

SPECIAL CONTENT REPORT (SCR)

Partners

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I. Institutional discrimination - operational rules and budget

Cohesión Comunitaria e Innovación Social A.C.

BACKGROUND

In order to understand the development of public policies for persons with disabilities, it's important to understand how the Mexican government has historically addressed this issue. Public policies on disabilities date back to 1977 with the creation of the National System for Integral Family Development (DIF), and during the 1980s, specific commitments addressing the needs of the population with disabilities were incorporated into the National Development Plans.

The 1994-2000 National Development Plan foresaw the promotion of a disability-specific state policy. The Law on Social Assistance (LAS) was passed in 1994 and formalized the government's responsibility to assist this population. In 1995, the National Program for the Well-being and Inclusion for Development of Persons with Disabilities (PNBIDPC) was created, and later, in 2000, the Representative's Office for the Promotion and Social Integration of Persons with Disabilities (ORPIS), as well as the National Consultation Council for the Integration of Persons with Disabilities (CODIS) came into being.

The first General Law on the Rights of Persons with Disabilities (LGPD) was enacted in 2005. ORPIS and CODIS disappeared, giving way to the Technical Secretariat of the National Technical Council for Persons with Disabilities (STCONADIS), which then created the National Program for the Development of Persons with Disabilities (PNDPC). However, as of May 30th, 2011, STCONADIS became a decentralized public body, with a legal personality and assets of its own, as well as technical and operational autonomy to pass policies, actions, strategies and programs resulting from said law. STCONADIS changed its name to the National Council for the Development and Inclusion of Persons with Disabilities (CONADIS.) In 2013, CONADIS became part of the Ministry of Social Development (currently, the Ministry of Welfare.)

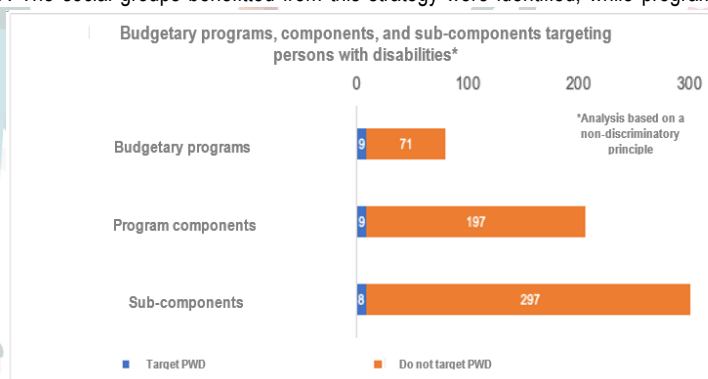
On April 30th, 2014, the 2014-2018 National Plan for the Development and the Inclusion of Persons with Disabilities (PNDIPD) was passed, recognizing the need for government institutions to implement programs targeting persons with disabilities to ensure their rights are fulfilled. As a result, CONADIS oversees, promotes and ensures the full enjoyment of human rights by persons with disabilities, as well as the comprehensive inclusion and participation of this population. One of its main duties is to mainstream public policies across multiple federal bodies, civil society organizations, independent experts, and academia. Therefore, strengthening, promoting, and ensuring the continuous operation of this institution is essential for protecting, ensuring and fostering the development of the human rights of persons with disabilities in the terms set forth by the CRPD. The federal public administration, however, does not have a body or office with the structure, powers, and technical expertise needed to design and effectively implement the public policies that will safeguard the human rights of this population¹.

STEPS FORWARD

In 2018, CCIS developed a methodology based on the principle of non-discrimination to analyze and evaluate the guidelines and operational rules of federal budgetary programs targeting citizens. Based on this methodology, CCIS analyzed the operational rules and guidelines² of 80 federal budgetary programs that were approved for the fiscal year 2017. The social groups benefitted from this strategy were identified, while program names, their components, and sub-components were evaluated³. The program's potential beneficiaries, target population, and general and specific objectives were also considered.

Only 9 out of the 80 programs (11%) analyzed target persons with disabilities, or include disability-related components and/or sub-components. Likewise, only 9 out of 206 components (4%), and 8 out of 305 sub-components (3%) in the federal budgetary programs⁴ target PWDs⁵.

Source: CCIS (2018), Índice de Discriminación Potencial.



¹The international and national framework on the rights of persons with disabilities comprises the Convention on the Rights of Persons with Disabilities (2008), the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities (1999), the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993), Towards a society for all: Long term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond (1995), the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991), the United Nations World Programme of Action concerning Disabled Persons (1982), the International Labour Organization's C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention (1983), the Plan of Action of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016), The Pan American Health Organization's Resolution CD47.R1. Disability: Prevention and Rehabilitation in the Context of the Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health and other related Rights (2006), the Panama Commitment to Persons with Disabilities in the American Hemisphere (1996), the General Law on the Rights of Persons with Disabilities, the Federal Law to Prevent and Eliminate Discrimination, as well as state regulations.

²The federal budgetary programs (*programas presupuestarios federales*) are one of the ways the federal government allocates resources to meet specific objectives. These programs must be approved yearly and incorporated into the federal budget. Some budgetary programs -normally, subsidized ones- have operational rules or guidelines that resemble those of national programs.

³Components and sub-components are the items that make up the federal budgetary programs. Items vary according to the type of subsidy (e.g. training or financial components, tools, scholarships, credits, etc.), the program's specific objectives (e.g. an agricultural program may have different components and sub-components depending on whether it targets the agricultural, cattle-raising, or fishing sectors, among others), according to the target population (e.g. a program's components or sub-components may vary if it targets women, indigenous peoples, etc.), or depending on the implementing institutions (e.g. a program may cover education, food and nourishment, health, etc., meaning that a different institution will be responsible for each branch.)

⁴Among those that were analyzed by CCIS.

⁵This does not mean that persons with disabilities are excluded from these programs, but their records do not specify whether their applicants or beneficiaries have a disability.

The 9 budgetary programs that target persons with disabilities and have operational rules or guidelines with an anti-discriminatory approach are: (1) Support Program for the Protection of Persons in Need, (2) Soup kitchens, (3) Public Transportation Accessibility Fund for Persons with Disabilities, (4) Social Milk Supply Program, (5) Assistance Program for Persons with Disabilities, (6) Childcare Program for Working Mothers, (7) National Scholarship Program, (8) Program for Educational Inclusion and Equality, and (9) PROSPERA Social Inclusion Program. Table 1 in the appendices describes the components and sub-components of each of the programs targeting persons with disabilities.

PWD-specific program components and sub-components consider particular elements and characteristics to address the multiple needs of this social group, as well as other individuals in vulnerable situations. Some of the measures considered in the components and sub-components include facilitating access to the program, giving priority to the target population, increasing grants or subsidies, expanding the scope of the program's support or grants, specifying what the target population's profile is for each component or sub-component, among others. After analyzing these programs, the conclusion is that public policies only offer temporary relief to the needs of persons with disabilities, and lack medium- and long-term strategies to safeguard their human rights.

Based on the CCIS methodology, the potential discrimination index (*Índice de de Discriminación Potencial*, IDP) was developed to synthesize information about potentially discriminatory provisions in the operational rules and guidelines of each program^{6, 7}.

Table 2 in the appendices shows information about the IDP value of programs that include components and/or sub-components targeting persons with disabilities. The table also shows information about the institutions leading these programs and how their budget was spent in 2017⁸.

Yet, within these 9 budgetary programs that target persons with disabilities, potentially discriminatory operational rules or guidelines were identified, their average IDP rate being 0.45.

Programs that have operational rules that persons with disabilities -except for the Public Transportation Accessibility Fund for Persons with Disabilities- have a superficial approach to welfare, meaning that they do not seek to decrease or eliminate the barriers persons with disabilities face regarding employment, housing, the environment, access to cultural activities, etc.

All these initiatives have potentially discriminatory provisions, since none of them has an IDP rate of 0. The Public Transportation Accessibility Fund for Persons with Disabilities is one of the two programs that focuses exclusively on persons with disabilities. However, it's the one with the highest IDP rate within the disability-specific programs, meaning that it has the largest number of potentially discriminatory provisions.

Likewise, during the fiscal year 2017, the *Assistance Program for Persons with Disabilities* had a cost overrun of 263%. However, the originally approved budget for 6 out of the 9 programs for persons with disabilities was cut back. The real budget for the 9 programs was 7% less than the original approved budget for the fiscal year 2017.

PENDING ISSUES

The Mexican government has implemented actions that target persons with disabilities. However, public policies specifically designed to respect and fulfill their human rights by making PWDs active agents of their own development remain to be designed. CCIS identified programs that address persons with disabilities, either because PWDs fall within the scope of the target population⁹, or because the program is specifically meant to assist them¹⁰.

The potentially discriminatory issues include:

- The operational rules or guidelines do not consider the differences, gaps, and disadvantages that persons with disabilities face during the survey stage leading to the design of a public policy.
- The operational rules or guidelines are not designed according to a pertinent geographical scope to properly tend to the needs of persons with disabilities, nor are the characteristics and context of this social group considered.
- Persons with disabilities, civil society organizations and/or lawmakers do not participate in the design, implementation and evaluation of the operational rules and guidelines.
- Certain stages of the application process exclude persons with disabilities because the procedures are not accessible, or because there are not any objective and proportionate, context-based alternatives so that someone will accompany the person to carry out the procedure, or to substitute the regular procedure for an accessible one, or even eliminate said requirements¹¹.
- Official communication channels that publish or share information about budgetary programs are not accessible to persons with disabilities.
- Operational rules and guidelines are not available in accessible formats such as Mexican Sign Language, Braille or Easy-Read.

⁶To assess to what extent a federal budgetary program is non-discriminatory, several aspects are evaluated: program's justification, target population, geographical coverage, eligibility and application requirements, assets, goods, services, communication, institutional coordination, social accountability, evaluation, and even inclusive language in the operational rules or guidelines.

⁷ The IDP value ranges between 0 and 1. An IDP value of 0 indicates complete absence of potentially discriminatory provisions across the program's operational rules and guidelines, while an IDP value of 1 means that potentially discriminatory provisions were identified in every operational rule or guideline.

⁸For more information about how the federal budgetary programs' operational rules and guidelines are analyzed based on CCIS's non-discriminatory approach, please contact info@cohesioncomunitaria.org.

⁹ For example, the Support Program for the Protection of Persons in Need (APPEN), the Community Development Program "Comunidad Diferente" and the Program for Educational Inclusion and Equality (PIEE), among others.

¹⁰ *Public Transportation Accessibility Fund for Persons with Disabilities and Assistance Program for Persons with Disabilities*.

¹¹For example, application forms are not available in accessible formats. Similarly, information-sharing strategies, complaints systems, or public offices where documentation is submitted are not accessible either.

- It's particularly striking that even if target population of the *Assistance Program for Persons with Disabilities* has specific needs, the program's operational rules do not specify that information should be made available in accessible formats.

RECOMMENDATIONS

- Persons with disabilities should be clearly and precisely described when they are part of a public program's or strategy's target audience. Their description should be based on the international and national regulatory framework, and consider their characteristics and differences. Likewise, this description should be shared with other public bodies.
- The operational rules or guidelines should consider the differences, gaps, and disadvantages that persons with disabilities face.
- Unnecessary requirements should be avoided, eliminated or replaced when applicants are persons with disabilities.
- The budgetary programs' operational rules or guidelines should include assistance mechanisms so persons with disabilities can meet the documentary and procedural application requirements, and therefore prevent exclusion or disadvantages.
- The budgetary programs' operational rules or guidelines should be available in accessible formats such as Easy-Read, Braille, Mexican Sign Language, and other alternative means of communication to address the situational and contextual characteristics of this population. Alternatives may include public address systems, journals, magazines, radio and online broadcasting stations, leaflets, and social media, among others.

