

The two pandemics

Violence Against Women in
Mexico amidst COVID-19



Index

Executive Summary	4
I. Violence against women before the COVID-19 pandemic	6
II. Violence against women during the COVID-19 pandemic	8
A. The killings of women in Mexico	9
B. Emergency calls	10
1. 911 Calls	
2. Calls to ‘Línea Mujeres’ (Telephone Line for Women) in Mexico City	
3. Women assisted by the National Shelter Network	
4. Criminal Complaints Filed for Family Violence Offences	
C. Institutional responses to increase in violence against women	18
1. The Judiciary	
a) Protection Orders	
b) Preventive Measures for Family Matters	
c) Preventive Measures for Criminal Matters	
d) Child Support	
e) Centers for Family Coexistence	
f) Best Judiciary Practices	
g) Judiciary Malpractice	
2. Public Policies and Governmental Decisions	
a) Weakened Institutional Capacity of Women’s Shelters	
b) Budgetary Austerity	
c) ‘Casas de la Mujer Indígena’ (Indigenous Women’s Houses) Budget Cuts	
d) Women’s Justice Centers	
III. Other forms of violence	36
A. Punitivism	37
1. Militarization	
2. Excessive Use of Criminal Law	
B. Women deprived of liberty	40
1. Overcrowding and Conditions of Detention	
2. Access to justice: Only Priority or Urgent Issues	
IV. Transparency and access to information	45
A. Active Transparency	
B. Proactive Transparency	
C. Lack of Intersectionality	
D. Untimely Data	
E. Insufficient and Poorly Accessible Information	
F. Best Practices and Recommendations	
Notes and references	50

The first case of COVID-19 in Mexico was confirmed on February 28, 2020. On March 24, after nearly four weeks of preparation, the Federal Government announced the implementation of social distancing measures.¹ The measures included the suspension of all ‘non-essential’ activities and to stay at home.²

This Report was prepared in response to the call launched by the United Nations Special Rapporteur on violence against women, Ms. Dubravka Šimonović, regarding COVID-19 and the increase in family violence against women, its causes and consequences. Therefore, this document has a dual purpose: on the one hand, to provide information on how the pandemic has affected trends and instances of violence against women, including violence in the intrafamiliar contexts; and, on the other, to provide information on government responses to this violence.



Executive Summary

Violence against women in Mexico was already a worrying public issue before the COVID-19 pandemic. However, despite many policies having been implemented to prevent and address this problem in recent decades, violence against women does not only endure, but has in some cases increased. In the context of the pandemic, targeted murders of women and girls and family violence calls to specialised emergency services for example have increased, and new contexts of violence that affect women differently and disproportionately have also emerged.

During the COVID-19 health emergency in Mexico there has been a notable increase in murders of women, calls to emergency helplines, as well as in criminal investigations into family violence. When it comes to lethal violence against women, the total number of women murdered in April 2020 meant that 11.2 women were murdered per day on average. Additionally, from March 2020 to April 2020, murders of women increased by 2% while the murders of men decreased 0.2%. Also, in April 2020, there were an average of 143 hourly emergency calls related to cases of sexual or family violence against women. Civil society organizations (CSOs) dedicated to preventing and addressing violence against women have alerted authorities to this increase as well as documented it. The National Shelter Network (Red Nacional de Refugios, or RNR, in Spanish) documented an increase in its provision of care, support and guidance services between March and May 2020, period in which it assisted a total of 12,710 women and children through outreach

messages and emergency calls, as well as by facilitating prevention and protection spaces. Finally, the records of March 2020 represent the highest rate increase in the opening of criminal investigations into family violence since such crime began to be registered nationally in 2015.

Public policies and institutional responses to violence against women in Mexico have been insufficient, both before and during the COVID-19 pandemic. From an access to justice perspective, and after analysing the services offered by local Judicial Powers, it can be concluded that there is a serious lack of institutional coordination between actors, which has hindered access to justice for women during the health emergency. Information regarding court services has also been lacking in accessibility and clarity. Organized civil society and feminist movements have been tending to the needs, problems and demands of women experiencing violence during the pandemic, as various government actions and decisions have, in fact, obstructed the prevention of violence instead of attending to it. In addition, the introduction of budgetary austerity measures devoid of gender and/or human rights perspective has stripped shelters of crucial resources to assist victims of violence. Budget cuts have had other negative effects on programs that aid vulnerable groups, as government programs specifically geared towards women are being deprioritised over others —some even incompatible with women’s rights—. The above, when aggregated with accumulated public policy failures highlight the lack of governmental strategies that can

effectively contribute to eliminating violence against women in Mexico, not only during the pandemic but before it.

Although family violence against women has worsened during the pandemic and continues to be a serious problem in Mexico, it is also true that there are other emerging contexts and types of violence that are also affecting the integrity and rights of women and girls. The introduction of extreme and excessive criminal legal measures by the government during the COVID-19 pandemic, has resulted in increasing numbers of arrests and imprisonments, in the militarization of public security, and the worsening of prison conditions for women deprived of liberty and with already limited access to justice. All of which have raised the —already high— risk for women to suffer violence in the country.

Finally, there has been a dire lack of public and transparent information that would allow governance actors to assess the impact that the lockdown and other measures taken within this context of crisis have had on violence against women. The exercise of transparency and public access to information has in turn been restricted by sanitary measures implemented in government dependencies. One of the key issues in this regard— which is transversal to public information generated by the Mexican State— is the absence of intersectionality in how the information is generated and presented. As a result, CSOs cannot make an official and differentiated analysis of how violence during the pandemic has affected women differently.

In other cases, public information about some forms of violence against women is not readily available but, rather, there is a lag between the time when certain events are reported or investigations are initiated and the time when it is possible to have access to that information. If this does not change, detailed information, for example, on murders of women taking place during COVID-19 lockdowns will not be publicly available until 18 months after it is first reported. This lag limits the possibility of taking informed and timely public policy actions. Lastly, the quality and format of the information does not allow for a complete analysis of violence, in addition to the fact that fundamental data is excluded from the information that is published.

In the context of the COVID-19 pandemic, violence against women has not stopped. On the contrary, it has increased. However, the measures, strategies, public policies and authorities of the Mexican State have not lived up to their mandate.

I. *Violence against women before
the COVID-19 pandemic*



It is important to acknowledge that even before the COVID-19 pandemic began, violence against women in Mexico was already an important public problem. Since 2007, as it has been thoroughly documented and reported, killings of women³ started to dramatically increase in our country. From being 1,089 in 2007 (a rate of 2 out of every 100,000 women) to 3,824 in 2019 (a rate of 5.9 out of every 100,000 women).⁴ According to estimates from the United Nations Office on Drugs and Crime, Mexico is one of the countries with the highest rates of women's killings in the world.⁵

While not every killing happens at home within a context of family violence, it certainly describes a type of violence that disproportionately affects women more than it does men. For instance, between the years 2000 and 2018, 3 out of 10 women killed were murdered within their own home in contrast to 1 out of 10 men. Moreover, in the few cases in which authorities registered whether or not killings⁶ occurred in a context of family violence, a rate of 57% was registered for women in comparison to 16.7% for men.⁷ Data also shows that, despite all the policies that have been implemented over the last decades to prevent and address family violence, the killings of women have continued to rise.⁸

In addition to the killings of women, family violence against women represents a standalone type of violence of alarming proportions.⁹ For instance, according to the National Survey on the Dynamics of Household Relationships (ENDIREH in Spanish, 2016) in Mexico, 44% of women over fifteen years old had experienced at least one violent incident in the context of their last relationship.¹⁰ Concretely,

40.1% reported having experienced emotional violence, 20.9% economic violence, 17.9% physical violence, and 6.5% sexual violence. While 8 out of 10 women who experienced violence did not report it nor requested assistance from any institution, counts of family violence quickly escalated into having the second highest number of criminal investigations opened by state prosecutors since 2016.¹¹ The only crime surpassing it is robbery.

Due to the high level of violence exerted over women, women in Mexico have been mobilizing for years, demanding responses from the government. On this year's 8th and 9th of March, before the emergency lockdown, we witnessed what ultimately became the biggest women's protest in the nation's history. Thousands of women took the streets on March 8th all over Mexico and the next day many of them went on strike to protest in the name of women's lives.

The scale of this protest is especially relevant because it shows that the State already had an important problem to address even before the COVID-19 pandemic. The State should have foreseen specific measures to deal with violence against women during the COVID-19 pandemic. What this report hopes to show is that, regardless of the pandemic, the State has nonetheless fallen short in its duty to effectively protect women's right to live free from violence.

II *Violence against women during the COVID-19 pandemic*

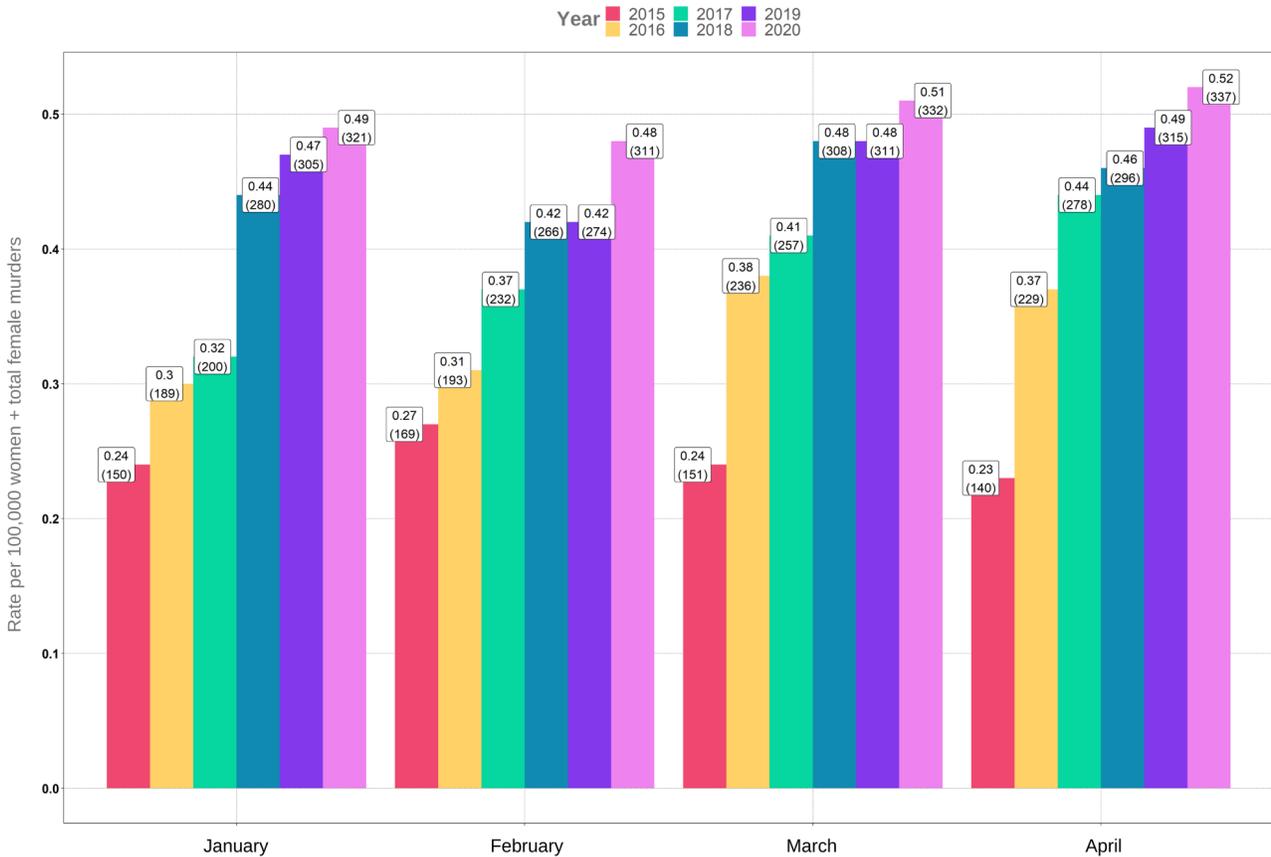


A. The Killings of Women in Mexico

337 women were murdered during April 2020 in Mexico, according to Intersecta’s analysis of the data from the Executive Secretary of the National System of Public Security (SESNSP, in its Spanish acronym). On average, 11.2 women were killed per day during April 2020; which is the highest recorded rate figure thus far this year.¹² April 2020 was also the April with the highest number of women homicides since 2015. In contrast, between March 2020 and April 2020, homicides of men declined by 0.2%. The evidence in the increase of women’s killings, despite the implementation of social distancing measures and lockdown, goes to show just how severe the crisis of violence against women is in Mexico.

Female murder rate in Mexico

Per month



Source: Executive Secretary of the National System of Public Security. The rate is calculated based on yearly female population projections by the National Population Council (CONAPO). Data processed by Intersecta (intersecta.org).

