

ACTION DRL-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CA-00	CIAE-00	INL-00
	DODE-00	DOEE-00	ANHR-00	WHA-00	DS-00	EB-00	OIGO-00
	FBIE-00	UTED-00	VC-00	H-00	SSA-01	TEDE-00	INR-00
	IO-00	LAB-01	L-00	VCE-00	AC-00	NSAE-00	NSCE-00
	OIC-00	NIMA-00	PA-00	PER-00	GIWI-00	PRS-00	ACE-00
	P-00	SGAC-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	EVR-00	FMP-00	DSCC-00	PRM-00	G-00	NEAT-00	SAS-00

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 TAGS: PHUM, SOCI, ELAB, PGOV, MX
 SUBJECT: STATUS OF WOMEN ON THE RISE IN MEXICO, BUT
 CHALLENGES PERSIST

REF: A. MEXICO 4359
 B. MEXICO 8311

1. Summary: The Government of Mexico (GOM) is making significant efforts to fulfill its commitments under the UN Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and improve the status of women throughout all socio-economic strata. Among other accomplishments, it created a cabinet level ministry to address the status of women and enacted laws to increase the participation of women in the political process and end violence against women. However, among the greatest challenges that remain to be addressed are discrimination against women in the workplace, violence of all forms against women, the lack of access to education, and the poor social and economic conditions of indigenous women. Two prominent examples of how discrimination and violence affect the lives of Mexican women are the rapid spread of HIV/AIDS to women and the ambivalence of authorities in addressing hundreds of murders of women in the Ciudad Juarez area. End Summary.

UNITED STATES DEPARTMENT OF STATE
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Status of Women on the Rise in Government and Legislation

2. The UN Convention to Eliminate All Forms of Discrimination against Women (CEDAW) was signed in 1980 and ratified in 1981 by the Government of Mexico. Since that time, the GOM has made significant efforts to improve the status of women in society, beginning with an amendment to the first article of the Mexican constitution reading: "All manner of discrimination, based on ethnic or national origin, gender, age, differing abilities, social condition, health, religion, opinions, preferences, civil status or any other that offends human dignity and is aimed at eliminating or impairing the rights and liberties of persons, is prohibited."

3. The Fox administration has demonstrated its political will in supporting equality for women, stating on numerous occasions that efforts to end discrimination have become "an ethical responsibility and a demand of democracy and justice." The GOM created the National Institute of Women (INMUJERES) in 2001 as a cabinet level ministry with the mandate to foster, in society and in its institutions, a culture of gender equity. The institution is responsible for promoting and evaluating a six year plan called the National Program for Equality of Opportunities and Non-discrimination Against Women (PROEQUIDAD). All sectors of the Federal Public Administration are subject to this national policy.

4. Women also are better represented at the national level of government; however, interest is increasing in municipal government where the affect on grassroots policy tends to be greater. In the mid-term legislative elections held in July 2003, women won 23% of the seats, up seven percentage points from 2000. These results raise Mexico from fifty-fifth to twenty-ninth place in the world ranking of the number of women in legislative office. This increase could be a result of Mexico's new gender quota law passed in 2002 and applied for the first time during these mid-term elections. This law states that no more than 70% of candidates in an election can be of the same gender. It is reported though that the three main parties placed most of their female candidates in unelectable seats.

Women in the Workplace

5. Women's participation in the Mexican labor market has more than doubled over the last 30 years from 17.6% in 1970 to 35.9% in 2002. According to the most recent numbers provided by the National Statistic Agency (INEGI) in November 2003, participation of women in the workforce is nearly 40%

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in urban areas.

6. Mexico's Constitution and labor laws provide that women should have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women continue to receive an average of 25% less than men for equal work. Furthermore, socio-cultural norms for female roles in society and family continue to impact women's access to employment, promotions and training. Women are concentrated in the maquiladora, agriculture, and garment industries, and in personal services and domestic work. Women also are over represented in micro-enterprises and in the informal sector. Thus, the increased participation of women in the labor market is characterized by informal work with unstable income and conditions, and in those sectors unlikely to provide legal protection.

