

REFERENCE: BJ/follow-up/Mexico/78

5 March 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the ninth periodic report of Mexico, at the Committee's seventieth session, held in July 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/MEX/CO/9](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up to the concluding observations, the Committee requested Mexico to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 24 (c), (d), (e) and (h) of the concluding observations.

The Committee welcomes the follow-up report received in August 2020 ([CEDAW/C/MEX/FCO/9](#)) under the CEDAW follow-up procedure. At its seventy-eighth session, held remotely due to the ongoing COVID-19 pandemic in February 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 24 (c)** of the concluding observations, urging the State party to **“ensure that femicide is criminalized in all state penal codes in accordance with the General Act on Women's Access to a Life Free from Violence, standardize police investigation protocols for femicide across the State party and ensure the effective enforcement of criminal law provisions on femicide”**:

The Committee takes note of the information provided by the State party on the establishment of the CEDAW Commission that is leading the efforts to implement the Committee's concluding observations, including by reviewing the states penal codes to identify differences and to draft a bill to standardize the definition criteria and penalties for femicide. The Committee notes the information that steps are taken to update the protocols for investigating femicide on the states level and the ministerial, police and expert investigation protocols on the federal level.

However, the Committee is deeply concerned that, according to information received and official data, femicide has increased in the in 2018, 2019 and the first half of 2020, despite the efforts taken by the State party. The Committee considers that the State party should take into consideration in its efforts the challenges arising from different approaches on states level, the technical challenges to achieve unified registration of femicide, and the lack of technical capacities to investigate such crimes. The Committee is also concerned that few states still did not adopt investigation protocols for femicide yet. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

Her Excellency Ms. Socorro Flores Liera
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The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation made in **paragraph 24 (d)** of the concluding observations, urging the State party to “**simplify and harmonize procedures at the state level to activate the Amber Alert programme and the Alba Protocol and to accelerate the search for disappeared women and girls, adopt targeted policies and protocols to mitigate the risks associated with the disappearance of women and girls, such as femicide and human trafficking in women and girls for sexual exploitation and forced labour, and ensure that the Executive Commission for Victim Support strengthens its gender sensitive approach**”:

The Committee takes note of the information by the State party on the ongoing process to update the Alba Protocol, the establishment of 20 committees on the state level under the Alba Protocol, and conducting training to officials on investigation tools under the Amber Alert framework. The Committee notes the establishment of the National Search Commission and the National Search System in line with the General Act on the Forced Disappearance of Persons, the adoption of the Federal Act on the Special Declaration of Absence for Missing Persons, as well as the efforts to develop a protocol for the search for missing and unaccounted persons. As for the mitigation the risks associated with the disappearance of women and girls, the Committee notes the information on steps taken to promote gender perspective in the legislation and in policies and actions of the judiciary and the law enforcement, and the implementation of the spotlight initiative and the women peace building programme. The Committee notes the information on the development of the “protocol on the care for victims of femicide” with the involvement of civil society organizations, victims and their families, specialists and federal and local agencies, in order to strengthen the gender sensitive approach of the Executive Commission for Victim Support.

Nevertheless, the Committee remains concerned that some states did not adopt the Alba Protocol yet, nor established committees for its implementation. The Committee regrets that the lack of criteria for prosecutors to trigger the search of disappeared women and girls following filing a report, which results in unnecessary delays and negatively impact the effective implementation of the programme. Furthermore, the Committee is concerned that General Act on the Forced Disappearance of Persons is not yet incorporated in the legislation framework of some states, which prevents its implementation. The Committee notes that it is essential to ensure coordination among the three mechanisms to effectively combat disappearances of women and girls, while simplifying the procedures to report such violations by family members. The Committee also notes that more steps are needed to mitigate the risks associated with the disappearances of women and girls and to strengthen the gender sensitive approach of the Executive Commission for Victim Support. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Regarding the recommendation made in **paragraph 24 (e)** of the concluding observations, urging the State party to “**evaluate the impact of the gender violence alert mechanism, to ensure harmonized and extended implementation and coordination at the federal, state and municipal levels, and ensure the participation of non-governmental organizations, academic experts, gender and human rights advocates and women who were victims of violence**”:

The Committee notes the information provided by the State party on measures taken to organize meetings on the state level to harmonize the legislative framework on gender based

violence and the adoption of municipal programmes to coordinate the implementation of gender alert mechanism. The Committee further notes the information on the consideration of a bill to amend General Women's Access to a Life Free of Violence Act, in order to strengthen the alert mechanism, including by clarifying the obligations on all the levels and establish expert women committees under the mechanism. In addition, the Committee notes the information on the steps taken the National Institute for Women to prepare technical annex for the implementation of the monitoring and evaluation system of the gender violence alert mechanism. However, the Committee is concerned about the lack of adequate financial and human resources to ensure the effective implementation of gender violence alert mechanism and the absence of strategic plan to implement the recommendations by National Institute for Women following the evaluation of the mechanisms. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation made in **paragraph 24 (h)** of the concluding observations, urging the State party to “**accelerate the resolution of the case concerning Pilar Arguello Trujillo, as recommended by the Committee in its views concerning *Trujillo Reyes and Arguello Morales v. Mexico*, as a matter of priority, with a view to encouraging the resolution of other such cases in the future**”:

The Committee notes that the investigation of the murder of Pilar Arguello Trujillo is ongoing, since it was reopened in 2019. Nevertheless, the Committee remains concerned that the investigation has not been concluded yet. The Committee also notes the information steps taken by the office of the attorney general of the State of Veracruz to update protocols and tools to investigate gender-based violence and femicide, as well as conducting capacity building programs for officials and carrying out raising awareness camping on gender-based violence and femicide. In light of the ongoing investigation, the Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 24 (c), (d), (e) and (h)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

- 1. Accelerate the adoption of the bill to harmonize the different approaches to femicide across the country to ensure the effective enforcement of criminal law provisions on feminicide, and promote the effective application of criminal investigation protocols of femicides and accelerate the efforts to update them and ensure that all states adopt such protocols;**
- 2. Ensure the coordination between the National Search System, the Amber Alert programme and the Alba Protocol and their effective implementation on all state level to avoid delays in initiating search of disappeared women and girls and double the efforts to mitigate the risks associated with the disappearance of women and girls;**
- 3. Accelerate the adoption of amendments to the General Women's Access to a Life Free of Violence Act and increase the human and financial resources on**



all levels in order to strengthen the gender violence alert mechanism to ensure effective implementation of the mechanisms;

- 4. Accelerate the resolution of the case concerning Pilar Arguello Trujillo, as recommended by the Committee in its views concerning *Trujillo Reyes and Arguello Morales v. Mexico*.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women