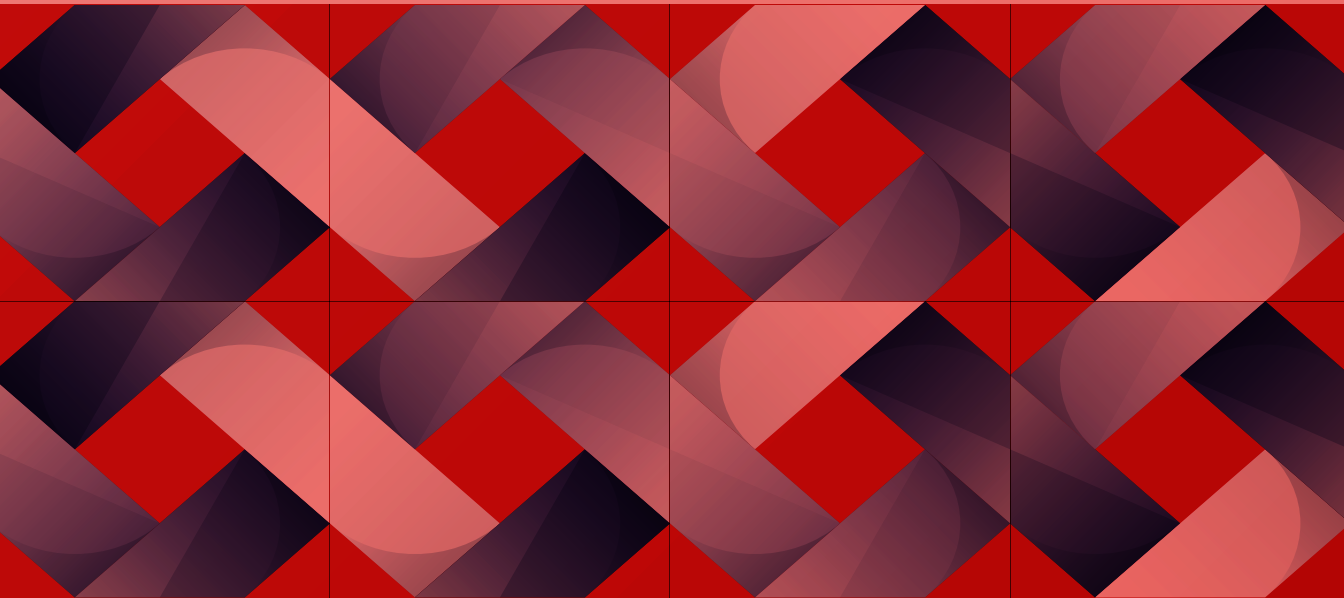


**International
recommendations
compliance status
concerning
gender-based violence:
Oaxaca's case**



July 2018 - August 2020
**Citizen's Report to
CEDAW's Committee**

International recommendations compliance status concerning gender-based violence: Oaxaca's case



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PRESENTATION AND METHODOLOGY

The preparation of this report arises in the context of the evaluation of the Mexican State by the CEDAW's Committee regarding the fulfillment of the recommendations made by this Committee on Gender-based Violence against Women, Femicide, and Disappearances of girls, female teenagers and women.¹

In this context and facing a dramatic increase of violence against women in the State of Oaxaca, the feminist organization "Consortio para el Diálogo Parlamentario y la Equidad Oaxaca A. C. (Consortio Oaxaca)" presents a shadow report to the CEDAW's Committee to make known specific information on the situation of violence against women, and the status of the fulfillment of the recommendations given to this federative entity.

The information we present has been systematized from our work of accompaniment for victims of femicide violence, from our Femicide Violence Platform², and from research done through request for access to information to the responsible instances in the State of Oaxaca.

1. The evaluation of the Mexican Government was done on February 202 on the fulfillment of four recommendations made in the report: Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW). Final observations of the ninth periodic report from Mexico, CEDAW, July 31st, 2018. Available for consultation at: http://hchr.org.mx/images/doc_pub/N1823803.pdf2. Plataforma Violencia Femicida en Oaxaca de Consortio Oaxaca: <https://violenciafemicida.consortiooaxaca.org.mx/>

2. Consortio's Oaxaca Oaxaca's Femicide Violence Platform: <https://violenciafemicida.consortiooaxaca.org.mx/>

INTRODUCTION



THE CEDAW'S COMMITTEE AND ITS RECOMMENDATIONS TO THE MEXICAN GOVERNMENT

The United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an organ formed by independent experts that are in charge of monitor the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women. Countries that, like Mexico have signed the Convention, are expected to submit periodic reports to the Committee on its implementation.³ Mexico submitted the ninth report and was evaluated for the last time in July 2018; as a result, the Committee made a series of recommendations asking the Mexican Government to share, in two years, information about the measures adopted to start implementing four priority recommendations⁴:

- Ensure that femicide is criminalized in all state penal codes in accordance with the General Law on Women's Access to a Life Free from Violence (2016), and standardize police investigation protocols for femicide across the State party, and ensure the effective enforcement of criminal law provisions on femicide.
- Simplify and harmonize procedures at the state level to activate the AMBER Alert and Alba Protocol, and to accelerate the search of disappeared women and girls, and 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 labor, ensure that the Commission for the Attention to Victims strengthens its gender sensitive approach.

3. Committee on the Elimination of All Forms of Discrimination Against Women. Information on its mandate, available for consultation at: <https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

4. Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). Final observations on the ninth periodical report for Mexico, CEDAW, July 31st, 2018. C, D, E, and H recommendations, paragraph 24. Available for consultation at: http://hchr.org.mx/images/doc_pub/N1823803.pdf

- Evaluate the impact of the Gender Alert Mechanism, to ensure harmonized and extended implementation and coordination at the federal, state, and municipal levels and ensure participation of non-governmental organizations, academic experts, and gender and human rights advocates, and women victims of violence.
- Accelerate the resolution of communication No. 75/2014, as adopted by the Committee under article 7 (paras. 3-5) of the Optional Protocol, as a matter of priority, with a view to encourage the resolution of other such cases in the future.

OAXACA'S CONTEXT AND THE NEED FOR A DIFFERENTIATED EVALUATION



The crisis of violence and the weariness of women because of the total impunity for gender-based crimes, is a common ground in the whole country; nevertheless, the specific context in which women live along the different federal entities differs a lot. The analysis of inequality indices shows, in this sense, that some states have conditions so uneven that they seem to be different countries. Besides, the demographic, social, and economic contexts vary considerably in terms of density, ethnicity, age, economy, among others.

Oaxaca State stands out in different aspects: on one hand, it's placed as the federative entity with more indigenous diversity, having 16 native people and the afro-mexican people living in its territory. On the other hand, Oaxaca is found between the Mexican States with the highest records of poverty and wider inequality, as well as with the highest levels of violence against women.

