

Shadow Report for CEDAW Committee

Mexico

The situation of women in Chiapas within the framework of the Declaration of Alert of Gender based Violence



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This report can be public

Introduction

A context of structural violence¹ prevails in Chiapas² due to the situation of high marginalization and historic poverty³; the geographic location; the migration flows; the effects of the military strategy against insurgent actions (War of low intensity); the developmental discourse and politics of the government; the persistence of servile and semi-slavery labor relations. These factors create a very complicated context, whereby women are exposed to a situation of high vulnerability, especially indigenous⁴ and poor mix-raced women⁵.

Public Policies aimed at women

The main source of income of poor women⁶ is represented by the economic support of institutional plans such as 'Prospera Programa de Inclusion Social'⁷. This has contributed to a strong reliance on the government (4,686,890 people rely on benefits⁸, that means that 89,8% of the total population receives some kind of support from this plan) and it has not promoted a real transformation of gender, class or ethnic inequality not either it has empowered women. Beneficiaries have to take part in organized meetings and activities with political-electoral focus and not necessarily related with the plan, in order to avoid illegal fines or the risk to be illegally removed from the plan and to lose the benefit. The manipulation of women creates high levels of domestic and institutional violence⁹.

The poverty that indigenous, peasant and rural women live is aggravated by the public agrarian policy in Mexico that has a sexist bias, which legalizes cultural practices that exclude women from access to land and derived rights, Especially to participate with a

¹ The term 'structural violence' is referred to those situations where the satisfaction of basic human needs (survival, well-being, identity or freedom) is unfulfilled as a result of the process of social stratification (in terms of gender, ethnic groups, class, nationality, age or others). Johan Galtung (2003). *Tras la violencia. 3R: reconstrucción, reconciliación, resolución. Afrontando los efectos visibles e invisibles de la guerra y la violencia*. Bilbao, Gernika: Bakeaz/Gernika Gogoratuz.

² State located in the south east of the Mexican Republic and it shares border with Guatemala.

³ 77,1% of the total population is in situation of poverty and 28,1% is in situation of extreme poverty. Data reported by the National Council of Evaluation of Social Development Politics (CONEVAL), 2016, https://www.coneval.org.mx/Medicion/PublishingImages/Pobreza_2008-2016/medicion-pobreza-entidades-federativas-2016.JPG.)

⁴ Six municipalities of Chiapas are among the 15 poorest municipalities of the country: Aldama, Chanal, San Juan Cancuc, San Andrés Duraznal, Nicolas Ruiz y Chalchihuitan. The population of these areas is mainly indigenous. <https://www.coneval.org.mx/Medicion/Paginas/Pobreza-municipal.aspx>.

⁵ The rate of recurrence of acts of psychological, economical and sexual violence is very high. Sexual violence, both in domestic and no-domestic violence context, is greater in the state of Chiapas than at national level. In Chiapas the rate of sexual violence is 12,3%, the national average is 8.6%.

⁶ 85.1% of indigenous women in rural áreas is poor, according to data of CONEVAL 2016. <https://www.coneval.org.mx/SalaPrensa/Comunicadosprensa/Documents/Comunicado-09-Medicion-pobreza-2016.pdf>.

⁷ Federal Plan of the Department of Social Development that benefit nearly 7 million of Mexican families (through 2 strategies: joint responsibility and without joint responsibility) to support their diet, health and education and it provides to the beneficiaries with productive projects, working opportunities and financial services.

⁸ <http://pub.sedesol.gob.mx/spp/resumenes/padronunico.jsp>

⁹ In March 2018, Celia Marroquín de Paz, age 78, died by falling in a 3 metres deep swimming pool, while she was waiting with other 1500 women to receive the support given by the plan Prospera. <http://www.eluniversal.com.mx/estados/fiscalia-investiga-muerte-de-mujer-durante-evento-de-prospera-en-chiapas>

voice and a vote. Recognizing a single member of the family (mostly the male) as the holder of the right to decide on the productive resource: the land, excludes it from the decision making that affects them as much as usufructuaries of the land, as members of the nucleus Family and the agrarian community.

