# Questionnaire on criminalization and prosecution of rape

Responses regarding MEXICO

Provided by UNODC-LPOMEX

**Definition and scope of criminal law provisions**

1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant articles of the Criminal code and the Criminal procedure code.

Mexico is a federation composed of 32 states, where each has its own criminal law provisions. There are 32 criminal codes, and a federal criminal code that applies only to crimes that are within the federal jurisdiction. The following table presents the full transcript of the relevant articles of the criminal law provisions on rape for each of the federal entities of the country.

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| State  | Criminal law provisions on rape  |
| Aguascalientes | […]**Article 118. Statutory rape**Statutory rape consists on performing copulation with a person between the age of fourteen and eighteen, obtaining their consent through section of misleading. […]**Article 119. Rape**Rape consists on performing copulation with a person regardless of their sex, using physical, moral o psychological force, to subdue the victim. […]For the purposes of this article, copulation is understood as the introduction of the penis in the human body, through the vagina, anus or mouth. […]**Article 120. Equated rape**It will also equate to rape, the following punishable acts: 1. To perform copulation with a person under the age of fourteen without using physical or moral force;
2. To perform copulation with a persona that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist, without the use of physical or moral force by the perpetrator.
3. To introduce through the vagina or anus, any element or instrument different from the penis, through the use of physical, moral or psychological force in order to subdue the victim, regardless of the sex of the victim;
4. To perform the introduction described in Fraction III in a person under the age of twelve without the use of physical or moral force; or
5. To perform the introduction described in Fraction III in a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist, without the use of physical or moral force by the perpetrator.

[…] |
| Baja California | […]**Chapter I. Rape.** **Article 176. Rape.** The person that carries out copulation through physical or moral violence with a person against their will, regardless of the victim´s sex, will be sanctioned with ten to fifteen years of prison and up to three hundred days of fine; if the victim is under the age of fourteen, the prison penalty will be of fifteen to twenty two years of prison and up to five hundred days of fine. For the purposes of this article, copulation is understood as the introduction of the male organ in the body of the victim, through the vagina, anus or mouth, regardless of their sex. If the rape is perpetrated between spouses or concubines, the prosecution will only proceed upon complaint of the offended party. **Article 177. Equated rape.**The person that carries out copulation with a person under the age of fourteen or with a person that, for any reason, does not have the ability to carry out intercourse voluntarily or resist the act, will be sanctioned with a prison sentence of twelve to twenty two years and up to five hundred day of fine. **Article 178. Non ordinary rape**.It is equated to rape the introduction of one or more fingers or an object of any nature in the vaginal or anal region, without the consent of the person o with the consent of the person if it is a minor of fourteen years old. **Article 182. Statutory rape.**The person that carries out copulation with a person between the age of fourteen and eighteen, obtaining their consent through seduction or misleading, will be sanctioned with a prison sentence of two to six years and up to one hundred days of fine.  |
| Baja California Sur | **Article 177. Rape.**The person that through physical and moral violence carries out copulation with another person, will be sanctioned with ten to fifteen years of prison and up to five hundred days of fine. Copulation is understood as the introduction of the penis into the human body, through the vagina, anus or mouth.The same penalty applied to whom introduces through the vagina or anus, any element, instrument or any part of the human body, different from the penis, through physical and moral violence. If there is a marital, concubinage or partner relationship between the perpetrator and the victim, the same penalty set out in this article will apply. In these cases, the crime shall be prosecuted upon complaint by the victim. **Article 178. Equated rape.** It is equated to rape, and sanctioned with fifteen to twenty-two years of prison and between one hundred and five hundred days of fine, whom: 1. Carries out copulation with a person under the age of twelve or with a person that does not have the ability to comprehend the meaning of the event or, for any reason, is unable to resist; or
2. Introduces through the anus or vagina, any element, instrument or any other part of the human body different from the penis in a person under the age of twelve or a person that does not have the ability to comprehend the meaning of the event, or, for any reason, is unable to resist.

If it was done through physical or moral violence, the penalty shall increase by a third. **Article 184. Statutory rape**The person that carries out copulation with a person between twelve and eighteen years old, obtaining their consent through any sort of misleading, will be sanction with one to six years of prison. This crime shall be prosecution upon complaint by the victim.  |
| Campeche | **Article 161.** Rape. The person that through physical or moral violence, carries out copulation with a person, regardless of their sex, will be sanctioned with eight to twenty-five years of prison and tree hundred to five hundred days of fine. Copulation is understood as the introduction of the penis or male organ in the body of the victim, through the vagina, anus or mouth.The same penalty will apply to whom introduces in a person, through physical or moral violence, in the vagina or anus, any element, instrument or part of the human body, different to the male organ. The same penalty set out in this article will apply if there is a marital concubinage, or partner relationship between the perpetrator and the victim. In this case, the crime will be prosecuted upon complaint by the victim. **Article 162. Equated rape.**It is equated to rape and will be sanctioned with the same penalty whom, without violence, carries out the acts described in the previous article in a person under the age of sixteen or that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist. Is there is physical or moral violence, the minimum and maximum of the penalty will be doubled. **Article 164. Statutory rape**The person that carries out copulation with the consent of a person over sixteen and under eighteen, regardless of their sex. To whom perpetrates this crime, will be applied a sanction of one to four years of prison […]. **Article 165**. If it is proved that if the copulation was carried out with the consent because of some sort of emotional relationship or its comparable, without any misleading, the sanctions will be reduced by half. **Article 166**. This crime will be prosecuted upon complaint by the victim.  |
| Chiapas | **Article 233. Rape**Is responsible for the crime of rape, whom through physical and psychological, carries out copulation with another person, regardless of their sex. For the purposes of the crimes set out in the present title, copulation is understood as the total or partial introduction of the male organ, in the vagina, anus or mouth in the body of another person. The perpetrator of the crime of rape will be sanctioned with eight to twenty years of prison.**Article 234. Equated rape.**It will be equated to rape and sanctioned with the same penalty: 1. The person that, through physical and moral violence, introduces in the body of the victim, in the vagina or anus, any element, instrument, object o part of the human body different from the male organ.
2. The person that, without violence carries out copulation with a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist.
3. The person that, without violence and with lascivious purposes, introduces in the anus or vagina, any element or instrument different from the male organ in a person that does not have the ability to comprehend the meaning of the event, or for any reason, is not able to resist, regardless of the sex of the victim.

In the cases of Fractions II and III, if there is use of physical or moral violence, the penalty will be increased by half.The penalties set out for the crime of rape and equated rape will be applied even if it is proved that the victim was the spouse, concubine or partner of the perpetrator. In these cases, the crime will be prosecuted upon complain by the victim.**Article 239. Statutory rape**.The person that carries out copulation with a person between fourteen and eighteen years old, regardless of their sex, obtaining their consent trough misleading. The perpetrators of the crime of statutory rape will be sanctioned with eight to twenty years of prison.  |
| Chihuahua | **Article 171. Rape.**The person that through physical and moral violence carries out copulation with a person, regardless of their sex, will be sanctioned with eight to twenty years of prison. Copulation is understood as the introduction of the penis in the human body, in the vagina, anus or mouth. If there is a marital, concubinage or partner relationship between the perpetrator and the victim, the sanction set out in this article will apply. In these cases, the crime will be prosecuted upon complain by the victim.The same penalty will apply to whomever introduced in the vagina or anus any element, instrument o any part of the human body, different to the penis, through physical and moral violence without the consent of the victim. **Article 172. Equated rape.** The penalty of ten to thirty years of prison will apply to whom: 1. Carries out copulation with a person under the age of fourteen or with a person that is unable to comprehend the meaning of the event or, for any reason, is not able to resist; or
2. Introduces in the anus or vagina any element, instrument or any part of the body different to the penis in a person under the age of fourteen or a person that is not able to comprehend the meaning of the event or, for any reason, is not able to resist.

Is the crime is perpetrated through physical or moral violence, the penalty will increase by half. **Article 177. Statutory rape.**The person that carries out copulation with a person over the age of twelve and under the age of eighteen, obtaining their consent through any type of misleading, will be sanctioned with one to four years of prison and a fine of thirty to eighty times the daily value of the Measure and Actualization Unit. This crime will be prosecuted upon complaint by the victim.  |
| Ciudad de México | **Rape****Article 174**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with six to seventeen years of prison. Copulation is understood as the introduction of the penis in the human body, in the vagina, anus or mouth.The same sanction will apply to the person that introduces, in the vagina or anus, any element, instrument or any part of the human body, different to the penis, through physical or moral violence.If there is a marriage, concubinage or partner relationship between the perpetrator and the victim, the sanction set out in this article will apply. This prosecution of this crime shall proceed upon complaint by the victim.**Article 175.** It is equated to rape and sanctioned with the same penalty, the person that: 1. Carries out copulation with a person that does not have the ability to comprehend the meaning of the even or, for any reason, is not able to resist,
2. Introduces in the anus or vagina any element, instrument or any part of the human body different to the ´penis in a person tat does not have the ability to comprehend the meaning of the event of, for any reason, is not able to resist.

If there is physical or moral violence, the penalty will increase by a half.**Statutory rape****Article 180**. The person that carries out copulation with a person between twelve and eighteen years old, obtaining their consent through any sort of misleading, will be sanctioned with six months to four years of prison. The prosecution of this crime shall proceed upon complaint by the victim.  |
| Coahuila de Zaragoza | Article 384. Sanctions and definition of rape. A penalty of seven to fourteen years of prison and a fine will apply to the person that through physical, psychological or moral violence carries out copulation with a person without their will, regardless of their sex.For the purposes of this code, copulation is understood as the total or partial introduction of the penis in the vagina, anus or mouth, regardless of the sex. **Article 385**. Sanctions and definition of rape in the marriage or concubinage.A penalty of three to ten years of prison and fine will apply to the person that, through physical, psychological or moral violence carries out copulation with their spouse or concubine, without their will.**Article 386**. Sanctions and definition of equated rape. A penalty of nine to sixteen years of prison and fine will apply to the person that carries out copulation:1. With a person that does not have the ability to comprehend the nature of the sexual relationship or to decide in accordance with that comprehension; or resist the act.
2. With a person under the age of fifteen.

**Article 388**. Sanctions and definition of non-ordinary rape by instrument or element different to the natural.A penalty of four to nine years of prison and fine will apply to the person that illicitly introduces totally or partially in the anus or vagina any element or instrument different to the penis, without the consent of the person. A penalty of six to eleven years of prison and fine will apply to the person that illicitly introduces totally or partially any element or instrument different to the penis, in the anus or vagina of a person under the age of fifteen or whom, for any reason, does not have the ability to comprehend the meaning of the event or the possibility to resist the act. […]**Article 394**. Sanctions and definition of statutory rape. The penalty of six month to four years of prison and fine will apply to the person that, through section or misleading, carries out copulation with person under the age of eighteen and over the age of fifteen. **Article 395. Procedure condition for statutory rape.**The prosecution of the crime of statutory rape will only proceed upon complaint of the victim or its legal representatives, and if there are none, the institution in charge of the legal matters of minors or families.  |
| Colima | **Article 144.** The person that through physical or moral violence carries out copulation with another person is responsible of the crime of rape. For the purposes of this article, copulation is understood as the introduction of the male organ in the body of the victim through the anus, mouth of vagina, or member or organ with similar functions, regardless of the sex or gender. **Article 146.** The person that carries out copulation with a person under the age of fourteen or who does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist, will be sanctioned with fifteen to thirty five years of prison and a fine of one thousand to one thousand five hundred measure and actualization units**Article 147**. The same penalty will apply to the person that introduces any object or instrument different to the male organ, regardless of whether the perpetrator had the intention to copulate. **Article 148**. Statutory rape.The person of legal age that carries out copulation wth a person between fourteen and eighteen years old, obtaining their consent thrugh seduction or misleading, will be sanctioned with one to six years of prison and fine equivalent to two hundred to six hundred measure and actualization units. This crime will only be prosecuted upon complaint by the victim, their legal guardians or representative, or the state prosecutor for minors and family.  |
| Durango | **Article 176. Rape.**The person that carries out copulation through violence with a person regardless of their sex, will be sanctioned with eight to fourteen ears of prison and a fine of five hundred and seventy-six to one thousand times the measure and actualization unit. Copulation is understood as the introduction of the penis in the vagina, anus or mouth.If there is a marital, concubinage or partner relationship between the perpetrator and the victim, the same penalties will apply.The same penalties will apply to whomever introduces in the vagina or anus any element, instrument or any part of the human body, different to the penis, through violence or without the consent of the victim. **Article 177. Equated rape.** The penalty of ten to fifteen years of prison and a fine of seven hundred and twenty-eight measure and actualization units will apply to the person that: 1. Carries out copulation with a person under the age of fourteen or a person that is not able to comprehend the meaning of the even or, for any reason, is not able to resist;
2. Introduces in the anus or the vagina any element, instrument or any part of the human body different form the penis in a person under the age of fourteen or a person that is not able to comprehend the meaning of the event or, for any reason, is not able to resist.

If there is violence, the penalties will increase by half. **Article 181. Statutory rape.** The person that carries out copulation with a person between fourteen and eighteen years old, obtaining their consent through misleading, will be sanctioned with one to five years of prison and a fine of seventy-two to three hundred and seventy measure and actualization units. […] |
| Guanajuato | **Article 180**. The person that, through violence, forces copulation on another person, will be sanction with eight to fifteen years of prison and eighty to one hundred and fifty days of fine. **Article 181.** The person that carries out copulation with a person under the age of fourteen or with a person that, for any reason, is unable to resist the conduct, will be sanction with seven to seventeen years of prison and one hundred to one hundred and seventy years of fine. **Article 182.** The same penalty set out in article 180 will apply to the person that, through violence, introduces in the vagina or anus any object or any part of the human body that is not the male organ. When the victim is under the age of fourteen or a person that, for any reason, is not able to act voluntarily in their sexual relationship or resist the conduct, even when there is no violence, the penalty set out in the previous article will apply. **Article 183.** The rape between spouses or concubines shall be prosecuted upon claimant by the victim.**Article 185**. Statutory rape.The person that carries out copulation with a person n der the age of sixteen, obtaining their consent through seduction, will be sanctioned with six month to three years of prison and five to thirty days of fine. This crime will be prosecuted upon complaint by the victim.**Article 185.a**The person that carries out copulation with a person under the age of sixteen obtaining their consent through misleading, will be sanctioned with two to six years of prison and fifty to one hundred days of fine. If the perpetrator is more than four years older than the victim, the sanction will be four to twelve years of prison and forty to one hundred and twenty tears of fine. This crime will be prosecuted upon complaint by the victim.  |

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| Guerrero | **Article 178. Rape**The person that through physical or moral violence, carries out copulation with another person, will be sanctioned with twelve to twenty-four years of prison and six hundred to one thousand two hundred days of fine of the value of the measure and actualization unit. Copulation is understood as the introduction of the penis in the human body through the vagina, anus or mouth.The same penalty will apply to the person that introduces in the vagina or anus any element, instrument or any part of the human body, different to the penis, through physical or moral violence. The same penalty will apply is there is a marriage, concubinage or partner relationship between the perpetrator and the victim. In these cases, the crime will be prosecuted upon complaint by the victim. **Article 179. Equated rape**.It is equated to rape and will be sanctioned with ten to forty years of prison:1. The person that, without violence, carries out copulation with a person under the age of fifteen;
2. The person that introduces In the anus or vagina any element or instrument different to the male organ in a person under the age of fifteen or a person that, for nay reason, is no table to comprehend the meaning of the event o resist it, regardless of the victim’s sex.

