated the critical theory of race and intersectionality—using a specific term to name a particular type of crime gives visibility to violence. To eradicate femicide, it is necessary to understand which subjects are most visible and, therefore, prosecute their crimes, as happens in some Latin American countries that have been demonized whereas in other regions the problem is not even mentioned by its name.

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Jaso Martinez, V. (2021). *The dissuasive effects of the classification of femicide in the rate of violent deaths of women in Mexico*.

V-Day: [Places with the World’s Top Female Homicide Rates | in Time n.d.](https://time.com/4668658/violence-women-v-day-domestic-asia-homicide-sexism/)

B) In Mexico, being a femicide is profitable...

SASKIA NIÑO DE RIVERA COVER, PRESIDENT OF REINSERTA

Column originally published in *El Universal* on October 19, 2022: <https://www.eluniversal.com.mx/opinion/saskia-nino-de-rivera-cover/en-mexico-ser-femicida-es-rentable>

Tomorrow the book ***Maldita entre todas las mujeres (Cursed among all women)*** will be presented in the Supreme Court of Justice of the Nation. It is a spine-chilling title that refers to the many women who fall victim to the sexist violence that prevails in our country. While the prayer goes “blessed are you among all women and blessed is the fruit of your womb...,” in allusion to divine grace, with our women victims everything becomes misfortune, which is why this “cursed among all women” hits so hard. But why are these mothers, daughters, colleagues, and sisters cursed?

Because in Mexico, being a femicide is profitable.

Machismo is taking its toll in this **femicidal** Mexico. In the book, the testimonies of Riza, Ángel, Juan Carlos, Patricia and Roberto relate horror stories of those who today are accused of killing women for the simple fact of being women. Testimonials from people that show that impunity and corruption in our criminal justice system favors—very often—those who take the lives of innocent women. From the four walls of the prison, they narrate the culturally rooted machismo and the normalized violence that led them to take the lives of their victims.



Adriana, Andrea, Lorena, Arturo and Magdalena represent the voices of those who were silenced, of daughters and mothers whose lives were taken in such a brutal way that not even the bloodiest horror movie in history could reproduce such heinous crimes. Nightmarish crimes that never end, but are just the beginning of the non-fiction horror movie that is being a victim in our criminal justice system.

After listening to these testimonies, I cannot escape a terrible feeling of anger, indignation, and a great deal of helplessness with regard to access to justice in our country. If at some point I thought that I lived in a country with **rule of law**, I was very wrong; I retract this notion.

In this country we have to stop only thinking about reactive security strategies. They are killing us, and reacting to death does not protect those of us lucky enough to still be alive. We need allies in power, supportive people who address this cause head on, who don't shy away from questioning the macho culture in which we live. Allies who dare to fill elementary and high school education textbooks with sexual education and gender equality. Specific proposals that prevent violence inside homes; violence that not only hurts women, but also teaches children to be violent.

We need allies in power who dare to be disruptive, because what has been done so far to prevent gender violence and femicides does not protect; it does not work.

I insist, I hope that one day we will bring about a Mexico where having a vagina does not cost us our lives.

C) I hope that one day having a vagina does not cost us our lives.

SASKIA NIÑO DE RIVERA COVER, PRESIDENT OF REINSERTA

Column originally published in *El Universal* on October 5, 2022: <https://www.eluniversal.com.mx/opinion/saskia-nino-de-rivera-cover/deseo-que-algun-dia-tener-vagina-no-nos-cueste-la-vida>

This week saw the release of the book *Cursed among all women*, which I wrote, and which has a prologue by the President of the Supreme Court, Minister Arturo Zaldívar. A book that—as is my way of doing things—gathers raw but real testimonies from people (yes, people, because they are both men and women) who have killed women for the simple fact of being women, and from the indirect victims who have had to confront the hell that is our criminal justice system once their daughter or mother has been brutally murdered; a hell that often makes us ask whether the murder is the worst part of this story.

It is a painful, a very painful book that should make us all ask ourselves if remaining indifferent to what happens in our criminal justice system is not tantamount to digging the grave of this nation.

When they gave me the first copy, I immediately thought of Arturo, a young man, whose mother was murdered.

“Now you have to take your mom because she’s been here three days and there’s no more room.”

“Why is she green?” he asked when he saw her.

“That’s the way bodies are, take it away,” the doctor replied.



Arturo told me: “Later I did an investigation with forensics and they explained to me that the unidentified bodies that are brought in are no longer taken to the morgue, but left there lying on the floor. Since they are not a priority, they are left to rot on the ground before going to a common grave.”

I thought of Magdalena, who since her daughter Fernanda was found hanged and brutally beaten, her struggle to find justice has brought her face to face with corrupt judicial officers and who, after receiving death threats to stop investigating the case, has received her other two children in bags, cut into pieces.

I thought of Lorena, who found her daughter Fátima cut to pieces in a ditch, minutes after it happened. Although two of her attackers received life sentences, the minor who took part in this murder is now involved—along with his former-soldier grandfather, now a drug dealer—in organized crime. The threats she has received for pursuing the legal process have forced Lorena and her family to migrate to another state as protected witnesses. This has also cost the life of her other son.

I list more than 600 women whose names we know, but we don’t necessarily know who killed them, or why, or how. There are thousands of women who remain anonymous or who have already been placed in common graves. There are thousands of mothers who fight for justice, leading the investigation, because only in this way will they get a little closer to the facts. The cry of all the victims is the same: constant re-victimization in the legal process. Far from supporting the victims, we hurt them more. It is truly incredible.

When listening to the aggressors, the sensation is different, but not very different. Many of them—already in prison—are not being tried as they should be. There are many more victims than are being investigated and this means that there are, and will continue to be, dozens of victims who will never find justice.

It is urgent that we talk about prison intelligence as a crucial part of the criminal justice system. If we don’t, this will be a never-ending story.

I tell these stories because only then will we remember, so as not to repeat. Because only by naming the victims and listening to the aggressors are we going to get closer to building a country where justice prevails.

D) The care process for victims and their families

JOSÉ CHRISTIAN HERNÁNDEZ ROBLEDO, COORDINATOR OF MONITORING STRATEGIES AT CONAVIM (CONAVIM)

Contribution to the second roundtable of the National Forum on Femicide: Visions and Solutions

I

The issue that concerns us today revolves around general aspects of the care process in place to respond to cases of femicide, and the strategies implemented by the National Commission to Prevent and Eradicate Violence against Women that aim to reduce this harrowing problem that, while a nationwide scourge, also remains, as we know, a regional and global problem.

First, it is necessary to understand the scale of the problem. As you can see, we are talking about 10 cases of violent deaths of women every day across Mexico. Between January and



August 2022, 2,520 female victims of homicide and femicide were reported, and 10 percent of these were girls or adolescents.

Although in the period mentioned above there was a 3 percent reduction in the number of cases in relation to the same period of the previous year, there can be no doubt that it is necessary to strengthen prevention, care, and access to justice to eradicate this phenomenon.

II

Although it is a nationwide problem, it is important to recognize that it presents itself in different ways in each of the states of the Republic. For example, in the aforementioned period, more than half of the cases of violent deaths of women occurred in just six states, namely: Guanajuato, the State of Mexico, Michoacán, Baja California, Chihuahua and Jalisco.

Faced with this situation, one of the first strategies implemented by the Government of Mexico was the creation of specialized care services for victims of gender violence. In 2022, a transition began that would see the main care programs – the justice centers for women, the local care units of the Support Program for Women’s Institutions in the federal states, and specialized shelters – brought under the management of a single institution. In total, there are more than 600 care units distributed over the 32 states of the country, which today have the capacity to serve more than 358,000 women per year; this is equivalent to providing support to about 1,000 women every day. The purpose of these units is to provide comprehensive care to victims and prevent the attacks they are experiencing from continuing. It must be recognized, however, that we still have a long way to go in this field, and that it is essential to have the collaboration of the different levels of government in order to make progress in expanding services that prevent cases of femicide.

In addition to these care services, the current government implemented a strategy of technical committees to promote access to justice and comprehensive care for women, whose objective is to review cases of violence against women in the states with the collaboration of the main institutions responsible for providing proper care, investigating cases and guaranteeing access to justice. As of the date of this presentation, 25 such committees had been set up in the same number of states. In 2021, thanks to this mechanism, more than 1,200 cases received attention, of which 26 percent concerned femicidal violence; 19 percent physical violence; and 12 percent sexual violence.

It is worth emphasizing that, in all the cases related to femicide that have been dealt with by these committees, at least one person was arrested for the crime committed and, in several of them, convictions and prosecutions have already been secured, together with damage reparation for indirect victims. The above has received the support of various institutions, including the Secretariat of Security and Civilian Protection of the Government of Mexico, the state prosecutor’s offices and the women’s institutions in the different states.

III

However, the challenge remains huge. There is a tendency not to deal with and investigate the violent deaths of women as femicides. On average, only 1 in 4 such cases receive this classification, and there are states where it is necessary to strengthen the investigation process to ensure access to justice. For example, in Guerrero, Michoacán, Baja California, Guanajuato, and Colima, less than 10 percent of the violent deaths of women that occurred between January and August 2022 were investigated as femicides, despite international recommendations and the progress made within the national legal framework.



The recommendations derived from international bodies, such as the judgment of the Inter-American Court of Human Rights on the “Cotton Field” Case, emphasize the need to strengthen investigation processes when it comes to victims of gender-based violence. In addition, we have tools such as the Latin American Model Protocol for the Investigation of Violent Deaths of Women, which recommends investigating all such cases with a gender perspective and commencing investigations with the assumption that they are femicides.

In particular, the findings of such cases by the technical committees include:

- the lack of harmonization in the definition of the crime in the different Mexican states, which translates into different processes of access to justice for the victims of the same crime;
- the lack of application of the protocols to investigate with a gender perspective;
- failures in due diligence and chain of custody;
- the lack of awareness and training of personnel who investigate these cases; and
- the lack of implementation of tools and methodologies essential to investigating with a gender perspective, such as, for example, analysis of the context of the crime.

In light of the above, we conclude that:

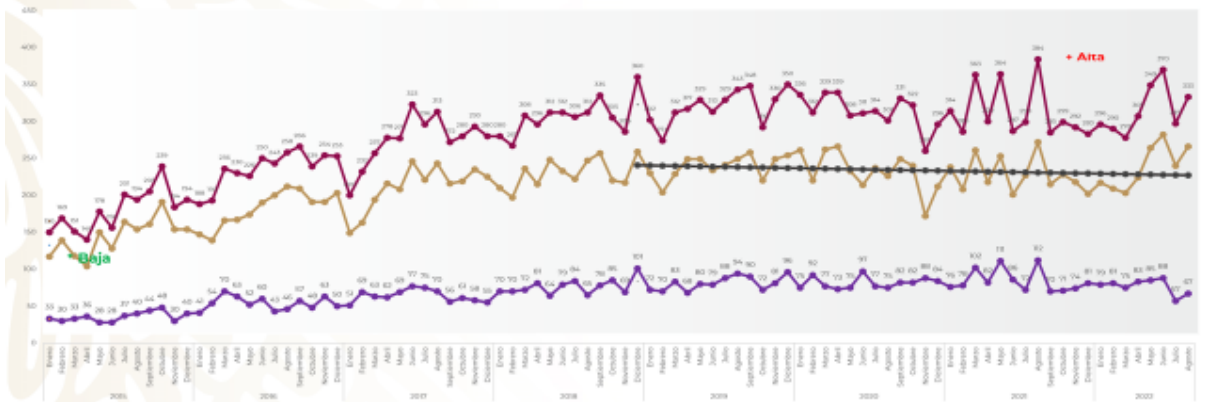
1. Given the panorama of violence against women and girls, it is essential and urgent to achieve, in each of the 32 federal states, the effective operation of a system that guarantees real access to justice for direct and indirect victims of femicide.
2. From now on, whenever violent deaths of women are involved, all aspects of an investigation must be carried out with due diligence, taking into account the gender perspective, and with a human rights approach.

If these points are not addressed, it will be very difficult to overcome the problem we are facing today.



