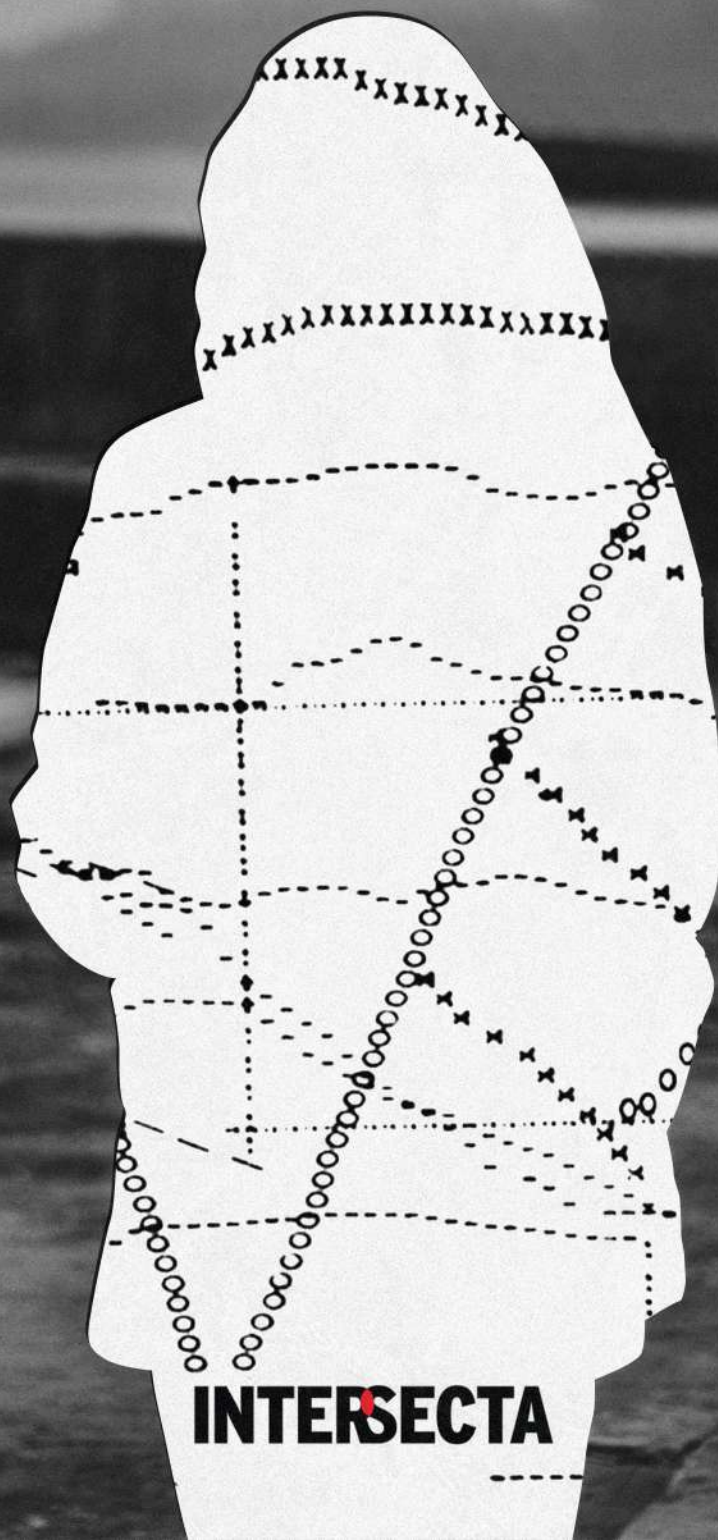


La importancia de políticas de datos adecuadas para los feminicidios.

Ejemplos de México



INTERSECTA

The importance of adequate data policies for femicides

Examples from Mexico

Brief submitted to the Special Rapporteur
on violence against women, its causes and consequences

April 30, 2021



DATA CÍVICA
Más datos para más personas

INTERSECTA

Data Cívica and Intersecta respectfully submit this brief to the Special Rapporteur on violence against women, its causes and consequences with the purpose of informing its report on femicide which is to be presented at the 76th session of the General Assembly.

