



**Preliminary Submission to the CRPD Committee for the  
Pre-Sessional Working Group on Mexico  
July 26, 2019**

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**Description of author organizations:**

**Mexican Women with Disabilities** works to give a voice to women living with a disability in Mexico by focusing on gender issues and disability intersectionality. It is a movement based on the collective collaboration of women with disabilities with the aim of creating a community that raises its voice for its rights and representation. It raises issues of gender and disability, and of our representation, in the different forums of decision-making and influence, within the fight for our rights.

**Women Enabled International (WEI)** works at the intersection of women’s rights and disability rights to advance the rights of women and girls with disabilities around the world. Through advocacy and education, WEI increases international attention to—and strengthens international human rights standards on—issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies. Working in collaboration with women with disabilities rights organizations and women’s rights organizations worldwide, WEI fosters cooperation across movements to improve understanding and develop cross-cutting advocacy strategies to realize the rights of all women and girls.

**Summary of this report**

This document analyzes the status of the rights of women and girls with disabilities in Mexico, with an emphasis on human rights violations. These violations include: gender-based violence; sexual and reproductive rights violations, including forced sterilization and forced contraception; a lack of data collection; exclusion from political and public participation; denial or lack of legal capacity; and discrimination in education. This submission further provides suggested questions that the CRPD Committee should pose to Mexico to gather more information about its responses to these violations.



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**I. Introduction**

Mexican Women with Disabilities and Women Enabled International welcome the opportunity to contribute to the pre-sessional working group for the upcoming review of Mexico by the Committee on the Rights of Persons with Disabilities (CRPD Committee). This is a preliminary submission, in order to inform the CRPD Committee's list of issues to Mexico. We will submit a more detailed shadow letter for the review of Mexico in 2020.

Women and girls with disabilities in Mexico are often the forgotten sisters in a country where discrimination and inequality are present every day. Women with disabilities are exposed to double and triple discrimination and are more vulnerable to gender-based violence, and their discrimination becomes intersectional based on the different identities that women with disabilities may have, such as being indigenous, young, mothers, trans or belonging to the LGBT+ community, migrants, older adults, or even due to their socio-economic status.

Women with disabilities represent 51.1% of the total population with disabilities in Mexico. In other words, it is estimated that, in Mexico, about 4 million women live with some form of disability.

As described in this submission, women with disabilities in Mexico face a variety of forms of intersectional discrimination and violence, based on both their gender and their disability. The Mexican government has made some progress in addressing these issues, but the new government has regrettably adopted a largely hands-off, welfare policy approach towards persons with disabilities.

The failure to prioritize the rights of persons with disabilities is most apparent in the fact that, one year after taking office, this government has still not appointed anyone to lead the CONADIS (National Council for Persons with Disabilities). The U.N. Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas Aguilar, has urged the government to rectify this, and to not remove this organization or absorb it into the functions of a Ministry, given the risk of the lack of priority that this would imply. However, the CONADIS remains without leadership.

The rights of persons with disabilities is an issue that should be included in the human rights agenda promoted by the Mexican government, instead of limiting it to a social welfare policy that results in the absence of a Strategic Development Plan for persons with disabilities and the

failure to respect basic rights. In particular, this government must prioritize the inclusion of women with disabilities in the rights agenda, and take into account a gender and intersectionality perspective, in order to ensure the full development of girls and women with disabilities—including their right to be free from violence.

Without this strategic vision, girls and women with disabilities will remain the forgotten sisters and, if most of us are left behind, we will be unable to say that are moving forward as a country.

## **II. Key Issues that Affect Women and Girls with Disabilities in Mexico**

### **A. Violence against Women and Girls with Disabilities (articles 5, 6, 16, 31)**

Violence against women is an issue of significant national concern in Mexico. A report published by the National Institute of Statistics and Geography (INEGI), on the occasion of the International Day for the Elimination of Violence against Women in 2017, indicates that approximately 66% of women over the age of 15 in Mexico have faced violence of some kind, at least once in their lives.<sup>1</sup> This statistic holds true nation-wide.

The INEGI report for 2018 further states that, among the women who have faced violence from their boyfriend or husband, 64% were cases of severe and very severe violence.<sup>2</sup> According to the annual data published by INEGI, the number of deaths by homicide among women has increased in recent years, with 2,383 cases in 2015, 2,813 cases in 2016, and 3,430 cases in 2017.<sup>3</sup> However, these figures underestimate the true extent of the situation, since many cases of death are not classed as femicide.