Mujeres víctimas de Muertes violentas (Absolutos)
Enero 2015- agosto 2022

GOBERNACIÓN SECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN CONAVIM

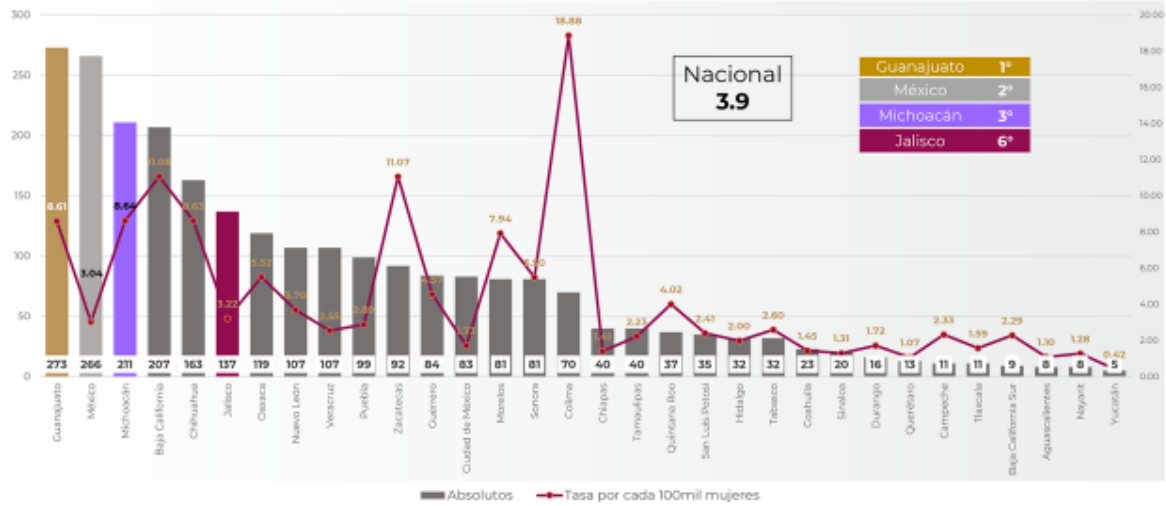


Clasificación de muertes violentas de mujeres
Enero 2015- agosto 2022

GOBERNACIÓN

SECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN

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Sistema Nacional de Atención Especializada

GOBERNACIÓN

SECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN

CONAVIM

32 entidades

\$799.8 mdp
Presupuesto 2022

60 CJM

482 ULAs

101 Refugios y CAE

358 mil mujeres
atendidas por año

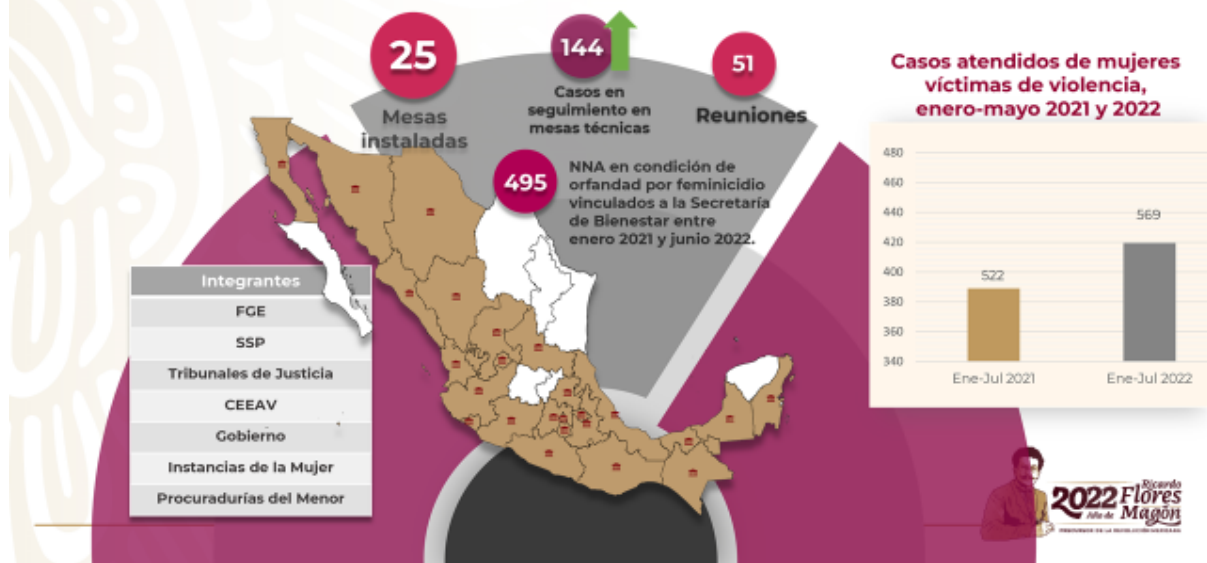
989 mujeres
atendidas cada día en todo el país

Mesas Técnicas para Promoción de Acceso a la Justicia

GOBERNACIÓN

SECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN

CONAVIM

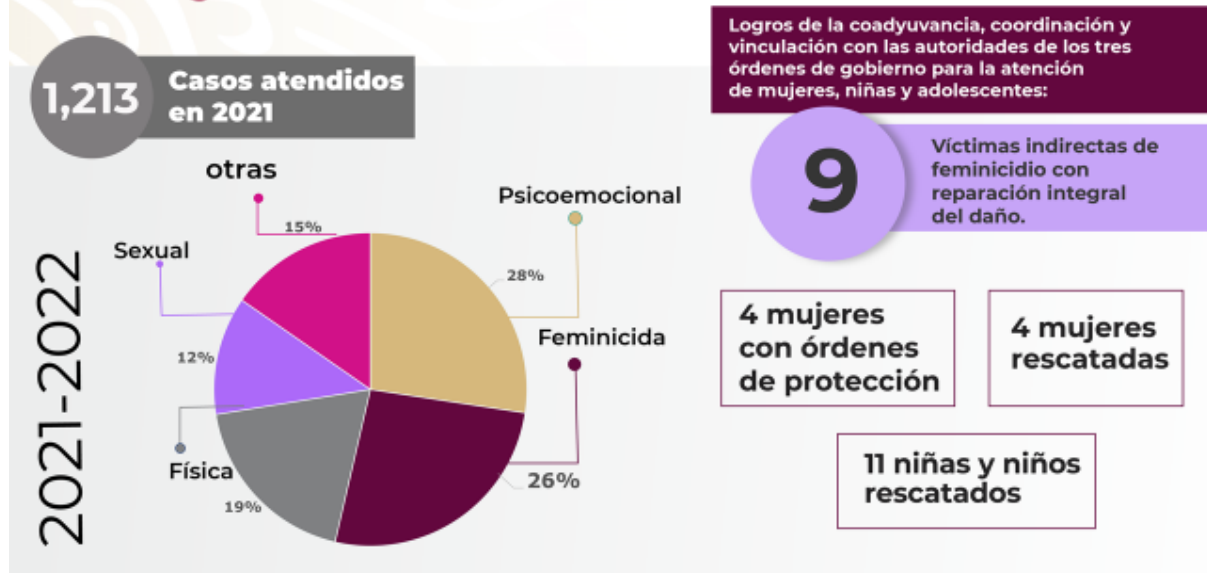


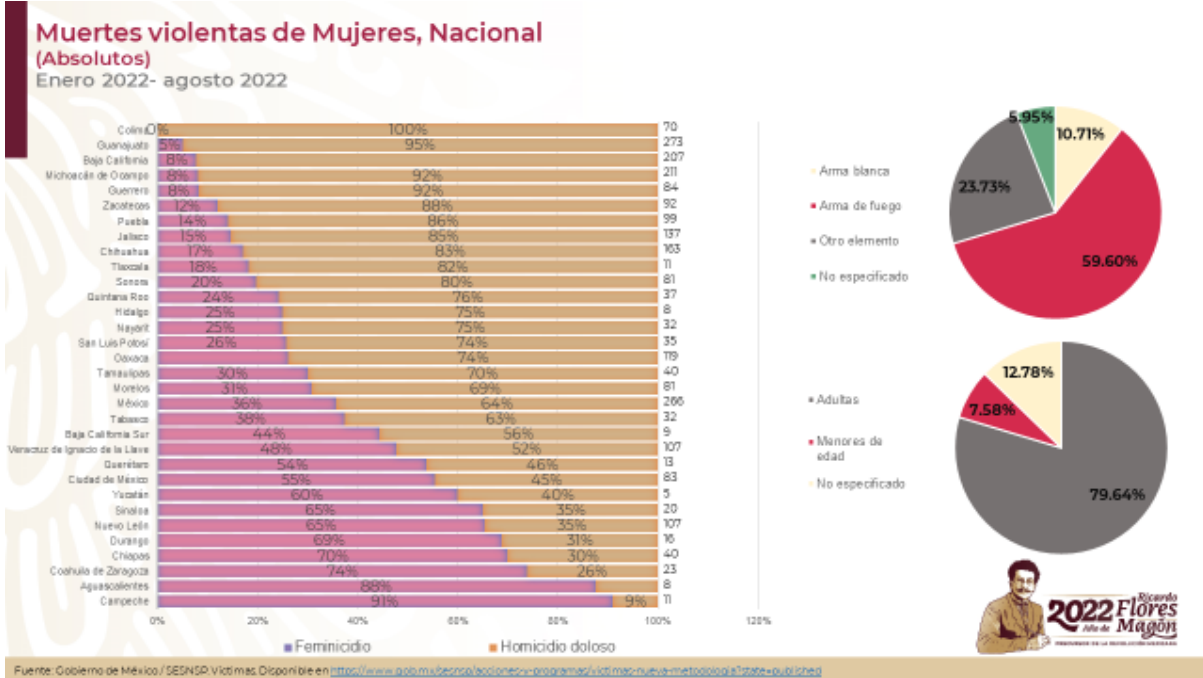
Estrategia de Mesas Técnicas

GOBERNACIÓN

SECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN

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La atención desde la investigación



La Organización de las Naciones Unidas ha precisado que México registra un elevado número de casos de feminicidio

La Comisión Interamericana de Derechos Humanos, ha observado que en los países de la región hay un reconocimiento formal de que la violencia contra las mujeres sigue teniendo grandes pendientes

En la Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer se estimó que la mayoría de los feminicidios quedan impunes debido, entre otras causas, al limitado acceso de las mujeres a la justicia.

En la sentencia del caso **Campo Algodonero vs. México**. La Corte Interamericana señaló, derivado de la sentencia de Campo Algodonero, que se cuando el ataque contra una mujer es motivado por **discriminación debido a su género**, la investigación debe realizarse con **vigor e imparcialidad**.

Modelo de Protocolo Latinoamericano de investigación de las muertes violentas de mujeres por razones de género recomienda que...

Todas las muertes violentas de mujeres deben analizarse con perspectiva de género para poder determinar si hubo o no razones de género en la causa de la muerte y para poder confirmar o descartar el motivo de ésta.