Although mobility is universally recognized as a human right, the Mexican state has adopted xenophobic, discriminatory and criminalizing policies against people crossing borders in an irregular manner.¹⁰ Women, adolescents, girls and boys, who cross into Mexican territory,¹¹ are victims of innumerable vexations¹².

The administrative and judicial procedures to which they have access are revictimizing, they lack the focus of age, gender perspective, interculturality and human rights. There are no specialized care mechanisms or protocols that allow both victims of human rights violations, as well as persons subject to international protection, access to justice, which results in denials of asylum applications or Resolutions that put your life, freedom and security at risk.

On the other hand, the intercultural perspective is essential to guarantee access to justice to victims from indigenous peoples. In Chiapas, criminal justice system operators lack the training required to investigate and judge considering cultural differences, which leads to weakness in research and the risk of crime being unpunished.

I. Human right to health

In terms of access to public health services, 85% of the population has the right to receive health services from some institution that provide them¹³, including the SEGURO POPULAR¹⁴ that complements the PROSPERA. However, the lack of infrastructure, resources, the remoteness of some communities, the lack of doctors, instruments and supplies of healing, as well as the shortage of medicines in hospitals and public health clinics has caused a crisis affecting mainly Women living with high levels of marginalization¹⁵. It is recurrent that they are the ones who surpass in percentage to the men in chronic-degenerative conditions like the diabetes and the

¹⁰ The southern border of Mexico is formed by 4 entities with a total of 23 municipalities of which 18 are from Chiapas.

¹¹ Migrants across southern Mexico come mostly from Guatemala, Honduras, El Salvador and Nicaragua, as well as from countries belonging to Africa and Asia.

¹² It deals in their work or sexual modality, trafficking in persons, forced labour, torture, sexual abuse and violence, unwanted pregnancies, kidnappings, extortion, enforced disappearances, arbitrary detentions, family violence and murder of women.

¹³ INEGI 2016. Indicadores de Salud. <http://www.beta.inegi.org.mx/app/bienestar/?ag=07>

¹⁴ Its objective is to protect the entire population that does not rely already on social insurance for medical expenses, so that they have access to health, medical, hospital, pharmaceutical and surgical services. And from the 2nd of May 2016, it immediately enrolls all the beneficiaries of PROSPERA.

¹⁵ They are the most malnourished due to cultural practices that prioritize the feeding of men, and they are obliged, by their situation of poverty, to make double or triple working days, which negatively impacts their health.

trachoma¹⁶. The data show that between the months of January to September 2017, a total of 11,581 new diabetic patients have been registered in the state, of which 6,736 are women.¹⁷

In municipalities where the indigenous population exceeds 70%, the medical presence is 1 doctor per 25,000 inhabitants¹⁸. In addition, minimum health conditions are not met in a large percentage of indigenous households¹⁹. Women and girls travel long distances to carry water and firewood for the whole family, which implies a great physical wear and face harassment or sexual violence on the way²⁰. So diseases such as diarrhea, tuberculosis, lung and gastrointestinal infections, related to poverty and malnutrition, are among the leading causes of mortality in the state.

At the same time, Chiapas has the highest rate of maternal mortality in the country²¹, with the main cause of obstetric hemorrhages. From January to March 2018, it was recorded 14 deaths, more than 10% of national totality²² and associated with: (i) The absence of an accessible medical infrastructure; (ii) The inopportunity to resolve obstetric urgency; (iii) The poor quality of the services provided, and (iv) The nutritional deficiencies of mothers, premature and unwanted pregnancies and bad practice in abortions. In case of suffering an obstetric emergency (hemorrhages), a woman has to travel between 1.5 and 88.5 km to reach a second level hospital²³ and if she suffers more serious complications and needs specialized assistance in third level hospitals, the average distance is 283 km, that is approximately four hours and a half²⁴. In all of Chiapas, there are only 2 blood banks, in Tapachula and Tuxtla Gutierrez²⁵.

¹⁶ That affects the indigenous municipalities of Oxchuc, Tenejapa, Cancuc, Chanal, Huixtán, and its origin is associated with the lack of water.

