

**FOLLOW-UP REPORT ON THE RECOMMENDATIONS CIUDAD JUAREZ
ARTICLE 8 OF THE OPTIONAL PROTOCOL OF THE CEDAW AND OF THE
CEDAW COMMITTEE TO THE MEXICAN STATE RELATED TO THE IX REPORT**

**RELATED TO IX REPORT MEXICO
ON JULY 6, 2018 AT THE UN IN GENEVA, SWITZERLAND**

Red Mesa de Mujeres de Ciudad Juárez is a network composed by NGO's that develop their work in the fields of gender and domestic violence, women's health from a feminist perspective, labor rights, community organizing and sexual and reproductive rights. For over 17 years we have been part of building a rich and strong movement dedicated to work for women's rights in the north of Mexico to achieve gender equality. We develop our work in different levels although we are based in Ciudad Juárez we also work closely with our allies and other women's rights organizations in other parts of the state of Chihuahua and Mexico.

In conjunction with the UNESCO Chair on Human Rights of the UNAM, we present the alternative report on the current situation of discrimination and violence against women in Ciudad Juárez, follow-up report on the recommendations to Article 8 of the Optional Protocol of the CEDAW and of the CEDAW Committee to the Mexican State related to the IX REPORT MEXICAN, on July 6, 2018 at the UN in Geneva, Switzerland.

By the year 2018, 15 years will have passed since the civil society in Ciudad Juárez invoked the article 8 of the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and of the CEDAW Committee. The aforementioned took place since the Mexican State did not comply with its obligations to prevent, punish, and eradicate the most cruel and violent expressions regarding discrimination against women: disappearances, and femicide.

Despite of the recommendations issued by the CEDAW, and of the sentence issued by the Inter-American Court of Human Rights known as "Cotton Field", which is only partially fulfilled, the violence figures against women continue, and even, they increase.¹

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. This report was made thanks to the operational work on justice issues and the documentation of the last three years by the Women's Network with the support of the Delegation of the European Union in Mexico in one of its projects.

In this Report, we have reviewed all the concerning with the compliance of the “Protocol for Juárez”, and the recommendations issued in 2012 by the CEDAW Committee.

I. FOLLOW-UP OF THE RECOMMENDATIONS INCLUDED IN THE CEDAW REPORT 2005 REGARDING THE OPTIONAL PROTOCOL².

a) Regarding the Dissemination of the Report elaborated by the CEDAW Committee.

Institutions at the local level (state level), such as the Chihuahua Women’s Institute (ICHMUJERES), and the General Secretariat of the Government (SGG), answered the following based on the research results obtained through the public information access system: *that the National Women’s Institute (INMUJERES) conveyed to them the preliminary version of the exam of the reports presented by the States parties. Also, the Technical Secretariat of the City Hall, along with the Ministry of Municipal Public Security, the General Directorate of Public Works, the General Directorate of Urban Development, and the Particular Secretariat answered that they do not have documentation or knowledge on this regard.*

The General Justice Prosecutor of the State of Chihuahua, the Particular Secretariat, the General Directorate of Education and Culture, the General Directorate of Human Settlements, and the General Directorate of Social Development did not answer this request. These answers demonstrate that the public administration of Ciudad Juárez only holds accountable the INMUJERES of diffusion and of having knowledge of these recommendations.

Due to the aforementioned, it is clear that the majority of the institutions at the state and municipal levels are not aware of the Report elaborated by the CEDAW Committee.

b) Annual budget to disseminate the CEDAW recommendations (2012-2017)

On this subject, the ICHMUJERES refers that in 2014 it distributed material that included information regarding the CEDAW. However, there is no clarity in how many resources were allocated, nor in the published material. The General Prosecutor of the State of Chihuahua (FGE) did not inform if it made any dissemination at all. The Technical Secretariat of Juárez answered that it did not have budget allocated for dissemination. It is clear that the institutions in the State of Chihuahua, and those in the municipality in Juárez do not show interest at all to disseminate the CEDAW’s Committee recommendations.

