

May 31, 2018

Report submitted by the National Human Rights Commission of Mexico (CNDH) to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) on the occasion of the review of the Ninth Periodic Report of Mexico
“The Situation of Women in Mexico”

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) will hold its seventieth Session on July 2-20, 2018. During this Session the Committee will consider the **ninth periodic report of Mexico**, under the implementation of the **Convention on the Elimination of All Forms of Discrimination against Women**.

The National Human Rights Commission is an independent body with its own budget, legal personality and assets¹ and its goal is to protect, apply, promote, study and publicize human rights provided for in the Mexican legal system. The Commission joins the important task of CEDAW by submitting the **Report “The Situation of Women in Mexico”**, prepared based on the powers granted by the Paris Principles:

- To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence.
- To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.

On December 21, 2016 Mexico submitted to CEDAW its **ninth periodic report**. The Committee held a meeting on November 20-24, 2017 and as a result issued a List of issues and questions on Mexico for the above-mentioned meeting, **the National Human Rights Commission submitted a list of the main problems** that affect the full enjoyment of human rights by women in Mexico.

¹ In accordance with Article 102, Section B of the Political Constitution of the United Mexican States.

I. Mexico, Women and their Context

The estimated population of Mexico is **119,938,473 inhabitants**, of which **61,474,620 are women**, (51.4 %).² Mexico is organized in 32 states and Mexico City—the capital and seat of the three branches of power: executive, legislative and judicial. Each state is made up by municipalities—2,457 municipalities in the country at large. Mexico City has 16 territorial delimitations.

Mexican women belong to various groups that require priority attention; such as: indigenous and rural women, migrant women, women deprived of their liberty, Afro-descendant women, lesbians, etc. In particular, the National Human Rights Commission (CNDH) notes with concern the existence of a high level of violence. Although CEDAW has issued 4 specific recommendations on subject since 2012, during the last few years violence against women has increased. According to the National Institute of Statistics and Geography (INEGI) data, **between January 2015 and December 2016, a total of 5,118 female deaths by homicide were registered.**³ While the figures published in 2018 by the Executive Secretariat of the national public security system, register an increase in the number of alleged victims of intentional homicide from 2015-2017, and in January 2018 272 murders of women were registered. In other words, **during the first month of this year an average of almost 9 homicides of women were registered per day.**⁴ In this regard, the National Human Rights Commission has expressed its opposition against this violence.⁵ In 27 of the 32 States of the Country, the National Human Rights Commission is also part of the work groups that address the requests of alerts of gender violence against women (AVGM).⁶

The results of the *2016 National survey of the dynamics of family relations* (ENDIREH), showed that in **Mexico, almost 7 out of 10 women have suffered violence**⁷ and 43.9% of them have been assaulted by their **spouses, partners or boyfriends**.

We should not lose sight of the fact that abuse suffered by women has serious harmful effects in their lives, both physical and emotional. According to the 2016 ENDIREH, **8% of women who have suffered violence has had suicidal thoughts and 3.4% have tried to commit suicide**. In addition, among women who have experienced physical or sexual violence, or both types, 35.8% showed

² Encuesta Intercensal 2015, Principales Resultados, available at: <https://bit.ly/2y0lgQ4> Accessed on 16/03/2018.

³ The INEGI registers 2,735 deaths of women by homicide in 2018 and 2,383 in 2015. Information available in: <https://bit.ly/2cYFXxT>

⁴ According to these figures, in 2015 there were 1,755, in 2016 the figure increased to 2,210, and in 2017 to 2,572. On the other hand, in January 2018 there were 272 homicides of women. Information available at: <https://bit.ly/1LlKn7k> Information on criminal activity and emergencies with a gender perspective, accessed on January 2018.

⁵ Following are some of the statements: 265/2017, 255/2017, 190/2017, 90/2017, 31/2017, 281/2016, y 269/2016.

⁶ Gender violence alerts: is the set of governmental emergency actions to address and end "feminicidal" violence on a given territory, brought upon individuals or the community itself. Article 22 of the General Women's Access to a Life Free of Violence Act. Information updated on August 28 2017.