¹⁷ Ochoa Argüello, Ildelfonso, 2017. Extracted from <https://elorbe.com/portada/2017/11/15/registra-chiapas-11-mil-581-diabeticos-4-mil-845-son-hombres-y-6-mil-736-mujeres.html> on the 15th of November 2017.

¹⁸ <https://www.gob.mx/salud/acciones-y-programas/direccion-general-de-informacion-en-salud-dgis>

¹⁹ 26.5% of the population does not have piped water; 4.1% has no electrical power; 16.6% does not have drainage or sanitary service; 15.2% maintain ground floor; and 53.65% of the houses have some kind of overcrowding.

²⁰ Chiapas is the second most water-based entity in the country but it does not reach the national average in terms of the availability of potable water and wastewater sanitation, constituting the main problem of water pollution for domestic use. <https://frayba.org.mx/en-chiapas-se-violenta-el-derecho-humanos-al-agua-potable-y-al-saneamiento/>

²¹ Half of maternal deaths in the state relates to indigenous women. According to the National Health Information System (SINAIS), between 2002 and 2015 in Chiapas 1,152 women died because of causes related to pregnancy, childbirth and postpartum. During this period, Bejucal de Ocampo registered the highest rate of maternal death per thousand born alive babies in 2015, followed by Pantepec in that same year, and San Lucas in 2014.

²² Vega, Margarita, 2017. Health in Chiapas: motherhood, only a privilege. Extracted from: <http://www.animalpolitico.com/salud-en-chiapas/maternidad/#/> on the 15th of November 2017.

²³ They have equipment to deal with complications in deliveries.

²⁴ In 2015, the municipality of Mapastepec, which is very close to a second-level hospital (1.5 kilometers), had a maternal death ratio of 1.9 women per thousand born alive babies. Meanwhile in Copainalá, a municipality that is approximately 74.2 kilometers away from the nearest second-level hospital, 3.9 women died per thousand born alive babies. <http://www.animalpolitico.com/salud-en-chiapas/maternidad/index.html#/>

²⁵ San Cristóbal has a hospital specialized in childbirth care, which cares for emergencies throughout the region of Los Altos, but women who need a transfusion must be transferred to the Hospital de las Culturas, which barely has a blood station, with fewer units than a formal blood bank.

Indigenous women also face the absence of translator who allow them to give informed consent to the medical procedures they are practiced, and are often abused. The Committee that promoting a safe and voluntary maternity in Chiapas has documented that 8 out of 10 indigenous women from the region Altos of Chiapas prefer to give birth at home, assisted by a midwife they trust in. However, promoters of Prospera give the official support on the condition that pregnant women give birth in a public hospital. On the other hand, midwives face limitations on their work due to the hierarchy within the medical systems and the constant criminalization. Since the Secretary of Health requires that they be certified, that is they should acquire a permit from the State, after filling innumerable requirements, to carry out an activity that is part of the ancestral practices of indigenous peoples. Thus, midwives are exposed as a danger to women in front of the population and the authorities of their communities, affecting their dignity and undermining the trust that indigenous people have in them. As a consequence, midwives are forced to work in hiding.

Chiapas ranks fourth with the highest number of teenage pregnancies: 63 mothers per 1,000 women in teenagers aged 15 to 17 and 3.3 in girls aged 10 to 14 years. In the indigenous municipalities with lower human development index and greater social lag, the maternity rate among girls aged 10 to 14 years is four times higher and in adolescents between 15 and 17 years old is slightly more than double (49 and 1.9 at national level)²⁶. Of the total number of girls over 12 years old who were mothers 95% left school and their early maternity is related to the age at which they are forced to marry, hence 23% of adolescents 12-18 years old, they are already married²⁷. In addition, almost half of the teenage population (43.7%) lives in rural areas, where little or nothing is known about the use of contraceptives. There are also reports of a high number of pregnancies in young migrants. Some of them are in conditions of commercial sexual exploitation, exposed to sexually transmitted infections²⁸.

