



Communique Committee of Experts

Committee of Experts expresses concern about the treatment of the case of sexual assault against a 4-year-old girl by the Judicial Power of the State of Mexico

Washington, DC, March 27, 2024. [The Committee of Experts of the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women](#) "Belém do Pará Convention" (MESECVI) expresses its concern about the decision, issued by Judge Manuel Alejandro Martínez Vitela, to acquit the alleged sexual aggressor of a 4-year-old girl, in a ruling that would be contrary to international standards.

According to information received by this Committee, Judge Manuel Alejandro Martínez Varela of the Judicial Power of the State of Mexico, at the end of the hearing, acquitted the alleged aggressor of the 4-year-old girl, and justified his decision, to the mother, on the basis that the child could not provide exact circumstances of time, manner, and place of the alleged sexual violence. In offering this justification, the judge placed a disproportionately heavy burden on the child by virtue of her age, thereby revictimizing her, as well as neglecting the intersection of age and gender of the victim. This, in effect, constituted institutional violence against the minor.

In addition, the Judicial Power of the State of Mexico issued a subsequent statement regarding the judge's decision in which it sought to highlight the arguments of the ruling, resulting in a new revictimization of the girl and her support environment.

The Committee of Experts notes that the Inter-American Court of Human Rights has established in various cases, many of them involving the Mexican State, that "sexual assault is a particular type of aggression that, in general, occurs in the absence of other individuals, beyond the victim and the perpetrator or perpetrators. Given the nature of this form of violence, the existence of graphic or documentary evidence cannot be expected, and therefore, the victim's statement constitutes fundamental evidence of the fact."¹

¹ Inter-American Court of Human Rights, Case Fernández Ortega and others vs. Mexico, Judgment of August 30, 2010, para. 100; Inter-American Court of Human Rights, Case Rosendo Cantú and another vs. Mexico, Judgment of August 31, 2010, paras. 89 and 95; Inter-American Court of Human Rights, Case Espinoza Gonzáles vs. Peru, Judgment of

Furthermore, the Experts of this Committee regret that the childhood and gender perspectives were not applied, and the statement of the victim, from which sexual abuse would be inferred, was not considered as the fundamental evidence of this crime, in accordance with the highest international standards. They also express concern about the fact that the victim was exposed to four expert opinions, revictimizing her and putting her personal integrity at serious risk.

The Committee of Experts recalls that according to Article 9 of the Belém do Pará Convention, States Parties shall take special account of the vulnerability to violence that girls may suffer because of their age. Therefore, there is an obligation to observe the highest standards in relation to the guarantee and protection of their human rights.

The CEVI has pointed out that "such judicial decisions constitute institutional violence, as they lack a gender and childhood perspective, revictimize girls, expose a web of impunity that perpetuates and deepens violence against them, and jeopardize trust in the justice system by victims of sexual crimes."²

In view of all that has been stated above, the Committee requests the Mexican State to: a) guarantee an effective judicial recourse so that the family of the victim can challenge the resolution of the case if they so consider, a process in which the highest international standards of due process and the perspectives of gender and intersectionality must be applied to ensure that the human rights and integrity of the victim and her family are protected, and to avoid revictimization and impunity; b) conduct a critical effective, and impartial investigation, and, if applicable, sanction, within a reasonable timeframe, those who may have exercised institutional violence; and c) comprehensively repair the damages suffered by the victim and her family in accordance with the highest international standards.

According to information received by this Committee from the authorities of the country, the Judiciary of the State of Mexico has initiated a process of investigation of Judge Manuel Alejandro Martínez Vitela in which, if elements are detected that indicate an irregular action on his part, it will proceed in strict accordance with the law. The CEVI welcomes this decision and urges that the investigations be carried out diligently and in accordance with the law.

The Follow-up Mechanism to the Belém do Pará Convention, through its Committee of Experts, makes itself available to the authorities of the United Mexican States for any technical support they may require in this matter.

November 20, 2014, para. 150; Inter-American Court of Human Rights, Case Women victims of sexual torture in Atenco vs. Mexico, Judgment of November 28, 2018, para. 315; Inter-American Court of Human Rights, Case Guzmán Albarracín and others vs. Ecuador, Judgment of June 24, 2020, para. 125.

² CEVI-MESECVI, Amicus Curiae in the Case Guzmán Albarracín and others vs. Ecuador before the Inter-American Court of Human Rights, dated December 20, 2020.

The [Committee of Experts](#) is the technical body of the MESECVI, responsible for the analysis and evaluation of the implementation process of the Convention of Belém do Pará. It is made up of independent Experts, appointed by each of the States Parties from among their nationals, who perform their duties in a personal capacity.