

CEDAW SHADOW REPORT

Topic: Political Participation of Indigenous Women

The following report is presented by the *Instituto de Liderazgo Simone de Beauvoir* (ILSB) and the *Asamblea Nacional Política de Mujeres Indígenas* (ANPMI), counterparts that have a shared interest in strengthening the leadership of indigenous women and enhancing their voice and their actions in search of the full respect of their rights, particularly the right to a participation and representation within the political process that is respectful of both their ethnic and gender identity.¹ This report is the result of our concern regarding the continued exclusion, invisibilization, and violation of the rights of indigenous women that decide to run for elected office.

There are currently 68 different indigenous communities in Mexico. In the 2015 Intercensal Census conducted by the National Institute of Statistics and Geography (*Instituto Nacional de Geografía y Estadística* - INEGI), 25.7 million people self-identified as indigenous, representing 21.5% of the total Mexican population; of these 25.7 million, 13.2 million were women and 12.5 million were men.

Recently, measures have been taken to guarantee multicultural recognition in Mexico, as well as the right of indigenous peoples to participation and representation within the political party system. In 2001, reforms were passed to amend Article 2 of the Mexican Constitution to legally recognize indigenous communities and empower them to exercise self-determination and autonomy, in addition to guaranteeing their full access to state jurisdiction.²

In 2004, the Federal Electoral Institute, now the National Electoral Institute (*Instituto Nacional Electoral* - INE) established 28 “indigenous districts” that cover municipalities where at least 40% of the population is indigenous. In 2006, 17 indigenous individuals were elected; in 2009, this number decreased to 11.

In November 2017, the Mexican Supreme Court (TEPJF) ruled that parties and coalitions **should only support indigenous candidates** in 13 districts where there is a concentration of indigenous persons that exceeds 60% of the total population, and must also guarantee that only seven district candidates *maximum* are of the same gender on the party ticket (ruling SUP-RAP-726/2017).³ Of these 13 districts, five are in the state of Chiapas, two are in Oaxaca, two are in Yucatán, and there is one each in Guerrero, Hidalgo, San Luis Potosí, and Veracruz, respectively.

The names of the candidates in these districts have already been published for the 2018 elections, but the verification of the documents used by the parties and candidates to prove their indigenous

¹ ANPMI is a national association of local indigenous women’s networks that seeks to establish high-level dialogue with authorities to ensure that public policies reflect cultural diversity and incorporate the ideas and realities of indigenous women.

² Based on Convention 169 of the ILO. This reform was published in the Official Gazette of the Federation on August 14, 2001.

³ http://www.te.gob.mx/Informacion_juridiccional/sesion_publica/ejecutoria/sentencias/SUP-RAP-0726-2017.pdf, P.181.

affiliation is still pending. Ensuring indigenous representation in districts where the indigenous population accounts for less than 60% of the total is also a pending task.

Despite legal recognition in various international instruments, including CEDAW and the Convention on the Political Rights of Women, **indigenous women in Mexico are still not treated as persons endowed with rights, but instead are still seen as beneficiaries of productive projects or social assistance, and no clear mechanisms have been generated to strengthen their right to participate and be represented in decision-making spaces.**

The violation of women's political rights triggers the violation of other rights, such as health, access to justice, and education. Young, indigenous people in Mexico face obstacles that prevent them from accessing education, particularly those young people that do not speak Spanish. According to studies conducted by the National Council to Prevent Discrimination (*Consejo Nacional para Prevenir la Discriminación* - CONAPRED), since 2012, not a single one of the 23,000 young people that spoke only an indigenous language were able to access higher education services and were unable to complete even a secondary education.⁴ In addition to the violations of their rights, indigenous communities in Mexico endure systematic violence to their bodies/territories and violations of their right to consultation and prior and informed consent; to their rights to their land, territory, and natural resources; as well as to their rights to self-determination and self-government.

Indigenous women consider that their absence from decision-making spaces means that their real needs and those of their communities are not addressed. **In Mexico, monocultural policies of tutelage and social assistance that do not incorporate an ethnic, intercultural, or gender perspective continue to predominate. These policies do not recognize indigenous women as the subjects of rights with capacities for management, action, and governance.**

Indigenous women in Mexico have also pointed out the lack of openness of government authorities in terms of listening to their demands, as well as in terms accepting and taking seriously women's proposals to improve the exercise of their rights. They agree that the state should encourage indigenous women to run for elected office and should guarantee access to the knowledge and tools necessary to facilitate the performance of their duties in order to influence the public policy decisions and budgets focused on this population in an informed manner. Indigenous women have also denounced the exacerbation of gender-based and ethnic-based political violence when they do decide to participate in elections.

The state has failed to comply with its obligation to guarantee the effective enjoyment of indigenous peoples' rights. In the 2018 electoral process, for example, the candidates made no concrete proposals regarding the guarantee of indigenous communities' right to self-determination, their lands and territories, their self-governance, or their right to participation and representation in decision-making spaces outside their communities

⁴ Information included in the article "Because they did not speak Spanish, 50,000 indigenous young people were unable to access a university education." Accessed in April 2018. Available from: <https://www.animalpolitico.com/2018/01/indigenas-sin-acceso-universidad/>

In light of the above, we echo the recommendations made by the CEDAW Committee to the Mexican government to eliminate the obstacles for indigenous women to participate in the political life of their communities and also on the state and municipal levels; eliminate discriminatory practices through campaigns that reinforce a positive image of women; prevent violence against women, and ensure that victims have effective and rapid access to justice, including reparation mechanisms that involve the woman herself.

We reiterate the call made by the Committee to:

- *ensure that political parties fulfill their obligation to allocate 2% of the public funds raised to promoting women's political leadership, particularly indigenous women, (...) in all spaces and areas of government*
- *ensure that all programs and policies aimed at eliminating poverty include a gender perspective and an intercultural approach in order to eliminate discrimination against indigenous women in rural areas*

As a result, the Committee is expected to propose the following recommendations to the Mexican state:

1. Monitor compliance with the Supreme Court's SUP-RAP-726/2017 ruling to guarantee indigenous peoples' right to political participation and ensure that indigenous candidates lead half of the 13 districts.
2. Make the recognition of indigenous peoples' right to political participation progressive, eventually reaching a total of 24 federally recognized indigenous electoral districts.
3. Generate clear measures and mechanisms, such as quotas, to encourage and strengthen the participation of indigenous women in the executive branch of government at both the state and federal levels, especially within institutions aimed at serving indigenous communities and peoples.
4. Open spaces for the effective political participation of indigenous women, such as advisory councils or bodies, especially within spaces that decide the policies that may affect them – e.g. water, land, and territory reforms, special economic zones, social assistance policies, etc. – to ensure that these spaces incorporate indigenous women's visions, proposals, and good practices generated from their knowledge.
5. Generate a program, with indicators and clear mechanisms, to measure the political-electoral participation of indigenous women, which can then be used as a baseline to measure the increase or decrease in the participation of indigenous women in different electoral periods.
6. Review and respond to all previous recommendations on the matter and open a dialogue with indigenous women that recognizes them as political subjects of rights.