If there is physical or moral violence, the minimum and maximum sentence shall be increased by a half.  |
| Hidalgo | **Article 179. Rape.**The person that, through physical or moral, carries out copulation with a person regardless of their sex, will be sanctioned with seven to twenty years of prison and a fine of seventy to two hundred times the daily value of the measure and actualization unit.The person that introduces, through physical or moral violence, any instrument or element different from the male organ in the vagina or anus, in another person regardless of the sex, will be sanctioned with five to twelve years and a fine of fifty to one hundred and twenty days.Copulation is understood has the introduction of the penis in the human body, in the vagina, anus or mouth, by a perpetrator whether it is a man or a woman who carries out an action to maintain sexual intercourse. **Article 180.** The same penalty will apply to the person that, without violence, carries out any of the conducts described in the previous article with a person under the age of fifteen or, that for any reason, is not able to comprehend the meaning of the event or does not have the possibility to resist the act. If there is violence, the applicable penalty will increase by a half. **Article 185. Statutory rape.**The person that carries out copulation with a person between the age of fifteen and eighteen, obtaining their consent through seduction and misleading, will be sanctioned with three to eight years of prison and a fin of fifty to one hundred and fifty days. **Article 186.** For the purposes of the previous article, seduction or misleading are presumed, unless proved otherwise. **Article 187**. The crim set out in this chapter will only be prosecuted upon complaint by the victim or its legal representative.  |
| Jalisco | **Article 175. Rape.** The person that, through physical or moral violence, carries out copulation with another person of legal age, regardless of their sex, will be sanctioned with eight to fifteen years of prison. For the purposes of this chapter, copulation is understood as the introduction, totally or partially, with or without ejaculation, of the male organ in the body of the victim, regardless of their sex, in the vagina, anus or mouth. […]It is equated to rape, the introduction in the vagina or anus, with erotic sexual ends, of any object or instrument different from the male organ, through physical or moral violence, regardless of the victim´s sex. The responsible of this crime will be sanctioned with the penalty set out in the first paragraph of this article. **Chapter VII. Sexual child abuse** **Article 142-M.** The person that carries out copulation or equated copulation with a person under the legal age or a person that is not able to comprehend the meaning of the acts or resist the act, will be sanctioned with: 1. Three months to five years of prison, when the victim is between fifteen and eighteen and the act is carried out through seduction, which is presumed unless proven otherwise, or through misleading;
2. Eight to fifteen years of prison, when the victim is between fifteen and eighteen and the act is carries out without their consent, or when it is a person that is not able to comprehend the meaning of the act or resist; and
3. Twelve to twenty years of prison when the victim is under the age of fifteen.

The crime set out in Fraction I will be prosecuted upon complaint by the victim or its legal representative. Copulation is understood as the introduction, totally or partially, of the male organ in the body of the victim, in the vagina, anus or mouth.Equated copulation is the total or partial introduction of any object different to the male organ in the body of the victim, in the vagina, anus and mouth, with erotic sexual ends.  |
| Estado de México | **Article 273.** The person that, through physical or moral violence, carries out copulation with a person without their will, will be sanctioned with ten to twenty years of prison and two hundred to two thousand days of fine. The crime of rape is also committed and will be sanctioned as such if the person introduces in the vagina or anus any part of the body, object or instrument different to the male organ, through physical or moral violence, regardless of the victim’s sex.It is equated to rape the copulation or introduction in the vagina or anus of any part of the body, object or instrument different to the male organ, with a person deprived of their reason, senses or when, because of an illness or any other causes, is not able to resist or when the victim is under the age of fifteen. In these cases, the penalty set out in the first paragraph of this article will apply. The criminal action will be extinguished if the victim is under the age of 15 but older than 13, has given his/her consent for copulation, has an affective relationship with the perpetrator and the age difference between them is not more than 5 years.For the purposes of this article, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex, whether there is ejaculation or not.**Article 271. Statutory rape.**The person that carries out copulation with a person between fifteen and eighteen years by obtaining their consent through any ort of seduction will be guilty of the crime of statutory rape. The penalty will be one to five years of prison. **Article 272**. The prosecution of the crime of stator rape shall only proceed upon complaint by the victim, their parents or legal representatives. |
| Michoacán de Ocampo | **Article 164. Rape**.The person that, through physical or psychological violence, carries out copulation will be sanctioned with five to fifteen years of prison. When the victim is under the age of eighteen, the sanction will be ten to thirty years of prison. Copulation is understood as the introduction of the penis in the human body through the vagina, anus or mouth. The same penalties will apply to the person that introduces in the vagina or anus any element, instrument or any part of the human body, different from the penis, through physical or psychological violence. If there if a marriage, concubinage or partner relationship between the perpetrator and the victim, the sanction will be three to ten years of prison. In these cases, the crime will be prosecuted upon complaint by the victim. **Article 165. Equated rape.**It is equated to rape and will be sanctioned with the same penalty, the person that: 1. Carries out copulation with a person under the age of twelve or with a person that is not able to comprehend the meaning of the event or, for any reason, is not able to resist;
2. Introduces in the vagina or anus any element, instrument or any part of the human body different to the penis in a person under the age of twelve or a person that is not able to comprehend the meaning of the event or, for any reason, is not able to resist; or
3. Being a sibling or ascendant over the legal age, carries out copulation with its sibling of descendant under the legal age, with knowledge of their kinship.

If there is physical or psychological violence in the previous Fractions, the penalty will increase by a half.  **Article 170. Statutory rape.** The person that carries out copulation with a person between the age of twelve and eighteen, obtaining their consent through misleading, will be sanctioned in accordance with the following provisions: 1. If the perpetrator is no more than seven years older than the victim, the sanction will be six to four years of prison;
2. If the perpetrator exceeds by seven or more years the age of the victim, the sanction will be increased by a half.

This crime will be prosecuted upon complaint by the victim.  |
| Morelos | **Article 152.** The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with twenty to twenty-five years of prison. For the purposes of this article, copulation is understood has de introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex. This crime is also committed by the person that, through physical or moral violence, penetrated with one or more fingers the vagina or anus of the victim. **Article 154.** The penalty set out in article 153 will apply to the person that carries out copulation or introduces any other element or instrument in the vagina or anus with lascivious or sexual erotic purposes with a person under the age of twelve or that does not have the ability to comprehend, or for any reason, is not able to resist the conduct. […]If there is use of physical violence, the penalty will increase by a third. **Article 156.** The person that introduced in the vagina or anus any element or instrument different from the male organ or one or more fingers, through physical or moral violence, regardless of the victim´s sex, will be sanctioned with twenty to twenty-five years of prison. **Article 159. Statutory rape.** The person that carries out copulation with a person between twelve and eighteen years of, obtaining their consent through seduction or misleading, will be sanctioned with five to ten years of prison. If the perpetrator coexists with the victim due to the kinship, its teaching activity, as an authority or employee in an educational centre or social assistance institution, the sanction will be six to twelve years of prison, and he will be disqualified from his position for a period equivalent to the prison sentence. **Article 160**. In the case of the previous article, the prosecution shall proceed upon complaint by the victim, their parents or legitimate representatives. |
| Nayarit | Artículo 293. Rape. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with six to twenty years of prison and one hundred to three hundred days of fine. Copulation is understood as the total or partial introduction of the male organ in the body of the victim, through the vagina, anus or mouth. When there is a marriage or concubinage relationship between the perpetrator and the victim, the sanction set out in the first paragraph of the present article will be applies. In this case, the prosecution shall proceed upon complaint by the victim.In the provision set out in the previous paragraph, the forgiveness of the perpetrator will proceed once, if the perpetrator voluntarily attends to a specialised psychological treatment in a public institution with headquarters within the state, for the time that the authority determines, which cannot be less than six months. **Article 294**. It will be sanctioned with ten to thirty years of prison and a fine of one hundred to three hundred days, when the rape is committed in the following cases: 1. The rape of a descendant by their ascendant, or vice versa, regardless of the level or origin of the kinship.
2. The rape of the stepdaughter or stepson by their stepfather, and the one carried out by the one perpetrate by the latter to their mother-in-law or father-in-law, as well as the one perpetrated by to the stepbrother or stepsister by their stepbrother or between collateral family up to the fourth grade.

Likewise, the rape carried out by the concubine on the descendants of their partners, between the descendants themselves, and the one carried out by the descendants to the concubine, as long as there is cohabitation between the perpetrator and the victim. 1. The rape committed by the perpetrator in the exercise of their functions, using its hierarchical position, derived from labour relationship, teaching, domestic or any other that results in subordination.

[…]**Article 295. Equated rape.**It is equated to rape and sanctioned with the same penalty the person that:1. Carries out copulation with a prepubescent person or deprived of reason or senses, or when due to illness or for any other reason, is not able to resist;
2. Introduces in the anus or vagina any object or part of the human body different to the male organ, through physical or moral violence, regardless of the sex of the victim.
3. Introduces in the anus or vagina any object or part of the human body different to the male organ, on a prepubescent person or deprived of reason or senses, or when due to illness or for any other reason is not able to resist, regardless of the victim’s sex.
4. When the perpetrator, through psychical or moral violence, forces the underage victim to carry out copulation.

**Article 291.** The person that carries out copulation with a person between twelve and eighteen, obtaining their consent through section or misleading, will be sanctioned with one to six years of prison, and a fine of one hundred to three hundred days. The seduction or misleading will be presumed unless proved otherwise. Copulation is understood as the introduction, totally or partially, of the male organ in the body of the victim, through the vagina, anus or mouth.[…]**Article 292.** The prosecution against the perpetrator of statutory rape shall only proceed upon complaint by the victim or their parents, or legal representatives. |
| Nuevo León | **Article 265.** Is responsible for the crime of rape the person that, through physical or moral violence, carries out copulation with a person, without their will, regardless of their sex. For the purposes of the present Code, copulation is understood as the introduction of the male organ in the body of another person, in the vagina or anus, regardless of the victim’s sex.**Article 266**. The sanction for the crime of rape will be nine to fifteen years of prison if the victim is over thirteen, if the victim is thirteen or less, but over eleven years old, the sanction will be fifteen to twenty two years of prison, if the victim is eleven or less, the sanction will be twenty to thirty years of prison.**Article 266 bis**. It is also considered as rape the copulation with a spouse or concubine, through physical or moral violence, without the will of the victim.**Article 276. Equated rape.**It is equated to rape and will be sanctioned as such, the copulation with a person under the age of thirteen, or with a person that even if they are of legal age, they are not in use if their sense, or that for any reason are not able to resist the act. **Article 268.** It is equated to rape and sanctioned as such the introduction in the vagina or anus, of any element or instrument different to the male organ, as well as the introduction of the male organ in the mouth, without the will of the victim, or with their will when they are thirteen years old or younger. Also, it is equated to rape and sanctioned as such, when the perpetrator introduces in their own mouth the male organ of a person under the age of thirteen, or a person that, even if they are of legal age, they are not in use of their senses, or that for any reason are not able to resist the act. **Statutory rape****Article 262**. The person that carries out copulation through seduction or misleading, with a person between thirteen and the legal age will be sanctioned for the crime of statutory rape.**Article 263**. The person responsible for the crime of statutory rape will be sanctioned with one to five years of prison, and a fine of six to fifteen quotas. **Article 264.** The prosecution against the perpetrator of the crime of statutory rape will only proceed upon complaint by the victim, their legal guardian o legal representatives. |
| Oaxaca | **Article 246**. The person that, through physical or moral violence, carries out copulation with a person without their will, regardless of their sex, will be sanctioned with fourteen to twenty years of prison and a fine of six hundred to one thousand two hundred times the value of the measure and actualization unit. For the purposes of this article, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex. **Article 246 bis**. It is equated to rape and will be sanctioned with fourteen to twenty years of prison and a fine of six hundred to one thousand two hundred times the value of the measure and actualization unit, the person that carries out copulation with a person between twelve and eighteen years old, obtaining their consent through seduction and misleading. The seduction and misleading will be presumed at all times. **Article 247.** It is equated to rape, the copulation with a person under the age of twelve even when there was consent, regardless of their sex; with a person deprived of reason or senses; or when due to illness or any other causes the person is not able to resist the act. In these cases, the penalty will be seventeen to twenty seven years of prison and a fine of on thousand six hundred to two thousand one hundred of the value of the measure and actualization unit. It is equated to rape and will be sanction with the same penalty, the introduction in the vagina or anus, of any element or instrument different to the male organ, through physical or moral violence, regardless of the victim’s sex.  |
| Puebla | **Article 267**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with ten to thirty years of prison and a fine of fifty to fife hundred and fifty measures and actualization units. Copulation is understood as the introduction of the penis in the human body, in the vagina, anus or mouth. When the victim is under the legal age or older than seventy years old, the sanction set out in the first paragraph will be doubled.In the case set out in Fraction VII of article 269 of the present code, the prosecution shall only proceed upon complaint by the victim.**Article 269**. In addition to the sanctions set out in the previous articles, the sanction of one to six years of prison will apply when the crime of rape or equated rape is committed in the following circumstances: […]1. When the spouse rapes the other spouse or between people that are in the situation set out in article 297 of the Civil Code of the State.

**Article 272**. It is equated to rape: 1. The copulation with a person deprived of their reason or senses, or due to illness or any other causes is not able to resist the act;
2. The copulation with a person under the age of fourteen;
3. The introduction in a person’s anus or vagina, of any object different to the male organ, through physical or moral violence.

**Statutory rape****Article 264**The person that carries out copulation with a person between fourteen and eighteen years old, through section or misleading, in order to obtain their consent, will be sanctioned with two to eight years of prison and a fine of one hundred to three hundred and fifty measure and actualization units.  |
| Querétaro  | **Article 160**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with five to twelve years of prison. Copulation is understood as the introduction of the sexual male organ in the human body, in the vagina, anus or mouth.The same sanctions will apply to the person that introduces in the anus or vagina, any object or instrument different to the sexual mal organ, through physical or moral violence, regardless of the perpetrator’s sex.**Article 161**. It is equated to rape and sanctioned with twelve to thirty years of prison the person that:1. Carries out copulation with a person under the age of fourteen, or that does not have the ability to comprehend the meaning of the event or the ability to resist it;
2. Introduces in the anus or vagina, any object or instrument different to the male sexual organ, regardless of the sex of the victim, in a person under the age of fourteen or that does not have the ability to comprehend the meaning of the event or ability to resist.

If there is physical or moral violence, or the criminal conduct is carries out by two of more perpetrators, the sanction will increase by a half.**Statutory rape.****Article 167**The person that carries out copulation with a person between fourteen and eighteen obtaining their consent through seduction or misleading, will be sanctioned with four to six years of prison. The prosecution of this crime shall proceed upon complaint by the victim, their parents, or legal representatives.  |
| Quintana Roo  | **Article 127**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with ten to twenty-five years of prison and seven hundred and fifty to one thousand five hundred days of fine. The person that carries out copulation with a person under the age of fourteen, or that for any reason is not able to express themselves voluntarily in sexual intercourse, or resist the criminal conduct, will be sanctioned with thirty to fifty years of prison and two thousand to three thousand days of fine. The person that carries out copulation through physical or moral violence with a person between fourteen and eighteen years old or that, for any reason, is not able to express themselves voluntarily in sexual intercourse, or resist the act, will be sanctioned with twenty five to fifty years and one thousand five hundred to three thousand days of fine.Statutory rape**Article 130**The person that, through misleading, carries out copulation with consent with a person between fourteen and eighteen years old, will be sanctioned with four to eight years of prison. The prosecution of this crime shall only proceed upon complaint by the victim or their legal representative. **Article 130.** […]For the purposes of Chapter I, II, III and VI of this Title, copulation is understood as the introduction, totally or partially, of the penis or any other object, instrument or part of the body different from the penis, in the body of the victim, in the vagina anus or mouth, regardless of their sex.  |
| San Luis Potosí  | **Article 171**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, is responsible for the crime of rape.This crime will be sanctioned with eight to sixteen years of prison and a fine of eight hundred to one thousand seven hundred days of the value of the measure and actualization unit, in addition to the damages. **Article 172**. The penalty set out in the previous article shall apply if the rape was perpetrated between spouses or concubines. This crime will be prosecuted upon complain by the victim. **Article 173**. The same sanctions will apply to who:1. Carries out copulation with a person under the age of fourteen.
2. Carries out copulation with a person that does not have the ability to comprehend the meaning of the event or that, for any reason, is not able to resist, regardless of the victim’s sex;
3. Introduces, with lascivious purposes, in the vagina or anus, any element or instrument different to the male organ in a person under the age of fourteen or a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist, regardless of their sex.

