

REPORTE



A MECANISMOS INTERNACIONALES

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

(CEDAW)



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Report presented by the CDHDF on the situation of women in Mexico City to the United Nations Committee on the Elimination of Discrimination Against Women within the framework of the Ninth Appearance of the Mexican State.¹

Bearing in mind the Ninth Appearance of the Mexican State before the United Nations Committee for the Elimination of Discrimination against Women (CEDAW), the Federal District Human Rights Commission (CDHDF, as per its Spanish acronym), carried out an analysis on specific issues of concern and recommendations. This is an effort to review the progress and challenges of women and girls' human rights in Mexico City (CDMX, as per its Spanish acronym). The analysis made, was based on the concluding observations issued by this Committee in 2012.

This report briefly presents the main findings of the Commission's research process; in which the information generated was taken by this Autonomous Organism, so as some other research and reports generated by the academy and non-governmental organizations (NGO'S), as well as information provided by various government agencies on implemented actions from 2012 to 2016 in the City.² Consequently, this report aims to make visible the gaps in gender equality in different areas.

Human rights of women in Mexico City through CDHDF's work

During the period 2013-2016, the CDHDF provided a total of 133,693 defense, prevention and protection of human rights services. In those, 72,150 aggrieved women appear; that represents 46.1% of the total number of aggrieved persons (156,520). Regarding guidance services, the Commission provided 74,554, of which 50.6% of the total aggrieved persons were women. Moreover, 59,139 personal protection services were provided, of which 41.2% were women; in most cases, the services correspond to the filing or investigation of a complaint, or the issuance of protection measures.

It is noteworthy that women were who mainly presented these complaints as petitioners; accordingly, they appear as such in 53.9% of complaints. In those allegedly violating complaints, the human rights most mentioned by the victims were: the right to legal security (19.7%); the right to work (9.7%); the rights of persons deprived of liberty (9.2%); the right to personal integrity (6.1%); the rights of children (5.7%); the right to due process and judicial guarantees (5.5%) and the right to health (5.45%). These violations were committed mainly by actions or omissions of institutions attached to Mexico City's Government (81.8%), followed to a lesser extent by Boroughs or staff of the Federal District's Superior Court of Justice (TSJDF, as per its Spanish acronym). It should be mentioned that justice and security institutions are the ones that concentrate most of the mentions.

The aforementioned events were committed mainly in Cuauhtémoc, Iztapalapa and Gustavo A. Madero Boroughs. Regarding to the grounds for the conclusion of the registered complaints during the period

¹ The full version of the report can be found at: <http://cdhdf.org.mx/wp-content/uploads/2017/03/Informe-Anual-2016-vol4-Mujeres.pdf>

² In order to contribute to the analysis and move forward in the proposals on women's human rights, the CDHDF has published an annual thematic report since 2005. Those reports delve into certain issues related to the exercise of women's rights in the CDMX.

2013-2016, the majority was by solution during the process (48%); however, other causes were lack of sufficient elements (30%) and lack of interest (8.9%).

As a result of the investigations carried out, from 2012 to 2016, the CDHDF issued 12 recommendations³ regarding women's human rights violations. In 75% of the recommendations, the violations found were classified as affecting the right of women to a life free of violence; additionally, in 58.3% of said instruments, violations of the right to personal integrity, including torture, were documented.

The main obstacles encountered in the compliance of the recommendations have been the provision of compensation to victims (four of the 11 instruments) as well as the implementation of training programs in the institutions involved or, in other cases, the concretion of these, so as the proper documentation to account for the actions carried out in this regard (four of the 11 recommendations).

Thus, from CDHDF's work carried out from 2013 to 2016, 11 topics of particular concern have been identified in the exercise of the human rights of women in Mexico City; these themes are:

- *Legal Security.* There were 5,750 aggrieved women, mainly due to the alleged obstruction or failure to observe the applicable law or regulations.
- *Personal integrity, freedom and security, and serious violations of human rights.* About this, it was found that 1,779 were aggrieved in their personal integrity and 859 in their personal freedom and security. Regarding serious human rights violations, the following prevailed: enforced disappearance (59), right to life (52) and trafficking in persons or exploitation (16).
- *Women's right to a life free of violence.* 832 were affected by the omission of the authority to provide assistance when violence occurs in school or work centers, or when there is physical, verbal psycho-emotional and sexual abuse.
- *The right to honor and dignity.* Of 505 victims, 89.5% reported alleged arbitrary interference or attacks on dignity and honor.
- *Right to equality before the law and non-discrimination.* There were 188 women aggrieved by actions perpetrated by State agents or individuals (with the tolerance of the former), aimed at discriminating, stereotyping or denying, obstructing, arbitrarily interfering in substantive equality, opportunities or before the law.
- *Access to justice.* There were 1,593 aggrieved regarding the right to due process and judicial guarantees, and 376 to the right to an adequate judicial protection; however, there were also violations of the victim's rights. Likewise, a violation of the right to access to justice was proven