Women who want to interrupt their pregnancy are stigmatized and criminalized by health institutions and law enforcement agencies²⁹. Victims of sexual violence are frequently denied access to medical assistance established by Official Mexican Norm 046, protocol for immediate attention to victims of family and sexual violence, which allows doctors to practice the voluntary interruption of pregnancy. For migrant victims of sexual assault, the exercise of this right becomes a possibility of deportation.

Women of Central American origin who give birth in Chiapas with the assistance of traditional midwives (who come without fear of being deported) are often denied the birth registration in the civil registry, when it is an essential element of the Human right to identity and nationality, which at the same time allows them to process some kind of immigration regularization by family unit and access to better working conditions. This refusal is related to the absence of a

²⁶ Infancia Cuenta en Chiapas 2017, Network for the Rights of Children in Mexico, with data from CONEVAL.

²⁷ Consortium of Organizations for the Life and Freedom of Women and Girls (COVIMYN), 2016.

²⁸ According to the coordinator of the Sexual and Reproductive Health Project for Youth of the NGO Marie Stop in the border town of Tapachula, at least 15 percent of teenage migrant women who visit the clinic are pregnant.

²⁹ Article 178 of the Penal Code of Chiapas: The crime of abortion is committed by the one who, at any time of pregnancy, causes the death of the product of conception even if it occurs outside the mother's womb, as a consequence of the conduct carried out.

migration policy that guarantees migrants, children born in Mexico and their family's basic human rights and counteract extortion by corrupt officials³⁰ and networks of organized crime.

II. Access to justice

Indigenous women and migrants from Central America, due to their situation and status, are vulnerable to criminalization. In many cases they assume responsibility for crimes they have not committed to protect their family, children, husbands and siblings, or they are accused and punished for rejecting marriage proposals agreed by the parents based on the customs and practices of indigenous communities. In the case of migrants for denouncing labour or sexual exploitation are prosecuted as perpetrators of offences instead of the traffickers.³¹

Since 2009, Colectiva Cereza, the "Psychosocial Care Team for Situations of Violence, Social Exclusion and Dependency", give support to women in prison in the State of Chiapas, confirming that women prisoners are mainly indigenous and Central American. Because of their situation and condition, they are susceptible to criminalization, due to: (i) Delay in criminal proceedings because of the traditional criminal justice system of inquisitorial court and the standstill of numerous arrest warrants granted in the framework of the adversarial criminal justice system; (ii) The high degree of bureaucratization and slowness of the jurisdictional system worsened by the duplicity in functions allocated to the judges since the coming into effect of the new criminal justice system, causing further delay in the criminal proceedings of women who are still prosecuted in the traditional system, so that the audiences are reprogrammed over months or years³²; (iii) In the framework of the so-called "verification visits" that the Mexican State carries out, Central American women are arrested and prosecuted as "scapegoats" because the real traffickers, nearly all the time men, make arrangements with the police forces and the immigration or law enforcement authorities to hand over them in exchange for impunity³³. This highlights the corruption of prosecutors specialized in this subject who, in addition, do not guarantee the right to consular assistance. Central American migrants practically do not denounce the violence they are subjected to or the violations of their human rights caused by any authority, criminal group or individual, due to the stigmas that weigh on them because of their origin and because they fear being deported, together with the absence of a gender

³⁰ Women, agricultural workers, with 5 to 40 years of living in Mexico, united with Mexican or Guatemalan couples but with children born in Chiapas, have had difficulty accessing basic rights due to the lack of registration of their daughters and children, as they have reported that local authorities in conjunction with criminal groups impose a charge, illegal, by registration of \$5000 to \$17.000 Mexican pesos.

³¹ M. Montalvo, an indigenous Kichwa, of Ecuadorian nationality, accepted a job offer in Mexico. The employer covered the transfer costs, the migratory documents as well as the lodging. The activities agreed verbally included a daily day of 18 hours without rest. I was forbidden to go out and talk to people. He never received paid for the work done and his documents were withheld from him. He escaped and denounced. The Attorney-General's Office of the state of Chiapas tried to mediate with the perpetrator despite the fact that the crime of trafficking was set up.

