



Federación Mexicana de
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SHADOW REPORT OF FOLLOW UP OF RECOMMENDATIONS MEXICO Civil Society Organizations

Mexico has signed nearly all the international mechanisms protecting women's rights, that form part of the United Nations System and the Inter-American Human Rights System. However, compliance on many occasions does not extend much beyond handing in the appropriate reports to the various International Bodies.

In other words, compliance is partial at best, and in no way is it either systematic or consistent enough to respond properly to national or international commitments in the matter. International mechanisms have largely been ignored in creating the National Development Plan and the programmes and public policies emanating from same, relating to gender issues.

That said, credit should be given for the significant advances that have been made in recent years in laws relating to equality and attention in cases of violence. However, much remains to be done, especially in terms of harmonizing legislation, because the situation continues to be precarious. Overall, where laws do exist, they fall far short of what the international mechanisms require, and said laws are not even fully in tune with Mexico's domestic legislation. At provincial state level the discrepancies are even greater, and the gender perspective does not feature at all in the internal workings of government departments.

Recognition for women's rights in the writing of laws and budget allocations specifically for gender matters, has not been enough to end discrimination; the task that still needs to be addressed is incorporating the gender perspective fully into plans and programmes.

A study of Recommendations made to the Mexican Government between 2000 and 2010, reveals a total of about 1,012 Recommendations, arising out of 27 International Reports. During that time, 4 Reports were also compiled by the National Human Rights Commission (CNDH) here in Mexico.

Of said total 1,012 International Recommendations, 279 Recommendations resulting from 22 International Reports relate to the theme of women. That amounts to 27.56 per cent. Of these, 13 Recommendations relate specifically to Ciudad Juárez, which equals 13.9 per cent.

If we take the 279 Recommendations as 100%, we find that Ciudad Juárez comprises 50.53%, a little more than half of all the Recommendations issued to Mexico on matters to do with protecting women's rights.

It is worth mentioning that, when the CEDAW Committee (COCEDAW), paid a visit to Mexico, the Mexican Government received 16 Recommendations based on Article 8 of the Convention's Facultative Protocol. The majority dealt with topics linked to the phenomenon of femicide; in other words, issues such as: Law and Order and the Administration of Justice; Programmes and Public Policy addressing violence against women; the creation of Databanks; and the systematization of information on the subject, etc.

TABLE OF RECOMMENDATIONS TO THE MEXICAN STATE, 2000 to 2010

TOTAL NO. OF RECOMMENDATIONS	%	Recommendations about Violations of Women's Human Rights	%	International Recommendations on Ciudad Juárez	%
1012	100	279	27.56	141	13.9

Source: Table drawn up by the CUDH-UNAM/OCDM/AMDH_01. International Recommendations, 2000 to 2010.

As mentioned above, between 2000 and 2010 the CNDH (Mexico's National Human Rights Commission) published 4 Reports¹ regarding cases of femicide in Ciudad Juárez. One Report alone resulted in 8 Recommendations, the Report entitled: "*Case of women murdered in Ciudad Juárez, and on the lack of collaboration by authorities at the Attorney General's Office for the State of Chihuahua*"², and 6 of those Recommendations relate to law and order and the administration of justice.

In fact out of said 4 CNDH Reports on Ciudad Juárez, a total of 8 Recommendations were made regarding law and order and the administration of justice.

¹ CNDH Reports analyzed:

1) Case of women murdered in Ciudad Juárez, and on the lack of collaboration by authorities at the Attorney General's Office for the State of Chihuahua. Recommendation 44/98, CNDH, 1998. <http://www.cndh.org.mx/recomen/1998/044.htm>

2) Special Report by the National Human Rights Commission on the cases of homicide and disappearance of women in the municipality of Juárez, Chihuahua. 2003. <http://www.cndh.org.mx/lacndh/Reports/espec/juarez2003/index.htm>

3) Integrated evaluation of actions carried out by the three levels of government regarding femicides in the municipality of Juárez, Chihuahua. 2005. <http://www.cndh.org.mx/lacndh/Reports/espec/infJrz05/index.htm>

4) Second Report on the integrated evaluation of actions carried out by the three levels of government regarding femicides in the municipality of Juárez, Chihuahua. 2008. <http://www.cndh.org.mx/lacndh/Reports/2infsegjuarez.pdf>

5) Addendum. <http://www.cndh.org.mx/lacndh/Reports/2infseganex.pdf>

² Recommendation 44/98, 1998.

TABLE OF NATIONAL RECOMMENDATIONS ON CIUDAD JUÁREZ

National Recommendations on Ciudad Juárez by theme		
Report No.	Theme	Recommendations
1	Institutional Co-ordination	1
3	Law and Order and the Administration of Justice	6
4	Programmes and Public Policy addressing violence against women	1
	Total	8

Source: Table drawn up by the CUDH-UNAM/OCDM/AMDH_02. National Recommendations on Ciudad Juárez.

Below follows a summary of Recommendations relating to violations of women's human rights, set out by theme:³

³ Of the 27 Reports analyzed, 22 resulted in the issue of related Recommendations:

- 1) Report by the Special Rapporteur on the independence of magistrates and lawyers, Coomaraswamy. E/CN.4/2002/72/Add.124. <http://www.cinu.org.mx/biblioteca/documentos/dh/G0210345.doc>.
- 2) Final Observations of the Committee for the Elimination of Discrimination Against Women: Mexico. 6th August 2002. A/57/38, paras.410–453. [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/5aae9c505d689282c1257038002e5e3a/\\$FILE/N0261420.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/5aae9c505d689282c1257038002e5e3a/$FILE/N0261420.pdf)
- 3) Specific Groups and Individuals: Migrant Workers. Report presented by Special Rapporteur Gabriela Rodríguez Pizarro. Additional Visit to Mexico. E/CN.4/2003/85/Add.2. <http://www.cinu.org.mx/temas/dh/migrantes/G0215409.pdf>
- 4) Specific Groups and Individuals: Migrant Workers. The Human Rights of Migrants. Report presented by Special Rapporteur Gabriela Rodríguez Pizarro. Additional Mission to Mexico-US border. E/CN.4/2003/85/Add.3. <http://www.cinu.org.mx/biblioteca/documentos/dh/migmex-eu.pdf>
- 5) Situation of Women's Rights in Ciudad Juárez, Mexico: the Right not to be an Object of Violence and Discrimination. Report by the Special Rapporteur on Women's Affairs. Locum Visit to Mexico. OEA/Ser.LV/II.117. <http://www.cidh.org/annualrep/2002sp/cap.vi.juarez.htm>
- 6) Economics, Social and Cultural Rights. Adequate Housing as part of the right to a reasonable standard of living. E/CN.4/2003/5/Add.3. <http://www.cinu.org.mx/biblioteca/documentos/dh/vivienda.pdf>
- 7) Report by the United Nations Commission of International Experts, Office of the United Nations against Drugs and Crime, on the Mission to Ciudad Juárez, Chihuahua, Mexico. <http://www.conavim.gob.mx/Pdf/Reportjuarez.pdf>
- 8) Report by Special Rapporteur Rodolfo Stavenhagen on the Situation of the Human Rights and Fundamental Liberties of Indigenous Peoples. E/CN.4/2004/80/Add.2. <http://www.sre.gob.mx/derechoshumanos/images/docs/8d.pdf>
- 9) Annual Report of the Inter-American Human Rights Commission. Report on Migrant Workers and Members of their Families. OEA/Ser.LV/II.118. <http://www.acnur.org/biblioteca/pdf/2885.pdf>
- 10) Report about Mexico produced by the Committee for the Elimination of Discrimination Against Women, under Article 8 of the Convention's Facultative Protocol, and the Mexican Government's response. CEDAW/C/2005/OP.8/MEXICO. <http://www.un.org/womenwatch/daw/cedaw/cedaw32/CEDAW-C-2005-OP.8-MEXICO-S.pdf>
- 11) Integration of Women's Human Rights and the Gender Perspective: Violence against Women. E/CN.4/2006/61/Add.4. <http://www.sre.gob.mx/derechoshumanos/images/docs/7d.pdf>
- 12) Examination of Reports presented by the Party States in accordance with Article 9 of the Convention. Final Observations of the Committee for the Elimination of Racial Discrimination. Mexico. CERD/C/MEX/CO/15. <http://www.sre.gob.mx/derechoshumanos/images/docs/5d.pdf>

TABLE OF INTERNATIONAL RECOMMENDATIONS BY THEME, 2000 to 2010

International Recommendations relating to Women, by theme		
No.	Theme	Recommendations
1	Co-ordination between Institutions	18
2	Databank and Register	22
3	Law and Order and the Administration of Justice	61
4	Programmes and Public Policy addressing violence against women	89
5	Legislation	13
6	Harmonizing Legislation	28
7	Training of public servants	15
8	Diffusion, information and awareness-raising in society	19
9	Follow-up to Recommendations	14
Total		279

Source: Table drawn up by the CUDH-UNAM/OCDM/AMDH_03. International Recommendations, 2000 to 2010.

- 13) Convention on the Rights of the Child. CRC/C/MEX/CO/3. <http://www.universalhumanrightsindex.org/documents/829/922/document/es/pdf/text.pdf>
- 14) Examination of Reports presented by the Party States in accordance with Articles 16 and 17 of the Pact. E/C.12/MEX/CO/4. <http://www.sre.gob.mx/derechoshumanos/images/docs/3d.pdf>
- 15) Final Observations of the Committee for the Elimination of Discrimination Against Women: CEDAW/C/MEX/CO/6. http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Mexico_es.pdf
- 16) Examination of Reports presented by the Party States in accordance with Article 9 of the Convention. Committee for the Protection of the Rights of All Migrant Workers and their Families. Mexico. CMW/C/MEX/CO/1. <http://www.sre.gob.mx/derechoshumanos/images/docs/6d.pdf>
- 17) Examination of Reports presented by the Party States in accordance with Article 19 of the Convention. Conclusions and recommendations of the Committee against Torture. Mexico. CAT/C/MEX/CO/4. <http://www.sre.gob.mx/derechoshumanos/images/docs/1d.pdf>
- 18) Report by the Special Rapporteur on the Sale of Children, Infant Prostitution and the Use of Children in Pornography, A/HRC/7/8/Add.2. http://www.hchr.org.mx/documentos/comunicados/A-HRC-7-8-Add2_sp.pdf
- 19) Report on the visit to Mexico of the Sub-Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishments. CAT/OP/MEX/R.1. <http://www.sre.gob.mx/derechoshumanos/images/docs/InfOficialSPTvisitaMexI> (Part I), <http://www.sre.gob.mx/derechoshumanos/images/docs/InfOficialSPTvisitaMexII.pdf> (Part II)
- 20) Report of the Working Group on the Universal Periodic Exam. Mexico. A/HRC/11/27. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/163/24/PDF/G0916324.pdf?OpenElement>
- 21) Final Observations of the Human Rights Committee. Examination of Reports presented by the Party States in accordance with Article 40 of the Pact. CCPR/C/MEX/CO/5. http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.MEX.CO.5_S.pdf
- 22) Report by Special Rapporteur Vernon Muñoz on the Right to Education. Mission to Mexico. Human Rights Council. A/HRC/14/25/Add.4. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/139/12/PDF/G1013912.pdf>

TABLE OF INTERNATIONAL RECOMMENDATIONS ON CIUDAD JUÁREZ

International Recommendations on Ciudad Juárez by theme		
No.	Theme	Recommendations
1	Co-ordination between Institutions	18
2	Databank and Register	9
3	Law and Order and the Administration of Justice	60
4	Programmes and Public Policy addressing violence against women	18
5	Legislation	6
6	Harmonizing Legislation	6
7	Training of public servants	8
8	Diffusion, information and awareness-raising in society	8
9	Follow-up to Recommendations	8
Total		141

