

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the List of Issues Pre-session Working Group of the CEDAW Committee for the 52nd Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State submitted to the Committee on the Elimination of Discrimination against Women.

MEXICO

Mexico ratified the Convention on the Rights of Persons with Disabilities on 30 March 2007, and its Optional Protocol on 17 December 2007.

[State report](#)

Select references to persons with disabilities in the state report:

12. Article 1 of the Mexican Constitution prohibits discrimination and incorporates the definition in article 1 of the Convention into the Federal Act to Prevent and Eliminate Discrimination (LFPED). (Under the Act, discrimination means any distinction, exclusion or restriction based on ethnic or national origin, sex, age, disability, social or economic status, medical condition, pregnancy, language, religion, opinion, sexual orientation, marital status or any other ground and that has the effect of preventing or nullifying the recognition or exercise of the rights and truly equal opportunities of persons)

20. With respect to violence, 32 states (In the case of Guanajuato, the Act to Prevent, Treat and Eradicate Violence provides protection for boys and girls, youth, women, older adults, the disabled and all persons who, because of their physical, mental, legal or social condition, require specialized services of care and protection) have a state law consistent with the General Act on Women's Access to a Life Free of Violence (LGAMVLV); 24 have regulations and 30 have a state system¹³. Currently, 30 states and the Federal District (DF) have made family violence a crime; in 30 of those entities this is deemed grounds for divorce, and in 21 rape within a marriage or de facto union is deemed a crime. There remains the challenge of harmonizing civil and criminal legislation, procedures, responsibilities of public servants and municipios, among other matters.

154. The STPS also pursues a policy for occupational equality in the following priority areas: promotion of decent work, training for women, combating discrimination and all forms of violence, fostering balance and shared responsibility in workplace and domestic tasks,

enjoyment of social benefits, especially child care services, equal treatment in social security systems, valuing domestic work, and preventing and eradicating all forms of labour exploitation of girls under 14 years, with observance of restrictions on the employment of girls from 14 to 16 years of age. In coordination with INMUJERES, it is working together with the labour unions and business chambers to encourage an egalitarian working culture free of violence, and to include the gender perspective in occupational opportunities for indigenous people, to sponsor occupational training for prison inmates, former inmates and their relatives; decent work for young people, and prevention of child labour; employment for older persons, persons with disabilities and persons living with HIV/AIDS. With the Ministry of Economy (SE) it is collaborating in the training of female entrepreneurs, and in improving women's efforts to create, develop and consolidate a business.

156. The STPS established the Red Nacional de Vinculación Laboural, a national network to promote decent work and equal opportunities and treatment for groups in situations of vulnerability. It comprises networks in 32 states, two regions, 27 municipios and one sindicatura. In 2009 the system served a total of 11,593 women, of whom 2,427 were placed in employment and 2,379 received training. As well, the STPS awards the Distintivo Empresa Incluyente "Gilberto Rincón Gallardo" in recognition of "inclusive firms" that have at-risk persons on their payroll. In its five years of operation, it has been awarded to 472 workplaces, benefiting 5,982 older adults (35.5%) and persons with disabilities: hearing (22.0%), motor (27.4%), intellectual (8.9%), visual (5.9%), and persons living with HIV/AIDS (0.2%). Of the total, 34.1% are women.

160...The "70+ programme" (*Programa 70 y Más*), run by SEDESOL, tops up seniors' incomes and social benefits through a monthly stipend of 500 pesos (US\$38) and it offers them services or support through productive and occupational activities, access to health services and treatment for disabilities. From 2007 until April 2010 the majority of beneficiaries have been women, whose numbers rose from 517,424 to 1,083,075.