Based on the Human Development Index (HDI)⁵ from the United Nations Development Programme (UNDP), Oaxaca is ranked in the second to last place nation-wide.⁶ That situation is more worrying when the human development is analyzed differentiating the men and women conditions: 50.3% of the municipalities with a

5. The HDI concentrate basic social and economic aspects on development through life expectancy indicators, academic achievements, and incomes

6. United Nations Development Programme. (2014). Human Development and Gender Indicators in Mexico: New methodology. p.128. Available for consultation at: <https://www.undp.org/content/dam/mexico/docs/Publicaciones/PublicacionesReduccionPobreza/InformesDesarrolloHumano/DHyC%20baja%20res.pdf>

low HDI for women are located in Oaxaca; also, important inequality breaches exist for Oaxacan women regarding education (80.4%), wellness (59.1%), health (58.4%), and income (44.8%).⁷

Regarding violence against women, specifically domestic violence, under the National Survey on the Dynamics of Household Relationships (NSDHR) 2016, 46.1% of women suffered violence from their partners; above the national average of 43.9%; placing Oaxaca as the fifth entity with more proportion of violence registered.⁸

Oaxaca is ranked as the fifth entity with most domestic violence.

Thus, to be able to assess the situation of women in Mexico, as well as the fulfillment of international commitments on this subject, a national analysis is not enough, it's imperative to analyze State's situations and contexts, being the reason that compels us to present specific information about Oaxaca.

7. United Nations Development Programme. (2014). Human Development and Gender Indicators in Mexico: New methodology. p.128. Available for consultation at: <https://www.undp.org/content/dam/mexico/docs/Publicaciones/PublicacionesReduccionPobreza/InformesDesarrolloHumano/DHyG%20baja%20res.pdf>

8. INEGI, National Survey on the Dynamics of Household Relationships, Violence between partners during the last and current relationship, 2016. p.37. Available for consultation at: https://www.inegi.org.mx/contenidos/programas/endireh/2016/-doc/endireh2016_presentacion_ejecutiva.pdf

GENDER PUBLIC POLICY IN OAXACA

To fully understand the situation regarding feminicide, disappearance of girls, female teenagers, and women, and evaluate the Gender-based Violence Alert Declaration in Oaxaca, it is essential to understand some of the challenges that Oaxaca faces on gender public policies, therefore before addressing the issues related with the recommendations issued by the CEDAW⁹ Committee, we present some elements related with the gender public policies.

STATE DEVELOPING PLAN 2016-2022



To learn about gender public policies in the State of Oaxaca it is necessary to review the State Developing Plan¹⁰ (SDP) 2016-2022. The SDP was approved with a notorious delay concerning what the existing law commands, after being returned twice to the Executive Power because of its inconsistencies, with the aggravating circumstance that it was elaborated without the participation of the civil society. This so mentioned plan is structured under 5 government axis,¹¹ and 3 transversal policies, one of them being gender equality.

9. Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). Final observations on the ninth periodical report for Mexico, CEDAW, July 31st, 2018. C, D, and E recommendations, paragraph 24. Available for consultation at http://hchr.org.mx/images/doc_pub/N1823803.pdf

10. State Developing Plan for the State of Oaxaca 2016-2022. Available for consultation at: <http://www.administracion.oaxaca.gob.mx/wp-content/uploads/2017/08/PED-2016-2022-Oaxaca.pdf>

11. Inclusive Oaxaca with Social Development, Transparent and Modern Oaxaca, Safe Oaxaca, Productive and Innovative Oaxaca, Sustainable Oaxaca

The paragraph about the transversal policy of gender equality is only three pages,¹² in which just very general lines of action and data are presented. Regarding the indicators for the approach of the transversal policy, the generic indexes of the UNDP are presented, which is insufficient for assessing the complexity of variables, context, and impact of the public policies in Oaxaca.

The State Developing Plan constitutes the general formulation of public policies that are, in the end, managed through the approval of the budget and specific programs.



OPERATIONAL PROGRAMS AND BUDGET 2020

For 2020 the Expenses Budget¹³ approved for Oaxaca was MXN 76,008,676,024.00. The analysis of the budget shows a complete simulation regarding the gender area. Effectively, millions were approved for the transversal policy of "Gender Equality", nevertheless, few specific actions were disaggregated in this area in the "Annual Operational Program for 2020 - Matrix of indicators for results - MIR Initial Report" (Operational Program)¹⁴ attached to the Budget.

2020's budget analysis shows a complete simulation regarding gender public policy

The allocation for Gender Equality¹⁵ rises to MXN 8,899,178,306.22, an amount that represents 11.7% of the whole budget. Most of it (more than 4,700 million) was assigned to Health Services of Oaxaca (MXN 2,146,177,715.31), and for Educational instan-

12. State Developing Plan for the State of Oaxaca 2016-2022. pp. 186-188. Available for consultation at: <http://www.administracion.oaxaca.gob.mx/wp-content/uploads/2017/08/PED-2016-2022-Oaxaca.pdf>

13. Decree 884 of the Congress of the State of Oaxaca. Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: [http://docs64.congresoaxaca.gob.mx/documents/legislacion_estatales/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+\(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019\).pdf](http://docs64.congresoaxaca.gob.mx/documents/legislacion_estatales/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019).pdf)

14. Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congresoaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

15. Annex 5 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congresoaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

ces (MXN 2,573,351,670.55), without reflecting anything of that in their Operational Programs. Actually, from the 3 programs of Health Services,¹⁶ that number 106 activities in total, only 6 of them works with a gender perspective,¹⁷ while, on the 12 programs related to education,¹⁸ that number 166 activities in total, only 2 of them have a specific perspective directed to grant scholarships to indigenous women for postgraduate studies, and for young or pregnant mothers to study basic education.¹⁹

Besides, a very low budget for the only instance in which mandate is specifically aimed at gender matters, the Oaxaca's Women Secretary (OWS), denotes the lack of interest from the Executive on this matter. This confirms a tendency that was pointed out years ago by the UNDP,

OWS' budget represents only 0.2% of the gender equality policy budget.

who highlighted in an analysis from 2014 about the "Attributions of Women Instances in Federative Entities" a very low budget assigned for the State of Oaxaca.²⁰ The OWS budget, of a little bit more than 18 million in

Mexican pesos²¹ is the lowest from all the State Secretaries; represents just 0.2% of the transversal public policy budget-related with Gender Equality, and 0.02% from the expenses budget. That contrast with the high amounts given to other instances, for example, the more than 61 million assigned to the Potable Water and Drainage Services of Oaxaca, and the 165 million assigned to the Pensions Office from the