II. Status of CONADIS Libre Acceso, A.C.

BACKGROUND

- In order to incorporate the principles of the Convention on the Rights of Persons with Disabilities to Mexican regulations, the General Law for the Inclusion of Persons with Disabilities (LGIPD) was passed in 2011, and its Technical Secretariat became a decentralized public body, with a legal personality, assets, and technical autonomy of its own. A part of the Ministry of Health, the Secretariat became the National Council for the Development and Inclusion of Persons with Disabilities.

- In 2013, regulations were changed to turn CONADIS into a branch of the Ministry of Social Development.

- Since the new federal administration took office on December 1st, 2018, nobody has been appointed as Head of CONADIS, and budget cuts have been announced for priority programs for persons with disabilities.

- On February 18th, 2019, during the presidential daily news conference, the president announced that the "Disability Institute" would be dissolved. Said institute does not exist, so the conclusion was that he was referring to CONADIS.

- On March 8th, 2019 during a meeting between civil society organizations and the Ministry of Welfare, officials deemed CONADIS "no longer feasible¹²." In this regard, organizations have raised their voice against this measure at the presidential office, the National Palace, and at the headquarters of the Ministry of Welfare. A petition with 50,000 signatures has been submitted to Ariadna Montiel, Undersecretary of Welfare, demanding that CONADIS remains. The Ministry of Welfare later made an oral statement saying that CONADIS could possibly become a top-level office within this ministry^{13, 14}.

- On May 3rd, 2019, a presidential memorandum on austerity instructed the elimination of the position of deputy general director, leaving CONADIS without a head official.

-With CONADIS hanging by a thread, the approved budget of \$1,173,607.55 USD¹⁵ was cut back to only \$812,888.34 USD. Only \$812,888.34 USD were spent, approximately 64% of the original budget.

The budget items that were cut back the most include printing informational materials, temporary staff salaries (in fact, the president has ordered that these positions be reduced or eliminated altogether), and app development services. This is one of the most seriously affected activities, since not a single cent out of the budgeted 5 million pesos has been spent¹⁶.

- The policy of the 2018-2024 administration is to give economic aid to persons with disabilities between ages 1 and 29, as well as indigenous persons¹⁷. On a bi-monthly basis, \$129.55 USD are transferred to the beneficiaries¹⁸. This program's implementation was delayed, meaning that by the third quarter of 2019, the Ministry of Finance reported that only 43% of the approved budget had been spent.

- Additionally, the government will not reach its goal of benefitting one million people in 2019 since the remaining budget for this program (equivalent to (\$247,372,084.40 USD) is barely enough to cover the aid provided to 636,000 people for the rest of 2019¹⁹.

¹² <https://www.animalpolitico.com/2019/03/personas-discapacidad-exigen-amlo-registro-nacional/>

¹³ An article published on July 2nd, 2019 on The New York Times (<https://www.nytimes.com/es/2019/07/02/personas-con-discapacidad-mexico>) considered this measure to be harmful, since a specialized government body is necessary to effectively recognize and fulfill the human rights of persons with disabilities. The article also explains that the current government should follow the two recommendations the United Nations Office of the High Commissioner for Human Rights made in their report. The chapter on recommendations will explain this point further.

¹⁴ Should CONADIS be transformed into one of the departments of the Ministry of Welfare, the following unfavorable situations would occur:

1. Its powers will be considerably reduced, crippling its ability to promote and develop cross-cutting policies and programs in partnership with other public bodies across the three levels of government.
2. Its economic, material and human resources would be cut back, making it impossible for its actions to effectively and immediately reach the farthest and most marginalized areas of the country.
3. CONADIS would not be able to issue the due State Party Report (CRPD, art. 35) since it will not be the national enforcing entity anymore.
4. The National Plan for the Development and the Inclusion of Persons with Disabilities could not be issued by CONADIS, since it would not have the power to enforce the plan across federal bodies and offices.

¹⁵ 1 USD = 19.6829 MXN.

DOF. Exchange rate on December 28, 2018, publication date of Federation Expenditure Budget (Presupuesto de Egresos de la Federación) 2019.

http://dof.gob.mx/indicadores_detalle.php?cod_tipo_indicador=158&fecha=28%2F12%2F2018&hfecha=28%2F12%2F2018

¹⁶ <https://www.animalpolitico.com/2019/08/conadis-recorte-presupuesto/>

¹⁷ <https://noticieros.televisa.com/videos/personas-con-discapacidad-quedan-fuera-de-programas-sociales-de-amlo/>

¹⁸ <https://www.gob.mx/bienestar/acciones-y-programas/programa-pension-para-el-bienestar-de-las-personas-con-discapacidad>

¹⁹ <https://www.animalpolitico.com/2019/08/conadis-recorte-presupuesto/>

- Likewise, the president proudly announced that economic aid for this population was at a record high, with a budget ranging between \$711, 277,301.62 USD and \$914, 499,387.80 USD. The truth is, however, that the budget is barely above \$457, 249,693.90 USD²⁰.

- On the other hand, the National Disability Program (PRONADIS), which resulted from the PND 2018, seeks to cut by half the social shortcomings that persons with disabilities face by 2024. In spite of this, there are great contradictions between the goals of this program and presidential action, the result of which is the dismantling of the institution leading the program's creation and implementation: CONADIS. Moreover, financial participation programs have been eliminated by the government. For example, the National Institute for Entrepreneurship (INADEM) was dissolved, and financial participation is not foreseen in the National Labor and Employment Program for Persons with Disabilities (PNEPC)²¹.

STEPS FORWARD

- Congress has presented initiatives to reform the General Law on the Inclusion of Persons with Disabilities (LGIPD) and create the National Institute for Persons with Disabilities. The Welfare and Social Development Commission is currently reviewing these reforms. The commission is chaired by the PES (Partido Encuentro Social), the main ally of the majority party in congress (MORENA.) The proposal's highlights for the Institute include:

- Decentralization
- Power to impose sanctions
- Federal-level authority
- Expanded power to advocate for PWDs among public bodies from the three levels of government, the private sector, and society
- Permanent participation at international disability-related organizations and bodies

The PRI's parliamentary group from the Chamber of Deputies also submitted a proposal to reform the LGIPD, and create the National Institute for Persons with Disabilities²². The proposal is under review from the Commission on the Assistance to Vulnerable Groups (CAGV), which was allowed to issue its resolution until September 30th, 2019.

PENDING ISSUES

- More than six months after the new administration took office, the top position at CONADIS remains vacant, and it still has no deputy general director's office.
- The current public policy is to deliver a meager pension directly to persons with disabilities²³.

RECOMMENDATIONS²⁴

- The Mexican government should recreate the Danish model, a model whereby a coordination body was created to ensure that state bodies implement the CRPD as described in article 4. Additionally, a transparency and accountability system has been created under the model.
- The report issued by the UN Office of the High Commissioner for Human Rights about CONADIS should be read because it warns that CONADIS should perform the essential task of being the focal point to coordinate policies and programs among state-level entities by doing the following:
 1. Appointing liaison officers across every ministry that addresses the basic rights of persons with disabilities²⁵;
 2. Creating a general coordination system to actively engage every state-level stakeholder addressing disability. This would translate into a well-structured and coordinated plan among the ministries to ensure that PWDs enjoy the rights foreseen in the convention.
- The Mexican government should make sure that persons with disabilities are fully included in society, since this will translate into the effective enjoyment of their basic rights.
- In view of the uncertainty and contradictions of the present administration, civil society organizations interested in the inclusion and rights of persons with disabilities should actively advocate for this cause in other spaces, such as the Institutes for the Inclusion of Persons with Disabilities and the corresponding director's offices of the state representations of the National System for Integral Family Development (DIF.)²⁶

²⁰This amount is the sum of ALL the resources allocated to disability-related budgetary programs, plus 8.5 billion pesos belonging to the Pension Program for the Well-being of Persons with Permanent Disability (<https://www.animalpolitico.com/2019/08/conadis-recorte-presupuesto>)

²¹ <https://discapacidades.nexos.com.mx/?p=1090>

²²For more information about this initiative from December 4th, 2018, visit <http://gaceta.diputados.gob.mx>.

²³As many experts, reporters, and even politicians have said, this measure will only marginalize further the 7 million Mexicans with disabilities (<https://noticieros.televisa.com/ultimas-noticias/personas-discapacidad-sin-pension-mexico-ong>)

²⁴<https://www.nytimes.com/es/2019/07/02/personas-con-discapacidad-mexico/>

²⁵For example, the right to employment, education, health, and access to justice, among others.

²⁶It seems like a national disability program will arise without official recognition, and through alternative mechanisms to those of the federal government, but it will be implemented by state governments, who are the only ones that can effectively work towards inclusion. (<https://discapacidades.nexos.com.mx/?p=1090>)

BACKGROUND

Information and communication technologies (ICT) are essential to promote the inclusion and the political, economic, and social development of persons with disabilities. They are even more important in today's digital economy. However, if technology evolves without accessibility, the economic and digital gap could expand. G3ict, an organization promoting the rights of persons with disabilities in the digital age, has documented how smart cities are leaving persons with disabilities out: only 18% of the experts consulted by the organization know a city where international digital accessibility standards are followed, and 60% mentioned that smart cities are failing persons with disabilities²⁷.

STEPS FORWARD

- Requirement #13 of NMX-R-025-SCFI-2015 Standard on Employment Equality and Non-Discrimination explains the importance of access to information, and suggests that internal and external digital information at certified workplaces should have a AA accessibility level according to WCAG 2.0²⁸.
- NMX-R-099-SCFI-2018 Standard on Accessibility Requirements for Information and Communications Technology (ICT) Products and Services participating in the Mexican Public Tenders published on November 2018 seeks to promote web accessibility within the eligibility criteria for tendered ICT products and services²⁹.
- 27/32 state laws concerning inclusion and accessibility explicitly foresee accessible information and communication in general, and only 11/32 specifically mention internet access, and the need for public information to be available in accessible formats and platforms (see appendix 1.)
- State government websites had an average accessibility level of 40% in August 2015. By June 2019, that rate had increased to 55%³⁰ (see appendix 2.)
- The National Council to Prevent Discrimination (CONAPRED) has an accessible website and is currently adapting their online materials to different formats, including Easy-Read.
- The National Supreme Court of Justice (SCJN) issued *Guía para la Inclusión de Personas con Discapacidad* (Guide to the Inclusion of Persons with Disabilities) in May 2019, and deemed it important for the Supreme Court's IT staff to be trained in digital accessibility to create a website that is accessible according to international standards³¹.
- In May 2019 the Mexican Senate launched the website of the Gilberto Bosques School of International Studies (CEIGB) with accessibility functions and technology to facilitate access to persons with disabilities³².
- The National Electoral Institute (INE) started to improve its website's accessibility in 2018, and received the Zero Project 2019 Award for this measure³³.
- In 2018, the Mexican Central Bank (BM) started to improve accessibility on its main website, its microsites, and its digital content. Its transparency website has a statement of accessibility.
- In January 2019, the Federal Telecommunications Institute (IFT) issued its first report on accessibility and telecommunications³⁴. The document describes the progress made by telecomm companies in implementing international accessibility standards³⁵.
- The General Director's Office for Computer Science, Information Technologies and Communication of the National Autonomous University of Mexico created the Web Accessibility Lab. The lab offers training in accessibility to programmers, designers and content creators.

PENDING ISSUES

- A strategy or program is still missing to incentivize training in the international accessibility criteria WCAG 2.1 among public officials who develop websites, apps, and digital content. Likewise, procurement officials responsible for purchasing information and communication technologies are not trained to do so according to NMX-R-099-SCFI-2018 standards.
- In spite of scattered efforts, there is no national program to train persons with disabilities in digital skills.
- There are not any institutional mechanisms to measure progress in terms of accessibility.
- A follow-up strategy is missing, mainly due to the change of administration. Similarly, there is not a monitoring department nor a timeline to implement and comply with applicable standards.
- A catalogue of public websites does not exist, and neither is there an official record to track progress in terms of digital accessibility.

