

9-1-2003

## Belem Do Para: Moving toward Eradicating Domestic Violence in Mexico

Mary C. Wagner

Follow this and additional works at: <http://elibrary.law.psu.edu/psilr>

---

### Recommended Citation

Wagner, Mary C. (2003) "Belem Do Para: Moving toward Eradicating Domestic Violence in Mexico," *Penn State International Law Review*: Vol. 22: No. 2, Article 5.  
Available at: <http://elibrary.law.psu.edu/psilr/vol22/iss2/5>

This Comment is brought to you for free and open access by Penn State Law eLibrary. It has been accepted for inclusion in Penn State International Law Review by an authorized administrator of Penn State Law eLibrary. For more information, please contact [ram6023@psu.edu](mailto:ram6023@psu.edu).

## Comments

# Belém Do Pará: Moving Toward Eradicating Domestic Violence in Mexico

Mary C. Wagner\*

Domestic violence is a pervasive problem in Mexico. Many women and children live in fear within their own homes, where they face physical, psychological, and sexual abuse. Countless victims are trapped due to social and economic constraints. To counter this problem, governmental and nongovernmental groups have been working within Mexico to provide women with assistance and to change the existing domestic violence laws to provide more protection to these victims. In 1995, the Mexican government signed, and in 1998, ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, also known as the Convention of “Belém do Pará,” which sought to protect the rights of, and eliminate violence against, women.<sup>1</sup>

This comment will examine the plight of women facing domestic

---

\* J.D. Candidate, The Pennsylvania State University Dickinson School of Law, 2004. The author would like to thank Thomas and Georgia Wagner, and Edna Wagner, for their continuing support. The author dedicates this Comment in loving memory of her grandmother, Lorraine Wolfel.

1. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, June 9, 1994, 33 I.L.M. 1049 [hereinafter Convention of Belém do Pará].

violence in Mexico and the Mexican social attitudes, customs, traditions, and laws that influence the prevalence of domestic violence. Next, the laws that were in place in Mexico prior to the adoption and ratification of the treaty will be examined, and the treaty and the circumstances leading up to its adoption by most of the countries in the Americas will be described. Next, this comment will look at the changes that have been made in Mexican law to see if the situation of Mexican women subjected to domestic violence has changed since the adoption and ratification of the treaty, in terms of present and future changes to the law, social attitudes, and psychological, physical, emotional, legal, and financial assistance. Finally, the comment will examine various changes that can be made in Mexico in terms of the law, education, and assistance that will help to reduce the levels of domestic violence in Mexico

### I. Social Values and Norms in Mexico

The terms “machismo” and “marianismo” are used to describe the traditional and very well-defined gender roles for men and women in Mexico. These terms describe enduring and pervasive gender roles and prejudices that help to explain the causes and prevalence of domestic violence in Mexico.

The term marianismo, which signifies ideals that are identified with the Virgin Mary, refers to the exalted respect women command as mothers within Mexican society.<sup>2</sup> The term implies that women are morally superior to men and should not be involved in the vulgarities of life outside the home.<sup>3</sup> Commentators have suggested that it also stands for the proposition that women are to be submissive to male authority.<sup>4</sup>

The term machismo refers to an attitude of superiority that men have over women and other men.<sup>5</sup> When a man’s masculinity is threatened, he may feel the need to use violence to re-affirm his feelings of superiority and assert his identity as a man.<sup>6</sup> In a 1998 study, conducted in the southern Mexican state of Chiapas, researchers found that many of the women they interviewed presumed that men were

---

2. Anthony Ramirez, *Domestic Violence Movements: The Impact of Political Opportunities in Mexico City and Guadalajara* 11 (2000) (unpublished masters thesis, on file with the University of California) (referring to JO FISHER, *OUT OF THE SHADOWS: WOMEN, RESISTANCE AND POLITICS IN SOUTH AMERICA* (1993)).

3. *Id.*

4. *Id.*

5. Francisco Cervantes Islas, *Helping Men Overcome Violent Behavior Toward Women*, in *TOO CLOSE TO HOME: DOMESTIC VIOLENCE IN THE AMERICAS* 143 (Andrew R. Morrison & María Loreto Biehl, eds., 1999). This view of male superiority comes from social learning, linked to national, regional, class, and ethnic ideas and identities.

6. *Id.*

violent simply because they were men.<sup>7</sup>

These attitudes and prejudices have been a way of life for many Mexican people for centuries. The divorce records of the Catholic Church were one of the first places to document instances of domestic violence.<sup>8</sup> While domestic violence, physical abuse, cruelty, and the threat of murder were seen as legitimate reasons for divorce, the divorce records illustrated that the Church accepted a husband's right to administer "corrective" punishment.<sup>9</sup> Domestic violence was part of an ideology that permitted husbands to administer corporal punishment as a means of guiding a wife's behavior.<sup>10</sup> Men stated that they did not beat their wives, but merely slapped them to "correct their pride and rebelliousness" or "to establish order in their house."<sup>11</sup> If the abuse became too severe, men occasionally were sentenced to a jail term or forced labor.<sup>12</sup> In Mexico City, between the years 1800 and 1857, physical abuse was the principal reason cited by women who were

---

7. Namino Melissa Glantz & David C. Halperin, *Studying Domestic Violence in Chiapas, Mexico*, 8 QUALITATIVE HEALTH RES. 377 (1998). This study examined conjugal violence in the State of Chiapas. Chiapas, the southern-most State, is one of the most impoverished States in Mexico. Researchers interviewed forty women between the ages of nineteen and sixty-two, all of whom were either married or living with a partner at some point in their lives. Although the women had diverse levels of education, ranging from a few years of elementary school to professional degrees, almost all of the women were quite marginal economically. The researchers recorded the women's comments and beliefs about domestic violence. One hundred and fifteen separate events relating to conjugal sexual and physical violence were mentioned by the forty subjects. Quite often, the women cited the victim's non-cooperation with traditional gender roles as a cause of violence. For example, one of the subjects explained that men use violence to "ensure that things get done their way." Another subject stated that "men like to hit." The authors of the study concluded that the women they studied commonly blamed the victim for the violence because they assume that the victim is being punished for some noncompliance with the accepted gender roles.