² This research was made with the support of information requests. This report was coordinated by Dra. Gloria Ramírez (Human Rights UNESCO Chair of the UNAM) and by Mtra. Imelda Marrufo (General Coordinator of the Network).

c) Participation of Entities in the incorporation of follow-up Reports.

The Ministry of Municipal Development, the SGG, and the ICHMUJERES informed that a specialized area that provides follow-up to the CEDAW's Committee recommendations does not exist.

We believe it is important that the CEDAW Committee considers the issued recommendations as not complied, therefore it shall urge the Mexican State on such dissemination.

d) Coordination mechanisms to address the situation of women.

Regarding the coordination mechanisms with other municipal, state, and federal institutions that work in addressing the situation of women, and in their access to a life free of violence, the ICHMUJERES, the SGG, the Ministry of Social Development, the Ministry of Municipal Development, and the Particular Secretariat of the Government informed about their participation in the following mechanisms: a) The State Council to Guarantee the Women's Rights to a Life Free of Violence; b) The Equal System between Women and Men in Chihuahua; c) The National System to Prevent, Treat, Punish, and Eradicate Violence Against Women and; d) The Commission for the Equality between Women and Men.

The Health Institute of Chihuahua (ICHISAL) informed that through the "Program for the Prevention and Attention of Family and Gender Violence" interinstitutional coordination and liaison took place with the following institutions: the General Prosecutor of the North Zone in Juárez, the Hospital for Women, the Executive Commission for the Attention of Victims (CEAV), the National Welfare System (DIF) in the North Zone, amongst others. The aforementioned happened to create an agreement to assist sexual violence victims following the 046 Official Mexican Standards (NOM-046) guidelines. Also, a WhatsApp group was created, it was named "Blue Code". The objective of this group is to maintain contact with different bodies that address sexual violence cases.

It caught our attention that the institutions at the state level do not refer to the coordination with the federal bodies although a coordination mechanism exists, it is named "The Coordination and Liaison Deputy Commission to Prevent and Eradicate Violence Against Women in Juárez". Therefore, those institutions shall strengthen their participation within the Deputy Commission federal mechanism.

e) Special Measures of temporary character to comply with the first paragraph of the article 4 of the Optional Protocol of the CEDAW.

The ICHMUJERES, the SGG, the Ministry of Social Development, and the Ministry of Municipal Development enhanced the set up of the "Unit of Gender Equality" in each one of the institutions and entities of the public administration of the State of Chihuahua. It was published on the Official Government Gazette #24. As of today, 14 units were set up at governmental entities, eight of these units belong to the Federal Executive, and four belong to decentralized bodies.

f) Regarding violence prevention, safety guarantee, and women's human rights promotion.

Regarding the dissemination of campaigns on women's human rights, the Ministry of Communications and Public Works informed it carried out different campaigns through printed publications, and provided three infographics. The ICHISAL attached two links where sexual rights campaigns are found -made in coordination with the Ministry of Health. Also, the Ministry of Municipal Development attached ten infographics.

The DIF -at the state level- notified that three conferences named "Gender Awareness", "Prevention on Violence Against Women", and "Gender and Human Rights Equality" took place in 2017, during the months of August, September, and October. Its impact and results are unknown.

Although these campaigns were made, the reality is very harsh. In 2017, Chihuahua was the second federal entity in Mexico -just behind the State of Mexico- in sexual violence inherent to the crime of rape. The greatest concentration of the crime of rape in the three entities by age range was committed against girls and adolescents from 0 to 17 years with 47.09% of incidence. In 2017, a total of 10,419 family violence cases were registered in the three main cities of the State of Chihuahua. More than 90% of these cases were against women³.