Principales hallazgos en mesas técnicas



- 1 Homologación del tipo penal
- 2 Aplicación del protocolo
- 3 Debida diligencia
- 4 Sensibilización y capacitación
- 5 Análisis de contexto



Conclusiones



Ante el panorama de violencia contra mujeres y niñas se considera indispensable y urgente contar, en cada una de las 32 entidades federativas, con la operación efectiva de un sistema que garantice para las víctimas directas e indirectas del feminicidio, el efectivo acceso a la justicia

En lo sucesivo e invariablemente, tratándose de MUERTES VIOLENTAS DE MUJERES, todos los actos de investigación se realicen con la debida diligencia, perspectiva de género y enfoque de derechos humanos





Wilson Center



Mexico Institute

SPECIAL COMMISSION TO ADDRESS CASES OF FEMICIDE OF GIRLS AND ADOLESCENTS



Para el Bienestar de las Mujeres



GOBERNACIÓN
SECRETARÍA DE GOBERNACIÓN

SUBSECRETARÍA DE DERECHOS HUMANOS, POBLACIÓN Y MIGRACIÓN

CONAVIM

COMISIÓN NACIONAL PARA PREVENIR Y ERRADICAR LA VIOLENCIA CONTRA LAS MUJERES



Ricardo
2022 Flores
Año de Magón
PRECURSOS DE LA REVOLUCIÓN MEXICANA



E) Investigating femicide in Mexico: The role of specialized prosecutors in combating violence against women

DR. DAVID SHIRK, GLOBAL FELLOW, THE MEXICO INSTITUTE OF THE WILSON CENTER AND DIRECTOR OF STUDIES AND PROFESSOR AT THE DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS, UNIVERSITY OF SAN DIEGO

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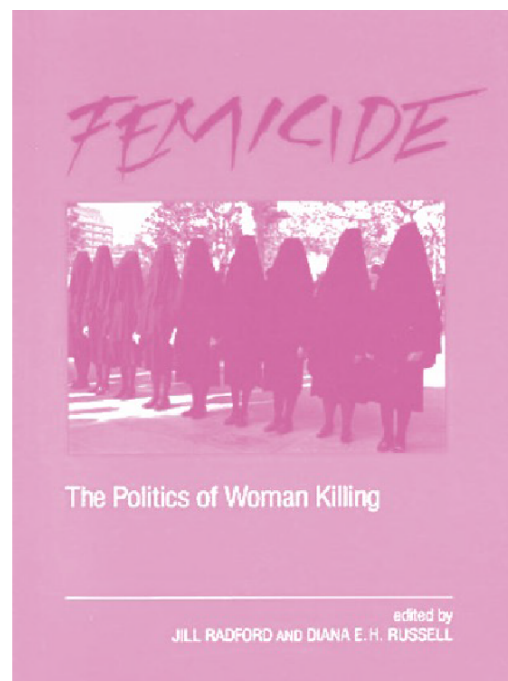
Investigando el Femicidio en México

El Papel de las Fiscalías Especializadas en el Combate de la Violencia a las Mujeres

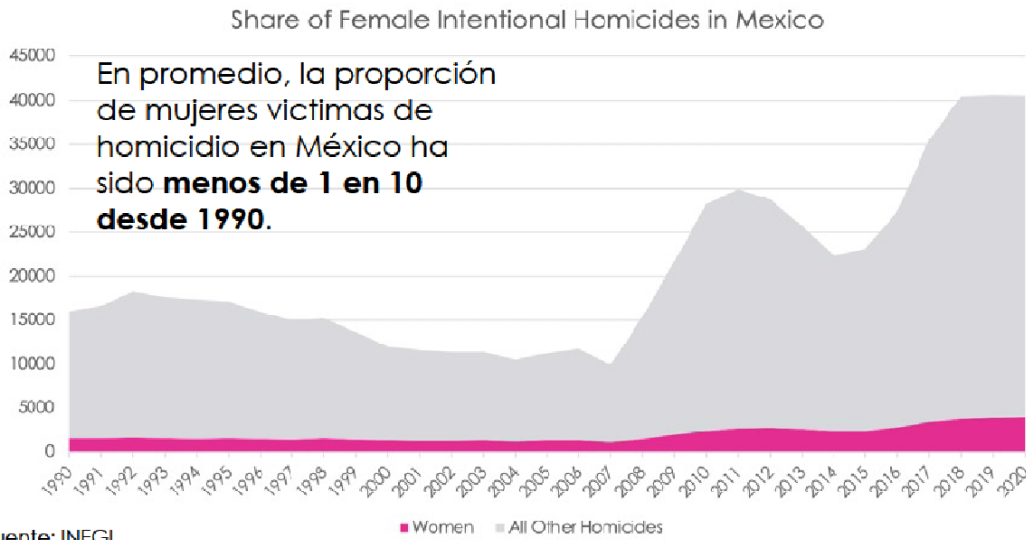
Preparado por Teagan McGinnis, Octavio Rodríguez Ferreira, David A. Shirk para el "Foro Nacional Sobre Femicidio: Visiones y Soluciones" de la Comisión Encargada de Dar Seguimiento a los Casos de Femicidio de Niñas, Adolescentes y Mujeres del Senado de la República, 19 de octubre del 2022.

Definiendo Femicidio

El **femicidio** se refiere al asesinato de una persona por su identidad como mujer. Desde mediados del 2010, el termino **femicidio** se ha codificado como una **ofensa criminal — con modalidades específicas —** en México y varios países Latinoamericanos.

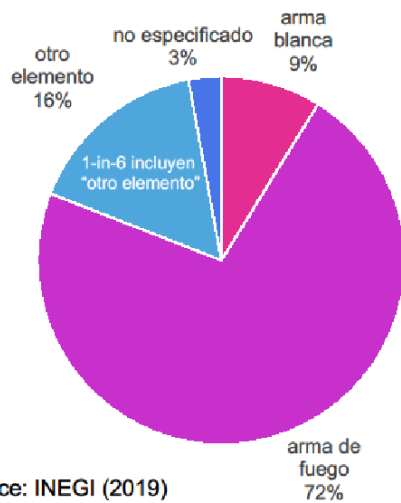


Mujeres víctimas como proporción de todos los homicidios en México, 1990-2020



Diferencias entre homicidios por género

VICTIMAS MASCULINAS

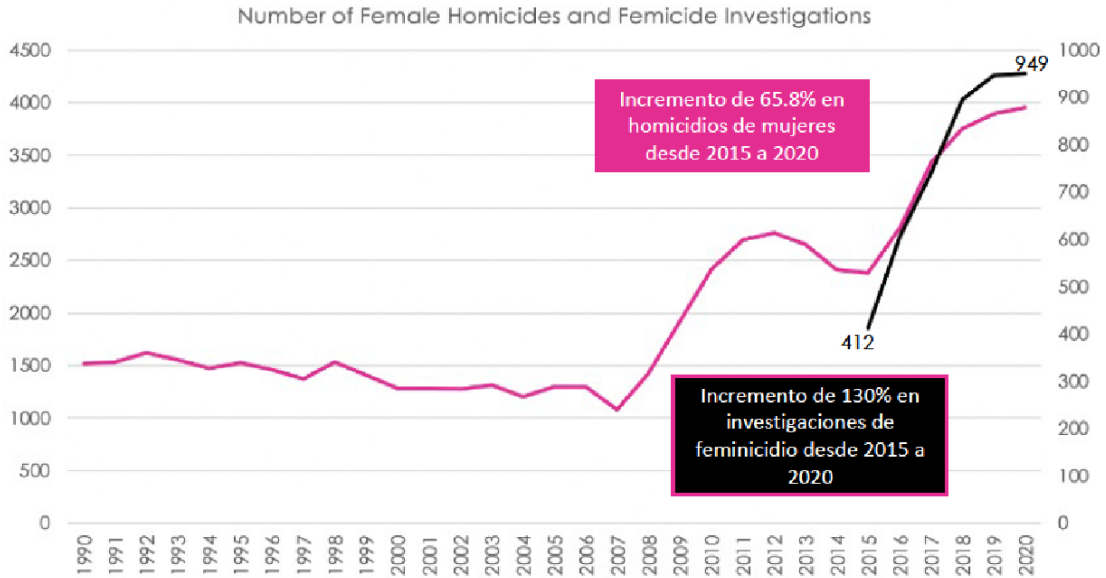


Source: INEGI (2019)

VICTIMAS FEMENINAS

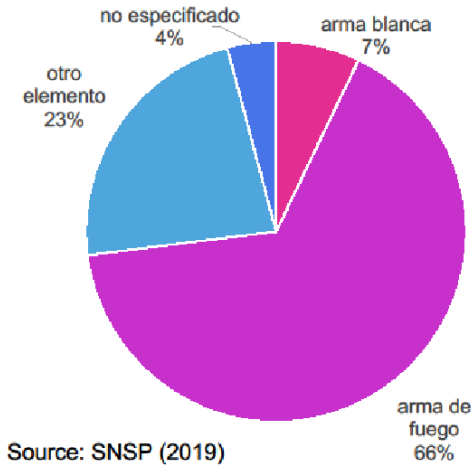


Incremento Acelerado de Investigaciones de Femicidios (2015-20)

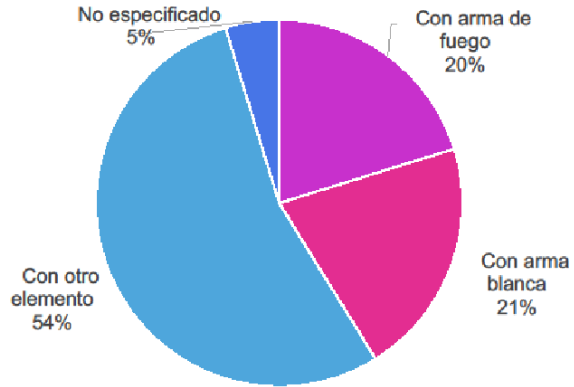


La distinción entre “homicidios de mujeres” y “femicidios”

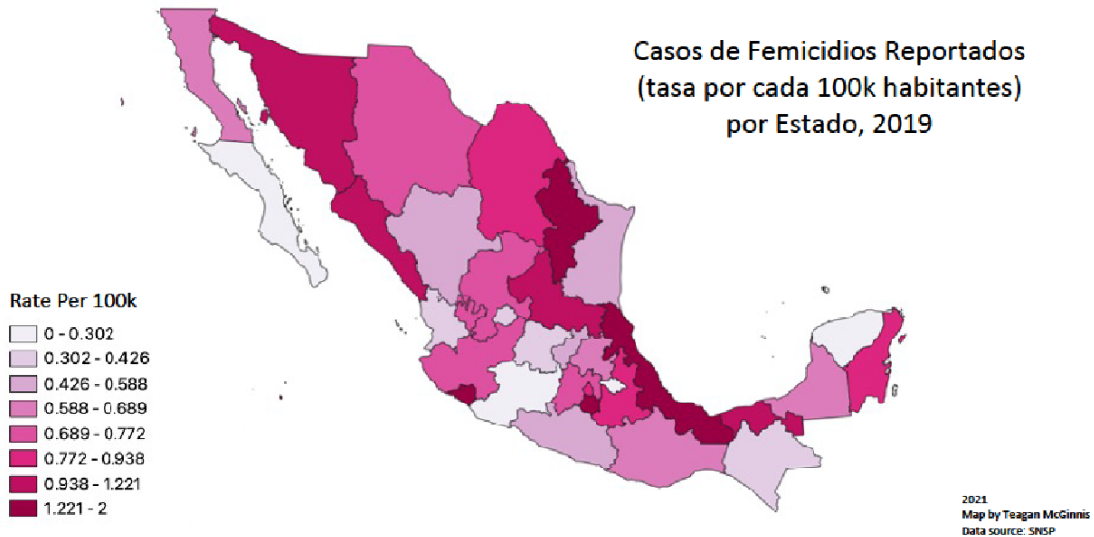
HOMICIDIOS DE MUJERES



FEMINICIDIOS



Variación Geográfica en Investigaciones de Femicidios

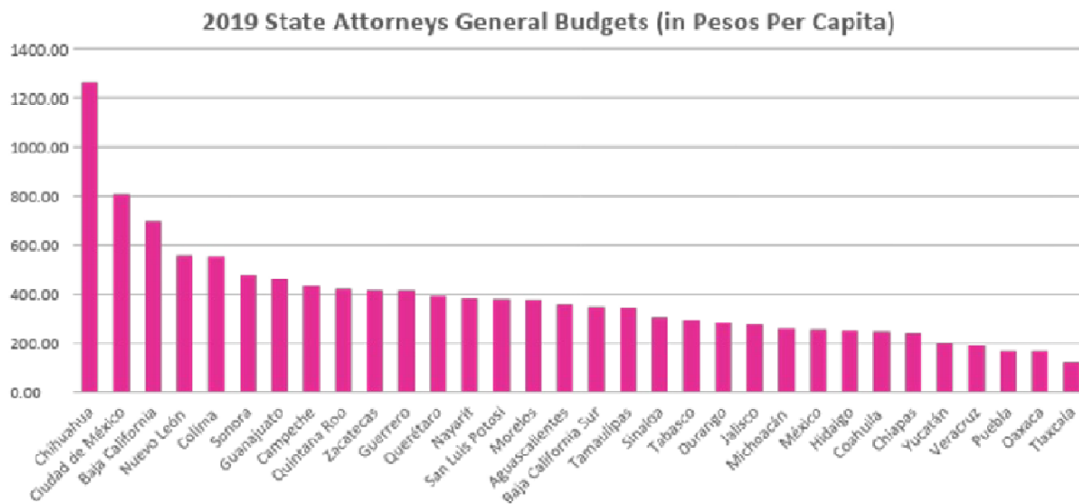


Pregunta de Investigación

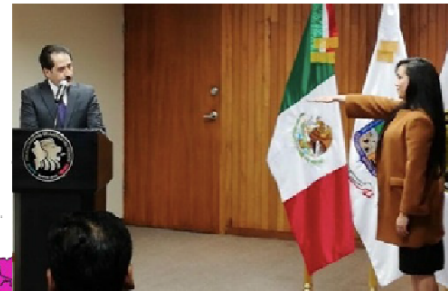
¿Cuál es el papel de la capacidad fiscal –en términos de presupuestos, fiscalías especializadas para delitos de género, etc.– en relación con el número de investigaciones por femicidio en ciertos estados mexicanos?