RECOMMENDATIONS

- Legislation should be standardized, especially at state level, to explicitly foresee the need for accessibility in websites, platforms, apps, and digital content. The definition of digital accessibility should be standardized as well.
- Official Mexican Standard NMX R-099-SCFI-2018 should become a federal law to force the public sector to meet accessibility requirements when purchasing information and communication technologies.
- Lawmakers should modify public tender laws to have public institutions include accessibility requirements in their tenders for ICT products and services.

²⁷For more information, read the report [Smart Cities for All, G3ict](#)

²⁸NMX Standard 025

²⁹NMX-R-099

³⁰This analysis was based on a tool developed by HearColors to automatically evaluate a website's A-level accessibility rate according to the Web Content Accessibility Guidelines (WCAG 2.0.)

³¹[Guía para la inclusión de personas con discapacidad, SCJN](#)

³²[Go to the CEIGB website](#)

³³[Zero Project 2019](#)

³⁴[Primer informe de accesibilidad a los servicios de telecomunicaciones del Instituto Federal de Telecomunicaciones](#)

³⁵Although companies are not legally bound to be accessible, the report shows that accessibility is considerably permeating the financial sector.

- The Inter-Ministerial Committee on Accessibility should define what institution will be responsible for following up on the implementation of accessible public websites and apps³⁶, what methodology to use to track progress and meet timelines, as well as what the consequences of non-compliance are. The Committee will have the participation of the Ministry of the Interior (SEGOB), the Ministry of Communications and Transportation (SCT), the Federal Telecommunications Institute (IFT), the Federal Commission for Economic Competitiveness (COFECCE), and the Ministry of Public Administration (SFP.)
- The National Accessibility Program should be bolstered between IFT, SCT, and CONADIS. It should consider the development of digital skills among persons with disabilities, an awareness campaign about the role of accessibility in ICTs, and the advantages of accessible websites, apps, and digital content.
- SFP should provide a training program for public digital content creators and developers to know and apply accessibility criteria³⁷.
- Mechanisms should be created to have public universities include digital accessibility as an essential part of the curriculum of programs related to the digital economy.

IV. Situations of risk and humanitarian emergencies COAMEX -The Teleton Foundation

BACKGROUND

- Mexico is permanently prone to damage, mainly material and human losses, caused by natural and human disasters due to its geographical location.
- Important events in the past include the eruption of the Chichonal volcano in 1982, the constant activity the Popocatepetl volcano has had since 1994³⁸, the 1985 and 2017 earthquakes, an increase in seismic activity between 2018 and 2019, hurricanes in the Pacific and the Caribbean, and flooding caused by torrential rains and storms, all of which affect rural and urban communities across the country. Therefore, the government has implemented measures to respond to these potentially destructive phenomena.
- Mexico is located in the most active seismic zone in the world: The Pacific Ring of Fire, where 80% of the world's seismic and volcanic activity takes place^{39, 40}.
- According to data from the National Disaster Prevention Center (CENAPRED), one third⁴¹ of the Mexican population is exposed to great magnitude earthquakes with potential for significant damage⁴².
- On September 19th, 2017, 32 years after the 1985 earthquake, a 7.1 magnitude earthquake occurred^{43,44} causing serious damage in Mexico City, Puebla, Morelos, the State of Mexico, Guerrero, Oaxaca, and Chiapas.
- Much as the Mexican government has made strides in terms of civil protection regulations and programs resulting from the 1985 earthquake in Mexico City, there is still a shortage of specific prevention and assistance protocols for persons with disabilities. In this regard, reactive measures were taken in 2017, despite the fact that the CRPD Committee⁴⁵ had issued specific recommendations about disaster management since 2014^{46, 47, 48}.
- In terms of humanitarian emergencies, the number of Central Americans moving through Mexico increased between October 2018 and February 2019, with at least 5 migrant caravans coming from Guatemala, Honduras and El Salvador. An estimated 12,500 displaced people participated in the caravans, including thousands in need for protection⁴⁹, such as persons with disabilities^{50, 51, 52, 53}.

³⁶ Across all levels of government, including the legislative and the judicial powers.

³⁷ This can be boosted by promoting and validating international certifications such as those of the International Association of Accessibility Professionals (IAAP), as well as to adapt them to create national certifications.

³⁸ <http://www.cenapred.gob.mx/es/Publicaciones/archivos/225-HISTORIADELAACTIVIDADDELVOLCANPOPOCATPETL-17AOSDEERUPCIONES.PDF>

³⁹ This activity is mainly caused by the movement of four tectonic plates: the North American, Cocos, Rivera and Pacific plates.

⁴⁰ This is the reason for constant earthquakes in the Pacific coastal states of Guerrero, Michoacán, Oaxaca, Colima, Jalisco and Chiapas, and to a lesser degree in the State of Mexico, Puebla, Veracruz and Mexico City: <https://www.sgm.gob.mx/Web/MuseoVirtual/Riesgos-geologicos/Sismologia-de-Mexico.html>

⁴¹ - 39 million people

⁴² <http://cenapred.gob.mx/es/Publicaciones/archivos/163-FASCCULOSISMOS.PDF>

⁴³ The epicenter was located 120 km away from Mexico City.

⁴⁴ <http://ciencia.unam.mx/leer/652/-que-ocurrio-el-19-de-septiembre-de-2017-en-mexico->

⁴⁵ CRPD (2014). "Observaciones finales sobre el informe inicial de México". Paragraph 22, sections a, b, and c.

⁴⁶ Official Mexican Standard NOM-008-SEGOB-2015 "Personas con discapacidad. - Acciones de prevención y condiciones de seguridad en materia de protección civil situación de emergencia o desastre"

⁴⁷ Only 27% of working persons with disabilities have medical insurance, and therefore their quality of life is more likely to be affected after an emergency if they do not receive medical aid. CONAPRED (2018), based on the National Survey on Disability (ENADIS) 2017: "Recomendaciones básicas para interactuar con personas con discapacidad en caso de sismo", pg.4. Available online at: https://www.conapred.org.mx/userfiles/files/Lineamientos_SISMO_PORTADA.pdf

⁴⁸ 35% of the population with disabilities age 12 or older have been denied information about one or more public services in the past year, including inclusive prevention emergency action protocols. See: CONAPRED (2018), "Recomendaciones básicas para interactuar con personas con discapacidad en caso de sismo", pg.4. Available online at: https://www.conapred.org.mx/userfiles/files/Lineamientos_SISMO_PORTADA.pdf

⁴⁹ The needs of these groups included humanitarian, psychological, and medical assistance due to physical and mental strain, health conditions, and exhaustion, as well as international protection.

⁵⁰ Other priority groups included children, adolescents, families, pregnant women, elderly persons, persons with disabilities, journalists, LGBTTI community members, victims of persecution, sexual and gender violence survivors, and human rights defenders.

⁵¹ Colectivo de Observación y Monitoreo de Derechos Humanos en el Sureste Mexicano (2019). Informe del Monitoreo de Derechos Humanos del Éxodo Centroamericano en el Sureste Mexicano: Octubre 2018-Febrero 2019. Available online at: https://vocesmesoamericanas.org/wp-content/uploads/2019/05/InformeExodo_Final-web.pdf

⁵² Animal Político. Dos caravanas con más de 5 mil migrantes avanzan por México rumbo a EU; CDMX vuelve a preparar albergue. Published on February 5th, 2019 on <https://www.animalpolitico.com/2019/02/caravanas-migrantes-mexico-eu/>. Accessed on May 14th, 2019.

⁵³ Forced and massive displacement of Central Americans and their transit through Mexico is considered a humanitarian emergency due to its structural causes, including: (1) generalized insecurity and violence in their communities of origin, (2) organized criminal activity (proliferation of gangs and maras), (3) exclusionary public policies and (4) scarce employment opportunities. National Forum for Migration in Honduras (FONAMIH). Press release during the Honduran migrant caravan. Published on October 15th on https://docs.wixstatic.com/ugd/5afd94_96a1d04176d543a79ebf443b97292b01.pdf

STEPS FORWARD

- Publication of Official Mexican Standard NOM-008-SEGOB-2015 about persons with disabilities, civil protection, prevention and security during disasters or emergencies.
- With the participation of CONADIS and INDISCAPACIDAD-CDMX a session called "Civil Protection: Preventive Actions and Security Measures for the Inclusion of Persons with Disabilities" was incorporated into the 2018 On-Site Training Program for Civil Protection Officials in order to raise awareness about the implementation of Official Mexican Standard NOM-008-SEGOB-2015. Training was provided to 111 public officials from the three levels of government⁵⁴.
- Publication of the Mexican Official Standard NOM-034-STPS-2016 on workplace security, access, and tasks for persons with disabilities. The standard foresees that an emergency assistance plan and an evacuation procedure for workers with disabilities should be in place.⁵⁵
- The Mexico City government issued in 2015 *Guía General de Prevención y Preparación en Situaciones de Emergencia para las Personas con Discapacidad* (General Guide on Emergency Prevention and Preparedness for Persons with Disabilities.) Its implementation is currently in progress.
- CENAPRED published on February 2017 *Guía General de Prevención y Preparación de Emergencia para las Personas con Discapacidad* (General Guide on Emergency Prevention and Preparedness for Persons with Disabilities), a document that included what to do before, during, and after a risk situation or disaster, and recognizes the importance of having accessible spaces⁵⁶.
- The National Human Rights Commission (CNDH) issued in 2018 *Guía con Recomendaciones para Considerar a las Personas con Discapacidad en Protocolos de Protección Civil* (Guide and Recommendations to include Persons with Disabilities in Civil Protection Protocols.) The guide includes a specific section about how to create a personal evacuation plan in case of emergency⁵⁷.
- The Mexico City Ministry of Risk Management and Civil Protection (SGIRPC) issued in 2018 *Guía Rápida de Prevención y Preparación en Situaciones de Emergencia para las Personas con Discapacidad* (The Quick Guide on Emergency Prevention and Preparedness for Persons with Disabilities.)⁵⁸
- CONAPRED, in partnership with the Ministry of the Interior (SEGOB) and the Mexican Red Cross published in 2018 *Recomendaciones básicas para interactuar con personas con discapacidad en caso de sismo* (Basic Recommendations to interact with Persons with Disabilities in Case of Earthquake) with advice about what to do before, during, or after an earthquake⁵⁹.

PENDING ISSUES

- State governments have not adopted federal laws and regulations about civil protection and assistance for persons with disabilities.
- A national program to assist persons with disabilities during risk situations and humanitarian emergencies is still missing, although many PWD collectives and representing organizations have stressed its importance.
- The 2014-2018 National Civil Protection Program lacks specific measures for this population⁶⁰.
- Consultation processes have not been developed to allow persons with disabilities and other priority groups to create guides, procedures and official standards about civil protection or natural disasters.
- There are scattered initiatives from multiple government bodies (SEGOB, CONAPRED, CNDH, and the Mexico City government), for which there is no consensus among public entities, civil society, and persons with disabilities.
- Government-led proposals and actions only address earthquakes, but specific measures for other natural disasters are not foreseen.
- Existing provisions focus on how to assist persons with physical and visual disabilities, but not others such as hearing, psychosocial and intellectual disabilities. Moreover, most measures are reactive since they resulted from the 2017 earthquakes.
- Information about alert and protection systems, appropriate and accessible shelters and refuges, as well as public emergency services is still unavailable in accessible formats and has not been translated into indigenous languages⁶¹.
- According to ENADIS 2017, having information about civil protection exclusively in written format is discriminatory since 1/5 persons with disabilities between ages 15 and 59 cannot read nor write⁶².
- CENAPRED has reported the absence of a specific assistance protocol for persons with disabilities. There are no records of a strategy to allow civil society organizations and persons with disabilities to participate in the creation of civil protection strategies⁶³.
- According to the Commission to Rebuild, Recover and Transform Mexico City (CRRTCDMX), after the 2017 earthquakes⁶⁴:
 1. There are no records about how many damaged buildings were inhabited by persons with disabilities, nor how many people acquired a disability as a result of the earthquakes. When asked, the government declared that if this information were collected, it would have to be analyzed, and their staff is too limited to perform this task⁶⁵.