Regarding paragraph 16, and clauses b) and c) of paragraph 18 of the recommendations made in 2012 by the CEDAW, we must point out that violence against women in Ciudad Juárez persists, and that rape against girls and women is another form of violence against women. In the last year, the crime concentration by age range in the entity was committed against girls and adolescents from 0 to 17 years with 47.09% of incidence. Once again, Ciudad Juárez was the municipality with the greatest number of cases, 528 cases were registered.

g) Education programs regarding women's human rights.

In this specific topic, information was requested to the institutions on the following: education programs regarding women's human rights; programs addressed to women, girls, boys, and adolescents; programs addressed to indigenous people, and to persons with disabilities; programs on formal education towards public servants, society at large or other not specified group.

The "Program for the Educational Inclusion and Equity" is being developed at the Ministry of Education and Sports. It is addressed to indigenous girls, boys, and adolescents with disabilities, migrants, and high school students from rural communities learning with television support. Also, the Ministry of Municipal Development created the "Gender Education" Department to set up trainings,

³ Information gathered by the Network's Monitoring & Research Program.

courses, conferences, and dialogues on gender and women's human rights. Furthermore, it has a permanent training program for public servants that belong to the State Public Administration. The remaining institutions did not provide a response.

h) Budget spent on trainings regarding women's human rights 2012-2017.

As a response to the request, the ICHMUJERES and the SGG informed that in 2012 the budget was of \$920,324,00. In the three following years, this budget decreased respectively to \$896,770.00, \$864,092.00, and \$831,415.00. In 2016 and in 2017, this budget had increases of \$1,040,591.00 and of \$1,095,135.00 pesos.

The The General Prosecutor of the State of Chihuahua (FGE) mentions that since its creation in 2012, it has invested on trainings regarding gender perspective for the personnel working at such institution. Only two courses took place.

Although there are training programs implemented, as of today, an assessment document about the obtained results does not exist.

i) Access to justice for women.

Access to justice is fundamental and necessary for the victims of violence, and for the discrimination against women in Ciudad Juárez. The gathered data by the Women's Table is horrid. According to the official data from the Specialized Prosecutor of Women (FEM), in 2017 a total of 222 intentional homicides were registered. Ninety-three (93) of these intentional homicides happened only in Ciudad Juárez. Therefore, it is to be highlighted that during the last four years, the year 2017 had the greatest incidence of feminicides.

The scarce access to justice is clear, since only 3 of the 93 feminicides in Ciudad Juárez had access to the tribunals.

The feminicides continued. In accordance with the monitoring of our organization in Ciudad Juárez -from 2012⁴ to 2018 - we registered a total of 437 women assassinated in a violent manner.

Family violence has not decreased. In Ciudad Juárez, a total of 6,683 cases were documented. The age range of the majority of the victims was from 18 to 40 years. It is necessary to intensify efforts to eradicate this form of violence against women. Therefore, prevention strategies shall be increased.

⁴ In this year, the CEDAW's recommendations were published for the Mexican State, as of today, these recommendations remain.

There are 24,441 research binders at the FEM's Violence Unit in Ciudad Juárez, and there are only 16 Public Prosecutors as shown by table # 2:

Table 2. Staff and number of research binders at the FEM Unit (North Zone)

FEM Unit (North Zone)	Public Prosecutors Cases	Agents of the Ministerial Investigative Police	Number of Research Binders
Specialized Unit in the Investigation of Homicides of Women due to Gender Reasons	19	13	303
Family Violence Unit	16	7	24,441
Specialized Unit in the Investigation of Crimes Against the Sexual Freedom and Safety, and the Regular Psychosexual Development	13	11	6,137
Specialized Unit in the Investigation for the Search and Localization of Absent and Not Localized Persons	10	9	107
Prepared by: Round Table Network of Women of Ciudad Juárez, Civil Association ⁵			

From the information shown, it is clear that the FEM does not have the capacity to lead cases of women who are victims, since it is not possible that each police officer can manage 3,491 cases, and also it is not humanly possible that each public investigator officer researches 557 cases.