Source: Table drawn up by el CUDH-UNAM/OCMD/AMDH_04. International Recommendations on Ciudad Juárez

Of the aforementioned 279 International Recommendations on the theme of women, 141 relate to Ciudad Juárez.⁴ Added to the 8 Recommendations issued by the CNDH, this makes a total of 149 national and international Recommendations issued between 2000

⁴ 13 Reports issued Recommendations on Ciudad Juárez:

- 1) Report by the Special Rapporteur on the Independence of Magistrates and Lawyers. E/CN.4/2002/72/Add.1
- 2) Situation of Women's Rights in Ciudad Juárez, the Right not to be the Object of Violence or Discrimination. OEA/Ser.L/V/II.117
- 3) Final Observations of the Committee for the Elimination of Discrimination Against Women, based on the Fifth Periodic Report presented by Mexico. A/57/38, paras.410–453
- 4) Report by the United Nations Commission of International Experts, Office of the United Nations against Drugs and Crime, on the Mission to Ciudad Juárez, Chihuahua, Mexico.
- 5) Report on Mexico produced by the Committee for the Elimination of Discrimination Against Women under Article 8 of the Convention's Facultative Protocol. CEDAW/C/2005/OP.8/MEXICO
- 6) Recommendations made by the Council of Europe, drawn up by Ruth Gaby Vermouth Mangold, Rapporteur for the Council of Europe's Parliamentary Assembly, on the theme: "The Disappearance and Murder of large numbers of Women and Girls in Mexico".
- 7) Integration of Women's Human Rights and the Gender Perspective: Violence against Women. E/CN.4/2006/61/Add.4
- 8) Application of the International Pact of Economic, Social and Cultural Rights. E/C.12/MEX/Q/4.
- 9) Final Observations of the Committee for the Elimination of Discrimination Against Women: Mexico. CEDAW/C/MEX/CO/6
- 10) After examining the Report on Mexico, the Committee against Torture arrived at the conclusions and recommendations contained in the document. CAT/C/MEX/CO/4, 6th February 2007.
- 11) Report by Special Rapporteur Juan Miguel Petit on the Sale of Children, Infant Prostitution and the Use of Children in Pornography. A/HRC/7/8/Add.2
- 12) Report by the Working Group on the Universal Periodic Exam, Mexico. A/HRC/11/27.
- 13) Final Observations of the Human Rights Committee. CCPR/C/MEX/CO/5

and 2010, focussing solely on Ciudad Juárez, this being the city named most often in connection with the violation of women's human rights.

Regarding compilation of reports. It is true that the Mexican State responds to Recommendations through INMUJERES, the department encharged with writing the periodic reports that are submitted four-yearly to the CEDAW Committee COCEDAW. However, *even though the Commission for Follow-Up on Compliance with CEDAW was established in 2008 within the framework of SNIMH (National System for Equality between Women and Men)*, it was not until 2010 when the Seventh and Eighth Reports were being submitted that said Commission actually opened for business, in other words two years after its creation. Furthermore, despite what might be imagined from its name, the Commission does not follow up on Recommendations; it was established solely to write reports.⁵ The reality is that mechanisms for following up on Recommendations simply do not exist in Mexico.

Another problem encountered in many departments, is that they do not supply information to the Federal Government because they do not actually collect the relevant data. Other departments, such as the Secretariat for Public Safety, do not have a specific area appointed to report on the matter; and the reason some departments gave for their failure to provide information now, was the fact that they had not collaborated previously with INMUJERES on the occasion of the Seventh and Eighth Reports.⁶ Another department, CONAPRED (National Council to Prevent Discrimination) justifies its non-participation in the Seventh and Eighth Reports by saying it was not invited.⁷

It is also important to mention that INMUJERES did not consult with CSOs, only with its own Council body. Indeed, the government simply has not taken on board any of the proposals or suggestions put forward by the civil society.

Nor have CEDAW mandates nor its recommendations been transversalized in accordance with the SNIMH framework, because the framework itself was only established as a medium for drafting reports and not as a follow-up mechanism for verifying compliance. And perhaps the greatest obstacle of all is that there is no joint strategy for information sharing involving all the three levels of Government ___ federal, provincial state, municipal___ far less a shared compliance strategy.

Regarding the gathering of information by INMUJERES for filing periodic reports, out of a total of 30 federal government agencies, we found that 5 agencies (CJEF, CONEVAL, PFP, PROFEDET and DIF) had answered that it was not part of their remit to provide information for the filing of any periodic reports; 4 others (CONAFE, OPORTUNIDADES, INEE and SESNSP) stated they did not have a department to cope with reports; and 2 others (INSP ___ National Public Health Institute and the Presidency) confirmed they

⁵ See reply to request number: 0610400001258 on the Observatorio web page <http://www.amdh.org.mx/mujeres>, or on the Federal Government's web page INFOMEX <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPu-blico.action>.

⁶ See reply to request number: 089250000126 on the Observatorio web page <http://www.amdh.org.mx/mujeres>, or on the Federal Government's web page INFOMEX <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPu-blico.action>

⁷ See reply to request number: 5960002563 on the Observatorio web page <http://www.amdh.org.mx/mujeres>, or on the Federal Government's web page INFOMEX <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPu-blico.action>.

had not taken part in the compilation of any report in this regard. The only agencies that have created sections to provide information for COCEDAW, are: CDI, CONAPO, IMSS, INMUJERES, INAMI, PGR, SE, SEGOB, SEDENA, SFP, SEMAR, SEMARNAT, SRE, SEDESOL, SEP, SSA and STPS. The SSP replied that not only did it lack a designated area, but in addition the fact the agency had not provided INMUJERES with information for the Seventh and Eighth Reports made it impossible for them to supply information on this occasion.⁸ CONAPRED mentioned having taken part in the Seventh and Eighth Reports, adding they had not received any requests prior to the occasion of said reports.⁹

The agencies confirming they do indeed have designated sections and can collaborate in providing information for inclusion in COCEDAW reports, were then asked about the process of follow-up that they (said agencies) undertake regarding CEDAW recommendations. Of the agencies, 5 (CJEF, CONEVAL, PFP, PROFEDET and DIF)¹⁰, replied that follow-up was not part of their remit; and 7 others (CONAFE, National Coordination for the Human Development Programme OPORTUNIDADES, National Public Health Institute, INEE, the Presidency, SEGOB and SESNSP) confirmed that they did not have a follow-up area. However, it is worth mentioning that the Seventh and Eighth Reports submitted by the Mexican Government nevertheless still included some information about said agencies. This demonstrates a willingness on the government's part to comply with COCEDAW, even though within the agencies themselves there seems to be no awareness of any such commitment.

Regarding Recommendations 7, 9 and 41 in response to the Sixth Report on Mexico:

The dissemination of CEDAW recommendations by Mexican Government departments (INMUJERES [National Women's Institute], Foreign Office, Home Office) has been half-hearted to say the least. The exercise has lacked planning, evaluation, and any assessment of impact in terms of efficacy and efficiency. Even though CEDAW and its Recommendations have been presented and discussed at a number of forums, seminars, workshops and campaigns, the impact on public servants (both male and female) has been minor, because there is no systematic on-going strategy promoting CEDAW-related concerns.

The SRE (Foreign Office), as the body responsible for circulating CEDAW recommendations, has disseminated Recommendations resulting from the Sixth Report in a series of 89 official papers, of which 54 consist of communications between the SRE and other government agencies informing the agencies of observations made on the Sixth Report about Mexico. However, said 54 official papers were only sent to INMUJERES, and to 2 Commissions at the House of Representatives, the Human Rights Commission and the Commission on Equity and Gender.¹¹

⁸ Ver respuesta a la solicitud con número de folio 089250000126 en la página del Observatorio <http://www.amdh.org.mx/mujeres> o también en la página del INFOMEX Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

⁹ Ver respuesta a la solicitud con número de folio 5960002563 en la página del Observatorio <http://www.amdh.org.mx/mujeres> o también en la página del INFOMEX Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>.

¹⁰ III Informe Cumplimiento y seguimiento de las recomendaciones de la CEDAW en México: Asignaturas pendientes 2007-2009. Pp. 89

¹¹ Ver solicitud de información con número de folio 0000500105907 en la página del Observatorio <http://www.amdh.org.mx/mujeres> o también en la página del INFOMEX Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

As can be seen, the Foreign Office makes little effort to circulate the information, and does not check whether or not it actually reaches their staff.¹² In the provinces, several state government departments claim never to have received any information at all. This means the process of dissemination is not carried through to completion, resulting in an unnecessary waste of time, and waste of human, material and financial resources.

In light of the aforementioned, the SRE really needs to review its dissemination strategies and CEDAW obligations. The SRE has a duty to seek more effective, definitive means of transmitting the information to ensure it actually reaches all government agencies at all levels and all categories of public servant who are obliged to abide by the Law. This applies particularly to those government officials likely to contravene the Law, especially as regards international commitments in the matter of women's human rights, and more so because since 2005 the SRE has actually been allocated a specific budget allowance to cover such dissemination¹³.

In the case of INMUJERES, even though it has circulated CEDAW recommendations to the heads of the following Federal Government Departments: **SSA, SEGOB, SHCP, SEDENA, SEMAR, SE, SEDESOL, PGR, SSP, SFP, STPS, SE-MARNAT, SENER, SAGARPA, SEP, SECTUR, SRA, DIF, IMSS, ISSSTE, INEGI, OPISPD, INEA-CONEVYT, SRE, SCT**,¹⁴ no reply has been forthcoming regarding any contacts made by INMUJERES with government agencies at state or municipal level.

This indicates a concern on the part of the Mexican Government to circulate the observations among its various departments, basically federal government agencies, through forums and official papers; but the Government has not demonstrated the same level of concern to follow up on CEDAW recommendations, nor to ensure its information dissemination actually has any impact on disturbing situations such as impunity, inadequate access to justice and the pressing need to eradicate gender violence.

There is no question that the Mexican Government has been remiss generally in following up on Recommendations, and it has demonstrated a similar lack of interest in promoting any real improvement in the current situation by effective dissemination of relevant information. Many public bodies simply say it is beyond their remit, claiming the responsibility lies with specialized services. Thus the overall picture is a generalized absence of any inclination towards effective compliance with CEDAW recommendations or mandates.¹⁵

Article 3: Training in women's rights: Between 2007 and 2011, the OCDM (Citizen's Observatory on Women's Rights), part of the AMDH (Mexican Academy of Human Rights) undertook a follow-up study of government agencies in the Federal Public Administration

¹² Said Report is available in the reply to information request: 0000500105907, on the Observatorio web page <http://www.amdh.org.mx/mujeres>

¹³ III Informe Cumplimiento y seguimiento de las recomendaciones de la CEDAW en México: Asignaturas pendientes 2007-2009. Pp. 74

¹⁴ Ver solicitud de información con número de folio 0610400047907 en la página del Observatorio <http://www.amdh.org.mx/mujeres> o también en la página del INFOMEX Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

¹⁵ III Report on Compliance and Follow-Up regarding CEDAW Recommendations in Mexico: Matters pending 2007-2009. Pp. 87

(APF) on the issue of training from a gender perspective. It is worrying to find at this highest level of government that institutions with a legal duty to provide information on training in women's rights are so lax as to even providing the training itself. Such is the case with the CJEF (Judicial Council of the Federal Executive), CONAPRED (National Council for the Prevention of Discrimination), CONAVIM (National Commission for the Prevention and Eradication of Violence against Women), INAMI (National Migration Institute), the Federal Presidency, SEDENA (National Defence Ministry), SESNSP (Executive Secretariat of the National System for Public Security), SSP (Public Security Ministry) and SS (Health Ministry).¹⁶ Furthermore, where any training is provided, it is offered haphazardly, and there is little or no follow-up, systematization or evaluation to chart progress. A substantial sum is actually spent on training, although it was impossible to quantify exactly how much, but the results are disappointing due to lack of planning, systematic evaluation or any system of official recognition for said training, such as a career civil service. All the same it is encouraging to note that the number of training schemes has increased over the last three years, even though they have made little impact precisely because they are isolated, sporadic, disorganized and no-one follows them up.