H1: ¿Desigualdad de recursos para fiscalías?



H2: Reformas Institucionales: ¿Fiscales Especializados?



La Fiscal Especial en casos de Femicidio de Nuevo León, Griselda Núñez, tomando protesta en diciembre de 2018.

Metodología y Bases de Datos

Investigación cualitativa

Investigación documental sobre feminicidios, leyes antifemicidios y mecanismos de enjuiciamiento

- Entrevistas con funcionarios y expertos mexicanos

Estadísticas descriptivas/inferenciales

Datos del SNSP sobre homicidios y feminicidios

- Datos de población CONAPO / INEGI por estado
- Datos fiscales a nivel estatal
- Base de datos original sobre fiscales especiales en casos feminicidios y delitos de género

Tipos de pruebas estadísticas empleadas

Prueba T de dos muestras

- Modelo de regresión lineal con variables registradas

Variable dependiente

- Tasa de feminicidios estatales por 100k

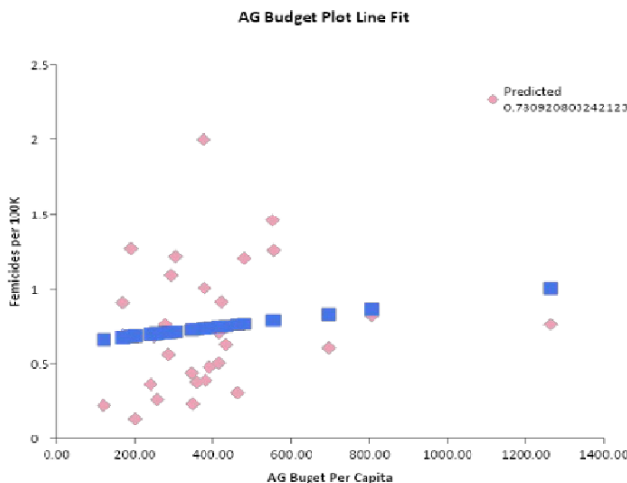
Variables independientes seleccionadas

- Presupuesto de la Fiscalía General del Estado (pesos per cápita)
- Fiscalía Estatal Especializada en Delitos de Género (sí/no)
- Fiscal independiente (sí/no)

Control Variable

- Tasa de homicidios por 100k

H1 Resultados: No Hay Efecto de Presupuestal Significativo

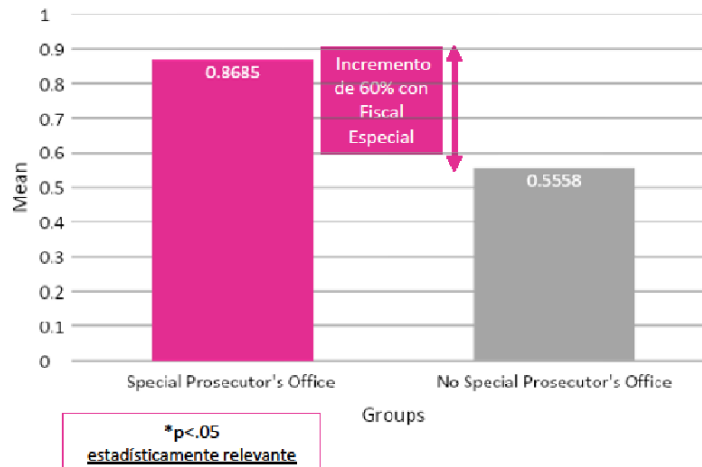


$r = .157 \mid p > .391$
No estadísticamente significativo

H2 Resultados: El Efecto del Fiscal Especializado

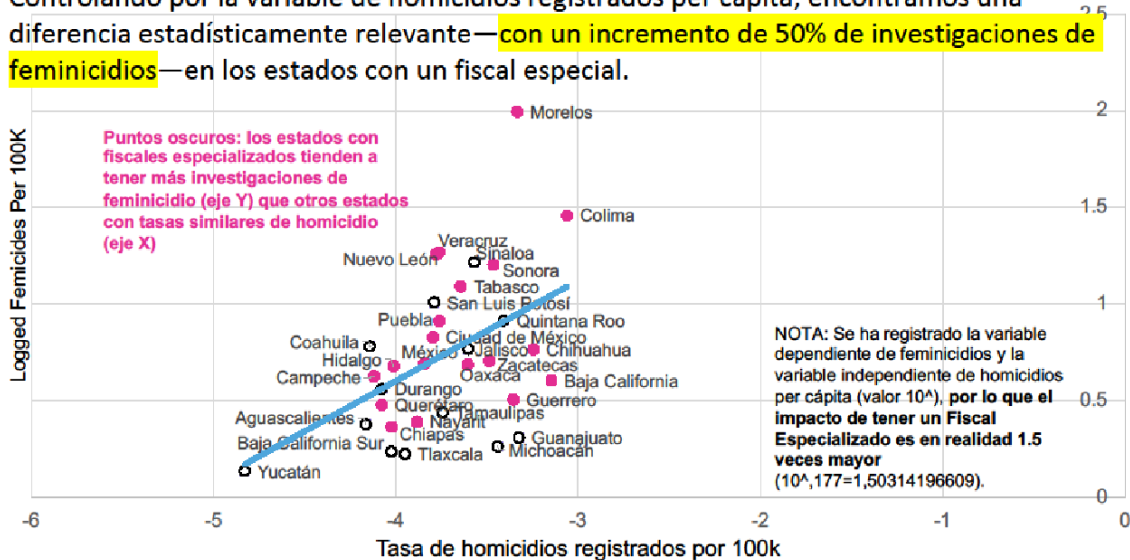


T-Test Results: Special prosecutor's office and femicides per 100 thousand inhabitants



Regresión: Controlando por Tasa de Homicidios

Controlando por la variable de homicidios registrados per cápita, encontramos una diferencia estadísticamente relevante—con un incremento de 50% de investigaciones de feminicidios—en los estados con un fiscal especial.





Recomendaciones de política pública

Esta investigación proporciona respaldo basado en evidencia para lo siguiente:

- El feminicidio es una categoría especial de homicidio que **requiere enfoques específicos de investigación y enjuiciamiento**.
- Los estados deben considerar la adopción de nuevas leyes penales y administrativas para **crear unidades especiales de enjuiciamiento y/o capacitación especializada** para la investigación y enjuiciamiento de feminicidios.
- Además de juzgar los feminicidios como una categoría especial, los estados deberían asignar **penas más severas para los homicidios y otros delitos que conlleven circunstancias agravantes (*delitos calificados*)** de violencia de género.
- Se necesitan **más y mejores datos**, y también más investigación cuantitativa y cualitativa sobre los delitos de género.



F) Femicide: Challenges and opportunities in the legal framework

DR. LETICIA CATALINA SOTO ACOSTA, PROSECUTOR SPECIALIZING IN CRIMES OF VIOLENCE AGAINST WOMEN AND TRAFFICKING IN PERSONS, AND TECHNICAL SECRETARY AT THE NATIONAL CONFERENCE FOR THE PROCUREMENT OF JUSTICE



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Contra las Mujeres y Niñas y Niños

Violencia Feminicida

- La Ley General de Acceso a las Mujeres a una Vida Libre de Violencia, en el capítulo V, artículo 21, “Violencia Feminicida: Es la forma extrema de violencia de género contra las mujeres, las adolescentes y las niñas, producto de la violación de sus derechos humanos y del ejercicio abusivo del poder, tanto en los ámbitos público y privado, que puede conllevar impunidad social y del Estado. Se manifiesta a través de conductas de odio y discriminación que ponen en riesgo sus vidas o culminan en muertes violentas como el feminicidio, el suicidio y el homicidio, u otras formas de muertes evitables y en conductas que afectan gravemente la integridad, la seguridad, la libertad personal y el libre desarrollo de las mujeres, las adolescentes y las niñas”.

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- Formas de Violencia Feminicida
- Violencia obstétrica
- Violencia económica
- Violencia institucional
- Violencia comunitaria
- **FEMINICIDIO**

La emisión de la *Recomendación General 40/2019 (CNDH)*, establece que la violencia feminicida no se limita al número de asesinato de mujeres, sino que representa un conjunto de violaciones a los Derechos Humanos que llevan a la muerte violenta de una mujer.

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FEMINICIDIO



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Un tipo de violencia que siempre ha existido; aunque su definición y consiguiente acepción jurídica es **relativamente nueva**.

Su construcción, uso y asentamiento jurídico es una **conquista histórica feminista, académica e institucional**.

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Primer Tribunal de Crímenes contra la Mujer



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- En 1974, del 4 al 8 de marzo, en Bruselas, se llevó a cabo el Primer Tribunal de Crímenes contra la Mujer; inspirado a su vez por el Tribunal Internacional sobre Crímenes de Guerra cometidos en Vietnam, fue organizado por la activista feminista sudafricana Diana Russell y la periodista belga Nicole Van De Ven; ahí se enunció por primera vez el término **femicide**, con el fin político de reconocer y hacer visible los asesinatos de mujeres ocurridos bajo un contexto de discriminación, opresión y violencia sistémica en contra de las mujeres.
- Se trataron temas que incluyen crímenes médicos y económicos, violación, prisioneras políticas, delitos contra lesbianas, violencia familiar, prostitución, pornografía y feminicidio.
- Las organizadoras Russell y Van Den Ven publicaron, en 1976, un libro sobre lo ocurrido en el Tribunal: *Crímenes contra La Mujer: Actas del Tribunal Internacional*.

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- La Comisión Especial para Conocer y dar Seguimiento a las Investigaciones Relacionadas con los Femicidios en la República Mexicana y la Procuración de Justicia Vinculada, fue instalada por María **Marcela Lagarde de los Ríos** como su presidenta, en el 2004 en la **LIX Legislatura de la Cámara de Diputados (2004)**. El seminario contó con la presencia de teóricas investigadoras académicas, como Diana E.H. Russell, una de las pioneras en la configuración del concepto feminicidio.

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MÉXICO



- En México, la antropóloga María Marcela Lagarde de los Ríos, publicó la primera edición de la antología en español de Russell y Harmes, **Femicide: a global perspective**, ahí explica la modificación de femicidio por feminicidio.

“Mi intención fue aclarar, desde el término mismo, feminicidio, que no se trata sólo de la descripción de crímenes que cometen homicidas contra niñas y mujeres, sino de la **construcción social de los crímenes de odio**, culminación de la violencia de género contra las mujeres, así como de la impunidad que los configura. Analizado así, **el feminicidio es un crimen de Estado**, ya que éste no es capaz de garantizar la vida y la seguridad de las mujeres en general, quienes vivimos diversas formas y grados de violencia cotidiana a lo largo de la vida”

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FEMINICIDIO EN MÉXICO

- En el 2012 se tipifica el delito de feminicidio en el Código Penal Federal.
- En el 2017 la mayoría de los Estados tipificaron el feminicidio, entre ellos Chihuahua, uno de los últimos Estados en denominarlo así, a pesar de que Ciudad Juárez fue una Ciudad tristemente conocida por "las muertas de Juárez".
- En su mayoría el tipo penal se describe como " la privación de la vida una mujer por razón de género".
- Las razones de género, difieren en cada Estado, sin embargo hay concordancia en algunos elementos como:
 - ✓ Antecedentes de violencia
 - ✓ Relación entre la víctima y el victimario
 - ✓ Conotación sexual
 - ✓ Lesiones infamantes o degradantes o mutilaciones
- Estados como Guanajuato y Michoacán, consideran el feminicidio como el **homicidio** de una mujer por razón de género.