³ Of which two were partially accepted (4/2013 and 15/2013) and ten were fully accepted (9/2012, 14/2012, 15/2012, 5/2014, 6/2014, 14/2014, 3 / 2015, 6/2016, 9/2016 and 16/2016). It should be noted that only one authority has fully complied with the recommendations made to it.

in a recommendation, due to the failure of the authority to conduct diligent investigations with a gender perspective.

- *Right to health and obstetric violence.* Actions or omissions of the authority, generated complaints about the right to health, especially regarding medical care, information and access to medical services of women. In the issued Recommendations,⁴ it was noted that the health sector has generated systematic conducts that have a serious impact on privacy, personal autonomy, reproductive autonomy, the right to information, sexual rights and reproductive rights; sometimes resulting in irreparable damage.
- *Violence against women at the labor sphere.* It was found 2,827 grievances where the right to work,⁵ to a healthy work environment and to benefits were violated; this, in connection with violence, discrimination, stereotypes and servitude or slavery.
- *Violence in public space.* There is evidence of intimidation, verbal aggression and even sexual violence, especially on the street or on public transport; however, there were also abuses or omissions on the part of the authorities to prevent, investigate and punish these acts.
- *Adequate standard of living and violation of DESCAs for women.* There were 672 aggrieved women in relation to the right to water, 247 to the right to housing, 347 to the right to an adequate standard of living and 131 to the right to a healthy environment. In addition, there were several cases related to the right to the protection of the family, to the recognition and respect for diversity and cultural identity, and to access or dissemination of culture.
- *Violation of women's civil and political rights.* The totality of the grievances were for the obstruction, restriction, refusal or arbitrary interference in the citizen participation. It also identified the harassment and/or political violence suffered by some women candidates for public positions.⁶

On the other hand, it is necessary to point out that, through the investigation of complaints and dialogue with women and experts, this Commission has shown that women in Mexico City are victims of multiple and intersectional discrimination. In other words, they are discriminated because they are women and because they belong to a population group, such as: girls and adolescents; elderly women; women with disabilities; indigenous women; Afro-descendant women; women deprived of their liberty in detention centers; women human rights defenders; women of the LGBTI population; homeless women; migrant women. The above in spite of the existence of laws, guidelines and public policies in the matter.

⁴ Recommendations 9/2006, 13/2006, 2/2009), 7/2011, 15/2011, 15/2013 and 7/2017.

⁵ On the subject of the right to work, in order to make the labor situation more visible, the mentions of the following rights were grouped together: right to decent work, right to safety and health conditions at work, right to move to formal work, women's human rights in the workplace, non-discrimination and equality at work, social security with equity, training, freedom of association, forced labor and access to justice in labor relations.

⁶ CDHDF, Bulletin num. 115/2016.

Conclusions

Based on the documentation of human rights violations against women, the analysis of complaints and recommendations made by the CDHDF, as well as the linkage with different organizations and public bodies, it is possible to identify that, in the context of women in Mexico City, the following stands out:

- *Public safety.* There is little progress in the fight against organized crime, which has had adverse impacts on society and particularly on women. Although authorities conduct training for their staff, some ONG'S have continued to document cases of sexual torture against women by state agents.⁷
- *Access to justice.* The justice system presents important challenges for mainstreaming the gender perspective and taking into account the specific needs of women during judicial proceedings. The above notwithstanding the existing normative instruments.⁸
- *Training and codes of conduct.* Although the units receive training on gender perspective, through the analysis of information requests to the competent authorities, the CDHDF noted that there are no indicators to measure the effectiveness of said actions.⁹ In order to measure their effectiveness, it would be important to have permanent and systematic institutional training programs aimed at establishing professional career systems in all departments of Mexico City, so as to show results and follow up on these programs. Regarding codes of conduct on the subject, only three authorities¹⁰ have them; it is important that those codes include a section on harassment and sexual harassment.
- *Databases and information systems.* This issue represents a challenge in various local and national instances due to the lack of updated statistical information, disaggregated by sex, age and other variables, as well as the lack of databases that allow a particular analysis of the different manifestations of violence that women and girls face. Accordingly, there are challenges regarding the updating of the National Data and Information Bank on Cases of Violence against Women (BANAVIM, as per its Spanish acronym), which would have to be fed by the authorities that compose the National System to Prevent, Handle, Punish and Eradicate violence against women. Likewise, the National Commission for the Prevention and Eradication of Violence against Women has not been able to carry out a specific follow-up to its national policy on the subject; so it is proposed to generate result, impact and follow-up indicators of the implemented public policies.
- *Legislative alignment.* The family centric and paternalistic view of law have not been completely eliminated from legislation, nor have discriminatory provisions against women and girls been

⁷ Centro de Derechos Humanos Miguel Agustín Pro Juárez et al., *Tortura sexual en México. Contexto, prácticas e impactos*, México, Centro Prodh, 2015.