16. The three programs of the Health Service are programs 159, 164, and 169, detailed in the Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congreso-oaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

17. The 6 activities are the ones integrating the second component: "Reproductive health given with a gender perspective" from program 169: Prevention and promotion of health. Detailed on the Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. pp. 540-542. Available for consultation at: https://docs64.congreso-oaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

18. The 12 programs related with education are programs 104, 105, 125, 127, 132, 139, 156, 182, 183, 184, 200, and 207, detailed on the Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congreso-oaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

19. Activity 2 from Program 104: Promotion of the development of science and technology, and the innovation of the program, consisting in "Placing postgrad scholarships for indigenous women on the national program of quality postgrads". And activity 11 from Program 105: Inclusive basic education, that consist on "Giving scholarships to young mothers and young pregnant females for their conclusion of basic education". Activities detailed on the Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. p. 101, and p. 116. Available for consultation at: https://docs64.congreso-oaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

20. United Nations Development Programme. (2014). Human Development and Gender Indexes in Mexico: New methodology. (pp. 27-46). Available for consultation at: <https://www.undp.org/content/dam/mexico/docs/Publicaciones/PublicacionesReduccionPobreza/InformesDesarrolloHumano/DHyG%20baja%20res.pdf>

21. Decree 884 of the Congress of the State of Oaxaca. Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: [http://docs64.congreso-oaxaca.gob.mx/documents/legislacion_es-tatals/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+\(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019\).pdf](http://docs64.congreso-oaxaca.gob.mx/documents/legislacion_es-tatals/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019).pdf) And Annex 5 from Decree 884 of Expenses Budget for the State of Oaxaca for the 2020 fiscal year. p. 762. Available for consultation at: https://docs64.congreso-oaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

State of Oaxaca for this same policy of Gender Equality²²; instances that don't disaggregate any specific actions on gender matters in their Operational Programs.²³

Concerning the OWS, it is important to point out that their Operational Program is feeble, mostly regarding the indicators and verification means, as one can find expired links and web pages that don't provide information on the matter, as well unclear indicators that don't allow the verification of the real progresses made on the matter; for example: "percentage of meetings (to improve the mechanism for attention to gender-based violence) conducted".²⁴

Furthermore, on the 2020 Expenses Budget, high amounts were assigned for the transversal policy for gender equality to key instances to achieve gender equality and for the attention, prevention, and access to justice for women facing violence: the Justice Superior Court of Oaxaca (JSCO), the Attorney General's Office for the State of Oaxaca (AGOSO), the Secretary of Public Security of Oaxaca (SPSO), and the General Secretary of Government (GSGO).

However, again, few were translated into concrete actions or strategies on the matter in their Operational Programs²⁵: only a generic mention towards the gender perspective is found in the

JSCO program's purpose and only one differentiated action in the AGOSO's program that consists in "providing comprehensive services for victims of a gender-based crime". Regarding the SPSO and the GSGO, there is no specific mention on gender equality nor towards prevention, attention, sanction, or eradication of violence against women in their programs. This particularly draws attention considering that the whole budget for those instances depends on between 35% and

22. Annex 5 from Decree 884 of Expenses Budget for the State of Oaxaca for the 2020 fiscal year. p. 762. Available for consultation at: https://docs64.congresooaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

23. Program 146 Enlargement and Improvement of Potable Water, Drainage and Sanitation Services. pp. 353-384 Program 160 Ecosystem conservation and prevention of environmental degradation. pp. 463-472; Program 181 More Oaxaca. pp. 596-609; Program 143 Security and Wellness for workers, retirees, pensioners, and members of police institutions from the Government of the State. pp 345-358. Detailed on the Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congresooaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

24. Program 152: Promotion and foment of equal public policies for women and men. Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. p. 426. Available for consultation at: https://docs64.congresooaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

25. Justice Superior Court: Program 131: Administration of Justice; Attorney General's Office for the State of Oaxaca: Program 162: Attorney General's Office, General Government Secretary: Program 102: Democratic Governability; Secretary of Public Security of Oaxaca: Program 114: Development, professionalization, and certification of public security, Program 120: Prevention, Security, and Public Protection: Program 121: Strengthening of the Penitentiary System. Annex 1 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. Available for consultation at: https://docs64.congresooaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

SPSO's and GSGO's programs do not disaggregate a single specific action related with gender equality.

53% on the gender transversal policy, leaving without answer then, the question about how has this money been expended.

Instance	Total Budget ²⁶	Gender Equality Budget ²⁷	Gender Equality % related with the total budget
General Secretary of Government	\$337,574,376.00 MXN	\$179,671,036.27MXN	53%
Secretary of Public Security of Oaxaca	\$1,475,747,476.80 MXN	\$571,786,548.96MXN	39%
Justice Superior Court of Oaxaca	\$ 223,730,712.53 MXN	\$78,305,749.39 MXN	35%
Attorney General's Office for the State of Oaxaca	\$ 723,558,887.11 MXN	\$289,423,554.83MXN	40%

GENERAL SECRETARY OF GOVERNMENT (GSGO)

Answering an information request,²⁸ the GSGO informed that "during the fiscal years 2018, 2019, and 2020, there was no budget assigned to address violence against women" demonstrating the total vulnerability in which that instance left the victims of gender-based violence when it is their duty to attend them and guarantee access to reparation for all victims in Oaxaca, including orphan and feminici-

26. Decree 884 of the State Congress of Oaxaca. Expenses Budget for the State of Oaxaca for the 2020 fiscal year. pp. 12, 13, and 21. Available for consultation at: [http://docs64.congresoosaxaca.gob.mx/documents/legislacion_estatales/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+\(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019\).pdf](http://docs64.congresoosaxaca.gob.mx/documents/legislacion_estatales/Presupuesto+de+Egresos+del+Estado+de+Oaxaca+(Txt+orig+dto+884+aprob+LXIV+Legislatura+10+dic+2019+PO+Extra+24+dic+2019).pdf)

27. Annex 5 to Decree 884 of the Expenses Budget for the State of Oaxaca for the 2020 fiscal year. p. 760-766. Available for consultation at: https://docs64.congresoosaxaca.gob.mx/documents/decrets/ADLXIV_0884.pdf

28. Information request N°00808820.

de survivors. In this respect, it is important to point out that the Oaxaca's Victims Law, which came into effect in December 2017, mandates the creation of a Comprehensive Victims System -including a State Commission for Victims- in no more than 60 days,²⁹ however, until these days, the person who would be in charge of that instance has not been elected by the Local Congress, and as a consequence, the State Commission is not active; therefore, the GSGO is still the main responsible for attention.

GSGO is leaving victims of gender-related violence in total vulnerability.