B. Emergency calls

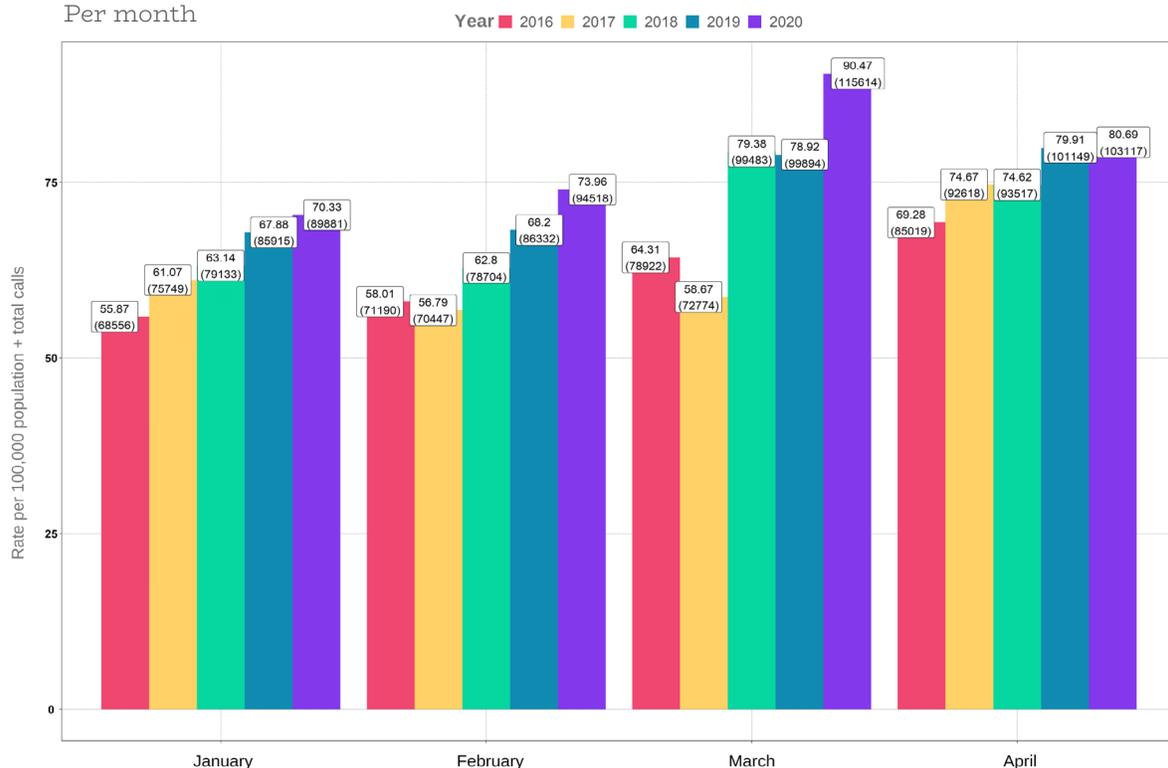
As documented in different regions around the world where lockdown measures have been implemented to stop the Coronavirus spread, Mexico has recorded a remarkable raise in emergency calls related to violence against women. To prove this, we rely on three different sources: 911 calls from all over the country; calls to ‘Línea Mujeres’ (Telephone Line for Women) in Mexico City; and calls and services offered by the National Shelter Network.

1. 911 Calls

There are records from emergency phone calls to 911 from all over the country. By analysing the monthly reports of the Executive Secretariat of the National Public Security System (SESNSP)¹³, Intersecta found¹⁴ that a total of 103,117 phone calls related to sexual violence, family violence, and violence against women were made during April 2020. This represents an average of 143 calls per hour. If we compare numbers from April 2020 to previous years, there is a distinct spike in emergency calls during lockdown. Out of 103,117 calls, 57.2% regarded family violence, 19.3% intimate partner violence, 22% violence against women, and 1.4% sexual violence.¹⁵

Sexual violence, family violence, and violence against women related calls made to 911

Per month

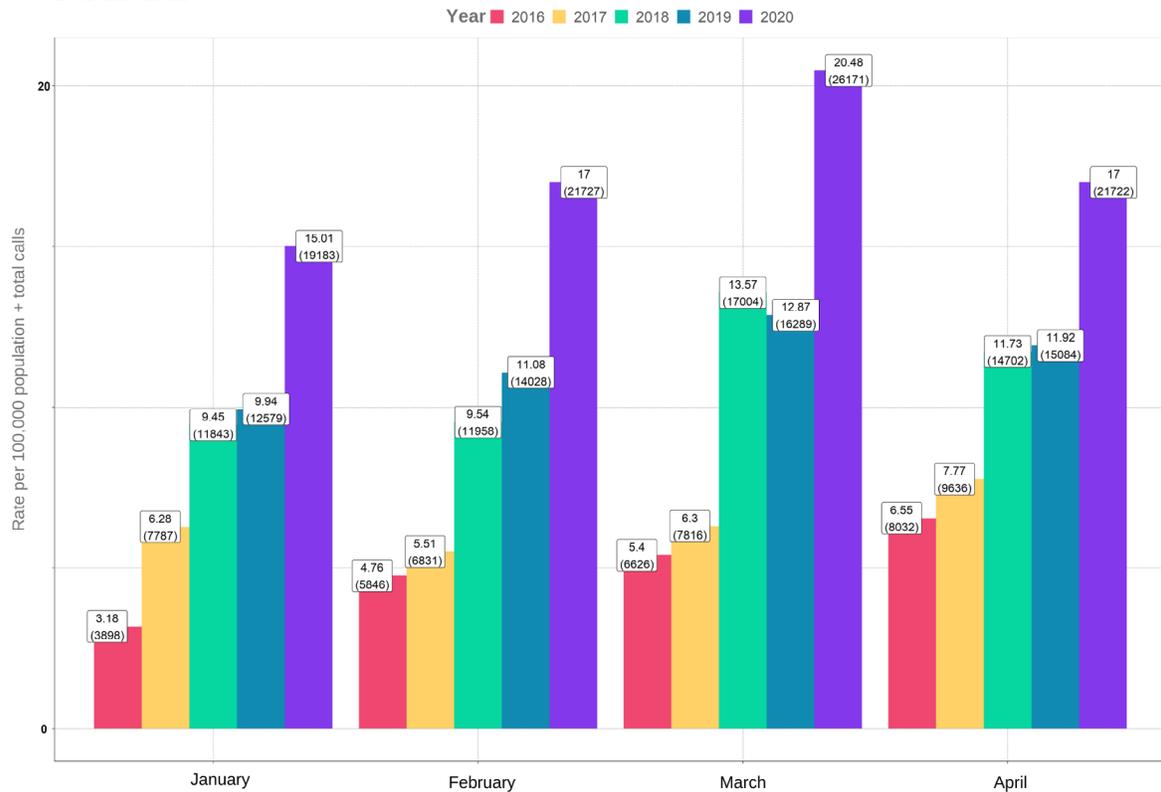


Source: Monthly report on violence against women by the Executive Secretary of the National System of Public Security. The rate is calculated based on yearly population projections by the National Population Council (CONAPO). Data processed by Intersecta (intersecta.org).

Only during April 2020, there were 21,722 calls to 911 lines related to “violence against women”, an average of 30 per hour. This represents a 42% increase compared to April 2019 also meaning that April 2020 is the month with the highest recorded number of this type of calls since 2016.

Violence against women related calls made to 911

Per month



Source: Monthly report on violence against women by the Executive Secretary of the National System of Public Security. The rate is calculated based on yearly population projections by the National Population Council (CONAPO). Data processed by Intersecta (intersecta.org).

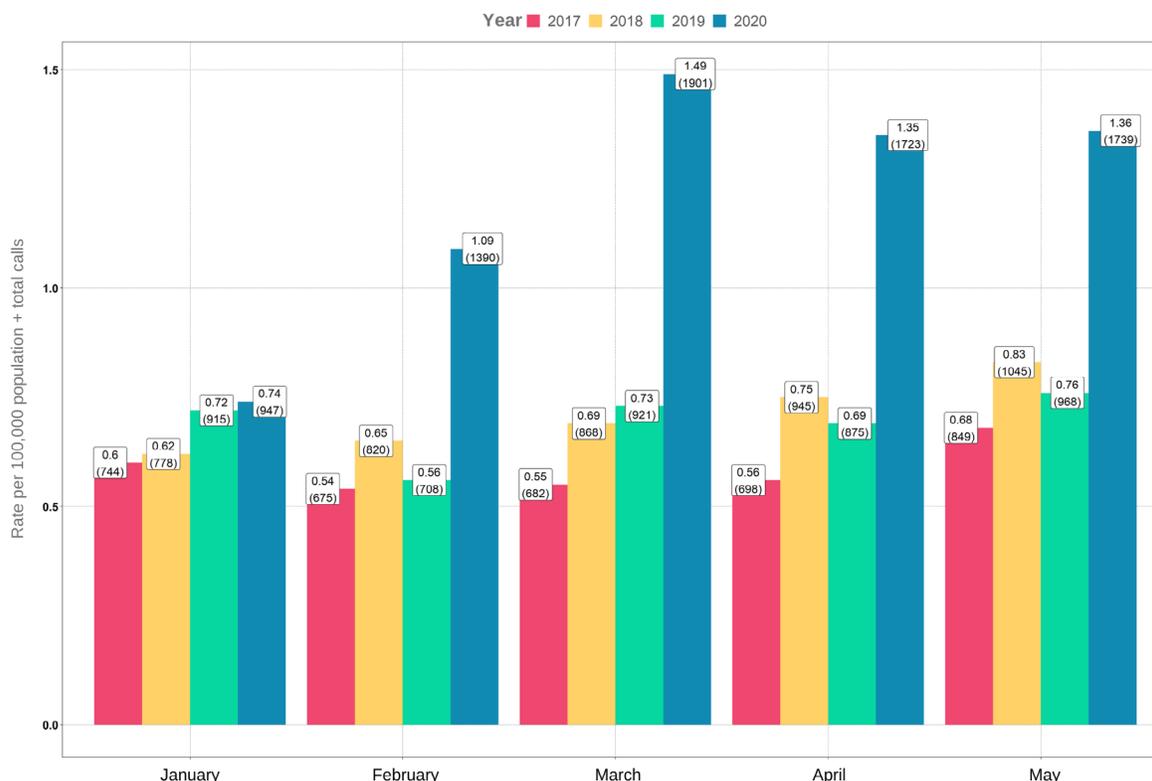
2. Calls to ‘Línea Mujeres’ (Telephone Line for Women) in Mexico City

The only state government that released detailed information about phone calls made during the pandemic was Mexico City. It released publicly available information regarding calls made to “Línea Mujeres”, a branch of LOCATEL, the city’s central phone line designed to provide information to citizens on a variety of matters. The data is updated weekly, reason why by the time this report was written, access to phone calls made by May 31 were already available.

After analysing calls made to “Línea Mujeres” related to family violence, an increase was also noticeable. Calls for both April 2020 and May 2020 are higher than those made during the same period in 2019. For example: if we compare the incidence of calls from May 2019 (968) with calls from May 2020 (1,739) we can see a 97% increase. On average, during April and May, Mexico City received around 397 phone calls related to family violence per week with a total of 3,463 calls.¹⁶

Family violence related calls made by women to Mexico City’s “Línea Mujeres”

Per month



Source: Mexico City’s “Línea Mujeres” data base, available at: <https://datos.cdmx.gob.mx/explore/dataset/linea-mujeres/table/>. The rate is calculated based on yearly population projections by the National Population Council (CONAPO). Data processed by Intersecta (intersecta.org).

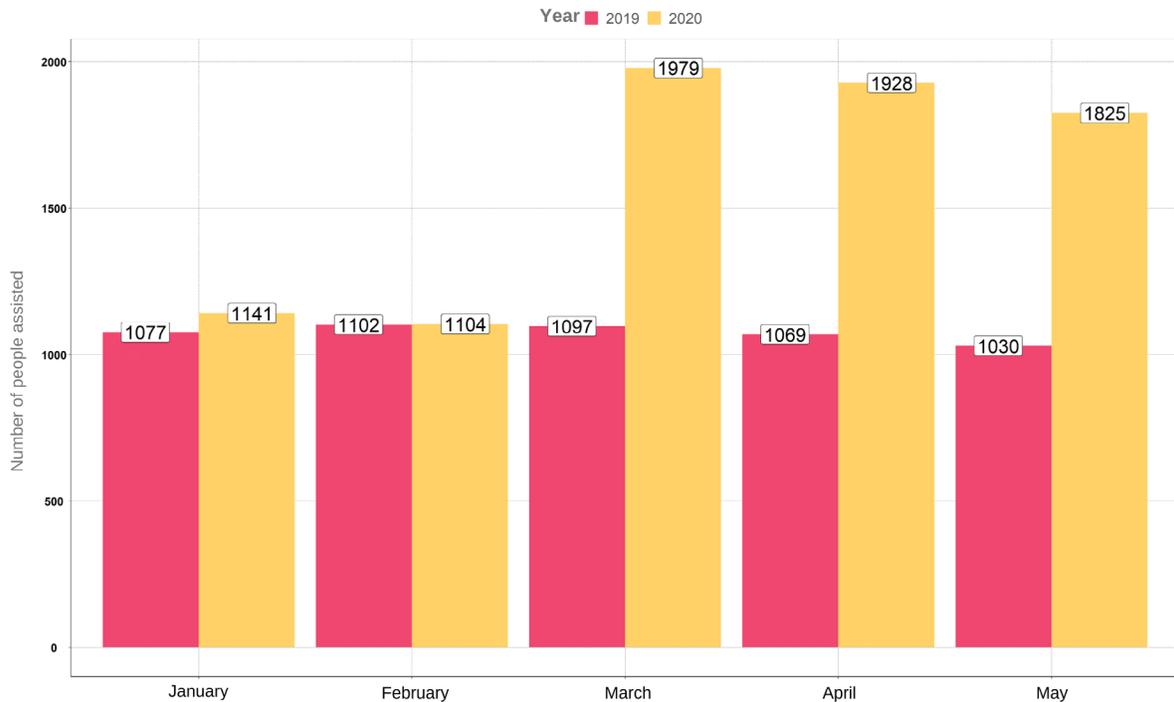
3. Women assisted by the National Shelter Network

The National Shelter Network (Red Nacional de Refugios, A.C. - RNR) consists of 69 prevention, care and protection centers for women and children who experience violence. The network comprises 31 Shelters, 29 External Care Centers, 5 Emergency Housing units and 4 Transitional Housing units, these can all be found across the 32 Mexican states. In addition to these spaces, the Network also provides orientation and assistance via phone and through social media.

Between March 2020 and May 2020, the number of cases related to care, assistance, and orientation provided by the Network have risen. During this period, the RNR assisted 12,710 women and children via phone line and responding to messages, as well as by providing its prevention, care, and protection services at its centers.