IDA suggestions for list of issues

- What steps are being taken to repeal restrictions in the Federal Code of Electoral Institutions and Procedures (COFIPE- Código Federal de Instituciones y Procedimientos Electorales, Article 266(5)) which disqualifies from voting persons who are deprived of their mental faculties in violation of Article 29 of the CRPD, which comprises the latest international standards with respect to participation in political and public life?
- Please provide information on measures adopted to ensure the empowerment of women with disabilities, and that they are consulted and participate in leadership roles in policy.
- Please provide the Committee detailed information on what steps are being taken to ensure the presence of the rights of women with disabilities and indigenous women in national policies, including concerning health care, education, employment, social protection and poverty reduction programmes.
- What steps are being taken to address the gender gap and unemployment rates of women with disabilities?
- What steps are being taken to ensure access to justice for women with disabilities including through the provision of sign language interpreters, accessibility of information in alternative formats, the provision of reasonable accommodation, as well as conducting

appropriate training to the judiciary on the rights of persons with disabilities for personnel working in the administration of justice (including the police)?

- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities, and to prevent separation of children from their families?
- What steps are being taken to reform the law to ensure that women with disabilities exercise legal capacity on an equal basis with others and are provided with necessary support to exercise it, respecting the will and preferences of the person concerned?
- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs, and to ensure their access to health and sexual and reproductive health services?
- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (See recommendations of the Special Rapporteur on the right to education and the CRC Committee in Annex below)
- What measures are being taken guarantee the implementation of inclusive education in the law and practice? Please provide statistics of the number of girls and boys with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. (See recommendations in Annex below)

ANNEX - References to women and girls with disabilities in Mexico by other treaty bodies and special procedures:

Report of the Special Rapporteur on the right to Education, Mission to Mexico, A/HRC/14/25/Add.4, 2010

32. **Adult education** is provided primarily for persons aged over 15 who have not acquired the basic skills of reading, writing and elementary arithmetic or who did not begin or did not complete basic education at the correct ages; its curriculum design covers learning to read and write and modular courses for primary and secondary certification in subjects of use in everyday life and work. Secondary certification enables students to go on to the upper secondary level. The **National Adult Education Institute (INEA)** provides this type of education in the form of programmes for young people (from age 15) and/or adults who have not acquired the basic skills of reading, writing and counting or who did not begin or did not complete their primary and secondary education, and for children and young people in the 10-14 age group who are not enrolled in the primary school system, women, monolingual indigenous peoples and individuals, street children, inmates of prisons, older adults, persons with disabilities, migrant day labourers, and Mexicans who settled in the United States of America without beginning or completing their basic education.

33. **Special education** is for persons with disabilities and is designed to help them to be able eventually to enrol in normal schools at the appropriate level. The service can be provided for children from 45 days after birth (in the form of initial education), for older children (preschool and primary levels) and for adolescents and young people up to age 22 (secondary education and vocational training). Although the specific modalities may vary from state to state, the following are the main special education services: the basic level of the Multiple Treatment Centre (CAM-Básico) – for the initial, preschool, primary and/or secondary education of children and young people with some sign of disability; CAM-Laboral – for young people in the 15-22 age group with special educational needs to enable them acquire work skills; the Unit for Normal Education Support Services (USAER) – for teachers and the family members of children with some sign of disability enrolled in preschool, primary or secondary schools; the Citizens' Advice Unit (UOP) – to furnish information and advice to the general public concerning various disabilities and the special educational needs which they imply.¹

36. Mexico has a net education coverage of 101.4 per cent in primary education (figures for the 2007/08 school year),² which means that practically the entire population has access to education at this level. This general pattern is found in most of the federal entities. The primary coverage is apparently complete in Baja California Sur, the Federal District, Baja California, Morelos and Chiapas, but there are still states, including Quintana Roo, Aguascalientes, Yucatán, Campeche and Colima, where large proportions of children do not attend school.³ Estimates based on census figures for the whole country indicate that between 1 and 2 per cent of children in the 6-11 age group do not attend school owing to the

¹ Directorate for Special Education, Education Secretariat of the State of Yucatan (see: www.educacion.yucatan.gob.mx/quienes/org/especial.php), Secretariat for Public Education of the Federal District, Special Education (see: www2.sep.df.gob.mx/que_hacemos/especial.jsp) and INEE, op. cit. (footnote 26 above), p. 36.