In this context of significant and severe gender-based violence in Mexico, it is particularly worrying that there is no data that enables us to understand the specific situation of violence against women with disabilities. In addition to gender-based violence, women with disabilities often face other forms of violence and abuse due to their disability, such as sexual abuse by caregivers, withholding of medication or assistive devices, deliberate neglect of care, denial of basic needs such as food, access to the toilet, toiletries or hygiene supplies, control of sensory devices, financial control, restriction of the use of communication devices, among others.<sup>4</sup> Yet, despite this Committee's 2014 recommendation to Mexico that it periodically compile data and statistics on the situation of women and girls with disabilities with regard to violence,

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<sup>1</sup> INEGI (2017), Statistics regarding the International Day for the elimination of violence against women (November 25) / National data, available at:

[https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2017/violencia2017\\_Nal.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2017/violencia2017_Nal.pdf)

<sup>2</sup> INEGI (2018), Statistics regarding the International Day for the elimination of violence against women (November 25) / National data, available at:

[https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2018/violencia2018\\_Nal.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2018/violencia2018_Nal.pdf)

<sup>3</sup> INEGI, Interactive data query on Homicide deaths, available at:

<https://www.inegi.org.mx/sistemas/olap/proyectos/bd/continuas/mortalidad/defuncioneshom.asp?s=est>

<sup>4</sup> CRPD Committee, *General Comment No. 3 on women and girls with disabilities*, para. 31, U.N. Doc. CRPD/C/GC/3 (2016).

exploitation and abuse, including femicide,<sup>5</sup> there is no statistical information that clearly shows the situation of violence against women with disabilities in Mexico.

Nonetheless, it is clear that violence against women with disabilities is prevalent. In an informal survey carried out by Mexican Women with Disabilities of 22 civil society organizations in Mexico that provide services to persons with disabilities, 61.9% of the responders said that they have seen at least one case of violence against women with disabilities. Further, of the types of violence they have seen, the most common was economic violence (9 out of 22 of the responders), followed by psychological violence (8 out of 22), domestic violence (7 out of 22), sexual violence (6 out of 22) and violence from doctors (1 out of 22).

In addition, the General Directorate of Health Information (DGIS), a unit of the Ministry of Health, has limited data on violence against women with disabilities. The DGIS has a database of the number of injuries and causes of violence in the period from 2014 to 2017, as well as preliminary figures for the period from 2018 until February 2019.<sup>6</sup> For 2016, the database records 2,763 cases of injury to women with disabilities, of which: 1.4% are associated with violence by abandonment or neglect, 1.9% with economic violence, 11.1% with physical violence, 16.6% with psychological violence and 6.4% with sexual violence. In 2017, 1,982 cases of injury were recorded among women with disabilities, of which: 2.3% were associated with violence by abandonment or neglect, 2.9% with economic violence, 17.2% with physical violence, 21.1% with psychological violence and 7.6% with sexual violence. Finally, preliminary figures for 2018 show 1,680 cases of injury to women with disabilities, of which: 2.1% are associated with violence by abandonment or neglect, 3.0% with economic violence, 15.4% with physical violence, 26.0% with psychological violence and 10.4% with sexual violence.

However, it should be highlighted that the figures mentioned above only partially represent the situation, as: (1) these numbers only include injuries recorded in the country's public health system, thus excluding those injuries that were not treated by health professionals or were treated in the private system; and (2) a large number of cases of violence against a woman with disability do not result in injuries that require treatment by a health professional. To this we must add the prejudices and stigma which exist in Mexican society about reporting all types of violence, which leads to significant underreporting. Equally, it should be noted that the information made available by the DGIS to the general public does not include details on the type of disability in relevant cases.

### *Sexual Violence*

Sexual violence against women with disabilities is a particular area of concern, with sexual abuse perpetrated by caregivers being one of the most common forms. Although the data on sexual violence against women with disabilities is limited, as discussed above, available data indicates

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<sup>5</sup> CRPD Committee, *Concluding Observations: Mexico*, para. 34, U.N., Doc. CRPD/C/MEX/CO/1 (2014).

<sup>6</sup> Secretaría de Salud, Dirección General de Información en Salud (Ministry of Health, General Directorate of Health Information), Dynamic Cubes on Injuries and causes of violence, available at: [http://www.dgis.salud.gob.mx/contenidos/basesdedatos/bdc\\_lesiones\\_gobmx.html](http://www.dgis.salud.gob.mx/contenidos/basesdedatos/bdc_lesiones_gobmx.html) [hereinafter DGIS Cubes on Injuries and causes of violence].

that there is a worrying increase in sexual violence as a proportion of the total number of injuries to women with disabilities (6.4%, 7.6%, and 10.4% in 2016, 2017 and 2018, respectively).<sup>7</sup>