Data Cívica and Intersecta are Mexican feminist non-governmental organizations that dedicate part of our work to understanding femicides in Mexico, with the purpose of identifying evidence- and human rights-based policies to prevent them. In our work, we use State-produced data and have identified several of its shortcomings that, to this date, make it impossible to properly assess the impact of femicides. This brief is thus dedicated to outlining some of the problems with the data collected and published by the Mexican State with regards to femicides, aiming to inform the Special Rapporteur's recommendations on data policies for femicides.

In our view, there are four types of problems with State data on femicides: 1) they fail to include key variables that would help ascertain the prevalence of femicides; 2) they fail to give an account of how they impact women differently, considering race, disability, sexual orientation, gender identity and other similar factors; 3) homicide and femicide records can rarely be properly contrasted with data on other forms of violence, which impedes a proper analysis of the interconnectedness of these violences; and 4) authorities fail to register, or fail to properly register key information, in spite of having the obligation to do so. State data, in other words, fails both on paper and in practice. Regardless of how women's murders are registered, existing information indicates that women in Mexico are being killed at some of the highest rates of the past four decades. The failure of State data that we highlight in this brief poses an obstacle to understanding, preventing, and redressing lethal violence against women in a timely fashion.

Based on our assessment of Mexico's own shortcomings with regards to its data policies on femicides, we believe it is important to recommend that State governments take the following actions:

1) Update their data policies so as to allow a better approximation to and understanding of femicides. Legal recognition of femicides is not enough. Data policies and practices must also be changed. In this process, it is important to update criminal, administrative, and health records in tandem.

2) Update their data policies so as to allow a better understanding of the disproportionate impact femicides have on different groups of women. Concretely: they must be designed in a way that allows an intersectional analysis of this, and all, forms of violence. It is important for data to be disaggregated, at least, by race, ethnicity, sexual orientation, economic status, disability, gender identity, migration status, and occupation, among others, so as to establish, as the Rapporteur has previously said, "systemic patterns that exacerbate existing vulnerabilities".¹ This must be done in accordance with a human rights-based approach to data,² following the principles of self-identification, participation, and transparency.

3) Invest in the data capabilities of administrative, health, and criminal authorities. This includes investing resources on authorities' data training, equipment and software, and data collection, management, and publication processes. States must also invest in mechanisms to improve multi-level and multi-sector coordination so as to improve data.

4) Improve data on all forms of violence, and not just on homicides and femicides, so it is possible to better understand how they are all connected.

0. State data sets on homicides and femicides in Mexico

There are two main sources of State data that document homicides in Mexico. The first is the mortality data published by National Institute of Statistics and Geography (INEGI), which is updated annually, though generally with a delay of more than a year. Currently, for instance, the INEGI data is only available from 1990 to 2019.

The second set of available data on homicides in Mexico is published by the Executive Secretariat of the National Public Security System (SESNSP), which falls under the authority of the federal government. This set is updated monthly. Currently, SESNSP data from March of 2021 is already available.

The INEGI data is based on administrative records, like death certificates, and uses victims of suspected homicides as its unit of observation. It uses the International Statistical Classification of Diseases and Related Health Problems to classify deaths, including homicides. The SESNSP data, on the other hand, which began in 1997, relies on information reported by state prosecutors, using open criminal investigations as its unit of observation. Only since 2018 has the SESNSP published two distinct sets of homicide data: one on the number of murder investigations opened each month and another on the total number of victims in these opened investigations. This second set, however, only includes data from 2015 onwards.

Neither data set allows us to properly assess femicides, nor their impact on different women.

1. The number of femicides cannot be known

How many femicides occur in Mexico? This question cannot be answered, for several reasons.

First, it is important to recognize that legal definitions of femicide vary from state to state. Regardless of the definition that is taken, however, data is insufficient to estimate how many femicides there are.