⁵⁴ National Disaster Prevention Center (CENAPRED). Response to the request for public information no. 0413000015618, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

⁵⁵Workplaces with more than 50 employees. CNDH (2018). *Guía con Recomendaciones para Considerar a las Personas con Discapacidad en Protocolos de Protección Civil*.

⁵⁶<https://www.gob.mx/cenapred/documentos/guia-general-de-prevencion-y-preparacion-en-situaciones-de-emergencia-para-las-personas-con-discapacidad>

⁵⁷ http://appweb.cndh.org.mx/biblioteca/archivos/pdfs/01_Guia_DISCA_v_sept2018.pdf

⁵⁸ SPCCDMX (2018.) *Guía Rápida de Prevención y Preparación en Situaciones de Emergencia para las Personas con Discapacidad*. Available online at: <http://data.indepedi.cdmx.gob.mx/documentos/Guia-rapida.pdf>

⁵⁹ https://www.conapred.org.mx/userfiles/files/Lineamientos_SISMO_PORTADA.pdf

⁶⁰This happens despite the fact that the program recognized that civil protection has not been promoted enough by the government to reach communities with less than 2,000 inhabitants, indigenous communities, or persons that face communicational barriers associated to a disability. Programa Nacional de Protección Civil 2014-2018. Published on April 30th, 2014 on http://www.dof.gob.mx/nota_detalle.php?codigo=5343076&fecha=30/04/2014

⁶¹ CRPD/C/MEX/CO/1. Committee's recommendation no. 22, issued in 2014 as part of the final observations about Mexico's initial report.

⁶²CONAPRED (2018), based on the National Survey on Disability (ENADIS) 2017. "Recomendaciones básicas para interactuar con personas con discapacidad en caso de sismo", pg.4. Available online at: https://www.conapred.org.mx/userfiles/files/Lineamientos_SISMO_PORTADA.pdf

⁶³ National Disaster Prevention Center (CENAPRED). Response to the request for public information no. 0413000015618, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

⁶⁴Commission to Rebuild, Recover and Transform Mexico City. Response to the request for public information no. 0117000052018, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

2. No records were found about specific benefits or grants given to persons with disabilities⁶⁶.

- The Ministry of Social Development (SEDES) of Mexico City reported after the 2017 earthquakes that it cannot provide the information described above since they only issue a damage report with the number of victims classified by socioeconomic status⁶⁷.

- An efficient government strategy is missing to address human mobility comprehensively and recognize it as a humanitarian emergency. Additionally, there is lack of architectural accessibility at the National Migration Institute's offices and migrant detention centers, and information and communications about migration procedures are not accessible either⁶⁸. Similarly, specific assistance protocols for migrants with disabilities are missing, as well as training for immigration officials.

RECOMMENDATIONS

- A national program to assist persons with disabilities during risk situations and humanitarian emergencies should be implemented based on the principles of inclusion, accessibility, and human rights.
- Consultation processes should be made available to persons with disabilities and their representing organizations to design, implement, and evaluate civil protection strategies and programs across the three levels of government.
- An official guide should be issued to assist persons with disabilities in case of emergency and/or disasters in every state, especially in those that are at highest risk of natural or humanitarian disasters (like in the southern and south-eastern regions.)
- Every civil protection program should have emergency and evacuation protocols to assist persons with all forms of disability.
- A network of accessible spaces should be created to give shelter, ensure safety, and facilitate mobility for persons with disabilities after an emergency or catastrophe, including urban and rural areas, indigenous communities, and other remote and inaccessible locations.
- Training for civil protection staff should include how to properly treat persons with disabilities⁶⁹. Disability-sensitive training should be mandatory for first-responders and volunteers to certify themselves.⁷⁰
- Risk prevention campaigns should be developed with lines of action that specifically target persons with disabilities.
- Awareness should be raised about the fact that persons with disabilities can provide support during specific emergencies⁷¹.
- Training strategies should be bolstered to develop personal emergency evacuation plans (PEEP), emphasizing the need to identify those who need most help, including persons with disabilities visiting a public or government building⁷².
- Communication strategies should be further developed to allow persons with disabilities to communicate their needs in case digital interfaces or apps such as readers, keyboards, or note-takers, operate incorrectly or if there are issues when downloading.
- Public and government buildings should be accessible for persons with all kinds of disabilities. They should focus especially on facilitating evacuation for everyone, eliminating physical obstacles in evacuation routes.
- Civil protection signs and notices should be available in alternative formats⁷³.
- Awareness should be raised about the fact that the integrity of persons with and without disabilities -especially in the aftermath of an emergency- includes their emotional and mental health.
- Action should be taken about human mobility, recognizing it as a type of humanitarian emergency and considering persons with disabilities in the context of migration.

V. Legal Capacity of Persons with Disabilities

COAMEX - Colectivo PAIDEIA

BACKGROUND

The denial of the legal capacity of certain groups of the population motivated by age, living or health conditions or by presenting some type of limitation - among which persons with disabilities are included - prevails in the Mexican legislation. Persons with disabilities continue to be subject to legal representation or guardianship of a third party.

When ratifying the CRPD, Mexico submitted a reservation to Article 12 - delaying its proper implementation. It was until January 3rd, 2012 that CSOs, by means of their pressure, successfully eliminated such reservation. Only 7 years ago, persons with disabilities were recognized as persons before the law.

Restricting persons with disabilities' legal capacity limits their equal recognition before the law and prevents them from defending themselves and from exercising other rights, as they are not legally allowed to sign contracts, get insured, vote, get married, apply for a credit, give consent for a medical treatment, care for their children, among many others.

Given that each State currently has one Family or Civil Code (32 laws), there are several stances and approaches on the exercise of persons with disabilities' rights. In some cases, a biological-legal approach is still used where a physician is to determine the person's "ability" or "disability". The disability - total or partial - by "dementia" or "functional decline" is also expressly set forth to those people who, due to a "mental illness", do not have the ability to behave or manage their wealth. On the other hand, people with hearing impairment⁷⁴ or people unable to understand facts are

⁶⁶Commission to Rebuild, Recover and Transform Mexico City. Response to the request for public information no. 0117000052018, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

⁶⁸Commission to Rebuild, Recover and Transform Mexico City. Response to the request for public information no. 0117000052018, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

⁶⁷ Ministry of Social Development (SEDES) of Mexico City. Response to the request for public information no. 0104000143918, received through the National Transparency Platform of the National Institute on Information Access and Data Protection (INAI.)

⁶⁸Likewise, information about rights and legal processes is not shared in accessible formats, which adds to the lack of Mexican Sign Language and indigenous language interpreters.

⁶⁹In other words, they should use appropriate language, engage beneficiaries rather than impose measures, make reasonable changes if appropriate, and protect the person's dignity and integrity based on the principles of inclusion, gender- and age-sensitivity, and human rights.

⁷⁰ CRPD/C/MEX/CO/1. Committee's recommendation no. 22, issued in 2014 as part of the final observations about Mexico's initial report.

⁷¹ For example, persons with visual disability can serve as guides in dark places.

⁷² CNDH (2018.) Guía con Recomendaciones para Considerar a las Personas con Discapacidad en Protocolos de Protección Civil.

⁷³For example, there should be visual alarms and vibrating devices.

⁷⁴ who, in some codes, are still referred to with pejorative terms such as deaf-mute.

equally “disabled” under such argument; this shows the incorrect, pejorative, and discriminatory language broadly used in these regulations, contrary to the CRPD provisions. In addition, courts of Justice and governmental entities are clearly oblivious of the support mechanism or safeguards that have been put in place for the exercise of their legal capacity. All the above allows to demonstrate that the will of persons with disabilities is substituted since they are still interdicted – given their condition –, appointing a tutor or guardian acting on their behalf, robbing them their autonomy and independence.

STEPS FORWARD

-From 2013 to date, subject-related significant instances have been judicially debated at the SCJN, issuing over 15 jurisprudential theses and two case-laws, which are binding for local justice providers. In the first case resolved in October 2013, 13 guidelines were set for their consideration in the administration of justice – within Family Law –, with which the status of interdiction was tried to be made compatible with the supported decision-making with safeguards set by the CRPD. Despite interdiction status being valid, that can sometimes be accompanied by support systems, progress lies in opening debate about a long-time unattended matter, setting the standard for following steps forward.

-In 2015 Coahuila removed interdiction status from its Family legislation. To that effect, it established that persons of legal age “with deficiencies in their faculties or bodily structures” who have significant disadvantage to exercise their rights – expressing their opinion, for instance – will be provided with assistance or a tutor, established by a judge.

-That same year, Oaxaca tried to recognize the legal capacity of persons with disabilities of all ages; however, the State Executive branch did not approve the initiative arguing that in Mexico girls, boys and adolescents do not have legal capacity until attaining the age of majority (18 years), but it is willing to continue moving forward in the debate.

-In 2018 the legal capacity of persons with disabilities was recognized in the latest Political Constitution of Mexico City and it states in article 11, numeral 2, that a safeguards system and supported decision-making should be put in place, respecting their will. These prerogatives must therefore be guaranteed in the Civil Code by 2019 and interdiction trials will cease to be processed in Family courts in order to implement a supported decision-making, according to the conditions and circumstances of each person.

-Recently, in March 2019, a new discussion emerged at the SCJN in which the status of interdiction was declared unconstitutional and unconventional. This is only in Mexico City and does not refer to the supported decision-making to exercise the legal capacity.

-This is currently a widespread matter in several debates and analyses at the Federal Congress and at many local Congresses with the objective of promoting legislative reforms, without any concrete proposal so far.

PENDING ISSUES

-The standardization of current Family and Civil legislation is pending to recognize that persons with disabilities have legal capacity.

-A lack of knowledge about the supported decision-making and about the role or responsibility of entities remains.

-PWDs’ families or caregivers remain fully responsible and in charge of them.

-Justice providers have received little training on the rights of persons with disabilities, the supported decision-making, and on advanced directive systems.

RECOMMENDATIONS

- Fully address the provisions of Article 12 of the CRPD, making a clear difference between supported decision-making and assistance services avoiding inaccurate or biased interpretations.
- A working group composed of multi-disciplinary professionals, relatives and persons with disabilities – particularly intellectual and psychosocial – shall be promoted to define a comprehensive system for decision-making and to solve the dichotomy between the capacity to enjoy and the capacity to exercise. Intergovernmental, intersectoral, and interdisciplinary collaborative networks⁷⁵ should also be promoted for the regulation to be reviewed and for legislative changes to be presented.
- Mechanisms for regulatory review in which legal capacity is limited should be bolstered in order to present legislative reform bills at the federal and state levels.
- Every legal clause stating that specific (personal, property, contractual, commercial, family, political, health, jurisdictional, etc.) rights are not accessible to persons with disabilities given their condition should be reformed not to prevent them from enjoying such rights or not to appoint a guardian to exercise them on their behalf. A statutory provision should instead provide PWDs with the possibility of exercising their capacity freely.
- Legal mechanisms that, on the grounds of a disability, allow for hospitalization or tests to be made against persons with disabilities’ own will, allegedly safeguarding their decision-making, should be completely removed.
- Persons with disabilities cannot be subject to prosecution under the “unenforceability” concept, which is automatically and immediately applied to them. Causation should be overhauled for exclusionary criminal liability to be given to those persons that, when committing a crime, did not comply with the necessary subjective elements of criminal liability.
- Supported decision-making or the implementation of systems that in turn represent an overload on the functions carried out by persons with disabilities should in no case be considered reasonable accommodation.
- Persons with disabilities and organizations working for PWDs should be addressed, through established mechanisms, to take part in drafting and enforcing legislation pertaining to them within a formal, broad, transparent, and democratic framework.
- Provisions preventing persons from starting a family, due to a disability, should be repealed.
- Alternative mechanisms to interdiction trials and legal custody systems should be upheld to step away from the medical and guardianship view attributed to disabilities. In certain cases, such provisions could be removed in order to promote legal mechanisms that will ensure supported decision-making.

⁷⁵ with a human-rights based approach, composed by independent experts, civil society organizations, public servants, autonomous human rights bodies, universities, and legal operators, who are also provided with logistic and financial support from the State.