Further, the government has insufficient policies in place to address issues of violence against women with disabilities. In 2018, Mexican Women with Disabilities submitted an information request through the National Institute for Access to Information's portal, asking about the government's policies concerning violence against women with disabilities. The Mexican Ministry of Health replied that it has two primary national policies in this regard. The first policy cited was the Official Mexican Standards NOM-046-SSA2-2005, "Domestic and sexual violence, and violence against women. Criteria for prevention and care," for health care professionals. However, their application is of a general nature and does not address the specific needs of women with disabilities. The second policy referenced by the Ministry of Health was NOM-015-SSA3-2012, "For the comprehensive care of persons with disabilities," which seeks to establish the criteria that regulate the way in which comprehensive medical services are provided to persons with disabilities as patients. It should be noted that this standard does not stipulate the need to make information or communication sources accessible when advising a person with a disability on any relevant health topic, including sex education.<sup>8</sup>

#### *Limited Access to Justice for Violence against Women with Disabilities in Mexico*

Women with disabilities in Mexico face significant barriers to accessing justice to obtain redress for the violence and discrimination they face. In its 2018 review of Mexico, the CEDAW Committee expressed concern about the "[f]inancial, linguistic and geographic barriers to gaining access to justice faced by low-income, rural and indigenous women and women with disabilities" and recommended that Mexico "[e]nsure that information on legal remedies is available to women who are victims of gender-based violence and all forms of discrimination, including in indigenous languages and in formats accessible to women with disabilities, and introduce a system of mobile courts and free legal aid aimed at facilitating access to justice for women living in rural and remote areas."<sup>9</sup>

There is limited publicly-available information on the mechanisms through which the State, via its judicial offices, has facilitated access to justice for women with disabilities who have suffered some type of violence. Nonetheless, it is unlikely that many existing cases of violence against women with disabilities have been reported to any of the judicial agencies. This is due to the generalized perception that any cases of gender-based or other violence will not be dealt with appropriately or simply that the judicial agencies are unreliable. This perception is exacerbated among women and groups living in vulnerable situations. For instance, the World Justice Project's 2018 survey reported that women in Mexico sought help from the police less frequently than men, which reflected the low level of confidence in the authorities.<sup>10</sup> Similarly, the 2018 INEGI National Survey on Victimization and Perceptions about Public Safety shows that in 2017: (1) only 10.4% of crimes were reported to a judicial body; (2) in 64.5% of the cases the

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<sup>7</sup> DGIS Cubes on Injuries and causes of violence, *supra*, note 6.

<sup>8</sup> National Transparency Platform, electronic database consultation, request # 0001200322518, available at: [http://www.sisi.org.mx/jsp/si/documentos/2018/seguimiento/00012/0001200322518\\_065.pdf](http://www.sisi.org.mx/jsp/si/documentos/2018/seguimiento/00012/0001200322518_065.pdf)

<sup>9</sup> CEDAW Committee, *Concluding Observations: Mexico*, paras. 13-14, U.N. Doc. CEDAW/C/MEX/CO/9 (2018).

<sup>10</sup> World Justice Project, *Women experience differently the rule of law in Mexico* (2019), available at: <https://worldjusticeproject.mx/mujeres-estado-de-derecho-mexico/>.

reason behind not reporting a crime was attributable to distrust in the authority; and (3) women perceive the place where they live to be insecure in a larger proportion than men.<sup>11</sup>

### *Suggested Questions to Mexico for the List of Issues*

- Has Mexico adopted a national strategy to prevent and eliminate violence against women, and how does that strategy specifically address issues faced by women and girls with disabilities? What mechanisms and monitoring processes are in place to assess the impact of such a national strategy, and how does Mexico include women and girls with disabilities in those mechanisms?
- Does Mexican law recognize and prohibit the forms of violence against women experienced uniquely or disproportionately by women and girls with disabilities, including forced and coerced reproductive health procedures, abandonment, neglect, isolation, withholding of medications or mobility aids, economic violence, and psychological violence?
- What steps has Mexico taken to guarantee that women with disabilities who are victims of violence can take judicial action with the competent authorities, in a safe environment?
- Does Mexico periodically collect statistics on violence against women, broken down by age, type of disability and type of violence (beyond the injuries reported through the National Health System)? If so, how is that information being gathered and by which institutions, and is the process centralized or does it vary by state?
  - In particular, what key indicators does Mexico plan to use in its upcoming 2020 Census, to be carried out by INEGI, to understand the situation of women and girls with disabilities and thereby better assess intersectional discrimination, violence, exploitation and abuse, and femicide?