The OCDM also studied CEDAW-related progress in two provincial states: **Sinaloa**¹⁷ and **Chihuahua**.¹⁸ In **Sinaloa**, the only state government agencies able to demonstrate having trained their personnel in women's human rights, were: ISMUJERES (Sinaloa Women's Institute)¹⁹, CEPAVI (State Council for the Prevention of and Attention to Violence)²⁰, SS (Health Ministry)²¹ and Sinaloa's PGJE (State's Attorney General's Office)²²; but the general opinion in the state is that the Sinaloa Women's Institute is the only government agency that should be handling this issue. On the other hand, Sinaloa **state government agencies replying they had not trained their staff**, were: SGG (Secretariat General of the Home Ministry)²³, SSP (Public Security Ministry)²⁴, System DIF (System for the Integrated Development of the Family)²⁵, Counselling and Public Policies²⁶, DSS (Social and Sustainable Development)²⁷ and ISJU (Sinaloa Youth Institute).²⁸ Several agencies **did not bother to reply at all**: INDESOL (Sinaloa Institute for Social Development)²⁹,

¹⁶ Cumplimiento y Seguimiento de las Recomendaciones de la CEDAW en México, avances y retos.

¹⁷ Ramírez, Gloria, (Coordinación). Informe 2009-2011 ¿Cumple Sinaloa con la CEDAW? Seguimiento de Recomendaciones del Comité CEDAW, avances y desafíos, 2011, Pp. 86-87

¹⁸ Ramírez, Gloria, (Coordinación). Informe 2009-2011 ¿Cumple Chihuahua y Ciudad Juárez con la CEDAW? Seguimiento de Recomendaciones del Comité CEDAW, avances y desafíos, 2011, Pp. 86-87

¹⁹ Ver respuesta a solicitud de información 00326910 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁰ Ver respuesta a solicitud de información 00325510 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²¹ Ver respuesta a solicitud de información 00328410 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²² Ver respuesta a solicitud de información 00327210 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²³ Ver respuesta a solicitud de información 00326610 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁴ Ver respuesta a solicitud de información 00328410 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁵ Ver respuesta a solicitud de información 00326410 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁶ Ver respuesta a solicitud de información 00325910 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁷ Ver respuesta a solicitud de información 00326010 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁸ Ver respuesta a solicitud de información 00326710 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

²⁹ Ver respuesta a solicitud de información 00328810 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

SEPyC (Secretariat for Public Education and Culture)³⁰, STJE (State Supreme Tribunal for Justice) and the department responsible for Attention to the Indigenous Communities.³¹ The above information was gathered during the period 2009-2011.

While that overall situation is far from satisfactory, particularly the departments that did not bother to answer at all, what is also worrying is the type of argument put forward by government agencies for not providing their staff with training in women's rights. The SGG claimed it was the responsibility of another government department; SSP said its training applies to the human rights of all sectors, not only to the rights of women; System DIF said such training was not part of their remit; DSS said it had no registration of any training, nor was any staff training scheduled; and ISJU said they had not received any invitation to attend such training.

By the same token, in departments where specific training on CEDAW is provided to public servants (both male and female), even so the vast majority, 71%, receive no training at all. This was the case according to reports from the following government offices: Social Co-ordination, SSP, SGG, Sinaloa State's Attorney General's Office, System DIF, Counselling and Public Policies, DSS and the ISJU.³²

Regarding Article 4, Recommendation 23 in response to the Sixth Report on Mexico and General Recommendations 23 and 25:

Even though the Mexican State is responding to SMTN (Special Measures of a Temporary Nature), there is widespread ignorance as to what differentiates an SMTN from policies that benefit women in terms of problems that particularly affect women.

To date no data exists to assess any improvements or compliance there may be towards achieving equality between the sexes; and there are no statistics on the number of women benefitting from any SMTN. Nor is there any information coming out of the federal or municipal government agencies reporting either on the SMTN they implement or on those they fail to implement.

All this was evidenced in responses to requests for information addressed to 30 APF bodies. Of said total, 7 (CJEF, CONEVAL, PFP, PROFEDET, SEDESOL, SEP and DIF) said providing information for periodic reports was beyond their remit. Another 4 (CONAFE, OPORTUNIDADES, INEE and SESNSP) said they did not have facilities to file such reports. A further 3 (CONAPRED, National Public Health Institute, and the Presidency) confirmed not having participated in the compilation of any reports in this regard.³³

The other government agencies (CDI, CONAPO, IMSS, INMUJERES, INAMI, PGR, SE, SEGOB, SEDENA, SFP, SEMAR, SEMARNAT, SRE, SSA, SSP and STPS) confirmed they do indeed have facilities for contributing information to reports for the CEDAW Committee.

³⁰ Ver respuesta a solicitud de información 00327410 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

³¹ Ver respuesta a solicitud de información 00327810 en la página del Observatorio <http://www.amdh.com.mx/mujeres3>

³² Ibid. Pp. 88-89

³³ Ramírez, Gloria, Informe 2007-2009 ¿CUMPLE MÉXICO CON LA CEDAW? Seguimiento de las Recomendaciones del Comité CEDAW, México, UNAM. Pp. 25

The replies from INMUJERES, SEGOB (Home Ministry) and the PGR (Federal Attorney General's Office) were particularly troubling, because they reflect a complete ignorance of the nature of SMTN and therefore a failure to take any such measures on board.

The reply from INMUJERES³⁴ revealed the Institute's ignorance of SMTN in that: on the one hand it reports the Institute's own measures, and on the other, provides a lengthy description of activities related to PROIGUALDAD (National Programme for Equality between Women and Men) undertaken in the Federal Public Administration generally. SEGOB³⁵ interprets as SMTN the Ministry's participation in the National System for Preventing, Attending to, Sanctioning and Eradicating Violence against Women, which reveals the organism's ignorance of one of its own legal attributes conferred by creation of the special Commission, CONAVIM (National Commission for the Prevention and Eradication of Violence against Women).³⁶ In the PGR, the measures adopted by FEVIMTRA (Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons) are implemented only by that area, not throughout the PGR as a whole, which effectively confines the measures to the area encharged with Attention to Women. Thus the PGR is clearly failing in its duty to uphold international commitments regarding women's rights.³⁷

The SEP (Public Education Ministry) does not actually undertake any SMTN measures, but claims that the transversalization of the gender perspective in primary education is an SMTN.³⁸ The SRE (Foreign Office)³⁹ has been running PROIGUALDAD in the period 2008-2012, although of course said programme is not a SMTN. The SSP⁴⁰ mentions training aimed at both its own personnel and the public at large, but this does not qualify as an SMTN either.

In **Chihuahua**, the following government departments claim to have no information about SMTN: CCS, SCOP, SFS, ICHIJUV, SEC, SSPE, SGG, IVI, ICATECH, SDIF, SF, COESPO, Representation of the Government of Ciudad Juárez, Office of the Private Secretary. Other departments (SFS, SGG, IVI and SF), state that the creation of ICHMujer

³⁴ Ver respuesta a solicitud de información 0610400011408 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOMEX Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

³⁵ Ver respuesta a solicitud de información 0000400118108 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOME X Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

³⁶ <http://www.conavim.gob.mx/en/CONAVIM/Antecedentes>

³⁷ Ver respuesta a solicitud de información 0001700117508 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOME X Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

³⁸ Ver respuesta a solicitud de información 0001100266308 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOME X Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

³⁹ Ver respuesta a solicitud de información 0000500103908 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOME X Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

⁴⁰ Ver respuesta a solicitud de información 0002200080008 en la página del Observatorio <http://www.amdh.com.mx/mujeres> o también en la página del INFOME X Gobierno Federal <http://www.infomex.org.mx/gobiernofederal/moduloPublico/moduloPublico.action>

and its adoption by the state Executive, is an SMTN. By contrast, SCOP and SSPE said they considered SMTN unnecessary.⁴¹

In **Sinaloa**, the Sinaloa Women's Institute, SGG and State's Attorney General's Office said they had not adopted any SMTN.

Regarding Article 5, Recommendation 15 in response to the Sixth Report on Mexico, and General Recommendation 19:

Violence committed by members of the armed forces against indigenous women in Mexico, is a problem on the rise, particularly in the context of the ever-escalating war on drugs; so claim both Amnesty International⁴² and Human Rights Watch⁴³, in their respective reports on abuses committed by the military against women's rights in Mexico.

According to a presentation made by journalist Soledad Jarquín Edgar at the Conference: "Human Safety in an Unsafe World" (organized by the Institute for Peace and Justice at the University of San Diego, California), documentation exists showing that, between 1956 and 2008, at least 80 women suffered sexual harassment, rape, abuse and murder at the hands of the military in Mexico.⁴⁴

In states such as Guerrero, Coahuila⁴⁵, Sinaloa, Michoacán and Chihuahua, as the presence of soldiers has increased so also has the number of complaints lodged with CNDH (National Human Rights Commission)⁴⁶, and consequently the number of recommendations issued by CNDH to the National Defence Secretary.

⁴¹ Ramírez, Gloria. ¿Cumple Chihuahua con la CEDAW? Seguimiento de las recomendaciones de la CEDAW en Chihuahua 2007-2011.

⁴² <http://amnistia.org.mx/abusosmilitares/informe.pdf>

⁴³ <http://www.hrw.org/es/news/2009/04/29/m-xico-los-militares-deben-responder-por-sus-abusos>
y <http://www.hrw.org/en/reports/2009/04/28/impunidad-uniformada>

⁴⁴ <http://www.cimacnoticias.com.mx/site/08092501-Sin-justicia-atrop.34946.0.html>

⁴⁵ Trece mujeres fueron violadas en Castaños Coahuila por militares en el 2006, ver en:

<http://zapateando.wordpress.com/2006/08/31/castanos-coahuila-violaciones-cometidas-por-militares/>

⁴⁶ La Comisión Nacional de Derechos Humanos emitió las recomendaciones 38/2007, 39/2007 y 40/2007, dirigidas a la Secretaría de la Defensa Nacional por violaciones a los derechos humanos en contra de mujeres.

La Recomendación 38/2007 se refiere a violaciones a derechos humanos por los hechos ocurridos en los municipios de Nocupétaro, Carácuaro y Huetamo en el estado de Michoacán cometidos por elementos del Ejército Mexicano; consistentes en "...detenciones arbitrarias, tortura, ejercicio indebido de la función pública, allanamientos, así como atentados a la integridad física y libertad sexual, violación al derecho a la legalidad y seguridad jurídica, y violación al derecho de los menores a que se proteja su integridad." (<http://www.cndh.org.mx/recomen/2007/038.pdf> pág. 15) La CNDH hizo del conocimiento de la Procuraduría General de Justicia del Estado de Michoacán la comisión de presuntas conductas atentatorias a la libertad sexual en agravio de cuatro mujeres menores de edad (<http://www.cndh.org.mx/recomen/2007/038.pdf> pág. 41).