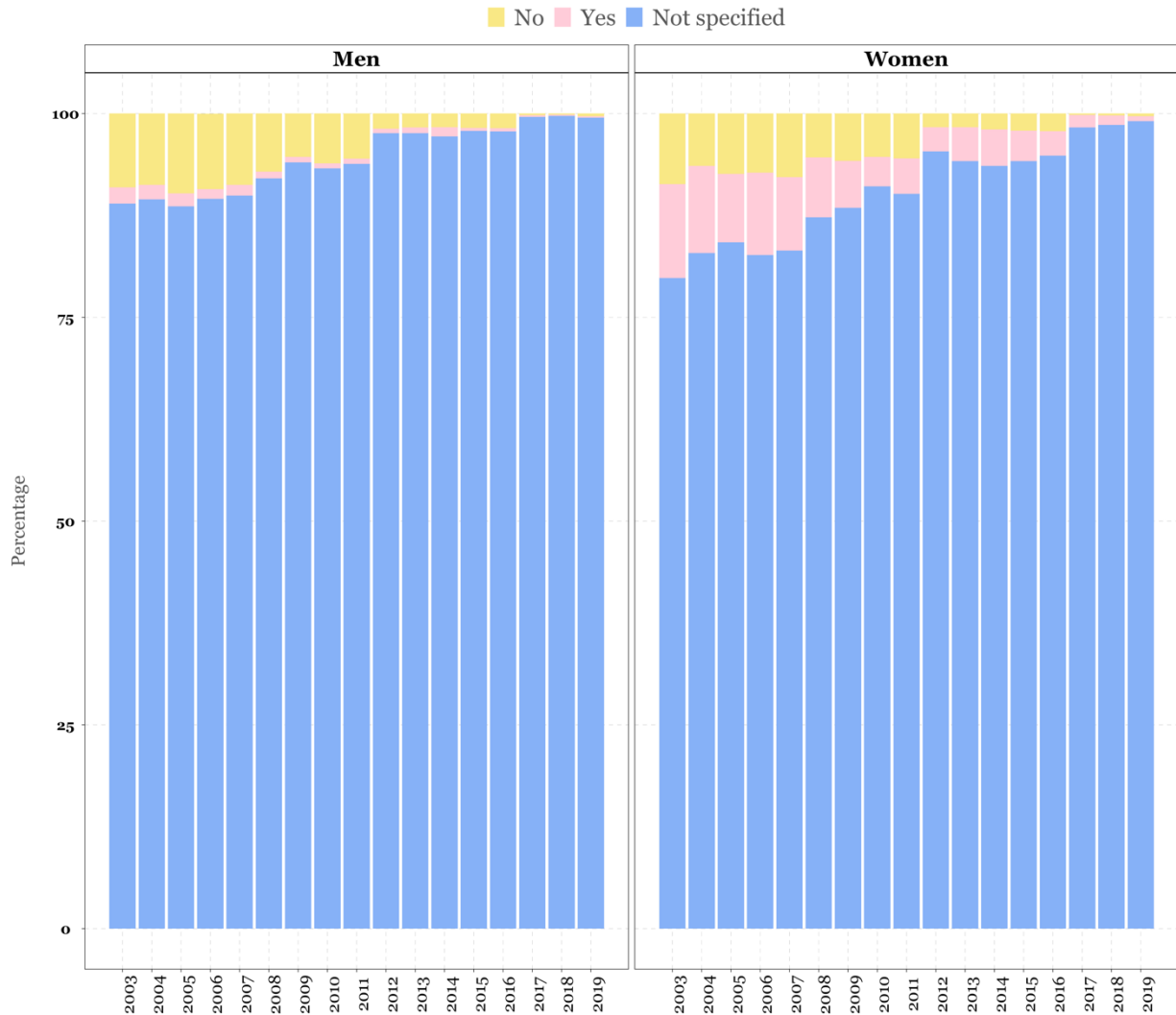
The problem with the INEGI data set is twofold: on the one hand, it has not been updated to include proxies for femicides. For example, all states consider a murder a femicide if the victim presents signs of sexual violence; however, INEGI records only specify the victim's cause of death, not whether she presents signs of violence, sexual or otherwise.

Another example: criminal law generally considers a murder a femicide if it occurred in a context of family violence. Although since 2003 INEGI records include a variable that identifies whether domestic violence was present in suspected homicides, this variable is left unspecified in the vast majority of cases. Even further: registration of this variable has worsened with time. In 2019, this variable was left unspecified for 99% of suspected homicides of women.

Additionally, since 2012, the records have included a variable that registers whether there was a relationship between the victim and the suspected offender, "whether that of blood relatives, spousal, legal, of kinship, or by custom." This variable was not specified for 98.4% of homicides of men and 96.3% of homicides of women that occurred between 2012 and 2019.

In Mexico, did homicides occur in a context of family violence?