- Interdiction trial paperwork should lower gradually until its potential demise. It should only be promoted in specific or isolated cases, at best.
- The presumption that every person enjoys legal capacity must be respected, that is: decisions made by a person with disabilities should be valid, even if he/she requires assistance to exercise his/her legal capacity on an equal basis with others.
- Safeguards provided shall ensure that support mechanisms respect the will and preferences of the person, and are proportional to the person's circumstances, and subject to control by a competent, independent and impartial authority or judicial body.
- Supported decision-making criteria and principles shall be legally laid down, ensuring their reliability, respecting the wishes and preferences of a person. These principles shall be subject to regular review by a competent, independent authority to protect against abuse of these support mechanisms.
- State-level or community-level support systems shall be implemented, particularly in those cases where people with disabilities lack trust networks, as well as safeguards to prevent abuse.
- Public bodies' role intervening in acts carried out by persons with disabilities shall be reformed to step away from the guardianship criteria and into supporting the full exercise of PWDs' legal capacity, by providing the necessary support.
- Nullifications legal system must be overhauled not to invalidate beforehand acts later performed by PWDs on their own.
- If necessary, general rules of vices of consent of a legal act (error, malice, violence, injury) should be reformed, in order to ensure the possibility that PWDs may use them willingly, propounding related nullifications relevant to unfair situations, on an equal basis with others, safeguarding the rights of co-contractors and bona fide third parties.
- Judges, notaries, and public servants providing legal and/or medical assistance should receive training on supported decision-making related cases.
- Striving to have support systems professionals and experts, provided by public entities.

VI. Inclusion in higher education

Committee on Assistance to Persons with Disabilities at the National Autonomous University of Mexico (CADUNAM)

BACKGROUND

CADUNAM⁷⁶ originated in 2004 as a student movement in which students and scholars with and without disabilities, researchers, and administrative staff and CSO representatives joined efforts to promote, recognize, respect, and defend human rights, particularly those of people who face barriers to inclusion. CADUNAM adopted the CRPD as its political and regulatory framework, assuming the commitment to eliminate prejudice and discrimination, turning all sectors of the university environment into inclusive spaces, promoting accessibility, and actively taking part in the university's substantive functions: **Teaching, Research, Community-University Engagement, and Community Service.**

Despite the presence of students with disabilities in various university programs⁷⁷, some eventually drop out due to physical, administrative, teaching, and communicational barriers, as well as inappropriate behavior from students and staff. Even if disaggregated data is unavailable, Mexican universities have increasingly cared about fostering inclusion for persons with disabilities. Yet, many initiatives lack clear methodologies, protocols, and objectives, as well as solid short-, medium-, and long-term work plans, turning their efforts into fleeting good intentions that do not translate into institutionalized practices.

In the past 5 years, UNAM has particularly taken steps towards increasing the number of enrolled students and improving assistance to students with disabilities. However, its decision-making bodies are still unaware of how to implement the CRPD, bringing to light issues such as weakly coordinated programs, poor communication, internal structural barriers, and unawareness about student needs, all of which result in duplicated efforts, and the absence of a clear route towards the creation of institutional policies. According to undergraduate and graduate students⁷⁸, the main barrier students face at school is inaccessible infrastructure, limiting movement on campus and in classrooms. Additionally, there are social and cultural barriers resulting from unawareness about the rights of persons with disabilities. Examples of this include the disproportionate workload students with psychosocial disabilities have because reasonable adjustments are not made for them, and the absence of Mexican Sign Language interpreters, to name a few.

With regards to research, there is scattered information about disability-related measures undertaken by UNAM, findings still focus on meeting immediate needs, rather than addressing root causes, and comprehensive, disability-specific measures are still missing⁷⁹. Yet, despite the lack of a clear institutional policy, noteworthy progress has been made, as described in the following section.

STEPS FORWARD

- CADUNAM was created in 2004 to further actions towards the inclusion of persons with disabilities, promoting equal opportunities that translate into changes at the cultural, political, and institutional levels.
- In terms of accessibility, books and school materials have been created in and adapted into accessible formats in partnership with the Network for the Inclusion of Persons with Visual Disability (RIPDV), and the World Intellectual Property Organization's Accessible Books Consortium (WIPO ABC). An agreement has been reached with the university's parking areas to ensure accessibility on campus.
- Reasonable adjustments have been made to student services for persons with disabilities, university staff have been trained in human rights and non-discrimination, and students with disabilities now receive assistance and counsel to learn how to individually promote and exercise their rights.

⁷⁶ CADUNAM is located on the ground floor of the School of Philosophy and Literature and has extended its collaborative network to other university departments, such as the schools of Architecture, Social Work, Engineering, Law, Political and Social Sciences, Psychology, and the General Director's Office for Computer Science and Information and Communication Technologies (DGTIC), among other university bodies.

⁷⁷ Figures in this regard are unavailable.

⁷⁸ For more information about the survey questionnaire for university students, see appendix 5.

⁷⁹ Broga y Rosales (2013). *Diagnóstico del estado que guarda la atención a la temática de la discapacidad en la Universidad Nacional Autónoma de México, desde la perspectiva de derechos humanos.*

- Training in inclusion has been provided to both internal staff, and public and private institutions, companies, organizations, and educational centers. Similarly, many have been trained to become experts in diversity. Moreover, the Pedagogy program now has on-site courses about inclusion, while teachers and administrative staff can take online courses. Both courses were designed and implemented by UNAM.

- Awareness campaigns about the rights of persons with disabilities, and seminars about disability and higher education have been organized in partnership with the Research Institute about University Affairs and Education (IISUE). UNAM has also designed and implemented the Inclusion and Disability Fair, an event held 8 times per year.

- UNAM has promoted inter-institutional cooperation to perform actions in favor of inclusion at the secondary and higher education levels. It has also boosted inclusion-related research projects and lines of work.

- Since 2016, UNAM, along with public and private higher education schools⁸⁰, has furthered the creation of the Mexican Network of Higher Education Institutions for the Inclusion of Persons with Disabilities (RIDES-Mx.)

Among survey participants (undergraduate and graduate students), 80% think their university studies have helped them reach their personal and professional objectives. This is mainly due to the fact that they consider higher education a means towards becoming more knowledgeable about their rights, having access to international mobility, developing theoretical and practical job skills as well as skills to pursue their studies further, and developing competitiveness, confidence, and self-esteem. The remaining 20% said that, in spite of higher education, disability limits their social mobility. Progress has also been made with regards to the Admission Test for Higher Education Institutions in Mexico City's Metropolitan Area (COMIPEMS), the test that allows Mexican students to enroll at UNAM or UNAM's National High School System (ENP). The creation of UNAM's Student Services Unit for Persons with Disabilities (UNAPDI) is also a step forward⁸¹. These measures have translated into increased awareness across UNAM and ENP, teachers and scholars, administrative staff, and the student community about inclusive education and the rights of students with disabilities. On the other hand, workshops, conferences, seminars, and discussion panels have been organized to discuss disability from a comprehensive standpoint. Additionally, English lessons are also offered in Mexican Sign Language. Overall, the number of graduate students with disabilities has increased for on-site, online, and mixed university programs.

PENDING ISSUES

Universities should ensure equal opportunities for persons with disabilities to enroll and complete their professional studies, as well as to find a dignified job. Students believe administrative and teaching staff still lack training in how to perform reasonable adjustments when necessary. There is also lack of funding and university policies to foster the inclusion of PWD into the student community. Similarly, study plans, and cultural, sports, and leisure activities are inaccessible, as well as mechanisms to identify needs among students with disabilities, and counselling opportunities for students with disabilities to know how to apply for grants or other forms of support, such as Mexican Sign Language interpreters.

RECOMMENDATIONS

- From a general educational standpoint, universities must be familiar with participation and inclusion criteria and implement them based on the UN Committee on the Rights of Persons with Disabilities' General Observation no. 4 (November 2016) on the right to inclusive education.
- A culture of disability based on the principles of human rights should be created among university staff and students.
- Awareness should be raised regarding the needs of persons with disabilities.
- Accessibility should be a principle and a right, based on the Universal Design approach.
- In the short-term, there should be a survey about how many UNAM students, teachers, researchers, and other staff members have a disability.
- The Headmaster's Office should show political will and commitment towards allocating resources from the yearly budget to cross-cutting inclusion- and disability-specific- actions.
- Persons with disabilities should be directly involved in plans, programs, policies, and actions to create true inclusion among the university's community.
- Rules and regulations, customs, and practices that discriminate against diversity should be abrogated. Formal complaints systems should also be implemented for cases where the rights of persons with disabilities are violated.
- Human rights, disability, inclusion, non-discrimination and diversity should be mandatory subjects across all study plans.
- Teachers should be trained in how to teach students with disabilities and ensure their inclusion.
- Flexible and alternative educational strategies and methods should be developed. Progress should be measured according to an individual scale.
- Accessible materials should be available for every program and every student. Students should also learn about ICTs and how to use them.
- Teaching and administrative staff should learn about national and international instruments on the rights of persons with disabilities and seek their implementation.
- Disability-related projects and research should be promoted at a national scale.
- As mentioned by our students, political will should be raised among UNAM's authorities to improve student services for persons with disabilities, to join efforts among university departments and bodies (e.g. Schools of Advanced Studies [FES], UNAM's National High-School System [ENP], the School of Natural and Social Sciences [CCH], and all university faculties and divisions), and to follow up on existing initiatives from student and teacher organizations. Persons with disabilities should hold decision-making positions to be able to participate in the planning strategies of disability-sensitive and inclusive spaces, to create an inclusive university policy, and to update disability-related standards to meet the needs of this population. Resources should be specifically allocated to inclusive measures and projects, and be reported with full transparency. Resources should be used to hire Mexican Sign Language (LSM) interpreters, and to provide LSM and Braille System courses and workshops.

⁸⁰These include the co-founding institutions Anáhuac University (UA), the Ibero-American University in Mexico City (IBERO), and Westhill University (UW).

⁸¹For more information about other programs and actions implemented by UNAM, see appendix 5.

VII. Sexual and reproductive rights

Grupo Educativo Interdisciplinario en Sexualidad Humana y Atención a la Discapacidad (GEISHAD) A.C.

BACKGROUND

There is a clear lack of academic and statistic data accounting for how persons with disabilities exercise their sexual and reproductive rights. Groups of persons with disabilities are generally considered a single homogeneous group, thus restricting access to differentiated programs based on gender, special conditions, ways of life, and needs development for them to have comprehensive learning on sexual education and to receive sexual reproductive health care (UAM-UIA, 2017)⁸².

Torices⁸³ (2018), indicates that of a total of 609 persons with (sensory, intellectual, motor, psychosocial, and mixed) disabilities⁸⁴, 237 indicated not experiencing any changes in their sexual activity, 262 indicated an unfavorable change and only 110 indicated a favorable change⁸⁵. Regardless of the disability, the number of persons indicating impacts in their sexuality is greater than the ones that do not.

In the same study, women expressed greater anxiety and shame in their sexual encounters, as well as greater need for information⁸⁶. Persons with motor and sensory disabilities demanded more frequent orientation and educational interventions in the field⁸⁷.

From the data collected can be confirmed that the lack of sex education and special care for persons with disabilities has an impact in their sexual encounters. There are more interferences to their sexuality, their sexual and reproductive rights are violated, and they are more easily exposed to sexual assault and other forms of violence, to unplanned pregnancy and to STDs.

STEPS FORWARD

-The Symposium, Sexual Rights of Persons with Disabilities: Steps forward and Challenges⁸⁸ held in October 2015 by CONADIS, in coordination with GEISHAD, included persons with disabilities, families, and professionals from all Mexican States in – partial – compliance with the *Programa Nacional para el Desarrollo y la Inclusión de las Personas con Discapacidad 2013-2018* (National Program for the Development and Inclusion of Persons with Disabilities 2013-2018)⁸⁹, on sexual and reproductive health.