People assisted through social networks and phone lines

National Network of Shelters



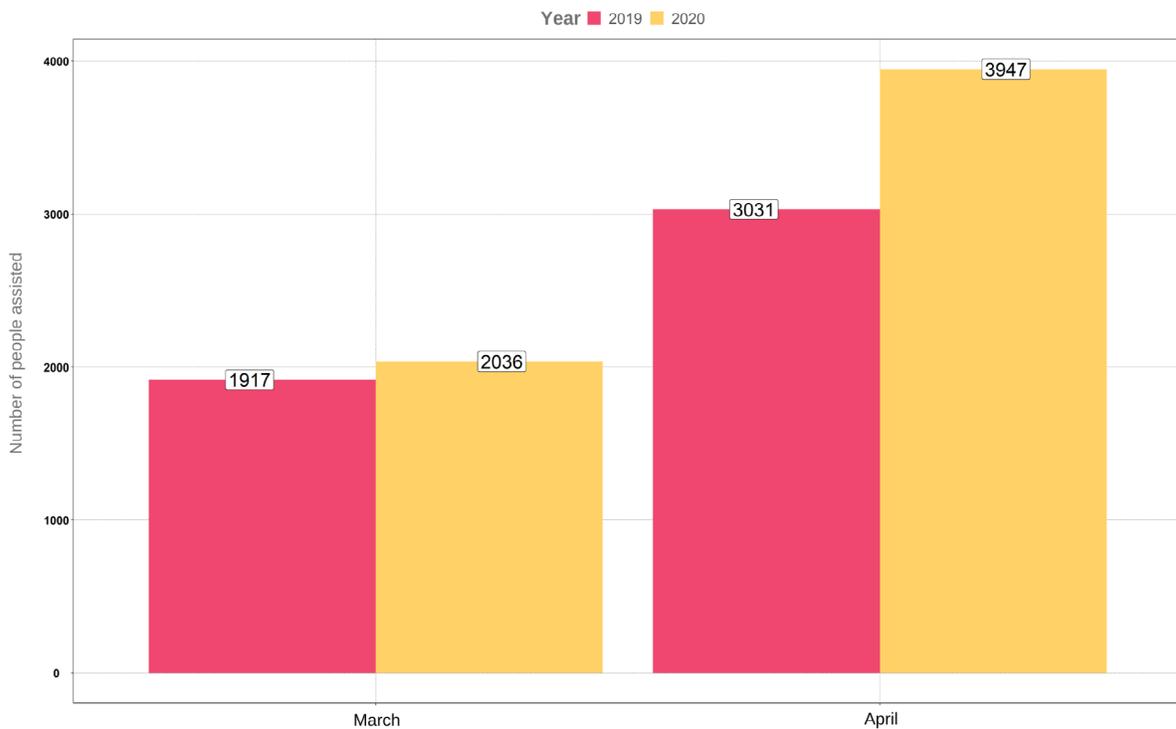
Between January 2020 and May 2020, the RNR has provided assistance to 7,975 cases via its social networks and phone lines, an increase of 48% if we compare it to the same period in 2019. Between this year's March and May, the Network provided orientation and care to 5,732 people; 69% of them were women who experienced violence, 2.85% were government institutions, 9% were men and 19% were relatives of the women experiencing violence (siblings, children, parents, neighbors, friends, etc.) who expressed concern for women that were living with their aggressors and, thus, wanted to know how to support them.

During the first two months since the beginning of the lockdown, Shelters and External Care Centers, Emergency Housing units and Transitional Housing units have assisted 6,978 women and children¹⁷. This means a 77% increase in comparison to the same period in 2019. In addition, more than half of the shelters saw an increase of 50% in the admission of women and children during this time.

Likewise, External Care Centers have incremented their services during the pandemic, most of them showed a 50% increase in the support they gave. In these specialized spaces, which are the public face of the shelters, 31.48% of women were assisted in person, 57.98% of women were assisted via phone and 10.52% through social networks.

People assisted in shelters and external care centers

National Network of Shelters



In this same period, the RNR rescued 19 people nationwide, four in the State of Mexico, seven in Mexico City, two in Morelos, two in Puebla, two in Chiapas, one in Guerrero, and one in Hidalgo. Such rescues are independent to the number of admissions in protection spaces and Shelters.

All the women who entered the Network's protection spaces —100% of them— were victims of family violence, and 5% of children had been sexually abused during the lockdown. 48% of children from the women who asked for help were also victims of aggressions inside their homes during the pandemic. One hundred percent of women who entered the Network's protection and care centers experienced psychological violence, 49.47% were victims of physical violence, 43.37% experienced economic violence, 25.95% patrimonial violence, 17.62% sexual violence and 4% of them suffered from attempted femicide. Seventy nine percent of women assisted in April by Shelters experienced two or more types of violence, highlighting emotional, economic, and physical violence.

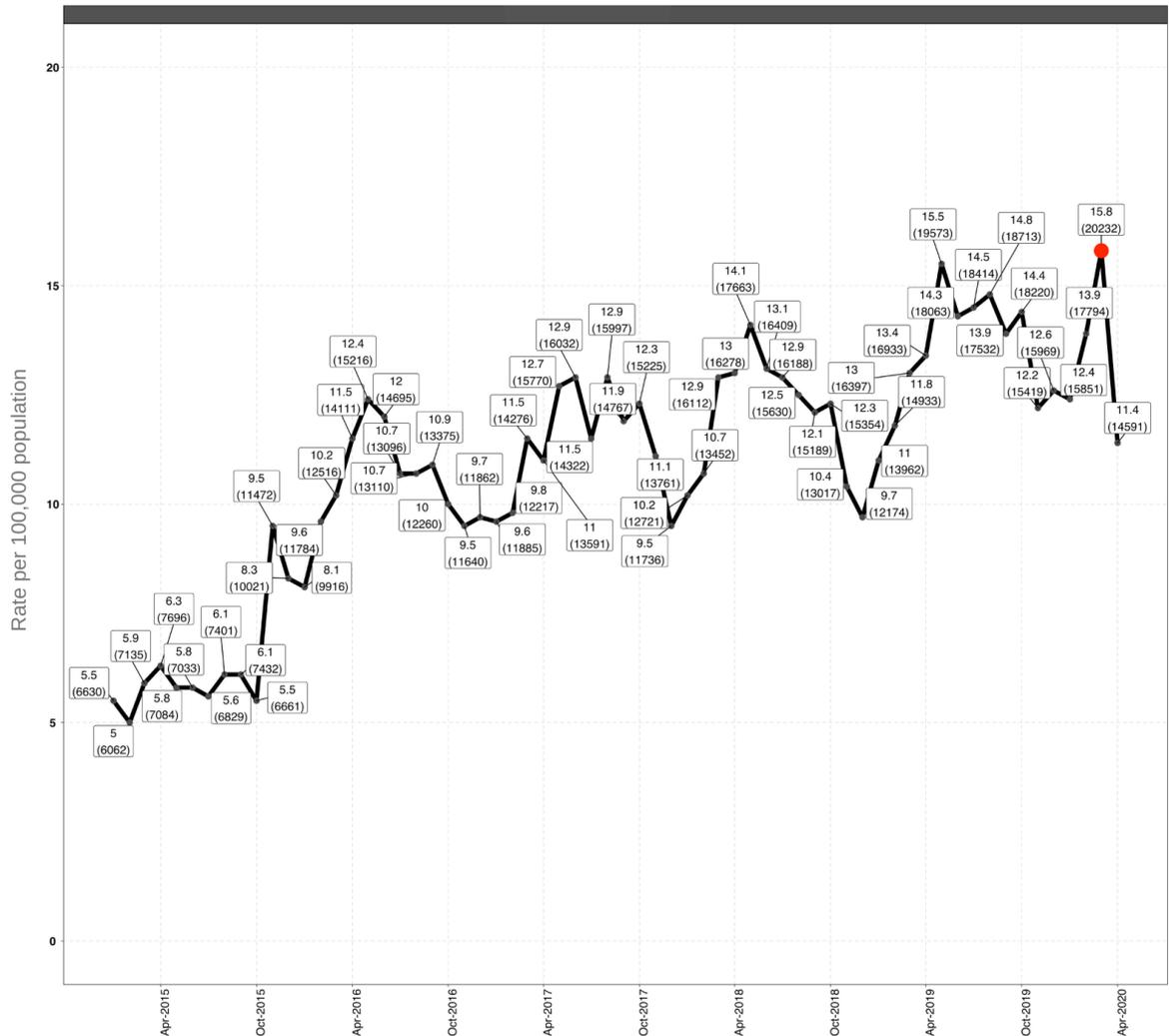
4. Criminal Complaints Filed for Family Violence Offences

So far, we've seen that during the pandemic the number of women's killings increased; as well as the number of 911 calls related to family, sexual and violence against women; the number of phone calls related to family violence in Mexico City; and the demands of services provided by the National Shelter Network. But what has happened to criminal complaints filed against family violence offences before criminal authorities?¹⁸

During March 2020, a total of 20,232 criminal investigations for family violence were opened by State prosecutor offices throughout Mexico. This number is higher than the number of investigations from January and February 2020. In fact, March 2020 represents the month with the highest number of investigations for family violence opened since 2015, year when authorities began tracking this crime according to analyses from Intersecta.¹⁹

Criminal investigations opened for family violence at the state level in Mexico

In State public prosecutor offices



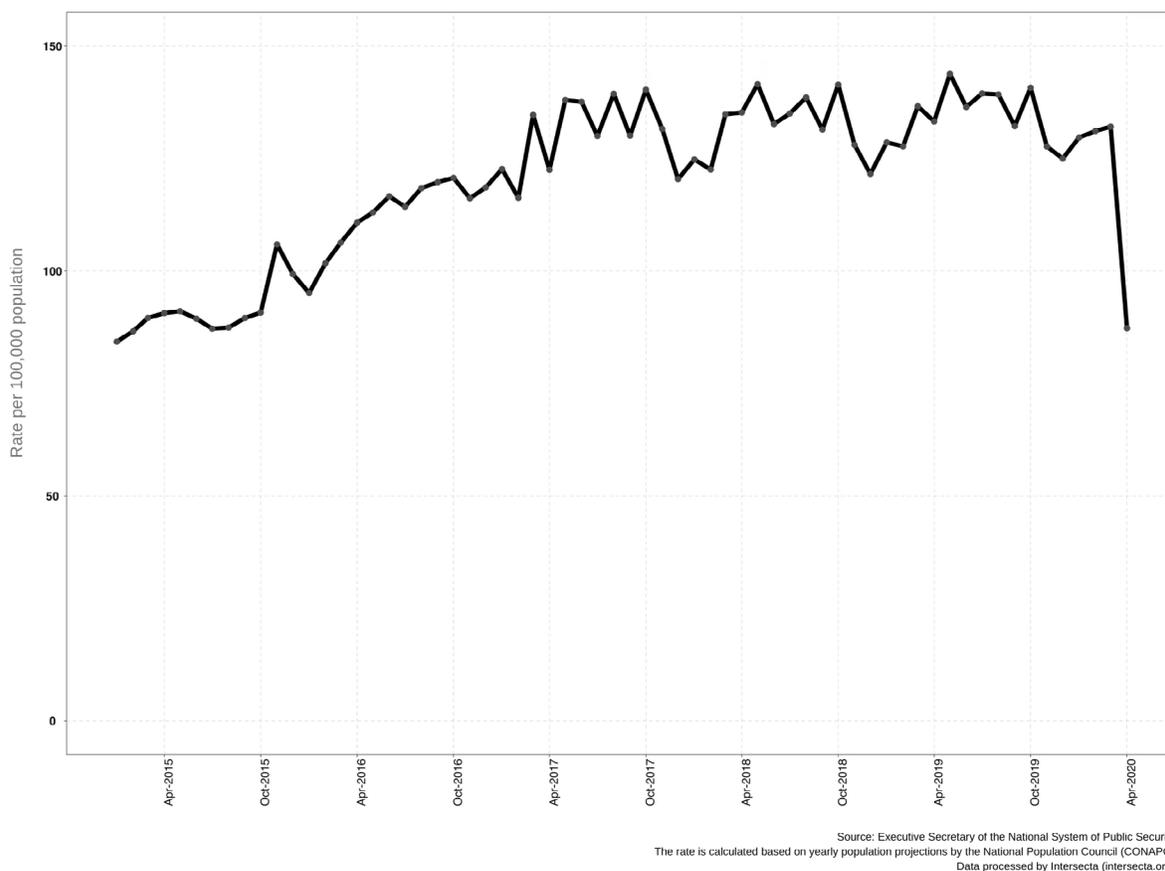
Source: Executive Secretary of the National System of Public Security.
The rate is calculated based on yearly population projections by the National Population Council (CONAPO).
Data processed by Intersecta (intersecta.org).

It should be noted that, investigations for violent family crimes dropped dramatically in April (concretely: 28%). Nonetheless, this does not mean that the violence decreased.

When analysing crime rates for the period in question, a reduction of 34% in the number of criminal investigations opened can be observed when comparing April 2020 with March 2020. In other words, the decrease was not exclusive for family violence but rather this happened in all crimes except homicides (as mentioned above). What is a crucial difference between homicides and the rest of crimes? Murders are ex officio investigations, whereas the rest of crimes—including family violence—generally depend on complaints.

Investigations for state jurisdiction crimes in Mexico

In State public prosecutor offices



It is crucial to consider the above mentioned aspects because, if we only had the indicator of opened criminal investigations as the main source of evidence for family violence occurrence, it could result in an inaccurate or incomplete interpretation of the data. The fact that women do not go to prosecutors to file a complaint does not mean violence decreased, especially after considering that murders and emergency calls have overall increased. For instance, this is particularly noticeable in the case of Mexico City where, while opened family violence investigations during April 2020 dropped 20% compared with April 2019, calls for help to 'Línea Mujeres' during the same period rose 97%, according to the analysis from Intersecta.²⁰

To close this section, it is worth noting that during his daily press conferences, President Andrés Manuel López Obrador has systematically denied any increase of violence against women amidst the COVID-19 pandemic. For example, on May 6th the president was asked about the increase on violence against women, he claimed that there was not 'an increase on complaints', and he insisted that 'family fraternity' prevails in Mexico.²¹ A week later, when asked again on the matter and taking into account that the government's own figures from March showed an increase in 911 calls, President López Obrador claimed that '90% of these calls were fake'.²²

The monthly report of 911 calls published by SESNSP classifies these phone calls as “*procedentes*” (valid) or “*improcedentes*” (invalid). Within the ‘invalid’ ones we can find mute calls, incomplete calls, obscene calls, and prank calls. The figures contained in this Report and those used to talk publicly about the increase of calls were based on calls classified as ‘valid’ by the government itself. Through a request to access public information²³ EQUIS Justice for Women (EQUIS) posed an inquiry to the President’s Office on his statements from May 6th. How did the President get to the conclusion that such calls were “false”? What was the criterion used to classify them as such? The President’s Office responded it was ‘unqualified’ to provide any information. This type of statements are worrisome since they are not only vague and contradicting of government’s data, but also because they contribute to exacerbate one of the most harmful stereotypes that victims of violence face: that they overreact, or even worse, that they lie.