³² Guadalupe Gumeta in May 2018 served 7 years in prison without a firm sentence, because the judge competent to resolve is performing functions in the new criminal justice system under the Commission of the Judiciary Council of the Court of Justice of the State of Chiapas.

³³ Delmis Zúñiga, of Honduran nationality, was captured by a network of traitors to be sexually exploited at 13. In an operative she was arrested and accused of being the administrator of the place of trafficking. Delmis signed his confession without knowing how to read or write.

perspective in Mexican migration policy³⁴, so that the State activates the jurisdictional system to prosecute them but not to guarantee them access to justice as victims within the framework of compliance with the Palermo Protocol; and (iv) The jurisdictional system is used systematically to solve conflicts that are not criminal in nature, responding to particular interests with the complicity of the prosecution and administration of justice operators. This makes women with trajectories of exclusion affected by oppressions of race, ethnicity or class even more vulnerable³⁵.

The use of the jurisdictional system to limit the exercise of rights is a recurring practice specially to dispossess indigenous and peasant women who have of fact or by right ownership over land and territory. In the state only 22.8%³⁶ of the owner of social property³⁷ are women, mainly elderly widows, who are owners only until the male heir grows up most of the time. Women who have only one possession in fact because the husband has migrated but in his absence have complied with the collective work they do not acquire any recognition, so they are highly vulnerable to be dispossessed in case that the husband returns with a new partner or his family decides that the land must be of the brothers or nephews of the absent family.

III. The Right of rural women to equality in access and control of possession, use and usufruct of land and territory.

Women who hold social property rights do not exercise them due to patriarchal limitations that prevent them from participating with a voice and vote in the Assemblies or occupying positions of representation, except those that are considered appropriate to their gender (treasurers). Women take the appointments as an obligation and burden that add up to the multiple tasks they perform (domestic works, children care and work in the field). This situation of exclusion and discrimination is based on cultural practices that assign males the family's leadership, the right to represent women in public spaces, the right to own the family's land and assets exclusively, and therefore to decide unilaterally without considering the contribution of other family members in the work of farming and in the maintenance of life.

The reform of article 37 of the Agricultural Law³⁸, in December 2016, which establishes a quota of gender in the integration of the organs of representative, constitutes in fact a burden for women, as it adds up to their multiple tasks, in which they are not supported by their partner or other family or community members, on the other hand generates more violence. This is an indication of the absence of a comprehensive public policy that transforms the structural causes

³⁴ They are not guaranteed consular assistance, the computer systems of the specialized prosecutors (such as trafficking and femicide) do not contemplate camps for foreign complainants and often women themselves end up as scapegoats for crimes like human trafficking.

³⁵ Rosa Pérez, an indigenous Tsotsil, native of the municipality of Chalchihuitan, Chiapas, monolingual and illiterate, remained in prison accused, by her son, as responsible for the murder of her husband, who actually committed suicide. 8 years later, the son, in complicity with public servants of the procurement of justice, active the jurisdictional apparatus to strip Rosa from their lands.

³⁶ Data obtained from the National Agrarian Registry.

³⁷ It is a form of collective ownership, on which the right of agricultural communities in Mexico is organized.

³⁸ Article 37.-The members of the curator and the supervisory board, as well as their alternates, shall be elected in assembly... Candidatures for election positions... should be integrated by no more than sixty percent of candidates of the same gender... For the commissions and assistant secretaries with which the Commissioner Ejidal has been, the integration of women will be sought.

of gender inequality that exist in rural areas, and that naturalizes the violence that is exerted against women.

IV. The Right to a life without violence

In this logic, in Chiapas, violence against women has the basis and origin of structural and social conditions not served by the state, which violate the access of girls and women to health, education, gainful employment, culture, land ownership, food, political participation, freedom of expression, mobility, justice and access to a life free of violence. Reality that was not considered in the declaration of warning of gender violence against women in Chiapas, issued on the 18th of November 2016, and granted to 23 municipalities, 17 of which have mainly indigenous population³⁹, despite being requested in all Chiapas for the reasons explained in this report.