It is necessary and urgent that further staff is hired, such as police research officers, and public prosecutors. Otherwise, justice will continue to be only a simulation for women.

JUSTICE CENTER FOR THE WOMEN OF CD JUÁREZ. IN THE MARGINALITY OF GOVERNMENT IN CHIHUAHUA

The creation of Justice Centers for Women (CEJUM). These centers belong to a national policy regarding access to justice. Although such policy is recognized, it is true that the Centers lack of a provision tool that clarifies the roles and functions of the institutions. Also, there is a lack of budget for their operation, and a lack of the necessary personnel. Therefore, the operation of these Centers in the country shall be assessed in a qualitative manner, particularly in the State of Chihuahua.

In comparison with the operation of other centers, the CEJUM in Ciudad Juárez occupies the last positions in the country. In accordance to the Institutional Comprehensive System of the National Commission to Prevent and Eradicate Violence Against Women (CONAVIM), in 2017 the CEJUM in Ciudad Juárez achieved a score of 3 over 48 of the necessary to be considered as an operational

and accessible Center. Added to this, the Chihuahua government has not assigned to the Justice Center of Cd Juárez federal resources from the Public Security Contributions Fund that are granted to the entities, while in other states it has been done.

CIRMINALIZATION OF WOMEN VICTIMS OF VIOLENCE. CASE OF MARIA GUADALUPE PEREDA.

On October 14, 2016, María Guadalupe Pereda is threatened with death by her sentimental partner. She defends her life legitimately. She is a survivor of feminicide, however, the Chihuahua authorities condemned her murder. In Mexico, woman who defend their lives are criminalized. It should be avoided to criminalize women and investigate cases with a gender focus. The Chihuahua prosecutor's office maintains a double discourse. This happens in the country and there is not enough information.

The gender perspective should be in the investigations when women are accused of crimes, especially in cases of murder of sentimental couples, also at the time of carrying out these judgments.

Research units with a gender focus are urgently needed for these case and specialized ombudsperson for woman.

j) Regarding crime research, and sanctions to the responsible persons. Also, these are related to paragraph 16, clause a) of paragraph 18, paragraph 20, and clauses a), b), c), d) of paragraph 21 of CEDAW's general recommendations made in 2012.

Since years ago, the phenomenon of forced and involuntary disappearances of women is a wrong that afflicts the municipality of Ciudad Juárez. From 1987 to 2018, 113 women have disappeared, and this status remain. One-fourth of disappearances of women have taken place at the central zone of Ciudad Juárez. The aforementioned in accordance with data provided by the FGE. The age range of 30% of the women who have disappeared is from 14 to 16 years. The Mexican State does not comply with the CEDAW's recommendations -the same as with the feminicide.

In accordance with the information provided by the FEM, 115 of the women that had a disappearance report, frequently left their home leading to the necessity of a new research to find their whereabouts. Namely, there are 115 cases of disappearances of women under recidivism situation. The aforementioned places women in a risk situation since there are no preventive and safety measures each time they leave their homes when information of their whereabouts is not provided. Therefore, they are subject of the criminals. Consequently, the establishment of transition houses is

required, places of temporary character where women who have family conflicts can stay safe until their family conflict is solved, namely, the recidivism situation.

Currently, the Prosecutor in Chihuahua, along with social organizations in Ciudad Juárez are creating a research protocol, using as base the “Latin American Research Protocol on Women’s Violent Deaths due to Gender Reasons”. However, the implementation of these protocols shall be assessed once these are applied.

The Mexican State has the explicit obligation to prevent, research, punish, and eradicate the forced and involuntary disappearances of women since many of the cases lead to an exploitation by the perpetrators. Also, the aforementioned brings about illicit actions that outrage the physical and psychological integrity of the victims.