C. Institutional responses to the increase of violence against women

1. The Judiciary

At the beginning of the health emergency and lockdown, EQUIS released the report *(Des)Protección Judicial*,²⁴ which analysed agreements on the suspension of activities issued by the 32 state judiciaries, in order to evaluate which regulated tools within the Mexican legal system (protective orders, precautionary measures for family matters, protection measures for criminal matters, child support and family coexistence) continued to protect women facing family violence situations during lockdown. The question it sought to answer was: To what extent did courts considered the needs of women victims of violence when designing their plans for suspending labours? The answer was devastating: 87% of the courts failed to consider women’s needs.

a) Protective Orders

Mexican authorities are obliged to protect women who experience violence and guarantee their right to access justice. To achieve this, the Mexican justice system considers protection orders²⁵ as legal tools of urgent character that permit authorities to intervene in order to protect women victims of violence before violence escalates.

Protection orders have specific functions, including: stopping violence to guarantee victims' integrity and creating distance between them and their attacker, preventing more harm to victims by using surveillance measures, ensuring a safe space for victims (for example, access to a shelter), empowering women victims of violence and help them recover the feeling of safety in case of further threats or retaliations from perpetrators.

Unlike other legal tools, protective orders are simple and easy to access, and pose different advantages for women who are victims of violence, given that their simplicity speeds up the response from authorities when facing violence situations. For instance, a judge does not need the victim to file a complaint or initiate a court process against their perpetrator, presenting proof or documents is not necessary either (this is especially important for migrant women displaced by violence), they can be issued in any state, even when it is not at the place where the aggression occurred and their validity can be extended as long as the risk is still present. Because of this, the fact that the Judiciary is not guaranteeing the right performance of these mechanism during the emergency health lockdown as part of its imperative measures, highlights the vulnerability and lack of protection that women and children experiencing violence face.

In this regard, the *(Des)Protección Judicial* report shows how the authorities' first response to the health emergency lockdown lacks gender perspective and exposes the narrow importance given to this tool:

Shifts for the issuance of protective orders in family matters	Shifts for the issuance of protective orders in criminal matters
<ul style="list-style-type: none"> • 17 out of 32 state Judiciaries established shifts for the issuance of protective orders. • 2 out of 32 Judiciaries did not explicitly establish shifts for the issuance of protective orders • 13 out of 32 Judiciaries did not mention them as part of their emergency health lockdown plan. 	<ul style="list-style-type: none"> • 7 out of 32 state Judiciaries did explicitly mention them. • 7 out of 32 Judiciaries mentioned them non-explicitly. • 18 out of 32 Judiciaries did not mention them.

The Judiciary however only established virtual shifts for the issuance of these orders instead of having on-site shifts. There is no clarity regarding the operation of this measure and therefore it is deemed insufficient. This virtual measure also excludes those depending of their socioeconomic status since not all people have access to Internet. For example, when describing the virtual shifts, one of the agreements is limited to establishing that “Banners containing contact information for the staff in charge during the shifts, including name, phone number and e-mail should be visibly placed in the facilities.”²⁶

b) Preventive Measures for Family Matters

The legal system also considers preventive or precautionary measures for family matters as tools to meet the obligation to protect women who experience violence. These are also known as cautionary measures or protective measures depending on the local legislation using them.

Unlike protective orders, which do not depend on the existence of a complaint or a legal proceeding, precautionary measures are issued by judges. In order to protect women and girls experiencing violence they can be issued either before a legal proceeding for family matters begins²⁷ or during the proceeding.

Hence, it is crucial to have court shifts for the issuance of precautionary or cautionary measures as well as to disseminate the information about this service to citizens. This is essential because, on the one hand, the lack of clarity and certainty regarding the authorities' obligation to provide this service causes a lack of effective judicial protection for women and girls who are immersed in a legal proceeding or who want to initiate one. On the other hand, women lack incentives to file a complaint against their attacker when they are unaware, or uninformed, about their right to be protected, especially within the context of confinement where they are forced to spend more time with their aggressors and where the situation makes them even more vulnerable.

The 2020 report (*Des*)*Protección Judicial* found that most of the Judiciary did not consider making available this type of tools as a fundamental emergency measure. In fact:

- Only 7 out of the 32 state Judiciaries explicitly considered the establishment of court shifts for the issuance of protective measures for family matters.
- 3 out of the 32 state Judiciaries did not mention them explicitly but implicitly.
- And, unfortunately, 22 of the 32 omitted them as part of their measures.

c) Preventive Measures for Criminal Matters

Preventive or precautionary measures for criminal matters are also considered within the Mexican legal system. Their main objective is to protect women and girls who experience violence from the moment the investigations begins, whenever the person charged represents a risk to their safety and integrity. At first, these measures are issued by the Public Prosecutor's Office, but the Judiciary must cancel, ratify or modify them when one of the following are issued: restraining orders that prohibit contacting or approaching the victim, orders for their immediate separation from a joint home, or orders limiting the approach to the victim's home or the place where the victim is living. For this tool to be effective, permanent on-site shifts are necessary; this way precautionary measures can be ratified, modified, or cancelled. In this regard, the (*Des*)*Protección Judicial* report found that, when compared to family matters, more state Judiciaries established these measures; however, the number of state Judiciaries that did not consider them is still significantly high:

- Only 5 out of the 32 state Judiciaries considered the need of having staff to ratify preventive measures issued by the Public Prosecutors' Offices.
- 8 out of the 32 state Judiciaries were not explicit about whether they would establish them or not.
- And, unfortunately, 19 out of the 32 state Judiciaries failed to establish on-site court shifts.

d) Child Support

Sometimes not complying with family duties is a way to perpetuate economic violence against women, despite the fact that the primary beneficiaries of child support are children. This happens when aggressors withhold child support payments, pushing women into a precarious economic situation, and thus, retaining a degree of economic control over their family.

For this reason, it is imperative for the Judiciary to guarantee the adequate mechanisms to ensure child support duties are being fulfilled during lockdown and other restrictive emergency measures put in place during the covid health emergency. These mechanisms are regulated throughout different state legislations and some judges are authorized to guarantee provisional child support payments when aware of family violence. In this regard, we found that:

- 21 out of the 32 state Judiciaries established shifts for child support payments to operate regularly.
- 1 out of the 32 state Judiciaries did establish it, but not explicitly.

e) Centers for Family Coexistence

In Mexico, supervised family coexistence centers offer a neutral and safe place for parents or extended family to spend time together and carry out recreational activities with their children. This is a preferable option for women who have experienced violence from the non-custodial parent since it prevents the latter from spending time with their children at the woman's home, hence reducing the risk factor of being attacked by the parent. In this regard, we found that:

- Only 2 out of the 32 state Judiciaries established alternative measures for families to spend time together.
- 1 out of the 32 state Judiciaries left to the discretion of the authorities to analyse case by case in order to determine when to take corresponding actions to guarantee this right and when to cancel family coexistence.
- 15 out of the 32 state Judiciaries suspended the centers' activities without offering any alternative.
- 14 out of the 32 state Judiciaries did not even mention them.

f) Best Judiciary Practices

In the *(Des)Protección Judicial* report, the following best practices from the Judiciary were found:

- The public agreement from the Judiciary state of Chiapas established family coexistence either by phone or through videoconference as an alternative for family coexistence centers. The goal is to avoid that ensuring minors' right to health translates into a violation of their right to spend time with their parents.²⁸
- The public agreement from the Judiciary state of Oaxaca established that, although the public nature of oral trials is restricted, stenographic versions of the hearings will be publicly released. This way, even during the most critical times, public access to information, transparency, and accountability that allows citizens to observe how the justice system enacts is ensured.²⁹

g) Judiciary Malpractice

The agreements, announcements and orders issued by the Judiciary to suspend activities and the establishment of health emergency measures as well as the services provided during the lockdown were little accessible to citizens:

- Not all the agreements or statements were publicly visible or easily accessible through courts' websites.
- Some of the agreements or statements were not released via courts official website but rather through their social media, with incomplete information.

- Even though the release of statements or agreements in digital media is important it is not enough to guarantee the right to information for all people, especially in a country like Mexico, where only 6 out of 10 people have access to the internet.³⁰ Moreover, electronic means of communication are especially restricted to people living in vulnerable conditions, such as women in poverty and women living in rural or indigenous areas, where there is little access to law enforcement facilities and therefore an increased vulnerability to violence as well.
- Statements and agreements were not released in accessible languages nor formats, to guarantee that everyone (including people with disabilities, indigenous people, or people who do not know how to read) could understand the extent and limitations from the suspension of activities by the Judiciary, as well as which services they could request in case they experienced violence.

The deficiencies and limitations in the way information is generated and disseminated causes a lack of comprehension about the legal resources and tools the population could or could not access, the implications from the suspension of activities during the health crisis and how it could affect their access to public, legal and protective services. In this regard, we recommend the following:

- **It is desirable for all of the state Judiciaries to release information on their websites and social media but also for them to use other culturally appropriate mechanisms for the dissemination of information (for instance: local radio, television and newspapers) in order to guarantee that everyone receives information about the services the state Judiciaries provide during lockdown.**
- **It is desirable that statements, agreements and announcements are released in an accessible language for everyone or that the Judiciary creates a citizen version with accessible and culturally appropriate language about the services they will provide so that information is comprehensible to all, including indigenous, disabled, or illiterate populations.**

- It is desirable that all the Judiciaries establish general guidelines in a coordinated way, in other words, that they all comply with a minimum level of protection for women amidst the lockdown. Likewise, they must specify these measures to guarantee the operation of the legal system within their agreements or statements, specifically those for the protection for women who experience violence.
- It is desirable that all the Judiciaries explicitly establish on-site court shifts for the issuance of protective orders, both for family matters and criminal matters, in their statements and agreements. They should explain how they are going to work in order to provide certainty to both authorities and users.
- It is desirable that all the Judiciaries establish on-site court shifts for the issuance of preventive, precautionary and protective orders necessary to safeguard the integrity of women who are going through a family matters legal process.
- It is advisable for the Judiciaries to establish effective communication channels with civil organizations working to prevent and protect women who experience violence, especially with people who manage shelters for women. This would allow joint action in emergency situations and to build a network of inter-institutional support which could answer to the needs derived from the health emergency.
- It is desirable that all the Judiciaries establish on-site court shifts to ratify protective measures in criminal matters.
- It is desirable that all of the Judiciaries establish court shifts to collect and deliver child support payments, it is also important to consider the child support trials that are about to begin and not only those that have already started.
- It is desirable that the Judiciaries establish the suspension of activities in supervised Family Coexistence Centers as part of their measures. However, this also implies that children's right to spend time with their parents is also placed on hold, therefore it is advisable to establish alternatives like the use of technology (calls or video calls that can be monitored) so this right is not highly affected.

2. Public Policies and Government Decisions

If we analyse how long it took for government institutions to respond to rising levels of violence in the context of the pandemic, in comparison to civil society and feminist organizations, we can see that the latter responded by taking immediate action and mobilizing to address the needs, problems and demands risen from violence against women. Civil society has been documenting government actions and decisions that obstruct care and prevention of violence against women amidst COVID-19. Here we mention such government decisions and obstacles:

a) Weakened Institutional Capacity of Shelters

Resources earmarked for gender and women's public programs have been substantially reduced by policies enacted by the current federal administration, even before the health emergency began. The process has been damaging to women's rights, and is a result of three main factors: first, the Executive Branch refuses to have a conversation and work along with CSOs; secondly, policies hold a superior interest to reduce intermediaries and to prioritise direct transference to beneficiaries; and third, the so called "national austerity" policies adopted by the Federal Government. Most shelters are run by civil society organizations, yet a great number of shelters receive public funding to operate. However, at the beginning of 2019, the Federal Government announced the cancelation of public funding for Shelters. It was an abrupt decision that derived from a larger directive to cut funding for civil society. This decision was reversed and a public Call for shelters to apply for public resources was ultimately reactivated after a large mobilization from various CSOs –including the National Shelter Network–, media, legislators, activists, human rights defenders, and feminists. There was a downside: the 2019 resources were granted too late, making it hard for shelters to operate and in some cases leading them to close.

In 2020, there have also been detrimental changes to the operation of the Refuges. For example, on February 14 of this year, an Agreement for the Transfer of Budgetary Resources between Branches 12 "Health" and 20 "Welfare"³¹ (Acuerdo de Traspaso de Recursos Presupuestarios entre los Ramos 12 "Salud" y 20 "Bienestar") was signed. The purpose was to allocate subsidies for Shelters and for External Care Centers of Shelters for Women Victims of Violence.

However, although on February 18, a profound change was reported in the 2020 Federation Expenditure Budget (PEF2020), related to the budget labeled “Subsidies for Shelters and for Centers for External Attention of Shelters for women victims of violence”, it was not until April 7 that the Operational Guidelines of the Support Program for Specialized Shelters for Women Victims of Gender Violence, their Daughters and Sons, for fiscal year 2020 (*Lineamientos de Operación del Programa de Apoyo para Refugios Especializados para Mujeres Víctimas de Violencia de Género, sus Hijas e Hijos, para el ejercicio fiscal 2020*) were published.

These guidelines should have been published, as reported by the National Institute for Social Development (INDESOL), in the month of March. This one-month delay was due to the administrative and bureaucratic processes of the Ministry of Finance and Public Credit (SHCP), which did not release the budget so that the executing agency of the resources had budgetary sufficiency and was in a position to publish the guidelines. All this delayed process meant one less month of federal financing for the Shelters and their External Attention Centers.