-The Assistance Program for the Disruption of Students' Integrity, driven by the Normal School of Specialization in October 2016 seeks to prevent, identify, and address abuse and violence in school campuses for the safeguarding of the physical, psychological and social integrity in student communities. The program is available for students, faculty members, and directors, and it can coordinate with public schools and CSO offering services for PWDs.

- *Cartilla de Derechos Sexuales y Derechos Reproductivos de las Personas con Discapacidad* (The Charter on Sexual and Reproductive Rights of Persons with Disabilities)⁹⁰ was drafted in January 2018 by the National Institute of Women Working Group⁹¹. The Charter was published between October-November that same year. The WG will reconvene in 2019 for the coordination of an agenda to make the Charter more accessible in different versions.

-The National Human Rights Commission (CNDH) issued recommendation 86 /2018⁹², which includes claims made by families of minors with disabilities⁹³, ⁹⁴ in December 2018.

-In Article 6 of the Political Constitution of Mexico City (*Constitución Política de la Ciudad de México*⁹⁵), appear two sections referring to citizens Sexual and Reproductive Rights. Despite not making explicit reference to persons with disabilities, the document is a watershed in the recognition of sexuality as a human right. Article 11 includes a section on the Rights of Persons with Disabilities in which the safeguard of their rights and respect for their will is expressly referred to.

⁸² UAM – UIA, (2017). *De cuerpos invisibles y placeres negados*. Invisible bodies and denied pleasures. Mexico: UAM

⁸³ Torices, I. (2018). *Propuesta Nacional de Intervención Educativa en Sexualidad por los Derechos de las Personas con Discapacidad* (National Proposal for Intervention in Sexuality Education for the Rights of Persons with Disabilities (Doctoral Thesis). Mexico, Mexico City: YMCA University

⁸⁴ From 16 states of Mexico, average age 37 years old.

⁸⁵ No significant differences were found among the five groups.

⁸⁶ Emotional factors were present when comparing sex, condition of disability, age and schooling variables. Regardless of being a woman or a man, the condition of disability, age, the number of schooling years, sensitivity and feelings are decisive in the sexual experience of persons with disabilities.

⁸⁷ The groups of persons with motor and mixed disabilities expressed greater need for information on the impact of disability on sexuality, the group of persons with sensory disability demanded more information about communication between couples. The first two groups usually experience a direct impact on their sexuality and multiple indirect impacts that interfere with their sexual experiences. In the case of persons with sensory disabilities, they usually experience a lack of specific material and human resources on sex education, factors that undoubtedly have an impact on their sexual experiences.

⁸⁸ GEISHAD A.C. (2015). *Memorias del simposio derechos sexuales de las personas con discapacidad: avances y retos*. (Memories of the symposium Sexual Rights of Persons with Disabilities: steps forward and challenges). Mexico: GEISHAD A.C.- CONADIS (Unpublished).

⁸⁹ DOF – Ministry of Social Development. (2014). *Programa Nacional para el Desarrollo y la Inclusión de las Personas con Discapacidad* (National Program for the Development and Inclusion of Persons with Disabilities). (Publication DOF 30-04-2014). Mexico: Official Journal of the Federation.

⁹⁰ In collaboration with CSO, public institutions, and decentralized bodies.

⁹¹ INMUJERES. (2018). *Cartilla de derechos sexuales y derechos reproductivos de las personas con discapacidad*. (Charter on Sexual and Reproductive Rights of Persons with Disabilities). Mexico: National Women Institute.

⁹² CNDH. (2018). Recommendation 86/2018 *Sobre los casos de omisión del deber de cuidado y la no observancia del principio del interés superior de la niñez, que derivaron en violaciones a los derechos humanos al trato digno, a una vida libre de violencia, a la integridad y seguridad personal, a la educación y al sano desarrollo integral, en agravio de 20 personas menores de edad (9 niñas, 7 niños y 4 adolescentes), en 10 escuelas de educación básica ubicadas en Hidalgo, Tabasco y la Ciudad de México*. (On the cases of omission of the duty of care and the non-observance of the principle of the best interest of the minor, which resulted in human rights violations to decent treatment, to a life free from violence, to integrity and personal safety, to education and the healthy integral development, in tort of 20 minors (9 girls, 7 boys and 4 teenagers), in 10 basic education schools located in Hidalgo, Tabasco and Mexico City. Mexico: National Human Rights Commission.

⁹³ This recommendation is preceded by General Recommendation 21/2014 *Sobre la prevención, atención y sanción de casos de violencia sexual en contra de las niñas y los niños en Centros Educativos*. (On the prevention, care and punishment of sexual violence cases against girls and boys in Educational Centers.

⁹⁴ In GEISHAD's experience, between 2014 and 2018, of the 960 cases of sexually abused minors with disabilities, 50% of them failed to receive due follow-up from faculty members and school educational authorities who were aware of the crime, as they should have done according to the action protocol. There was no statement of facts, for instance, nor was the legal affairs coordination office from the Ministry of Public Education notified. Families reported that they were not informed about the procedure to be followed by the school and were consequently referred to our association for the sexual care of their daughters and sons.

⁹⁵ Ministry of Health (2014). INM (2017). *Constitución Política de la Ciudad de México*. (Political Constitution of Mexico City) (Publication DOF 05-02-2017). Mexico: Official Journal of the Federation.

-In February 2019 the Bioethics Committee of the Mexico City Ministry of Health called meetings for the creation of a working group to discuss regulations in the health sector and to create assistance protocols according to each disability.

-The Adolescent Pregnancy Prevention Program was launched by the Social Welfare Coordination of IMSS in April 2019. It will include care for persons with disability for the first time and, it is worth noting, that it includes sexual abuse⁹⁶ prevention strategies.

PENDING ISSUES

-Although the General Law on Education⁹⁷ sets forth provisions on the matter⁹⁸ and on the right to a life free from all forms of violence and coercion, educational institutions lack formal sex education programs for girls, boys and adolescents with disabilities; faculty members are not adequately trained, nor do they have accessible orientation material.

-In cases where sexual abuse is committed by educational institutions staff, there is a lack of actions undertaken in accordance with the protocol established in *Guía Operativa para la Organización y Funcionamiento de los Servicios de Educación Inicial, Básica, Especial y para Adultos de Escuelas Públicas de la Ciudad de México*⁹⁹ (Operational Guide for the Organization and Operation of Public Schools Initial, Basic, Special, and Adult Education Services in Mexico City) and in the remaining states of Mexico¹⁰⁰.

-Inappropriate language use and limitations on the exercise of rights prevail in the Federal Civil Code¹⁰¹ (DOF 09-03-2018) since Article 156 refers to incurable impotence for intercourse and incurable and chronic, contagious or hereditary, diseases (Section VIII) as impediments to enter into the marriage contract, the same case applies for disability conditions referred to in Article 450 (Section IX).

Adults with diminished capacity or mental disturbances, even with lucid intervals; and those suffering from any condition caused by persistent illness or a physical, psychological, or sensory deficiency or by addiction to toxic substances such as alcohol, psychotropic drugs or narcotic drugs who cannot govern themselves or express their will by some means (Section II), due to alterations or limitations in their intelligence, are considered naturally or legally disabled as stated in Article 450. It can therefore be interpreted that no person with a disability would be able to join civilly in marriage.

-Compulsory sterilization remains a common practice in minors, including persons with disabilities – particularly women - . It is recommended and performed at Health Public Institutions arguing that it is for sexual abuse pregnancy prevention, as reported by Ortiz, Orihuela and del Toro (2018)^{102, 103}. In the case of men (approximately 5%), vasectomy was performed once they were sexually active. Compulsory sterilization remains in practice even though there are sanctions in place for those who carry it out. Such sanctions are enshrined in the General Law on Health¹⁰⁴ and in the Federal Criminal Code¹⁰⁵, as well as in other legal instruments. Specific provisions related to persons with disabilities are lacking still.

RECOMMENDATIONS

- Legal harmonization and new instruments on sexual and reproductive rights for persons with disabilities should be promoted and designed for advocacy purposes on mandatory public policies for public servants and civilians¹⁰⁶.
- Act in compliance with the LGPD, particularly as referred to in Article 7, Section X¹⁰⁷. The foregoing will contribute to the fulfillment of that is referred to in the general Law on Education in terms of sexual and reproductive rights of students with disabilities at all educational levels.
- Formal comprehensive education programs on sexuality and sexual counselling should be created at CAM, general education schools, and rehab units as part of the education and health **staff professionalization** to offer sexuality orientation, education, and counselling, and even affordable¹⁰⁸ or free-of-charge sexual therapy.
- Public and private institutions working in the promotion of the sexual and reproductive rights stated in the Charter on Sexual and Reproductive Rights of Persons with Disabilities should become more involved, particularly on autonomy, integrity, and a life free from violence with the purpose of carrying out preventive measures against sexual abuse and timely attention for such cases¹⁰⁹.

⁹⁶ for being the most common cause for pregnancies among women with disabilities, and for the high abuse rate against this sector of the population, in comparison with other groups.

⁹⁷ DOF- House of Representatives of the H. Congress of the Union. INM (2017). General Law on Education. (DOF Publication 03-22-2017) Mexico: Official Journal of the Federation.

⁹⁸ Article 7, Section X. states that educational institutions must raise awareness about health preservation, a responsible exercise of sexuality, family planning and responsible parenthood; section XVI of the same article states that educational institutions must carry out educational and preventive actions in order to prevent offences against minors or people lacking the capacity to understand its meaning to resist it

⁹⁹ AEF - SEP. INM (2018). *Guía Operativa para la Organización y Funcionamiento de los Servicios de Educación Inicial, Básica, Especial y para Adultos de Escuelas Públicas de la Ciudad de México 2018-2019* (2018-2019 Operational Guide for the Organization and Operation of Public Schools Initial, Basic, Special, and Adult Education Services in Mexico City). Mexico: Federal Educational Authority in Mexico City.

¹⁰⁰ In addition, families are commonly promoted not to report to competent authorities when children and youth are victims of sexual crimes, restricting them from timely attention. The same happens when there is knowledge that a family member is the perpetrator against the person with a disability.

¹⁰¹ DOF- House of Representatives of the H. Congress of the Union (2018). *Código civil Federal* (Civil Federal Code) (Publication DOF 09-03-2018) Mexico: Official Journal of the Federation.

¹⁰² Ortiz, E., Orihuela, G., del Toro, J.J. (December 4th, 2018, La Verdad, research journalism - El País). *Esterilización de niñas y jóvenes con discapacidad, ¿protección o exposición?* (Sterilization of girls and adolescents with disabilities, protection or exposure?) Source: <https://laverdadjuarez.com/index.php/2018/12/04/2361/>

¹⁰³ Of the 3,500 people with disabilities attending courses and workshops offered by GEISHAD between 2014 and 2018, aged between 7 and 60, 75% said they were sterilized in early puberty, with procedures such as tubal ligation and hysterectomy. Persons with disabilities' families expressed unawareness about regulations on compulsory sterilization and argued that health staff, firstly, and education staff, secondly, were the main "promoters" of this practice. Persons undergoing compulsory sterilization belong mostly in the intellectual and psychosocial disability groups. As a coercive measure, families are advised that in case of not accepting the procedure, pregnancy care for women with disabilities will not be provided, regardless of their age or condition and their ability to freely decide on their body.

¹⁰⁴. DOF- House of Representatives of the H. Congress of the Union. (2017). *Ley General de Salud* (General Law on Health) (Publication DOF 22-06-2017) Mexico: Official Journal of the Federation.

¹⁰⁵ DOF- House of Representatives of the H. Congress of the Union. (2017). *Código Penal Federal* (Federal Criminal Code) (Publication DOF-26-06-2017) Mexico: Official Journal of the Federation.

¹⁰⁶ This requires the participation of all public institutions, so that the argument is not unawareness of the existing guiding documents. A record of transgressions to the current legislation in public and private institutions, and complaint mechanisms for each disability are essential so that the lack of accessibility or support does not become the reason for the silence of those whose rights are violated.