According to official figures, in Chiapas, 44% of women aged 15 and over have experienced at least one act of violence (emotional, physical, sexual, economic, patrimonial, or employment discrimination) carried out by partner, husband or boyfriend, relative, school or work mate, school or job authority or by acquaintances or strangers⁴⁰. Likewise, 28.9% of women sometime have been assaulted by people other than their partner and in different spaces.

Among more than 300 reported femicides from 2011 to date⁴¹, at least 50 of them correspond to girls and adolescents between the ages of 3 and 18⁴². From 2017 to date, a total of 43 missing female girls and adolescents⁴³ have been registered, not to mention the total of women who have been arrested in the context of migration to or within Mexico or recruited by organized crime⁴⁴. There are also a record of around 3,500 children and teenagers displaced in the last two years in the municipalities of Aldama, Chalchihuitán, Chenalhó, Oxchuc, Jaltenango, Venustiano Carranza and Las Rosas. In 2017, two adolescent women were murdered during political conflicts that were not opportunely addressed or solved by the State.

Prosecutors of the public Prosecutor's office require relatives of missing girls and teenagers to wait at least 24 hours to initiate the report⁴⁵. Between this and the activation of the Amber Alert 48 more hours may pass by.

From 2014 to date, 13 cases of sexual violence by teachers have been documented against at least 44 girls and adolescent women in public primary and secondary schools. These schools are located in the municipalities of Arriaga, Palenque, Tila, San Cristóbal de Las Casas, Venustiano

³⁹ Tapachula, Tonalá, Tuxtla Gutiérrez, Villaflores, Chiapa de Corzo, Comitán, San Cristóbal de Las Casas, Aldama, Amatenango del Valle, Chalchihuitan, Chamula, Chanal, Chenalho, Huixtan, Larráinzar, Mitontic, Oxchuc, Pantelho, San Juan Cancuc, Santiago El Pinar, Tenejapa, Teopisca y Zinacanta

⁴⁰ INEGI, statistics on the International Day for the Elimination of Violence against Women (25 November 2015).

⁴¹ Update May 9, 2018

⁴² Data of the collective of Women of SCLC (COLEM) and of Melel Xojobal

⁴³ The network for the rights of Children in Mexico (REDIM) in the last 12 years has reported 5.452 persons under the age of 18 missing: 3.217 are girls and adolescents women, so that seven out of ten missing adolescents between 15 and 17 years old are Muj 're Out of every 4 cases of disappearance of persons under 18 years, 3 have been in the administration of Enrique Peña Nieto. Of the 4.677 girls, boys and adolescents who have not yet been localized 2, 840 are women.

⁴⁴ Register of Melel Xojobal A. C.

⁴⁵ The authority found its omission in prejudices such as: He went with the groom, went with friends, sure scolded and go back, etc.

Carranza, Las Margaritas, Chanal, Tuxtla Gutiérrez, La Concordia, Oxchuc. Neither educational authorities nor any of the three levels of government have given a convincing response to prevent and penalize this situation⁴⁶.

Even if there are official statistics, they do not allow for characterize the scale of gender based violence, femicide or the situation of vulnerability of women, indigenous women, migrants and girls in Chiapas in the different areas of their participation⁴⁷. In fact, the Mexican state in its ninth periodic report to CEDAW (2016) recognizes "the enormous statistical work that is needed to identify and characterize the femicides correctly [that...] The generation of data from the attorneys nationwide is an outstanding task [and that...] There is still no reliable record of the femicides that have occurred, the female deaths with presumption of homicide are used as proxies⁴⁸. This situation, which is repeated in the state of Chiapas, is exemplified in a specific way in the Isthmus-Costa region, one of the main transit routes for people in a mobility situation.

The lack of information prevents identifying that the aggressors are not only people with whom the victims have a direct relationship, but also the State through public policies that do not consider, in their design, content and implementation, the structural causes of violence and so the public action of the state naturalizes and reproduces it. The gender based perspective in setting up of strategies to eradicate violence against women must have a deeper meaning in relation to what has been carried out up to now.

Another negative factor is the lack of human resources and equipment necessary for the realization of chemical and forensic tests⁴⁹, as well as for an effective reparation of the damage. The relatives of the victims do not have access to an effective reparation, the perpetrators declare themselves insolvent, the government of Chiapas does not have a fund to cover the reparations and the federal fund of the Executive Commission of Victims is insufficient⁵⁰.