If there was physical or moral violence, the minimum and maximum of the penalty will increase by a half. **Article 174.** It is also considered as rape and will be sanctioned with eight to sixteen years of prison and a fine of eight hundred to one thousand seven hundred days of the value of the measure and actualization unit, the person that introduces in the vagina or anus any element or instrument different form the male organ, through physical or moral violence, regardless of the victim’s sex. **Article 177.** For the purposes of this title, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth.**Statutory rape****Article 179.** The person that carries out copulation with a person between fourteen and eighteen years old, obtaining their consent through seduction or misleading, is responsible for the crime of statutory rape. This crime is sanctioned with one to five years of prison and a fine of one hundred to five hundred days of the value of the measure and actualization unit. The prosecution of this crime shall proceed upon complaint by the victim.  |
| Sinaloa | **Rape****Article 179.**The person that, through violence, carries out copulation with a person regardless of their sex without their will, will be sanctioned with six to twenty years or prison.For the purposes of this code, copulation is understood as the introduction of the penis in the victim’s body in the vagina, anus or mouth, regardless of their sex.The person that introduces in the vagina or anus, any part of the body, element, object or instrument different from the penis, through violence, regardless of the sex of the victim, is responsible for the crime of rape and will be sanctioned as such. The same penalty will apply when there is a marriage, concubinage or relationship between the perpetrator and the victim. **Article 180.** It will be equated to rape and sanctioned with ten to thirty years of prison the person that: 1. Without violence, carries out copulation with a person under the age of fourteen.
2. Without violence, carries out copulation with a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist, and
3. Without violence and with sexual purposes introduces in the vagina or anus any part of the body, element, object, instrument different to the penis in a person under the legal age or a person that, for any reason, is not able to resist, regardless of the sex of the victim.

If there is violence, the minimum and maximum sentence will increase by a half.**Statutory rape****Article 184**The person that carries out copulation with a person between sixteen and eighteen years old, obtaining their consent through misleading, will be sanctioned with one to six years of prison and a fine of one hundred to three hundred days.If the victim is between fourteen to sixteen years old, the penalty will increase by a half. When the perpetrator is fifteen or more years older than the victim, the penalty will double. The misleading is presumed when the victim is under sixteen years old.  |
| Sonora | **Rape****Article 218.** The person that through physical or moral violence, carries out copulation with a person, regardless of their sex, will be sanctioned with five to fifteen years of prison.For the purposes of the present Chapter, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex.If there is marriage, concubinage or partner relationship between the perpetrator and the victim, the same penalty set out in the present article will be applied. In these cases, the prosecution will proceed upon complaint by the victim. **Article 219.** It is equated to rape and sanctioned as such the following:1. The introduction in the anus or vagina of any element different to the male organ, through physical or moral violence, regardless of the victim´s sex.
2. The copulation or introduction in the anus or vagina of any element different to the male organ, without violence, with a mentally retarded person, or under the age of twelve, or with someone thar does not have the ability to comprehend the meaning of the event, even if they gave their consent, or with a person that is not able to resist due to illness, loss of their senses, disability, or any other reason.

If there is violence in the circumstances set out in Fraction II of the present article the sanction will increase by a half. **Statutory rape****Article 215**The person that carries out copulation with a person between the ages of twelve and eighteen, obtaining their consent through seduction or any sort of misleading, is responsible for the crime of statutory rape. The sanction for that crime will be of two to four years of prison and a fine of one hundred to three hundred measure and actualization units.[…]**Article 216**. The prosecution of the crime of statutory rape will only proceed upon complaint by the victim, their parents or a legal representative.  |
| Tabasco | **Rape****Article 148.** The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with ten to sixteen years of prison.For the purposes of this Article, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex.**Article 149.** The person that introduces in the vagina or anus, any element, instrument or any part of the human body, different to the male organ, through physical or moral violence, regardless of the victim’s sex, will be sanctioned with six to twelve years of prison. **Article 150.** The person that carries out copulation with a person who, regardless of their sex, is not able to comprehend the meaning of the event or that, for any reason, is not able to resist, will be sanctioned with ten to sixteen years of prison.The same penalty will apply to the person that, without violence and with lascivious purposes, introduces in the anus or vagina, any element, instrument different to the male organ, in a person that does not have the ability to comprehend the meaning of the event, or for any reason, is not able to resist, regardless of the victim’s sex. **Statutory rape****Article 153**. The person that, through misleading, carries out copulation with a woman between the ages of fourteen and eighteen, that has not attained her normal psychosexual development, will be sanctioned with four to six years of prison.  |
| Tamaulipas | **Rape****Article 273**. The person that, through physical or moral violence, carries out copulation with a person without their will, regardless of their sex, is responsible of the crime of rape. **Article 274**. The person responsible for the crime of rape will be sanctioned with ten to eighteen years of prison. If the victim if their spouse or concubine, regardless of their gender, the prosecution shall only proceed upon complaint by the victim. If the victim is under the age of fourteen or is a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist, the sanction will be thirty to forty years of prison.For the purposes of this chapter, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex.The same sanction will be applied and considered as rape the introduction in the vagina or anus, of any element, instrument or part of the body different to the male organ, through physical or moral violence, regardless of the victim’s sex.[…]**Article 275**. It is equated to rape and will be sanctioned with twenty to thirty years of prison the person that:1. Without violence, carries out copulation with a person under the age of fourteen, without violence.
2. Without violence, carries out copulation with a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist.
3. Without violence, introduces in the anus or vagina, any element, instrument or part of the human body different to the male organ in a person under the age of twelve or a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist, regardless of the victim’s sex.

**Statutory rape****Article 270**. The person that carries out copulation with a person between the ages of twelve and eighteen, obtaining their consent through misleading or through some sort of scheme, is responsible for the crime of statutory rape. The prosecution of this crime shall only proceed upon complaint by the victim, their parents, or legal representative. **Article 272.** The prosecution of the crime of statutory rape shall only proceed upon complaint by the woman victim, their parents or legal representatives. |
| Tlaxcala | **Rape****Article 285**. The person that carries out copulation, through physical or moral violence, with a person regardless of their sex, will be sanctioned with eight to fourteen years of prison and a fine of five hundred and seventy six to one thousand and eight days of wage.**Article 268**. Copulation is understood as the introduction of the penis in the vagina, anus or mouth.**Article 287**. If there is a marriage, concubinage or partner relationship between the perpetrator and the victim, the sanctions set out in article 285 of this Code will be applied, in these cases, the prosecution of the crime shall proceed upon complaint by the victim. **Article 288**. The introduction in the vagina or anus of any element, instrument or any part of the human body, different to the penis, through physical or moral violence, without the consent of the victim, will be sanctioned with eight to fourteen years of prison and five hundred and seventy six to one thousand and eight days of wage. **Article 289**. The sanction of ten to fifteen years of prison and seven hundred and twenty to one thousand and eighty days of wage will apply to the person that:1. Carries out copulation with a person under the age of fourteen.
2. Carries out copulation with a person that does not have the ability to comprehend the meaning of the event.
3. Carries out copulation with a person that, for any reason, is not able to resist, or
4. Introduces in the anus or vagina, any element, instrument or any part of the human body different to the penis in a person under the age of fourteen or a person that does not have the ability to comprehend the meaning of the event or, for any reason, is not able to resist.

If there is violence, the sanctions will increase by a half. **Statutory rape****Article 293.** The person that carries out copulation with a person between the ages of fourteen and eighteen, obtaining their consent through misleading.  |
| Veracruz  | **Rape****Article 184**. The person that, through physical or moral violence, carries out copulation with a person, will be sanctioned with six to twenty years of prison and a fine up to four hundred days of wage. Copulation is understood as the introduction of the penis in the body of the victim, in the vagina, anus or mouth.It is also considered as rape when a person, through physical or moral force, introduces in the vagina or anus any object or part of the body different to the penis, regardless of the victim’s sex. This circumstances also applies when there is a marriage or concubinage relationship between the perpetrator and the victim. **Statutory rape****Article 180**. The person that carries out copulation with a person between fourteen and eighteen years old, obtaining their consent through seduction or any sort of misleading, will be sanctioned according to the following circumstances:1. If there is no more than five years of age difference between the perpetrator and the victim, the sanction will be six months to five years of prison and a fine up to one hundred and fifty days of wage.
2. If there is more than five years of age difference between the perpetrator and the victim, but less than seven, the sanction will be six month to eight years of prison and a fine of up to three hundred days of wage.

The prosecution of this crime shall proceed upon complaint by the victim.  |
| Yucatán | **Rape****Article 313**. The person that, through physical or moral violence, carries out copulation with a person regardless of their sex, will be sanctioned with six to twenty years of prison and two hundred to five hundred days of fine. For the purposes of this Chapter, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex.The same sanction will apply to the person that introduces in the vagina or anus, any object or instrument different from the male organ, through physical or moral violence, regardless of the victim’s sex.**Article 314.** The prosecution of the rape between spouses or concubines shall only proceed upon complaint by the victim. **Article 315**. It is equated to rape and sanctioned with eight to twenty five years of prison, and two hundred to five hundred days of fine, the person that without violence and with lascivious purposes, carries out copulation or introduces in the vagina or anus any object or instrument different from the male organ in a person under the age of fifteen or deprived of their reason or senses or when, due to illness or any other reason, is not able to resist. If there is also physical or moral violence, the minimum and maximum sentence shall increase by a half. **Statutory rape****Article 311.** The person that carries out copulation with a person between fifteen and eighteen years old, obtaining their consent through misleading, will be sanctioned with three months to four years of prison.  |
| Zacatecas | **Rape****Article 236.** The person that, through physical or moral violence, carries out copulation with a person, regardless of their sex, will be sanctioned with five to fifteen years of prison and a fine of twenty to one hundred quotas.For the purposes of this article, copulation is understood as the introduction of the male organ in the body of the victim, in the vagina, anus or mouth, regardless of their sex.  If there is a marriage, concubinage or partner relationship between the perpetrator and the victim, the same penalty set out in the first paragraph of the present article will apply. In that case, the prosecution of the crim shall proceed upon complaint by the victim.**Article 237.** It is equated to rape and sanctioned with the same penalty, when a person:1. Without violence, carries out copulation with a person under the age of twelve; in this case the sanction will be ten to twenty-five years of prison and a fine of twenty to one hundred quotas.

If there is physical or moral violence, the penalty will increase by up to two years.1. Without violence, carries out copulation with a person that does not have the ability to comprehend the meaning of the event, or for any other reason, will be sanctioned with the same penalty as set out in Fraction I of this article.

If there is physical or moral violence, the sanction will increase by up to two years.1. Introduces in the vagina or anus any element or instrument different to the male organ, through physical or moral violence, except in the case of victims under the age of twelve, regardless of the victim´s sex, will be sanctioned with six to fifteen years of prison and a fine of twenty to one hundred quotas […].
2. Carries out copulation with a person between the ages of twelve and eighteen, obtaining their consent through misleading, will be sanctioned with three to six years of prison and a fine of two hundred to three hundred and seventy five quotas.

[…]  |

1. Based on the wording of those provisions, is the provided definition of rape:
	* Gender specific, covering women only YES/NO
	* Gender neutral, covering  all persons   YES/NO
	* Based on the lack of consent of victim YES/ NO
	* Based on the use of force or threat  YES/ NO
	* Some combination of the above.  YES / NO
	* Does it cover only vaginal rape?  YES /NO
	* Does it cover all forms of penetration? YES/NO. If yes, please specify.
	* Is marital rape in this provision explicitly included? YES / NO
	* Is the law silent on marital rape? YES/NO
	* Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included? YES/NO
	* Is marital rape excluded in the provisions, or is marital rape not considered as a crime?   YES /NO

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Aguascalientes |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES, based on misleading and seduction. | YES |
| 1. Based on the use of force or threat
 | YES | No | YES |
| 1. Some combination of the above.
 | NO | no | YES. |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES. Vaginal, anal and oral penetration. | YES. It covers vaginal, anal and oral penetration. | YES. It covers vaginal, anal and oral penetration, and penetration by an element or instrument different to the penis. |
| 1. Is marital rape in this provision explicitly included?
 | YES. As an aggravating circumstance of the crime. | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | N/A | N/A |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | N/A | N/A | N/A |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Baja California |  | Rape | Statutory rape | Equated rape | Non ordinary rape |
| 1. Gender specific, covering women only
 | NO | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES, seduction and misleading. | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO | NO |
| 1. Some combination of the above.
 | YES | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  | YES, vaginal, anal and oral penetration. | YES, vaginal and anal.  |
| 1. Is marital rape in this provision explicitly included?
 | YES, prosecution of marital rape only proceeds upon complaint by the victim.  | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO | NO |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Baja California Sur |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES, it is a crime prosecuted upon complaint by the victim. | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | N/A | N/A | N/A |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Campeche |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral. | YES, vaginal, anal and oral. | YES, vaginal, anal and oral. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Chiapas |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Chihuahua |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | YES | NO |
| 1. Some combination of the above.
 | NO | YES | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  | YES, vaginal, anal and oral. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| STATE | CRIMNAL PROVISIONS ON RAPE |
| Ciudad de México |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | YES | NO |
| 1. Gender neutral, covering all persons
 | YES | NO | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | YES | NO |
| 1. Some combination of the above.
 | NO | YES | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Coahuila de Zaragoza |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | YES | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO, but it is considered as a extenuating circumstance.  | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Colima |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral. | YES, vaginal, anal and oral. | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Durango |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | YES | NO |
| 1. Some combination of the above.
 | NO | YES | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Guanajuato |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | NO |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | Unclear  | Unclear | NO |
| 1. Does it cover all forms of penetration?
 | Unclear | Unclear | YES, vaginal and anal.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | N/A | N/A |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| --- |
| STATE |
| Guerrero |  | Rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES |
| 1. Based on the use of force or threat
 | YES | YES |
| 1. Some combination of the above.
 | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO |
| 1. Is the law silent on marital rape?
 | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Hidalgo |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | YES, it is an aggravated circumstance.  | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Jalisco |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | NO |
| 1. Based on the use of force or threat
 | YES | YES | YES |
| 1. Some combination of the above.
 | NO | YES | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral.  | YES, vaginal, anal and oral. | YES, vaginal or anal penetration. |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | NO | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Estado de México |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | YES | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Michoacán de Ocampo |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Morelos |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | NO | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Nayarit |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | YES | YES |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Nuevo León |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | YES | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal and anal penetration.  | YES, vaginal and anal.  | YES, vaginal, anal and oral.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Oaxaca |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | YES | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Puebla |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Querétaro |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vagina, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | NO | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO |  | NO |

|  |
| --- |
| STATE |
| Quintana Roo |  | Rape | Statutory rape |
| 1. Gender specific, covering women only
 | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES |
| 1. Based on the use of force or threat
 | YES | NO |
| 1. Some combination of the above.
 | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| San Luis Potosí |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Sinaloa |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | YES | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | YES | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Sonora |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vagina, anal or oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Tabasco |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | YES | NO |
| 1. Gender neutral, covering all persons
 | YES | NO | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | NO | NO | NO |
| 1. Is the law silent on marital rape?
 | YES | YES | YES |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | NO | NO | NO |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Tamaulipas |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | Unclear | NO |
| 1. Gender neutral, covering all persons
 | YES | Unclear | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | NO | YES | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration.  |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Tlaxcala |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration.  | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |  |
| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Veracruz |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | NO |
| 1. Some combination of the above.
 | NO | NO | NO |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

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| --- | --- |
| STATE | CRIMNAL PROVISIONS ON RAPE |
| Yucatán |  | Rape | Statutory rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES | YES |
| 1. Based on the use of force or threat
 | YES | NO | YES |
| 1. Some combination of the above.
 | NO | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. | YES, vagina, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO | NO |
| 1. Is the law silent on marital rape?
 | NO | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO | NO |

|  |
| --- |
| STATE |
| Zacatecas |  | Rape | Equated rape |
| 1. Gender specific, covering women only
 | NO | NO |
| 1. Gender neutral, covering all persons
 | YES | YES |
| 1. Based on the lack of consent of victim
 | NO | YES |
| 1. Based on the use of force or threat
 | YES | YES |
| 1. Some combination of the above.
 | NO | YES |
| 1. Does it cover only vaginal rape?
 | NO | NO |
| 1. Does it cover all forms of penetration?
 | YES, vaginal, anal and oral penetration. | YES, vaginal, anal and oral penetration. |
| 1. Is marital rape in this provision explicitly included?
 | YES | NO |
| 1. Is the law silent on marital rape?
 | NO | NO |
| 1. Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included?
 | N/A | N/A |
| 1. Is marital rape excluded in the provisions, or is marital rape not considered as a crime?
 | NO | NO |

1. Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.