La Recomendación 39/2007 atiende a violaciones a los derechos humanos que tuvieron lugar en el municipio de Apatzingán estado de Michoacán, durante un enfrentamiento con presuntos narcotraficantes en el que se privó de la vida a cuatro personas (una mujer y tres hombres) y la posterior detención y retención en las instalaciones del Cuartel Militar de la 43ª Zona Militar de una mujer, seis hombres y un menor de edad. Las violaciones a los derechos humanos consisten en violación a "...la integridad y seguridad personal, a la legalidad y seguridad jurídica; a la libertad personal y al derecho de los menores a que se proteja su integridad, incurriendo la autoridad militar en detenciones arbitrarias, tortura, trato cruel y/o degradante, incomunicación e indebida imputación de hechos, en perjuicio de las personas agraviadas citadas en el cuerpo de esta Recomendación, que fueron detenidas y puestas a disposición del agente del Ministerio Público de la Federación, así como en perjuicio de aquellas que fueron víctimas de allanamiento, daños en sus viviendas, robo de objetos y ejercicio indebido de la función pública, por parte de los elementos del Ejército Mexicano." (<http://www.cndh.org.mx/recomen/2007/039.pdf> pág. 2)

La Recomendación 40/2007 alude a violaciones a los derechos humanos por elementos del ejército mexicano consistentes en "...violación al derecho a la vida, a la integridad y seguridad personal, a la legalidad y seguridad jurídica, así como a la libertad de

To convey an idea of the magnitude of the problem, in 1999 CNDH received approximately 300 complaints against the army, but in 2009 the number had risen to 1,800.⁴⁷ As CNDH does not provide data broken down by sex, it is not possible to identify the number of complaints specifically alleging violations of women's rights. However, the mere increase in the numbers of complaints suggests it is logical to assume a corresponding rise in violations of women's rights at the hands of the military too.

More troubling is the fact that violence perpetrated by the army remains in the realms of impunity. Take for example the cases of Inés Fernández Ortega and Valentina Rosendo Cantú vs Mexico. Sentences handed down by the IACoHR (Inter-American Court of Human Rights) on 30th and 31st August 2010, and notified on 1st October of the same year, relate the context of vulnerability in which women find themselves as a consequence of military deployment in the state of Guerrero. Indeed, the cases of Inés and Valentina are emblematic, because the IACoHR recognized that these two women, who suffered rape at the hands of the Mexican army, were then violated a second time by the justice system of the Mexican State.⁴⁸

Another clear example of impunity is Ciudad Juárez, where: *“the disappearance and murders of women have been going on for twenty years, but since the arrival of the Army the numbers of cases have multiplied. Mothers were originally looking for 300 missing daughters, but since 2007 they have been looking for more than 13,000. This evidences that drug cartels are not the only ones committing abuses, because in a militarized zone where crime should have dissipated, it has actually increased.”*⁴⁹

To date the government has not responded with any firm actions to call a halt to the violations of women's human rights committed by the military. Furthermore, by continuing

tránsito, configurándose, asimismo, actos y omisiones irregulares consistentes en una negativa de asistencia a víctimas de delito, detención arbitraria, violación al derecho de los menores a que se proteja su integridad, irregular integración de averiguación previa y un ejercicio indebido de la función pública, en agravio de la señora Griselda Galaviz Barraza (27 años) y de de sus menores hijos Juana Diosnirely (1 año), Grisel Adanay (3 años) y Eduin Yoniel (6 años), los tres de apellidos Esparza Galaviz, así como de Gloria Alicia Esparza Parra (20 años), quienes fallecieron con motivo de los hechos materia de esta recomendación...” (http://www.cndh.org.mx/recomen/2007/040.pdf pág. 23). Los hechos tuvieron lugar en el municipio de Sinaloa de Leyva, estado de Sinaloa cuando militares que se encontraban acampando a orillas de la carretera dispararon en repetidas ocasiones en contra de los tripulantes de una camioneta Pick-up. (http://www.cndh.org.mx/recomen/2007/040.pdf pág. 7).

Existen otras recomendaciones de la Comisión Nacional de Derechos Humanos relativas a violaciones a derechos de mujeres como son la recomendación 33/2009 y la recomendación 75/2010.

La Recomendación 33/2009 hace alusión a las violaciones a los derechos humanos en el estado de Chihuahua por violación a “...los derechos a la seguridad jurídica, a la legalidad, a la integridad y seguridad personal, consistentes en detención arbitraria, retención ilegal, tortura y tratos crueles, inhumanos y degradantes, atribuibles a servidores públicos del Ejército Mexicano.” (http://www.cndh.org.mx/recomen/2009/033.pdf pág. 8) Las violaciones antes mencionadas se produjeron en perjuicio de una mujer y dos hombres.

La Recomendación 75/2010, se refiere a las violaciones realizadas por elementos del ejército mexicano en el estado de Michoacán por violaciones a “...la libertad, a la integridad y seguridad personal, así como a la legalidad y a la seguridad jurídica, en agravio de V1, V2, V3 y V4, por actos consistentes en detención arbitraria, retención ilegal, uso arbitrario de la fuerza pública, incumplimiento de las formalidades durante la ejecución de un cateo o visita domiciliaria y tortura, atribuibles a elementos militares adscritos al 12/o. Batallón de Infantería.” (http://www.cndh.org.mx/recomen/2010/075.pdf pág. 8). Cabe señalar que los tratos crueles se infligieron a dos mujeres menores de edad.

⁴⁷ <http://mexico.cnn.com/nacional/2010/03/12/la-cndh-y-especialistas-alertan-por-abusos-de-militares-en-guerra-al-narco>

⁴⁸ Caso Rosendo Cantú y otra Vs. México. Excepción Preliminar, Fondo, Reparaciones y Costas, párrafos 70 y 71 y Caso Fernández Ortega y otros Vs. México, Excepción Preliminar, Fondo, Reparaciones y Costas, párrafos 78 y 79. Consultados en: http://corteidh.or.cr/pais.cfm?id_Pais=20

⁴⁹ Idem.

to allow army defendants to be tried under military law, which does not guarantee independence or impartiality in the proceedings, the government is also in breach of CEDAW Article 5.

Regarding Article 5, Recommendation 15 in response to the Sixth Report on Mexico and General Recommendations 12 and 19:

In the matter of protection for, and attention to, women and their children in situations of violence, even though the Federal Budget assigns a specific rubric for the running of Refuge Centres across the country (an achievement directly related to a CSO drive for effective public policies in this regard)⁵⁰, the fact is that said budget assignation is neither appropriate nor sufficient. The allocation favours the running of shelters as part of a multi-disciplinary service of care and protection for at-risk women and their children, but the service is constrained because it does not operate as part of any permanent public policy. The result in practice is that funding for these NGOs only covers them for half the year, leaving them short of funds and vulnerable for the rest of the year. The paradox then is that each shelter has to seek ways to finance its own services independently, even though it is the duty of government to support the work of shelters year round.

Even though it is true that State Organizations of Support for Women have created care shelters for women and girls at risk of violence (and this is positive in that the organizations take services out to women in isolated areas far from law enforcement centres), the reality is that because these shelters are temporary, they are not and cannot be particularly effective. In the four to six months while government funds last, the trials involving these women make little progress and cannot possibly be concluded. The same goes for the women's personal situation, because the resources for these women are not being backed up by any on-going psychological support.

OCDM can positively state then, that even though there has been progress in public policy, it has not been enough, and this is clearly reflected in growing violence towards women as evidenced by the number of femicides in Mexico during the last year (for which figures are available) ___ 650 in the first 10 months of 2010⁵¹ ___ and by the numbers of women seeking help, the numbers in 2010 increasing more than 50% over 2009 figures.⁵²

As well as question marks hanging over their funding, it is important to mention the grave risk to the Refuge Centres themselves at the current time in Mexico, because several Shelters have had their integrity violated by a series of **abuses at the hands of agents of the state**. In June 2010, authorities broke into the Refuge *Sin Violencia* in Chihuahua, assaulting women workers and residents, looking for a particular woman who was already

⁵⁰ En 2009 se asignaron 108 millones de pesos para funcionamiento de Refugios en el país, yéndose el 3.64% al estado de Nuevo León; en 2010 se asignaron 112 millones de pesos, siendo el 3.59% para el estado de Nuevo León. En 2011 se han asignado 105 millones, los cuales aún no se sabe el monto aprobado para cada Refugio, ya que los recursos se asignan bajo proyecto sometido en convocatoria y se ejecutan de mayo a diciembre solamente, quedándose en vulnerabilidad para cubrir económicamente los servicios que se prestan el resto del año.

⁵¹ Lovera Sara, *La violencia Estructural contra las mujeres* en *Nosotras por una Sociedad con Equidad* Año 3, No. 13, 2010. Véase www.revistanosotras.com

⁵² Alternativas Pacíficas A.C., *Reflejos. Violencia hacia las Mujeres en Nuevo León, Análisis a partir de entrevistas a usuarias 2008 y 2009*, Ed. Oxfam México y Alternativas Pacíficas, Monterrey, N.L. México, Diciembre 2010.

the victim of violence⁵³; and in 2008, in an outrageous case of abuse of authority, a female judge broke into the Refuge *Alternativas Pacíficas* in Monterrey (Nuevo Leon), together with an assailant. On both occasions confidentiality as to the Shelter's location was violated, even though secrecy is vital for both residents and Shelter staff.⁵⁴ Similarly, on 31st May 2010, at the *CIAM's* Walk-In Care Centre, Cancún, Quintana Roo, staff were threatened by an aggressor (by chance a municipal policeman), who broke in together with some police force colleagues, looking for a victim said aggressor had already attacked on several previous occasions.⁵⁵ The situation is alarming and outrageous, given that it is the State itself breaking into these Shelters and violating the secrecy of their locations, leaving Refuge staff, and current and potential future victims in grave danger.⁵⁶

At the same time, the aggressors have protected themselves inside networks of impunity and corruption, either because they have links to government agencies encharged with maintaining law and order and protecting the public, or because they are employees of said agencies. Added to this is the growing menace of organized crime in Mexico with its own links to agents of the state, as reflected in the percentage of assailants of women victims⁵⁷, who turn out to be related to organized crime, another danger to Shelter residents and staff.

The concern regarding Women's Shelters is thus two-fold: a) what needs addressing immediately in terms of following up on-going legal cases, plus protection for staff at Shelters where abuse of authority has been committed; and b) the need to reconstrue public policies so that they do not fragment actions and resources designed to care for and protect at-risk women, but rather cover security needs in ways that enable activities to be undertaken more effectively.

Framework of Norms: Regarding the passing and promotion of LGAMVLV (General Law of Access for Women to a Life Free of Violence), and of related laws in the 31 federal states and Federal District (Mexico City) into which Mexico is divided politically⁵⁸, it is worrying that compliance has not extended beyond the mere passing of laws. The National System for Preventing, Attending to, Sanctioning and Eradicating Violence against Women simply does not work⁵⁹, nor is the Integrated Programme for Preventing, Attending to, Sanctioning and Eradicating Violence against Women being applied⁶⁰ far less other programmes such as the provision of women's shelters. OCDM did not discover any actions or policies that have been drawn up from a gender perspective, or applied transversally in the institutions and government agencies making up the Public Administration. What is even more inexplicable, is that the federal states, represented in the National System by the heads of the various IMEF (Women's Institutes of the Federal States) who have the right to speak and vote, do not use their influence in local

⁵³ Véase: <http://www.cronicadechiuhuahua.com/Denuncian-ataques-a-refugio-de.html>

⁵⁴ Véase: <http://www.jornada.unam.mx/2008/10/10/index.php?section=estados&article=041n1est>

<http://www.jornada.unam.mx/2008/10/11/index.php?section=estados&article=033n3est>

⁵⁵ Véase: <http://www.realidadexpuesta.org/2010/06/solidaridad-con-ciam-qroo-tras-agresion.html>

⁵⁶ Véase: <http://download.reporteindigo.com/downloads/ic/pdf/102/monterrey.pdf>

⁵⁷ En *Alternativas Pacíficas* abrimos 21 expedientes nuevos durante 2010, donde el agresor está relacionado con delincuencia organizada.