The investigation lines in Ciudad Juárez that lead to the finding that girls, adolescents, and women are victims of trafficking, belong to the Special Prosecutor for Violence Crimes Against Women and Trafficking (FEVIMTRA). This is a body that depends on the General Public Prosecutor (PGR). However, it is denying systematically to comply with the attraction criterion, since the *social relevance* of the facts as established in the article 5 of the General Law on the Prevention, Punishment, and Eradication of Crimes of Trafficking in Persons and the Protection and Assistance of Victims is not considered.

During 2016 and 2017, FEVIMTRA declined the federal competency of trafficking in persons to the FGE in Chihuahua. This is an enormous setback which leads us to a discussion held in the past.

27 ASSASSINATED WOMEN OF CIUDAD JUÁREZ. THE CASE ARROYO DE EL NAVAJO.

We want to inform this Committee that in 2012 and in 2013 human remains belonging to women were found at the outskirts of Ciudad Juárez, in a place known as “Arroyo El Navajo” which is located at the “Juarez Valley”. The tasks carried out by the Prosecutors in Chihuahua, the information provided by the mothers, and the work of legal representatives proved that these disappearances and crimes were made by the organized crime. Also, it was proved that agents of the municipal, state and federal police participated. However, FEVIMTRA disregarded at every moment to participate in the investigations. Therefore, the Committee shall urge the federal government to comply with its responsibility to research, and to be accountable, so it can stop leaving all the investigations to the Government of Chihuahua.

the PGR/ Mexican government is abandoned the investigations. women could save their lives, because of negligence of authorities that was not possible

II. GENERAL RECOMMENDATIONS ISSUED IN 2012 BY THE CEDAW COMMITTEE TO THE MEXICAN STATE RELATED TO THE CONTEXT IN CIUDAD JUÁREZ. RELATED TO IX REPORT MEXICO

a) Regarding legislative harmonization.

Regarding paragraph 12, clause b) of paragraph 14, paragraph 17, and clause a) of paragraph 19.

The femicide was recently “typified” -on September, 2017- in the State of Chihuahua. We were surprised that it did not include the word “femicide”. Instead, the penal type term “as aggravated homicide due to gender reasons” is maintained. The civil society organizations in Chihuahua consider that the penal type shall be harmonized with the federal penal type.

The “classification” in Chihuahua shall include assumptions from the Federal Code, such as:

- To have data that establish that there were threats related to the criminal facts, to the harassment or injuries of the active subject against the victim;
- That the victim was withheld from any communication, regardless the time prior to the deprivation of life;
- To leave out the aggravations for those public servants that hinder the process. This is grave if we consider the backgrounds exposed at the “Cotton Field” case in which many research errors were made by the public servants, and in most of the cases, these errors were decisive for not reaching the desired justice.

It is alarming that still there are intents of not making visible the magnitude of the femicide phenomenon. Although it is true that article 126 bis of the State Criminal Code already includes the femicide assumptions, the Local Congress opted for not calling femicide by its name. Instead, it maintains the term “homicide of women due to gender reasons”. It is necessary for us that the Local Congress in Chihuahua harmonizes the “classification” of femicide with the penal federal type in order to not leave out any assumption, and that once for all to draw back its intents in not making the femicide visible.

In order to contribute with the eradication of the femicide phenomenon in the State of Chihuahua, it is necessary to adopt research protocols with gender perspective.

UN Women continues considering Ciudad Juárez as a focus of attention on the disappearances and femicides in our locality. Regarding the figures of Female Deaths with Presumption of Homicide (DFPH), the percentage in the municipalities in contrast with the total national level, with the accumulated percentage, and with the DFPH rate for each 100,000 women, between 2009 and 2014, Ciudad Juárez occupies a place within the first three places. From 2009 to 2011, Ciudad Juárez

occupied the first place of those cities with greatest figures of feminine deaths⁶, this demonstrates the actual dimension of the problem. The aforementioned reinforces the information provided by the Network.