⁷ Information available at: <https://bit.ly/2vPtO81>

physical damage done by the violence they have suffered, mainly **bruising, bleeding, and they have even had to be hospitalized or operated on. For 64.3% of these women, physical or sexual violence, or both, by their partners has left emotional consequences, mainly sadness or depression.** Half of the women felt panic or fear, and a third of them had eating disorders. It is clear from these figures that the problem of violence against women has not decreased. According to this survey, **of the 46.5 million women aged 15 years or more living in the country, 30.7 million (on average 66.1%) have suffered at least one incident of violence:** almost half (49%), emotional violence, followed by 41.3% that declared having suffered sexual violence; Other types of violence suffered by these women: physical violence, 34%; economic or property-related violence, or discrimination during their life, at least in one area and inflicted by any assailant, 29%. This means that **in Mexico almost 7 out of every 10 women have suffered violence, mainly of the emotional and sexual type.**

The CNDH, as the body in charge of monitoring the compliance with the national equality policy, does—among other actions—a monthly review of human rights of women legislation. As a result, the following two studies have been undertaken: 1) *Diagnostic study on violence against women from federal and state legislation*,⁸ and 2) *Diagnostic study of the equality and non-discrimination principles in federal and state laws*.⁹ The following recommendations arise from these diagnostic studies: that discrimination should be typified as a crime in the light of gender perspective, and in line with the principle of equality between women and men; that role assigning and stereotypes be eliminated from regulatory frameworks, that precisely, promote equality and non-discrimination; and that femicide violence be included in all regulations,¹⁰ as well as the State responsibility when it does not comply with its duties to prevent, end, investigate, and penalize this form of violence.

Furthermore, the CNDH has detected the persistence of wide gaps inequalities between men and women in employment. According the 2016 INEGI data, women have a greater percentage of participation in jobs that generate them an income of up to a minimum salary, while the level of income increases the number of women declines, in such a way that in the positions that earn more than five minimum salaries, the number of women is 894,288, compared to 2,073,061 men.¹¹

As we know, in 2012 the Committee issued Recommendation 28 on its concern on employment and we must note that little has been achieved with regard to the 2016 ENDIREH, which states that 26.6% of women who have worked at some time have been victims of workplace violence. During the past 12 months, 47.9% of assaults against women in the workplace have been of a sexual nature. In

⁸ Available at: <https://bit.ly/2pIVLeY> (Accessed on August 25, 2017).

⁹ Available at: <https://bit.ly/2ulBsK8> (Accessed on August 25, 2017).

¹⁰ Consistent with recommendation 15 of the Committee in 2012

¹¹ *Población ocupada de 15 años y más por nivel de ingreso según sexo*, Inmujeres. Available at: <https://bit.ly/2ITt3ks> (Accessed on August 25, 2017).

addition, 21.9% of women have suffered discrimination at work during the same 12 months period. The following are some discriminatory behaviors mentioned: fewer opportunities of promotion than a man (10.3%), less benefits than a man at the same work level or position (5.7%); and also, they have been asked for a pregnancy test as a job requirement or to keep their position (5.3%).¹² Specifically, in 2017 the CNDH did a study for the Federal Government on jobs and wages,¹³ in order to identify gender inequality gaps.

Finally, the National Human Rights Commission, with the aim of reinforcing an institutional culture of equality between women and men, free from any form of violence, non-discriminatory and inclusive, has its own Gender Equality Policy 2017-2019, that emerges from the three following principles: 1) Gender equality 2) Non-discrimination 3) Inclusion In a comprehensive approach to human rights, these principles allow addressing the needs of all population groups according to their specific characteristics and maximize the positive impacts of the services provided to them.

II. Main Concerns of the National Commission on Human Rights submitted to CEDAW related to Mexico's Periodic Ninth Report

The National Human Rights Commission submits its main concerns regarding discrimination of women in Mexico. On this matter, the Commission has issued either a special report, study, diagnostic study or recommendation. As a result, the following information is submitted:

In the report produced by this CNDH, it is shown that Mexico is still a long way of ensuring equality between women and men, and eradicating discrimination. It is important to point out that violations to human rights of women intersect with various factors, such as poverty, lack of access to basic services, and even the need to defend the natural resources and the territory.