The administrative and judicial orders of protection granted in favor of the victims are not operated with the required effectiveness because judges, prosecutors and police officers pretext not to implement them because the community authorities impede accessing their territories to guarantee the security, integrity and life of indigenous women and girls. This problem needs to be approached in a strategic manner, with an intercultural perspective, so that it is possible

⁴⁶ Register of Melel Xojobal A. C.

⁴⁷ In its chapter III, article. 33, Action VIII, the law on access to a life free of violence for women in the state of Chiapas obliges the state Government to present the collection of statistics and other pertinent information on the causes, consequences and frequency of violence against Women in order to assess the effectiveness of the measures developed to prevent and eliminate this type of violence. Neither the secretariat for the development and empowerment of women, nor the prosecutor's Office of the state of Chiapas generate them, either do not make them public or give them to be known to organized civil society.

⁴⁸ Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women 2016, pp. 18 and 38.

⁴⁹ In the penal process of a femicide occurred in Pantelhó, in January 2016, the Public Ministry provided as a means of proof an anthropological cultural expertise for (i) to account for elements of the Tsotsil worldview, which impede the conduct of necropsy and (ii) identify the existence or not of a continuum of gender violence in the relationship between the victim and the defendant. The judge ruled in an acquittal and dismissed the expertise arguing that "social or cultural anthropology is not an auxiliary science of law." The Court of prosecution was constituted only by a judge (and not by three, as ideally it would have to be), there were not the reactants necessary to carry out the expert tests, it did not make a good guard of the tests and also carried out the chain of Custody.

⁵⁰ Analysis carried out by the researcher Perla Frago.

to generate mechanisms directed to indigenous authorities to make them aware and act as effective agents in their communities to prevent violence against women and femicide.

Despite operating for a year, an alert of Gender Violence (hereinafter AVG), the risk situation for women's lives continue. Although this is a tool that visualized the degree of vulnerability that exists, the way in which the Government and its agents have assumed and implemented it has not produced positive changes for the lives of women. The data that we provide through this report is proof of the deep failures in the public policies of the Mexican state to address, eradicate and punish violence against women. In Chiapas, it has been the Popular campaign against violence against women and femicide in Chiapas, comprised of civil society organizations and victims' families, which has been appropriated for this tool to monitor the effectiveness of the actions implemented, collect hard data and also submit proposals to the inter-institutional and multidisciplinary group that follows the AVG to operate according to its objective.

The Government of Chiapas, with the acquiescence of the Federal government, pretend listen and orientated the resources to the payment of advisers who we observe because of their lack of focus and expertis on the issues to be addressed, in addition to using the AVG for political-electoral purposes .

We are concerned about the way, the situations of internal forced displacement, mostly of women, girls and boys, generated during the duration of the AVG, especially in tsotsiles indigenous municipalities, considered within the declaration: Chalchihuitan, Chenalho and Aldama. Displacement that reached a total of 5063 people from nine communities in Chalchihuitan.⁵¹

On 2 January 2018 more than 3000 thousand displaced people were pressured by the authorities of the town Council of Chalchihuitan and the government of Chiapas to return to their communities without any security conditions or to be guaranteed the supply of food and Income to cope with losses. The remaining 1094 people still remain in camps in the face of the fear of being attacked again as armed groups continue to operate in the region and have caused the displacement of another 700 people from tsotsiles communities in the municipality of Aldama.

Women, girls and boys, who together represent about 70% of the displaced population, have reported respiratory and gastrointestinal diseases, coupled with the high levels of malnutrition that have historically occurred in the region. Until today 9 people have died.

Women have had to assume the head of the family in front of the migration of the husbands, and this increased the risk of being attacked, in addition their possibilities of participating in the construction of the solution or of being consulted are scarce because the state not with them The situation of cultural subordination. In response the state has militarized the region.