8. *Id.* at 20, 21 (citing ANNA MACÍAS, *AGAINST ALL ODDS: THE FEMINIST MOVEMENT IN MEXICO* (1982)). The Catholic Church recognized that a divorce may be justified by the presence of physical abuse, cruelty, or threat of murder. These cases of domestic violence were recorded in Church records because they were regarded as justifiable reasons for the filing of divorce. Spanish Civil Law and Canon law also recognized "excessive abuses" as grounds for filing for divorce.

9. Ramirez, *supra* note 2, at 21. Women also recognized a husband's right to administer this "corrective" punishment. This right, however, was limited to undefined and personally subjective perceptions of adequacy. The author suggests that the Catholic Church's policy of condoning this corrective punishment has led to the widespread belief that this abuse is acceptable.

10. *Id.*

11. *Id.*

12. *Id.* Occasionally men would end up doing forced labor or serving time in prison. In Nueva Galicia, part of what is now the State of Jalisco, a thirty-three year old man was sentenced to one year of labor for excessively punishing his wife. See CARMEN CASTAÑEDA, *VIOLACIÓN, ESTUPRO Y SEXUALIDAD: NUEVA GALICIA 1790-1821*, at 95 (1989).

seeking divorce.<sup>13</sup>

The acceptance of the norms associated with marianismo, the submissive woman, and machismo, the dominant male, is evident in the high numbers of women who are subjected to abuse by their partners. In a 1995 study carried out in nine counties in the state of Monterrey, 45.2 percent of the women sampled had been abused.<sup>14</sup> In a similar study done in 1996 by the State Population Council of the Mexican state of Nuevo Leon, 46.1 percent of women selected at random answered affirmatively to at least one question regarding whether they had experienced psychological, physical, and/or sexual violence from a partner.<sup>15</sup> Nearly forty percent of the women who answered affirmatively stated that the level of violence was high or very high.<sup>16</sup>

In 1995, the Mexican Association Against Violence Against Women, also known as COVAC, conducted a survey in ten major Mexican cities<sup>17</sup> which showed that adult women accounted for 21 percent of the cases of domestic violence, and children and infants accounted for the remaining incidents of abuse.<sup>18</sup> Eighty one percent of these women were physically abused, 76 percent were verbally or psychologically abused, and 32 percent had been sexually abused or abused in some combination.<sup>19</sup> A university study done in the state of Jalisco revealed that, in 1995, an estimated 205,000 women had been victims of domestic violence.<sup>20</sup> With a total population of over one

---

13. *Id.* at 20. During this time, sixty-three women filed for divorce, fifty-seven of which cited physical violence as the reason for the divorce. These records were filed by women of all social classes. The abuses that were documented include being beaten, kicked, dragged along stone floors, threatened with swords, shovels, knives, or pistols, and having to run into the street to escape. See SILVIA M. ARROM, *THE WOMEN OF MEXICO CITY, 1790-1857*, at 228 (1985).

14. Mayra Buvinić, et. al., *Violence in the Americas: A Framework for Action, in TOO CLOSE TO HOME: DOMESTIC VIOLENCE IN THE AMERICAS* 3, 4 (Andrew R. Morrison & Maria Loreto Biehl, eds., 1999). This study was authored by Granados Shiroma in 1995. 1,086 women were surveyed. 45.2% stated that they had been abused, 17.5% stated that they had been physically and sexually abused, and 15.6% stated that they had been physically and psychologically abused.

15. Marcela Granados Shiroma, *Building a Network to Assist Victims: Monterrey, Mexico, in TOO CLOSE TO HOME: DOMESTIC VIOLENCE IN THE AMERICAS* 131 (Andrew R. Morrison & Maria Loreto Biehl, eds., 1999). The Nueva León State Population Council surveyed a randomly selected sample of 1,064 women over the age of fifteen. Most affected were women between the ages of thirty and thirty-four; women aged fifteen to nineteen were the second-most abused group.

16. *Id.*

17. Ramirez, *supra* note 2, at 22. The cities surveyed included Mexico City, Tijuana, Chihuahua, Morelia, Colima, Veracruz, Tuxtla Gutiérrez, Oaxaca, and Mérida. 3,300 people were interviewed, split evenly between males and females between the ages of eighteen and sixty-five.

18. *Id.*

19. *Id.*

20. *Id.* at 23. Fifty-seven percent of the women in urban areas report having been

hundred million people, these numbers suggest that nearly twenty million Mexican women have been subjected to domestic violence at some point in their lives.<sup>21</sup>

Clearly, violence against women is an enormous problem in Mexico. This problem affects more than abused women; domestic violence is a human rights issue—the right to live a life free of fear of violence is a basic human right.<sup>22</sup> This problem is a threat to public health because domestic violence leads to higher mortality rates.<sup>23</sup> Domestic violence also impedes economic development,<sup>24</sup> as women who are abused at home are less productive in the workplace, earn lower incomes, and spend less money.<sup>25</sup>

## II. Domestic Violence Law and Politics in Mexico Before “Belém do Pará.”

Article 1 of the Political Constitution of Mexico states: “Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution.”<sup>26</sup> Article 4 provides that “[m]en and women are equal before the law.”<sup>27</sup> While, in theory, men and women share equal rights and protections in Mexico, this is not always the reality. Historically, domestic violence in Mexico was viewed as a personal problem that should be dealt with within the home. Although women have had the right to vote in Mexico since 1953, they have been left out of the political arena in Mexico for various reasons.<sup>28</sup> Traditional gender roles dictated that involvement in politics was inappropriate for women, and that a woman’s role in society was more social than political.<sup>29</sup>

---

victims of domestic violence, while forty-four percent of the women in rural areas report having been victims of domestic violence.