In 7 of the local legislations, whenever there is a marriage, concubinage or partner (depending on the legislation) relationship between the perpetrator and the victim, the prosecution of the crime only proceeds when there is a complaint brought by the victim.

In the state of Coahuila, the relationship between the perpetrator and the victim, whether it is marriage or concubinage, is a mitigating circumstance (article 385).

In the state of Mexico, the criminal action is extinguished if the victim is under the age of 15 but older than 13, has given his/her consent for copulation, has an affective relationship with the perpetrator and the age difference between them is not more than 5 years.

In the state of Nayarit, there is a provision that allows the forgiveness by the victim of the perpetrator of the crime of rape. In that case, the public action is extinguished.

1. What is the legal age for sexual consent?

|  |  |
| --- | --- |
| Name of the state | Legal age for sexual consent |
| Aguascalientes | 14 years old |
| Baja California | 14 years old |
| Baja California Sur | 12 years old |
| Campeche | 18 years old |
| Chiapas | 14 years old |
| Chihuahua | 14 years old |
| Coahuila de Zaragoza | 15 years old |
| Colima | 14 years old |
| Ciudad de México | 12 years old |
| Durango | 14 years old |
| Guanajuato | 16 years old |
| Guerrero | 15 years old |
| Hidalgo | 15 years old |
| Jalisco | 15 years old |
| Estado de México | 13 years old |
| Michoacán de Ocampo | 12 years old |
| Morelos | 12 years old |
| Nayarit | 12 years old |
| Nuevo León | 13 years old |
| Oaxaca | 12 years old |
| Puebla | 14 years old |
| Querétaro | 14 years old |
| Quintana Roo | 14 years old |
| San Luis Potosí | 14 years old |
| Sinaloa | 14 years old |
| Sonora | 12 years old |
| Tabasco | 14 years old |
| Tamaulipas | 12 years old |
| Tlaxcala | 14 years old |
| Veracruz de Ignacio e la Llave | 14 years old |
| Yucatán | 15 years old |
| Zacatecas | 12 years old |

1. Are there provisions that differentiate for sexual activity between peers? If so, please provide them.

|  |  |
| --- | --- |
| Name of the state | Provisions that differentiate for sexual activity between peers |
| Aguascalientes | None  |
| Baja California | None  |
| Baja California Sur | None  |
| Campeche | None |
| Chiapas | None |
| Chihuahua | None |
| Coahuila de Zaragoza | None  |
| Colima | Criminal legislation specifically provides that statutory rape can only be perpetrated by an adult (18 years old).  |
| Ciudad de México | None  |
| Durango | None |
| Guanajuato | None  |
| Guerrero | None  |
| Hidalgo | None  |
| Jalisco | None |
| Estado de México | Criminal legislation provides that criminal action will be extinguished if the victim is under the age of 15 but over 13, has given his/her consent for copulation, has an affective relationship with the perpetrator and the age difference between them is not more than 5 years. |
| Michoacán de Ocampo | None  |
| Morelos | None  |
| Nayarit | None  |
| Nuevo León | None |
| Oaxaca | None |
| Puebla | None  |
| Querétaro | None  |
| Quintana Roo | None  |
| San Luis Potosí | None |
| Sinaloa | None |
| Sonora | None  |
| Tabasco | None |
| Tamaulipas | None |
| Tlaxcala | None  |
| Veracruz de Ignacio de la Llave | None |
| Yucatán | None  |
| Zacatecas | None |

1. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.

|  |  |
| --- | --- |
| Name of the state | Criminal sanctions prescribed in each state’s criminal legislation  |
| Aguascalientes | **General sanction for rape:** 10 to 16 years of prison, a fine of 100 to 200 days[[1]](#footnote-2) and payment of caused damages.**If the victim is older than 12 years but younger than 18:** the sanction will be12 to 18 years of prison, 150 to 250 days of fine and payment of caused damages.**Sanction for equated rape:** * 12 to 18 years of prison, 150to 250 days of fine and payment of caused damages if copulation is performed with (i) a person under the age of fourteen and without using physical or moral force or (ii) a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist, without the use of physical or moral force by the perpetrator. If the perpetrator uses physical or moral force the sanction will be 15 to 25 years of prison, 250 to 300 days of fine and payment of caused damages.
* 5 to 10 years of prison, 100to 200 days of fine and payment of caused damages if the perpetrator introduces through the vagina or anus, any element or instrument different from the penis, through the use physical, moral or psychological force in order to subdue the victim, regardless of the sex of the victim.
* 6 to 12 years of prison, 120to 240 days of fine and payment of caused damages if the perpetrator introduces through the vagina or anus of a person under the age of twelve or a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist, any element or instrument different from the penis without the use of physical or moral force. If the perpetrator uses physical or moral force the sanction will be 8 to 15 years of prison, 150 to 250 days of fine and payment of caused damages.

**Sanction for statutory rape:** 1 to 6 years of prison, 25to 75 days of fine and payment of caused damages.**General sanction will be increased in a half if rape, equated rape or statutory rape:*** Is committed in co-authorship.
* Is committed by a public servant while executing public functions.
* Is committed by an ascendant against his/her descendant, between brothers or sisters, by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter, by a teacher against his/her student or by a religious guide figure against his/her advised person.

**General sanction will be increased in a half in cases of rape or equated rape:*** If the perpetrator supplied the victim stupefacient or psychotropic substances or any other substance with similar effects.

**General sanction will be increased in a quarter in cases of rape or equated rape:*** If there was a couple’s relationship (including marriage or concubinage) between the perpetrator and the victim.
 |
| Baja California | **General sanction for rape:** 10 to 15 years of prison and up to 300 days of fine.**If the victim is younger than 14 years old:** the sanction will be15 to 22 years of prison and up to 500 days of fine.**Sanction for equated rape:** 12 to 22 years of prison and up to 500 days of fine.**Sanction for non-ordinary rape:** 8 to 15 years of prison and up to 300 days of fine.**Sanction for statutory rape:** 2 to 6 years of prison and up to 100 days of fine.**General sanction for rape will be increased in certain cases as follows:*** 15 to 27 years of prison and up to 500 days of fine whenever rape is committed: (i) with direct or indirect intervention of two or more persons; (ii) within the facilities of a religious association or civil society organism that has as its social objective to provide assistance, refugee, psychological or physical treatment to other people; or (iiI) by ministers of a religious cult.
* Additional 3 to 6 years of prison if rape is committed by an ascendant against his/her descendant; by a descendant against his/her ascendant; by a person with a civil or blood relationship with the victim; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter.
* When the perpetrator exercises legal custody of the victim, in addition to the other sanctions, he/she will lose it as well as the right to inherit the victim.
* If the rape is committed by a public servant or by a professional through means or circumstances provided by such profession/position, in addition to the other sanctions, the perpetrator will be destitute from his/her position or suspended from the practice of his/her profession for 9 years.

**Sanction for statutory rape will be increased up to a half** if the crime (i) is committed within the facilities of an educational institution, a religious association or civil society organism that has as its social objective to provide assistance, refugee, psychological or physical treatment to other people; or (ii) in cases in which the perpetrator had used his/her family relationship or his/her hierarchical position in a labor, religious, domestic or educational context.  |
| Baja California Sur | **General sanction for rape:** 10 to 15 years of prison and up to 500 days of fine.**Sanction for equated rape:** 15 to 22 years of prison and a fine of 100 to 500 days.**Sanction for statutory rape:** 1 to 6 years of prison.**Sanction for equated rape will be increased in a third** if there use of physical or moral violence.**General sanction will be increased in a half if rape:*** Is committed by the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter; by a stepson/stepdaughter against his/her stepparent; by the concubine of the mother or father against any of their children or vice versa. In addition to prison, the perpetrator will lose any legal custody rights that has over the victim as well as the right to inherit him/her.
* Is committed by a public servant or by a professional through means or circumstances provided by such profession/position. In addition to prisons, the perpetrator will be destitute from his/her position or suspended from the practice of his/her profession for 5 years.
* Is committed by the person who has the victim under his/her legal custody, education, religious indoctrination or that takes advantage of the confidence that the victim has in him/her.
* Is committed by a perpetrator who trespasses the victim’s home.
* Is committed within the facilities of a private or public educational institution or its vicinity or in any extracurricular teaching center or related institutions. If the perpetrator is a teacher, administrative worker, directive or operative worker, in addition to other sanctions, he/she will be destitute and disqualified to perform another job or position in educational institutions for a period equal to the prison time imposed.
* Is committed in an inhabited or deserted place.
 |
| Campeche | **General sanction for rape and equated rape:** 8 to 25 years of prison and a fine of 300 to 500 Measure and Actualization Daily Units. **Sanction for equated rape will be increased in a half** if physical or moral violence is used. **General sanction for rape and equated rape will be increased in one to 5 years of prison when any of the following circumstances occur:*** The crime is committed through means or circumstances provided by a job, position, profession, craft or occupation. In this case, in addition to prison, the perpetrator will be destitute from his/her job o position for a period equal to the prison time imposed.
* The crime is committed in a reinsertion, internment or reclusion facility of any pubic security institution.
* The crime is committed by a relative of the victim regardless of the level of kinship in ascending or descending straight line or up to the fourth grade in collateral kindship; by a stepparent against his/her stepson/stepdaughter; by the couple or concubine of the victim’s mother or father. In these cases, addition to prison, the perpetrator will lose any legal custody rights that has over the victim as well as the right to inherit him/her.
* The crime is committed by a public servant or by a person who has the victim under his/her legal custody or education or takes advantage of the confidence that the victim has in him/her.
* The crime is committed by an agent with quality of public servant, someone that exercises authority over the victim, a minister of a religious cult or someone that presents himself/herself as such.

**If rape is committed by two or more persons,** the sanction will be 10 to 27 years of prison and a fine of 300 to 500 Measure and Actualization Daily Units.**Statutory rape:** 1 to 4 years of prison and a fine of 200 to 400 Measure and Actualization Daily Units. When consent is obtained through any kind of deceit, sanctions will be increased in a third. If copulation was performed with consent due to the existence of any sort of emotional bond, without any kind of deceit, sanctions will be reduced in half.  |
| Chiapas | **General sanction for rape, statutory rape and equated rape:** 8 to 20 years of prison.General sanction could be increased up to a half, in cases of equated rape when **physical or moral violence is used to**:* perform copulation with a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist; or
* introduce through the vagina or anus any element or instrument different from the penis in a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.

General sanction for rape will be increased up to a half when the crime: * Is committed by the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter; by a stepson/stepdaughter against his/her stepparent; by the concubine of the mother or father against any of their children or vice versa. In addition to prison, the perpetrator will lose any legal custody rights that has over the victim as well as the right to inherit him/her.
* Is committed by the person who has the victim under his/her legal custody, care or education or that takes advantage of the confidence that the victim has in him/her.
* Is committed while the victim is on board of a private vehicle. or public transportation.
* Is committed in an inhabited or deserted place.
* Is committed by a minister or leader of a religious cult.

**If in any of these crimes there is participation of a public servant** with attributions to prevent, persecute or sanction crime or execute criminal sanctions, or of a public servant that used any mean, information, document or object that has been given to him/her due to his public position, prison sanction could be increased up to a half and he/she will be disqualified to perform any job or public position for an equal period of the prison time imposed.  |
| Chihuahua | **General sanction for rape**: 8 to 20 years of prison. **Sanction will be of 10 to 30 year of prison for who:*** Performs copulation with a person under the age of fourteen or with a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.
* Introduce through the vagina or anus any element or instrument different from the penis in a person under the age of fourteen or a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.

**If in any of the previous scenarios physical or moral force is used, the sanction will be increased in a half.** **Statutory rape:** 1 to 4 years of prison and a fine of 30 to 80 times the daily value of the Measure and Actualization Unit. **General sanction for rape will be increased in two thirds if:*** Is committed by the direct or indirect intervention of two or more persons.
* Is committed by breaking the faith or confidence that expressly or tacitly arises from any relationship that inspires trust and respect.
* Is committed by someone that perform a public job or position or that practices a profession that grants him/her any kind of labor, academic or religious authority, through the means or circumstances provided by his/her job or personal situation. In these cases, in addition to prison, the perpetrator will be destitute from his/her job o position and suspended from the practice of his/her profession for a period of 5 years.
* Is committed by performing degrading or humiliating acts over the victim.
* Is committed while the victim is on board of a public transportation vehicle.
* Is committed in an inhabited or deserted place.
* Is committed by a person married to the victim, that has a civil or blood kinship with the victim or by someone that has had any sentimental or affective relationship with the victim.

In addition to other sanctions, **perpetrators of rape will be subject to authority vigilance and to the prohibition to go to or live in a determined territorial circumscription.**  |
| Coahuila de Zaragoza | **General sanction for rape:** 7 to 14 years of prison and fine.**Rape within marriage or concubinage:** 3 to 10 years of prison and fine.**Equated rape:** 9 to 16 years of prison and fine. **Statutory rape:** 6 months to 4 years of prison and fine. **Non- ordinary rape:** 4 to 9 years of prison and fine. If the victim is under the age of 15 or, for any cause, is unable to comprehend the meaning of the event or to resist it, sanction will be 6 to 11 years of prison and fine.Sanctions for rape or equated rape will be increased in a half in any of the following circumstances: * The crime is committed by two or more persons.
* The crime is committed by an ascendant against his/her descendant, by the adopter against his/her adopted son or daughter; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter; by the couple of the mother or father against any of his/her son or daughter. In these cases, the perpetrator will also lose the legal custody that has over the victim.
* The crime is committed by someone that takes advantage of (i) the circumstances provided to him/her by his/her position as a public servant, teacher, professional or employer, or of (ii) the hospitality that provides or receives, or of (iii) his/her condition as a minister or a religious cult. In these cases, the perpetrator will be disqualified to exercise a public position or practice his/her profession for 5 years.
* The crime is committed using violence against a person under the age of fifteen, or a person without the ability to comprehend the meaning of the event or to decide according to that understanding, or a person unable to resist the criminal conduct

**If any of the previous circumstances occurred in cases of non-ordinary rape sanction will be increased in a third.** |
| Colima | **Statutory rape:** 1 to 6 years for prison and a fine of the equivalent to 200 to 600 Measure and Actualization Units. General sanction for rape and equated rape: * 5 to 15 years of prison and a fine of the equivalent to 100 to 300 Measure and Actualization Units if the victim is 18 years or older.
* 8 to 16 years of prison and a fine of the equivalent to 200 to 400 Measure and Actualization Units if the victim is between 14 and under 18 years old.
* 15 to 35 years of prison and a fine of the equivalent to 1000 to 1500 Measure and Actualization Units if the victim is under the age of 14 or does not have the capacity to understand the meaning of the event or is unable to resist it.