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CÓDIGO PENAL FEDERAL

Artículo 325. Comete el delito de feminicidio quien prive de la vida a una mujer por razones de género. Se considera que existen razones de género cuando concurra alguna de las siguientes circunstancias:

- La víctima presente signos de violencia sexual de cualquier tipo;
- A la víctima se le hayan infligido lesiones o mutilaciones infamantes o degradantes, previas o posteriores a la privación de la vida o actos de necrofilia;
- Existan antecedentes o datos de cualquier tipo de violencia en el ámbito familiar, laboral o escolar, del sujeto activo en contra de la víctima;
- Haya existido entre el activo y la víctima una relación sentimental, afectiva o de confianza;
- Existan datos que establezcan que hubo amenazas relacionadas con el hecho delictuoso, acoso o lesiones del sujeto activo en contra de la víctima;
- La víctima haya sido incomunicada, cualquiera que sea el tiempo previo a la privación de la vida;
- El cuerpo de la víctima sea expuesto o exhibido en un lugar público.

A quien cometa el delito de feminicidio se le impondrán de cuarenta a sesenta años de prisión y de quinientos a mil días multa.

Además de las sanciones descritas en el presente artículo, el sujeto activo perderá todos los derechos con relación a la víctima, incluidos los de carácter sucesorio.

En caso de que no se acredite el feminicidio, se aplicarán las reglas del homicidio.

Al servidor público que retarde o entorpezca maliciosamente o por negligencia la procuración o administración de justicia se le impondrá pena de prisión de tres a ocho años y de quinientos a mil quinientos días multa, además será destituido e inhabilitado de tres a diez años para desempeñar otro empleo, cargo o comisión públicos.

Por de erratas al artículo DOF 31-08-1991. Derogado DOF 10-01-1994. Adicionado DOF 14-06-2012

Slide 10 features a background image of a modern building facade. In the top left corner is the logo of the FGR (Fiscalía General de la República). In the top right corner is the logo of FEVIMTRA (Fiscalía Especializada en Delitos de Violencia contra las Mujeres y Niñas y Tráfico de Personas). The title "RAZONES DE GÉNERO" is displayed in large blue letters on the left side. A single bullet point is centered on the slide.

- Las razones de género fueron descritas ante la **necesidad de crear un abordaje conceptual, desde la teoría feminista, respecto de las situaciones de vulnerabilidad, discriminación y violencia en que viven las mujeres y las niñas. Fue necesario dotar de un contenido objetivo (perceptible por los sentidos) para acercarse a la investigación de lo ocurrido en un evento de privación de la vida de una mujer. Categorizar los elementos del tipo penal y describir las manifestaciones de este crimen de odio, por supuesto, resulto en un ejercicio que resulta limitativo. Sin embargo, es verdad que la realidad siempre superará a las posibilidades descriptivas de un tipo penal.**

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Slide 11 features the same background and logos as slide 10. The title "RAZONES DE GÉNERO" is on the left. The main text is a paragraph explaining the importance of identifying categories like vulnerability and discrimination in violent deaths of women. It is followed by two more paragraphs discussing the relationship between these elements and the investigation process, and defining discrimination based on gender.

Las categorías como vulnerabilidad (sexo, género, etnia, edad, grupo social, estado civil, religión, etcétera) deben identificarse en toda investigación de muerte violenta de mujer. La identificación objetiva de la situación de desventaja de una niña o mujer, deben advertirse desde los primeros momentos de la investigación: Su dinámica diaria, sus relaciones familiares y sociales, la ubicación de sus espacio en el lugar de residencia; esta observación, desde el primer momento del abordaje del caso nos permitirán identificar la "fragilidad" de la víctima en su entorno. (La necropsia social y Los análisis de contexto nos proveen de información valiosa en la investigación).

Concatenados estos elementos con aquéllos descritos en el tipo, en un gran número de las investigación, terminarán por darnos las líneas de investigación a seguir.

La discriminación por razones de género es la distinción, exclusión, restricción que tiene por objeto obstaculizar, restringir, impedir, menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos de las mujeres y las niñas. Se manifiesta en la homofobia, misógina, la segregación, la ofensa, los malos tratos, la invisibilización. Conductas que mediante un abordaje de antropología social pueden identificarse en un específico grupo social.

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CAMPO ALGODONERO CASO GONZÁLEZ Y OTRAS VS. MÉXICO SENTENCIA DE 16 DE NOVIEMBRE DE 2009

Investigaciones con perspectiva de género. Elaboración de Protocolos

En el caso de México, derivado de la responsabilidad estatal por el femicidio de Laura Berenice, Claudia Ivette y Esmeralda en el Caso Campo Algodonero, el tribunal interamericano ordenó como medidas de no repetición la obligación de estandarizar los protocolos, manuales y criterios ministeriales de investigación, de servicios periciales y de impartición de justicia que se emplean para investigar delitos vinculados con desapariciones, violencia sexual y homicidios de mujeres.

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INVESTIGACIÓN LIBRE DE ESTEREOTIPOS

Los estereotipos de género se encuentran arraigados en el entramado social . Se reflejan, implícita o explícitamente en el razonamiento y en el lenguaje de las Autoridades. Se pone en duda el testimonio de las víctimas por la forma en que reaccionó al momento de ser agredida, en particular cuando no actuó como se espera.

Evitar visiones estereotipadas sobre el actuar de las víctimas o el rol social de las mujeres, es una tarea que implica la introyección de la perspectiva de género, es decir, una deconstrucción de todas nuestras creencias y vivencias, sin este ejercicio, la aplicación de protocolos y otros instrumentos normativos será infructuosa.

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Jurisprudencia 2011430

ACCESO A LA JUSTICIA EN CONDICIONES DE IGUALDAD. ELEMENTOS PARA JUZGAR CON PERSPECTIVA DE GÉNERO.

Del reconocimiento de los derechos humanos a la igualdad y a la no discriminación por razones de género, deriva que todo órgano jurisdiccional debe impartir justicia con base en una perspectiva de género, para lo cual, debe implementarse un método en toda controversia judicial, aun cuando las partes no lo soliciten, a fin de verificar si existe una situación de violencia o vulnerabilidad que, por cuestiones de género, impida impartir justicia de manera completa e igualitaria. Para ello, el juzgador debe tomar en cuenta lo siguiente:

- I. identificar primeramente si existen situaciones de poder que por cuestiones de género den cuenta de un desequilibrio entre las partes de la controversia;
- II. cuestionar los hechos y valorar las pruebas desechando cualquier estereotipo o prejuicio de género, a fin de visualizar las situaciones de desventaja provocadas por condiciones de sexo o género;
- III. en caso de que el material probatorio no sea suficiente para aclarar la situación de violencia, vulnerabilidad o discriminación por razones de género, ordenar las pruebas necesarias para visibilizar dichas situaciones;
- IV. de detectarse la situación de desventaja por cuestiones de género, cuestionar la neutralidad del derecho aplicable, así como evaluar el impacto diferenciado de la solución propuesta para buscar una resolución justa e igualitaria de acuerdo al contexto de desigualdad por condiciones de género;
- V. para ello debe aplicar los estándares de derechos humanos de todas las personas involucradas, especialmente de los niños y niñas; y,
- VI. considerar que el método exige que, en todo momento, se evite el uso del lenguaje basado en estereotipos o prejuicios, por lo que debe procurarse un lenguaje incluyente con el objeto de asegurar un acceso a la justicia sin discriminación por motivos de género.

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COMPONENTES DE LAS FISCALÍAS ESPECIALIZADAS.

Se crean como obligación de la Sentencia González y otras Vs México.

Capacitación. Otorga el conocimiento en perspectiva de género, derechos humanos, derecho penal, procesal penal y otras materias indispensables para la función sustantiva.

Permanencia. Proporciona la experiencia y la introyección de la perspectiva a través de conocimiento de diferentes casos y la aplicación del conocimiento adquirido.

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ÁREAS DE LA FEVIMTRA

SUSTANTIVO

- ◊ Unidad de Investigación y Litigación de Delitos en Materia de Violencia Contra las Mujeres
- ◊ Unidad de Investigación y Litigación de delitos en materia de Trata de Personas y los cometidos contra NNA
- ◊ Unidad del Sistema Procesal Penal Inquisitivo Mixto

ATENCIÓN A VÍCTIMAS

- Dirección de Vinculación interinstitucional
- ◊ Refugio Especializado de Atención Integral y Protección a Víctimas de Trata y Violencia de Género Extrema

