

Weak legal protections and inadequate funding put women and girls in Mexico at greater risk of sexual violence

Women's rights groups raise concerns with the UN Human Rights Council over Mexico's discriminatory rape laws and budget cuts to services for women and girls.

MEXICO CITY, MEXICO, January 23, 2024 /EINPresswire.com/ -- At least half of women in Mexico have experienced sexual violence, with rates rising among both women and adolescent girls. Despite this, Mexico's government has failed to repeal discriminatory laws that enable perpetrators to evade punishment, and state funding to support women and address sexual and gender-based violence has flatlined or been cut.



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*Sandra Ramirez, Legal Advisor
for Equality Now*

These issues and others have been raised by the Allied Coalition for Equality and Nonviolence (Aliadas por la Igualdad y la No Violencia, or "ALIADAS") - the members of which are Colectiva Ciudad y Género, Center for Justice and International Law (CEJIL), Equality Now, Mujer Ideas Desarrollo e Investigación, and Raíces Análisis de Género para el Desarrollo - in two [submissions](#) to the United Nations Human Rights Council, within the context of the Universal Periodic Review (UPR), which the country is scheduled to undergo on January 24.

Mexico has made some significant advances on women's rights issues raised in their last UPR in 2018, such as by legalizing abortion in 12 states and increasing women's participation in government. However, violence against women has worsened. Statistics by Mexico's government reveal that [49.7% of](#)

[women and girls aged 15 and older have experienced sexual violence](#), an increase from 41.3% in 2016. The true extent is estimated to be far higher as the vast majority of crimes go unreported.

INADEQUATE LAWS ENABLE RAPISTS TO EVADE PUNISHMENT

ALIADAS analyzed 33 criminal codes that respond to Mexico's federal legal structure, under which, in addition to federal laws, states can implement their own laws and policies. Sandra Ramirez, Legal Advisor for Equality Now, explains, "Among the 33 criminal codes we analyzed, definitions of rape do not align with international human rights standards. Sexual violence laws in Mexico are based on the use of force rather than a lack of consent. This overlooks the realities that women and girls face when raped and enables impunity for perpetrators."



Representatives of ALIADAS at the UN in Geneva, where they spoke at Mexico's UPR pre-session on November 29, 2023, to share ALIADAS's assessment and recommendations

ALIADAS
POR LA IGUALDAD Y LA NO VIOLENCIA

Because the authorities only investigate when there is "sufficient" evidence of the aggressor's use of physical force, most sexual violence crimes never even make it to court, causing widespread impunity.

Definitions of rape must be based on genuine, and willing consent, and recognize the broad range of coercive circumstances where victims are incapable of giving consent. ALIADAS recommends that Mexico amends its penal code and harmonizes all legislation in line with international human rights standards by standardizing legal definitions in every jurisdiction.

ROADBLOCKS FOR ACCESS TO JUSTICE

The report outlined obstacles faced by survivors of sexual violence in seeking access to justice, including the fact that the burden of proof falls on the survivor to file the complaint, or her legal representatives if she is a minor. Mexico's criminal justice system also provides ample opportunity for investigating police authorities to dissuade survivors from filing or continuing with a complaint.

Other pressures on victims not to pursue cases include a lack of trust in police and other authorities, threats from organized crime, deeply entrenched machismo culture, and the prohibitive financial burdens of seeking legal assistance.

A related challenge faced by survivors is the allowance of "forgiveness" in crimes of sexual violence, whereby criminal proceedings can be terminated at the request of the victim or her legal guardian. In practice, 'forgiveness' is commonly not spontaneous, voluntary and willful, and is instead often due to pressure, threat, and/or coercion.

ALIADAS advocates for Mexico to amend all criminal codes to ensure that the context of surrounding circumstances is considered and 'forgiveness' is not a legal option for those accused of sexual violence to avoid prosecution.

LAWS ALLOW LESSER PUNISHMENT FOR THE RAPE OF TEENAGE GIRLS

An egregious legal loophole that makes adolescent girls especially vulnerable to sexual violence is [estupro](#), a legal provision that can be applied when an adult rapes an adolescent girl who is above the legal age of consent but below the age of 18. This provision persists in 28 federal entities - 87.5% of Mexico's total - according to the National Human Rights Commission (CNDH).

ALIADAS's submission highlights that *estupro* is "commonly used to bypass justice by prosecutors who classify the rape of an adolescent as *estupro* instead of rape", as it imposes severe impediments to full access to justice because the prescribed penalties are much lower than those applicable to rape.

To increase justice for adolescent girls, ALIADAS advises that, in conjunction with reforming the definition of rape based on the international standard of lack of consent, the crime of *estupro* be repealed, as it perpetuates harmful myths and stereotypes about adolescent girls and ignores the unequal power dynamics between them and adults, allowing perpetrators to avoid the consequences of their crime.

STATE FUNDING SLASHED FOR WOMEN'S AND GIRLS' RIGHTS PROTECTIONS

Another of the issues highlighted in the reports is the austerity measures imposed by Mexico's federal government in recent years, which have profoundly curtailed funding to support women and girls, resulting in cuts to gender-based violence prevention and response services.

Since 2021, there has been stagnation and in some instances a reduction of budget allocation to programs for preventing and tackling gender-based violence. Such is the case with vital work supporting Indigenous and Afro-Mexican Women's Shelters (CAMIS). "We've faced immense challenges dealing with the budget cuts impacting our 35 shelters," reflects Nelsy Ku Chay, Coordinator of the National Network of CAMIs. "Despite financial constraints, we continue to provide essential services, often resorting to volunteer work. The ones most affected by the lack

of funding are Indigenous and Afro-Mexican women survivors of violence.”

ALIADAS urges Mexico to fulfil its international human rights obligations to protect women and girls and facilitate justice for sexual violence survivors, especially those from Indigenous and Afro-Mexican communities who face multiple layers of discrimination and disadvantage.

To this end, it is essential to provide sufficient, progressive and effective resources for programs dedicated to addressing gender-based violence, especially Indigenous and Afro-Mexican Women’s Shelters, to ensure access to justice for all survivors of violence, based on an intercultural approach.

ALIADAS is a coalition of Mexican and international human rights organizations that, since 2020, have focused on advocating and researching the Mexican state's compliance with policies to prevent and combat violence against women and girls. ALIADAS’s members are: Colectiva Ciudad y Género, Center for Justice and International Law (CEJIL), Equality Now, Mujer Ideas Desarrollo e Investigación, and Raíces Análisis de Género para el Desarrollo.

The Universal Periodic Review (UPR) is a process in which the country’s human rights situation is examined and assessed by their peer nations at the UN Human Rights Council. All UN Member States are reviewed in this way every four to five years, culminating in recommendations for improvements.

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