**If there is a kinship blood relationship in straight line or collateral line up to the fourth grade or a civil kinship relationship in the first grade, between the perpetrator and the victim, the sanction will be:*** 10 to 20 years of prison and a fine of the equivalent to 500 to 1000 Measure and Actualization Units in cases in which the victim is 18 years or older.
* 15 to 25 years of prison and a fine of the equivalent to 1000 to 1200 Measure and Actualization Units in cases in which the victim is between 14 and under 18 years old.
* 25 to 35 years of prison and a fine of the equivalent of 1200 to 1500 Measure and Actualization Units in cases in which the victim is under the age of 14.

**Rape and equated rape will be sanctioned with 20 to 30 years of prison and a fine of the equivalent to 1000 to 1500 Measure and Actualization Units when it:*** Is committed by the legal tutor against his/her pupil, by the pupil against his/her legal tutor; by a stepparent against his/her stepson/stepdaughter or vice versa.
* Is committed by using the means or circumstances provided to the perpetrator by his job, position or profession.
* Is committed by taking advantage of the friendship with the victim or any other circumstance that inspires trust for the guard and custody of a person under the age of 14.
* Is committed by two or more persons.
* Is committed in an inhabited or deserted place or by a person using official credential regardless if they are true or false.
 |
| Ciudad de México | **Statutory rape:** 6 months to 4 years of prison. **General sanction for rape and equated rape:** 6 to 17 years of prison.**If physical or moral violence is used to commit equated rape the sanction will be increased in a half.** **General sanction for rape will be increased en two thirds if the crime:*** Is committed by the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant; by a descendent against his/her ascendant; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine of the mother or father against any of their children or vice versa. In these cases, the perpetrator will also lose the legal custody that has over the victim and the right to inherit her/him. The perpetrator will also lose any alimony right related to the victim.
* Is committed by someone that uses the means or circumstances provided to him/her by his/her public position, job, profession, religious ministry or any other that entails the victim’s subordination. If the perpetrator is a public servant, he will be destitute and disqualify to practice his/her job, employment or commission or, will be suspended from practicing his/her profession for a period equal to the prison time imposed.
* Is committed by the a ´person that has the victim under his/her legal custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed while the victim is on board of a private vehicle or public transportation.
* Is committed in an inhabited or deserted place.
* Is committed within educational, cultural, sportive, religious or labor centers, or any other center of social nature.
* Is committed within public facilities.

**Rape to a person under the age of 12:** 8 to 20 years of prison.If physical or moral violence is used to commit the crime the sanction will be increased in half. Sanctions will be increased u to a third if the crime is committed against two or more personas. Sanctions will be increased in two thirds when rape: * Is committed by the direct or indirect intervention of two or more persons.
* Is committed by a person related by civil or blood kinship with the victim, exercises over the victim legal custody, guardianship or tutorship. In addition to prison, the perpetrator. will lose any alimony and inheritance rights related to the victim, but his/her alimony obligation to the victim will not cease.
* Is committed by a public servant through the means provided to him/her by his/her public position. In addition to prison, the perpetrator will be destitute from his position, job or commission.
* Is committed by a person that has contact with the victim for labor, educational, medical, domestic or religious purposes or any other purpose that entails confidence, subordination or superiority. In addition to prison, the perpetrator will be suspended from practicing his/her job, position or profession for a period equal to the prison time imposed.
* Is committed by some that inhabits occasional o permanently with the victim in the same address.
* Is committed by a person who takes advantage of the trust given by the victim for friendship, gratitude or affective purposes.
* Is committed while the victim is on board of a private vehicle or public transportation.
* Is committed in an inhabited or deserted place.

In these cases, the judge will determine the corresponding measures to prohibit the perpetrator to have any kind of contact or relationship with the minor.  |
| Durango | **Statutory rape:** 1 to 5 years of prison and a fine of 72 to 360 Measure and Actualization Units. The perpetrator will also be subject to psychological, psychiatric o reeducation treatment when appropriate. **General sanction for rape:** 8 to 14 years of prison and a fine of 576 to 1008 Measure and Actualization Units.**A sanction of 10 to 15 years of prison and a fine of 720 a 1080 Measure and Actualization Units will be applied to whom:*** Perform copulation with a person under the age of 14 o with a person who does not has the ability to understand the meaning of the event or due to any other cause is not able to resist.
* Introduces through the vagina or anus any element, instrument or human body part different from the penis in a person under the age of fourteen or a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.

If violence was used in any of the previous scenarios’ sanctions will be increased in a half. **Sanctions for rape will be increased in two thirds if it:*** Is committed with the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant; by a descendent against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine of the mother or father against any of their children or vice versa. In these cases, the perpetrator will also lose the legal custody or guardianship that has over the victim and the right to inherit her/him.
* Is committed by a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession. The perpetrator will also be destitute from his/her job, employment or commission or, will be suspended from practicing his/her profession for a period of 5 years.
* Is committed by the a ´person that has the victim under his/her legal custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed while the victim is on board of a private vehicle or public transportation.
* Is committed in an inhabited or deserted place.
 |
| Guanajuato | Statutory rape: * 6 months to 3 years of prison and 5 to 30 days of fine if consent was obtained through seduction.
* 2 to 6 years of prison and 50 to 100 days of fine if consent was obtained through deception. If the perpetrator is more than 4 years older than the victim, the sanction will be 4 to 12 years of prison and 40 to 120 days of fine.

**General sanction for rape and equated rape:** 8 to 15 years of prison and 80 to 150 days of fine. **Rape or equated rape to a person under the age of 14 or to a person that for any reason has not the ability to conduct herself/himself willingly in his/her sexual relationships or the ability to resist the criminal conduct:** 10 to 17 years of prison and 100 to 170 days of fine. **Sanction for rape will be increased in a half if the crime:*** Is committed by two or more persons.
* Is committed while trespassing the dwelling where the victim was.
* Is committed between siblings.
* Is committed between ascendants and descents; stepparent and stepdaughter/stepson; adopter and adopted or legal tutor and pupil.
* Is committed by someone that performs a religious ministry or by the hierarchical superior against his/her subordinate.
* Is committed by someone that has the victim under his/her guardianship, custody, education or internment. If the perpetrator has legal guardianship, custody or tutorship over the victim, he/she will lose it.
 |
| Guerrero | **General sanction for rape:** 12 to 24 years of prison and a fine of the equivalent to 600 to 1000 days of Measure and Actualization Unit. **Equated rape:** 10 to 40 years of prison. If equated rape is committed by using physical or moral violence the sanction will be increased up to a half. **Sanction for rape and equated rape will be increased up to a half if the crime:*** Is committed by the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant; by a descendent against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine of the mother or father against any of their children or vice versa. In these cases, the perpetrator will also lose the legal custody or guardianship that has over the victim and the right to inherit her/him for a period up to the double of the prison time imposed.
* Is committed by a public servant, professional or religious minister that uses the means or circumstances provided to him/her by his/her public position, job, profession or religious ministry. The perpetrator will also be destitute from his/her job, employment or commission or, will be suspended from practicing his/her profession for a period of 5 years. If the perpetrator is a minister of a religious cult the corresponding institution will be notified of the crime.
* Is committed by a person that has the victim under his/her legal custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed in an inhabited or deserted place.
* Is committed within educational, cultural, sportive, religious or labor centers, or any other center of social nature.
* Is committed within public facilities.
 |
| Hidalgo | **Statutory rape:**3 to 8 years of prison and a fine of 50 to 150 days. **General sanction for rape:** 7 to 20 years of prison and a fine of 70 to 200 times of the daily value of the Measure and Actualization Unit. The same sanction will apply if violence was not used if the victim is under the age of 15 or does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.**Sanction will be 5 to 12 years of prison and a fine of 50 to 120 days if the perpetrator:*** Introduces any element, instrument or human body part different from the penis through the vagina or anus of the victim by using physical or moral violence.
* Introduces any element, instrument or human body part different from the penis through the vagina or anus of a person under the age of 15 or a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist, without the use of violence.

**Sanctions will be increased in half if** physical or moral violence is used in a person under the age of 15 or a person that does not have the ability to comprehend the meaning of the event, or due to any other cause, is unable to resist.**Previous sanctions will be increased in half if the crime:*** Is committed with the authorship or participation of two or more personas.
* The victim is a blood ascendant or descendant in straight line, sibling, adopter, adopted, spouse or concubine of the perpetrator.
* Is committed by a person that has the victim under his/her legal custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed by a public servant or minister of a religious cult.
 |
| Jalisco | General sanction for rape and equated rape: 8 to 15 years of prison. If the perpetrator has guardianship, legal custody or inheritance rights related over the victim he/she will lose them in addition to prison sanction. **Sanction will be of 9 to 18 years of prison** if rape is committed by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine against the daughter or son of his/her concubine; by the legal tutor against his/her pupil; between biological or adoptive ascendants and descendants; between siblings or between persons with any type of kindship. In these cases, the perpetrator will lose legal guardianship, custody or tutorship over the victim. **Sanctions will be increased in a third** if rape or equated rape is committed with the intervention of two or more persons. **Sanction for statutory rape (included in the chapter of sexual child abuse):** 3 months to 5 years of prison if the victim is between 15 and under 18 years old.**Sanction for child rape (included in the chapter of sexual child abuse):** * 8to 15 years of prison if the victimis between 15 and under 18 years old and the crime id committed without his/her consent, or if the victim is a person without the ability of comprehend the meaning of the event or to resist.
* 12 to 20 years of prison if victim is under the age of 15.
 |
| Estado de México | **General sanction for rape and equated rape:** 10 to 20 years of prison and a fine of 200 to 2000 days. **Specific sanctions for rape and equated rape will be applied if:** * The crime is committed by two or more persons. The sanction will be of 40 to 60 years of prison or life imprisonment and a fine of 600 to 4000 days.
* The crime is committed by a spouse, by ascendant against his/her descendant; by a descendent against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter; by the concubine of the mother or father against any of their children. In these cases, in addition to general sanction, the perpetrator will be punished with additional 3 to 9 years of prison, a fine of 30 to 75 days and the loss of legal custody or guardianship that has over the victim.
* The crime is committed by a person that performs a public job or position and uses the means, vehicles or circumstances provided to him/her by his/her public position, job or profession. In these cases, the general sanction will be increased in a half and the perpetrator will be destitute from his/her job, employment or commission or, will be suspended from practicing his/her profession for a period of 10 years.
* The crime causes the death of the victim, a sanction of 40 to 70 years of prison or life imprisonment and a fine of 700 to 5000 days will be imposed.
* The victim is under the age of 15 or is older than 70 years, the sanction will be 15 to 30 years of prison and 300 to 2500 days of fine.
* The victim has a disability that limits his/her daily activities and prevent his/her individual and social development, the sanction will be 15 to 30 years of prison and 300 to 2500 days of fine.
* Is committed in a public transportation vehicle, a personnel or school vehicle, an official vehicle or any other vehicle that without official authorization provides an equivalent service. In this case, general sanction will be increased up to a half.
* Is committed by a person that has a relationship with the victim for labor, school, medical, domestic, religious or any other purposes that entail trust or subordination. In these cases, sanction will be increased up to a third.
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| Michoacán de Ocampo | **General sanction for rape and equated rape:** 5 to 15 years of prison.**If the victim is under the age of 18:** 10 t0 30 years of prison.**If there is a marriage, concubinage or couple relationship between the perpetrator and the victim:** 3 to 10 years.**Sanction will be increased in a half** if physical or moral violence is used to commit equated rape:**General sanction for rape will be increased in two thirds if the crime:** * Is committed by the direct or indirect intervention of two or more persons.
* Is committed by an ascendant against his/her descendant; by a descendent against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine of the mother or father against any of their children or vice versa. In these cases, the perpetrator will also lose the legal custody or guardianship that has over the victim and the right to inherit her/him.
* Is committed by a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession. The perpetrator will also be destitute from his/her job, employment or commission and will be disqualified to practice his/her profession.
* Is committed by a person that has the victim under his/her legal custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed while the victim is on board of a private or public service vehicle.
* Is committed in an inhabited or deserted place.
* Causes an unwanted pregnancy.
* Causes an incurable disease.
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| **Morelos** | **Statutory rape:** 5 to 10 years of prison. If the perpetrator coexists with the victim due to kinship, his/her teaching activity, or as an authority or employee in an educational centre or social assistance institution, the sanction will be 6 to 12 years of prison, and he will be disqualified from his position for a period of time equivalent to the prison sentence. **Rape or equated rape**: 20 to 25 years of prison. **Sanction for rape will be 25 to 30 years of prison if:*** The crime is committed by two or more persons.
* The perpetrator has an authority relationship (either legal or *de facto*) with the victim. In this case, the perpetrator will lose any tutorship, guardianship or custody rights that has over the victim as well as the right to inherit him/her.
* The perpetrator carries out copulation or introduces any other element or instrument in the vagina or anus with lascivious or sexual erotic purposes to a person under the age of 12 or that does not have the ability to comprehend, or for any reason, is not able to resist the conduct. If the perpetrator coexists with the victim due to kinship, guardianship, legal custody, tutorship, his/her teaching activity, or as an authority or employee in an educational, labor, religious medical, cultural, sportive or domestic center, the sanction will be 30 to 35 years of prison. If there is use of physical violence, the penalty will increase by a third. In this case, the perpetrator will also lose any tutorship, guardianship, custody and alimony rights that has over the victim as well as any rights over the victim’s assets.

If the crime is committed by a public servant or a professional while practicing his/her functions, in addition to prison he/she will be destitute or suspended of his/her public position or profession for a period equivalent to the prison sentence. |
| Nayarit | **Statutory rape:** 1 to 6 years of prison and 100 to 300 days of fine.If the perpetrator commits the crime while exercising his/her duties, using his/her hierarchical position derived from his/her labor, teaching or domestic relationships or any other that entails subordination, the sanction will be of 3 to 9 years of prison and a fine of 200 to 500 days.**General sanction for rape and equated rape:** 6 to 20 years of prison and 100 to 300 days of fine. **Rape and equated rape will be sanctioned with 10 to 30 years of prison and a fine of 100 to 300 days, when the crime:** * Is committed by an ascendant against his/her descendant or by a descendent against his/her ascendant, regardless of the level or origin of the kindship.
* Is committed by a stepparent against his/her stepson/stepdaughter or vice versa; between stepsiblings or between collateral relatives up to the fourth grade.
* Is committed by the concubine against the descendants of his/her couple; between the descendants and by the descendants against the concubine of their mother/father, whenever they live together.
* Is committed by the perpetrator while exercising its attributions using his/her hierarchical position, derived for its labor, teaching or domestic relationships, or any other that entails subordination.
* Is committed by 3 or more persons, even when only one of the performs copulation. Sanction will be equally applied to all of them.
* Is committed against a prepubescent person or a pubescent person under the age of 12.
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| Nuevo León | **Statutory rape:** 1 to 5 years of prison and a fine of the daily value of 6 to 15 Measure and Actualization Units. **Sanctions for rape and equated rape:** * 9 to 15 years of prison if the victim is older than 13.
* 15 to 22 years of prison if the victim is between 12 and 13 years old.
* 20 to 30 years of prison if the victim is 11 years old or younger.