21. Central Intelligence Agency, *The World Factbook* (2002), available at <http://www.cia.gov/cia/publications/factbook/print/mx.html>. (last visited March 22, 2004). The World Factbook lists Mexico’s total population as of July 2002 as 103,400,165. The male/female ratio varies according to age, with a total population ratio of 0.97 males/females. There are approximately 50 million women living in Mexico. Although there is no conclusive data regarding the percentage of women who experience domestic violence, many of the studies cited in this comment have found that over forty percent of women studied or surveyed had experienced domestic violence at some point in their lives. This suggests that over 20,000,000 women, or forty percent of the female population in Mexico, have experienced domestic violence at some point in their lives.

22. Buvinić, *supra* note 14, at 4.

23. *Id.*

24. *Id.* Women who are abused may be unable to work due to injuries sustained as a result of abuse.

25. *Id.* at 4, 6.

26. CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEXICANOS. art. I.

27. *Id.* art. IV.

28. Ramirez, *supra* note 2, at 10-11.

29. *Id.* at 10 (citing NIKKI CRASKE, *WOMEN & POLITICS IN LATIN AMERICA* 3 (1999)).

Additionally, the political systems in Mexico have generally been authoritarian and have discouraged popular participation.<sup>30</sup>

Since the turn of the century, feminist groups in Mexico have discussed the problem of violence against women.<sup>31</sup> However, these groups were not cohesive; because the Catholic Church did not agree with some of the issues in the feminist agenda, many women did not support the feminist groups.<sup>32</sup> Also, these groups were unable to make a change because they were not represented in local, state, or federal governments.<sup>33</sup>

Although women won the right to vote in 1953,<sup>34</sup> the PRI, the Institutional Revolutionary Party, which was in power in Mexico until 1980, did not encourage communication between the citizens and the government, and these groups could not gain ground.<sup>35</sup> To be heard, women had to be members of the PRI, and as a result, women were very underrepresented in leadership positions within the government.<sup>36</sup>

In the 1970s and 1980s, women's nongovernmental social and feminist groups emerged.<sup>37</sup> During the late 1970s and early 1980s, women, especially from the lower classes, instigated urban popular movements where they sought social services such as education and electricity.<sup>38</sup> Professional women, who were involved in feminist groups that worked on issues such as domestic violence, sexual harassment, and abortion, began to organize into and strengthen non-governmental

---

30. *Id.* Although the Mexican political system in place since 1917 has been authoritarian, it has not been as authoritarian as other countries in Latin America because there has never been a military dictatorship in power in Mexico. Mexico's dictatorship has been commonly referred to as a dicta-blanda, or soft authoritarianism, instead of the stricter dicta-dura.

31. *Id.* at 11. Feminist groups in Mexico had discussed gender issues such as reproductive rights, violence against women, and abortion since the beginning of the century. ANNA MACIAS, AGAINST ALL ODDS: THE FEMINIST MOVEMENT IN MEXICO 106 (1982).

32. *Id.* at 24, 25.

33. *Id.* at 11.

34. Ramirez, *supra* note 2, at 12, 13. Even with the right to vote, women's groups could not make much progress because they were vastly underrepresented in the government. According to Craske, in Mexico's Chamber of Deputies, from 1955 (the first year a woman was elected) until 1997, the average percentage of female representatives was ten percent. The highest percentage was in 1994 when 13.7 percent of the Deputies were female. In the 1997-2000 term, 13.3 percent of the Deputies were female. In the Mexican Senate, the average percentage of female representatives from 1964 (the first year a woman was elected) until 1997 was 8.5 percent. The highest percentage was in 1988, when 15.6 percent of the Senators were female. In 2000, 11.7 percent of Mexican Senators were female. NIKKI CRASKE, WOMEN & POLITICS IN LATIN AMERICA 46-48 (1999)

35. Ramirez, *supra* note 2, at 12, 13.

36. *Id.*

37. *Id.* at 14, 15.

38. *Id.* at 14.

organizations (“NGOs”).<sup>39</sup> These NGOs filled in the gaps left by the government by providing counseling, support, and social services to victims of domestic violence.<sup>40</sup> COVAC, one of the most influential and well-known NGOs in Mexico, was founded in 1984.<sup>41</sup> It originally provided support for victims for domestic violence, but now works to create and change legislation to protect victims.<sup>42</sup> Throughout the 1970s and 1980s these women’s groups grew in size, number,<sup>43</sup> and influence.<sup>44</sup>

In the 1988 national elections, the PRI lost the majority of the seats in Congress,<sup>45</sup> and women’s groups finally had the opportunity to align their agendas with the emerging parties, the Party of the Democratic Revolution (“PRD”)<sup>46</sup> and National Action Party (“PAN”).<sup>47</sup> As a result of these two parties competing for votes, women’s groups gained bargaining power and seats in Congress.<sup>48</sup>