III. PENDING SUBJECTS IN ORDER TO COMPLY WITH THE ESTABLISHED BY THE CEDAW COMMITTEE RELATED TO THE ARTICLE 8 OF THE OPTIONAL PROTOCOL AND RECOMMENDATIONS ISSUED IN 2012 BY THE CEDAW. RELATED TO THE IX REPORT MEXICAN

RECOMMENDATIONS/ PETITIONS.

A. RELATED TO THE ARTICLE 8 OF THE OPTIONAL PROTOCOL (“Protocol for Juárez”).

1. The “classification” of femicide shall be one in all the country so it can have effects within the society. We request that the Committee pronounces so the criminal type of femicide in the State of Chihuahua is harmonized with the Federal Code. Also, we request that the word “femicide” is used replacing the word “homicide” in such Code.
2. Concerning the institutional coordination, the Deputy Commission for Ciudad Juárez shall be maintained and strengthened. Also, a report on the impact of the coordination at the three government levels shall be provided.
3. To guarantee budget for the Justice Centers for Women (CEJUM), to allocate budget for the FEM’s Violence Unit in Ciudad Juárez. The budget increase for these institutions has been almost null. Therefore, we request the CEDAW Committee to pronounce so the Mexican Government, and the Government of Chihuahua can increase the budget for the Prosecutor and Justice Center in Ciudad Juárez, in order to avoid assistance simulations.
4. To adopt in all the country the “Latin American Research Protocol on Women’s Violent Deaths due to Gender Reasons”. Particularly, in the State of Chihuahua, and to urge the assessment of such model.
5. It is requested that FEVIMTRA receives all those cases in which there are signs of trafficking in women and girls referring to the *social relevance* of the facts established in the article 5 of the General Law on the Prevention, Punishment, and Eradication of Crimes of Trafficking in Persons and the Protection and Assistance of Victims.

⁶ ONU Mujeres-INMUJERES-SEGOB, La violencia feminicida en México aproximaciones y tendencias 1985-2014, https://www.gob.mx/cms/uploads/attachment/file/84740/La_Violencia_Feminicida_en_M_xico__aproximaciones_y_tendencias_1985_-2014.pdf

6. To make public via website the status of the disappeared women, and also to disseminate their faces as requested by the Inter-American Court of Human Rights.

GENERAL RECOMMENDATIONS/ PETITIONS.

7. Regarding the national coordination to prevent, treat and eradicate violence, it is required the restructure of the National System to Prevent, Treat, Punish and Eradicate Violence against Women. It is necessary to find a balance amongst the participation of the three government levels to avoid the over representation of the Federal Executive. Also, the participation of social organizations shall be included within the National System to Prevent, Treat, Punish and Eradicate Violence against Women.
8. It is required to have a qualitative assessment system of the services provided by the Justice Centers for Women, and also to have an assessment regarding their operation. It is required that the Mexican government adopts and harmonizes assessment indicators for the Justice Centers for Women all over the country, and that it shall present a report on this regard.
9. The National Commission regarding Disappearances of Women must promote and disseminate in all the Mexican territory the institutional coordination protocol which was created by the Deputy Commission for Ciudad Juárez. We request the CEDAW Committee to pronounce so the disappearances protocol (known as the ALBA Protocol) can be approved at the National Conference of Attorney Generals, and to oblige its implementation in all the federal entities.
10. Regarding the disappearances of girls, adolescents, and women we request the CEDAW Committee to urge the State of Chihuahua the establishment of transition houses, places of temporary character are needed where women with family conflicts can remain safe, until their conflict is solved, namely, the recidivism situation
11. In relation to the women like Maria Pereda who legitimately defend their lives and are in prisons in Mexico, we request that this situation should be investigated, and corrected in a way to avoid criminalizing women. We recommend creating research units with a gender focus for these cases of self-defense of women and specialized ombudsperson for woman.

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