**Sanctions for rape and equated rape will be increased to the double** **if the perpetrator:*** Has a consanguineal or affinal kinship with the victim in any degree in straight line or up to the fourth degree in collateral line.
* Is the spouse or concubine of the victim.
* Is the person to whom the victim is united outside of marriage even when they have none offspring in common.
* Lives with the victim publicly and continuously as his/her husband or wife.
* Used to be the victim’s spouse or concubine.
* Used to be united with the victim outside of marriage even when they had none offspring in common.
* Used to live with the victim publicly and continuously as his/her husband or wife.
* Exercises legal custody, guardianship, tutorship, protection, teaching or care of the victim.
* Has lived or coexist in the same house with the victim regardless of whom the house is.

In these cases, the perpetrator will lose any legal custody, guardianship, tutorship, inheritance and alimony rights over the victim. **Sanctions for rape and equated rape will be increased in 2 to 4 years of prison if the perpetrator:*** Exercised any form of authority over the victim, in cases not contemplated by the previous section.
* Committed the crime while performing his position as a public servant, professional service provider or minister of a religious cult. In this case, the perpetrator could be suspended from 1 to4 years from the practice of his/her profession or job. In addition, the publica servant will be destitute from his/her position.
* Took advantage of the trust that the victim had in him/her due to affection, friendship, respect or gratitude.

**Sanctions for rape and equated rape will be increased in 6 months to 4 years of prison** if the crimeis committed within a passenger’s public transportation unit or any vehicle that provides similar services. **Sanctions for rape and equated rape will be increased in 6 months to 8 years of prison** if the crime is committed by two or more persons.**Sanctions for rape and equated rape will be increased in a half** when internet or any other mean of electronic, radial or satellite communication is used to contact thevictim.**Attempt of rape or equated rape:** 3 to 11.5 years of prison. |
| Oaxaca | **Sanction for rape:**14 to 20 years of prison and a fine of 600 to 1200 times the value of the Measure and Actualization Unit.**Sanctions for equated rape:** * 14 to 20 years of prison and a fine of 600 to 1200 times the value of the Measure and Actualization Unit for the perpetrator that performs copulation with a person older than 12 years and under the age of 18, obtaining his/her consent by means of seduction and deceive.
* 17 to 20 years of prison and a fine of 1600 to 2100 times the value of the Measure and Actualization Unit for the perpetrator that performs copulation with a person under the age of 12 even with his/her consent, with a unconscious person or with a person that due to a sickness or any other reason is unable to resist the crime.
* 14 to 20 years of prison and a fine of 600 to 1200 times the value of the Measure and Actualization Unit for the perpetrator that using physical or moral violence introduces any element or instrument different from the penis through the vagina or anus of the victim.

**Rape committed through the direct or indirect intervention of two or more persons:** 17 to 20 years of prison and a fine of 800 to 1600 times the value of the Measure and Actualization Unit. Sanction will be of 20 to 32 years of prison and a fine of 1200 to 1700 times the value of the Measure and Actualization Unit if the victim is under the age of 18, is older than 70 years, is unconscious or due to a sickness or any other reason is unable to resist the crime.**Sanctions for rape, equated rape and multitudinous rape will be increased up to a half if the crime:** * Is committed by a victim’s relative without limitation of grade in ascendant or descendant straight line or up to the fourth grade in collateral line; by a legal tutor against his/her pupil; by a stepparent against his/her stepson/stepdaughter; by the concubine or the lover of the mother or father of the victim. In these cases, the perpetrator will also lose all family and heritage rights
* Is committed by a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession. The perpetrator will also be destitute from his/her job, employment or commission and will be suspended from the practice of his/her profession for 5 years.
* Is committed by a person that has the victim under his/her legal custody, guardianship, tutorship or education or that takes advantage of the trust that the victim has in him/her.
* Is committed by the spouse or concubine of the victim.
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| Puebla | **General sanction for statutory rape:** 2 to 8 years of prison and a fine of 100 to 350 Measure and Actualization Units. **Sanction variations for statutory rape:*** If the perpetrator is not older for 3 years or more than the victim: 6 months to 3 years of prison and a fine of 50 to 150 Measure and Actualization Units.
* If the perpetrator is 3 years older or more than the victim: 2 to 8 years of prison and a fine of 100 to 350 Measure and Actualization Units.
* If the perpetrator, in addition to be 3 years older or more than the victim, is his/her relative by blood or affinity, legal tutor or guardian, teacher, spiritual adviser, lives in the same place or in any way exercises moral, physical, economic or psychological influence over the victim: 5 to 10 years of prison and a fine of 100 to 350 Measure and Actualization Units.

**General sanction for rape:** 10 to 30 years of prison and a fine of 50 to 500 Measure and Actualization Units. **If the victim of rape is under the age of 18 or older than 70:** generalsanction will be doubled.**Sanction for equated rape:** * 10 to 40 years of prison and a fine of 120 to 1200 Measure and Actualization Units if copulation is performed with a person under the age of 14, with an unconscious person or with a person that due to a sickness or any other cause is not able to resist
* 10 to 30 years of prison and a fine of 50 to 500 Measure and Actualization Units if the perpetrator, using physical or moral violence, introduces any object different from the penis through the vagina or anus of the victim.

**If rape or equated rape is committed by 2 or more persons** sanction will be 10 to 40 years of prison and a fine of 120 Measure and Actualization Units **Sanctions for rape and equated rape will be increased in 1 to 6 additional years of prison if the crime:*** Is committed by an ascendant against his/descendant or by a descendant against his/her ascendant.
* Is committed by the legal tutor against his/her pupil.
* Is committed by a pupil his/her legal tutor.
* Is committed by a stepparent against his/her stepson/stepdaughter or vice versa.
* Is committed between siblings.
* Is committed between spouses or concubines.

If the perpetrator exercises custody, guardianship or tutorship over the victim, in addition to other sanctions, he/she will lose it as well as any heritance or alimony rights related to the victim. If the perpetrator is a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession, he/she will also be destitute from his/her job, employment or commission and will be suspended from the practice of his/her profession for 5 years.  |
| Querétaro | **Sanction for statutory rape:** 4 months to 6 years of prison. **Sanction for rape:** 5 to 12 years of prison. **Sanction for rape will be increased in a half if rape:*** Is committed by someone that takes advantage of the authority that has over the victim. In that case, the perpetrator will also lose the legal custody, guardianship or tutorship over the victim and, if it is the case, he/she will lose any inheritance rights related to the victim.
* Is committed by taking advantage of the means or circumstances provided to the perpetrator by his/her job, position or profession. In that case, the perpetrator will be also deprived of his/her job or position or suspended from practicing his/her profession for 5 years.

**If rape is committed by 2 or more persons:** 8 to 20 years of prison.**Sanction for equated rape:** 12 to 30 years of prison. If physical or moral violence is used or if the crime is committed by two or more persons, the sanction will be increased in a half. |
| Quintana Roo | **Sanction for statutory rape:** 4 to 8 years of prison. If the perpetrator uses his/her hierarchical position derived from a labor, teaching, domestic or any other type of relationship that entails subordination, sanction for statutory rape will be of 5 to 10 years of prison and 400 to 600 days of fine. **General sanction for rape:** 10 to 25 years of prison and 750 to 1500 days of fine.**Sanction variations for rape:*** If the perpetrator performs copulation with a person under the age of 14 or with a person that for any reason does not have the ability to act willingly in his/her sexual relations or to resist the criminal conduct, sanction will be 30 to 50 years of prison and 2000 to 3000 days of fine.
* If the perpetrator, using physical or moral violence, performs copulation with a person over the age of 14 but under 18 or with a person that for any reason does not have the ability to act willingly in his/her sexual relations or to resist the criminal conduct, sanction will be 25 to 50 years of prison and 1500 to 3000 days of fine.

**Sanction for rape will be of 25 to 50 years of prison and 1500 to 3000 days of fine when the crime:*** Is committed while taking advantage of the legal authority that the perpetrator has over the victim or the trust generated by a kinship relationship regardless of its nature or grade. In these cases, the perpetrator will be also deprived of legal custody, guardianship or tutorship rights as well as any inheritance rights related to the victim.
* Is committed by taking advantage of the means or circumstances provided to the perpetrator by his/her job, position or profession. In that case, the perpetrator will be also deprived of his/her job or position or suspended from practicing his/her profession for an equal period to the prison time imposed.
* Is committed by 2 or more persons.
* Is committed while taking advantage of the trust or confidence that the victim has in the perpetrator whenever kinship among them does not exist.
* Is committed in public transportation vehicles or isolated or deserted places or roads.
 |
| San Luis Potosí | **Sanction for statutory rape:** 1 to 5 years of prison and a monetary sanction of the value of 100 to 500 days of the Measure and Actualization Unit.**General sanction for rape and equated rape:** 8 to 16 years of prison anda monetary sanction of the value of 800 to 1600 days of the Measure and Actualization Unit. **General sanction for equated rape will be increased up to a half** if physical or moral violence is used.**Rape is committed by two or more persons:** 10 to 18 years of prison anda monetary sanction of the value of 1000 to 1800 days of the Measure and Actualization Unit.**Sanctions for rape and equated rape will be increased in 1 to 4 years of prison if the crime:*** Is committed by an ascendant against his/her descendant; by a descendent against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a stepparent against his/her stepson/stepdaughter or vice versa; by the spouse or concubine of the mother or father of the victim. In these cases, the perpetrator will also lose the legal custody, tutorship or guardianship that has over the victim.
* Is committed by a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession. The perpetrator will also be destitute from his/her job, employment or commission or suspended to practice his/her profession for 5 years.
* Is committed by a minister or a religious cult, an instructor, mentor or a person that has the victim under his/her custody, guardianship or education or that takes advantage of the trust that the victim has in him/her.
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| Sinaloa | **General sanction for statutory rape:** 1 to 6 years of prison and a fine of 100 to 300 days. **Sanction variations for statutory rape:*** If the victim is over 14 years old but under the age of 16, the general sanction will be increased in a half.
* If the age of the perpetrator exceeds the age of the victim in 15 years or more, the general sanction will be doubled.

**Sanction for rape:** 6 to 20 years of prison. **Sanction for equated rape:** 10 to 30 years of prison. If the perpetrator uses violence while committing equated rape, sanction will be increased in a half. **Sanction for rape or equated rape if committed by 2 or more persons:** 1 to 30 years of prison. **Sanctions of rape and equated rape will be increased in a third when the crime:** * Is committed by someone related to the victim by consanguineal or affinal kinship. In this case, the perpetrator will also lose the legal guardianship, custody or tutorship that has over the victim.
* Is committed by someone that takes advantage of his/her position as a public servant or of the authority that has over the victim, or by a teacher or a minister of a religious cult. In this case, the perpetrator will be destitute from his/her position, job or commission and disqualified to practice any other employment or position of a similar nature up to 5 years.
* Is committed by a medical professional or a professional in an auxiliary discipline that takes advantage of the circumstances provided by his/her profession or position. In these cases, the perpetrator could be suspended from practicing his/her profession up to 5 years.
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| Sonora | **Sanction for statutory rape:** 2 to 4 years and a fine of 100 to 300 Measure and Actualization Units. If statutory rape is committed within institutions of basic, secondary or higher education or its vicinities, sanction will be doubled. **General sanction for and equated rape:** 5 to 15 years of prison.**Equated rape general sanction for equated rape will be increased in a half if the crime is committed with violence.** **Rape and equated rape will be sanctioned with 8 to 20 years of prison if**:* The victim is prepubescent.
* The perpetrator is an ascendant, descendant, adopter, adopted, sibling, tutor or stepparent of the victim.
* The crime is committed by two or more persons.
* The perpetrator trespassed the place where the victim was or surprised her/him in a deserted place.
* The crime is committed by the person who has the victim under his/her custody, guardianship or education or by someone that takes advantage of the trust that the victim has in him/her.
* The crime is committed by a public servant or professional that uses the means or circumstances provided to him/her by his/her public position, job or profession. In this case, the perpetrator will be destitute from his/her position, job or commission and, if applicable, disqualified to practice any other public employment, position or profession up to 5 years.
* The crime is committed within institutions of basic, secondary or higher education or its vicinities.
* The crime is committed due to the victim’s gender.

Where applicable, the perpetrator will lose legal custody, guardianship or tutorship of the victim as well as the right to inherit him/her. |
| Tabasco | Sanction for statutory rape: 4 to 6 years of prison. Sanctions for rape: * 10 to 16 years of prison if the perpetrator performs copulation with a person, using physical or moral violence.
* 6 to 12 years of prison if the perpetrator introduces any element or instrument or any part of the human body different from the penis through the vagina or anus of the victim, using physical or moral violence.
* 10 to 16 years of prison if the perpetrator performs copulation with a person that does not have the ability to comprehend the meaning of the event or that for any reason is unable to resist.
* 10 to 16 years of prison if the perpetrator, without using violence and with lascivious purposes, introduces any element or instrument different from the penis through the vagina or anus of a person that does not have the ability to comprehend the meaning of the event or that for any reason is unable to resist.
* 10 to 20 years of prison if rape is committed by two or more persons.
* 10 to 20 years of prison if the perpetrator has an authority relationship with the victim. In this case, the perpetrator will lose legal custody, guardianship or tutorship as well as the right to inherit the victim.
* 10 to 20 years of prison if rape is committed by taking advantage of the means or circumstances provided by a job, position or profession. In this case, the perpetrator will be deprived form his/her job, position or profession and disqualify to practice for 5 years.
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| Tamaulipas | **Sanctions for statutory rape:** * 3 to 7 years of prison and a fine of 200 to 400 times the daily value of the Measure and Actualization Unit if the victim is over the age of 12 and under 14.
* 1 to 4 years of prison and a fine of 100 to 200 times the daily value of the Measure and Actualization Unit if the victim is over the age of 14 and under 16.
* 3 months to 1 year of prison and a fine of 100 to 200 times the daily value of the Measure and Actualization Unit if the victim is over the age of 16 and under 18.

**General sanction for rape:** 10 to 18 years of prison. * If the victim is under the age of 14 or does not have the capacity to comprehend the meaning of the event or for any reason does not have the ability to resist the criminal conduct, sanction will be 30 to 40 years of prison.

**Equated rape:** 20 to 30 years of prison.**If rape is committed by two or more persons** sanction will be increased up to a half. **Sanctions for statutory rape, rape and equated rape will be increased in a half if the crime:** * Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil, by a concubine against the offspring of his/her concubine. In addition to prison, the perpetrator will lose legal custody or guardianship over the victim.
* Is committed by a public servant or by a professional through means or circumstances provided by such profession/position. In addition to prisons, the perpetrator will be destitute from his/her position or suspended from the practice of his/her profession for 5 years.
* Is committed by the person who has the victim under his/her legal custody, guardianship or education or that takes advantage of the confidence that the victim has in him/her.
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| Tlaxcala | **Statutory rape:** 6 months to 4 years of prison and a fine of 36 to 288 days of salary. **Rape:** 8 to 14 years of prison and a fine of 566 to 1008 days of salary. **Sanction for rape will be 10 to 15 years of prison and a fine of 720 to 1080 days of salary if the perpetrator:*** Performs copulation with a person under the age of 14.
* Performs copulation with a person that does not have the capacity to comprehend the meaning of the event.
* Performs copulation with a person that for any reason does not have the ability to resist the conduct.
* Introduces any element, instrument or part of the human body different from the penis to the vagina or anus of a person under the age of 14 or a person that does not have the capacity to comprehend the meaning of the event or for any reason does not have the ability to resist the conduct. If violence is used in these cases, sanction will be increased in a half.