In 1990, the Mexican government created the Intra-family Violence Assistance Center (“CAVI”), which provides counseling, finds shelter for abused women and children, provides medical and legal assistance for abused women seeking divorce or custody of children, and offers psychological counseling with professional therapists.<sup>49</sup> CAVI also began recording instances of domestic violence and compiling statistics based on the complaints filed.<sup>50</sup> When CAVI and the NGOs recognized how serious the problem of domestic violence was in Mexico, COVAC initiated meetings to formulate domestic violence laws in Mexico City.<sup>51</sup> They created the Grupo Plural Pro-Victimas, which gave rise to a specific domestic violence law that included reforms to the Mexico

---

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.* at 15. In 1997, there were 97 known NGOs working on women’s and gender issues in Mexico. María Luisa Tarrés, *The Role of Women’s Nongovernmental Organizations in Mexican Public Life*, in *WOMEN’S PARTICIPATION IN MEXICAN POLITICAL LIFE* 131, 137 (Victoria E. Rodriguez, ed., 1998).

44. *See id.* at 15.

45. *Id.* at 16-17.

46. Ramirez, *supra* note 2, at 16-17. The PRD had gained a large following and voting strength in Mexico City and several other States. It is the only major political party to set a quota for the inclusion of women in the party. This quota is thirty percent, and although it has not yet been achieved, women make up twenty-three percent of the PRD seats in Congress.

47. *Id.* The PAN gained voting strength in the north and some central States. The PAN also increased the number of women representatives in the 1997 elections from eight percent to eleven percent.

48. *Id.*

49. *Id.* at 32.

50. *Id.* at 32, 33.

51. *Id.* at 33.

City's penal and civil codes.<sup>52</sup>

Mexico has also implemented various treaties to counter violence against women. The government signed and ratified the United Nation's 1979 Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") in 1981.<sup>53</sup> However, it wasn't until the 1990s that international agencies began to work with women's groups in Mexico and that those women's groups had the ability to make a difference in the politics of Mexico.<sup>54</sup>

### III. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women: "Convention of Belém do Pará."

On June 9, 1994, members of the Organization of American States met in the city of Belém do Pará, Brazil, and adopted the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, also known as the Convention of Belém do Pará.<sup>55</sup> This convention was adopted to strengthen the American Convention on Human Rights, which protects civil, political, social, economic, and cultural rights, specifically in the areas of protection and promotion of the rights of women.<sup>56</sup>

This Convention is unique because it recognizes that violence against women results from women's traditionally inferior and subordinate position.<sup>57</sup> It defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere."<sup>58</sup> It is further defined as physical, sexual, and psychological violence that occurs within the family or social unit, community, or is condoned by the state.<sup>59</sup> The convention protects long-established human rights and freedoms such as respect; physical, mental, and moral integrity; liberty and security; dignity of person; equal protection before the law; recourse for actions violative of rights; and the right to have equal access to the public service of her country.<sup>60</sup> Significantly, the right of women to be free from violence includes "the

52. Ramirez, *supra* note 2, at 30 (referring to the Desarrollo Integral de la Familia n.d.:15).

53. The Convention on the Elimination of all Forms of Discrimination Against Women, Dec. 18, 1979, art. 6, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

54. Ramirez, *supra* note 2, at 34.

55. Convention of Belém do Pará, *supra* note 1.

56. *See id.*

57. *Id.* art. VI, section B.

58. *Id.* art. I.

59. *Id.* art. II.

60. *Id.* art. IV.

right of women to be valued and educated free of stereotyped patterns of behavior as well as of social and cultural practices based on concepts of inferiority or subordination.”<sup>61</sup>

Articles seven and eight of the Convention list policies to prevent, punish, and eradicate violence, which the parties to the Convention are required to carry out.<sup>62</sup> Article seven requires that the signatory countries adopt legislation and create policies including refraining from engaging in acts of violence against women; preventing, investigating and imposing penalties for violence against women; and adopting legislation to prevent domestic violence.<sup>63</sup> Article eight requires parties to modify customary practices that sustain the persistence and tolerance of violence against women, educate women and the public in general about domestic violence and the remedies for such violence, and establish necessary mechanisms to ensure that women subjected to violence have effective access to restitution, reparations, or other just and effective remedies.<sup>64</sup>

61. *Id.* art. VI.

62. *Id.* art. VII.

63. *Id.* art. VII. The full text of Article 7 is as follows:

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b. apply due diligence to prevent, investigate and impose penalties for violence against women;
- c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies; and
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

*Id.*

64. *Id.* art. VIII. The full text of Article 8 is as follows:

The States Parties agree to undertake progressively specific measures, including programs:

Parties to the convention must also give reports to the Inter-American Commission of Women which include "information on measures adopted to prevent and prohibit violence against women and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women."<sup>65</sup> Article 12 of the Convention allows "[a]ny person or group of persons, or any nongovernmental entity [to] lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints."<sup>66</sup>

#### IV. Convention of Belém do Pará and Its Effects on Domestic Violence Law in Mexico

The Convention has had significant effects on both Mexican law

- 
- a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;
  - b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;
  - c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
  - d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for ail family members where appropriate, and care and custody of the affected children;
  - e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;
  - f. to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;
  - g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;
  - h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and
  - i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.

*Id.*

65. *Id.* art. X.

66. *Id.* art. XII.

and the situation for victims of violence against women since it was signed in 1995 and ratified in 1998. The Convention required that Mexican law be changed in two significant ways.<sup>67</sup> First, it defined violence against women, including violence encountered within the home, and provided a framework for defining domestic violence to include psychological, sexual, and physical abuse.<sup>68</sup> Second, it outlined a series of measures that were to be adopted by each participating government and provided a framework for government agencies to follow; measures that have been adopted by NGOs that are working to counter violence against women.<sup>69</sup> Conformance with the Convention requires that Mexico examine its laws and policies and make changes where needed.