By year and by sex of the victim

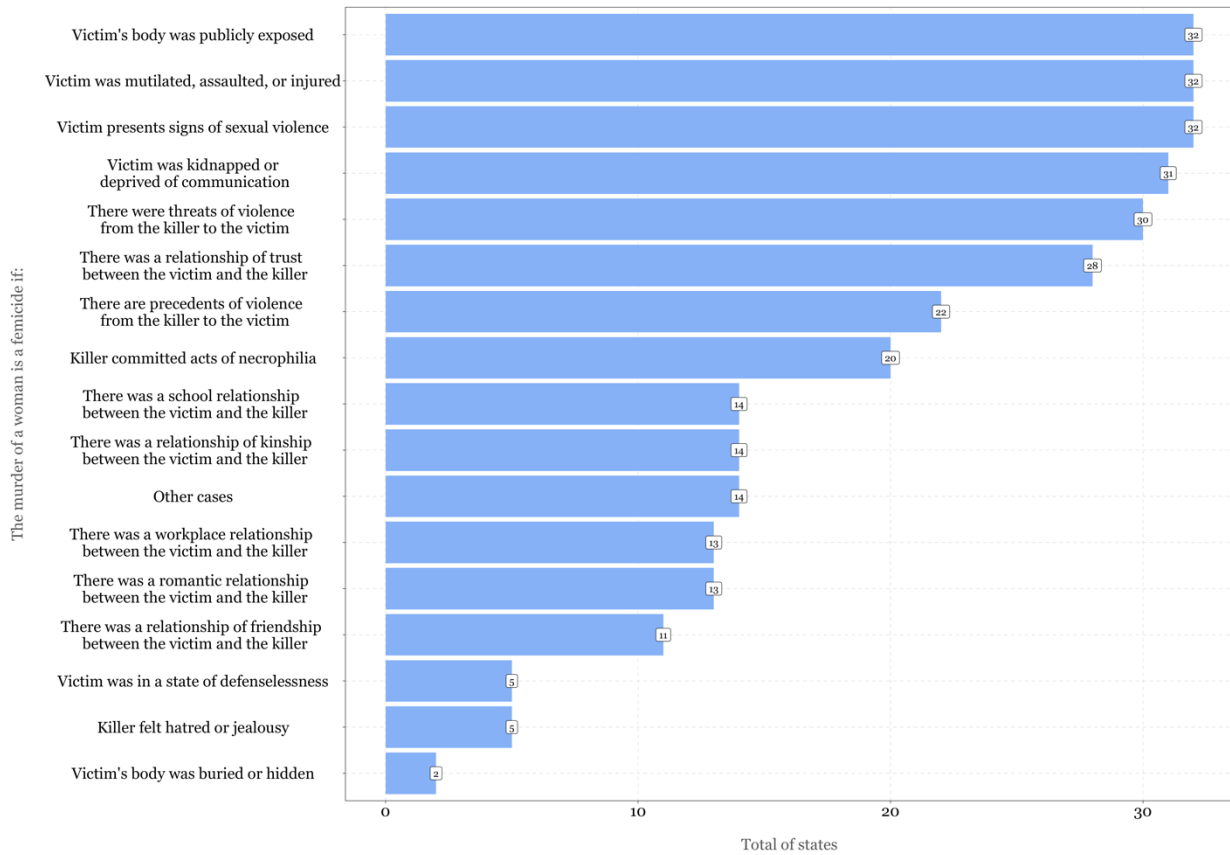


Source: 'Registros de Defunciones por Homicidio' of the Instituto Nacional de Estadística y Geografía. Data processed by Data Cívica (datacivica.org) and Intersecta (intersecta.org).

The SESNSP, on the other hand, offers two classifications: intentional homicides and femicides. There are several problems with this information, though. The first is: it is not possible to determine what type of femicide is being registered. All Mexican federal entities recognize a variety of femicides. As evident in the below graph, there is a wide variation in the criteria used by different states to criminalize femicides. However, public data does not provide information on which criteria were used to classify a particular murder as a femicide.

How many states in Mexico criminalize different types of femicides?