Accordingly, respect for the human rights of women must also take into account the economic, cultural and environmental rights related with the various areas in their lives. These rights are inherent to the comprehensive development of women. They include the right to housing, the right to food, the right to clean water and the right to sanitation, and also the right to participate freely in cultural life and the enjoyment of a healthy environment.

The 2030 Agenda and its equality horizon must be implemented if women and the population at large are to be the beneficiaries of sustainable development as well as part of this process. The Mexican

¹² *Op. Cit.*, note 1, pp. 18, 21 y 22.

¹³ <https://bit.ly/2nNc0qu>

state must promote legal and public policy actions that concur to the achievement of SDG 5. Simultaneously, it must ensure that the other SDGs are addressed and achieved, including the mainstreaming a gender equality perspective.

In order to coordinate efforts and enhance the actions geared towards transforming the settings of discrimination for Mexican women, this National Commission, respectfully calls upon the Committee to endorse a series of recommendations identified as a priority in the following areas:

- a) **Harmonization of Legislation and Repeal of Discriminatory Laws.** For the National Human Rights Commission, the lack of harmonization of laws has been a matter of concern, especially with respect of violence against women. For this reason, the Commission has suggested the inclusion of various types of violence such as political violence, obstetric violence, media violence, femicide violence, among others, in all laws on access of women to a life free of violence. The Commission also suggests that each state has a law recognizing discrimination on grounds of sexual orientation and gender identity. In this frame of mind, it is also recommended that the corresponding laws in civil or family matters, or in both, be adapted in order to allow access to marriage to all persons of legal age, in conditions such that they prevent any type of discrimination, under paragraph five, Article 1 of the Mexican Constitution. **In Mexico, marriage equality and ending child marriage are urgent debts to ensure rights.**
- b) **Violence against women** In 2012 CEDAW recommended addressing obstacles that prevented the activation of the Gender Alert Mechanism (AVGM). This Commission reiterates the validity and emphasizes the importance of examining the time frames of the AVGM provided by the Access Act. It also stresses the importance of enhancing the federal institutions dealing with the AVGM procedures. Mainstreaming attention of Alerts as a task for the State and not as an exclusive responsibility of national machinery for the advancement of women. Likewise, recommendations derived from the Alert must be enhanced by asking that the public resources assigned for their fulfillment be labelled and executed with effective mechanisms of transparency and accountability.
- c) **Participation in political and public life.** CEDAW has recommended that Mexico eliminate the obstacles preventing women from participating in the political life of their communities, in particular, indigenous women. For this reason, the CNDH deems necessary expand and improve the regulatory framework related to vertical and horizontal parity. This framework must address electoral procedures at the municipal level. Mexico needs a strong recommendation to prevent, address and end gender-based political violence, since there is no

law on this subject. **Reaction to the opportunities for involvement achieved by women in legislation, represents a risk not only for their political involvement, but for their lives.**

- d) **Women human rights defenders and journalists** Since 2012 this has been an ongoing concern for CEDAW. The implementation, both at the federal and the state levels, of the Protection of human rights defenders and journalists act must be reaffirmed, in order to protect their lives, their freedom, and their integrity. Also, priority must be given to the creation of the Protection mechanism provided by the Act, ensuring it includes a gender approach. This CNDH considers that a public campaign of acknowledgment and non-stigmatization of the work of human rights defenders is needed, to raise awareness in the population at large and in particular in public servants. It is urgent to address—and ensure full compliance of—the applications for precautionary measures for human rights defenders and journalists.
- e) **Education.** In 2012 the Committee noted the importance of instituting measures to prevent, punish and eradicate all forms of violence against women and girls in public educational institutions. In this regard, the CNDH has identified that various states don't have guidelines to prevent, investigate, punish, or remedy sexual violence cases against girls and boys in public and private schools. For this reason, directives or guidelines that take into account in particular girls and boys that face multiple vulnerabilities must be issued. These directives or guidelines should be the basis for education authorities to develop their own or to adjust the existing guidelines. Educational establishments must be inspected to ensure that installations are adequate so girls and boys can exercise their right to education in a healthy and safe way.
- f) **Health.** The CNDH proposes the design and implementation of a public policy on gynaeco-obstetrical health that prevents obstetric violence. A policy that places women at the center as protagonists, following a human rights, gender, and intercultural approach. A public policy that includes ongoing training and awareness building among health personnel, for the implementation of Mexican Official Standards, and also to counter prejudice and stereotypes that generate discrimination toward women. Improve hospital infrastructure where women are cared for during pregnancy, childbirth, and puerperium, giving priority to remote areas and areas of social marginalization. Hence the importance of redesigning the Ministry of Health's "Model for the care of women during pregnancy, childbirth, and puerperium, with a humanized, intercultural, and safe approach", to reduce maternal-child morbidity and mortality, and to preserve the "partería" (*traditional birth-attendants*) as a cultural right. It must be insisted that a recommendation be made to Mexico to implement the official norm **NOM-046-SSA2-2005** "Domestic and sexual violence and violence against women." We need that the Committee recommendation number 33 be reaffirmed because there have been no advances whatsoever in legislative harmonization on abortion and, instead, conscientious