In 1996, the Inter-American Commission on Human Rights (“the Commission”) conducted an investigation that examined both the laws dealing with violence against women and the reality of violence against women in Mexico.<sup>70</sup> The Commission identified a number of positive changes Mexico has made in its laws to counter violence against women.<sup>71</sup> These include: 1) the establishment of agencies throughout twenty-seven States in Mexico that specialize in sex crimes and care for victims; 2) the reform of the Penal Code for the Federal District which expanded the definition of sexual harassment in the workplace to include the conduct of any person in a relationship of authority over the victim; and 3) the authority given to the Office of the Public Prosecutor for the Federal District to offer legal, social, and psychological support to victims of sexual harassment.<sup>72</sup> The Commission also praised the information campaign launched by the National Human Rights Commission in Mexico to convince both victims and perpetrators that using violence is abusive and that, despite the culture of machismo,

---

67. Ramirez, *supra* note 2, at 35.

68. *Id.*

69. *Id.*

70. *Inter-Am. C.H.R. Report on the Situation of Human Rights in Mexico*, in 3 INTER-AMERICAN Y.B. ON HUM. RTS. 2292, 2303 (1998) [hereinafter C.H.R. Report]. The *Report on the Situation of Human Rights in Mexico*, which was based on information received in the 1996 investigation, was published on September 28, 1998. The Commission examined specifically the participation of women in the Mexican government, violence against women, and sexual discrimination in northern border areas. Although this examination was made before Mexico ratified the Convention, it illustrates both the positive steps Mexico has made in eradicating violence against women since the signing of the convention and the steps that still need to be taken to more effectively respond to and eradicate violence against women in Mexico.

71. *Id.* at 2588. The Commission commended these steps and recommended that more like them be adopted.

72. *Id.* at 2590, 2592, 2594.

masculinity and femininity do not imply domination.<sup>73</sup>

The Commission made a number of recommendations to the Mexican States.<sup>74</sup> They advised that the Mexican State should "take all necessary steps to ratify the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women—the 'Belém do Pará Convention,' and . . . make its internal law compatible with that international instrument."<sup>75</sup> They also suggested that the Mexican State "adopt such urgent and effective measures of a juridical, educational and cultural nature as required to put an end to domestic violence against women, a serious problem that affects Mexican society."<sup>76</sup>

The 1998 follow-up report first commended Mexico for its ratification of the Convention of Belém do Pará in November of 1998.<sup>77</sup> It noted laws that have been proposed in connection with women's rights in the States of Oaxaca, Nuevo León, and the Federal District, and the installation of Committees on Equality and Gender in fifteen States as proof that the state had made changes in order to conform to the provisions of the Convention.<sup>78</sup> The follow-up report also commended the holding of six training workshops on intra-family violence, training workshops on the enforcement of the Convention of Belém do Pará for civil and criminal court judges, a telephone help line program for women in San Luis Potosí, and legal information broadcasting events on the rights of indigenous women.<sup>79</sup>

In 1999, the United Nations Human Rights Committee considered the fourth periodic report of Mexico as required by the International Covenant on Civil and Political Rights, commented upon the positive steps made in implementing the Covenant, and suggested changes that Mexico should make to further comply with the Covenant.<sup>80</sup> The

---

73. *Id.* at 2594.

74. *Id.* at 2600.

75. *Id.*

76. *Id.*

77. See *Follow-up on Inter-Am. C.H.R. Recommendations in its Reports on the Situation of Human Rights in Member States: Mexico*, in 3 INTER-AMERICAN Y.B. ON HUM. RTS. 2992, 3144 (1999) [hereinafter C.H.R. Recommendations]. The Inter-American Commission on Human Rights published a follow-up report in 1998, which contained an evaluation of the measures adopted by Mexico in compliance with the recommendations published in the 1996 study. *Id.* at 3108.

78. *Id.* at 3146.

79. *Id.* at 3146, 3148. The Commission commended the measures taken to eliminate violence against women, but also stated that there continues to be grave cases of violence against women in Mexico. *Id.* at 3148.

80. UNITED NATIONS, HUMAN RIGHTS COMMITTEE, U.N. Doc. CCPR/C/79/Add.109 (1999) [hereinafter 1999 United Nations Report]. Mexico became a party to the International Covenant on Civil and Political Rights, a United Nations Covenant, on March 23 1981. This Covenant seeks to ensure the equal rights of men and women in the

Committee suggested that the Mexican Government should take effective measures to protect the security of women, take care that no pressure is present to deter women from reporting security violations, and ensure that all allegations of abuse are investigated.<sup>81</sup>

The Mexican State listed the activities conducted and measures taken by Mexico since the 1998 ratification of Belém do Pará.<sup>82</sup> A handbook describing the Convention, and ways to implement it, was prepared for use by the public prosecutor's office, judiciary officials, staff members of the Support Therapy Center for the victims of violence, local human rights commissions, NGOs, and others.<sup>83</sup>

The Mexican Government also made legislative changes, including the Domestic Violence Prevention and Assistance Act, which was the first legislation that specifically addressed domestic violence in Mexico.<sup>84</sup> Amendments aimed at discouraging and punishing behaviors that lead to domestic violence, raising people's awareness of the problem, and encouraging authorities to work to prevent such behaviors, have been made to the civil code for the Federal District.<sup>85</sup> Domestic violence is now grounds for divorce in Mexico and judges can order a temporary restraining order to prevent acts of violence.<sup>86</sup> An amendment was also made to the federal code, announcing that rape can occur between spouses or unmarried partners and is punishable by a prison term of eight to fourteen years.<sup>87</sup> Various Mexican States have passed laws, or are in the process of passing laws, which are aimed at preventing domestic violence, and caring for victims.<sup>88</sup> Every state in Mexico has scheduled state workshops on the Belém do Pará Convention.<sup>89</sup>

---

signatory countries. Although this report does not specifically address the changes that were due to Mexico's adoption and ratification of Belém do Pará, it documents and analyzes changes in Mexican law and society regarding domestic violence. The Human Rights Committee commended Mexico's efforts to improve the situation of women and suggested changes that could be made in Mexican law to improve the situation of women in Mexico. *Id.* ¶¶ 3, 16, 18.