It is important to mention that, until today, Shelters are not financed during the 12 months of the year, but only receive funding for around 8 months. Although this year will be for 9 months, in other years, funding has been received for less months. The variability of months financed has to do with the fact that Shelters are not considered as a State budget policy, therefore, each year there is a public call to obtain funding. The guidelines, however, are not clear nor do they offer guarantees to keep the Shelters operational.

We know that the COVID-19 pandemic has resulted in an increase of emergency calls from women, their sons and daughters. As already explained in this Report, this context has substantially increased the demand for the services offered by the Shelters. Despite the increased demand for Shelter services at the national level, there are no additional resources for them to face the health contingency. For example, there are not additional resources for the Emergency Houses, which would mitigate the spread of coronavirus within the Shelters, nor for the Transition Houses which are useful for women who, at the end of their process, do not have housing options. Besides that, the number of women without housing options may grow given the economic impact caused by the COVID-19 pandemic.

The National Shelter Network anticipates that the demand for protection, health and access to justice services will continue to increase even after the health contingency finishes. For this reason, and due to the scarcity of public resources destined for this group of organizations, the Network has had to get resources by itself in order to (1) implement the Emergency Houses and the Transition Houses, (2) reinforce the response mechanisms, such as attention, guidance, accompaniment and follow-up by phone, social networks and email to women of all ages, 24 hours a day, and (3) to accompany women in the exercise of their rights.

So far and despite the announcement from the National Commission to Prevent and Eradicate Violence Against Women the National (CONAVIM) about optional “non-conventional” shelters services provided collectively by INDESOL, Inmujeres and a private financing initiative, the Network Shelters have not been contemplated for access to any of these measures. In reaction to the lack of a policy that can guarantee the prevention, care and protection programs for women and children, added to the considerable raise in violence against women during the lockdown, it is imperative that institutions providing service for the victims are reinforced in terms of resources and capacity to enable to face the crisis. It is also crucial for institutions to have certainty of their available budget in order to continue with their work.

It is important that the Government of Mexico and the 32 state entities recognize that the COVID- 19 confinement has increased inequality gaps and calls for help from women. Also, it is important to urgently implement intersectional budgetary policies with clear gender perspectives that contemplate access to justice, comprehensive health, education and economic recovery, guaranteeing care, integrative health and right protection to women and children during and after the emergency health measures.

It is also noteworthy that, in the Institutional Program 2020-2024 (Programa Institucional 2020-2024) of Inmujeres, presented in the Official Journal of the Federation on June 17 of this year, either the Shelters for women victims of violence nor the Houses of the Indigenous Woman (CAMI) were included within the section for the attention and eradication of violence. They were also not included as mechanisms to prevent and address violence nor for the prevention of femicides even though both mechanisms are essential to prevent, address, and eliminate violence against women and which have provided, for more than 25 years, specialized comprehensive care with a focus on gender, human rights, and interculturality. Therefore, we recommend that Refuges and CAMIs be included in the programs and budgets of the Mexican State, in order to guarantee the life, safety, and human rights of all women.

The CSOs leverage the cases, stories and experiences of people living in vulnerable situations, especially women and children who experience a disproportionate impact due to their gender or sexual orientation. It is important to bring them into the development and implementation of national actions and strategies, recognising that their perspectives are fundamental in order to imbue an intersectional human rights approach into the provision of care and eradications of violence against women and children, as well as strategies that guarantee access to information, support systems and necessary resources during the current crisis. In other words, it is essential to involve CSOs in the development of policies and operative responses for women and children victims of violence and that currently face two pandemics: COVID-19 and gender violence.

b) Budgetary Austerity

On the 23rd of April 2020, the Official Journal of the Federation released a decree by which austerity measures would be introduced (*'Decreto por el que se establecen las medidas de austeridad que deberán observar las dependencias y entidades de la Administración Pública Federal'*).³² This was an executive order that established austerity measures for Federal Public Administration dependencies and entities.²⁹ The content of the agreement was basically a sweeping budget cut of 75% in “general, material and supply service lines”, with the only exceptions to this budget cut being 38 priority programs listed on the Agreement. However, none of the budgetary programs to care for prevent violence against women were included in the exceptions, the only section in which they might be mentioned is in the “Defence of Human Rights” section and this is the last on the list of the 38 programs that are not part of the budget cuts. Authorities have not informed if the human rights section in the executive order effectively includes programs to prevent and care violence against women in more than a month after its publication.

On the 30th of March, the Federal Government categorized shelters and Care Centers for women victims of violence as essential activities, yet this category contradicts the order on austerity measures from April 23rd. Neither the shelters nor the External Care Centers can operate without budgetary resources despite being considered essential activities. It is concerning that despite recent meetings being held amongst authorities, there has not been an official release information regarding affectations to the second administration of shelters and External Care Centers.

The above concerns were expressed in an open letter addressed to the Presidency of Mexico and to the Secretariat of Interior by various organizations, including: Amnesty International Mexico, EQUIS: Justice for Women and the RNR. These OSCs recognised the difficulty of the context while expressing concern regarding the criteria used by the Government of Mexico to prioritise the use of budgetary resources. This letter also expresses concern for the inclusion of megaprojects such as the Mayan Train (Tren Maya) as well as the Dos Bocas refinery in the list of priority programs, compared to the lack of clarity regarding earmarked resources for public services focused on violence against women, another pandemic, as characterised by the United Nations.

The measures considered as priority programs in fraction V from of the cited executive order must be managed with gender perspective. This means that programs should include in their execution a differentiated perspective on affectations to men and women during the health emergency. It is unacceptable to present generic solutions to worsening violence and inequality conditions in the midst of a pandemic. The Mexican State and all its institutions within the 32 federal entities must implement urgent measures to address the increase of violence during the COVID-19 confinement. They must mitigate the impacts from the pandemic in the life, dignity and comprehensive security of women in Mexico. In other words, they have to guarantee access to health, protection, education, and economic and housing support as part of the full exercise of rights.

It is also necessary that the Federal Government, the 32 federal entities and the Union Congress respect and guarantee the 58th article from the Law of Federal Budget and Fiscal Accountability, which points out that: “it is forbidden to reduce funding for budgetary programs and investments aimed at reducing inequality between women and men”, excepting clauses established on this law and with the opinion of the Chamber of Deputies. It is the duty of women and men deputies to watch over the permanency of resources in the Federal Expenditure Budget 2020 directed to care for women and prevent and violence against them. It is the State’s responsibility to comit fundamental resources forward eradicating inequality between women and men and violence against women. That is why it is important to prioritise human rights for all women and to guarantee that no austerity policy will interfere with such rights.

c) ‘Casas de la Mujer Indígena’, CAMI (Indigenous Women’s Houses) Budget Cuts

The State is obliged to guarantee access to institutions and provide sufficient funding to promote and guarantee the rights of indigenous women, especially if they find themselves in vulnerable conditions. It is also obliged to incorporate an intercultural perspective and guarantee the right to consultation for indigenous and native population.³³

The National Institute of Indigenous Peoples (INPI) was created to accomplish such a mandate, aiming to regulate, design, implement, execute, orient, coordinate, promote, follow and assess policies, programs, projects, strategies and public actions that guarantee the exercise of indigenous and Afro-Mexican peoples’ rights.³⁴ Yet, the creation of this institute has barely helped to protect and guarantee the rights of indigenous people. On the contrary, in Mexico, indigenous people have been traditionally discriminated and segregated, even by the State whose duty is to avoid those practices. A clear example of this is the austerity rule issued on April 23rd, which was written without taking into account needs and circumstances of indigenous women and communities’ and that, in prioritising economic outcomes sought via megaprojects had failed to respect t consultation among indigenous communities on how these projects might affect them³⁵, like the Mayan Train and the Development of Mexico’s Isthmus of Tehuantepec.

Even when the defense of human rights is mentioned as a priority program in the Decree, it does not specify which actions are included in the program, nor does it identify beneficiaries or outline how the budget will be allocated. In lacking explicit consideration to indigenous women, there is no certainty that protection to indigenous peoples and specifically indigenous women victims of violence have been accounted for within this program.

In line with the decreed austerity measures, there will be a broad budget cut of 75% for general services, materials and supplies of the INPI. This means a reduction to the budget for the Casas de la Mujer Indígena, CAMI (Indigenous Women’s Houses) which had already been slashed.

About this, on the 3rd of April of 2020, the INPI's website made an announcement directed to the indigenous communities who participated in the Calls for the Indigenous Peoples Rights Program under the provision of the Secretariat of Health and Presidency of Mexico, in which precautionary measures are established to mitigate and control risks caused by COVID-19, and that INPI decided to cancel assigned resources to CAMI. In accordance with the release, the following was established:

“[...] to postpone the release of results related to such Calls, given the impossibility to start implementation of approved projects and with the firm conviction of taking care and protecting the health of benefited indigenous population and indigenous and Afro-Mexican communities assisted by this institute [...]”³⁶

In general, this implies that resources from CAMI would be postponed indefinitely, without an assured date to reassign resources to all CAMI. This measure poses the risk of disappearing the only program in the country that helps indigenous women in guaranteeing their sexual and reproductive rights, in helping prevent gender based violence by providing information, and in providing translation and accompaniment services for women victims of violence in indigenous communities. A grim scenario emerges from these measures, considering violence against women has risen within indigenous communities and indigenous women are especially vulnerable due to the lack of access to administration of justice and institutions, and to complaint mechanisms in remote areas (like Internet and emergency lines).

CAMIs are, particularly in this pandemic context, fundamental services. They have reported that since the beginning of the lockdown, services to assist in cases of gender violence and midwifery have increased. This is extremely valuable information because we do not currently have official information about how many reported violence-related emergency calls were made by indigenous women. The reason to this is that neither before nor during the emergency health lockdown has the government collected disaggregated information.

Data from the National Network of Indigenous Women's Houses shows that CAMIs have cared more women during the health emergency crisis and cannot manage anymore due to the cancelation of their budgets. Amongst these are:

- The San Mateo del Mar CAMI in Oaxaca has served 212 women during the health emergency lockdown.
- The Chalchihuitlan CAMI in Chiapas has served 332 women and it is still serving many childbirths during the health emergency lockdown.
- The Pátzcuaro CAMI in Michoacán has served 100 women during the health emergency lockdown.³⁷

INPI's decision to cancel funding corresponding to CAMI, under the argument that it will be used for health protection and services, undermines the right to equality and non-discrimination since measures were decided without analysing perspective of gender and interculturality.

The right to an appropriate citizen consultation is being infringed since neither Secretariat of Health nor INPI properly consulted indigenous women in whether they agreed with the cancelation of funding to CAMI. Indigenous women rights to personal integrity and to live free from violence are infringed, as well as women's right to health because they no longer will receive accompaniment services. The rights of indigenous women who work at CAMI are also infringed since they do not count with material nor human resources to provide proper care under newly adopted health protections for covid-19. In sum, the decision to cancel resources for CAMI is regressive for the protection of indigenous women human rights. Complying the principle of progressivity and non-regression, it is urgent to immediately guarantee necessary resources so that CAMIs can provide their services properly in order to continue helping indigenous women experiencing violence or in need of sexual and reproductive health services.

On June 17, 2020, in his morning conference, President Andres Manuel López Obrador spoke out about the disappearance of the National Council to Prevent Discrimination (CONAPRED),³⁸ a body whose budget was also weakened by the cuts derived from the Austerity Agreement. In his opinion, it is SEGOB which should be in charge of fighting racism and discrimination, since this problem does not need having its own body. These declarations not only contravene recommendation 13 of the Concluding Observations on the combined periodic reports 18 to 21 of Mexico of the Committee on the Elimination of Racial Discrimination (CERD), but his disqualification makes visible the lack of connection between CONAPRED and the Executive, which has led to public policy decisions lacking a multicultural and gender perspective, such as the budget cut to the CAMI, which violates the rights of indigenous women.

d) Women's Justice Centers

The Women's Justice Centers (CEJUM) are comprehensive spaces that offer inter-institution services and special care with gender perspective for women victims of violence and for their children. They are designed to guarantee access to justice through legal, psychological, medical services and economic empowering (by offering training and job searching), play centers (to leave their children there for when they are served by the centers) and temporary shelter. There are currently 48 Women's Justice Centers in 28 federal entities, 35 of them provide shelter, transitional housing and they all are currently working during the pandemic.³⁹ EQUIS: Justice for Women⁴⁰ has documented that even before the pandemic, CEJUM already had serious problems with their services due to their lack of clear normativity and institutional strength. For example, most of them do not have budgetary independence, patrimonial resources or an own legal personality. How can a centre work and have capacity to decide over the use of its own resources without a minimum of autonomy?

We are also worried about the fact that there is insufficient staff in some Centers and that a proportion of staff members do not depend on the Centres' management because they belong to other dependencies, impacting the capacity of Centers to provide all of their services and the quality of the care provided (which needs to be 24/7 and 365 days a year). This limitation has worsened during the pandemic, we've identified five shelters from Women's Justice Centers with insufficient staff and capability to serve the increase of violence against women amidst COVID-19 (Centers in Colima, Juchitán de Zaragoza, Puebla, Tehuacán y Xalapa).⁴¹

While all CEJUMs are currently operating some other services like play centers, group therapies and workshops are now suspended in order to contain the propagation of COVID-19 infections but remote mechanisms to provide psychological help and monitoring of users have been developed instead. Yet, we have recorded that centers have reduced the number of provided services due to the cancelation of labour activities in other government agencies. For example, centers in Coahuila, Guerrero, Oaxaca and Yucatán indicate that they are no longer providing accompaniment services for women doing paperwork in public courts as a result of the labour suspension for the local Judicial.⁴² Centers in the State of Guerrero are some of the worse cases, currently they do not receive complaints because the entity's prosecutor office is operating at its minimum, and centres in the State of Oaxaca have cancelled healthcare sector services by orders of their corresponding dependency.⁴³

Another concern is that, even before the pandemic, the Centers did not provide services to all women.⁴⁴ Thanks to the work of members from the National Citizen Observatory on Femicide (OC-CEJUM)⁴⁵ we recorded that the majority of these Centers are located in urban areas, leaving women in rural areas without coverage. Likewise, there is a disproportional exclusion of indigenous women: when we asked 30 Mayan community promoters from five municipalities of Yucatan if they knew CEJUM, they all said no. We have also recorded that many Centers do not have accessible facilities for people with disabilities, or staff trained to serve women with physical, motor and intellectual disabilities. There is a concerning lack of institutional capacity to assist women with psychosocial disabilities who are oftentimes sent to Psychiatric Centers against their will, revictimising them in the process. In addition, when submitting official information requests to inquire whether the Centers helped women who are substance users, most of them said they did not, and those who did, said they only served former users of tobacco and alcohol.