We request the CEDAW committee to recommend the Mexican state:

1. Design and implement policies, with a gender and intercultural perspective, that eradicate the poverty, marginalization and structural discrimination experienced by Chiapas women. Above all:

⁵¹ Ch'en Mut, Pom, Tzomolton, C'analumtic, Bejelton, Tulantic, Vololch'ojon, Cruz C'ac'anal, Cruz ton

- a. Guarantee the full citizenship of women as a central objective of public policies to be implemented, contributing to the transformation of inequalities of gender, class, age and ethnicity.
 - b. Guarantee universal access to health services, with cultural relevance and respect for women's right to decide on their own bodies.
 - c. Incorporate the intercultural perspective into the institutional programs that operate in the indigenous municipalities of Chiapas to prevent the emergence of diseases associated with marginality.
 - d. Guarantee the respect and protection of the free exercise of indigenous midwives and medicine. The state should not institutionalize the ancestral knowledge of indigenous peoples as the certification of a Service limits cultural rights.
 - e. Ensure the sufficiency and transparent exercise of the public budget allocated to health in Chiapas, responding to the principle of progressivity and non-regression, improving and renewing the availability of facilities, supplying medicines and Bilingual medical staff; In addition to including continuous training, monitoring and evaluation of public health workers.
 - f. Articulate all State institutions in actions to prevent violence against women and girls, involving public servants and authorities of the official system and the traditional system to act as effective agents in the sectors Urban and rural areas, against violence and femicide.
2. Adopt action to guarantee a quality sexual education, with cultural relevance, focused on girls and adolescents, that does not criminalize, violate or stigmatize the image and reputation of women:
 - a. Developing a comprehensive protection strategy, with a focus on children's rights, to ensure that girls and adolescents are not victims of sexual assault, forced marriages, adolescent pregnancies, sexual exploitation.
 - b. Strengthening the capacity of public and private health servers in the official Mexican standard 046 to guarantee adequate care for women, indigenous and migrants who need it.
 - c. Guaranteeing access to voluntary termination of pregnancy in those cases permitted by law.
 3. Design and implement a migration policy, specific to the southern border of Mexico that will inform people in the context of mobility about their rights (health services, justice and administration, civil registration, education, Work, etc.):
 - a. Adopting actions, with a focus on children's rights, and perspectives on gender and interculturality, to strengthen the capacity of the Judicial Procurator and administration of Chiapas, and to ensure dignified, diligent and free attention Of stereotypes that allow fair resolutions for women, indigenous, migrants, girls and adolescents avoiding the reproduction of gender-based violence. The training must be directed to all personnel, be continuous and subject to constant evaluation.
 - b. Adopting actions so that the National Institute of Migration facilitates an early and expedited migration regularization for women, girls and boys in a context of mobility, victims of some crime, through the implementation of a Protocol of action in protection of their human rights.

- c. Generating a legislative review of the Federal and state framework on trafficking in persons, labor exploitation and exploitation of the prostitution of others to recognize gender-based violence against migrant women as a crime, and to avoid turning Victims into criminals.
 - d. Adopting actions for the Mexican Commission for Aid to Refugees (COMAR) grants recognition of refugee status to women, adolescents and girls persecuted as a result of gender-based violence, in accordance with the international protection standards.
- 4. Generate an agrarian reform that recognizes the family ownership of the land, within the social property in Mexico, to guarantee to the women the access to possession, use and enjoyment of the land and the resources as well as the equal rights in the land decision making.
- 5. Adopt actions so that the attorney General's office of the State of Chiapas revises the protocols for the investigation of gender-based violence and femicide to include the intercultural perspective and investigate all death suspicion of a woman as a femicide. This implies:
 - a. Create a databank to characterize the violence and vulnerability of the victim in order to have reliable statistics that support the construction of public policies to prevent violence against women.
 - b. Take action to resolve and prevent the backlog in criminal proceedings involving Chiapas indigenous women and Central American migrants in prison, as well as the slowness of the courts to guarantee them a Effective access to justice.
- 6. Take serious account of the implementation in Chiapas of the Declaration of Warning of gender violence against women given the characteristics of the protected population (women, indigenous, marginal, migrants) who live the effects of their historical Exclusion and discrimination.