**Sanction for rape will be increased in two thirds if the crime:*** Is committed by the direct or indirect intervention of 2 or more persons.
* Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil; by a stepparent against his/her stepson/stepdaughter or vice versa; by the concubine against his/her concubine offspring or vice versa. In these cases, the perpetrator will also lose the legal custody, tutorship or guardianship that has over the victim as well as the right to inherit him/her.
* Is committed by a public servant or by a professional through means or circumstances provided by such profession/position. In addition to prison, the perpetrator will be destitute from his/her position, job or commission or suspended from the practice of his/her profession up to 5 years.
* Is committed by a person who has the victim under his/her custody, guardianship or education or that takes advantage of the confidence that the victim has in him/her.
* Is committed while the victim is on board of a public transportation vehicle.
* Is committed in a deserted or isolated place.
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| Veracruz de Ignacio de la Llave | **Statutory rape:** * If the perpetrator does not exceed the victim’s age in more than 5 years, sanction will be 6 months to 5 years of prison and a fine up to 150 days of salary.
* If the perpetrator exceeds the victim’s age in more than 5 years but less than 7, sanction will be 6 months to 8 years of prison and a fine up to 300 days of salary.

**Rape:** 6 to 20 years of prison and a fine up to 400 days of salary.**Rape committed against a person that does not have the capacity to comprehend the meaning of the event or that for any reason cannot resist the conduct** will be sanctioned with 10 to 25 years of prison and a fine up to 500 days of salary.**Rape will be considered aggravated and sanctioned with 10 to 30 years of prison and a fin up to 1000 days of salary if:*** Is committed by 2 or more persons.
* The perpetrator is an ascendant, descendant, adopter, adopted, sibling, stepparent or tutor of the victim.
* The perpetrator is or was the concubine or sentimental couple of the father or mother of the victim.
* The perpetrator has the victim under his/her custody, guardianship or education.
* Is committed by a public servant, a minster of a religious cult or by a professional through means or circumstances provided by such profession/position. In addition to prison, the perpetrator will be destitute from his/her position, job or commission and, if applicable, disqualify the practice a profession, job, public position or commission up to 5 years.
* The victim is forced to consume or provided without her consent with drugs, narcotics, psychotropics or any other toxic substance that prevents him/her form defending in a full, partial, momentaneous or permanent manner.
* The perpetrator takes advantage of the trust, ignorance, extreme economic or feeding necessity, or subordination of the victim or of the superiority relationship of any kind that he/she has over the victim.
* Is committed in a passenger public transportation vehicle or any other vehicle that provides similar services.
* The perpetrator trespasses the victim’s home.
* Is committed in a deserted or isolated place.
* Is committed within educational institutions, public or private facilities where assistance or refuge services are provided by their staff or personnel.

In the previous cases, when applicable, the perpetrator will lose guardianship, tutorship or custody of the victim as well as the right to inherit the victim. |
| Yucatán | **Statutory rape:** 3 months to 4 years of prison.**Rape**: 6 to 20 years of prison and 200 to 500 days of fine. **Equated rape:** 8 to 25 years of prison and 200 to 500 days of fine. If violence is used sanction will be increased in a half. **Sanctions for rape, equated rape and statutory rape will be increased up to a half if the crime:*** Is committed by the direct or indirect intervention of 2 or more persons.
* Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; by a sibling against his/her collateral; by a legal tutor against his/her pupil; by a stepparent against his/her stepson/stepdaughter; by the concubine against his/her concubine offspring. In these cases, the perpetrator will also lose any family rights that has over the victim.
* Is committed by a public servant or by a professional through means or circumstances provided by such profession/position. In addition to prison, the perpetrator will be destitute from his/her position, job or commission or suspended from the practice of his/her profession for 5 years.
* Is committed by a person who has the victim under his/her custody, guardianship or education or that takes advantage of the confidence that the victim has in him/her.
* Is committed by a leader or ministry of a religious cult.
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| Zacatecas | **General sanction for rape:** 5 to 15 years of prison and a fine of 20 to 100 fees. **Sanctions for equated rape:*** 10 to 25 years of prison and a fine of 20 to 100 fees if copulation is performed with a person under the age of 12. If violence is used the sanction will be increased up to 2 more years.
* 10 to 25 years of prison and a fine of 20 to 100 fees if copulation is performed with a person that does not have the capacity to understand the meaning of the event or that for any reason is unable to resist. If violence is used the sanction will be increased up to 2 more years.
* 6 to 15 years of prison and a fine of 20 to 100 fees if the perpetrator using physical or moral violence introduces any element or instrument different from the penis through the anus or vagina of the victim. In cases of persons under the age of 12, sanction will apply, regardless if violence was not used.
* 3 to 6 years of prison and a fine of 200 to 365 fees if copulation is performed with a person over the age of 12 but under the age of 18 when his/her consent was obtained through deceive.

Whenever the perpetrator has custody guardianship, tutorship or inheritance rights over the victim he/she will lose them.**Sanctions for rape and equated rape will be increased in a half if the crime:** * Is committed by the direct or indirect intervention of 2 or more persons.
* Is committed by an ascendant against his/her descendant, by a descendant against his/her ascendant; between adoptive ascendants and descendants; by a sibling against his/her collateral; by a legal tutor against his/her pupil; by a stepparent against his/her stepson/stepdaughter; by the concubine against his/her concubine offspring. In these cases, the perpetrator will also lose the custody, guardianship or tutorship that has over the victim.
* Is committed by a public servant or by a professional through means or circumstances provided by such profession/position. In addition to prison, the perpetrator will be destitute from his/her position, job or commission or suspended from the practice of his/her profession for 5 years.
* Is committed by a person who has the victim under his/her custody, guardianship or education or that takes advantage of the confidence that the victim has in him/her.
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1. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

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| --- | --- |
| Name of the state | Reparation for victims |
| Provisions applicable to all states | The General Law for Victims (applicable to all states) provides that reparation for victims (of crimes and human rights violations) shall include:* **Restitution measures:** seek to return the victim to his/her situation before the crime.
* **Rehabilitation measures:** intended to help the victim to face the effects of the crime.
* **Compensation** in proportion to the gravity of the crime and considering the circumstances of the individual case. This shall consider the economic value of all losses and sufferings of the victim as consequence of the crime.
* **Satisfaction measures:** intended to acknowledge and restore the dignity of victims.
* **Non repetition measures:** intended to avoid the commission of the crime in the future.
 |
| Aguascalientes | Criminal legislation of the State of Aguascalientes provides that the victim should be repaired by receiving payment of caused damages. In certain cases, it is specified that reparation such include alimony as explained hereinafter:Statutory rape: Reparation shall comprise the payment of alimony for the victim and her offspring conceived as a result of the crime.**Rape:** If because of rape there is offspring, reparation shall include the payment of alimony for the woman and the child or children.  |
| Baja California | Criminal legislation of the State of Baja California provides that the victim should be repaired by receiving payment of caused damages. It is specified that in cases of rape and statutory rape reparation shall include alimony and medical expenses when the victim is a woman and there is offspring as a result of the crime. |
| Baja California Sur | Criminal legislation provides that if as consequence of rape, statutory rape or equated rape there is offspring, reparation shall include the payment of alimony for the woman and the child or children. |
| Campeche | Criminal legislation of the State of Campeche provides that if as consequence of rape or statutory rape there is offspring, in addition to expenses related to curative and psychotherapeutic treatments, reparation shall include the payment of alimony for the woman and the child or children. |
| Chiapas | Criminal legislation of the State of Chiapas provides that if as consequence of rape, statutory rape or equated rape there is offspring, reparation shall include the payment of maternity expenses and alimony for the woman and the child or children. |
| Chihuahua | Criminal legislation of the State of Chihuahua provides that if as consequence of rape or statutory rape there is offspring, reparation shall include the payment of alimony for them. |
| Coahuila de Zaragoza | Criminal legislation of the State of Coahuila provides that if as consequence of rape or statutory rape there is offspring, reparation shall include the payment of alimony for them. |
| Colima | Criminal legislation of the State of Colima provides that victims of crime should be repaired. There are none specific provisions related to reparation of rape. |
| Ciudad de México | Criminal legislation of the State provides that if as consequence of rape there is offspring, reparation shall include the payment of alimony for them and their mother. |
| Durango | Criminal legislation of the State of Durango provides that victims of crime should be repaired. There are none specific provisions related to reparation of rape.  |
| Guanajuato | Criminal legislation of the State of Guanajuato provides that victims of crime should be repaired, and reparation should comprise: * Restitution of the thing obtained through the commission of the crime, as well as the payment for deterioration or impairment. If restitution is not possible, the commercial value of the thing at the time of the crime should be paid.
* Payment of the material damages that are consequences of the crime, including necessary medical and psychological treatments for the recovery of the victim’s health.
* Payment for moral damage.
* Compensation for loss of profit.
* Payment of alimony if there is offspring because of rape or statutory rape.
 |
| Guerrero | Criminal legislation of the State of Guerrero provides that victims of crime should be repaired, and reparation should comprise: * Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment of the material damages, including any necessary treatment for the recovery of the victim’s physical and mental health.
* Payment for moral damage.
* Compensation for loss of profit.
* Payment of corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
* Payment of alimony if there is offspring because of rape or statutory rape as well as payment of pregnancy and medical expenses for the mother and child or children.
 |
| Hidalgo | Criminal legislation of the State of Hidalgo provides that victims of crime should be repaired and in cases of rape and statutory rape, reparation should comprise the payment of alimony of the woman and child or children that resulted from the illicit sexual intercourse. In cases of rape it also will include the reparation of the psychosomatic damage caused. According to criminal legislation of the state, reparation for all crimes shall include:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment of the material and moral damages, including any necessary medical, psychotherapy, social or rehabilitation treatments for the recovery of the victim’s health.
* Compensation for loss of profit.
* Payment of corresponding economic income or profit that the victim had at the time of the crime.
* Payment of the cost of lost opportunities, particularly those related to employment, education and social benefits.
 |
| Jalisco | Criminal legislation provides that in cases of sexual child abuse and rape, reparation should include the payment of alimony of the woman and child or children that resulted from the illicit sexual intercourse. According to criminal legislation of the state, reparation for all crimes shall include:* Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment of the material and moral damages.
 |
| Estado de México | Criminal legislation of the State of Mexico provides that victims of crime should be repaired. Reparation for all crimes should be complete, effective and proportional to the crime’s severity and, depending on the nature of the crime, shall include:* Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime and payment of the deterioration or impairment or restitution of affected rights.
* Payment of the material and moral damages, including any necessary treatments for the recovery of the victim’s mental and physical health.
* Compensation for loss of profit.
 |
| Michoacán de Ocampo | Criminal legislation of the State of Michoacán provides that victims of crime should be repaired, and reparation should comprise: * Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment of the moral damages, including any necessary treatment for the recovery of the victim’s physical and mental health.
* Compensation for loss of profit.
* Payment of corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
 |
| Morelos | Criminal legislation of the State of Morelos provides that victims of crime should be repaired, and reparation should comprise: * Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
* Payment for material and moral damages, including any necessary medical and psychotherapeutic treatment.
* Compensation for loss of profit.
 |
| Nayarit | Criminal legislation of the State of Mexico provides that victims of crime should be repaired. Reparation for all crimes should be complete, effective, preferent to any other public sanction and proportional to the crime’s severity and the disturbance to the integral development of the victim. Reparation, depending on each case, shall include:* Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the commercial value of the thing should be paid.
* Payment for the material and moral damages.
* Compensation for loss of profit.
* Payment of the corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
 |
| Nuevo León | Reparation of damage comprises:* Restitution of the things obtained through the commission of the crime. If restitution is not possible, the value of the things should be paid.
* Payment for the material and moral damages, including the payment of the integral treatment to achieve medical and psychological rehabilitation of the victim.
* In cases of rape and statutory rape, reparation shall include the payment of pregnancy and delivery expenses and, if it is the case, funerary expenses, as well as payment of alimony of the children conceived because of the criminal conduct.
* Compensation for loss of profit.
 |
| Oaxaca | Criminal legislation of the State of Oaxaca provides that victims of crime should be repaired. Reparation for all crimes should be complete, adequate, effective and proportional to the crime’s severity and the suffered harm. Reparation shall at least include:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment for the material and moral damages, including necessary medical, psychological and psychotherapeutic treatments, social services, curative and rehabilitating treatments intended to recover the victim’s health.
* Payment of the corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
* Compensation for loss of economic income, loss of profit and lost opportunities, particularly those related to employment, education and social benefits.
* A declaration that reestablishes the victim’s dignity and reputation, through written or electronic means.
* Public apology, responsibility acknowledgement and non-repetition guarantee in crimes committed by public servants.
* Reparation of the damage caused to the physical integrity of the victim.
* Patrimonial damages.
* Payments of legal fees and attorney’s expenses.
* Transportation, lodgment, communication or feeding expenses incurred by the victim while transferring to court or treatment facilities whenever she/he lives in a different municipality.

Means for rehabilitation shall be as complete as possible and allow the victim to fully participate in public, private and social life.  |
| Puebla | Criminal legislation of the State of Puebla provides that victims of crime should be repaired. Reparation for all crimes should be integral and comprise restitution measures, rehabilitation measures, compensation measures, satisfaction measures and non-repetition guarantees, in their individual, collective, material, moral and symbolic dimensions. Each of these measures shall be implemented in benefit of the victim, considering the severity, magnitude, circumstances and characteristics of the crime. In consequence, shall at least include:* Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment for the material and moral damages.
* Compensation for loss of profit and lost opportunities.

In cases of rape and statutory rape, reparation shall include the payment of alimony for the woman and children conceived as a result of the crime.  |
| Querétaro | Criminal legislation of the State of Querétaro provides that victims of crime should be repaired. Reparation for all crimes should comprise:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
* Payment for the material and moral damages, including any necessary curative treatments for the recovery of the victim’s health.
* Compensation for loss of profit and lost opportunities.

It is also provided that in case of rape, equated rape and statutory rape, reparation shall be integral and could comprise, in addition to other specific measures, the following:* Payment of alimony to the victim and the offspring conceived as a result of the illicit sexual activity.
* Payment of legal expenses and attorney’s fees.

Measures shall be determined considering the severity, magnitude, circumstances and characteristics of the crime.  |
| Quintana Roo | Criminal legislation of the State of Quintana Roo provides that victims of crime should be repaired. Reparation for all crimes should comprise:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
* Payment for the material and moral damages, including payment of any necessary curative, psychotherapeutic or rehabilitation treatments for the victim.
* Compensation for loss of profit and lost opportunities.

It is also provided that in case of rape, equated rape and statutory rape, reparation shall comprise payment of alimony for the mother and the offspring conceived as a result of the illicit sexual activity. |
| San Luis Potosí | Criminal legislation of the State of San Luis Potosí provides that victims of crime should be repaired. Reparation for all crimes should be complete, proportional to the severity of the harm and the damages caused to the integral development of the victim and, according to the nature of the crime, it shall comprise:* Restitution of things to their previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment for the material and moral damages, including the necessary curative and psychological treatments to recover the victim’s health.
 |
| Sinaloa | Criminal legislation of the State of Sinaloa provides that victims of crime should be repaired. Reparation for all crimes should be complete, effective, proportional to the severity of the harm and the damages caused and comprises:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
* Payment for the material, moral and psychological damages, including the necessary medical and psychotherapeutic treatments for the victim.
* Compensation for the loss of profit and lost opportunities.
* Payment of the corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
* A declaration that reestablishes the victim’s dignity and reputation, through written or electronic means.