FEVIMTRA ARTÍCULO 13 FRACCIÓN VI. LFGOR

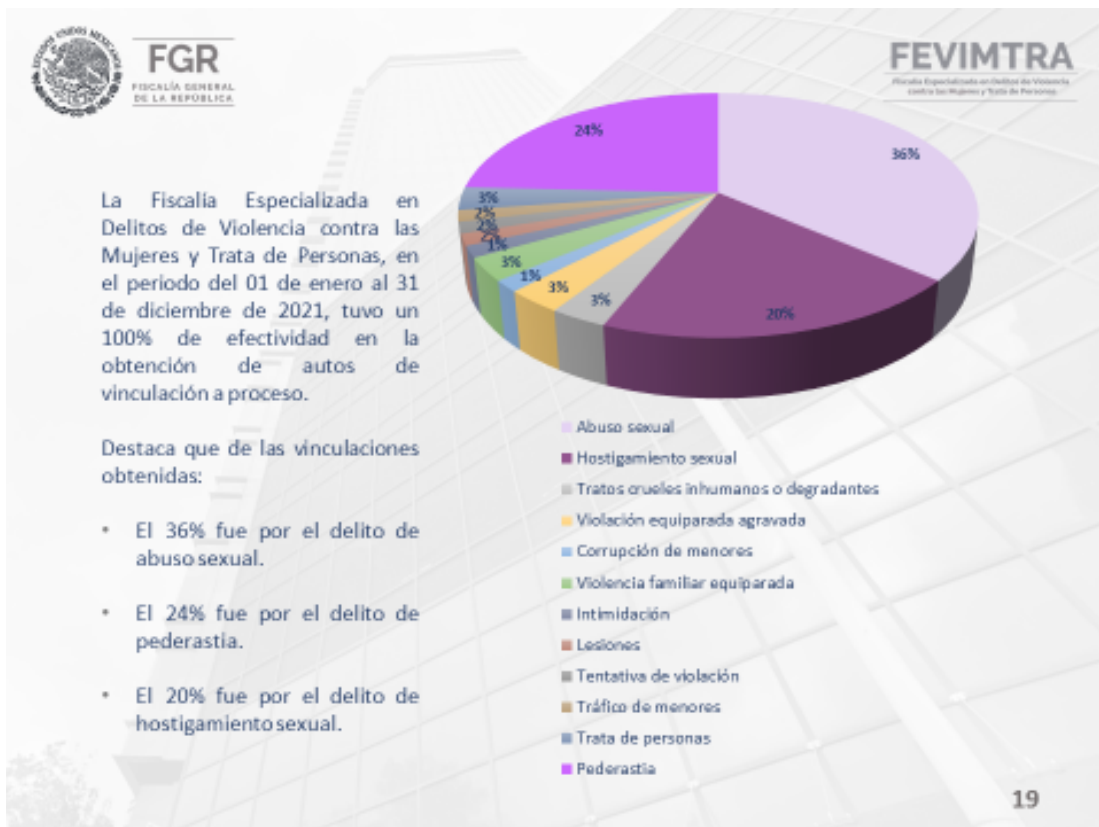
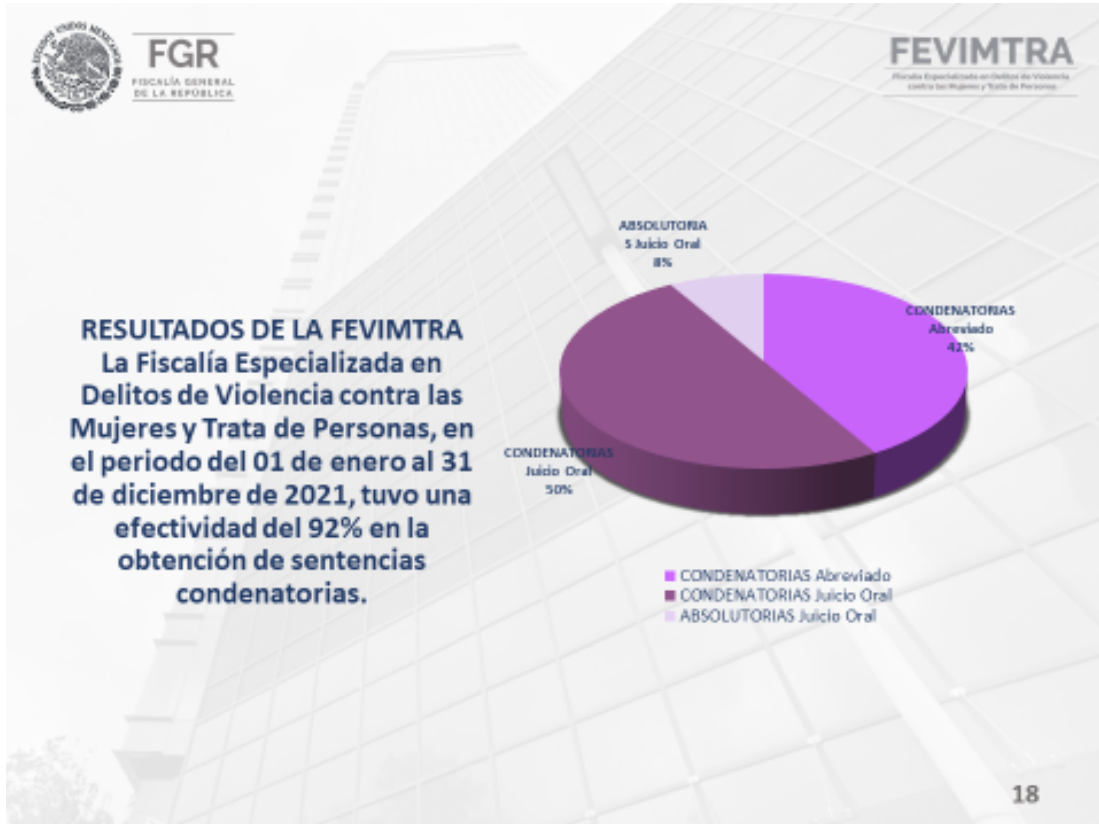
COORDINACIÓN GENERAL DE FORMACIÓN Y POLÍTICAS PÚBLICAS


- Eje de Violencia contra las mujeres
- ◊ Eje de NNA
- ◊ Eje de Trata de Personas


CENTRO DE ATENCIÓN TELEFÓNICA

- Alerta AMBER MX

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Contra las Mujeres y Niñas de Persecución

**OTROS RETOS. LA
TIPIFICACIÓN DE OTRAS
FORMAS DE VIOLENCIA.
SUICIDIO FEMINICIDA**

- El suicidio feminicida que sí se consuma, se determina como una acción de privación de la vida por autoinducción, adherido a la violencia a las mujeres por razones de género; varios de los elementos que lo caracterizan son la presencia del crimen sexual, abuso de poder, ausencia de redes familiares y falta de acción de los órganos de gobierno para atender los focos rojos.
- El Salvador incluyó la figura jurídica del suicidio feminicida por inducción o ayuda, en el artículo 48 de la Ley Especial Integral para una Vida Libre de Violencia (LEIV), asentando un primer precedente a este tipo de delito. La LEIV entró en vigor el 1 de enero de 2012 (Vega, 2021:109), y logró su primera sentencia en marzo de 2019, a raíz del caso Heriberto Carlos Hernández Flores.
- En México, el Congreso de Jalisco aprobó la integración de este tipo penal en octubre de 2020 en el Código Penal para el Estado Libre y Soberano de Jalisco, éste se encuentra en el artículo 224 Bis (Congreso del Estado de Jalisco, 2020). Aún no está concretada la integración del suicidio feminicida al Código Penal Federal.

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Contra las Mujeres y Niñas de Persecución

**Primer caso
sentenciado en
el Salvador por
suicidio
feminicida**

- Heriberto Carlos Hernández Flores, de 35 años, fue procesado y condenado a ocho años de cárcel, por los delitos de violación y suicidio feminicida por inducción o ayuda.
- El agresor violó a la joven y eso la llevó al suicidio. El 11 de marzo de 2012, la joven decidió envenenarse en su casa habitación en horas del mediodía, al tomar pastillas conocidas como 'matarratas'. Aunque fue auxiliada por su familia no logró sobrevivir.
- En las investigaciones se logró recabar como prueba **un manuscrito y audio de voz, en los que aseveró que la decisión de quitarse la vida la tomó porque fue violada por Hernández Flores**, y aunque le pidió perdón a la familia, aseguró que 'no puedo seguir viviendo, soy una vergüenza para mí misma' Esto de acuerdo con información de la Fiscalía General de la República (FGR) publicada en su sitio de internet.

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FEDERACIÓN ESTADAL DE VIOLENCIA CONTRA LAS MUJERES
Y SUZUJEROS

Suicidio Femicida

**CÓDIGO PENAL PARA
EL ESTADO LIBRE Y
SOBERANO DE
JALISCO**

CAPÍTULO VI BIS

- **Inducción o ayuda al suicidio feminicida**

Artículo 224 Bis. Quien indujere u obligue a una mujer al suicidio o le prestare ayuda para cometerlo, será sancionada con la pena prevista en el primer párrafo del artículo anterior aumentada de un tercio a la mitad cuando concurra cualquiera de las siguientes circunstancias:

- I. Que el suicidio fuera precedido por cualquier forma de violencia de género del actor contra la víctima; y
- II. Que el agresor se haya aprovechado de la superioridad generada por las relaciones preexistentes o existentes entre él y la víctima.

Si el suicidio no se lleva a efecto, pero su intento produce lesiones, éstas serán consideradas como lesiones calificadas.

Si la ayuda se prestare hasta el punto de ejecutar el responsable la muerte, la sanción será la que corresponda al delito de feminicidio, según las circunstancias y modos de ejecución.

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G) Legal framework proposed in the initiative to determine where a classification of femicide applies for gender-based reason(s).

16 proposed gender-based reasons

General Law on Women’s Access to a Life Free of Violence, in matters of femicide		Comments
<p>ARTICLE 21.- Femicidal violence: The extreme form of gender-based violence against women and girls, resulting from the violation of their human rights and the abusive exercise of power, both in the public and private spheres, which can involve social and state impunity. It manifests itself through behaviors of hate and discrimination that put women’s lives at risk or culminate in violent deaths such as femicide, suicide and homicide, or other forms of preventable deaths, and in behaviors that seriously affect the integrity, security, personal freedom and the free development of women and girls (Article 21). Whoever deprives a woman of life for gender-based reasons commits the crime of femicide.</p> <p>It is considered that there are gender-based reasons when any of the following circumstances apply:</p>		
I	The victim shows signs of sexual violence of any kind, or acts of necrophilia;	
II	The victim received ignominious or degrading injuries or mutilations prior to the deprivation of life, or presents ignominious or degrading marks on the corpse, suffered acts of necrophilia, or is mutilated;	
III	The active suspect and the victim maintain or maintained a family relationship by blood or marriage, or one of marriage, cohabitation, courtship or any other that implies trust, subordination or superiority that may have been abused;	
IV	There exists, or existed, a sentimental, workplace, school or any other relationship between the aggressor and the victim that implies trust, subordination or superiority, and there is a documented history of violence;	To avoid any confusion, care should be taken to standardize the terminology (for example, decide if the aggressor will be described as such or if the term “active suspect” will be used).
V	There is evidence indicating that there were threats related to the criminal act, or harassment or injuries by the active subject against the victim, or misogyny;	
VI	Contempt or hatred of the victim motivated by discrimination or misogyny;	
VII	That the victim was held incommunicado for any length of time prior to the deprivation of life.	incommunicado: means that the person has no communication with



		<p>other people because they are not allowed to communicate with anyone whether orally or in writing.</p> <p>Deprivation of liberty: means unlawfully depriving another person of their liberty.</p>
VIII	The victim's body is exhibited or abandoned in a public place, or is buried, concealed, incinerated or treated with any substance to decompose it;	
IX	The victim was in a state of defenselessness, understanding this to mean a situation of vulnerability or incapacity that made it impossible for her to defend herself, either due to the difficulty of communication to receive help, the distance from an inhabited place, or because there is a physical or material impediment to requesting assistance;	<p>It is considered necessary to add the reason of defenselessness for psychological reasons, since victims of femicide frequently suffered years of abuse (which may have started when they were young) and did not have the capacity to deal with these situations. An example is learned helplessness syndrome: the attitude of human beings who have "learned" to behave passively in the face of all kinds of problems and, when they arise, are unable to act, despite having multiple opportunities to change their situation.</p> <p>Therefore, it is suggested to add the word "psychological" after "physical impediment."</p>
X	The victim was pregnant and that was the reason for the act;	
XI	When the active subject , through deceit, communicates with the victim through social networks or any other technological platform, obtaining her trust before depriving her of life;	
XII	That the active has forced the victim to engage in prostitution, or has engaged in acts of human trafficking to the victim's detriment;	Unify terminology (use, as in paragraph XI, "active subject") and be consistent in all paragraphs, to ensure greater clarity.
XIII	When the active subject has committed another crime of a sexual nature against the victim;	
XIV	When the active subject acted on grounds of homophobia;	It is important to note that not only homophobia is a cause of these acts. Active subjects may also act for reasons of honor, family reputation, or religious beliefs. In Mexico, these are real reasons to commit a femicide. Greater protection should be sought for the affected persons and protection



		should be extended to communities where it is seen as acceptable to exercise violence against women based on some type of belief.
XV	When there is a history of psychological violence or sexual abuse against the woman by the active subject, or	
XVI	When there are antecedents or indications that the aggression committed against the victim had the purpose of preventing her from exercising her right to vote or be voted for, in public elections.	
XVI	No correlative	Consider adding an additional paragraph, such as: <i>Where the deprivation of life is due to the fact that the woman engaged in sex work or has been a victim of trafficking or sexual exploitation, or because she engaged in an occupation or profession that is stigmatized or related to the use of one's own image.</i>
<p>Whoever commits the crime of femicide will be sentenced to forty to sixty years in prison; a fine of between 500 to 1,000 standard daily wages, and the integral reparation of the damage in favor of the victim or those who survive them.</p> <p>In addition to the sanctions described in this article, where applicable, the active subject will lose all rights in relation to the victim with regard to his offspring, including the definitive loss of guardianship and custody, as well as succession rights.</p>		

Definitive loss of guardianship and custody

As can be seen at the end of the paragraph, in bold and purple, mention is made of the definitive loss, by the femicide, not only of guardianship and custody, but also of succession rights. This concept is set out in Article 21 of the General Law on Women's Access to a Life free of Violence. This regulation must be harmonized with and complementary to civil laws.

Aggravate the sentence by one third

Aggravating circumstances are provided for in the proposed reform of the General Law on Women's Access to a Life Free of Violence. In the section on general aggravating circumstances of the same Article 21, they are described under these terms:

- I. When the victim is a minor; an older adult; indigenous; pregnant; suffers from a physical, mental, intellectual or sensory disability; or holds any other special condition;



- II. When the victim holds migrant status and is in a disadvantaged position due to being accompanied by the active subject;

As can be seen, special conditions mean the vulnerability in which the victim finds herself (due to her age, origin, identity, physical state, group or society of origin or reduction in the full use of her rights), which is why greater protection is required.