⁵⁸ Constitución Política de los Estados Unidos Mexicanos, Título Segundo, Capítulo II De las partes integrantes de la Federación y del territorio nacional, Artículos 42 y 43.

⁵⁹ Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, Título III, Capítulo I, Artículo 35.

⁶⁰ Idem. Título III, Capítulo II, Artículos 39 y 40.

government to secure more effective prevention and eradication of violence against women and girls, starting with policies that need to be written to guarantee all the mechanisms established by law to achieve the Purpose of the Law and compliance with relevant Treaties signed by the Mexican State.

Another cause for concern is that, despite the assignation of resources from the federal treasury for: the Gender Violence Alert; the National Bank of Data and Information about cases of gender violence; a National Diagnosis of gender violence against women and girls; transversalizing the gender perspective and supporting the IMEF in specialization for both men and women public servants; there has been no effort to put any of these mechanisms into action. Equally worrying is the fact that there has not been any general overhaul of local or federal judicial frameworks to bring legislation into line with LGAMVLV stipulations, the only movement being a few superficial amendments that do nothing towards an integrated review to abrogate precepts denigrating, pejorative and frankly discriminatory to the human rights of women of all ages and conditions. It is frankly inexcusable that the budgetary resources are there, but yet have not been applied in any way to impact on political concepts to promote or influence for the better a structural resolution of the gender discrimination issue.

In terms of individual acts of violence, it is worrying that the federal and states' governments tend to view dating violence as a private matter, leaving the parties to sort it out for themselves, and only think of gender violence against women in terms of the woman's partner or former partner, ignoring other manifestations. This contravenes LGAMVLV which lays down that any violence against women, whether it happens inside or outside the home, is an offence against society at large and thus it is the duty of government to prevent, attend to, punish and eradicate these acts, in whatever form they occur, wherever and whenever they occur. Indeed, OCDM finds it deeply regrettable that the laws are not enforced to their full extent, both in terms of the rights the laws enshrine as well as procedural regulations guaranteeing the law in practice, as the most elementary step towards resolving issues that provoke violence against women simply because they are women.

What is also needed is a wide-ranging review of procedural regulations, to ensure they define the procedures with greater precision, thus making the Executive's duty in terms of the Law unequivocal.

The crime of femicide itself needs to be taken more seriously. It needs to be clearly categorized in all the country's penal codes and procedural regulations on a par with homicide and aggravated assault, defining femicide as an aggravated crime because it includes the exacerbation of misogyny which needs to be described as an objective legal precept classifying femicide as a criminal offence in all the provincial states of the country.

About the context of violence: Women in Guanajuato have seen local levels of violence aggravated in recent years, to the point where now Guanajuato is an unsafe place for women. In the last decade, more than 360 femicides have been committed, with the rate rising consistently as the decade progressed. In 2008, there were 40 femicides; in 2009 the number was 44; and in 2010 the total registered up to November was already 40.⁶¹

⁶¹ Informe de Femicidio en Guanajuato 2010. Centro de derechos humanos Victoria Diez.

According to data from the Guanajuato Attorney General's Office (up to 28th September 2010) the legal record of femicides, categorized by said Office as "simple or qualified homicides", revealed the following figures: in 2008, of the 20 femicides committed, only 15 cases were solved⁶²; in 2009, of the 44 femicides committed, only 23 were solved⁶³; and up to September 2010, of the 32 femicides committed, only 15 cases had been solved.⁶⁴

However, despite being classed as "solved", the real truth is that these femicides are far from being solved. Through interviews that CDHVD (Victoria Diez Human Rights Centre) members conducted with relatives of the femicide victims, it is clear that public servants, justice system employees and law enforcement officers still operate and investigate crimes under the same old gender stereotypes, resulting in prejudice towards the murdered women and discriminatory, offensive questioning of their relatives.⁶⁵

Moreover, in cases of femicide, according to what CDHVD learned at these interviews, no measures are taken to help rehabilitate relatives of the victims either medically or psychologically, and in many cases the perpetrators are not even punished.⁶⁶

And Guanajuato has failed to standardize the protocols, manuals, ministerial investigation criteria, specialized services or justice administration procedures, that state officials use in investigating crimes related to missing persons, sexual violence and femicides, to bring said procedures into line with the Istanbul Protocol.⁶⁷

Another failing is that Guanajuato does not have a database of figures or information about femicide in the state, even though the creation of public databases providing reliable figures is a requirement ordered both by COCEDAW⁶⁸, and by the IACoHR when ruling in the *Campo Algodonero* case.⁶⁹ In Guanajuato, said database simply does not exist.

Femicide violence in Sinaloa: Gender violence is on the rise in the state of Sinaloa. In the year 2005-06, 80 women were brutally murdered, with some cadavers showing one or more signs of rape, beatings, strangulation, lesions, torture, mutilations etc..⁷⁰

Excessive violence perpetrated on the bodies of victims reveals a generalized attitude of violence towards women, plus the use of force and violent methods to overpower victims.

⁶² Datos proporcionados por el Procurador de Justicia de Guanajuato en la reunión de trabajo con la Comisión de Femicidios de la Cámara de Diputados el 29 de septiembre de 2010 en la Ciudad de México. <http://www.amdh.org.mx/mujeres3/CEDAW/>

⁶³ Respuesta de solicitud de acceso a información al folio No. 9387 de fecha 3 de noviembre de 2010 por el coordinador General de la unidad de acceso a información pública del Poder Ejecutivo Lic. Eduardo López Goerne. <http://www.amdh.org.mx/mujeres3/CEDAW/>

⁶⁴ Ídem

⁶⁵ Entrevistas realizadas con familiares de víctimas de Femicidio en Guanajuato Agosto a Octubre 2010

⁶⁶ Ídem

⁶⁷ Informe de Femicidio en Guanajuato 2010. Centro de derechos humanos Victoria Diez. <http://www.amdh.org.mx/mujeres3/CEDAW/>

⁶⁸ En las recomendaciones que hizo el Comité CEDAW al 6° Informe presentado por el Estado Mexicano. http://www.amdh.org.mx/mujeres3/html/cedaw/Cedaw/1_CEDAW_Mex/4.pdf

⁶⁹ Sentencia Caso González y otras vs. México Corte Interamericana de derechos humanos. www.campoalgodonero.org.mx

⁷⁰ Informe sobre Homicidios Dolosos de Mujeres y Procuración de Justicia en el Estado de Sinaloa, periodo 2005 a 2006, por la Comisión Estatal de Derechos Humanos CEDH de Sinaloa.

A significant number of murders are closely linked to domestic violence⁷¹; and the authorities whose duty it is to come to the aid of victims and investigate crimes are the ones who delay in responding to calls, or opening investigations into reports of missing women. Thus agents employed by the *Ministerio Público* (body responsible for investigating crimes), waste vital time due to negligence or inexperience, and it is feared that many a missing persons case has turned into a case of homicide precisely because of these delays. The majority of cases reveal grave negligence in protecting crime scenes, failures in the chain of custody for evidence samples, carelessness in processing investigative tests, and failures on the part of the Directorate of Criminal Investigation and Specialized Services in their handling of biological material. Some of these failings can be attributed to the absence of laboratories and DNA facilities, but the question then arises: why do such localities fail to seek assistance from other institutions or law enforcement agencies that do have these facilities? And this can only be put down to a lamentable lack of co-ordination.⁷² Other failings found in the compilation of investigation files were: unjustified delays in the investigations; and deficiencies in investigative reporting and conclusions, leading to a situation where most perpetrators walk free.⁷³

OCDM analyzed 79 case-files compiled by the Sinaloa PGJE (State's Attorney General's Office) between January 2007 and December 2008, and it is clear that part of the problem lies in the legal lacunae and contradictions embedded in Mexico's various penal and civil codes. Indeed, of the 53 murder cases registered by the Sinaloa PGJE in 2007, in only 14% was the perpetrator detained. This dismal figure dropped to 10% in 2009.⁷⁴

This shows how the existence of legal loopholes and the absence of public policy to eradicate violence against women, simply means that impunity prevails.⁷⁵

Regarding Article 7, Recommendation 29 in response to the Sixth Report on Mexico and General Recommendations 23 and 25:

Overall, women are under-represented in the legislative power and posts within the Federal Public Administration,⁷⁶ and sometimes even suffer political violence when aspiring to public office,⁷⁷ even though discrimination in the area of political rights is not permitted under COFIPE (Federal Code for Electoral Institutions and Procedures). The first attempts at legislating to promote the participation of women in elected office came in 1993, but it was not until 2002 that COFIPE Article 175 Section B was amended to require candidate lists to include women, and then sanctions for non-compliance in the compiling of said lists were established in 2008.⁷⁸ To date, the state of Nayarit does not have gender

⁷¹ Informe sobre Homicidios Dolosos de Mujeres y Procuración de Justicia en el Estado de Sinaloa, periodo 2005 a 2006, por la Comisión Estatal de Derechos Humanos CEDH de Sinaloa.

⁷² *Ibíd.*

⁷³ *Ibíd.*

⁷⁴ Homicidios de Mujeres y Femicidio en Sinaloa, de enero de 2007 a 2009, por la Dr. María Teresa Guerra Ochoa.

⁷⁵ Homicidios de Mujeres y Femicidio en Sinaloa, de enero de 2007 a 2009, por la Dr. María Teresa Guerra Ochoa.

⁷⁶ Folleto: Mujeres Participación política en México 2012, Programa de Naciones Unidas para el Desarrollo, Tribunal Electoral del Poder Judicial de la Federación y ONU Mujeres.

⁷⁷ Tríptico: Violencia contra las mujeres en el ejercicio de sus derechos políticos, Programa de Naciones Unidas para el Desarrollo, Tribunal Electoral del Poder Judicial de la Federación y ONU Mujeres.

⁷⁸ *Op. cit.*, Folleto: Mujeres Participación política en México 2012, PNUD.

quotas, and it is worth noting that the quotas themselves vary from state to state, and from 30/70 to 40/60. Nine states have established 50/50 parity in proportional representation candidacies,⁷⁹ and parity has also been accepted by two of the political parties in their internal Statutes for both proportional representation and first-past-the-post elected office.⁸⁰ However, despite said recognition, no-one abides fully either with parity or the quotas.

COFIPE Article 78 Number 1 Paragraph a) Fraction V lays down that every political party *must set aside 2% of its ordinary public funding annually for the training, promotion and development of the political leadership of women*⁸¹.

According to the criteria upheld by the Upper Chamber of the TEPJF (Electoral Tribunal of the Judicial Power of the Federation) in its ruling on Appeal no. SUP-RAP-175/2010, operational costs plus expenses related to personal and general services of the Women's Secretariats of the national political parties or equivalent organs, will only be considered valid where these outgoings relate directly and exclusively to the holding of an event, or organization of an activity, by means of which said political institutes are complying with their obligation to set aside annually, 2% of their ordinary public funding for the training, promotion and development of the political leadership of women.⁸²

It is worth noting that this 2% budget allocation ruling applies at federal level, and only 15 provincial states have any sort of rubric in their state electoral code for the training and development of women's leaderships in the political parties.

The new Fiscal Regulation was actually a demand made by NGOs, government organizations and international organizations, among others, who had lobbied for the creation of a more effective fiscal scheme to oversee these expenses from a regulated basis, because no party devotes the full 2% to training or development activities for women's leaderships, but uses said resources to cover other expenses such as: toll-booth payments, vehicles, salaries, cleaning equipment etc.⁸³

Sentence SUP-JDC-12624/2011 plus its supplementary SUP-JDC-14855/2011 handed down by the TEPJF establish the criteria applicable to the registration at IFE Councils of candidacies for the various positions of elected office in the political parties, and, where relevant, party coalitions, for the campaigns and federal elections in the period 2011-2012. The ruling states that, to comply with the gender quota laid down in COFIPE Article 219, Paragraph 1 and Article 220, at least 40% of the main candidates in candidacies registered by the political parties for seats in both the Congress and Senate under both systems (first-past-the-post and proportional representation) must belong to the under-represented gender; and in at least 40% of the pairs of candidates (main candidate and substitute running on the same ticket) under both systems (first-past-the-post and

⁷⁹ Idem.