In cases of sexual violence, reparation shall include the payment of alimony for the woman and child or children conceived because of the crime.  |
| Sonora | Criminal legislation of the State of Sonora provides that victims of crime should be repaired. Reparation for all crimes should be integral, adequate, effective, proportional to the severity of the harm and the damages caused and comprises:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment for the material damage, including payment of the necessary curative and psychologic treatments for the recovery of the victim’s health.
* Compensation for moral damages.
* Compensation for the loss of profit and lost opportunities.
* Payment of the expenses cover by third parties to help the victim.
* When applicable, the payment of corresponding salaries or economic perceptions, when due to the crime the victim is unable to perform in a job, craft or profession.
* A declaration that reestablishes the victim’s dignity and reputation, through written or electronic means.

In cases of statutory rape, reparation will include payment of alimony to the woman and her child or children if they were conceived as a result of the crime. |
| Tabasco | Criminal legislation of the State of Tabasco provides that victims of crime should be repaired. Reparation for all crimes comprises:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Payment for the material, moral, physical and psychological as well as the loss of profit and loss of opportunities. This will include payment of the medical treatments required for the victim.
 |
| Tamaulipas | Criminal legislation of the State of Tamaulipas provides that victims of crime should be repaired. Reparation for all crimes should be complete, effective, proportional to the severity of the harm caused and the alteration of the victim’s life project. Reparation shall, at least, comprises:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid together with the profit the victim lost or he/she could have received if the crime had not been committed.
* Payment for the material, moral, physical and psychological damages, including the necessary medical, curative, therapeutic and rehabilitation treatments and social services for the victim.
* Compensation for the loss of profit and lost opportunities, particularly those related to employment, education and social benefits.
* Compensation for the loss of economic income and lost profit.
* Payment of legal and attorney’s fee expenses.
* A judicial declaration that reestablishes the victim’s dignity and reputation, through written or electronic means.

In cases of rape and statutory rape, reparation shall include the payment of alimony for the offspring conceived because of the crime. |
| Tlaxcala | Criminal legislation of the State of Tlaxcala provides that victims of crime should be repaired. Reparation for all crimes should comprise:* Restitution of things to the previous state.
* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the actualized value of the thing should be paid.
* Compensation for the loss of profit and lost opportunities.
* Payment of salaries when due to the crime the victim is unable to perform a job, craft or profession.
* Payment of moral damages, including the necessary curative treatments for the recovery of the victim’s physical and psychic health.
* In cases of crimes related to gender violence, reparation will also include:
* Public apology to reestablish the victim’s honor.
* Reparation for disturbances to the victim’s labor, educational and psychological environment.
* Payment of the victim’s subsistence allowance and his/her offspring if they are minors or have disabilities, whenever the victim is unable to perform in a labor context due to the crime.
 |
| Veracruz de Ignacio e la Llave | Criminal legislation of the State of Veracruz provides that victims of crime should be repaired. Reparation for all crimes should comprise:* Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
* Payment of material and moral damages, including the necessary treatments for the recovery of the victim’s physical and mental health.
* Payment of legal expenses and interests.
* In the case of crimes against sexual freedom and security, reparation shall also include:
* Public apology to restore the victim’s dignity.
* Reparation for disturbances to the victim’s labor, educational, communitarian and psychological environment.
* Payment of the victim’s subsistence allowance and his/her offspring if they are minors or have disabilities, whenever the victim is unable to perform in a labor context due to the crime.
 |
| Yucatán | Criminal legislation of the State of Yucatán provides that victims of crime should be repaired. Reparation for all crimes should be integral, adequate, effective, proportional to the severity of the harm caused. Reparation shall, at least, comprises:* + Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
	+ Payment for the material and moral damages, including the necessary medical, and psychological assistance, as well as social services, curative, rehabilitation and psychotherapeutic treatments for the recovery of the victim’s health.
	+ Compensation for the loss of profit.
	+ Compensation for loos of economic income.
	+ Compensation for the lost opportunities, particularly those related to employment, education and social benefits.
	+ A declaration that reestablishes the victim’s dignity and reputation, through written or electronic means.
	+ Public apology, acknowledgment of responsibility as well as non-repetition guarantee if the crime is committed by a public servant.
 |
| Zacatecas | Criminal legislation of the State of Zacatecas provides that victims of crime should be repaired. Reparation for all crimes comprises:* + Restitution of the thing obtained through the commission of the crime. If restitution is not possible, the value of the thing should be paid.
	+ Payment for the material and moral damages, as well as compensation for the loss of profit and opportunities. The reparation should be integral, differentiated, transformative and effective in accordance to the General Law for Victims and the Law for Victims of the State of Zacatecas and will include medical and psychotherapeutic assistance, social services, curative, and rehabilitation treatments for the recovery of the victim’s health.
	+ In cases of rape, compensation shall also include the damage to the victim’s life project.
	+ In cases of rape, reparation shall include the payment of alimony for the mother and the offspring conceived as a result of the crime.
 |

**Aggravating and mitigating circumstances**

1. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they?

**YES, in the next circumstances, this according to the Federal Criminal Code,**

**Article 266 Bis.- The penalties provided for sexual abuse and rape shall be increased by up to one half in its minimum and maximum, where:**

**I.- The crime is committed with direct or immediate intervention by two or more persons;**

**II.- The crime shall be committed by an ancestor against his descendant, the descendant against him, the brother against his collateral, the guardian against his pupil, or by the stepfather or amassius of the mother of the offended against the stepson. In addition to the prison sentence, the culprit will lose parental authority or guardianship, in cases where he exercises it on the victim;**

**III.- The crime shall be committed by the person who holds a public office or employment or exercises his profession, using the means or circumstance provided to him. In addition to the prison sentence the convicted person shall be removed from office or employment or suspended for the term of five years in the exercise of that profession;**

**IV.- The crime shall be committed by the person who has the offended in his custody, guardianship or education or take advantage of the trust in him deposited.**

**Ⅴ. The crime is committed prior to providing narcotics or psychotropic drugs to the victim, against his will or without his knowledge.**

Is rape by more than one perpetrator an aggravating circumstance?  **YES**

Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference) **YES**

Is rape by spouse or intimate partner an aggravating circumstance?  **NO**

1. Does the law foresee mitigating circumstances for the purposes of punishment? **NO**

1. Is reconciliation between the victim and the perpetrator allowed as part of a legal response? If so, at what stage and what are the consequences?

**NO, it is forbidden by the Art.187 of the National Code of Criminal Procedures**

a. Regardless of the law, is reconciliation permitted in practice? and what is the practice in this regard?

**YES, there are registers of cases where the authorities allow criminal mediation to mediate this kind of cases and let there to be settlements between victim and perpetrator.**

1. Is there any provision in the criminal code that allows for the non-prosecution of perpetrator? **NO**

**Prosecution**

1. Is rape reported to the police prosecuted ex officio (public prosecution)? YES/NO

**No, when the crime of sexual rape is not related to the crime of torture.**

**When sexual violence was practiced in the crime of torture, it is prosecuted ex officio.**

1. Is rape reported to the police prosecuted ex parte (private prosecution)? YES/NO

**The general rule in crime of rape is that reporting by the victim is required.**

1. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of women? YES/NO

**In accordance with the GENERAL LAW OF ACCESS OF WOMEN TO A LIFE FREE OF VIOLENCE, in its article 8, section IV, and article 52 section IX, it is established that the victim's participation in conciliations or mediations should be avoided or compelled.**

**On the other hand, the GENERAL LAW OF VICTIMS in its article 7, establishes as a right of the victim to be able to conciliate or mediate to repair the crime, however, the public prosecutor's office is required to prove the suitability of the victim to be able to make decisions.**

**Finally, the National Code of Criminal Procedures in its article 187, prohibits the origin of reparatory agreements in the case of rape.**

1. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of children? YES/NO

**The National Code of Criminal Procedures in its article 187, prohibits the origin of reparatory agreements in the case of rape.**

1. Please provide information on the statute of limitations for prosecuting rape.

**As a general rule, all crimes prescribe in accordance with the provisions of the Federal Penal Code, calculating the time of prescription as a result of the arithmetic mean of the maximum penalty and the minimum penalty; This rule applies to the crime of rape.**

**On the other hand, as an exception, in accordance with the GENERAL LAW TO PREVENT, INVESTIGATE AND PUNISH TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENTS OR PENALTIES, in its article 8; when sexual violence is practiced in torture, the crime never prescribes.**

**In cases of minor boys and girls, the prescription runs from the age of 18. Federal Penal Code, article 107 bis.**

1. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood?   YES/NO

**Yes, since the statute of limitations for the crime of rape will begin to run once the child reaches the age of majority[[2]](#footnote-3). According to the Federal Criminal Code, the crime of rape has a sentence of 8 to 20 years in prison[[3]](#footnote-4), taking into account the rule indicated in article 105 which establishes that the arithmetic mean of the crime will be, in the case of rape, the criminal action would prescribe in 14 years.[[4]](#footnote-5)**

**It is worth mentioning that article 262 mentions as responsible a person who had intercourse with a person over 15 years of age and under 18 obtaining their consent through deception, in this case the penalty ranges from 3 months to 4 years in prison, for what the prescription of the crime would be 3 years.[[5]](#footnote-6)**

**Likewise, it is relevant to point out that the crime of pedophilia could also be exercised in accordance with the provisions of article 209 Bis, the penalty would increase by one half more if the actor uses physical violence.**

1. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?  YES/NO If yes, please specify.

**No, nevertheless, in accordance with an Isolated Decision of the Supreme Court of Justice of the Nation[[6]](#footnote-7), which serves as a guiding criterion, it was pointed out that the victim's statement serves as fundamental evidence in the crime of rape, may be accompanied of other evidentiary elements such as psychiatric medical opinions, testimonies, medical examinations, circumstantial tests, indications and presumptions.**

1. Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman’s sexual history during trial? YES/NO

**Yes, In article 346 of the National Criminal Code of Procedure, there is a provision that excludes any evidence that the parties pretend to include on the previous or posterior sexual conduct of the victim.**

1. Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings? YES/NO. If yes, please specify.

**Yes, in accordance with article 109 fraction XXVI of the National Code of Criminal Procedures, the victim or offender will have, among other crimes, the right to safeguard their identity and personal data.**

**Likewise, in article 366 of the same code, it is stated that when it comes to providing a testimony of a underage or in cases of rape victims, the judicial authority, at the request of the parties, may order its receipt with the help from relatives or specialized experts.**

**For this, the appropriate audiovisual techniques must be used that favor avoiding confrontation with the accused. People who cannot attend the judicial headquarters, because they are physically handicapped, will be examined in the place where they are and their testimony will be transmitted by remote reproduction systems. These special procedures must be carried out without affecting the right to confrontation and defense.**

**Additionally, regarding the recognition of the accused, article 277 of the same Code, indicates that in the case of victims of rape, the Public Ministry will order special measures for their participation, in order to safeguard their identity and emotional integrity. In cases of minors, they must have the help of experts and the assistance of the minor's representative.**

**Al the federal level, there is the Protocol of Ministerial, Police and Expert Investigation with a Gender Perspective for Sexual Violence which can be taken into account to provide the theoretical-methodological basis on the mainstrreaming of the gender perspective in the law enforcement, defining minimum basis for the prosecution of the ministerial, police and expert investigation in cases of sexual violence in which the victim is a woman and under human rights standards.**

**The Protocol urges not to re-victimize with value judgments based on gender discrimination. One must abstain at all times from using concepts based on stereotypes or discriminatory prejudices by gender, in no way will the investigation guide include assumptions of “provocation” from the victim to the aggressor, or propitiatory causes, due to their way of dressing, their presence in certain places at certain times, the responses that the victim gave to the aggressor, his behavior or the absence of evidence of physical violence. The agent of the public ministry and assistants must not question or expose the sexual life, the behavior of the victims or their way of dressing or living, to justify, minimize or relativize the damage caused[[7]](#footnote-8).**

**The Protocol indicates that, in the case of the crime of rape, it does not always precede physical violence to commit or subject the victims by the aggressor or aggressors; the requirement to prove the use of physical force and violence has evolved to the requirement of the victim's absence of consent.**

**In the investigation to demonstrate the lack of this will in the investigation, the authorities must be very careful not to re-victimize with their questions, so it is important to gather all the evidentiary, circumstantial, indicative and conclusive presumptions of the facts, for being a crime of hidden realization, the victim's statement acquires special relevance, and from the fact that is telling the truth, without questioning, judging or doubting their saying.[[8]](#footnote-9)**

**As part of the minimum rules for the ministerial investigation, the Protocol indicates that in order to avoid re-victimization and emotional stress to victims, it is very useful to go to the interview through the Gesell Chamber. Which essentially consists of two rooms with a dividing wall and a large glass that allows you to see from one of the rooms what is happening in the other, but not the other way around.**

**Particularly, in the case of underages, the purpose is to observe their behavior, without them feeling pressured or uncomfortable by the gaze of an observer. This mechanism has a double function; on the one hand, it contributes to reducing the damage suffered by the victim due to the memory of the related event, since an-interview is carried out as evidence for the rest of the process, conducted by a psychologist. And on the other hand, it guarantees the defendant's right to defense, since his lawyers or experts may be present during the procedure.**

**One of the characteristics of this strategy is that it inevitably contributes to safeguarding the testimony of those interviewed under controlled conditions that are expected to favor their spontaneity. This allows the simultaneous video recording of the interview conducted by an expert psychologist, with emphasis on the witness of the experienced or perceived event. It is useful for establishing pre-trial evidence[[9]](#footnote-10), and revictimization, because it is intended to avoid overexposure to interrogations, interviews, or procedures that make the victim go through double or triple appearances to narrate the facts[[10]](#footnote-11).**

1. One day of fine equals to the net daily income of the person responsible for the crime at the time he or she committed it, which in any case cannot be less than the daily value of the Measure and Actualization Unit (defined federally by the National Institute of Geography and Statistics with a value in 2020 of $ 86.88 Mexican pesos). [↑](#footnote-ref-2)
2. Article 107 Bis, first paragraph, Federal Criminal Code. [↑](#footnote-ref-3)
3. Article 265, first paragraph, Federal Criminal Code. [↑](#footnote-ref-4)
4. In accordance with article 101 of the Federal Criminal Code, the prescription of crimes will be doubled with respect to those who are outside the national territory. [↑](#footnote-ref-5)
5. Pursuant to article 105 of the Federal Penal Code, no criminal action will prescribe within a period of less than three years. [↑](#footnote-ref-6)
6. Supreme Court of Justice of the Nation, Sexual violence against women. Rules for evaluating your testimony as a victim of crime, Isolated Decision 1st. CLXXXIV / 2017, Tenth period, November 2017. [↑](#footnote-ref-7)
7. Attorney General´s Office, Protocol of Ministerial, Police and Expert Investigation with a Gender Perspective for Sexual Violence, p. 25, accessed at: <https://www.gob.mx/cms/uploads/attachment/file/51043/Protocolo_inv_con_pg_para_la__violencia_sexual.pdf> [↑](#footnote-ref-8)
8. Attorney General´s Office, Protocol of Ministerial, Police and Expert Investigation with a Gender Perspective for Sexual Violence, p. 33. [↑](#footnote-ref-9)
9. Pursuant to article 304 of the National Code of Criminal Procedures, it may, up to one day before the hearing of the trial, may do the submission of evidence in advance. [↑](#footnote-ref-10)
10. Attorney General´s Office, Protocol of Ministerial, Police and Expert Investigation with a Gender Perspective for Sexual Violence, p. 51. [↑](#footnote-ref-11)