General Law on Women’s Access to a Life Free of Violence, in matters of femicide		Comments
The penalty will be increased by up to one third when any of the following circumstances apply:		
I	When the victim is a minor; an older adult; indigenous; pregnant; suffers from a physical, mental, intellectual or sensory disability; or holds any other special condition;	
II	When the active subject is a public official and has committed the act in availing of this condition, or has intervened at any stage of the criminal act;	
III	When the victim holds migrant status and is in a disadvantaged position due to being accompanied by the active subject;	
IV	When the act is committed by two or more people, or	
V	When it is committed in the presence of persons with whom the victim is related by blood, marriage or sentimental relationship, who are aware of this relationship	
	No correlative	<p>VI. When the active subject has availed of services they provide to the public, such as driving a passenger or tourism vehicle, whether public or private.</p> <p>As a consequence of the frequent cases of femicide that are committed on public transport, consider including as an aggravating circumstance when the active subject has availed of the services provided to the public, such as driving a passenger or tourism vehicle, whether public or private.</p>
	No correlative	<p>All violent deaths of women, including those that at first appear to have been due to criminal motives, suicide or accident, must be investigated as probable femicide and from a gender perspective, in accordance with the applicable special protocol.</p>



	<p>The text marked in bold should be considered with care, since the prosecutor’s offices must act in accordance with the femicide protocols, that is, regardless of the cause of the death of a woman, it must be investigated as probable femicide, and the cause of death determined accordingly.</p> <p>The foregoing is due to the fact that partners or the active subject frequently disguise their crime as suicide or in some other way to cover it up.</p>
<p>In the event that the femicide is not proven, the rules applicable to homicide will apply.</p>	
<p>A public official who maliciously or negligently delays or hinders the prosecution or administration of justice due to the alleged commission of the crime of femicide, will be sentenced to imprisonment of three to eight years and a fine equivalent to 500 to 1,500 standard daily wages; in addition, they will be dismissed and disqualified for between three to ten years from holding another public job, position, or commission.</p>	<p>The authorities in charge of investigating criminal acts have the duty to follow due diligence to protect the information that forms a part of the investigation process with a differential and specialized approach, without subjecting those who undergo these processes to re-victimization and institutional violence that constitutes a violation of their right to privacy.</p> <p>In this sense, incorporating normative elements such as those already mentioned, as well as establishing more severe punishments for public officials who omit, delay, or hinder effective access of victims to justice, represents a normative and symbolic advance that is intended to demonstrate the serious problem of impunity and institutional violence suffered by women in Mexico.</p>

Death of a woman

In Mexico City, since 2019, there has been a Special Prosecutor’s Office for Femicide, which is empowered to conduct investigations with a gender perspective into both consummated and attempted murders of women, in accordance with AGREEMENT A/11/2019 OF THE ATTORNEY GENERAL OF MEXICO CITY CREATING THE SPECIAL PROSECUTOR’S OFFICE FOR THE INVESTIGATION OF THE CRIME OF FEMINICIDE. In addition to the above, other recommendations determined by the person in charge of the Attorney General’s Office or the Central Preliminary Investigations Deputy Attorney General’s Office, since it is a power granted to the special prosecutor’s office to investigate all cases of deceased women, even in the case of suicides, to ensure the investigation is adequate.



This prosecutor's office indicates that it follows international treaties as well as the following protocols:

Protocol of Ministerial, Police and Expert Investigation with a Gender Perspective for the Crime of Femicide, Attorney General's Office of the Republic:

https://www.gob.mx/cms/uploads/attachment/file/253267/Protocolo_Feminicidio.pdf

Latin American Model Protocol for the investigation of gender-related killings of women (Femicide/feminicide), UN WOMEN:

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/ProtocoloLatinoamericanoDeInvestigacion.pdf>

This is an example that should be followed in all states of Mexico, which is why it is proposed that this practice be complied with at the national level. Additionally, the competent authorities, especially the prosecutor's offices, are urged to standardize a protocol in relation to femicide and a competent specialist department be designated to hear cases concerning the deaths of women, regardless of whether they are violent deaths, consummated or attempted murders, in order to guarantee legal certainty and avoid injustices.

Mixed jurisdiction

In law, jurisdiction is what allows judges to hear matters such as lawsuits or, in our case, criminal complaints, and to rule on them. Femicide cases come before judges with jurisdiction over criminal matters (femicide proper) and judges with jurisdiction over civil matters (loss of custody and testamentary authority). What is sought is that the jurisdiction be mixed, so that victims are involved in a single legal process and thus avoid re-victimization, the repetition of statements that cause pain to the relatives of the victims, and the duplication of procedures. The foregoing translates into a more concentrated, and therefore more efficient, procedure.

Preventive measures

Some possible preventive measures are to:

- Promote equality and respect among children and adolescents.
- Change the social and cultural norms that foster violence, and fight to remove stereotypes about women.
- Establish identification, care and support programs for victims of violence and programs that help women to understand when they are victims of violence.

These measures cannot be implemented by the legislature; however, it can support existing programs and disseminate materials that counter stereotypes about women. The corresponding agencies can also be urged to strengthen their actions to eradicate violence against women.

National protocol for police action in cases of violence against women and femicide

It should be noted that on December 23, 2022, the **NATIONAL PROTOCOL FOR POLICE ACTION IN CASES OF VIOLENCE AGAINST WOMEN AND FEMICIDE** was published in the **Official Gazette of the Federation**, whose objective is to establish the standardized methodology and guidelines for police action in cases of violence against women and femicide, with strict adherence to respect for human rights, with a gender perspective and an intersectional and differentiated approach.



This protocol constitutes a methodological and operational guide for police forces that act as first responders in cases of violence against women and femicides, and seeks to ensure an effective police response with a focus on women's human rights and police action, both with a gender perspective and in accordance with the principles of legality and due diligence.

Link:

https://www.dof.gob.mx/nota_detalle.php?codigo=5675407&fecha=23/12/2022#gsc.tab=0

H) Femicides and other expressions of violence against women: Legislative proposals in light of the increasing crime rate

DR. LORENA VAZQUEZ CORREA, 'B' RESEARCHER, GENERAL DIRECTORATE OF LEGISLATIVE ANALYSIS, BELISARIO DOMÍNGUEZ INSTITUTE

Contribution to the second roundtable of the National Forum on Femicide: Visions and Solutions

On behalf of the Belisario Domínguez Institute of the Senate of the Republic, I would like to express my appreciation for the invitation from Senator Gabriela López, president of the Special Commission in charge of monitoring cases of femicide of girls, adolescents, and women.

The aim of my presentation is to reflect on the role of prosecutors in the judicial investigation of femicides and to analyze what can be done from the Congress of the Union to improve their institutional design, accountability, and transparency.

One of the structural characteristics of the justice system in this country is impunity, which stands at a level of 92 percent. This is how the report "Name them to find them" by Flacso México and the Observatory on Disappearance and Impunity refers to it.

The research shows that the regimes of violence against women share at least three common characteristics throughout the federal states:

- presence of different perpetrators;
- patriarchal sociocultural patterns; and
- impunity and weakness of state responses.

Regarding the weakness in the state responses, two main elements were found:

- 1) attitudes that deny the problem, that hold the victims responsible for their fate, or that simulate actions to deal with the problem but that do not involve substantive measures that have a true impact; and
- 2) coordination problems between the different authorities in charge of the response (notably **the institutional inertia that slows down processes of progressive reforms**).

I return to Flacso's research because it empirically coincides with the diagnosis of Marcela Lagarde, one of the main promoters of the criminalization of femicide and designer of the state policy to prevent, attend to, punish, and eradicate violence against women in Mexico.



According to Lagarde, a main obstacle for the Mexican State to be effective in its fight against femicides is the lack of coordination between the different bodies that have the powers and attributions to combat violence against women at the different levels of government.

From her perspective, the lack of coordination among the institutions is the result of the very design of the law that created the National System to Prevent, Attend to, Punish, and Eradicate Violence against Women in Mexico, given that there is a National Commission and a Special Prosecutor's Office that began their work "without having a good understanding of the law" (sic.).

There is no doubt that great progress has been made since 2007, when the General Law on Women's Access to a Life Free of Violence was approved. However, there are areas of opportunity to improve the design of the law in three particular areas:

- 1) the weakness of the institutions,
- 2) coordination among them; and
- 3) **the institutional inertia that slows down processes of progressive reforms.**

In other words, the challenge of designing laws that change government policies on femicide persists. Although legislative reforms alone will not be enough to solve the problem, they are essential to enable other bodies—such as the autonomous prosecutors, the judiciary, and the executive branch—to improve their performance in the elimination of this type of violence.

In particular, I want to share some reflections on the role of autonomous prosecutors in the investigation of femicide as a government strategy that contributes to addressing violence against women.

According to the investigation *Analyzing the problem of femicide in Mexico* by the Wilson Center, states that have special prosecutors for the investigation of femicide are more likely to classify homicides of women as femicide.

Even the appointment of a special prosecutor for gender crimes increases the investigation of femicide cases by 50 percent, which controls the levels of homicidal violence in the states where this figure is present.

This means that the investigation of specially designated crimes – such as femicide – depends to a large extent on the legal authority, institutional capacity, and individual decisions of state prosecutors.

Currently, only 19 federal states have a special prosecutor's office specifically in charge of investigating femicides and crimes against women.

Of the 13 states without a special prosecutor's office in 2019, 11 had small designated units within the attorney general's office tasked with investigating femicides and homicides of all kinds.

It should be noted that the states with special prosecutors for the investigation of femicide have specific legislation and/or administrative regulations that define both the institutional role of the special prosecutors and their activities.

Therefore, the appointment of special prosecutors for femicides and crimes against women in the 13 remaining entities would lead to a greater degree of specialization that, in turn, would increase investigation rates for these types of crimes.



Moreover, in the scenario of a national emergency of violence against women that we are going through, appointing women to head up the special prosecutors for femicide could be an accessible and effective way to implement a gender and/or feminist perspective in the investigation of homicides of women and femicides.

Gender parity in prosecutors is no small issue. Since the 2019 reform on the matter, Article 41 of the Constitution establishes that half of the highest-ranking decision-making spaces in autonomous bodies—which include the prosecutors—must be occupied by women. Therefore, demanding parity in the appointments of prosecutors simply means demanding that the constitutional text be observed.

The second issue identified has to do with the challenges faced by special prosecutors once they are created. As an example, I will refer to the case of the State of Mexico, the state where the Atizapán Cannibal murdered at least 17 women, a man and a child. According to the Supreme Court of Justice of the Nation, the State of Mexico prosecutor's office lost highly significant evidence, such as the notebook in which the femicide had written down the names of his victims.

There is also the outrageous case of the femicide of Ingrid Escamilla in Mexico City. The circulation of the photographs of the victim in the state she was found gave rise to the Ingrid Law, which is pending debate in the Senate.

In this regard, it is important that the Legislative Branch empower the Attorney General of the Republic to prepare and issue a national investigation protocol for the identification of femicides and other related crimes that establishes minimum rules for police and expert work, as well as for the procedures followed to preserve the scene of the events and to search for evidence in the autopsy of the victim.

From a feminist perspective, it is clear that if the laws do not force them to take action, the actors involved will not do so of their own free will. Hence the importance of the Congress of the Union legislating on prosecutors and femicides.

Naturally, we cannot talk about reforms to the prosecutor's offices without listening to them. According to the head of the Special Prosecutor for Crimes of Violence Against Women and Trafficking in Persons (Fevimtra), Leticia Catalina Soto Acosta, some areas of opportunity in the institutional design of these spaces have to do with the little funding they receive and the way in which they approach it:

- Independence from the state executive branch (prosecutors are appointed and removed by governors and all prosecutors depend on the state governor to negotiate the allocation of resources from the Fund for Public Security).
- Four prosecutor's offices report directly to the head of the state executive: Campeche, Chihuahua, Durango and Yucatan.
- In budgetary matters, four prosecutors lack autonomy: Nayarit, Guanajuato, Tabasco and Jalisco.