SECRETARY OF PUBLIC SECURITY OF OAXACA (SPSO)

Answering an information request,³⁰ the SPSO informed that MXN 100,000.00 was assigned during 2019 and during 2020 to attend violence, being exerted only MXN 53,716.51 in 2019, and nothing in 2020.

ATTORNEY GENERAL'S OFFICE FOR THE STATE OF OAXACA (AGOSO)

Answering an information request³¹ about the budgets used to investigate all the gender-based crimes committed against women, and about the search of disappeared girls, female teenagers, and women; the AGOSO informed that it was not possible to determine those budgets as they were incorporated and generalized within the Special Prosecutor's Office for Investigating Gender-Based Crimes

29. Oaxaca's Victims Law, fifth transitory article, available for consultation at: [http://docs64.congresoaxaca.gob.mx/documentos/legislacion_estatales/Ley_de_V%C3%ADctimas_del_Estado_de_Oaxaca_\(Ref_Dto_1631_aprob_LXIII_Legis_25_sep_2018_PO_45_8a_secc_10_nov_2018\).pdf](http://docs64.congresoaxaca.gob.mx/documentos/legislacion_estatales/Ley_de_V%C3%ADctimas_del_Estado_de_Oaxaca_(Ref_Dto_1631_aprob_LXIII_Legis_25_sep_2018_PO_45_8a_secc_10_nov_2018).pdf)

30. Information request N°00807620.

31. Information request N°00802520.

against Women (which budget for 2020 was MXN 1,908,035.10, that represents 0.2% of the total budget for that instance). Regarding the search of disappeared girls, female teenagers, and women, the AGOSO mentioned that it was included in the activity labeled " Finding disappeared persons"; making evident that there are no specific actions considered or financed for the search of disappeared girls, female teenagers, and women.

AGOSO doesn't have specific actions considered or financed for the search of disappeared women.

The answers from the three instances and the budget analysis make obvious the gender public policy is just a simulation in Oaxaca, and that gender equality and the eradication of violence against women are not priorities for the State.

GENDER-BASED VIOLENCE AGAINST WOMEN ALERT (GVAWA) IN OAXACA



GENERAL DATA

On July 3rd, 2017 a request for an Alert on Gender-based Violence Against Women (GVAW) was issued for the State of Oaxaca, which was enacted³² until August 30th, 2018 in 40 municipalities located in 5 regions of the State.

The resolute points³³ of the Alert are focused on the implementation of a comprehensive program that reflects a systematic policy of prevention, attention, sanction, and eradication of violence against women, as well as on the consideration of emergent actions focused on work programs on municipalities that should include security measures, justice, reparation, and prevention of violence against women and finally on the creation of Municipal Councils on Prevention, Attention, Sanction, and Eradication (PASE) of Gender-based Violence against Women.

The results of the implementation of the Declaration of GVAWA are very limited; to date, the different forms of violence against women have been continuous and even, incremented. Based on Consorcio's Oaxaca register, systematized on the femicide Violence Platform, during the 18 months after the GVAWA Declaration, the number of cases of disappeared girls, female teenagers, and women have increased significantly in comparison with the cases registered during the previous 18 months, going from **311** to **394** cases³⁴; in turn, the number of femi-

32. Ministry of the Interior resolution on the GVAWA/04/2017 request on Gender-based Violence Against Women Alert in the State of Oaxaca. August 30, 2018. Available for consultation at: https://www.gob.mx/cms/uploads/attachment/file/485359/Resolucion_AVGM_Oaxaca.pdf

33. Idem

34. 311 cases registered from March 1st, 2017 to August 31st, 2018, and 394 cases from September 1st, 2018 to February 28th,

nicides registered has been stable going from **193** to **188**.³⁵

COMPREHENSIVE PROGRAM TO PREVENT, ATTEND, SANCTION, AND ERADICATE GENDER-BASED VIOLENCE AGAINST WOMEN FOR THE STATE OF OAXACA 2018-2020



One of the actions that the Government of the State of Oaxaca did under the GVAWA Declaration was the publication of the "Comprehensive Program to Prevent, Attend, Sanction, and Eradicate Gender-based Violence Against Women 2018-2020" on the Official Journal of Oaxaca, on January 12th, 2019.³⁶

The Comprehensive Program 2018-2020 establishes it looks to fulfill the Gender-based Violence Against Women Alert (GVAWA) and provide "accurate content on the committed actions on the current DSP, to optimize resources and guarantee the transversal fulfillment of what was already programmed to safeguard women's lives".³⁷ Nevertheless, it just retakes lines of action from de DSP, and resolutions of the GVAWA, proposing some goals without indicators to assess their impact and implementation.³⁸

Besides, the formulation of the Program shows a lack of knowledge on the matter, the use of sexist language, and presents evident negligence. As examples, we highlight the next ones:

- **Introduction** (p.2, °2): In regard to human rights, it is mentioned: "The agreement is that the State is responsible for guaranteeing that rights won't be restricted". It is completely wrong to talk about agreement when it is a State obligation.

2020. Data systematized through Consorcio's Oaxaca Femicide Violence in Oaxaca Platform: <https://violenciafeminicida-consorciooaxaca.org.mx/>

35. 193 cases registered form March 1st, 2017 to August 31st, 2018, and 188 cases from September 1st, 2018 to February 28th, 2020. Data systematized through Consorcio's Oaxaca Femicide Violence in Oaxaca Platform: <https://violenciafeminicida-consorciooaxaca.org.mx/>

36. Comprehensive Program to Prevent, Attend, Sanction, and Eradicate Gender-based Violence Against Women 2018-2020. Available for consultation at: <https://www.oaxaca.gob.mx/smo/wp-content/uploads/sites/72/2019/02/POE-Programa-Integral.pdf>

37. Idem (p.2)

38. Under the heading of monitoring the Comprehensive Program it is mentioned that indicators will be needed to be developed, same that should be approved during the first operational year of the Program.

- **Prevention and eradication of Violence against Women (paragraph 5.1. p.8):** In the goal of the first objective column cell is indicated "**goal is missing?**" making evident the carelessness on the writing of the document that looks more like a first draft than the official program.
- **Attention given to Violence against Women (paragraph 5.2. p.12):** Regarding the empowerment it is mentioned: " The empowerment is not looking to consolidate new dominion powers, now on women over men", words that express a sexist approach, and a lack of understanding of the problem addressed.



GVAWA IMPLEMENTATION ASSESSMENT

The balance from 2 years shows that short progress has been done, achieving only three results: 1) the installation of Prevention, Attention, Sanction, and Eradication of Violence Councils in municipalities with GVAWA; 2) the different training done on GVAWA and other matters related to violence against women, and 3) the implementation of 13 police patrols "Safe Women" in municipalities with GVAWA.³⁹

This progress, however, is not addressing the deep causes nor the consequences of violence, leaving in the background the most significant inputs of the Declaration, so to say, the points to guarantee security, access to justice, and reparation for women.