⁸⁰ http://www.cndh.org.mx/sites/all/fuentes/documentos/programas/igualdad/7_2.pdf

⁸¹ <http://www.diputados.gob.mx/LeyesBiblio/pdf/COFIPE.pdf>

⁸² Acuerdo del Consejo General del Instituto Federal Electoral por el que se expide el Reglamento de Fiscalización. http://www.ife.org.mx/docs/IFE-v2/DS/DS-CG/DS-SesionesCG/CG-acuerdos/2011/julio/CGext201107-04_2/CGe40711ap3.pdf

⁸³ <http://www.eluniversal.com.mx/primera/38071.html>

proportional representation), the substitute must be of the same gender as the main candidate, both belonging to the under-represented gender.⁸⁴

On 14th December 2011, the General Council of IFE (Federal Electoral Institute) issued Accord No. CG413/2011, thereby upholding sentence SUP-JDC-12624/2011 plus its supplementary SUP-JDC-14855/2011 handed down by the TEPJF on the criteria applicable to the registration at IFE Councils of candidacies for the various positions of elected office in the political parties, and where relevant, party coalitions too.⁸⁵

That being so, OCDM/AMDH hereby requests the Mexican State to eliminate the second paragraph from COFIPE Article 219, which lays down that *candidacies under the first-past-the-post system that result from a process of democratic election according to the statutes of each party, are exempt from the... stipulation*; because said Article has been used by the parties as an excuse not to comply with gender quotas. By the same token, OCDM/AMDH hereby also requests that Article 116 of the Federal Constitution be amended to make it compulsory for all provincial state legislations to include the 60/40 quota tending towards parity.

In 2009, within the framework of electoral reform that was happening at the time, the Women's Movement of the state of Chihuahua headed by the seven Congresswomen in the LXII State Legislature, presented a Bill to amend the state's Political Constitution and Electoral Law. Their aim was to establish the principle of electoral parity in order to expand the few opportunities the political parties offer their women militants to become candidates for municipal presidencies, leadership posts in trades unions or seats in the state Congress, even despite a 70/30 quota.

On 25th June 2009, the 33 legislators comprising the Chihuahua State Legislature voted unanimously to pass Decree No.692/09 II P.O.⁸⁶ amending the Electoral Law and establishing the following in the matter of parity:

- a) That political parties must propose main candidates for elected office in the proportion of 50%-50% women to men alternately on the list of names for municipal councils, as well as for proportional representation seats in the state Congress.
- b) That to increase the presence of women in the state Congress, any party listing fewer than 50% of one sex as main candidates for seats as district Representatives (on the first-past-the-post system), would have to award the under-represented sex first place on the list of names for proportional representation.
- c) That to counter the scant influence of women in decision-making to do with political life, budgets and administration in the municipalities, the most senior council seat would go to a person of the sex opposite to that of the municipal president.
- d) That political parties should foster democratic life with a gender perspective, and assign budgets and mechanisms in a way specifically aimed at eliminating

⁸⁴ Acuerdo del Consejo General del IFE, Respuesta a la consulta formulada por el Partido Acción Nacional con relación a la aplicación del Acuerdo CG413/2011, pág. 106, http://www.ife.org.mx/docs/IFE-v2/DS/DS-CG/DS-SesionesCG/CG-actas/2012/Febrero/CGex201202-22/CGex201202-22_01.pdf

⁸⁵ Acuerdo del Consejo General del IFE, Respuesta a la consulta formulada por el Partido Acción Nacional con relación a la aplicación del Acuerdo CG413/2011, pág. 107, http://www.ife.org.mx/docs/IFE-v2/DS/DS-CG/DS-SesionesCG/CG-actas/2012/Febrero/CGex201202-22/CGex201202-22_01.pdf

⁸⁶ <http://www.congresochihuahua.gob.mx/gestorbiblioteca/gestordecretos/archivosDecretos/1986.pdf>

obstacles to, and strengthening the presence and leadership of, women in decision-making posts.

However, as said Decree was never published in the state's Gazette, it never came into effect. Then on 10th September of the same year, a new Electoral Law was passed in Chihuahua that proved to be a retrograde step for women's rights, because it overruled or modified key contents that would have brought *de facto* equality under the terms of Decree No.692/09 II P.O.⁸⁷

And indeed, local elections in 2010 demonstrated how the legislative authority:

- a) Was negligent in reviewing suggestions in the Bill presented by the Congresswomen to the state Congress plenary on 10th June 2009, because the enrolment of women candidates made little impact on the final election in that there were only 2 women municipal presidents vs 65 men;
- b) By eliminating the provision awarding first place on the proportional representation list to the under-represented sex, rolled back progress in opportunities for women to participate in policy and administrative decisions inherent in a municipal presidency post; the same applying to opportunities for women to occupy more seats in Congress. Said elimination caused the number of female candidacies for seats on the first-past-the-post system to fall from 31% to 29%, and the result among women candidates actually elected was a drop from 14% to 9%. Furthermore, there was no increase in the number of women candidates in first place on the list for proportional representation seats.
- c) Legislated contrary to what is established in CEDAW Recommendations 23 and 25, by incorporating a principle of general exception into all elected posts (including proportional representation seats). Paragraph 2 of Article 131 of the state law reads: "*Under the terms of this present order, the political parties will promote and guarantee equality of opportunity, and procure gender parity in the state's political life through postulation to positions of elected office in the state Congress and municipal councils, whether by relative majority or proportional representation*"; but then Paragraph 3 goes on to read: "*Candidacies that result from a process of democratic election according to the statutes of each party, are exempt from the above stipulation.*"⁸⁸

In the face of legislation so contrary to what CEDAW establishes and to what COCEDAW recommends, some women's CSOs (accompanied by both Congressmen and Congresswomen from various political parties) decided to challenge the law in the courts.⁸⁹ The case was taken to the Mexican Supreme Court, but the ruling handed down determined that there was no contradiction between the stipulations challenged and the Constitution.

It also became clear that, to date, the State Electoral Institute has had neither the mechanisms nor the criteria to audit the use of money allocated for a gender perspective.⁹⁰ In Mexico, political parties receive federal funding, and Federal Electoral Law lays down that 2% of said funds should be spent on training for women and strengthening women's leadership. However, this OCDM study found the same result as a national study showing

⁸⁷ <http://www.congresochihuahua.gob.mx/gestorbiblioteca/gestorleyes/archivosLeyes/520.pdf>

⁸⁸ <http://www.congresochihuahua.gob.mx/gestorbiblioteca/gestorleyes/archivosLeyes/520.pdf>

⁸⁹ <http://www2.scjn.gob.mx/expedientes/buscar.asp?nexp=20090006300&asunto=19>

⁹⁰ <http://infomex.transparenciachihuahua.org.mx/infomex/> Solicitudes de información folios: 007172010, 007182010, 013602010, 013612010, 022902010, 022912010, 022922010, 024582010

that the political parties failed to apply said 2% in accordance with the purpose stipulated.⁹¹

Regarding Article 10, Recommendation 19 to the Sixth Report on Mexico and General Recommendation 3:

Gender violence against women and girls in schools is a phenomenon on the rise, and one which happens at all educational levels. In high schools there are no mechanisms for preventing, punishing or eradicating the violence experienced by young women, hence the urgent need for diagnoses, protocols and mechanisms to deal with the matter, as well as the need to comply with relevant CEDAW recommendations.

ENDIREH 2006 (National Survey on the Dynamics of Relationships in the Home) found that 15.6% of women reported having suffered discrimination, harassment, and sexual harassment or abuse in school.⁹² In the provincial state context, the situation seems to be polarized, because whilst in Yucatán the percentage of women reporting violent incidents at school was 9.9%, in Oaxaca the figure is 22.9%. Five other states reported figures above 18%, namely: Puebla, the state of Mexico and Colima 18.1%; Durango 18.6%; and Jalisco one of the highest at 20.7%.

Nationwide, out of the 5,093,183 women suffering violence during their school years, 58.0% said they had been humiliated, 42.7% had suffered physical aggression, "... 41.7% were made to feel worthless or had been ignored simply because they were women, 7.4% were offered good grades in exchange for sex, and 7.2% were touched inappropriately without their consent. Furthermore, 7.2% reported suffering reprisals and even punishment for rebuffing their aggressor's attentions, and 0.9% were forced into sex against their will".⁹³

The investigation carried out by OVSG EMS (Observatory on Social and Gender Violence in High School Education) concluded that 40% of the women surveyed had been mistreated by school authorities⁹⁴; of these, 52% said they had been ridiculed or offended, 33% had experienced intimidation or threats and 21% demeaning remarks, 11% had been controlled or limited by means of prohibitions, 5% had been punched during games, another 5% had been pushed or pulled, 3% had been threatened with objects, and 2% had been ambushed or received death threats.⁹⁵ Also to be noted is that 27% of the women said they had brought it on themselves.

⁹¹ Cárdenas, op. cit.

⁹² "El INEGI, INMUJERES y UNIFEM dan a conocer los resultados de la Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares 2006". INEGI, INMUJERES, UNIFEM. Comunicado núm. 125/07. Junio 5 de 2007. México, D.F. Pág. 22. Documento electrónico consultado el 30 de octubre de 2011 en www.inegi.gob.mx/inegi/contenidos/espanol/.../comunica3.doc

⁹³ *Panorama de violencia contra las mujeres. ENDIREH 2006. Estados Unidos Mexicanos.* Instituto Nacional de Estadística, Geografía e Informática, México, 2007. Pág 10. Consulta del 31 de octubre de 2011, en http://www.unecce.org/fileadmin/DAM/stats/gender/vaw/surveys/Mexico/Mexico_ENDIREH2006_report.pdf

⁹⁴ Ramírez, Gloria. Coord. Diagnóstico sobre la violencia en la educación media superior y las relaciones entre estudiantes y docentes para la promoción de los derechos humanos y las relaciones igualitarias (2007-2008). http://www.amdh.org.mx/obsViolenciaEdu/contenido/investigaciones/Investigacio_CETis_Violencia_2009.pdf Investigación del Observatorio de Violencia Social y de Género en la Educación Media Superior (OVSG EMS) realizó una investigación tres escuelas de educación media superior, Colegio de Ciencias y Humanidades plantel Oriente (CCH), Centro de Estudios Tecnológicos y de servicios industriales (CETis No. 1) y Preparatorias del Gobierno del Distrito Federal (Preparatorias GDF),
⁹⁵ Diagnóstico sobre la situación de desigualdad, inequidad y violencia contra la mujer en la educación media superior. Colegio de Ciencias y Humanidades plantel Oriente. http://200.4.48.33/vida_libre_violencia/Documentos/diagnostico_cch.pdf

The manner in which young people (both male and female) are abused or mistreated by school staff ranges from use of language (obscene remarks) reported by 9% of the women, to abuse of power (threats and intimidation) as reported by 6% of the women. A total of 25% of the women say they feel mistreated by their teachers, and 15% of the young women had had their grades conditioned on an exchange of favours benefiting the professor. A full 21% said that at some time they had felt offended by comments made by teachers, because the remarks were misogynous in nature and disrespectful to the female sex.⁹⁶

Deriving from this investigation, made by requests for information, and which included the Public Education Ministry and the Institutes of Education in all 31 States of the Mexican Republic, it was found that the nature of complaints made in the school system are **mainly due to sexual harassment, and attempts at sexual abuse or sexual harassment**, and it is worth noting that not all the education establishments keep a complaints register. The majority of the state government agencies did not provide any information about mechanisms and/or measures to follow up cases of harassment, sexual harassment and rape at senior high school level, the reason very probably being the absence of any such mechanisms or measures.⁹⁷ Thus schools themselves have become a silent accomplice to abuse and gender violence.