Considering all 32 state criminal codes

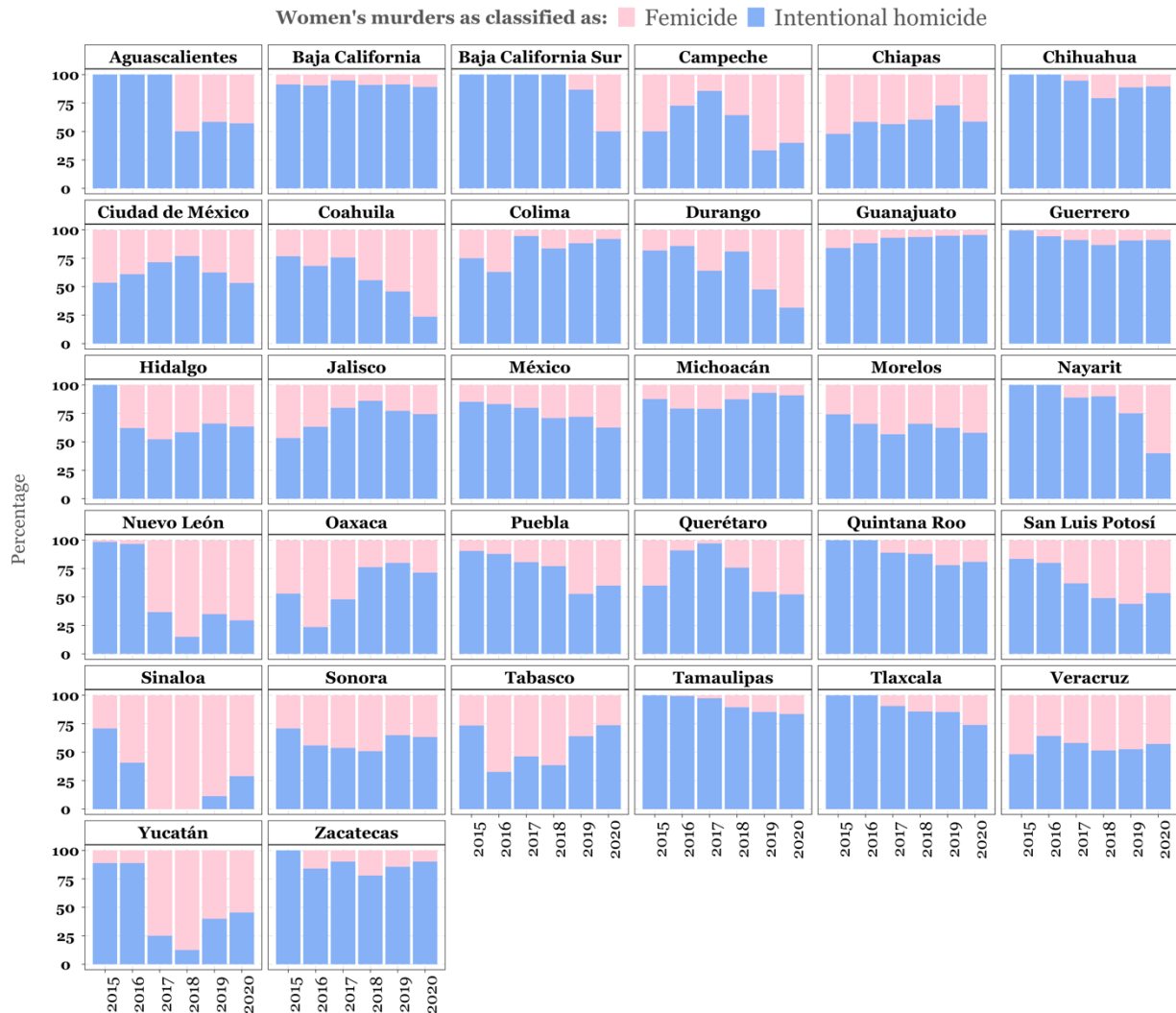


Source: State criminal codes in Mexico consulted in April of 2021.
Data systematized, classified, and processed by Intersecta (intersecta.org)

Additionally, upon further scrutiny, SESNSP records reveal that there are significant disparities in how prosecutors statistically classify women's murders.³ There are cases of states, like Chihuahua and Baja California, that classify almost all murders of women as homicides. Other states, like Sinaloa, classify almost everything as a femicide. There are instances of drastic changes from one year to the next, as is the case with Yucatán, which went from classifying 10% of killings of women as femicides in 2016 to 75% in 2017. Did femicides increase or did the form in which prosecutors recognize these killings change? Are we finally seeing a recognition of femicides or are prosecutors following the guideline of investigating all killings of women *as* femicides, regardless of whether or not they think—or know—that they are such? We cannot know.