7. Labor law provides extensive maternity protection, including 6 weeks of maternity leave both before and after childbirth. Employers are required to provide a pregnant woman with full pay, are prohibited from dismissing her, and must remove her from heavy and/or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers reportedly violate these provisions by requiring pregnancy tests in pre-employment physicals, by regular examinations and inquiries into women's reproductive status during the period of their employment, by exposing pregnant women to difficult and/or hazardous conditions to make them quit, or by dismissing them.

8. Sexual harassment in the workplace is widespread. The Mexico City Human Rights Commission (CDHDF) estimates that at least 80% of the women who work in Mexico City have experienced sexual harassment. The federal criminal code includes penalties for sexual harassment, but victims must press charges. Many female victims are reluctant to come forward and cases are difficult to prove.

Violence Against Women: a problem underestimated and misunderstood

9. The most pervasive violations of women's rights in Mexico involve domestic and sexual violence. Both are widespread commonly judged to be vastly underreported. A "machista" culture and mindset has led many men - including those in positions of authority - to ignore the problem. According to a National Survey of Violence conducted by INEGI, 46.6% of women over the age of 15 have suffered at least one incident

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of physical, emotional, or sexual violence. Twenty five percent of these women also reportedly suffer from "economic abuse," a form of domestic violence characterized by the victim becoming dependent on the abuser for survival. This includes withholding money, a car or other resources; sabotaging attempts to make money independently; or controlling all family finances.

10. According to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), over one million women each year seek emergency medical treatment for injuries caused by domestic violence. A 1997 law criminalized intra-family violence, established protective measures for victims, and provided public education on the problem of domestic violence. It also expanded the definition of rape to include spousal rape. A national women's health program has been created under the direction of the Ministry of Health, which seeks to develop an integrated prevention, detection and assistance model in domestic violence cases. Domestic violence laws now exist in 25 of 32 states.

11. Women who are victims of domestic violence are reluctant to report it. According to the Mexican Association Against Violence Towards Women (COVAC) there are three reasons why few women file criminal charges after they are assaulted. First, their preference is to rely on administrative or civil proceedings (such as conciliation, non-aggression agreements, and divorce). COVAC also reports that women in general do not trust the legal system because of corruption among authorities. Secondly, they fear reprisals and are concerned that if their spouses are in jail, they could become financially destitute, embarrass their children, or be without social support. Thirdly, they do not have access to information about the types of recourse available to them.

Indigenous Women

12. The condition of indigenous women is worse than that of non-indigenous women. It is estimated that 9 million indigenous people live in extreme poverty. Indigenous women have higher fertility rates and higher maternal and infant mortality rates. A study by INEGI reports that half of indigenous women over the age of 15 do not know how to read and write, and one in five women only know how to speak in their native language.

13. Furthermore, a report released by AI in November 2004 recounts stories of indigenous women alleging rape by Mexican army personnel. The report claims that there are serious flaws and a lack of impartiality in the resulting investigative practices of the Military Attorney General's Office. International human rights organizations and the OAS have demanded that Mexican authorities end military jurisdiction in such cases. Under international human rights

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law, the Mexican state is accountable for rape by its agents and also by private citizens if it fails to act in preventing, punishing and providing reparation for these crimes.

Access to Education

14. Educational opportunities have improved for women in

Mexico. INEGI reports that the percentage of women over the age of 15 who had not received any formal educational instruction had decreased from 35% in 1970 to 11.6% in 2000. The number of women who had not completed their basic education had declined from 57.6% in 1970 to 42.8% in 2000, while the percentage of women who had completed their basic education rose from 2.5% in 1970 to 18.3% in 2000. Illiteracy among women dropped from 29.6% in 1970 to 11.3% in 2000, and the number of women delaying or dropping out of formal education decreased from 92.6% in 1970 to 54.3% in 2000.