objection has been introduced in a badly regulated form, which puts at risk the right to health in Mexico.

- g) **Budgets for gender equality.** It is necessary to call upon the Mexican State to program the needed budget to verify the effectiveness of Annex 13 and to widen the resources labelled for equality. Public budgets must be aligned with the 2030 Agenda and thus answer to the priorities of human rights and sustainable development. If the public budget is planned with a gender approach, it will be more effective, efficient, and relevant for inclusion.
- h) **Women with disabilities.** It is important for the CNDH to work together and interact with the Independent national monitoring mechanism of the Convention on the Rights of Persons with Disabilities, and the Commission's Business and human rights special program, to train and update the personnel of the Ministry of Communications and Transport, in human rights, underscoring the accessibility and mobility rights of persons with disabilities. Likewise, the Commission works together with these instances to draw up, enter, and implement relevant agreements with the transport sector.
- i) **Refugees and asylum-seeking women.** It is important to undertake relevant actions to ensure that no petitioner of refugee status remains detained in a place reserved for migrants, especially if they are girls, boys or adolescents. This would guarantee their stay in the country, during the proceedings on refugee status, in accordance with enforceable regulations.
- j) **Women in detention.** Pursuant to the provisions of the Political Constitution, the Mexican state must develop security policies so that women deprived of their liberty—that have not been charged with organized crime, or that don't need special safety measures—stay at the Social reintegration center closest to the place where their case is tried or, where appropriate, to their place of residence, and guarantee their human rights in accordance with the Bangkok Rules that provide the standards for the treatment of female inmates.
- k) **Rights of girls.** After the General Rights of Children and Adolescents Act was issued in 2014, the states started a work of legislative harmonization to include in civil or family regulations the requirement of 18 years as minimum age to marry. To date, 28 states have included this regulation in their legislation. Nevertheless, the states of Baja California, Guanajuato, Querétaro, and Sonora still accept dispensations for marrying persons under 18 years of age, while the Federal Civil Code still permits it specifically (14 years for girls and 16 years for boys). This counters the recommendation issued since 2006, which must be reinforced.

- l) Rights of LGBTI People.** In some states, the lack of recognition of equal marriage and diversity families results in the infringement of rights such as freedom to marry or not to marry; freedom to procreate or not to procreate, to freely chose their sexual preferences; as well as the freedom to share or not share their life with another person or various persons, without regard to their sex or gender, or both.

For this Autonomous body, it is essential that all the institutions of the Mexican State strengthen courses of action within their respective spheres of competence, and promote, respect, protect, and secure human rights, in accordance with the principles of universality, interdependence, indivisibility and progressiveness. Accordingly, the State shall prevent, investigate, punish, and remedy violations tu human rights in the conditions established by law.

This report is made available by the CNDH to CEDAW and reaffirms its commitment to join locally the efforts made by the Committee, taking on the tasks of monitoring compliance with the recommendations that will be issued in 2018, we will also encourage our own measures to enhance the Mexican State observance and attainment of women rights.