Regarding Article 11, Recommendation 31 in response the Sixth Report on Mexico and General Recommendations 5, 12, 13, 16 to 19, and 25:

Even though the federal government has responded to General Recommendations 5, 12, 13, 16 to 19, and 25, and in particular to Recommendation 31 made by COCEDAW in response to the Sixth Report on Mexico, it is important to recognize that said responses focus solely on statistical elements and fail to reveal the impact any measures adopted may have made in terms of quality and permanence.⁹⁸ Similarly, even though legislation designed to combat discrimination against women has been passed, no data is available to show the impacts these measures may have had in actually reducing discrimination, nor any to quantify complaints made about discrimination, nor to show any sanctions imposed on employers, directors, supervisors or others for engaging in discriminatory practices.

By contrast, data is available on actions that call into question progress signalled by the federal government, actions which clearly exemplify violations of Convention Article 11:

- **Luz y Fuerza del Centro (LyFC).** About 15,000 women workers in Mexico City and the states of Mexico, Puebla and Morelos, lost their jobs when the state-owned company was shut down by Presidential Decree dated 11th October 2009.⁹⁹ This

⁹⁶ Idem. Pp 10-30.

⁹⁷ Estado del arte de los mecanismos de atención para prevenir, atender, sancionar y erradicar la violencia de género en la educación media superior existentes de la República Mexicana. Pp. 52-53
http://200.4.48.33/vida_libre_violencia/Documentos/estado_del_arte.pdf

⁹⁸ Cfr

http://estadistica.inmujeres.gob.mx/formas/muestra_indicador.php?cve_indicador=494&Switch=1&Descripcion2=Tasa&indicador2=1127&original=0&fuente=494.pdf&IDNivel1=,
http://estadistica.inmujeres.gob.mx/formas/muestra_indicador.php?cve_indicador=519&Switch=1&Descripcion2=Distribuci%EF%B%BDn%20porcentual&indicador2=520&original=0&fuente=519.pdf&IDNivel1=

⁹⁹ Durante su campaña electoral por el Partido Acción Nacional (PAN), Felipe Calderón se proclamó como “el presidente del empleo”, siendo este su slogan de campaña.

not only jeopardized the right to work of the LyFC women workers, but also violated their right to a fair wage, right to accumulate seniority, housing rights, and food subsidies etc..

- **COPPEL.**¹⁰⁰ On 9th November 2010, fire broke out at the Hidalgo de Culiacán Sinaloa COPPEL store, resulting in the deaths of 6 women workers who were inside taking inventory overnight. Investigations revealed that access doors and the metal grille were locked from the outside, there was no emergency exit, and the women workers did not even hold the keys. This tragedy reveals flagrant negligence in safety inspections, as well as conditions of false imprisonment and slavery in which these women workers were employed. The company, COPPEL, indemnified the next-of-kin over and above what the law requires; but the Labour Ministry refused to investigate the complaints of false imprisonment made by families of the women who died, limiting itself to verifying COPPEL's degree of compliance with safety norms to ensure the same thing does not happen again. This pussy-footing by the very federal agency legally responsible for worker safety, not only places women workers at risk in terms of working conditions in their workplace, but also exposes them to physical danger; and it very much calls into question the job performance of the Labour Ministry's own safety inspectors.
- **Guardería ABC.**¹⁰¹ A fire at this nursery killed 49 infant girls and boys as a consequence of non-compliance with safety norms and civil protection regulations. The tragedy was a flagrant violation of the labour human rights of working mothers, because childcare is a fringe benefit enshrined in the Constitution, and the tragedy happened because federal authorities allowed private individuals to profit from federal resources without ensuring the installations were fit for childcare, or that personnel employed were properly trained for the job. In March 2010, the Mexican Supreme Court ruled that IMSS (Mexican Institute for Social Security) lacked the legal authority to sub-contract out day-care nurseries to third parties. However, what this ruling unfortunately also implies is that there are no guidelines for following up on said contracts, for inspecting the modus operandi or compliance with safety norms. This is alarming because currently, according to the Agustín Pro Human Rights Centre, there are 1,480 infant day-care centres being run by private individuals sub-contracted by government agencies.
- **Wal-Mart.**¹⁰² A report entitled: *Lo barato sale caro (Penny Wise Pound Foolish)*, published by Prodesc (Economic, Social and Cultural Rights Project), Semillas (Mexican Pro Women's Rights Association) and independent researcher, Shaila Toledo, exposed violations committed against women and adolescents in the Wal-Mart supermarket chain, plus systematic transgression of labour laws. Said investigation exposed the discrimination and exploitation to which women workers

<http://www.esmas.com/noticierostelevisa/mexico/519980>.

¹⁰⁰ Cfr. <http://www.jornada.unam.mx/2010/11/11/index.php?section=estados&article=039n1est>,

<http://www.debate.com.mx/eldebate/Articulos/ArticuloPrimera.asp?idArt=10367086&IdCat=6087&Page=2>

¹⁰¹ Cfr. <http://www.informador.com.mx/6882/guarderia-abc>, <http://www.informador.com.mx/6882/guarderia-abc>

¹⁰² Cfr. <http://www.prodesc.org.mx/2009/11/wal-mart-viola-los-derechos-humanos-laborales-de-mujeres-y-menores-trabajadores/>

are subjected. Women applying for a job at Wal-Mart were required to provide a certificate proving they were not pregnant, women were discriminated against when it came to promotion, and they were frequently subjected to sexual harassment, some even having been raped by their supervisors.

- **In-Bond Industries.** It continues to be common practice at In-Bond companies to require women to take a pregnancy test, before hiring a new woman employee and to enable a woman to keep her job.¹⁰³

Regarding Article 12 and General Recommendation 24:

AIDS affects women and teenage girls disproportionately, because they are by definition socially, culturally, biologically and economically more vulnerable.

Almost half the recent world incidence of AIDS has occurred in people under the age of 25, and the sad fact is that many of these cases could have been prevented by proper sexuality education.

CENSIDA (National Centre for the Prevention and Control of HIV/AIDS) reports that, during the period 1997-2005, the overall AIDS mortality rate remained stable for men but rose for women. In the population group most affected (ages 25-44), AIDS mortality has fallen for men but risen somewhat for women. This can be explained by a greater increase in cases among women, problems in the timely detection of HIV/AIDS and failures in adhering strictly to anti-retroviral treatment regimes (ART), all problems which are influenced by socio-economic status and gender inequality that are more marked in some regions of Mexico. Sadly this situation also favours the perinatal transmission of HIV. Social security status also plays a role in that the population with social security cover reveals a reduced mortality, whereas there is a rise among the population not covered.

Community studies in Mexico sponsored by UNIFEM found that 33% of the women interviewed discovered their personal HIV situation soon after their husbands were diagnosed; 28% when the women themselves fell ill; and 39% during pregnancy.

According to the report presented by Mexico on progress made in applying UNGASS (31/March/2010), the main problem has been difficulty in finding a reliable number of women taking ART to prevent perinatal transmission, because this data is not easy to identify in the type of information systems managing records maintained at public healthcare institutions.

In Sinaloa, some efforts have been made, but not enough, to provide integrated care particularly to pregnant women to ensure babies are born free of HIV. Proof of the inadequacy is that there are infant girls and boys being diagnosed at the age of two or three, usually because of some AIDS-related illness; but sadly others are only diagnosed through infant mortality figures giving AIDS as the cause of death.

Sinaloa is one of the few states that does not have a COESIDA (State Committee for the Prevention and Control of AIDS), resulting in an ineffective, poorly co-ordinated

¹⁰³ Cfr. Informe Alternativo sobre la situación de los Derechos Económicos, Sociales y Culturales en México, el comité de derechos económicos, sociales y culturales en su 36º período de sesiones en mayo de 2006.

http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/mexico-coalition_Sp.pdf

government policy, both between public healthcare institutions and other government bodies, and among HIV/AIDS victims themselves. Indeed, what Sinaloa badly needs is budget allocation to devise a public policy for the proper provision of integrated care to all girls, boys and adolescents with HIV or AIDS living in the state.

Recommendation 11 in response to the Sixth Report on Mexico, Co-ordination and a follow-up mechanism:

International mechanisms show the Mexican State has received 18 Recommendations on the matter of institutional co-ordination.^{104, 105} However, even though Mexico did act on COCEDAW's Recommendation to devise a co-ordination mechanism by enacting LGAMVLV (General Law of Access for Women to a Life Free of Violence) on 1st February 2007, which co-ordinates government response from all three levels (federal, state, municipal) under the National System for Preventing, Attending to, Sanctioning and Eradicating Violence against Women; and previously on 2nd August 2006 by passing LGIMH (General Law for Equality between Women and Men), which articulates as policy a National System for Equality between Women and Men; beyond the legislation itself, the Mexican State has not actually done much more to comply with institutional co-ordination to implement the principles of equality, non-discrimination and a life free of violence for women.

Indeed, LGIMH, passed in 2006, lays down bases for co-ordination by means of the following three national policy instruments on equality: SNIMH (National System for Equality between Women and Men), PROIGUALDAD (National Programme for Equality between Women and Men), and an Observance in the Matter of Equality between Women and Men directed by CNDH (National Human Rights Commission). Yet CNDH, despite receiving bespoke budget allocation in the 2007-2008 federal budget, failed to adjust its own follow-up guidelines to the terms in SNIMH and PROIGUALDAD, and the PROIGUALDAD programme itself did not start until 2008, two years behind schedule. Said delay, also meant that PROIGUALDAD was not integrated into the 2007-2012 National Development Plan until July 2008, causing inconsistencies in sectorial, institutional and special programmes operated before PROIGUALDAD. All this is further compounded by a lack of co-ordination in budget assignation, and a failure to report information about government agency actions, if any, taken to comply with LGIMH.¹⁰⁶

The first reports of CNDH activities on the Observance did not report any actions co-ordinated with INMUJERES or any other government department that might have resulted in harmonization of equality between women and men.¹⁰⁷ Furthermore, CNDH actions in defence of women's rights are questionable given that the CNDH and the provincial state Public Human Rights Organizations have not been involved in any follow-up to recommendations, or any application of international or regional mechanisms for

¹⁰⁴ Ramírez, Gloria Coord. *Las Recomendaciones Internacionales al Gobierno de México, avances y desafíos*. Informe 2000-2010. publicación en prensa (2010).