81. *Id.* ¶ 16.

82. UNITED NATIONS, HUMAN RIGHTS COMMITTEE, U.N. Doc. CCPR/C/79/Add.103 (2000) ¶ 11 [hereinafter 2000 Mexico Reponse]. This report is Mexico's response to the 1999 periodic report. Mexico responded to the suggestions in the report by assuring the Committee that "action to combat violence against women is a priority of the Government of Mexico," and that "violence against women is a practice which is on the decline, thanks to cooperation from women's groups throughout the country." *Id.* ¶ 16

83. *Id.* ¶ 11. These measures included a project that was designed to raise the awareness of judges in all federal entities of the importance of implementing Belém do Pará. *Id.*

84. *Id.*

85. *Id.* ¶ 11.

86. *Id.*

87. *Id.*

88. 2000 Mexico Response, *supra* note 82, ¶ 11.

89. *Id.*

Pamphlets regarding the human rights of women and domestic violence and its control, have been updated and distributed.<sup>90</sup>

The Human Rights Committee also suggested that Mexico “should approve measures to ensure equality of opportunity for women, their full participation in public life in conditions of equality and the removal of all remaining discriminatory provisions in regard to marriage, divorce, and remarriage.”<sup>91</sup> The Mexican government responded by taking numerous legislative measures to guarantee equality of opportunity for women and that there are no provisions in Mexican legislation which discriminate against women.<sup>92</sup>

The 1998 United States Department of State report for Mexico lists a number of actions taken by the Mexican government to prevent domestic violence and assist victims.<sup>93</sup> These include a December 1997 legislative reform initiative on intrafamily violence, which aimed to discourage and punish domestic violence, protect victims, and educate the public.<sup>94</sup> It also expanded the definition of rape to include marital rape and rape between partners.<sup>95</sup> The 2000 Country Report states that the initiative has been enforced by requiring abusers pay fines of thirty to one-hundred eighty days of pay and detention for up to thirty-six hours.<sup>96</sup> Whether these penalties are actually imposed upon abusers is unclear.

The 2000 report also notes that Mexico City Mayor Rosario Robles, in conjunction with various feminist NGOs, wrote and published a handbook to reduce domestic violence and counter the view that domestic violence is a private matter.<sup>97</sup>

---

90. *Id.*

91. 1999 United Nations Report, *supra* note 80, ¶ 18.

92. 2000 Mexico Response, *supra* note 82, ¶ 13. The government stated that efforts have been made to review the laws and detect and resolve any areas of legislation that may encourage discriminatory practices.

93. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 684 (1998) [hereinafter Country Report 1998]. Each year, the United States Department of State publishes reports on human rights practices for countries throughout the world. These reports are useful in examining the efficacy of Belém do Pará in Mexico because they are illustrative of the problems and changes in law and society with respect to the situation facing women in Mexico. Changes in law due to either the ratification of Belém do Pará or an alternative basis may be evident in changes noted within the reports. The reports document both the positive developments regarding women’s rights in Mexico and also note where the laws and practices are deficient.

94. *Id.* at 698.

95. *Id.* The report notes, however, that this initiative has not been enforced.

96. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2671, 2691 (2000) [hereinafter Country Report 2000].

97. *Id.*

## V. The Effects of Belém do Pará on the Situation of Women Facing Domestic Violence in Mexico

Mexico has taken many positive steps to reduce domestic violence and comply with the requirements of the Convention of Belém do Pará. While these steps have been commendable, there are many changes that are still needed to ensure that women in Mexico are free from domestic violence.

Mexico's first positive step was adopting and ratifying the Convention.<sup>98</sup> Throughout the Convention, there are many requirements signing states must comply with, and Articles seven and eight list the specific actions that the Mexican Government must carry out in order to act in accordance with the Convention.<sup>99</sup>

### A. Article Seven—Policies and Legislation

Article seven lists eight policies which Mexico has agreed to pursue in order to prevent, punish, and eradicate domestic violence.<sup>100</sup> These eight policies include examining current legislation and adopting new legislation to punish and prevent domestic violence, adopting legal measures to ensure that women have redress, and acting to prevent domestic violence through the effective enforcement of these policies.<sup>101</sup>

Mexico has moved to examine, change, and create laws to attempt

98. Convention of Belém do Pará, *supra* note 1.

99. *Id.* The convention also lists numerous definitions, policies, and procedures. Article 9 requires that States Parties must take special account of:

[T]he vulnerability of women to violence by reason of, among others, race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom.

*Id.* One particular part of Article 9 which may present some problems to the Government of Mexico in complying with the Convention is reaching indigenous communities, who are of a different racial background than those of the majority in Mexico. Many indigenous women do not speak Spanish, but only speak their particular indigenous language, and many of these women also cannot read. This presents an enormous challenge to the Government of Mexico to ensure that these women have access to educational materials about domestic violence, and also that these women feel comfortable enough to make use of shelters, legal aid, or even police protection where they do not understand the language.