¹⁰⁷ concerning providing sexuality orientation and education to people with disabilities and their families, as well as promoting sexual rehabilitation measures.

¹⁰⁸ **Mexico has two training programs on Disability and Sexuality**, recognized by higher education institutions, offered by non-governmental organizations; however, State Centers for Sexuality Assistance for Persons with Disabilities are essential and should exist in all Mexican States. Therein, specific strategies should be designed for each disability, for addressing their sexual education needs, for counseling and for sex-therapeutic needs.

- Coordination actions should be bolstered between SEP, SNS, CONADIS, CNDH and every governmental entity and decentralized public body leading persons with disabilities-centered programs.

VIII. Multiple disabilities

Perkins International, Asociación Mexicana Anne Sullivan I.A.P. and
Centro Especializado en Múltiple Discapacidad y Sordoceguera (CEMDYS) A.C.

BACKGROUND

Mexico does not have exact statistical information on the number of persons with multiple disabilities¹¹⁰; however, in 2016 SEDESOL indicated that of the 7.7 million people with disabilities, 7.2% have multiple disabilities, that is at least 547,500 persons¹¹¹. In 2018 CONADIS identified 466,178 people with deaf-blindness, of which 78% are over 60 years old¹¹² and the remaining 22% population - about 100,000 people - will require support systems in education, job training and employment.

-Accessibility: (Article 9)

This sector faces barriers in information access due to ignorance - or little use - of Sign Language, Braille and other alternative or augmentative communication systems; there is a lack of interpreters for people with deafblindness and little or no consideration of reasonable adjustments fitting their vision and hearing characteristics, which results in isolation and lack of opportunities.

Persons with multiple disabilities' - partial or total - mobility is restricted due to a lack of physical accessibility. Public transportation lack of access is particularly relevant, since as a result of its inadequacy, it represents an expense three times greater for PWDs' families due to the need to use private means of transportation¹¹³. It is important to underscore that persons living in rural or remote areas are at a greater disadvantage, which limits their timely attention and access to services¹¹⁴.

-Community Inclusion (19)

Given the ongoing support needed, the primary caregiver - usually a family member - must quit his or her job to look after the person with multiple disabilities. Since there are no domestic support and assistance programs, nor are there public services such as day centers or respite houses, families refrain from using community services due to the lack of accessibility and they tend to isolate or exclude themselves. In this sense, social work institutions are the only available options once the caregiver can no longer assist his/her family member¹¹⁵.

-Education: (24)

In ENADID (2014)¹¹⁶ 53% of girls, boys and adolescents with disabilities report school non-attendance. According to SEP statistics, in the 2017-2018 school year, only 7,129 students with multiple disabilities and 378 with deafblindness received assistance in the Multiple Care Centers (CAM)¹¹⁷, which also shows the lack of disaggregated information on those who do not attend school or are enrolled in civil organizations, limiting the creation of public policies that guarantee their rights.

Educational assistance provided in CAMs is very inadequate, due to the lack of knowledge around conditions and the curriculum's little flexibility, which prevents teachers from making highly significant adjustments for them¹¹⁸. On the other hand, professors, psychologists or pedagogues receive no training (from training entities) to identify this group's specific needs, nor do they generate skills to provide PWDs with the support system they require.

-Health (25)

According to ENIGH 2014, there are still 2.2 million homes where persons with disabilities live without access to health services - especially in rural areas¹¹⁹.

In the case of persons with multiple disabilities' health condition, it is important to recognize that the expense families incur in paying for medicines, medical and hospital care increases significantly given the frequent medical assistance and high specialization required.

In the Forum on Persons with Multiple Disabilities, Deafblindness and their Families¹²⁰, parents report inadequate health services (including dental service) and health professionals who are ignorant about their children's needs. According to them, there are few trained and sensitized professionals to provide care with respect to their dignity and considering their sensory and behavioral characteristics.

¹⁰⁸ Regarding the right to decide freely, responsibly and in an informed manner about exercising maternity, paternity, adoption and assisted reproduction, education and health staff training is essential to avoid compulsory sterilization and offer basic sexuality orientation to those who present any condition of disability, providing them with contraceptive methods, maternity and paternity alternatives, and in outside their purview, they should identify specialized institutions for referral purposes.

¹¹⁰ Persons with multiple disabilities, including persons with deafblindness (DM / SC) are defined as those with a combination of disabilities, whether physical, sensory, mental or intellectual. They require intensive and significant systematized support in relation to education, access to information, job inclusion and social life and cultural and social activities.

¹¹¹ SEDESOL. (May 2016). Government of Mexico. Information from the diagnosis on the situation of persons with disabilities: https://www.gob.mx/cms/uploads/attachment/file/126572/Diagn_stico_sobre_la_Situaci_n_de_las_Personas_Con_Discapacidad_Mayo_2016.pdf p. 63

¹¹² CONADIS, C. N. (June 27th, 2018). Government of Mexico. Information from the National Council for the Development and Inclusion of Persons with Disabilities: <https://www.gob.mx/conadis/es/articulos/la-sordoceguera-en-mexico-datos-por-el-27-de-junio-dia-internacional-de-la-sordoceguera?idiom=es>

¹¹³ INEGI (2012) quoted in SEGOB, CONAPRED: ENADID 2017, Factsheet: Persons with disabilities <https://www.conapred.org.mx/userfiles/files/160620%20Ficha%20tem%20a1tica%20-%20Personas%20con%20discapacidad.pdf>

¹¹⁴ CNDH. (2018). CNDH México. Obtenido de CNDH México: <http://informe.cndh.org.mx/menu.aspx?id=30068>

¹¹⁵ This represents a risk situation because there are reports of abuse and torture against those living in these institutions and there are no mechanisms that evaluate the functioning and type of care provided by these institutions throughout the country. International, D. R. (July 22, 2015). www.driadvocacy.org. Information from Sin Justicia Tortura, smuggling and segregation in Mexico: https://www.driadvocacy.org/wp-content/uploads/Sin-Justicia-MexRep_21_Abr_ESPA%20C3%91OL.pdf

¹¹⁶ INEGI. (2016). Disability in Mexico, 2014 data. Mexico

¹¹⁷ SEP, D. G. (May 21st, 2018). *Componente: Educación Especial del Programa de Inclusión y Equidad Educativa (PIEE)* (Component: Special Education of the Inclusion and Educational Equity Program) Mexico.

¹¹⁸ García Cedillo, I., & al, e. (August 30th, 2009). www.redalyc.org. Information from www.redalyc.org/articulo.oa?idp=1&id=44713058015&cid=15916

¹¹⁹ SEDESOL. (May 2016). Government of Mexico. Information from the Diagnosis about the situation of persons with disabilities: https://www.gob.mx/cms/uploads/attachment/file/126572/Diagn_stico_sobre_la_Situaci_n_de_las_Personas_Con_Discapacidad_Mayo_2016.pdf

¹²⁰ Campaña COAMEX, *Consultar para Construir*, (COAMEX Campaign, Consult to build) Mexico City, 2018.

-Work and employment: (27)

After finishing their education studies, most persons with multiple disabilities find no occupational or employment options; they have a limited entry into the labor market due to their condition, as well as the need for generalized or permanent support, coupled with educational lag and lack of job training options.

According to recent publications, 55% of persons with multiple disabilities are estimated to be inactive in the labor market, 33% are in the informal market and only 11% are employed in a formal job¹²¹. (Solís, 2017)

STEPS FORWARD

-In at least 20 states, CAM teachers have been trained to improve the educational quality of this group. There are publications in Aguascalientes and Durango that provide guidance to make reasonable adjustments for students with multiple disabilities.

-Starting the 2017-2018 cycle, Multiple Disability and Deafblindness items were included in the 911 statistics of SEP.

-May 26th, 2018 was declared as the Day of Persons with Multiple Disabilities in Mexico City.

-Government and Civil Society Organizations carry out actions aiming at raising public awareness about persons with multiple disabilities or deafblindness, such as walks, infographics dissemination on public websites, and fora, workshops or conferences on the subject.

PENDING ISSUES

-There is no updated research, nor are there evaluations on how institutions housing persons with multiple disabilities operate.

-There are no programs or services aimed at the population living in rural areas or in areas of difficult access.

-Lack of community services for persons with multiple disabilities and their families.

-Lack of specialized professionals specialized in the care of persons with multiple disabilities.

RECOMMENDATIONS

- Actions for raising awareness on persons with multiple disabilities and their rights to be included in the community should be promoted.
- Official census or surveys should include questions that give room to disaggregated information on this group of the population.
- Primary caregivers¹²² should be recognized and measures for respecting their rights should be promoted.
- Government support for families - including personal assistants for those in need – should be promoted.
- Public and private institutions housing persons with multiple disabilities and deafblindness should be evaluated and supervised.
- Services, programs and centers promoting persons with multiple disabilities' autonomy and their effective participation in the community should be created, in multiple forms of care such as: day centers, respites, and domestic or residential care.
- Timely detection mechanisms for the maximum development of the person with multiple disabilities should be promoted.
- Training for health professionals - including dental health - for proper treatment and timely channeling to services should be strengthened.
- Public servants, teachers and public transport personnel should receive reinforced training to offer the necessary support and decent treatment to persons with multiple disabilities.
- Teacher training programs must include care and support system components for this group of the population.
- Educational and orientation programs for families should be created.
- Health, educational and occupational programs for the population in rural or remote communities should be created.
- Training spaces for job skills development and supported employment should be promoted.

¹²¹ Solís, P. (October 2017). www.conapred.org.mx. Information from Conapred: https://www.conapred.org.mx/documentos_cedoc/Discriminacionestructural%20accs.pdf

¹²² Who are typically women.

BUDGETARY PROGRAMS WITH ANTI-DISCRIMINATION POLICIES WITH COMPONENTS AND/OR SUBCOMPONENTS PERTAINING TO PERSONS WITH DISABILITIES (CCIS)

Budgetary programs with anti-discrimination-based approach rules of operation or guidelines. Its components and/or subcomponents address PWDs.

Programs	Components	Subcomponents
Support for the Protection of Persons in Need	-Support subprogram for persons in need -Project funding subprogram	-Temporary financial direct subsidy -Direct support in kind - Aid for temporary residential care
Community Kitchens	There are no components for this program	There are no subcomponents for this program
Fund for Public Transportation Access for Persons with Disabilities	There are no components for this program	There are no subcomponents for this program
Social Milk Supply Program on behalf of Liconsa, S.A. de C.V.	-Community supply -Agreements with social stakeholders	There are no subcomponents for this program
Assistance Program for Persons with Disabilities	There are no components for this program	There are no subcomponents for this program
Day Care Centers Program to support working mothers	-Support for working mothers and single parents -Promotion of child care and assistance services.	There are no subcomponents for this program
National Scholarship Program (by the Ministry of Public Education)	-Students in poverty and vulnerability	-Scholarship for group members in vulnerable situations and contexts (indigenous people, afro descendants, persons with disabilities, household heads mothers and fathers, young mothers and pregnant youth) to pursue their studies -Maintenance grant
Program for Educational Inclusion and Equity	-Basic type	There are no subcomponents for this program
PROSPERA Social Inclusion Program	-Educational component	-Educational scholarships for Primary and Secondary Education -Support for School Supplies -Support for Higher Education

Source: CCIS (2018), Índice de Discriminación Potencial y Cuenta Pública 2017.

Program budgets with anti-discrimination-based approach rules of operation or guidelines. Its components and/or subcomponents address PWDs.