Finally, we have observed that a common practice at many Women's Justice Centers is to provide service only to female victims of "visible" or "recent" violence, this is being repeated during the COVID-19 pandemic and we have documented cases from CEJUM who only serve women who were "recently" raped, who ask for help for "attempted femicide" or who show 'visible bruises'.⁴⁶ Other cases are not considered as urgent and due to this they are not accepted, leaving women unprotected.

III. *Other forms of violence*



Family violence against women has been increasing drastically since the beginning of the COVID-19 pandemic, nonetheless, it is imperative to alert about other contexts and forms of violence with repercussions over the lives and rights of women in Mexico. This is the case of violence perpetrated by the State . For this reason, this section exposes three interrelated scenarios that stem directly from the Mexican State's decisions or omissions in particularly heavy handed policies such as: excessive use of criminal law to face the COVID-19 pandemic —provoking many instances of detention and incarceration—, militarization of public security and criminalization. Altogether, these three cases only increase the already high risk for women to be victims of violence in the country.

A. Punitivism

Mexican authorities rely heavily on criminal law and the use of force to address social issues ranging from violence against women to public health problems. In fact, the tendency to use force is evident during COVID-19's health emergency lockdown. Authorities from different states in the country have threaten to impose criminal penalties or have proposed law initiatives that seek to sanction with deprivation of liberty any infringement on health measures, such as the suspension and lockdown of non-essential activities. On the other hand, the Federal Government constantly insists on involving Armed Forces in public security tasks and also in COVID-19's health emergency control tasks. Some examples of both strategies are explored below.

1. Militarization

The adoption of a military model for public security continues to be a priority in both national budgets and government policy. In contrast, prevention and attention to violence against women do not seem in either spectrum. Not even after the fact that the adoption of emergency health measures for COVID-19 has contributed to increase violence against women in their homes and in the most vulnerable contexts.

Our government has adopted a military model of public security that is grounded on the same “war on drugs” that was declared in Mexico in 2006. For over 15 years, this military model of public security has been constantly exposed as incompatible with human rights since it has drastically increased the number of homicides nationally,⁴⁷ forced displacements of some communities,⁴⁸ torture⁴⁹ and other human rights violations.⁵⁰ Yet, the current government continues to implement this security model with intentionality. In fact, for the last two years, and contrary to electoral campaign promises, this government has furthered militarization of Mexico’s streets and the involvement of armed forces in public security tasks. The situation is concerning for two reasons:

Firstly, notwithstanding recommendations made since 2014 (and once again in 2017)⁵¹ from the Special Rapporteur on torture to the Mexican Government and the need to retire the Military from public security duties, Congress passed a constitutional reform regarding the creation of the National Guard in February 2019. This new —already operating— security force is of military nature and configured by Naval “Police”, Military “Police” and the Federal Police, despite authorities insisting they retain civilian command. The National Guard is also one of the few “priority programs” which will not be affected by budget cuts, as opposed to other resources directed for programs to violence against women in Mexico such as the Programa de Fortalecimiento de los Pueblos Indígenas (Program to Strengthen Indigenous Peoples).

Secondly, on the 11th of May, amidst the COVID-19 pandemic, an agreement that grants authority to both Armed Forces and the National Guard to carry on public security tasks was released.⁵² This agreement not only encourages the militarization of public security in the country amidst the health crisis but also goes against the Political Constitution of the United Mexican States (CPEUM), since (1) the President is not foreseeing an extraordinary use for the Armed Forces given that he means to use them until 2024; (2) the President is not using the Armed Forces in a regulated manner; (3) the President did not establish any audit mechanisms to the Armed Forces; and (4) the President pointed out that the Armed Forces will be coordinated, but not subordinated, as framed by the CPEUM.⁵³

We are concerned that public and urgently needed resources⁵⁴ are being earmarked for the militarisation of public security while resources for programs addressing violence against women in Mexico are being reduced or cut. On the other hand, we are also concerned about the militarization of public security amidst a health emergency crisis caused by the COVID-19 pandemic.

2. Excessive Use of Criminal Law

Deputies at a federal level have published, since the “Jornadas de Sana Distancia” (stay-at-home confinement measures) were implemented at the end of April, at least 20 different reform initiatives or additions to criminal law that sanction with prison the following: (1) people who discriminate or attack health workers and public servants or, as the case may be, to increase custodial sentences for this type of behaviour⁵⁵; (2) people with serious illnesses or venereal diseases who could put at risk other people’s health⁵⁶; (3) people who steal medicine; (4) people who increase or alter the price of necessary consumer goods or medicine⁵⁷; and (5) people who hoard, hide or refuse to sell necessary products during the health emergency or other natural disasters⁵⁸, amongst others.

At state level, many States have also published punitive measures to face the health emergency. For instance, the governor of Yucatan warned that his government would punish people who are diagnosed with –or have symptoms of– covid-19 and do not observe lockdown under pretext of reducing the spread of the virus.⁵⁹ The offense carries a sentence of up to 3 years in prison and or sanction with a fine. In Queretaro, a group of legislators presented a law initiative that, along other modifications to the Criminal Code, proposes a 4 to 6 years prison sentence to people who do not comply with the obligatory confinement measures, either due to having a serious transmittable disease or for not adhering to the quarantine period.⁶⁰ Finally, in Jalisco, a decree was released establishing that disobeying health emergency measures would be punished with arrests of up to 36 hours.⁶¹

The above examples of punitive measures emerging in the context of this health emergency are recent, but not rare, since 28 out of 33 state penal codes include the crime of “risk of infection”. During 1999 and 2010 the number of people in Mexico condemned for having committed this crime was around 400.⁶² If the trend of punitivism strengthens and continues during the COVID-19 pandemic, criminalisation of personas under “risk of infection” –as well as new charges could intensify. This would probably bring, not only a drastic increase of people deprived of their liberty as a result, but also situations that encourage the abuse of public force, as it happened in Jalisco: where Giovanni López was arrested and beaten to death by the police. Giovanni had tried to record police officers who had arrested and physically attacked people for not wearing masks.⁶³ Protests in Jalisco were organized to demand justice after Giovanni López’ murder. However, during such protests, many others were beaten up and arrested arbitrarily, including women.

The tendency to use of criminal law to address public policy issues arising from the emergency context, along with the excessive use of police force and the national tendencies of incarceration and criminalization will not solve the problem of violence against women, neither during, nor after the health emergency. On the contrary, it will only worsen women's situation regarding protection, respect and guarantee of their rights.

B. Women deprived of liberty

According to the most recently available data from March 2020, there were 205,535 people deprived of their liberty in Mexico.⁶¹ Of these people, 94.77% (191,748) were men and 5.23% were women (10,589). While 36% of such men were deprived of their freedom without even having a sentence, 46% of such women were in this same situation.⁶⁴ People who are deprived of liberty are at higher risk to get COVID-19 due to the poor, if not worsening, conditions within the country's jails and because are an historically discriminated against population. The available mechanisms to defend their rights are very limited, as shown hereunder.

1. Overcrowding and Conditions of Detention

There is a serious overcrowding problem in Mexico and a lack of basic services within prisons. The lack of water, sanitary and medical materials and other essential services makes it impossible to prevent infections inside prisons and jails. For example, according the National Survey of Population Deprived of Liberty (ENPOL): 30% of people deprived of liberty do not have access to clean water inside their cells. In addition, in state and municipal prisons 30% of surveyed people stated that they do not get medicine and only 7.6% of them said the institution provides cleaning supplies.⁶⁵ Under these conditions, it is extremely hard to prevent and serve people with COVID-19 in Mexican jails.⁶⁶

Overcrowding also increases the chance of infection within prisons. According to —conservative— figures from the Secretariat of Security and Civilian Protection, prisons in 13 States of Mexico are overpopulated. Until January 2020, the state with the most serious deficit of availability for prison population lacked 15,663 spaces that they should have for their current incarcerated population.⁶⁷ Given the modes of coronavirus transmission, overcrowded places are at higher risk of infection, nonetheless, neither the federal government nor most local governments have implemented physical distancing strategies to prevent the virus from spreading inside prisons, even when the lives and health of people deprived of liberty are in danger.

It is important to consider that, until March 2020, roughly 6,635 people deprived of liberty in Mexico were older persons (i.e. people over 60 years old) and 5,117 had diabetes mellitus type I and II,⁶⁸ both risk factors in the contraction of the COVID-19 virus.

2. Access to justice: Only Priority or Urgent Issues

It is fundamental that women deprived of liberty be able to access channels and mechanisms to report and demand their rights to essential services within prisons. However, on the Equis Report “*¿Derechos aplazables?: el Poder Judicial frente a la población penitenciaria durante la pandemia por COVID-19*” (Postponed Rights? The Judicial and the prison population during COVID-19), Equis found that, whereas most of the Judicial branches that were reviewed continue serving limited or urgent cases, the majority of them did not contemplate incarceration conditions for people deprived of liberty as priority or urgent issues.⁶⁹ This is a problem because it obscures incarceration conditions inside prisons and because people deprived of freedom do not have efficient access to justice mechanisms in case of human rights violations, including deficiencies to offer proper incarceration conditions. This population’s situation is particularly concerning because it is fully in the hands of the State. Some additional concerns about the function of the Judicial Branches in matters of population deprived of liberty are as follows:

- Official notices on health emergency measures from federal entity’s Judicial branches are written in vague and highly technical language, this impedes clarity when communicating with those who are in need of their services.
- Official notices and services deemed priority or urgent by Judicial branches were selected without employ of a gender perspective, intersectionality, or even a differentiated analysis.
- Only 7 out of the 32 federal entities pointed out that petitions and matters about incarceration conditions must be served as priority or urgent issues.
- Only 7 out of the 32 federal entities said that they will serve issues related to the COVID-19 pandemic inside prisons.

Hence, some recommendations aimed to respect and guarantee the rights of people deprived of liberty amidst COVID-19 pandemic, are:

- Use accessible and clear language in judicial instruments that allow people to know what matters and procedures are being handled by state Judicial branches. These measures need to be accessible for everybody, particularly indigenous people and people with disabilities. Translations and other accessible formats should be used to this end.
- Consider petitions for internment conditions as urgent so that judges in charge get to know these requests and can deliver justice. It is also necessary that the Judicial branches are familiar with COVID-19 emergency approaches, in particular, for people deprived of freedom and for those legitimated by the National Law of Criminal Execution (Ley Nacional de Ejecución Penal).
- Establish mechanisms for petition making that include health measures to avoid contagion. We suggest that different electronic means be considered, as well as offline mechanisms for population without access to technology. For example, the state of Morelos introduced a mailbox. Establish virtual court shifts for as many cases as possible, aiming to keep the Judicial branches working, ensuring the access to justice for everyone while looking out for the wellbeing and health of justice officials.

3. Amnesty Law as Best Practice

On the 20th of April 2020, an Amnesty Law was passed in Mexico which has the potential to release people deprived of liberty for any of the following offences:

- **Abortion**
- **Some crimes against public health committed by indigenous peoples or Afro-Mexicans and for poor or extremely vulnerable populations;**
- **People in possession of narcotics who are not distributors or sellers, and up to double the allowed quantity**
- **Indigenous peoples who did not have access to an interpreter or defendant with knowledge of their language and culture during their process**
- **Simple robbery without violence whose custodial sanction has not been over four years; and**
- **Sedition.**

There are roughly 4,600 people deprived of their liberty who could be set free thanks to this law and it is estimated that 600 of them are women.

This Amnesty Law was included within the best practices for access to justice in the document *Justice for Women Amidst COVID-19*, released by UN Women; International Development Law Organization (IDLO); United Nations Development Programme (UNDP); United Nations Office on Drugs and Crime (UNODC); and Pathfinders for Peaceful, Just and Inclusive Societies.⁷⁰ Likewise, the United Nations Headquarters in Mexico (ONU), the United Nations Office on Drug and Crime (UNODC) and the United Nations High Commissioner for Human Rights (ONU-DH) reacted positively about the passing of the Amnesty Law.⁷¹

The approval of this law is an excellent first step in achieving its mandate. However, in order to be fully implemented, the Executive must create the Commission in charge of evaluating amnesty petitions as outlined in this law. The Commission must be created as soon as possible so that people deprived of their liberty can be released from jail. If this is not done, they will continue to be at high risk of infection of COVID-19.

IV • *Transparency and access to information*



As recognised by the Human Rights Committee in the General comment n. 34, Article 19 of the International Covenant on Civil and Political Rights (OHCHR), the right of access to information held by public bodies is a human right. In Mexico, public data that would allow to assess the impact that confinement measures and the crisis context have had on violence against women has been insufficient, inadequate and limited by the emergency health measures.

A. Active Transparency

The ultimate authority in matters of transparency and access to public information is the National Institute for Transparency, Access to Information and Personal Data Protection (INAI). The INAI is the public instance for presenting non-conformity appeals related to data that must be available for public consultation on a mandatory basis, as well as information received as answers to requests for public information.

As a consequence of confinement measures taken by the Mexican State on March 20th 2020, the INAI decided⁷² to suspend deadlines and limits for all proceedings related to requests of access to information and personal data protection between the 23rd of March and the 17th of April. Such suspension allowed public bodies obliged to deliver public information to not comply with their duties and it left citizens without the possibility to object this lack of information. On the 15th of April 2020, the initial suspension was extended⁷³ until the 30th of April⁷⁰ and, on that day, it was once again extended for another month: until the 30th of May.