GVAWA's implementation has left in the background the security, access to justice, and reparation for women.

The protective orders are a very illustrative example of this. This mechanism envisaged in the General Law and State Law of Access for Women to a Life Free of Violence

39. GVAWA annual report. August 30th, 2019 - August 30th, 2020. p. 87. Available for consultation at: <https://www.oaxaca.gob.mx/smo/informe-anual-avgm-2019-2020/>

is also considered in 2 points of the fourth resolution of the GVAWA on security:

- Point 3: (...) State, municipal, or mixed associations on specialized public security (...) These organizations should act in coordination (...) their personnel must be trained to execute their duties with a gender perspective in the matters of sexual violence, domestic violence, protective orders, and immediate search of women and girls.
- Point 4: The development, in coordination with the State Authorities, of a permanent mechanism for the emission and follow up of protective orders involving the local police corps, the prosecutor's office, the center of justice for women, and judicial power. (...)

These points have not been fulfilled. In fact, in the reports presented by the Government of the State of Oaxaca to the National Commission to Prevent and Eradicate Violence against Women (NCPEVW), the information about actions taken is limited, and acknowledge the few progress.⁴⁰

Besides, in response to an information request⁴¹ to the SPSO on the number and type of protective orders implemented during 2018, 2019, and 2020, and about protocols and mechanisms available to verify their correct implementation, the

SPSO shows total lack of knowledge of protective orders.

institution responded: **"After searching the files of the Legal Department, there were no data found related with the information in the terms requested, therefore, it is not possible to submit that information"**.

In turn, the AGOSO informed⁴² that during 2018, 2019, and 2020⁴³ they granted a total of 3,008 protective orders, most of them in the Central Valleys region (1338),

40. Actions taken by the Government of the State of Oaxaca and its municipalities, on the fulfillment of the security, prevention, justice, and reparation measures established in the Gender-based Violence Against Women Alert. Annual report, August 30th 2018 to August 30th 2019. Available for consultation at: <https://www.oaxaca.gob.mx/smo/informe-anual-avgm-2018-2019/> and GVAWA Annual report, August 30th, 2019 - August 30th, 2020. pp. 93-98. Available for consultation at: <https://www.oaxaca.gob.mx/smo/informe-anual-avgm-2019-2020/>

41. Information request N°00807920

42. Information request N°00802520

43. Until July, 2020

and Coastal region (1525)⁴⁴. Besides, they stated that the specific measures given for the Central Valleys region were police patrols.

The responses of both institutions show the lack of correct implementation, coordination, and follow-up on the protection order mechanism. The answer of the SPSO denotes their total lack of knowledge of the subject as they were no able to submit any information. Regarding the AGOSO, if it is true, they submit information about the granting of protective orders, it is concerning that they are still, and mostly giving protective orders that only implies police patrols. Truly, the most effective protection measure that guarantees the integrity of women is the distancing of the offender, meaning to order them to leave the household. Those types of orders are rarely used and the AGOSO argues that it is better not to grant them to avoid warning the aggressor.⁴⁵

On the other hand, one of the main obstacles to the implementation of the GVAWA is the lack of a sufficient budget specifically assigned, as well as the little information available.

If it is true that in the second report⁴⁶ presented by the Government of the State of Oaxaca to the NCPEVW they included information of the budgets for some actions, it is not clear if those were specifically assigned for the implementation of the GVAWA Declaration.

Sufficient and specific budget is needed for the implementation of the GVAWA.

When information requests are done about budgets for the implementation of the GVAWA Declaration to different responsible entities, most of them don't answer or when they do, they just share limited information or different from the one requested. This is particularly relevant to the municipalities with GVAWA; from the 40 municipalities with GVAWA, it was only possible to request information through the National Platform for Transparency on 14 Municipalities, the other 26 are not registered on that Platform. Besides, from the 14 requests, only 7 were answered.

44. No information was provided about the protective orders given in the Tehuantepec Istmo, Papaloapan Basin, and Cañada regions.

45. Femicide Violence. The pandemic ignored. Women conditions in Oaxaca during the COVID-19 pandemic. p. 15. Available for consultation at: <https://consorciooaxaca.org/violencia-feminicida-la-pandemia-ignorada/>

46. Actions taken by the Government of the State of Oaxaca and its municipalities, on the fulfillment of the security, prevention, justice, and reparation measures established in the Gender-based Violence Against Women Alert. Annual report, August 30th 2018 to August 30th 2019. Available for consultation at: <https://www.oaxaca.gob.mx/smo/informe-anual-avgm-2018-2019/> and GVAWA Annual report, August 30th, 2019 - August 30th, 2020. pp. 93-98. Available for consultation at: <https://www.oaxaca.gob.mx/smo/informe-anual-avgm-2019-2020/>

red⁴⁷; from the other 7⁴⁸ no response was obtained.

Based on the information given, the **federal funds** assigned for the implementation of the GVAWA in Oaxaca were **MXN 9,380,000.00** in 2019, and **MXN 20,764,870.00** in 2020⁴⁹ for projects submitted by state instances⁵⁰ that focused mainly on studies about the status of violence against women and the strengthening of shelters.

In turn, the **resources for the State of Oaxaca** were few. From 19 entities responsible for the implementation of the GVAWA Declaration that were asked to share information, only 2 municipalities mentioned an increase of their budget⁵¹; other 2 municipalities and the AGOSO informed they didn't have a budget for that purpose⁵², 10 other municipalities, and 4 state instances didn't share the information requested.⁵³

The lack of prioritization and assignation of sufficient and specific budgets is part of the factors that allow the understanding of the low impact of the GVAWA Declaration in aspects of security, justice, and reparation for women.