Another important article is Article 12. This article allows any person, group, or NGO to lodge a petition with the Inter-American Commission on Human Rights. This is innovative because it allows groups such as COVAC or other NGOs to lodge petitions on behalf of women who are abused. This may result in an increase of complaints because these groups will lodge complaints for women who are afraid of lodging their own complaint.

100. *Id.* art. 7.

101. *See id.*

to curtail the prevalence of domestic violence in Mexico as required by Article seven. Various laws have been passed since Mexico's signing of the Convention of Belém do Pará in 1995. These laws include the Domestic Violence Prevention and Assistance Act,<sup>102</sup> the 1997 Legislative Reform Initiative on Intrafamily Violence,<sup>103</sup> various reforms and amendments to the civil and penal codes, which are designed to raise awareness and discourage these types of behaviors,<sup>104</sup> various state legislation aimed at preventing domestic violence,<sup>105</sup> a change in the definition of rape to include inter-marital rape and rape between partners,<sup>106</sup> and the modification to the civil code which now lists that domestic violence is grounds for divorce.<sup>107</sup>

Mexico has adopted legal measures to provide protection, timely access to the courts, and access to restitution and remedies.<sup>108</sup> Mexico has provided new types of restraining orders to victims to protect them from their abusers,<sup>109</sup> authorizing the Office of the Public Prosecutor for the Federal District to offer support to victims of sexual harassment,<sup>110</sup> and the installation of Committees on Equality and Gender in fifteen States throughout Mexico.<sup>111</sup> These steps demonstrate Mexico's endeavors to ensure that they comply with the requirements of the Convention.

The Mexican government has acted pursuant to Article seven to prevent, investigate, and impose penalties for violence against women and to ensure that government actors such as judges, law enforcement officers, and others act in conformance with the treaty.<sup>112</sup> Mexico has offered training workshops for judges that addressed the ways to be sure that the Convention protects victims of domestic violence.<sup>113</sup> Training workshops have been scheduled in States throughout Mexico to promote adherence to the Convention.<sup>114</sup> The Mexican government has also written and published a handbook about the Convention for use by the Public Prosecutor's Office, judiciary officials, staff members of the

---

102. 2000 Mexico Response, *supra* note 82.

103. Country Report 1998, *supra* note 93, at 684, 698.

104. 2000 Mexico Response, *supra* note 82, ¶ 11; C.H.R. Report, *supra* note 70, at 2590, 2592, 2594.

105. C.H.R. Recommendations, *supra* note 77, at 3146.

106. 2000 Mexico Response, *supra* note 82, ¶ 11; C.H.R. Report, *supra* note 70, at 2590, 2592, 2594.

107. 2000 Mexico Response, *supra* note 82, ¶ 11.

108. Convention of Belém do Pará, *supra* note 1, art. VII.

109. 2000 Mexico Response, *supra* note 82, ¶ 11.

110. C.H.R. Report, *supra* note 70, at 2590.

111. C.H.R. Recommendations, *supra* note 77, at 3146.

112. Convention of Belém do Pará, *supra* note 1, art. VII.

113. C.H.R. Recommendations, *supra* note 77, at 3146.

114. *Id.*

Support Therapy Center for the victims of violence, local human rights commissions, NGOs and others.<sup>115</sup>

Although these measures demonstrate Mexico's efforts to comply with the Convention, steps still need to be taken. Because these measures are aimed at people who work at high levels of government, a woman seeking help from the local police may still be forced to deal with officers who retain the conventional ideals. Officials who are the first to respond when women are in need of protection and help must also be trained to recognize and apply the policies and ideals of the Convention. Educational measures must be continued, but at a more wide-spread grassroots level. This includes training local officers to recognize domestic violence as a crime and follow up by assisting the victims and punishing perpetrators. It is essential that the victims receive assistance and redress when they seek help from the local law enforcement officers.

The Mexican Government must also use legislation to provide financial support to NGOs and other groups that work first-hand with domestic violence victims. This requires the Government to appropriate and provide funding so that these groups are able to expand and reach as many victims as possible. It also requires that the Government continue to pass legislation that combats domestic violence.

#### *B. Article Eight—Education and Programs*

Article eight lists nine specific measures that Member States must undertake in order to comply with the Convention.<sup>116</sup> These measures include the establishment of programs, education about domestic violence, and continuing research.<sup>117</sup> While the Mexican government has recently worked to educate and create programs for victims, non-governmental groups such as COVAC and feminist groups have been working for many years to educate people about domestic violence, protect women from the violence, and research the causes of domestic violence.<sup>118</sup>

The Mexican Government has provided social services to victims

---

115. 2000 Mexico Response, *supra* note 82, ¶ 11.

116. Convention of Belém do Pará, *supra* note 1, art. VIII.

117. *See id.*

118. *See, e.g.,* Glantz & Halperin, *supra* note 7. Government funding for NGOs such as COVAC would improve Mexico's level of compliance with the treaty. Because COVAC and other NGOs and Feminist groups have been working for many years to counteract domestic violence, they most likely are very knowledgeable about the problem and may be more effective at reaching certain populations. Also, women may feel comfortable seeking help from long-standing organizations that they possibly are already familiar with.

and access to effective readjustment and training programs as required by Article eight.<sup>119</sup> In twenty-seven States the government has set up agencies that specialize in sex crimes and care for victims of violence.<sup>120</sup> The government also has established a telephone hotline in San Luis Potosi to assist victims of domestic violence.<sup>121</sup> The Intra-family Violence Assistance Center provides assistance to victims of domestic violence.<sup>122</sup> Although CAVI was established in 1990, prior to Mexico's signing of the Convention, it continued to be funded by the Mexican government.<sup>123</sup> Mexico has established programs to assist victims of domestic violence, but NGOs have been key actors in providing these types of services.