² INEE, op. cit. (footnote 26 above), p. 147.

³ Idem.

incapacity of the SEN to provide primary schooling in rural, small and isolated settlements, to migration for reasons of farm work, or to disabilities suffered by the children.

71. The existing social asymmetry cannot be corrected by ad hoc measures, not can it be claimed that the compensation programmes and subsidies will resolve a structural problem connected with the absence of a coordinated and systematic public policy which does not change every six years and which addresses the problems of discrimination and social exclusion affecting indigenous peoples, rural dwellers, day-labourer families, and persons with disabilities.

Persons with disabilities

88. The Special Rapporteur noted the existence of two different strategies (integrative and special education) and disparities in the services provided for children with disabilities between advanced states such as Nuevo León and poorer ones such as Chiapas. He was also informed that many children with disabilities do not attend school, either because the schools are not authorized to accept them or because their parents prefer to keep them at home.

89. Working through the country's rehabilitation centres, the National System for Integral Development of the Family (SNDIF) promotes the prevention of disability and facilitates the rehabilitation and social reintegration of persons with disabilities, encouraging full respect for the exercise of their rights to equality of opportunities and to equity in access to education services, as well as to all those services which contribute to their well-being and improve their quality of life.

90. To this end the SNDIF, working through the Directorate General for Rehabilitation and Social Assistance, uses two different models to meet the need for educational integration: (a) the programme of educational integration for children with disabilities, which has been operating in the rehabilitation centres since 2002 and has to date enrolled a total of 6,434 children with disabilities in regular and special basic education; and (b) the educational integration model of the Gaby Brimmer Research and Training Centre for Rehabilitation and Educational Integration, which makes joint use of the SNDIF and the Ministry of Public Education to provide basic education services, school transport, school meals, and specialized medical care for children with severe disabilities.

91. In 2007 the SNDIF signed an agreement with INEA under which they endeavour to support persons with some degree of disability who are illiterate or have an educational deficit.

92. The Special Rapporteur wishes to stress that Mexico has undertaken to carry out the National Programme for the Development of Persons with Disabilities 2009-2012. This programme proposes nine specific targets, including "improving the quality of education and expanding the opportunities of access, the retention and graduation rates, and the levels of educational attainment for persons with disabilities in the various types, levels and modalities of the National Education System".⁴

⁴ CONADIS, DIF, *Programa Nacional para el Desarrollo de las Personas con Discapacidad 2009-2012* (National Programme for the Development of Persons with Disabilities 2009-2010) (CONADIS, México D.F., 2009), p. 92.

V. Recommendations

108. In the light of the foregoing discussion the Special Rapporteur recommends that:

- (a) The measures to eliminate completely the payment of fees for education should be reinforced and fixed targets should be set for achieving gradual compliance with the obligation to allocate 8 per cent of GDP to education, with annual 0.5 per cent increases until the level established by law is attained;
- (b) Emergency action should be taken to combat educational deficits in persons aged over 15;
- (c) An increasing budget should be provided for the programmes and departments concerned with indigenous education and intercultural education. In the latter case an effort should also be made to amend the legal framework of public education so as to spell out the principles on which the attainment of an inclusive society should be based and deliver education which acknowledges the importance of the country's linguistic and cultural diversity;
- (d) Investment and the production of infrastructure, educational materials and support resources for schools for persons with disabilities should be stepped up, with a view to these persons' gradual integration in the normal education system;

CRC Committee Concluding Observations, CRC/C/MEX/CO/3, June 2006

24. In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts including through awareness-raising campaigns to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities, girls, children living in rural and remote areas and children from economically disadvantaged families.

47. The Committee recommends that the State party take all necessary measures:

- (a) To gather data and information on the situation of children with disabilities in the State party and assess the impact of the action undertaken;
- (b) To address all issues of discrimination, including societal discrimination and discrimination against children with disabilities in rural areas, taking into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex);
- (c) To provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.