15. Statistics on higher education also point to an improvement in conditions for women. The overall number of women completing post-secondary education increased from 4.9% in 1970 to 26.4% in 2000. Data from 1990 to 2000 on higher education demonstrates that women's enrollment had increased in almost every category.

16. While education is essential for improving Mexican women's living standards and enabling them to exercise greater voice in decision-making in the family, the community, the workplace, and politics, Dr. Maria Luisa Molina of INMUJERES points out that these increases in education numbers are not resulting in better jobs due to discrimination issues.

Spread of AIDS among Women due to gender-based discrimination

17. Sixteen percent of the more than 90,000 cases of AIDS reported in Mexico are women, but the rate of women contracting AIDS is growing fast. Since the first cases of HIV/AIDS were documented in Mexico two decades ago, the proportion has gone from 21 men living with HIV for every woman to a ratio of six to one. According to experts at the UN, the Secretariat of Health, and Mexico's National Center for the Prevention and Control of HIV/AIDS (CENSIDA), gender-based discrimination is one of the main causes for spread of AIDS among Mexican women because it prevents women from making free and autonomous decisions about sexuality and relationships. Being married, monogamous and/or having a stable relationship does not guarantee women protection against exposure to HIV. A recent campaign by CENSIDA

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commemorating World Aids Day focused on Mexico's deep rooted culture of "machismo," which has been blamed for the rapid spread of the disease to women. CENSIDA reports that the tradition of "machismo" creates a culture of men following their sexual impulses with little thought of risks or after-effects.

18. Beyond the discomfort that Mexicans feel with the topic of homosexuality, what is an even deeper public secret is the possibility that a large number of men who are infected with AIDS are bisexual. In the majority of Mexican households, men have the financial power, physical strength and authority to demand sexual relations with a woman. Men maintain control over the decision of when and how to have sex. And, the threat of violence and/or of insulting her partner prevents a woman from feeling comfortable asking for the use of a condom. Ciudad Juarez

19. In August 2003, AI reported that during the previous 10 years approximately 370 women had been killed in the Ciudad Juarez and Chihuahua areas. Many of these women were employed in maquiladoras, foreign owned assembly plants on the Mexican/US border. While two-thirds of these women were killed in connection with other assorted crimes, i.e. drug-related crimes or in incidents of domestic violence, about one-third of them fit a pattern of having been raped, disfigured and left in the desert for no obvious reason. The bodies of 16 more murdered women have been found in Ciudad Juarez in 2004. A number of them fit the profile of previous cases who are suspected to have been victims of a serial killer.

20. Women's groups have charged authorities with incompetence and sexism for their response to the murders, and many accuse them of participating in a cover-up. It has been reported that authorities were slow in their investigations because they initially believed the women were prostitutes. In 2003, under increased national and international pressure, the government developed a 40-point interministerial action plan and appointed a recognized human rights defender, Guadalupe Morfin, as Special Commissioner on violence against women in Ciudad Juarez. In January 2004, Maria Lopez Urbina was appointed Special Federal Prosecutor to investigate the murders. In June, Morfin and Lopez Urbina presented reports on their activities and findings to date at a ceremony in the presidential residence (Ref A). In her report, Morfin presented an analysis of the root causes of the violence and murders. She criticized state institutions for failing to protect their populations and instead acting on behalf of the drug cartels, and blamed the federal

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government, beginning several administrations ago, for abandoning its responsibility to combat organized crime. She credited the Fox administration for finally addressing the homicides and intervening to resolve them. At the ceremony, President Fox announced a \$1.4 million increase in the budget for Commissioner Morfin. On October 25, Lopez Urbina issued a second report on her activities (Ref B).

21. Government officials and women's rights advocates in Mexico recognize that violence against women is not limited to Ciudad Juarez, but is pervasive throughout Mexican society. The states of Sonora and Guanajuato, as well as the popular resort city of Cancun, also have recorded significant numbers of women killed in the past two years. Women's rights advocates see the corruption and resulting investigations as a microcosm of the country as a whole, and they conclude that addressing the problem in Juarez will help end violence against women and government corruption throughout the country.

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