⁸ CDHDF. *Informe Anual 2016. La Ciudad de México de cara a la novena comparecencia ante el Comité de las Naciones Unidas para la Eliminación de la Discriminación contra la Mujer. Volumen IV.* México. 2017. P. 247.

⁹ *Ibidem*, pp. 257 y 258.

¹⁰ Those authorities are: Mexico City's Public Security Secretariat, Mexico City's General Attorney and Mexico City's Superior Court of Justice.

repealed, in accordance with Article 2, paragraph g of the Convention. This is despite the great progress that has been made since the constitutional reform in human rights of 2011, which sought to mainstream the gender perspective, as well as to integrate the principle of non-discrimination and equality between men and women in local regulations. The latter is demonstrated by the Political Constitution of Mexico City (CPCM, as per its Spanish acronym), where these principles are recognized; however, this has been challenged by the Office of the Attorney General of the Republic in some of its articles about women's human rights.

- *Life free of violence.* The CDMX has made progress in implementing the follow-up mechanism of the Law on Women's Access to a Life Free of Violence. However, significant weaknesses were identified in the recording of information on cases of violence against women; for example, the lack of inter-institutional coordination between local and federal authorities for updating national registers. Thus far, the National System to Prevent, Handle, Punish, and Eradicate Violence against Women still doesn't operate. Consequently, there are difficulties for the integration of an up-to-date and truthful diagnosis that allows the formulation of public policies. Likewise, the lack of sufficient and specific budget, coupled with the lack of transparency, continues to represent a problem for the effective implementation of these mechanisms.¹¹
- *Protection orders and alerts on gender violence against women (AVGM, as per its Spanish acronym).* These have major shortcomings at the national level; in CDMX, no declarations of AVGM have been issued.¹² The crime of femicide is typified and exists the Protocol of Ministerial, Police and Expert Investigation of the Crime of Femicide; which is not implemented with due diligence, as documented in CDHDF Recommendation 04/2017. It should be emphasized that there is no official local diagnosis of the number of cases of femicide.
- *Disappearance and loss.* Despite having Law of the National Registry of Missing or Disappeared Persons,¹³ its lack of regulation, together with the use of imprecise terms, has prevented an adequate database to know the magnitude of the phenomenon.
- *Trafficking.* In terms of prevention, care and elimination of human trafficking, there is little progress at the national and local level; therefore, legislative alignment is urgently needed for the effective protection of victims. At the national level, many shortcomings have been evidenced on the subject, such as the lack of an efficient statistical information system (CDMX has the same problem). Likewise, there is no local diagnosis on the issue or a public policy on it, as reflected in the 16 complaints received by this Commission between 2013 and 2016, as well as recommendation 9/2012.

¹¹ Op. cit., nota 8, p. 249.

¹² It should be noted that the obstacles limiting the activation of the Alert Mechanism of Gender Violence against Women have not been addressed, nor the analysis by comparative offense, as mentioned in current regulations.

¹³ Under the mandate of the General Law on Women's Access to a Life Free of Violence (LGAMVLV), locally, registration exists; this is done through Mexico City's Attorney General Office.