In Mexico, how are women's murders classified by state prosecutors?

By year and by state



Source: 'Victimas de la incidencia delictiva' of the Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública.
Data processed by Data Cívica (datacivica.org) and Intersecta (intersecta.org).

2. The data does not allow an intersectional analysis

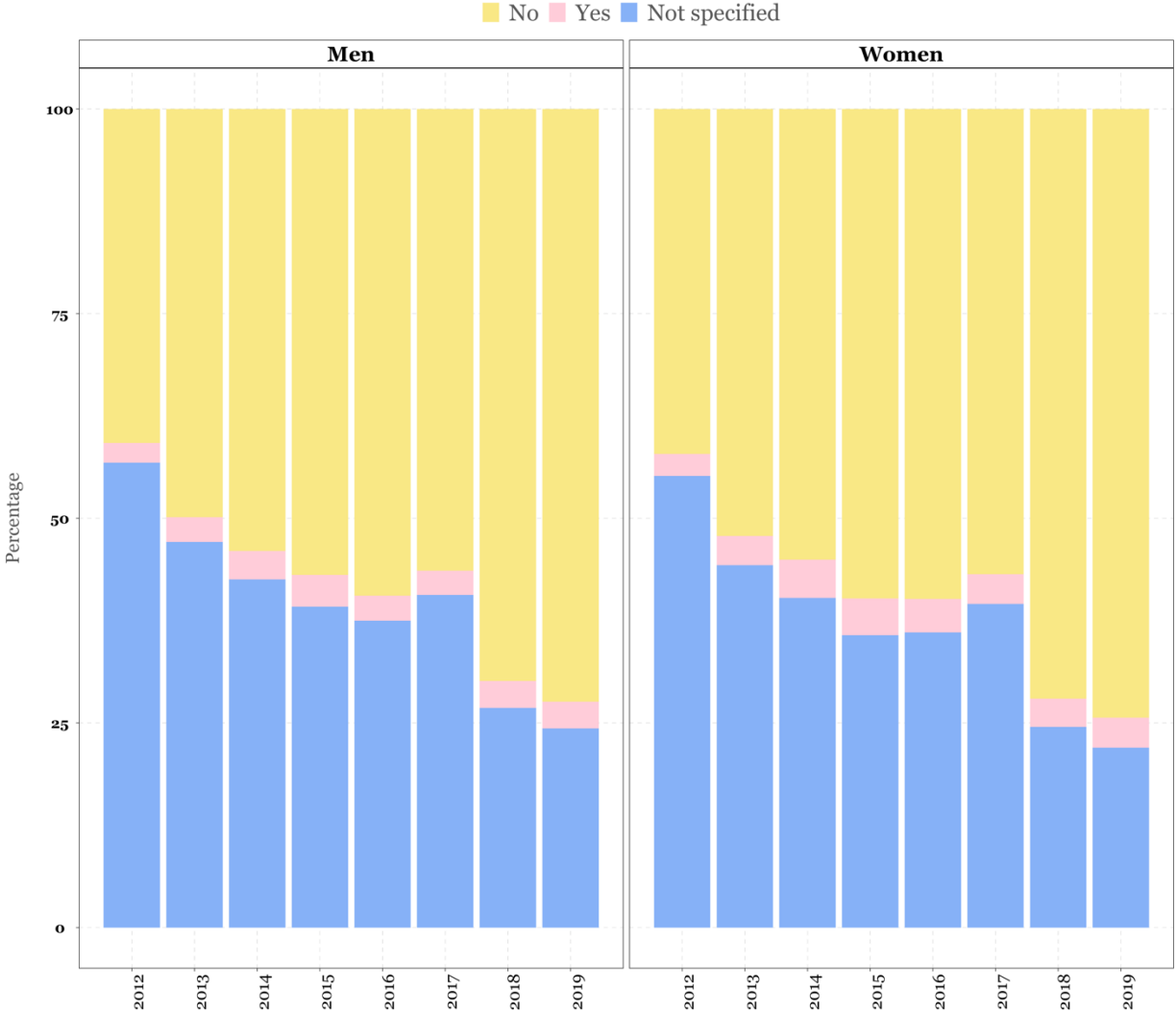
In addition to not being able to determine which murders are homicides and which are femicides, State data has another big problem: it cannot give a proper account of how this violence disproportionately impacts different groups of women.