While we recognise that on the 30th of April, in line with Resolution 1/2020 of the Inter-American Commission on Human Rights (IACHR) titled “Pandemic and Human Rights in the Americas”, the INAI decided to exclude the bodies responsible for essential activities⁷⁴ from the suspension, it is also important to emphasize that these public entities had more than a month of pending requests to attend in addition to the daily incoming requests, which could affect the speed of the process.

It is also crucial to point out that information is only available in physical form and contained within government buildings, according to what the corresponding authorities have stipulated, it is not possible to have access to it until government activities resume in-person.

B. Proactive Transparency

During the development of the pandemic we have seen worldwide that having timely data and information is crucial, along with a better allocation of resources, to create strategies and determine lines of action. The same thing happens when it comes to violence against women.

In Mexico, there are two official sources that allow people to have periodic data about violence experienced by women, inside and outside their homes: data released monthly by the Executive Secretary of the National System of Public Security (SESNSP) and data from the National Institute of Statistics and Geography (INEGI). With the data from SESNSP, it is possible to consult open criminal investigations for felonies of family violence, homicide and femicide, as well as 911 calls related to violence against women. For its part, INEGI releases annual Statistics of General Deaths containing data about women's killings. INEGI's data is important because it is the only database that includes information on the location where women were killed (for example: whether it happened at their homes) and whether these murders occurred within the context of family violence.

However, both data from SESNSP and from INEGI have several shortcomings that impede having more timely and detailed information imperative to know how violence affects women.

C. Lack of Intersectionality

The Committee on the Elimination of Discrimination against Women (CEDAW), in their concluding observations to the Mexican State on their ninth periodic report before this mechanism, pointed out that Mexico should strengthen mechanisms to systematically collect disaggregated data about violence against women including femicides.

Nonetheless, one of cross-cutting problems both on data from SESNSP and data released by INEGI is the lack of intersectionality within the information. Even when some variables are included within the Statistics of General Deaths, like speaking an indigenous language, there is no existing available information for a significant number of cases, thus making the variable inoperative.⁷⁵ Moreover, there is no disaggregated information for women who self-identify as indigenous or Afro-Mexican, women with disabilities and LGBTQ+ women. What does this imply? That we cannot know how violence during the pandemic has affected women in a differentiated way.

D. Untimely Data

There is a second problem related to when data is released. For instance, data about criminal investigations is released 20 days after the end of every month. In other words, there is a gap of up to 51 days between the moment a complaint is filed, the beginning of criminal investigations and the moment when it becomes public record. Data about 911 calls is released on the 25th of the following month, raising the gap to 56 days.

INEGI also releases a yearly Statistics of General Deaths report in open data approximately in October of the year following its record. This implies that there may be a gap of almost 22 months between the moment of the events and the moment it becomes public record. If timelines are not reduced, detailed information about femicides during COVID-19 lockdown periods will only be publicly available a year and a half after the incidents. The existence of this gap limits the possibility of undertaking informed and timely public policy actions.

E. Insufficient and Poorly Accessible Information

A third problem is related to the quality and the format of the data. For example, data from SESNSP related to homicides and femicides do not account for the place where femicides happened, nor do they document the relationship between the deceased and their presumed killer. They also do not record whether there was a record of family violence from their partners, and data on the cause of death is usually limited. The lack of information makes it impossible to delve into deep analysis of the differences in femicides within family settings, or related to IPV or family violence. official and public Mortality Records have recorded some of the aforementioned categories (for example: family violence background or relation to the alleged perpetrator) yet have only made such data available in less than 10% of cases in the past few years in the last few years such.⁷⁶

In the case of 911 calls, the data released has been aggregated and is not presented in open data format, which limits the possibilities for analysis. In addition, there is fundamental information that is excluded (such as: the sex of the person who places the call, if the call is about themselves or about a third person, the sex of the alleged perpetrator, and the sex of the alleged victim). Nor is it possible to know what the result of such calls is (for example: if they dispatch emergency services like police, firefighters or paramedics).

F. Best Practices and Recommendations in Transparency

Even though there have been obstacles for accessing information nationwide, it is important to recognize that, at a local level, there have been some proactive transparency efforts which could advance towards the fulfilment of goals 16.6 and 16.10 from the Sustainable Development Goals (SDGs) regarding the availability of information about women's experience during lockdown in a timely manner, such as the data released by the Mexico City Government. Starting on the 6th of April 2020, an open database⁷⁷ of emergency calls made to 'Línea Mujeres' has been updated weekly. The database includes information about calls related to violence against women and girls, including family violence. While the database has room for improvement⁷⁸ it is an example of what is possible in terms of timely and accessible public data.

Similarly, the Mexican State, through the Health Ministry (Secretaría de Salud) has released a daily database⁷⁹ in open format⁸⁰ of confirmed cases and deaths related to COVID-19. Variables from this database match those that are published in the previously mentioned Statistics of General Deaths. The existence of such database suggests that it could be possible to have more timely information about the killings of women.

References and notes

¹ While on the 24th of March this measure was announced and implemented, since the 14th of March, for example, the cancelation of classes in schools nationally was announced, from preschool to secondary schools. Agreement no. 02/03/20 in which classes in preschools, primary schools, secondary schools and teachers college under the scheme from the Secretariat of Education released on the Official Journal of Federation in 16th March 2020.

² Agreement establishing preventive measures which should be implemented for the mitigation and control of risks of health coming from the virus SARS-CoV2 (COVID-19) released in the Official Journal of Federation on the 24th of March 2020.

³ The term “killing”, for this Report, includes both homicides of women classified as “intentional murder” and those classified as “femicide”. While the Special Rapporteur requested information about “femicides”, the fact is that in this country it is impossible to know how many murders of women are femicides. Available data released is not enough to make the right classification. The only information we have is about how the prosecutor offices classify murders of women by the beginning of a criminal investigation, yet as it has been shown, these classifications are problematic. See Carolina Torreblanca’s “¿Qué contamos cuando contamos feminicidios?” (What do we count when we count femicides) in Animal Político, 12th of November 2018, available at: <https://www.animalpolitico.com/el-foco/que-contamos-cuando-contamos-femicidios/>

⁴ For data about homicides between 2000 and 2017, see Data Cívica y Área de Derechos Sexuales y Reproductivos (Civic Data and Sexual and Reproductive Health Rights Area) from CIDE, Claves para entender y prevenir los asesinatos de mujeres en México (Keys to understand and prevent killing of women in Mexico) from 2019 available at: <https://datacivila.org/assets/pdf/claves-para-entender-y-prevenir-los-asesinatos-de-mujeres-en-mexico.pdf>. The number of women killed in 2019 is based on data released from the Executive Secretary of the National System of Public Security, and includes both killing of women classified as “intentional murders” and those classified as “femicides”.

⁵ United Nations Office on Drugs and Crime, Global Study on Homicide. Gender-related killings of women and girls, 2018, available at: https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf

⁶ Of the total number of murders that occurred between 2003 and 2018, only in 91.9% of the homicides of women and in 95.6% of homicides of men there was a register of whether or not, in those cases, there was family violence. Regarding the registered cases, in 57% of the cases of women and in 16.7% of men there was family violence.

⁷ Op. Cit., reference 5, pp. 50-51.

⁸ Idem., p. 45.

⁹ Adriana Ortega, Nicole Huete & Estefanía Vela’s “¿Fraternidad familiar?” (“Family Fraternity?”) Blog from Intersecta in Animal Político, from the 7th of May 2020, available at: <https://www.animalpolitico.com/blog-de-intersecta/fraternidad-familiar/>

¹⁰ENDIREH is designed only to measure violence experienced by women, not experienced by men. For this reason, it is not viable to compare their experiences when it comes to domestic and partner violence. The only survey that allows to make a comparison between both sexes about violence perpetrated by families is the National Survey on Victimization and Perception of Public Safety (ENVIPE). This measures the incidence of criminal acts from adults and shows certain crimes, only when they are perpetrated by family, as in the case of threat, injuries and rape. These victims are overwhelmingly women.

¹¹Adriana Ortega, Nicole Huete & Estefanía Vela's "¿Fraternidad familiar?" ("Family Fraternity?") Blog from Intersecta in Animal Político, from the 7th of May 2020, available at: <https://www.animalpolitico.com/blog-de-intersecta/fraternidad-familiar/>

¹²The number of female victims counted includes intentional homicide and femicide categories. This information can be consulted at: <https://www.gob.mx/sesnsp/acciones-y-programas/victimas-nueva-metodologia?state=published>

¹³Information can be consulted at: http://secretariadoejecutivo.gob.mx/911/implementacion_911.php

¹⁴Op. Cit., reference 9.

¹⁵"Violence against women" monthly report from SESNSP contains information about 911 calls and includes six different calls categories: those related to "violence against women", "sexual abuse", "sexual harassment", "rape", partner violence" and "family violence". Definitions of these concepts are included in the Catálogo Nacional de Incidentes de Emergencia (National Catalogue of Emergency Incidents) released in November 2015 by the Secretariat of Interior.

¹⁶Estefanía Vela Barba's "Las llamadas de auxilio de las mujeres" ("Women's call for help") Blog from Intersecta in Animal Político, the 21st of Mayo de 2020, available at: <https://www.animalpolitico.com/blog-de-intersecta/las-llamadas-de-auxilio-de-las-mujeres/>

¹⁷65% of the people assisted were women and 35% were children.

¹⁸Information can be consulted at: <https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-87005?idiom=es>

¹⁹Op. Cit., reference 9.

²⁰Op. Cit., reference 16.

²¹Op. Cit., reference 9

²²President López Obrador made this statement during his morning conference in the 15th of May 2020. It can be consulted at: <https://youtu.be/d3XZjnzVLUA?t=7688> o en su versión estenográfica en: <https://www.gob.mx/presidencia/es/articulos/version-estenografica-de-la-conferencia-de-prensa-matutina-viernes-15-de-mayo-de-2020?idiom=es>

²³Sent to Presidency of Mexico's office on the 26th of May 2020, Folio Number 0210000085720

²⁴"(Des)Protección Judicial en tiempos del COVID-19" (Judicial (Un)Protection amidst COVID-19") report from EQUIS: Justice for Women is available at: https://equis.org.mx/wp-content/uploads/2020/03/DESProteccion_Informe.pdf

²⁵Official Journal of the Federation, General Law on Women's Access to a Life Free of Violence, Art 27 released February 1st 2007, available at: http://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV_130418.pdf

²⁶Plenary of the Superior Court of Justice and the Superior Court of Justice of Baja California Sur, Acuerdo Conjunto 001/2020, pp. 2-4. Released on the 19th of March 2020, available at: <https://tribunalbcs.gob.mx/archivos/ACUERDOC001-2020.pdf>

²⁷“A clear example of how this can be used is in divorce cases (called “cautionary separation”). This allows women who want to sue their spouse to ask the judge to order their partners to leave their homes temporarily. This prevents women from being victims of attacks from their partners’ side when they want to file a complaint. Other examples of these measures are: provisional cancelation of visitations and coexistence, restrict the perpetrator partner so there would not be acts of violence or attacks or to command the right measures to protect family members.” EQUIS: Justice for Women report “(Des)Protección Judicial en tiempos del COVID-19” (Judicial (Un)Protection amidst COVID-19”) p. 16.

²⁸Federal Judicial Council of Chiapas, General Agreement 003/2020 p.4, released 18th March 2020, available at: <http://www.poderjudicialchiapas.gob.mx/archivos/manager/Acuerdo%20General%2003-2020.pdf>

²⁹Plenary of the Superior Court of Justice of Oaxaca, General Agreement 1/2020 of the plenaries from the The Superior Court of Justice of the State and the Federal Judicial Council from Oaxaca related to precautionary measures to face “COVID-19”, released 18th March 2020, available at: <https://transparencia.tribunaloaxaca.gob.mx/Listas/Listas?idContenido=2&idContenido=11&fraccionId=56#>

³⁰Secretariat of Communication and Transportation’s, “En México hay 74.3 millones de usuarios de internet y 18.3 millones de hogares con conexión a este servicio: ENDUTIH 2018”. (“In Mexico there are 74.3 million Internet users and 18.3 million homes with access to this service: ENDUTIH 2018”) available at: <https://www.gob.mx/sct/prensa/en-mexicohay-74-3-millones-de-usuarios-de-internet-y-18-3-millones-de-hogares-con-conexion-a-este-servicio-endutih-2018-196013?idiom=es>

³¹Agreement in the Operational Guidelines of the Support Program for Specialized Shelters for Women Victims of Gender Violence, their Daughters and Children, for the fiscal year 2020, available at: https://dof.gob.mx/nota_detalle.php?codigo=5591242&fecha=07/04/2020

³²Official Journal of the Federation’s Decreto por el que se establecen las medidas de austeridad que deberá observar las dependencias y entidades de la Administración Pública Federal bajo los criterios que en el mismo se indican, (Decret Establishing Austerity Measures that Must Be Watched by Dependencies and Entities of the Federal Public Administration under the Mentioned Criteria) rreleased in the 23th of April 2020.