For its part, the Wilson Center suggests that the difference in budgetary resources between one federal entity and another could have a measurable effect on the number of femicide cases investigated.

But beyond the much-demanded autonomy of the prosecutor's offices, from a feminist perspective, the inefficiency and fraud demonstrated in cases of femicide suggest that the prosecutor's offices should:



- incorporate transparency mechanisms; and
- maintain a relationship of coordination with the other government bodies.

However, if we think of Luz Raquel, Debanhi Escobar, Reyna González, Ariadna, and the more than 10 women murdered every day in our country, we must ensure that the autonomy of the prosecutor's offices does not become a blank check that allows officials to ignore the accountability mechanisms for non-compliance in the exercise of their position.

It is also necessary to discuss, document, investigate, and analyze the issue of femicides that have been classified as suicides; for example, the case of Mariana Lima Buendía. Despite the fact that since 2015 the Supreme Court of Justice of the Nation determined that "every violent death of a woman must be investigated as a femicide," there are still challenges in this area

For example, according to the head of the Special Prosecutor's Office for the Investigation of the Crime of Femicide, Sayuri Herrera Román, in Mexico City, 63 percent of the cases of femicide that occurred in 2018 were classified as suicide by the Attorney General's Office.

It is painful to remember that, as recently as 2018, the authorities tried to pass off as suicide the murder of Lesvy Berlín Rivera Osorio, who died a victim of femicide on May 3, 2017 in the Ciudad Universitaria campus of the UNAM. It should be noted that, two years after her death, **once the crime of femicide had been proven**, a public apology was issued.

In this scenario, the work of state prosecutors should be scrutinized by feminists, but, above all, should be on the radar of the Congress of the Union, as a body empowered to design and implement in law accountability and transparency mechanisms for state prosecutors and special prosecutors for femicide.

I would like to end my presentation by pointing out that violence against women is the deadliest pandemic for this sector of the population. Therefore, programs for the prevention, attention to, punishment, and elimination of violence against women must be classified as a priority both in public funding and in public security strategies.

Gender parity in prosecutors, the issue of femicides-suicides, and budgets for the investigation of homicides of women are three items on the agenda that the legislature cannot delay any longer.



I) National Citizen Observatory (ONC) public policy proposals related to femicide and gender violence

DR. FRANCISCO RIVAS, DIRECTOR, NATIONAL CITIZEN OBSERVATORY



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Propuestas de política pública del ONC relacionadas con el feminicidio y la violencia de género



National Citizen Observatory (ONC) public policy proposals related to femicide and gender violence

On numerous occasions and through different media, the National Citizen Observatory has warned that the security situation for women and girls has worsened. 2022 has been the most violent year for women in Mexico to date. This document compiles what the ONC has observed over the last few years.

The link below connects to the analysis and proposals for resources to deal with femicide presented at the First National Forum on Femicide held in the Mexican Senate. These were the conclusions reached:

1. The lack of effective care for victims of gender violence and their families is not only due to the scarcity of resources, but also to the absence of a comprehensive strategy on the matter.
2. To strengthen and fulfil the debt owed to victims of gender violence and their families requires the following:
 - more budgetary and institutional resources,
 - public policies with an evidence-based, intersectional perspective,
 - inter-institutional collaboration mechanisms,
 - strategies that favor prevention over reaction; and
 - social actors who abandon a superficial vision of the gender perspective.

Chapter 1 of the *Study of electoral crimes and political violence*³ addresses the behavior of communities on social networks during the 2021 electoral process in relation to gender-based political violence against women. The following gender-focused recommendations were made:

1. Include legal entities on the National Registry of Persons Sanctioned for Political Violence of the INE. Going beyond sanctioning individuals, it is necessary to veto many companies, especially in the communication and information sector, as suppliers to political parties and electoral bodies, which use them to spread denigrating and misogynistic information about candidates.
2. Amend article 73 of the General Law on Political Parties to include a percentage of the “resources earmarked for the training, promotion, and development of women’s political leadership” in the category of gender-based political violence against women.
3. Promote the exchange of experiences among women politicians who have been victims of this crime, whatever their party affiliation. Many of them are determined to continue with their political career, regardless of the election result or of the filing of a complaint, so forging these types of sorority networks should be an imperative. This corresponds, at the institutional level, to political parties and, at the individual level, to women activists and politicians.

Por un México Seguro (For a Safe Mexico) (PUMS) is an initiative that seeks, on the one hand, to promote citizen participation, informed voting, transparency and accountability and, on the

³ Observatorio Nacional Ciudadano, Delitos Electorales y Violencia Política en el contexto de pandemia y crisis sanitaria por covid-19 en México, México, 2021. https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/delitos-electorales.pdf



other, to raise the quality of security proposals and policies. The ONC has produced three editions around the following key issues:

- analysis of security proposals,
- state risk scenarios; and
- advocacy with elected authorities.

In the 2022 edition of *Por un México Seguro*⁴, the ONC made the following recommendation on gender violence:

Mainstream the gender approach in its security policy in order to ensure it fits the risks that exist in the federal states. Gender-based violence must be addressed from different areas of society, since pigeonholing it as the responsibility of the security and justice authorities alone hinders prevention and early detection of cases, and leads to cases being dealt with late—after a violent act is committed—while neglecting forms of psychological or economic violence against girls and women.

In November 2022, the ONC published the study *The National Public Security Strategy (2018-2024)*. In chapter 4, the coherence of the National Public Security Strategy two years after its implementation is analyzed: the gender approach is not an inherent part of public policies, nor of official discourse. The following is of note:

Although the presence of women in decision-making positions is a demand of feminist movements, this is not being reflected in substantial public policy improvements for one half of the population. In addition, women's participation in decisions related to security and justice continues to be minimal.

In 2021, the ONC published its study *Public Spending on Security 2019-2021*⁵. This document once again calls on the authorities to implement more robust and evidence-based public policies. The following public policy recommendations should be highlighted:

Increase public resources allocated to security. The current administration has not made changes in this sense, meaning the inertia in spending on public security continues.

In the policy brief entitled *National Public Security Strategy*⁶ from 2022 a series of recommendations are made; two of them focus on gender violence:

1. Address legitimate feminist demands.
2. Replace the gender violence alert with another mechanism designed together with feminist groups in order to generate a preventive rather than a reactive instrument.

⁴ Por un México seguro, México, 2022: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/rev3-ppt.pdf

⁵ Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad, Gasto Público en Seguridad, México, 2021: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/Gasto-Publico-Reporte.pdf

⁶ Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad, Gasto Público en Seguridad, La estrategia Nacional de Seguridad Pública (2018-2024), Un análisis desde la perspectiva de coherencia de políticas públicas: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/ENSP2018-2024.pdf



The *Monthly report on high impact crimes* of November 2021⁷ includes the chapter *Reflecting on the crime: sexual violence, rape in contexts with high levels of violence. An interpretative proposal for Mexico*. From this text, the following is worth noting:

1. Sexual crimes in contexts of war aim to: a) terrorize the population, which facilitates the imposition of military control; b) exploit and instrumentalize women to achieve military objectives, such as forcing people to flee their homes and thus gain territory, and c) turning bodies into battlegrounds to exact revenge on adversaries.
2. Preventing, punishing and eradicating sexual and gender violence is a duty of nations experiencing armed conflicts. Likewise, in the Mexican case, the high incidence of rape must be seen against a background of high levels of violence caused by clashes between organized crime groups and the security forces.

From the *Monthly report on high impact crimes* of October 2021⁸, it is worth emphasizing the following:

The Mexican State and its justice system face significant challenges in its care for victims of sexual crimes, mainly in regard to rape. Likewise, the collection of rape evidence violates the integrity of the victim more than any other crime. Therefore, **to improve prosecution of the crime, it is important to enhance training and awareness of the care guidelines for victims of sexual crimes.**

From the *Monthly report on high impact crimes* of September of 2021⁹, it is worth emphasizing the following:

1. A dialogue must be opened between state and federal congresses in order to discuss what is clearly a pressing need and to clearly define the legally protected assets, the proportionality of sanctions and their scope, considering not only imprisonment and fines as a punitive remedy but the reparation of damages to the victims of crime.
2. The budget cuts and the reduction of personnel in the institutions involved had a negative influence on the government’s performance with regard to violence against women.
3. The rape of women and children is a growing phenomenon in domestic contexts and requires institutional changes in order to improve combat and prevention. For these and further reasons, a uniform legal framework is necessary that favors the principle of progressive realization of human rights.

List of ONC projects during 2022

1. Victim care: a psychosocial approach
2. Changing the system: a better procedure for filing criminal complaints
3. Training for the Institute of Vocational Education and Higher Studies of the FGJ-CDMX
4. Communicating money laundering from professional experience

⁷ Observatorio Nacional Ciudadano, Reportes sobre delitos de alto impacto, México, 2021: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/RMensual-nov21.pdf

⁸ Observatorio Nacional Ciudadano, Reportes sobre delitos de alto impacto, México, 2021: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/RMensual-oct21.pdf

⁹ Observatorio Nacional Ciudadano, Reportes sobre delitos de alto impacto, México, 2021: https://onc.org.mx/public/rednacionaldeobservatorios/public/onc_site/uploads/RMensual-sept21.pdf



5. Survey on perception of insecurity at the police level in Morelia, Michoacán, 2022
6. Strategy against homicides in Mexico City
7. Evaluation of the country's mediation systems
8. Capacity-building of state police forces
9. Strengthening of the National Network of State Observatories.
10. Public spending on security issues
11. Extortion under the kaleidoscope
12. Money laundering in human trafficking; challenges to a response
13. The illegal pesticide market in Mexico
14. Legislative Observatory of Security, Justice, and Legality
15. Policy briefs: National Public Security Strategy (2018-2024)
16. For a Safe Mexico
17. Program to Strengthen the National Observatory Network
18. Training project on women's right to a life free from violence
19. National Victims' Support Network
20. Report on high impact crimes
21. National Observatory Network in For a Safe Mexico. State Elections 2022



IV. Conclusions.

SEN. FREYDA MARYBEL VILLEGAS CANCHÉ / SEN. GABRIELA LÓPEZ GÓMEZ.

Femicide is a tragedy that affects thousands of women in Mexico, and it is essential to take urgent measures to prevent and eradicate this type of gender violence.

In Mexico, numeral 325 of the Federal Criminal Code establishes that whoever "Commits the crime of femicide, that individual deprives a woman of her life for reasons of gender." The circumstances considered for depriving a woman of her life for reasons of gender are clearly established.

However, the legislation of our country in substantive criminal matters, for the most part, corresponds to the Local Congresses. For this reason, there are currently differences, not so much in the definition of femicide, but in the hypotheses that must be updated so that the reasons for which a woman is deprived of her life are considered "gender based." Likewise, there are also discrepancies between the sanctions imposed for this crime: both in prison sentences and in pecuniary and aggravated penalties.

For this reason, on October 19, 2022, the "National Femicide Forum: Visions and Solutions" was held, organized by the Special Commission to follow up on Cases of Femicide of Girls and Adolescents and the Wilson Center's Mexico Institute. One of the objectives of the forum was to collect statistical data, as well as the best practices and protocols applied to the resolution of this problem.

Federal and State Government officials, as well as representatives of Civil Society Organizations, discussed the current context regarding this crime and presented updated analysis of the key aspects of femicide. The different visions and possible solutions to combat and eradicate violence against women, girls and adolescents and strengthen their right to justice were made known.

Based on the aforementioned, the Senate of the Republic has put forward various initiatives that seek to eradicate the problem of femicide in Mexico. These include, legislative proposals that amend the General Law on Women's Access to a Life Free of Violence to combat impunity and prevent any possible error in the integration of investigation folders, and establishing a criminal code within the Law that will establish uniform parameters so that whoever murders a woman is judged with the same criteria and the same rigor in every corner of the country.

Without a doubt, the approval of these bills require the commitment and collaboration of all the actors involved to achieve a real change in the eradication and prevention of femicide in Mexico. Mexico's Congress has the obligation to adopt all the necessary measures, but above all, to safeguard the rights and security and integrity to a life free of violence of women, girls and adolescents.