Article eight requires that the Mexican government educate women about their rights and remedies under the Convention.<sup>124</sup> Mexico has worked to fulfill this obligation by instituting an informational campaign which aims to convince both men and women that violence is wrong and abusive and that masculinity and femininity do not imply domination or submission.<sup>125</sup> The government has also updated and distributed pamphlets on the human rights of women and domestic violence and its control.<sup>126</sup>

The Mexican government has established programs to educate people about domestic violence in the hopes of modifying the cultural patterns of men and women, law enforcement officers, and personnel responsible for creating policies dealing with domestic violence as required by Article eight.<sup>127</sup> Mexico has held informational campaigns to educate the public about the human rights of women and convince both men and women that domestic violence is wrong.<sup>128</sup>

The Mexican government has studied domestic violence and has assessed the effectiveness of the programs that are currently in place.<sup>129</sup> CAVI, the governmental agency working to assist victims of domestic violence, records instances of domestic violence and compiles statistics

119. Convention of Belém do Pará, *supra* note 1, art. VIII.

120. C.H.R. Report, *supra* note 70, at 2590.

121. C.H.R. Recommendations, *supra* note 77, at 3146, 3148.

122. Ramirez, *supra* note 2, at 32.

123. *E.g., id.*

124. Convention of Belém do Pará, *supra* note 1, art. VIII.

125. C.H.R. Report, *supra* note 70, at 2594. As men are commonly the abusers in a situation of domestic violence, it is important that not only women and girls are educated about domestic violence, but also that men, and especially boys, learn that domestic violence is wrong so that they do not grow up to become abusers themselves.

126. 2000 Mexico Response, *supra* note 82, ¶ 11. (These pamphlets must be distributed in Spanish, and also indigenous languages.)

127. Convention of Belém do Pará, *supra* note 1, art. VIII.

128. C.H.R. Report, *supra* note 70, at 2594.

129. Convention of Belém do Pará, *supra* note 1, art. VIII.

based on complaints.<sup>130</sup>

These steps that the Mexican Government has taken to comply with the treaty are commendable, but the Government must work to ensure that the message, that domestic violence is wrong, is distributed to all people in Mexico. In order to change social beliefs and norms, the Government must first educate people that domestic violence is wrong. This may be done through school educational programs, television public service announcements, and distribution of information in different media forms. The government must be especially careful to be sure that all groups are exposed to this information, including rural groups, indigenous groups, the elderly, and the illiterate. While trying to change long-held prejudices and attitudes may seem like an impossible task, if these prejudices are changed, domestic violence may become a thing of the past.

By teaching people that domestic violence is unacceptable and enforcing this idea through tough laws and penalties, these ideas will change and be passed down through families.

While the state of women facing domestic violence has improved since Mexico's adoption and ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, the Mexican government and NGOs have a long way to go before domestic violence is a thing of the past. There are factors that are seemingly outside the control of these organizations. These issues include a lack of funding, long-established social attitudes toward women, and lack of education.

One factor that undermines the value of the Convention is the social attitudes and customs in Mexico. Even with every law in place to deter and punish domestic violence, laws are carried out by people who have long-held beliefs about how domestic violence should be dealt with. A woman who is subjected to this type of violence may feel as though the violence is deserved and therefore not bring a claim under either Mexican law or the Convention. She may feel that her community condones domestic violence as something that is a man's right—the right to “correct” the behavior of the woman. To successfully conform to the measures in the Convention, the Mexican government must work to

---

130. Ramirez, *supra* note 2, at 32-33. Because of the private nature of domestic violence and the small number of women who are abused that actually seek help, it is difficult if not impossible to thoroughly study and keep records of domestic violence. Also, because of many victims' unwillingness to speak out about their personal experiences with domestic violence, conducting research and studies about both the nature and frequency of domestic violence is difficult. If the educational programs change common beliefs about domestic violence, such as those beliefs that a woman deserves the abuse or that the abuse is a private matter, research may become less difficult.

educate men and women of all economic, social, and educational levels that domestic violence is unacceptable in any form; that the government will protect and provide redress for victims; and that there are agencies and centers where victims can find help.

The government must disseminate information about domestic violence to all sectors of Mexican society, including indigenous populations. Distribution of information, such as the distribution of informational pamphlets,<sup>131</sup> is important because it works to change stereotypes, which are at the root of the widespread domestic violence in Mexico. Difficulties such as language barriers, illiteracy, and isolation from urban areas should not deter the government from spreading this information to people who desperately need help and protection.

## VI. Conclusion

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, or Belém do Pará, was adopted by Mexico in the hopes of eradicating domestic violence that is so rampant throughout the country. Due to the Convention, Mexico has made tremendous strides in dealing with how domestic violence is addressed socially, judicially, and politically. It has brought about many positive changes which improve the quality of life for these women and teach people that this type of abuse is wrong. Changes have been made in the laws, education, assistance, and prevention of domestic violence. However, this violence still is present in the lives of countless Mexican women. Long-held and widely-held stereotypes about male and female roles have created the biggest challenge for those who are working to eradicate domestic violence. These stereotypes can only be completely eliminated from the consciousness of most Mexicans through time. Through the continued efforts of the Mexican government, NGOs, and other organizations, domestic violence will hopefully continue to be on the decline.

---

131. Country Report 2000, *supra* note 96, at 2671, 2691.