¹⁰⁵ Véase La tarea pendiente, op. cit

¹⁰⁶ Centro de Estudios para el Adelanto de las Mujeres y la Equidad de Género. Reporte sobre el Análisis de los instrumentos y las acciones de Política Pública para el cumplimiento de la Ley General para la Igualdad entre Mujeres y Hombres (LGIMH) Enero-Junio 2008. Pp. 14-19

¹⁰⁷ Ibid, Pp. 18-19

protecting women's rights. What is more, actions that have been taken lack, for the most part, any gender perspective in the composing and issuing of recommendations.¹⁰⁸

In 2006 COCEDAW issued Recommendation CEDAW/C/MEX/CO/606-48260 to Mexico. This instructed the State to ensure CNDH received sufficient federal funding to follow up and evaluate LGIMH. However, CNDH already has sufficient resources, it being one of the institutions of its kind that receives the largest budget allocation; for example, in 2012, the resources supplied for LGIMH follow-up are \$16,957,218 Mexican pesos.¹⁰⁹ The real problem is not the amount of funding but inefficiency and short-sightedness in the use of said funding, evidencing a lack of gender perspective in CNDH's handling of cases such as: Atenco, the femicides in Ciudad Juárez, and that of indigenous woman Ernestina Ascencio Rosario. In 2007, the CNDH challenged Mexico City's new abortion law in the Mexican Supreme Court bringing case no.146/2007¹¹⁰, thereby directly violating women's rights and ignoring international instruments and recommendations such as CEDAW. Following the AMDH's diagnosis of CNDH, the aim of which was to investigate and appraise follow-up to COCEDAW Recommendations, AMDH found that the Women's Affairs Programme and Programme for Equality between Women and Men, both lack evaluation mechanisms and parameters promoting gender equality; and that the law itself, LGIMH, lacks them too. AMDH discovered that the programmes had been limited to carrying out only three investigations: one on health; one on education; and one into the youth group *Emo*. Thus no recent diagnosis exists as to the status of equality in Mexico, only what is available in Special Reports dated 2007 and 2008.¹¹¹ Neither is there any record of the number of beneficiaries of CNDH's various programmes, or of programme impact or evaluation. Nor is there any information on follow-up to CNDH recommendations regarding Women's Human Rights, nor about follow-up mechanisms for international recommendations in general.

The Mexican Ombudsman System

And so, following said diagnosis, the question should be asked: Is the Ombudsman complying with CEDAW?¹¹² And the conclusion is that Public Human Rights Organizations (PHRO) do indeed work on women's issues, but not in any way to procure profound transformation in Mexico's institutional, patriarchal, misogynous practices, relationships and culture, that would substantially change the current situation of discrimination towards women, or help women overcome obstacles barring their access to justice and full enjoyment of all their rights as women, said rights being an integral, inalienable and indivisible part of human rights.

Another key result coming out of the AMDH investigation, shows that the majority of PHRO tend to appoint men to the higher positions (ombudsmen, directors), whilst women are

¹⁰⁸ Ramírez, Gloria Coord. III Informe de Seguimiento a las Recomendaciones del Comité CEDAW Avances y Desafíos 2007-2009, 3era. Edición 2009 UNAM Pp. 138-145

¹⁰⁹ Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2012, Anexo 10. Erogaciones para la Igualdad entre Mujeres y Hombres (pesos), http://www.diputados.gob.mx/LeyesBiblio/pdf/PEF_2012.pdf

¹¹⁰ En 2007 en el Distrito Federal se aprobó la Interrupción Legal del Embarazo (ILE), logrando reducir la muerte materna y ofreciendo el derecho a la mujer al acceso de servicios de salud en caso de aborto, ante este hecho la CNDH interpuso una acción de inconstitucionalidad

¹¹¹ Comisión Nacional de los Derechos Humanos, <http://www.cndh.org.mx/node/62>, consultada 31 de mayo de 2012

¹¹² Ramírez, Gloria, coord., *¿Cumple el Ombudsman con la CEDAW?* http://www.amdh.org.mx/mujeres3/html/informes/3_CEDAW%20OPDH%202007-2009.pdf.

employed in operational and administrative posts. Other results show 28% of the PHRO do not even have a bespoke area, directorate, department or section and/or programmes within their structure, with personnel and funding to attend to women's human rights matters or protection of said rights; 47% lack legislative proposals on the matter; 63% do not carry out any investigations into, or write Special Reports about, women's rights; 32% do not participate in mechanisms of interlocution with the civil society; almost 47% do not train their staff regarding CEDAW; and 30% do not train their staff regarding the Belem Do Pará Convention either; 21% stated they do not have mechanisms to follow up on international recommendations, and 37% did not respond to this question.

What is needed therefore, is for PHRO to become serious about international standards, instead of referring to them only sometimes in their recommendations; to comply fully with international recommendations; promote evaluations in accordance with international standards¹¹³; comply fully with sentences handed down by the IACoHR, and ensure compliance in every provincial state; file Special Reports on women's rights and follow up cases of femicide in the states; promote the integral, inalienable, indivisible nature of women's rights as part of human rights, and where necessary challenge any contravention in the courts; integrate the gender perspective into all ambits of the PHRO, and apply it to complaints and resulting recommendations; and promote parity in all ambits of the PHRO, such as the Citizens' Council and high-level managerial posts. Indeed, it is fundamental to Mexico's system of human rights protection for the Ombudsman to be an authentic Ombudsman, and for the Ombudsman to be an example of transversality and gender equality.

In the case of LGAMVLV, the Ombudsman system co-ordinates between the heads of 9 government agencies and mechanisms to promote the cause of women in the provincial states.¹¹⁴ However, compliance is still sketchy as regards attributes laid down in LGAMVLV (and its mechanism the National System) which aim to devise a co-ordination mechanism to guarantee women a life free of violence. Indeed, four years since said Law was enacted, the government agencies responsible are still not complying with the National Programme for Preventing, Attending to, Sanctioning and Eradicating Violence against Women; nor with a periodic National Diagnosis on types and modalities of violence (with an integrated gender perspective); nor have the agencies created a National Database of Crimes against Women; nor are they providing professional or academic training for public servants and authorities. Publication of said law and awareness-raising still have not activated a mechanism for protection or emergency, despite continuing gender violence against women and girls, because implementation of a Gender Violence Alert still needs to be addressed.¹¹⁵ Indeed, it is a cause for grave concern that, despite having LGAMVLV on the statute books and budget allocations to apply said law, the institutions responsible are simply ignoring their attributes; with the result that there is no inter-institutional articulation in any co-ordinated form to ensure compliance with programmes, bases or protection mechanisms that could prevent, attend to and punish violence.

¹¹³ Considerar el texto Consejo Internacional para Estudios de DH. ICHRP, en colaboración con los OACNUDH: Evaluar la eficacia de las instituciones nacionales de derechos humanos 2006

¹¹⁴ Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, Ley publicada en el Diario Oficial de la Federación el 1º de febrero de 2007, Última reforma publicada DOF 20-01-2009. Pp. 10

¹¹⁵ Ibid, Pp. 20

Worrying too is that there is still a lack of co-ordination in and between the three levels of government ___ federal, state and municipal ___ to study and take on board the COCEDAW Recommendations and international commitments entered into by the Mexican State. The Recommendations tend to remain at federal level, rarely reaching state or municipal level, with a consequent lack of awareness or commitment lower down. The state and municipal governments simply consider the matter beyond their remit, often putting forward territorial excuses. Thus overall, compliance by the Mexican State is superficial rather than substantial, and there is a lamentable absence of mechanisms for appraising any measures adopted or their impact, despite the allocation of considerable sums for Attention to, and Prevention of, Violence against Women.¹¹⁶

Thus, the organizations of the civil society hereby respectfully request the CEDAW Committee of Experts to:

- **Instruct the Mexican State in the creation of a follow-up and supervision mechanism to ensure integrated compliance with, and applicability of, COCEDAW Recommendations that would connect the three orders of Government ___ federal, state and municipal.**
- **Exhort the State to devise an on-going dissemination campaign on the CEDAW Convention and Recommendations made on Mexico's Seventh and Eighth Reports.**
- **Exhort the CNDH and Public Human Rights Organizations in the provincial states of the Mexican Republic to integrate the gender perspective into their structures, programmes, training and recommendations.**
- **Instruct the Mexican State to legislate and apply the National Programme of Rights Education, drawn up by the Sub-Commission of Education on Human Rights within the framework of the Commission for Government Policy on Human Rights.**
- **Exhort the Mexican Congress to legislate on the matter of electoral and political rights, to address the under-representation of women and the discrimination to which women are subjected, and to standardize throughout the Mexican Republic a gender quota that would foster the participation of women and tend towards parity.**
- **Instruct the Mexican State to attend to, prevent, sanction and eradicate gender violence in educational institutions at all levels and in all their modalities whether formal, non-formal or informal, and to abide by recommendations in the matter; as well as to write mechanisms into law to standardize said measures across the whole country.**

¹¹⁶ Ramírez, Gloria Coord. III Informe de Seguimiento a las Recomendaciones del Comité CEDAW Avances y Desafíos 2007-2009, 3era. Edición 2009 UNAM Pp. 112-134

Acronyms and abbreviations

CCS	Coordinación de Comunicación Social
CDHVD	Centro de Derechos Humanos Victoria Diez
CDI	Comisión Nacional para el Desarrollo de los Pueblos Indígenas
CEPAVI	Consejo Estatal de Prevención y Atención de la Violencia Intrafamiliar
CJEF	Consejería Jurídica del Ejecutivo Federal
CMM	Consejo Municipal de la Mujer
CNDH	Comisión Nacional de Derechos Humanos
COCEDAW	Comité para la Eliminación de la Discriminación contra las Mujeres
COESPO	Consejo Estatal de Población y Atención a Migrantes
CONAFE	Consejo Nacional de Fomento Educativo
CONAPO	Consejo Nacional de Población
CONAPRED	Consejo Nacional para Prevenir la Discriminación
CONAVIM	Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres
CONEVAL	Comisión Nacional de Evaluación
DGEC	Dirección General de Educación y Cultura
DSS	Desarrollo Social y Sustentable
ICATECH	Instituto de Capacitación para el Trabajo del Estado de Chihuahua
IMEF	Instancias de las Mujeres de las Entidades Federativas
IMSS	Instituto Mexicano de Seguro Social
INAMI	Instituto Nacional de Migración
INASP	Instituto Nacional de Salud Pública
INDESOL	Instituto Sinaloense de Desarrollo Social
INEE	Instituto Nacional para la Evaluación de la Educación
INEGI	Instituto Nacional de Estadística y Geografía
INMUJERES	Instituto Nacional de las Mujeres
ISJU	Instituto Sinaloense de la Juventud
ISMUJERES	Instituto Sinaloense de las Mujeres
ISSSTE	Instituto de Salud del Seguro Social de los Trabajadores del Estado
LGAMVLV	Ley General de Acceso de las Mujeres a una Vida Libre de Violencia
LGIMH	Ley de igualdad entre Mujeres y Hombres
MECT	Medidas Especiales de Carácter Temporal
OCDM	Observatorio Ciudadano de los Derechos de las Mujeres
OPORTUNIDADES	Programa de Desarrollo Humano
PFP	Policia Federal Preventiva
PGJCH	Procuraduría General de Justicia del Estado de Chihuahua
PGJE	Procuraduría General de Justicia del Estado de Sinaloa
PGR	Procuraduría General de la República
PROFEDET	Procuraduría Federal de la Defensa del Trabajo
SAGARPA	Secretaría de Ganadería y Desarrollo Rural, Pesca y Alimentación
SDM	Secretaría de Desarrollo Municipal
SE	Secretaría de Economía
SECTUR	Secretaría de Turismo
SEDENA	Secretaría de Desarrollo Nacional
SEDESOL	Secretaría de Desarrollo Social
SEGOB	Secretaría de Gobernación
SEMAR	Secretaría de Marina
SEMARNAT	Secretaría de Medio Ambiente y Recursos Naturales
SENER	Secretaría de Energía
SEP	Secretaría de Educación Pública
SEPyC	Secretaría de Educación Pública y Cultura
SER	Secretaría de Relaciones Exteriores
SESNSP	Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública
SFP	Secretaría de la Función Pública
SGG	Secretaría General de Gobierno
Sistema DIF	Sistema para el Desarrollo Integral de la Familia
SNIMH	Sistema Nacional para la Igualdad entre Mujeres y Hombres
SS	Secretaría de Salud
SSA	Secretaría de Salud
SSP	Secretaría de Seguridad Pública
SSP	Secretaría de Seguridad Pública
STA	Secretaría Técnica del Ayuntamiento
STJE	Supremo Tribunal de Justicia del Estado
STPS	Secretaría del Trabajo y Previsión Social

**Shadow Report co-ordinated by:
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