³³Recommendation 16, fraction b) of the Final comments issued by the Mexican State after the examination of its 9th report. Committee on the Elimination of Discrimination against Women Recomendación CEDAW/V/MEX/CO/9. On 25th July of 2018. Available at: <http://www.onu.org.mx/wp-content/uploads/2019/04/MEXICO-ANTE-LA-CEDAW-2018-web.pdf>

³⁴National Institute of Indigenous Peoples, ¿qué hacemos? (what do we do?) It can be consulted at: <https://www.gob.mx/inpi/que-hacemos>

³⁵EQUIS: Justice for Women “Access to Justice for Indigenous Women: Submission to the Committee on the Elimination of Racial Discrimination” (“Acceso a la Justicia para las mujeres indígenas: Informe sombra para el Comité de la ONU para la eliminación de la discriminación racial”), pp. 12-14, available at: https://equis.org.mx/wp-content/uploads/2019/08/Informe-sombra_CERD_ESP.pdf

³⁶Hugo Aguilar Ortíz, General Coordinator of Indigenous Peoples Rights, National Institute of Indigenous Peoples “The results release to the call for the Indigenous Peoples Rights program is postponed” released on the 3rd of April 2020, available at: <https://www.gob.mx/inpi/articulos/se-determina-posponer-la-publicacion-de-resultados-de-las-convocatorias-del-programa-de-derechos-indigenas>

³⁷National Shelter Network A.C., “It is urgent that the Secretariat of Finance and Public Credit release budget for the House of the Indigenous Women (CAMIS)” 15th of May 2020, available at: <https://www.facebook.com/RedNacionaldeRefugiosAC/photos/a.886447411371461/3547502838599225/?type=3&theater>

³⁸El Universal, AMLO Proposes to Disappear CONAPRED and SEGOB would fight Corruption “(AMLO se pronuncia por desaparecer CONAPRED y que SEGOB combata la discriminación)”, June 18th, 2020, available at: <https://www.eluniversal.com.mx/nacion/amlo-se-pronuncia-por-desaparecer-conapred-y-que-segob-combata-la-discriminacion>

³⁹National Commission to Prevent and Eradicate Violence Against Women. Women’s Justice Centers working in the Republic of Mexico. It can be consulted at: https://www.gob.mx/cms/uploads/attachment/file/544677/Info_CJM_horarios_durante_Contingencia.pdf

⁴⁰EQUIS: Justice for Women. Women’s Justice Centers (CEJUM). Report about the public police state nationwide. July 2017. It can be consulted at: <https://equis.org.mx/wp-content/uploads/2018/02/Informe-CEJUM.pdf>

⁴¹Ixtaro Arteta’s “Women’s Justice Centers adjust their services during the health emergency measures amidst COVID-19” Animal Político, 29th of April 2020, available at: <https://www.animalpolitico.com/2020/04/centros-justicia-mujeres-servicios-contingencia-coronavirus-covid-19/>; Elena del Toro, “Request to enter the shelters have duplicated” El Diario de Colima, 28th of May 2020, available at: <https://diariodecolima.com/noticias/detalle/2020-05-28-se-duplican-solicitudes-de-mujeres-para-ingresar-a-refugio>; Franzely Reyna, “Women’s Justice Centers have deficiencies” NTR Periodismo Crítico, 6th of May 2020, <http://ntrzacatecas.com/2020/05/06/con-deficiencias-centro-de-justicia-para-las-mujeres/>.

⁴²Findings about the operation of Women’s Justice Centers amidst COVID-19 are included in the report soon to be released along with National Citizen Observatory CEJUM.

⁴³Ixtaro Arteta’s “Women’s Justice Centers adjust their services during the health emergency measures amidst COVID-19” Animal Político, 29th of April 2020, available at: <https://www.animalpolitico.com/2020/04/centros-justicia-mujeres-servicios-contingencia-coronavirus-covid-19/>

⁴⁴For more information: EQUIS: Justice for Women, Women’s Justice Centers (CEJUM). Report about the public policy state nationwide.

⁴⁵For more information on the National Citizen Observatory on Femicide of Women’s Justice Centers: <https://bit.ly/2wKXfwO>

⁴⁶Luis Alberto López, “La reactivación lagunera, entre repunte de contagios y problemas sociales” (Lagoon reactivation between the spike of infections and the social problems), Milenio, 1st of June 2020, available at: <https://www.milenio.com/ciencia-y-salud/laguna-reactivar-repunte-contagios-problemas-sociales>

⁴⁷CIDE-Sexual and Reproductive Rights, Civic Data and EQUIS: Justice for Women Series: #DatosViolenciaYGénero (Violence and Gender Data) part 2 [Video], 2019. Taken from: <https://equis.org.mx/impunidad-genero-y-violencia/>

⁴⁸Ana Laura Velázquez' Intern displacement from Violence in Mexico. Causes, consecuencias y reponsabilities from the State, National Human Rights Comission (CNDH), 2017.

⁴⁹Amnesty International, Surviving Death. Torture of women for cops and armed forces, 2016, taken from: <https://cutt.ly/YrCPcJM>

⁵⁰National Human Rights Commission (CNDH), 2017. Human Rights Situation in Mexico, (Situación de derechos humanos en México), country report, 2015, Taken from: <https://cutt.ly/xrXRbRT>

⁵¹General Assembly of the United Nations, Human Rights Council, Report following information from the Special Rapporteur about torture and other cruel, inhuman or degrading treats or penalties, Mexico, 34th sessions, paragraph 21.

⁵²Official Journal of the Federation, Agreement which establishes that the Armed Forces will permanently be used to carry out public security tasks in an extraordinary, regulated, supervised, subordinate and complementary manner, released on 11th of May 2020

⁵³See the Fifth Transitory article of the Decree which reforms, adds and derogates various dispositions of the Mexican Constitution in Matters of the National Guard (Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Constitución Política e los Estados Unidos Mexicanos, en Materia de Guardia Nacional), released in the Official Journal of the Federation, 26 March 2019.

⁵⁴Official Journal of the Federation, Decree which establishes austerity measures which should be watched by dependencies and entities of the Federal Public Administration released on 23th April, 2020.

⁵⁵For example, see the following initiatives “Que reforma y adiciona los artículos 149, 180 y 189 del Código Penal Federal, con el propósito de proteger a los profesionales de la salud de actos de discriminación y ataques de odio, en razón de su profesión, cuando se declare una emergencia sanitaria” and “Que adiciona el artículo 189 del Código Penal Federal, en materia de delitos cometidos contra funcionarios públicos que salvaguardan la salud”, proposed on April 28th, 2020, available at: <http://gaceta.diputados.gob.mx/Gaceta/64/2020/abr/20200428-I-1.html#Iniciativa14> y <http://gaceta.diputados.gob.mx/Gaceta/64/2020/abr/20200428-I-1.html#Iniciativa5> respectivamente.

⁵⁶For example, see the following initiative: “Que reforma el artículo 199 Bis del Código Penal Federal, para aumentar el castigo a toda persona que con conocimiento de causa de ser portador de un virus ponga en peligro su entorno”, proposed on April 28th, 2020, available at: <http://gaceta.diputados.gob.mx/Gaceta/64/2020/abr/20200428-I-1.html#Iniciativa13>

⁵⁷For example, see the following initiative: “Que adiciona el artículo 368 Sexties al Código Penal Federal, para tipificar el delito de robo de medicamentos”, proposed on March 26th, 2020, available at: <http://gaceta.diputados.gob.mx/PDF/64/2020/mar/20200326-III.pdf-f#page=123>

⁵⁸For example, see the following initiative: “Que adiciona el artículo 254 Quáter al Código Penal Federal, en materia de delitos en contra del consumo y la riqueza nacionales durante contingencias que afecten de forma grave el orden público de forma temporal”, proposed on March 19th, 2020, available at: <http://gaceta.diputados.gob.mx/Gaceta/64/2020/mar/20200319-II.html#Iniciativa2>

⁵⁹Estefanía Vela Barba, “¿Cárcel para quienes no se queden en casa?” (“Jail for those who don't stay at home?”), Animal Político, 31st of March, 2020 available at: <https://www.animalpolitico.com/blog-de-intersecta/carcel-para-quienes-no-se-queden-en-casa/>

⁶⁰Legislative Branch of Queretaro “Iniciativa de ley que reforma y adiciona diversas disposiciones del Código Penal para el estado de Querétaro” (“Legislative proposal that reforms and adds diverse dispositions to the Criminal Federal Code for the State of Queretaro” Proposal 1399, available at: http://legislaturaqueretaro.gob.mx/app/uploads/serpar/iniciativas/1399_59.pdf)

⁶¹Ana Laura Velázquez Moreno, “¿Garantizar la salud castigando? El punitivismo en tiempos de COVID-19” (“Should we guarantee health by punishing? Punitivism amidst COVID-19”, Nexos, 11th of May, 2020, available at: https://eljuegodelacorte.nexos.com.mx/?p=11462#_ftn5)

⁶²Estefanía Vela Barba, “¿Cárcel para quienes no se queden en casa?” (“Jail for those who don’t stay at home?”), Animal Político, 31st of March, 2020 available at: <https://www.animalpolitico.com/blog-de-intersecta/carcel-para-quienes-no-se-queden-en-casa/>

⁶³Animal Político, “A Giovanni lo torturaron por tres horas; los policías se ensañaron porque intentó grabarlos con su celular” (“Giovanni was tortured for three hours; police officers treated him brutally for trying to record them with his phone”), available at: <https://www.animalpolitico.com/2020/06/giovanni-tortura-horas-policias-intento-grabarlos/>

⁶⁴Secretariat of Security and Civilian Protection & Decentralized Administrative Agency for Prevention and Social Readaptation, Cuaderno Mensual de Información Estadística Penitenciaria Nacional (Monthly Notebook of National Penitentiary Statistics Information), March 2020, available at: http://pyrs.gob.mx/sipot/cgprs_doc/2020/Estadistica/CuadernoEmarzo2020.pdf

⁶⁵Catalina Pérez Correa, “Ni agua, ni jabón ni sana distancia” (Neither soap, nor water or social distancing), El Universal, 7th of March 2020, available at: <https://www.eluniversal.com.mx/opinion/catalina-perez-correa/ni-agua-ni-jabon-ni-sana-distancia>

⁶⁶See also: Las mujeres invisibles. Los costos de la prisión y los efectos indirectos en las mujeres (Invisible woman. The price of prison and their indirect effects on women) from Catalina Pérez Correa, released by the Inter-American Development Bank.

⁶⁷Secretariat of Security and Civilian Protection & Decentralized Administrative Agency for Prevention and Social Readaptation, Cuaderno Mensual de Información Estadística Penitenciaria Nacional (Monthly Notebook of National Penitentiary Statistics Information), January 2020, p. 13.

⁶⁸Secretariat of Security and Civilian Protection & Decentralized Administrative Agency for Prevention and Social Readaptation, Cuaderno Mensual de Datos Estadísticos de Población Penitenciaria Vulnerable y de Origen (Monthly Notebook of Vulnerable and Native Penitentiary Population Statistics Information) Abroad, March 2020, taken from the replay to the information petition. Folio 3670000016020 sent by Intersecta

⁶⁹EQUIS: Justice for Women’s ¿Derechos aplazables? El Poder Judicial frente a la población penitenciaria durante la pandemia por COVID-19 ((Postponed Rights? The Judicial and the prison population during COVID-19), available at: https://equis.org.mx/wp-content/uploads/2020/05/Informe_DerechosAplazables.pdf)

⁷⁰UN Women, IDLO, UNDP, UNODC, World Bank and The Pathfinders. “Justice for Women Amidst COVID-19.” New York, 2020.

⁷¹United Nations Office on Drug and Crime, “UNODC y ONU-DH applaud the approval of the Amnesty Law” 21st April 2020, taken from: https://www.unodc.org/mexicoandcentralamerica/es/webstories/2020_04_UNODC_ONUDH_Ley_Amnistia.html

⁷²See “Acuerdo ACT-EXT-PUB/20/03/2020.02” (Agreement ACT-EXT-PUB/20/03/2020.02) available at: <http://inicio.ifai.org.mx/AcuerdosDelPleno/ACT-EXT-PUB-20-03-2020.02.pdf> and “Acuerdo ACT-EXT-PUB/20/03/2020.03” available at: <http://inicio.ifai.org.mx/AcuerdosDelPleno/ACT-EXT-PUB-20-03-2020.03.pdf>

⁷³See “Acuerdo ACT-EXT-PUB/15/04/2020.02” (Agreement ACT-EXT-PUB/15/04/2020.02) available at en: <http://inicio.inai.org.mx/AcuerdosDelPleno/ACT-PUB-15-04-2020.02.pdf>

⁷⁴See “Acuerdo ACT-EXT-PUB/30/04/2020.02” available at: <http://inicio.ifai.org.mx/AcuerdosDelPleno/ACT-PUB-30-04-2020.02.pdf>

⁷⁵Civic Data and Sexual and Reproductive Health Rights Area from CIDE, Claves para entender y prevenir los asesinatos de las mujeres en México (Keys to understand and prevent killings of women in Mexico) 2019, p. 78

⁷⁶Ibid., reference 73, pp. 50-53

⁷⁷Such database can be consulted at: <https://datos.cdmx.gob.mx/explore/dataset/linea-mujeres/>

⁷⁸For instance: Current database does not allow to identify if the person calling is doing it for personal experiences or for other people. It cannot be possible to know either if the phone call ended with emergency service aid.

⁷⁹Said database can be consulted at: <https://www.gob.mx/salud/documentos/datos-open-152127>

⁸⁰The database began to be published in open data format on April 12, 2020. A history of it can be viewed at: <https://www.gob.mx/salud/documentos/datos-abiertos-bases-historicas-direccion-general-de-epidemiologia>

Intersecta is a feminist organization committed to the fight to eradicate discrimination in Mexico. We are dedicated to producing knowledge that enables us to identify and understand discrimination and human rights violations from a feminist perspective; to evaluating state policies supposedly designed to eradicate discrimination; and to promoting non-carceral public policy solutions to the problem of discrimination that are evidence and human rights based, and that consider the different realities, needs and desires of people.

intersecta.org | [@IntersectaOrg](https://twitter.com/IntersectaOrg) | contacto@intersecta.org

EQUIS Justicia para las Mujeres is a feminist organization which seeks to transform institutions, laws and public policies to improve access to justice for all women. We work for a comprehensive justice that takes into account the intersections between gender and other categories such as: race, ethnicity, class, disability, immigration status, gender-generic identity, sexual preference, among others.

equis.org.mx | [@EquisJusticia](https://twitter.com/EquisJusticia) | equis@equis.org.mx

The National Network of Shelters, NGO is a feminist organization composed of 69 spaces of prevention, attention and protection for women and children in situations of violence with national and international coverage. Among its various activities are advocacy in public policies for substantive equality and women's human rights, as well as guidance and assistance by telephone and social networks, whose cross-cutting themes are the gender perspective, human rights and intercultural approach.

rednacionalderefugios.org.mx | [@RNRoficial](https://twitter.com/RNRoficial) | direccion@rednacionalderefugios.org.mx

2020