Program title	Program led by	IDP	2017 Budget Approved	2017 Budget Spent
Support for the Protection of Persons in Need	National System for Integral Family Development	0.45	\$8,780,002.75 USD	\$9,264,996.85 USD
Community Kitchens	Ministry of Social Development	0.48	\$161,808,911.70 USD	\$150,881,809.44 USD
Fund for Public Transportation Access for Persons with Disabilities	Ministry of Finance and Public Credit	0.70	\$23,642,537.53 USD	\$22,234,264.06 USD
Social Milk Supply Program on behalf of Liconsa, S.A. de C.V.	Liconsa	0.36	\$63,604,152.31 USD	\$63,657,043.89 USD
Assistance Program for Persons with Disabilities	National System for Integral Family Development	0.44	\$2,208,717.70 USD	\$8,019,272.06 USD
Day Care Centers Program to support working mothers	Ministry of Social Development and National System for the Integral Family Development	0.33	\$218,078,404.10 USD	\$211,854,016.78 USD
National Scholarship Program	Ministry of Public Education	0.50	\$666,829,487.06 USD	\$410,575,584.33 USD
Program for Educational Inclusion and Equity	Ministry of Public Education	0.41	\$20,276,409.51 USD	\$11,186,488.50 USD
PROSPERA Social Inclusion Program	Ministry of Social Development, Ministry of Public Education and Ministry of Health	0.39	\$4,327,160,783.17 USD	\$4,136,648,665.49 USD

Source: CCIS (2018), Índice de Discriminación Potencial y Cuenta Pública 2017.

AWEB ACCESIBILITY (HEARCOLORS)

Entity	Legislation	Information and communication accessibility	Internet Access and/or accessible websites
Aguascalientes	Law on Social and Productive Integration of Persons with Disabilities	X	NO
Baja California	Law for Persons with Disabilities	X	NO
Baja California Sur	State Law for the Inclusion of Persons with Disabilities	X	NO
Campeche	Comprehensive Law for Persons with Disabilities	X	X
CDMX	Law on Accessibility	X	NO
Chiapas	Law for the Inclusion of Persons with Disabilities	NO	NO
Chihuahua	Law for the Development and Inclusion of Persons with Disabilities	X	NO
Coahuila	Law for the Development and Inclusion of Persons with Disabilities	X	X
Colima	Law on the Social Development and Integration of Persons with Disabilities	NO	X
Durango	State Law on the Social Integration of Persons with Disabilities	X	NO
Estado de México	Law for the Protection, Integration and Development of Persons with Disabilities	X	X
Guanajuato	Law for the Inclusion of Persons with Disabilities	X	NO
Guerrero	Law 817 for Persons with Disabilities	X	NO
Hidalgo	Comprehensive Law for Persons with Disabilities	X	NO
Jalisco	Law for the Comprehensive Development and Inclusion of Persons with Disabilities	NO	NO
Michoacán	Law for the Inclusion of Persons with Disabilities	NO	NO
Morelos	Law on Comprehensive Care for Persons with Disabilities	X	X
Nayarit	Law on Social Integration for Persons with Disabilities	NO	NO
Nuevo León	Law on the Protection of the Rights of Persons with Disabilities	X	NO
Oaxaca	Law on the Rights of Persons with Disabilities	X	X
Puebla	Law for Persons with Disabilities	X	NO
Querétaro	Law for the Inclusion in Social Development of Persons with Disabilities	X	NO
Quintana Roo	Law for the Development and Inclusion of Persons with Disabilities	X	X
San Luis Potosí	Law for the Inclusion of Persons with Disabilities	X	NO
Sinaloa	Law on the Social Integration of Persons with Disabilities	NO	NO
Sonora	Law on the Social Integration of Persons with Disabilities	X	NO
Tabasco	Law on the Rights of Persons with Disabilities	X	NO
Tamaulipas	Law on the Rights of Persons with Disabilities	X	NO
Tlaxcala	Law for Persons with Disabilities	X	X
Veracruz	Law on the Integration of Persons with Disabilities	X	X
Yucatán	Law for the Development and Inclusion of Persons with Disabilities	X	X
Zacatecas	Law for the Inclusion of Persons with Disabilities	X	X

State Digital Accessibility	Data 2015	Data 2019
Aguascalientes	29	47.1
Baja California	44	70.5
Baja California Sur	43	60.8
Campeche	50	50
CDMX	23	56.2
Chiapas	45	45
Chihuahua	40	37
Coahuila	43	43
Colima	38	38
Durango	35	35
Edo. De México	35	35
Guanajuato	32	26.9
Guerrero	42	37
Hidalgo	30	19.1
Jalisco	79	69.4
Michoacán	36	45.5
Morelos	33	79.5
Nayarit	33	30
Nuevo León	40	26.3
Oaxaca	38	77.3
Puebla	88	70.8
Querétaro	36	56.9
Quintana Roo	28	88.1
San Luis Potosí	37	25.5
Sinaloa	33	55.6
Sonora	41	66.2
Tabasco	32	90.1
Tamaulipas	32	75.1
Tlaxcala	25	42.1
Veracruz	36	39.8
Yucatán	58	51.9
Zacatecas	63	38.7

HIGHER EDUCATION (CADUNAM)

Survey questionnaire Experiences of university students and graduates with disabilities from UNAM

Objective: combine experiences from the student community with disabilities at UNAM (graduate and postgraduate) to make their voices heard.

*Voluntary survey questionnaire

Characteristics:

1. The survey questionnaire is divided into 5 brief sections:
 - Student profile
 - Educational background
 - Steps forward
 - Pending issues
 - Recommendations
2. Student profile
 - a. The determined sample size was of 10 respondents from the Network of University Students and Graduates with Disabilities from UNAM (REED UNAM), out of which 4 were men and 6 women. 4 of them are currently studying, 2 are waiting for their diploma and 4 are graduates with diplomas. Level of education: 7 are university students, 2 master's students, and 1 PhD student. Academic program: half of the students are in Social Sciences, 2 in Biological and Health Sciences, 2 in Arts and Humanities, and 1 in Engineering and Physical-Mathematical Sciences.
 - b. The survey questionnaire was open from August 2nd – 5th 2019 and it is available on the following link <https://forms.gle/JH321MBfmj4J2AXF6>. The survey analysis and design were created and done by graduate Mariana Escobar Magallanes, a REED UNAM member.

ACCIONES DE LA UNAPDI

UNAPDI¹²³ has supported persons with disabilities to take their placement test at UNAM¹²⁴ in partnership with the General Director's Office for School Management (DGAE). UNAM has also designed, organized and facilitated workshops and training courses for students and professors with the support of other university departments¹²⁵; organized the first National Competition for Disability-related Theses¹²⁶, the competition "Baños incluyentes: un espacio para todas las diversidades" (Inclusive restrooms: a full diversity space), and the 2nd International Conference "Mujeres y niñas desde una doble perspectiva de género y derechos humanos en el marco de los Objetivos de Desarrollo Sostenible" (A Two-way Approach to Women and Girls: gender and human rights within the framework of the Sustainable Development Goals) in partnership with the School of Advanced Studies (FES) Aragón. It also promoted the project "Medición de la discapacidad en la UNAM" (Measuring disability at UNAM)¹²⁷, a project supported by ECLAC through the *Latin American Demographics Center* (CELADE).

Regarding outreach, the following activities have taken place: "Starry night" event, in partnership with the Institute of Astronomy, with the goal of tearing down physical and social barriers faced by persons with disabilities at University scientific and cultural events; Innovation and Inclusion Forum: Challenges in assisting students with disabilities in UNAM; participation at *Encuentro Dialogues on Disability 2018*¹²⁸ for three consecutive years.

-In addition, the educational community offers supplementary services for students with disabilities via several schools and university departments:

- OFFICE OF UNIVERSITY RIGHTS ADVOCACY. Human Rights courses for persons with and without disabilities; GENERAL DIRECTOR'S OFFICE FOR UNIVERSITY SPORTS. OFFERED BY THE DEPARTMENT OF ADAPTED SPORTS. Physical conditioning and physical skills recognition programs for persons with (hearing, motor, intellectual and vision) disabilities.
- GENERAL DIRECTOR'S OFFICE FOR WORKS. It has established the architectural design criteria in UNAM facilities for the accessibility and inclusion of persons with disabilities.
- INTERNAL TRANSPORTATION SYSTEM, SPECIAL TRANSPORTATION OF THE GENERAL DIRECTOR'S OFFICE AND MOBILITY. It offers adapted transportation services for community students, clerical staff, and professors with disabilities.
- GENERAL DIRECTOR'S OFFICE FOR COMPUTER AND INFORMATION AND COMMUNICATION TECHNOLOGIES (DGTYC). It has developed a University Learning Network and has educational materials in video, formats, documents, web, images, applications and mobile app according to the curricula, aimed persons with disabilities.

¹²³ It offers university students with disabilities orientation, information and support services to facilitate their integration in the daily life in order to enhance and fully exercise their abilities, capacities and skills in equal opportunities and equity.

¹²⁴ Which happen four times a year.

¹²⁵ Such as the General Director's Office for Science Dissemination, Colectivo La Lata, the National School of Social Work, the School of Social and Political Science, FES Aragón, FES Iztacala, the School of Architecture, the School of Philosophy and Literature, the General Director's Office of Academic Staff.

¹²⁶ *Estrategias para la inclusión de las personas con discapacidad en educación media superior y superior* (Inclusion strategies for persons with disabilities in secondary and higher education).

¹²⁷ It seeks to create an instrument to identify community students with disabilities in their entrance, continuity and graduation stages.

¹²⁸ With student participation from and in collaboration with the School of Philosophy and Literature, the School of Advanced Studies in Iztacala (FES Iztacala), the School of Social and Political Science, the School of Law, the School of Medicine, the National School of Social Work, the School of Advanced Studies in Aragón (FES Aragón), and the University Program for Human Rights.

- NATIONAL SCHOOL OF LANGUAGES, LINGUISTICS AND TRANSLATION (ENALLT). It offers students with vision disability help to take reading comprehension tests in English, Portuguese, French, etc.
- OPEN AND DISTANCE UNIT SYSTEM (SUAYED). It offers e-learning programs for persons with hearing disabilities who receive distance education. It has also adapted educational content in Mexican Sign Language (LSM): written texts, expressions, grammar structure.
- SCHOOL OF ARCHITECTURE. OFFERED BY THE ARCHITECTURE AND INCLUSIVE DESIGN SEMINAR (SADI). Courses such as: braille literacy', architecture and inclusion, accessible digital content creation, among others.
- SCHOOL OF MEDICINE. OFFERED BY THE MENTAL HEALTH CLINIC. Psychotherapy (individual, family and couple, group); Psychoeducational group (major depressive disorders, borderline personality disorders, generalized anxiety disorders).
- NATIONAL SCHOOL OF SOCIAL WORK (ENTS). Its Center for Social Research and Studies in Disability and Health, together with the specialization practice group, has conducted a disability situational diagnosis for ENTS professors and clerical staff, as well as offered academic and promotion activities in Fora, Congresses, and Diploma courses. It has also offered extra-curricular braille and LSM courses.
- SCHOOL OF PSYCHOLOGY. Implementation of the "Building Bridges" program by The Educational Psychology Department, together with the Center for Personal and Social Autonomy (CAPYS) and the Faculty, Educational Design, and ICTs Research Group (GIDDET). A first of its kind at this educational level, Building Bridges aims at engaging University and Society, and at contributing in the comprehensive preparation for the youth in the university context by supporting their autonomy and relation with the workplace.
- SCHOOL OF LAW. OFFERED BY THE SERVICE DESK FOR PERSONS WITH DISABILITIES "SALA THEMIS". Computer screen readers, audio to WAP format converter, images and text magnifying glass, braille printer, and headphones and microphones loan. Services available for persons with short stature, motor, vision, and/or hearing disabilities.
- NATIONAL LIBRARY OF MEXICO. OFFERED BY ITS TIFLOLOGICAL ROOM. Persons with vision disability or vision loss are offered materials in braille, audio files, adaptations, screen readers and typhotechnology.
- SCHOOL OF PHILOSOPHY AND LITERATURE (CADFFYL). Students with different disabilities are offered: computing area with JAWS and NVDA speaker system, information and research center with different collections on disability (books, magazines, audiobooks, material in braille, theses and dissertations), sensitization and awareness; orientation on university rights, braille and LSM courses, accompaniment and support in their academic development, support in the process of graduation (bachelor, master and doctorate studies) as part of Inclusive Education, Human Rights and Disability; social service, internships, and volunteering, support and orientation from the Faculty.



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