47. Huajuapán de León, Oaxaca de Juárez, Matías Romero Avendaño, San Juan Bautista Tuxtepec, Santa María Huatulco, San Pedro Pochutla, Villa de Zaachila

48. Acatlán de Pérez Figueroa, Juchitán de Zaragoza, Salina Cruz, San Lorenzo Cacaotepec, Santa Lucía del Camino, Santo Domingo Tehuantepec, Tlacolula de Matamoros

49. Information request to NCPPEVW through the Ministry of the Interior N° 0000400192920

50. The Secretary for Indigenous and Afromexican People, the Secretary for Women, the Attorney General's Office for the State of Oaxaca, the Secretary of Public Security of Oaxaca, and the Secretary of the Local Comprehensive System for Protection of the Rights of Girls, Boys, and Teenagers of the State of Oaxaca

51. Oaxaca de Juárez municipality reported a budget of MXN 1,111,509.41 assigned in 2020 (information request N° 00803320); in turn, San Juan Bautista Tuxtepec municipality reported a budget of MXN 542,692.67 for 2019, and MXN 649,327.87 for 2020 for the GVAWA implementation (information request N° 00803620)

52. AGOSO (request of information N° 00802620, Matías Romero municipality (information request N° 00803720), Huajuapán de León municipality (information request N° 00803420)

53. GSGO (information request N° 00809020) OWS (information request N° 00808720), SPSO (information request N° 00808020), State Congress (information request N° 00805120), San Pedro Pochutla municipality (information request N° 00804120), Santa María Huatulco municipality (information request N° 00804220), Villa de Zaachila municipality (information request N° 00804520): either they didn't answer or they presented different information that the one requested that didn't show any information on specific budgets assigned for the GVAWA implementation, Acatlán de Pérez Figueroa municipality (information request N° 00803520), Juchitán de Zaragoza municipality (information request N° 00803320), Salina Cruz municipality (information request N° 00803820), San Lorenzo Cacaotepec (information request N° 00804320), Santa Lucía del Camino municipality (information request N° 00804420), Santo Domingo Tehuantepec municipality (information request N° 00803920), Tlacolula de Matamoros municipality (information request N° 00804620).

FEMINICIDE IN OAXACA



CRIMINAL TYPE

In Oaxaca, the criminal type⁵⁴ of femicide came into effect on October 5th, 2012, establishing that: "commits the crime of femicide who deprives a woman's life because of her gender", and recognize 7 circumstances as a basis of gender. For the sanction on femicide, it is established that: "Any person committing the crime of femicide is punishable by fifty to seventy years' imprisonment and a fine of five hundred to a thousand times the daily value of the unit of measure and update". The criminal type was reformed in April and September 2018; several factors were modified and there were added two gender bases to article 411, and also additional penalties in article 412 of the Criminal Code of the State of Oaxaca.



INVESTIGATION PROTOCOLS FOR FEMINICIDE

The most recent protocol for the investigation of femicide, Protocol on Ministerial, Expert, and Police Action for the Crime of Femicide under the Adversarial Criminal Justice System for the State of Oaxaca (Protocol)⁵⁵ was issued by the

54. Articles 411 and 412 from the Criminal Code for the Free and Sovereign State of Oaxaca. Available for consultation at: [http://docs64.congreso.oaxaca.gob.mx/documents/legislacion_estatales/Codigo+Penal+para+el+Edo+de+Oax+\(Ref+dto+1502+aprob+LXIV+Legis+15+abr+2020+PO+Extra+17+abr+2020\).pdf](http://docs64.congreso.oaxaca.gob.mx/documents/legislacion_estatales/Codigo+Penal+para+el+Edo+de+Oax+(Ref+dto+1502+aprob+LXIV+Legis+15+abr+2020+PO+Extra+17+abr+2020).pdf)

55. Agreement by which the bases for the application of the Protocol on Ministerial, Expert, and Police Action for the Crime of

AGOSO on March 18th, 2017 (with 9 months of delay in relation of the time allowed). This Protocol is outdated with the normative framework referred, as, in its guidelines

The Protocol for the Investigation of Femicide is systematically breached.

to prove the criminal type, it is not incorporating the femicide causals added after the 2018 reform. Besides, the guidelines are ignored in the investigations, that are opened as homicides or even suicides, more than as femicide, ignoring, in that sense, the criminal type and the protocol.

The acting procedures and the guidelines for the attention of victims established by the Protocol are not fulfilled. From the accompaniment to different cases, we have documented that are systematically disregarded: the preservation of the place of intervention; the setting of clues; the intervention of experts; the interviews of relatives and witnesses; the periodical meetings used for analyzing elements and establishing lines of investigation, as well as the referral to the Executive State Commission for Attending Victims, that, as we mentioned before, is still not working.

We illustrate the serious deficiencies through three representative cases;

Case 1. María del Sol Cruz Jarquín femicide

María del Sol Cruz Jarquín was a young photo-journalist that was murdered with high caliber weapons on June 2nd, 2018, in a context of political violence. In this case:

- The place of intervention was not preserved nor guarded, and they allowed the relatives of other victims to take the corpses before the Public Prosecutor's office was able to investigate the scene.
- No information was collected from witnesses, and it was not taken in consideration the data and circumstances of the facts; omitting, for example, requesting an exhaustive report to the institution María del Sol was working for, considering that it was essential to fully understand the context of this femicide. In fact, since April 16, 2018, María del Sol was illegally commissioned on the coverage of the election campaign, in Juchitán de Zaragoza, of her boss' brother, and then Secretary of Indigenous Affairs of Oaxaca, Francisco Montero López.

- The criminal type was not properly credited and the investigation was initiated as qualified homicide. The Superior Court of Justice of Oaxaca even stated in the resolution JOTP/103/2018, that the case could be considered "as femicide for contempt or hate" (section VII of art. 411 of the Criminal Code) and that the "appropriate administrative and legal actions should be taken against the Public Prosecutor's Agents (...) for the obvious negligence and deficiencies in their investigation, that resulted in not proving what really happened". Until these days no action has been taken in order to sanction the negligent action, and there have been no changes in the criminal perspective that would leave the case to be investigated as femicide. The femicide remains in total impunity.

Case 2. Lizbeth Jiménez Cámara femicide

Lizbeth Jiménez was a 19 years old teenager from Huajuapán de León, from the Mixteca region. She was murdered on April 29, 2018. In this case:

- Again, the Protocol guidelines were not followed to credit the criminal type and the investigation was started as a suicide, in accordance to the husband's version of the event.
- The Prosecutor's Office didn't carry the corresponding investigation acts in the place of the finding, didn't describe the visible injuries Lizbeth had, and didn't take pictures of them. It was from pictures taken by the mother's victim during the funeral, that there was a chance to document those injuries. Until now, the case remains without resolution and in impunity.

Case 3. E. P. V. femicide

E.P. V. was murdered on the street on May 21st, 2017. In August 2018 sentence was passed for 53 years of imprisonment for the offender on an aggravated femicide verdict. However, because of a deficient investigation from the General Attorney's Office of the State of Oaxaca, that among other serious procedural errors, did not conduct the visual inspection in the presence of the detainee's lawyer, and did not proceed to the correct lifting of evidence; the aggressor was released on November 27, 2019, when the competent Court solved the direct appeal for constitutional protection against the judgment, mentioning in their decision, the omissions of the Prosecutor's Office. Since then, the main responsible is free and the femicide in total impunity.

FEMINICIDE OVERVIEW IN OAXACA



Cases of femicide in Oaxaca continue to rise.

