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JUSTICE FOR WOMEN

VIOLENCE IN THE FAMILY IN MEXICO

STOP VIOLENCE
AGAINST WOMEN

AMNESTY
INTERNATIONAL



“IN MAY 2006, AFTER HE ATTACKED ME WITH A KNIFE, I WENT BACK TO THE LOCAL PUBLIC PROSECUTOR’S OFFICE... I REMEMBER EXACTLY WHAT THEY SAID: ‘WHEN YOU HAVE GOT ONE FOOT IN THE GRAVE AND THE OTHER STILL OUT, THEN COME BACK HERE’”

Neomi, Sonora State, November 2006.

In Mexico few cases of violence against women are reported and fewer still result in the prosecution or conviction of those responsible or reparations for victims. In this climate, women and their families remain at risk of new attacks, some of which prove fatal.

Many factors deter women from reporting violence in the family directly to the public prosecutor’s office. Women often fear reprisals from their abuser. Entrenched social attitudes which excuse violence against women and undermine women’s role in the family and society can also make survivors reluctant to report. However, an additional significant factor is that women fear they will not be listened to and taken seriously by state officials.

Several women told Amnesty International that when they tried to report cases of physical violence to the public prosecutor’s office, they were told that their cases were not serious enough to be criminal offences or that officials did not have time to deal with violence in the family.

Even when women overcome these initial hurdles and a complaint is registered, there is no guarantee that medical evidence, including psychological evidence, will be gathered adequately or presented to the courts.

Whether or not a criminal investigation into a report of domestic violence takes place depends in large part on the medical evidence gathered by the public prosecutor’s office. In many cases, local prosecutors rely on their own appraisal of physical injuries because medical

examiners are not available. Prosecutors tend to rely on clearly visible signs of injury, neglecting other types of evidence that can be crucial to establishing the facts, such as psychological trauma sustained over many years. This often means that only the most glaring cases of domestic violence are pursued.

Amnesty International found that there are no consistent, gender-specific procedures for social services staff and official medical forensic examiners working with the public prosecutors’ offices to use when they document the psychological and physical evidence of violence, including sexual violence, against women. There are no specific protocols that require female staff to be available to carry out interviews and no guidelines on maintaining confidentiality or on how to conduct interviews to gather detailed information on the context and history of

the violence. The government has failed to publish approved procedures (NOM-046) for medical professionals dealing with women victims of violence, including sexual violence. This failure to publish important procedures has effectively prevented their implementation.

Women or family members filing a complaint of domestic violence are often required to produce two witnesses willing to corroborate their statement in order for prosecutors to register their case. This practice has no legal basis. Because most violence against women in the family occurs behind closed doors, this means that in many cases women would have to ask their children to testify against their father. Faced with such a choice many women would rather withdraw their complaint.

Photo: March in Morelos State to demand protection and justice for victims of violence against women, November 2006.



“AT FIRST THEY WERE LITTLE PROBLEMS. THEN HE BEGAN TO HIT ME. ON ONE OCCASION I HAD TO GO TO HOSPITAL BECAUSE OF THE BEATINGS... I WAS KEPT HIDDEN BECAUSE MY HUSBAND DIDN'T WANT PEOPLE TO KNOW ABOUT THE BRUISES... THE DOCTOR IN THE HOSPITAL DIDN'T REPORT THE INJURIES. ON VARIOUS OCCASIONS I WENT TO THE SOCIAL SERVICES. THEY SAID 'WHAT ARE YOU THINKING OF DOING, SEÑORA?'. ”

Cecilia, Oaxaca State, June 2006.

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MAKING THE LAW A REALITY

In recent years there has been some acknowledgement by the Mexican authorities that they have a responsibility to take action against all forms of gender-based violence. The General Law on Women's Access to a Life Free from Violence was enacted in 2007 and establishes the legal basis for the authorities to assume their responsibilities in relation to different types of

gender-based violence. Similar laws have been passed in 24 of Mexico's 31 states.

Amnesty International welcomes this legislation as a positive advance, but is concerned that the implementation of the new laws has so far not focused on removing the real obstacles preventing women from registering complaints or improving prosecutions. Practical measures to improve the registration, investigation and

prosecution of violence against women in the home should be sought, in consultation with civil society organizations.

There remains an urgent need to bridge the gap between the law and its implementation. It is vital that the federal government and state governments back up the 2007 General Law with political commitment, resources, training and accountability.

Neomi, a 20-year-old mother of two from Hermosillo, Sonora State, was subjected to repeated and sustained violence by her husband. In May 2006, after her husband physically attacked her, she went to the public prosecutor's office to report the crime. Neomi told Amnesty International that they refused to register the complaint and told her there were no places in the women's shelter and she should leave the city. They told her: "when you have one foot in the grave and the other still out, then come back here".

In 2000, 18-year-old Julia tried to report that her husband had physically assaulted her. She spoke to a representative of the Sonora State Public Prosecutor's Office based in the hospital where she was being treated. The official reportedly pointed at a person lying on a stretcher in the corridor and said "you have to arrive like that, before I can do anything."

For more information see Amnesty International's report, *Women's struggle for justice and safety – Violence in the family in Mexico* (AMR 41/021/2008).

Front cover: Delegates at the 17th International AIDS Conference take part in a demonstration to protest against violence against women in Mexico City, August 2008.

TAKE ACTION NOW

PLEASE WRITE TO THE MEXICAN AUTHORITIES, CALLING ON THEM TO:

Ensure the immediate and effective implementation of the General Law on Women's Access to a Life Free from Violence at federal and state level. In particular:

- Ensure mandatory registration of all complaints of violence against women and the investigation, prosecution and punishment of such acts as human rights violations, in accordance with the gravity of the crime;
- Develop and implement investigative procedures and training to ensure effective collection and assessment of all evidence of violence against women, including sexual violence;
- Publish and implement NOM-046-SSA2-2005, procedures for health professionals dealing with women survivors of all forms of violence;
- Include civil society in initiatives to prevent and punish violence against women.

SIGN UP TO OUR ONLINE PETITION
www.alzatuvoz.org/mujeres/

SEND APPEALS TO:

Minister of Interior
Fernando Gómez Mont
Secretaría de Gobernación
Bucareli 99, 1er. Piso, Col. Juárez
Delegación Cuauhtémoc Mexico D.F.,
C.P.06600 – Mexico
Fax: (+52 55) 5093 3414
Salutation: Señor Secretario/Dear Minister

Governor of Morelos
Lic. Marco Antonio Adame Castillo
Gobernador del Estado de Morelos
Palacio de Gobierno 1° Piso, Centro
Cuernavaca 62000
Estado de Morelos – Mexico
Fax: (+52 777) 3 29 23 30
If someone answers say "me da tono de fax por favor".
Salutation: Dear Governor/Señor Gobernador

Governor of Sonora
Ing. Eduardo Bours Castelo
Gobernador del Estado de Sonora
Palacio de Gobierno
Dr. Paliza y Comonfort
Hermosillo, 83260
Estado de Sonora – Mexico
Fax: (+52 662) 2174126
Salutation: Dear Governor/Señor Gobernador

STOP VIOLENCE
AGAINST WOMEN
**AMNESTY
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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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