SESNRP data only includes two sociodemographic variables: sex of the victim and whether they are minors. INEGI data, on the other hand, includes the variables of the victim's sex and age, as well as information on certain sociodemographic characteristics, including their marital status, level of education, whether or not they have access to social security, and whether or not they speak an indigenous language. Since 2012, however, the percentage of cases for which there is no information available on whether or not the victim spoke an indigenous language ranges between 21% and 57%. Although the registration of this information has been improving, we still cannot know exactly how

this violence affects indigenous women in the country. The same is true for most variables that INEGI records include.

In Mexico, did homicide victims speak an indigenous language?

By year and by sex of the victim



Source: 'Registros de Defunciones por Homicidio' of the Instituto Nacional de Estadística y Geografía. Data processed by Data Cívica (datacivica.org) and Intersecta (intersecta.org).

Most importantly, though: INEGI and SESNSP data fail to record variables that we know are potential murder risk factors, like a person’s sexual orientation, gender identity, skin color, immigration status, and disabilities. In order to better understand how women in diverse communities are affected by femicides and create policy solutions to effectively address this violence, it is essential to first redress this lack of information regarding victims. It is important to ensure this process is done with a human rights approach to data, respecting the principles of self-identification, participation, and transparency.

3. The context changed, but the data did not

Since Mexican feminists first started naming and denouncing femicides in the mid 1990's, a lot has changed in the country. This has, of course, impacted the violence women experience, including femicides.⁴

Many of the changes coincide with the onslaught of the so-called “War on Drugs”, launched by former President Felipe Calderón at the end of 2006, which included relying on the armed forces as never before to supposedly “confront organized crime”.⁵ Instead of reducing violence, this strategy exacerbated it. Murders soared. In 2006, 1,296 women were killed (2.4 for every 100 thousand); in 2019, 3,750 were killed (5.8 for every 100 thousand), an increase of 141%.

Now, for women, in addition to an increase in how many are murdered, we see changes in *how* they are murdered. For instance: in 2009, murders in public spaces surpassed those committed in the home. Since then, the majority of murders of women have occurred in public spaces. It is also possible to see how murders committed with firearms increased drastically. In 2006, these murders represented only 32%; by 2019, they represented 57%, in the case of women. In spite of their increased importance, registrations of the type of firearms used remain incredibly low.

Types of firearms used to commit murder in Mexico

By year and by sex of the victim



Source: 'Registros de Defunciones por Homicidio' of the Instituto Nacional de Estadística y Geografía. Data processed by Data Cívica (datacívica.org) and Intersecta (intersecta.org).

State data also fails in its inability to track distinct forms of violence that women experience during their lifetime. Because public databases lack unique individual identifiers for victims, we are unable to determine if a woman has previously been a victim of a crime or has sought assistance from the authorities or a public institution. For instance, we cannot track whether a murder victim previously presented signs of sexual abuse at a public hospital, sought refuge at a government-run shelter, or reported being a victim of violence to the authorities. This capability would allow advocates and researchers alike to statistically analyze how other forms of violence and government responses are related to femicides.

Additionally, there is simply not enough data at a municipal level to understand if and how other human rights violations are connected to femicides. Through documentation by journalists and civil society, we are able to observe an increase in forced disappearances, torture, land dispossession, sexual torture, and rape, amongst others. However, public data compiled by the State on other forms of violence does not include the disaggregation needed to analyze these human rights abuses and connect them to femicides.

Finally, even when data on violence and/or human rights violations is available, it is not always published openly. Therefore, it is key to reinforce basic principles of access to data.

References

¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/20/16, 23 May 2012, parr. 18.

² United Nations, *A Human Rights Based Approach to Data*, 2018.

³ Carolina Torreblanca, “¿Qué contamos cuando contamos feminicidios?”, *Animal Político: El Foco*, November 12, 2018.

⁴ See Data Cívica & Área de Derechos Sexuales y Reproductivos, *Claves para entender y prevenir los asesinatos de mujeres en México*, 2019.

⁵ See Intersecta, *Las dos guerras. El impacto de los enfrentamientos de las fuerzas armadas en los asesinatos de mujeres en México (2006-2018)*, 2020.