Based on Consorcio's Oaxaca hemerographic record, systematized in the Femicide Violence Platform,⁵⁶ after the emission of the report of final

observations of the CEDAW's Committee to Mexico in July 2018, the femicides⁵⁷ are still increasing being registered 184⁵⁸ cases during the previous 18 months to the CEDAW's report, and 199⁵⁹ cases during the next 18 months after the report. The 9%⁶⁰ and 10%⁶¹ of the victims were minors.

There is also an increase in brutality, use of firearms and murders in public places. In 2020, during the first 3 months of the pandemic, more than 60% of women murdered were killed by a firearm; on the other cases blade weapon, beatings, calcination, or strangulation were used. 48% of those cases happened when the girls or women were in public places.⁶²

INVESTIGATION, PROSECUTION, AND SANCTION OF FEMINICIDE



According to official data from the AGOSO obtained through information requests, since the enactment of the criminal type of femicide in Oaxaca, **124** enquiries or investigation files were started under the crime of femicide; **56** were

56. Available at: <https://violenciafeminicida.consorciooaxaca.org.mx/>

57. The classification as femicide is based in the judgement of the Supreme Court of Justice of the Nation in Mariana Lima's Buendia case that established that all violent death of a woman should be investigated as femicide.

58. 184 femicides from February 1st, 2017 to July 31st, 2018

59. 199 femicides from August 1st, 2018 to January 31st, 2020

60. Of the 162 women for whom it was possible to know their age, 15 were minors

61. Of the 157 women for whom it was possible to know their age, 16 were minors.

62. Data systematized in the "Femicide Violence: the pandemic ignored" report. Available for consultation at: <https://consorciooaxaca.org/violencia-feminicida-la-pandemia-ignorada/>

prosecuted, **24** arrest warrants were executed, being imprisoned **13** persons for that crime, being pending of execution **22** arrest warrants.^{63.}

The information includes data of 6 of the 8 regions of Oaxaca: the Cañada, Sierra Sur, Sierra Norte, Mixteca, Coast, and Central Valleys⁶⁴, omitting information of Cuenca del Papaloapan and Istmo de Tehuantepec. It is important to highlight that 114 of the 124 files were concentrated in the regions of Coast (73), Mixteca (19), Central Valleys (11), and Sierra Sur (11).

Regarding judgements given for the feminicide⁶⁵ crime, there is no official information because the AGOSO denied it claiming incompetence, when it corresponds⁶⁶ to the Public Prosecutor the exercise of legal action, and as a consequence the faculty of obtaining Judgements.

The information given by the Prosecutor's Office denotes serious deficiencies. First makes evident the lack of a method for the registration, as well of training of the officials to perform such registration, in fact, incomplete information was submitted, in different formats, sometimes impossible to read and with differentiated criteria. It is important to mention that until date there is no State Bank of Data and Information of Cases of Violence Against Women, projected in the State Law for Access of Women to a Life Free of Violence.⁶⁷

On the other hand, the poor use of the criminal type and investigation of murders of women as feminicide is shown, when comparing the **124** investigation files initiated since October 2012 by the AGOSO under the typification of feminicide,⁶⁸ with the **775** cases⁶⁹ registered by Consorcio Oaxaca during the same period of time.

Most murders of women
are not investigated
as feminicide.

63. Information requests N° 00800220 and 00800520.
70.

64. In the case of the Central Valleys the information was provided only related with Oaxaca's City, omitting data of the other municipalities of the region.

65. Information request N° 00800420

66. In accordance with Article 21 ° 2 of the Political Constitution of the United States of Mexico. Available for consultation at: http://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Constitucion_Politica.pdf

67. Sate Law for Access of Women to a Life Free of Violence. Available for consultation at: [http://docs64.congresoosaxaca.gob.mx/documents/legislacion_es-tatais/Ley+Estatal+de+Acceso+de+las+Mujeres+a+una+vida+libre+de+violencia+de+Genero+\(Ref+Dto+1510+LXIV+Legis+aprob+28+may+2020+PO+22+4a+Secc+30+may+2020\).pdf](http://docs64.congresoosaxaca.gob.mx/documents/legislacion_es-tatais/Ley+Estatal+de+Acceso+de+las+Mujeres+a+una+vida+libre+de+violencia+de+Genero+(Ref+Dto+1510+LXIV+Legis+aprob+28+may+2020+PO+22+4a+Secc+30+may+2020).pdf)

68. 124 investigations or files from October, 2012 to August, 2020

69. 775 cases from October, 2012 to August, 2020. Cases taken place between the months of July and November, 2016 are

GIRLS, FEMALE TEENAGERS, AND WOMEN DISAPPEARANCES IN OAXACA

LEGAL FRAMEWORK FOR THE INVESTIGATION AND SEARCH OF DISAPPEARED GIRLS, FEMALE TEENAGERS, AND WOMEN



The Law on the Disappearance for Oaxaca doesn't establish differentiated measures for women disappearances.

The **Law on the Disappearance of Persons for the State of Oaxaca**⁷⁰ (LDPSO) became effective on October 5th, 2019. This law doesn't establish specific measures, nor differentiated dispositions

in cases of women disappearances. It establishes the obligation of creating a Specialized Prosecutor's Office for Disappeared Persons,⁷¹ as well as a State Commission for Search⁷², and a State Citizen Council⁷³. Until this day none of these instances have been created. Instead of a Specialized Prosecutor's Office, there is a Special Unit for Enforced Disappearances⁷⁴ created in August 2017; there is also a Search Unit for Not Founded Persons (SUNFP)⁷⁵. Those units do not fulfill with the charac-

not incorporated, because of not having the information. Information systematized from Oaxaca's Femicide Platform data, available for consultation at: <https://violenciafeminicida.consorticiooaxaca.org.mx/> and from other reports, available for consultation at: <https://consorciooaxaca.org/wp-content/uploads/2017/04/5.-%C2%A1Justicia-Ya-Feminicidio-y-Violencia-Contra-las-Mujeres-en-Oaxaca-A-Dos-Anos-CC%83os-del-Gobierno-de-la-Alternancia.pdf> and <https://consorciooaxaca.org/wp-content/uploads/2016/11/informeweb2.pdf>

70. Law on the Disappearance of Persons for the State of Oaxaca. Available for consultation at: https://docs64.congresooaxaca.gob.mx/documents/decrets/DLXIV_0785.pdf

71. within not more than 60 days at its entry into force

72. within 90 days

73. within 30 days after the creation of the State Commission for Search

74. Agreement that creates the Special Units for Enforced Disappearances and Torture of the Vice Prosecutor's for Attention to Victims and Society. Available for consultation at: <http://fge.oaxaca.gob.mx/wp-content/plugins/legislacion/uploads/acuerdos/unidades-scc.pdf>

75. On September 10th, 2011, the Agreement that creates the Department for Attending Not Founded People of the General Attorney's Office for Justice for Oaxaca was published. Currently, the AGOSO refers to that department indistinctly as "Search Unit for Not Founded Persons" or "Search Unit for Not Founded or Disappeared Persons".

teristics of a Specialized Prosecutor's Office as they don't have enough nor well trained personnel. Besides, in the case of the SUNFP, their perspective is concerning, as they focus on searching "not founded people", but not "disappeared persons". This is warned for instance in the recommendations emitted by SUNFP⁷⁶ to search, for "lost" kids in cisterns or buildings.