- *Political participation.* The CDMX has harmonized its electoral legal framework¹⁴ with the federal, that was reformed in 2015 to establish the 50-50 parity, contemplating actions to eliminate the inequality between men and women; also the budget for this purpose has increased. However, information on expenditure is needed. It is essential to strengthen and promote citizen and specialized academic participation, as well as consultation and strategies that face cultural, social and institutional resistance to the political representation of women.
- *Women human rights defenders.* Although since 2012 there is the Law for the Protection of Human Rights Defenders and Journalists and its Mechanism, and Mexico City has the Law for the Protection of Human Rights Defenders and Journalists of the Federal District since August 2015, this group continues to be attacked by its activities on a recurring basis; the aggravation of this practice, is related to gender. Furthermore, to date, this mechanism has not been installed and the profile of the responsible person by the Ministry of Government does not accomplish the needs required for that responsibility. The CPCM establishes the right to defend human rights and the authorities' obligations to facilitate its exercise, so it will be necessary to adapt secondary legislation to it.
- *Work and employment.* Although training programs in non-traditional trades for women exist, it is needed some actions aimed at adolescents so they choose non-traditional study fields and professions. Those actions must be accompanied by diffusion and follow-up activities, as well as having diagnoses to assess obstacles. Additionally, it was identified that the Labor and Employment Promotion Secretariat (StyFE, as per its Spanish acronym), Inmujeres CDMX and the Social Development Secretariat (SEDESO, as per its Spanish acronym) have developed training on the subject; however, there is still room for the improvement of this programs. Situation that is noted while observing the conditions of inequality at work that women face; the latter has been evidenced by this Commission in the recommendations 14/2012, 6/2014 and 16/2016,¹⁵ issued from 2012 to 2016. Although the issuance of the Protocol for the Prevention, Attention and Sanction to Sexual Harassment in Federal District's Public Administration is a great advance, cases of institutional violence against women are still documented. Finally, on this subject, a great challenge that remains to be solved is the informal sector, requiring the design of public policies.
- *Health.* It is highlighted the need to strengthen health programs with greater budgetary resources, as it can be seen in the complaints received by this Commission on the impact on the right to health of women. In the specific case of sexual health and reproductive health, in spite of the health campaigns directed mainly at adolescents, work should be done on health programs based on the recognition of sexual rights and reproductive rights and on the progress

¹⁴ The Mexico City's Political Constitution (CPCM) contemplates gender parity in all positions of representation and public office of the three governmental branches; it even incorporates the nullity when political gender violence is accredited.

¹⁵ In said recommendations, violations of the right to a life free of violence were documented.

in the implementation of the National Strategy for Pregnancy Prevention.¹⁶ This Commission has issued four recommendations on institutional and obstetric violence, therefore it remains an issue to be addressed; thus, it is considered important to comply with the recommendation points issued by the CDHDF. On the topic of legal termination of pregnancy,¹⁷ remains the need to undertake reforms¹⁸ so to assist all women in CDMX.

- *Indigenous women and rural women.* It was possible to observe the existence of some programs directed to these populations; however, the challenge remains to measure their impacts and eliminate discrimination. Although the CPCM recognized the rights of this population, the right of access and tenure of land, particularly for women, remains a point to be developed. As for political participation, the actions aimed at addressing this problem have been diverse; however, information for results evaluation is not available. This Commission has received complaints about alleged violations of the rights of indigenous women, such as restricting the practice of language, traditions and customs, restricting autonomy of government, lack of interpreters and specialized support in public defense services, as well as the lack of consultation mechanisms. Therefore, actions must be taken to ensure that the issues are addressed.
- *Care work.* Women continue to spend more time on domestic and unpaid care activities, in addition to their pursuit of paid activities. Policies have been promoted in the city to reconcile personal issues, work and family life, but they have not been evaluated. In addition to this, legislation on responsible parenthood is still pending; although there are some measures in this regard, they are still insufficient. In the same way, even though there is a record of alimony debtors, there is no information available on it and its updating. Finally, the ratification of international human rights instruments linked to women's rights should be promoted.¹⁹

Lastly, the Commission reiterates its particular concern about the few advances made regarding the Mexican State's obligation to have information on the results and impacts generated by the public policies implemented since its last appearance in 2012. For there are still methodological limitations that prevent having updated official information from all federal and local government bodies of CDMX. Therefore, it is essential to build a local agenda that takes up commitments related to CEDAW, so to implement the recommendations and strengthen the inter-institutional linkage, in order to guarantee the women's and girls' human rights.

¹⁶ According to the National Population Commission (Conapo, as per its Spanish acronym), the national average of adolescent pregnancies is 52 per thousand women; this figure is still well above OECD countries, which is 22 per thousand.

¹⁷ In Mexico City 2015, 17,816 abortion procedures were performed, of which 1,506 were performed on women under 18 years of age. See CDHDF. *Informe anual 2015. Situación de los derechos humanos de las mujeres. Embarazo en adolescentes y el ejercicio de los derechos sexuales y reproductivos en la Ciudad de México*, op. cit., nota 8, p. 84.

¹⁸ Among them, the elimination of the arguments that women must expose as a condition for the interruption or some obstacles for adolescents, contemplated in the Manual of procedures for the legal interruption of pregnancy used in the medical units of Mexico City's Health Secretariat.

¹⁹ In particular, to promote and urge the federal government to recognize the competence of the Committee against Forced Disappearance and to ratify Conventions 156 and 189 of the International Labor Organization (ILO), among others. Similarly, it is necessary to promote the alignment of legislation with the United Nations Rules for the Treatment of Prisoners and Non-Custodial Measures for Female Offenders.



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