The State Commission for Search has not been installed and neither the State Citizen Council, as an omission of the Executive Power, responsible for emitting the call for choosing the holder of the Search State Commission.

The absence of an Executive State Commission for Attending Victims, seriously affects their rights and prevent the application of the LDPSO related with the rights of the victims and their referral to that Commission.



OVERVIEW ON GIRLS AND WOMEN DISAPPEARANCES IN OAXACA

Based on Consorcio's Oaxaca hemerographic record, systematized in the Femicide Violence Platform⁷⁷, after the emission of final observations of the CEDAW's Committee to Mexico in July 2018, the disappearances of girls, female teenagers, and women are still rising, registering **285**⁷⁸ cases during the 18 previous months of the CEDAAW's report, and **403**⁷⁹ cases during the 18 months after that report. The **62%**⁸⁰ and **60%**⁸¹ of the victims -respectively- were minors.

76. Video:¿What is the Search Unit for Not Founded Persons SUNFP?, Prosecutor's Facebook account (@FISCALIAGobOax), published in August 18th, 2019, <https://www.facebook.com/watch/?v=457003904853932>

77. Femicide Violence Platform. Available at: <https://violenciafeminicida.consorciooaxaca.org.mx/>

78. 285 disappearances from February 1st, 2017 to July 31st, 2018

79. 403 disappearances from August 1st, 2018 to January 31st, 2020

80. Of the 260 women for whom it was possible to know their age 162 were minors

81. Of the 382 women for whom it was possible to know their age 229 were minors

INVESTIGATION, PROSECUTION, AND SANCTION FOR THE CRIME OF GIRLS, FEMALE TEENAGERS, AND WOMEN DISAPPEARANCES



On the basis of data⁸² provided by the Specialized Unit on Enforced Disappearances⁸³ and regional deputy offices from the AGOSO, during 2018, 2019, and 2020⁸⁴ 163 inquiries or investigation files were started on the crime of disappearance of girls (8), female teenagers (86), and women (69). Only 6 cases were prosecuted, 4 arrest warrants executed, pending 7 arrest warrants to be executed.⁸⁵ The AGOSO reported that in most of the cases (101) the girls, female teenagers, and women were found alive, nevertheless is deeply concerning the highly limited judicialization in the rest of the cases.

In turn, the Search Unit for Not Founded Persons (SUNFP) registered 456 persons: 22 girls, 266 female teenagers, and

SUNFP registered 456 girls, female teenagers, and women "not founded" without starting an investigation file in any of these cases.

168 women not founded during 2018, 2019, and 2020⁸⁶, without being started an investigation file in any of these cases. The logic of massively categorize as "Not founded" instead of "Disappeared", is really dangerous as it

leaves the girls, the female teenagers and the women in a situation of high vulnerability as the SUNFP Unit is not starting an investigation file and is only registering a "report" of not founded persons without having any additional information about the women.

In relation to the judgements obtained for this crime⁸⁷, there is no official information because, as in the case of the crime of femicide, the AGOSO denied it.

The information given by the AGOSO about disappearances has the same deficiencies as the ones already mentioned in the chapter on femicide regarding the data systematization.

82. Information requests N° 00800720, 00800920, 00801020, 00802020, 00802220, and 00802320

83. The information provided by the Specialized Unit covers until October 31st, 2020

84. Until August and until October 31st, 2020 in the case of the Unit for Enforced Disappearance

85. Information requests N° 00800720, 00800920, 00801020 and 0080202.

86. Until October 31st, 2020

87. Information request N° 00800420

RECOMMENDATIONS



PUBLIC POLICIES AND BUDGETS

- Assign resources for gender equality that could be translated into specific and differentiated actions in the annual operational program of the different instances.
- Allocate as a priority the gender equality budget to instances which purposes are key to accomplish substantial equality and to the eradication of gender-based violence.
- Elaborate and implement an accountability system that allows to obtain precise information on the execution of assigned resources on gender equality.
- Establish and present precise indicators that can be measured to evaluate the real impact of the actions taken to achieve substantial equality and the eradication of gender-based violence.
- Immediately appoint the holder of the State Commission for Attention of Victims, providing the instance with qualified personnel and sufficient budget.



- Assign on the federal and state levels specific budgets, sufficient and differentiated for implementing the GVAWA Declaration.
- Prioritize the fulfillment of actions focused on guarantee the security, justice, and reparation for women.
- Establish a coordinated mechanism among the police corps, the prosecutor's office and the Judiciary Power for the emission, follow-up, and implementation of protective orders.
- Train police corps and public prosecutor's agents on the granting and implementation of protective orders with a gender perspective.
- Create a unique mechanism to follow-up and assess the impact of the implementation of the GVAWA.
- Generate efficient evaluation indicators for the GVAWA that can be measured precisely.



- Investigate as femicide every violent death of a woman.
- Assess the performance of all officers of the General Prosecutor's Office, responsible of carrying femicide's investigation.
- Sanction legally and administratively the Prosecutor's Office officers that conducts negligent investigations related with femicides and disregard the Investigation Protocol.
- Implement the State Bank of Data and Information on Cases of Violence Against Women, granting the use of a unique and homologated methodology for the registration of data.
- Train the personnel of the transparency areas of the Prosecutor's Office on the systematization and registration of data with a gender perspective.

GIRLS, FEMALE TEENAGERS, AND WOMEN DISAPPEARANCES



- Immediately appoint the holder of the Specialized Prosecutor's Office, and of the State Commission for Search, providing them with a sufficient budget, and qualified personnel to carry on their tasks.
- Reform the Law related with Disappearances for the State of Oaxaca, including measures and differentiated dispositions for the investigation and search for girls, female teenagers, and women disappeared.
- Guarantee that all the girls, female teenagers, and women disappearances will be searched and investigated.
- End the SUNFP Unit and guarantee a search approach that will not stigmatize the victims.
- Train police corps and Public Prosecutor's agents on the implementation of the Alba Protocol and AMBER Alert.