## **B. Violations of Sexual and Reproductive Rights of Women with Disabilities (articles 5, 6, 9, 15, 17, 23, 24 & 25)**

Women with disabilities in Mexico experience significant barriers to exercising their sexual and reproductive rights, including in accessing sexual and reproductive health information and services and making autonomous decisions about their sexual and reproductive health. For instance, a 2015 study of women with psychosocial disabilities in Mexico documents a wide range of rights violations, including denials of access to maternal health care and essential obstetrical care; lack of accessible information on sexual and reproductive health; sexual, physical and psychological abuse during gynecological visits; forced sterilizations; and forced contraception.<sup>12</sup> Women with disabilities also face financial and physical barriers to accessing sexual and reproductive health services.

Yet, the Mexican government has failed to address the needs of women and girls with disabilities in reproductive health policy and interventions. For example, the Inter-Institutional Group on

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<sup>11</sup> INEGI – ENVIPE, National Survey on Victimization and Perception About Public Safety 2018, available at: <https://www.inegi.org.mx/programas/envipe/2018/default.html>

<sup>12</sup> Disability Rights International and Colectivo Chuhcan, *Abuse and Denial of Sexual and Reproductive Rights of Women with Psychosocial Disabilities in Mexico* (2015), available at: <https://www.driadvocacy.org/wp-content/uploads/Mexico-report-English-web.pdf> [hereinafter *DRI and Chuhcan Report*].

Reproductive Health (GISR) was created to “promote the exercise of sexual and reproductive rights in the general population, including persons with disabilities.”<sup>13</sup> This Group includes representatives from institutions of the National Health System—such as the Department of Health (SSA), the Mexican Institute of Social Security (IMSS), the Institute of Security and Social Services for State Workers (ISSSTE), the National System for Comprehensive Family Development (DIF), and health services of the Department of National Defence (SEDENA), the Ministry of the Navy (SEMAR), and of Petroleos Mexicanos (PEMEX)—as well as governmental agencies, and civil society organizations. However, no evidence has been found of activities taken by this Group concerning the specific needs of persons with disabilities.

#### *Lack of Comprehensive Sexuality Education*

Children and young persons with disabilities are frequently excluded from sex education programs in Mexico, due to the presumption that they do not need this information. This presumption stems from stigma and the negative stereotype that women with disabilities, in particular, are “asexual.” In addition, information on sexual and reproductive health often is not provided in accessible formats, meaning that women and girls with disabilities cannot access information that is essential to avoiding sexual abuse, unwanted pregnancies and sexually transmitted diseases (STDs).<sup>14</sup>

#### *Lack of Access to Quality Sexual and Reproductive Health Care*

The Convention on the Rights of Persons with Disabilities requires that States “provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes.” Equally, it sets out that, State parties “require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care.”

Mexico has not complied with its obligations to ensure that women with disabilities receive quality sexual and reproductive health care. In 2014, the CRPD Committee expressed concern over “the restrictions on the rights of women with disabilities to safely accessing sexual and reproductive health services and the pressure on them to undergo an abortion when they become pregnant” in Mexico.<sup>15</sup> Four years later, in 2018, the CEDAW Committee similarly noted with concern the “limited access to reproductive health services, in particular for women and girls with mental and other disabilities” in Mexico.<sup>16</sup>

The INEGI reported in the population census of 2010 that 85.2% of women with disabilities in Mexico were affiliated with a health care institution, following the principles of the Popular Insurance programme, the IMSS and ISSSTE. Despite this access, women with disabilities faced institutional invisibility or, in the best of cases, the care they received focused only on medical

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<sup>13</sup> National Transparency Platform, electronic database consultation, request # 0001200322818, available at: [http://www.sisi.org.mx/jspsi/documentos/2018/seguimiento/00012/0001200322818\\_065.pdf](http://www.sisi.org.mx/jspsi/documentos/2018/seguimiento/00012/0001200322818_065.pdf)

<sup>14</sup> *DRI and Chuhcan Report*, *supra* note 12.

<sup>15</sup> CRPD Committee, *Concluding Observations: Mexico*, para. 49, U.N., Doc. CRPD/C/MEX/CO/1 (2014).

<sup>16</sup> CEDAW Committee, *Concluding Observations: Mexico*, para. 41, U.N. Doc. CEDAW/C/MEX/CO/9 (2018).

aspects. Furthermore, the Deputy General Directorate of Gender Equality has acknowledged that (1) there is a lack of information on the sexual and reproductive health of women with disabilities; (2) women with disabilities face limitations on their right to freely exercise their sexuality; and (3) that even within the family itself, the control of reproduction with the aim of preventing pregnancy has been pursued for women with disabilities.<sup>17</sup>

### *Forced Sterilization*

In past few years alone, the CEDAW Committee, the Committee on the Rights of the Child, and the CRPD Committee have all expressed concern over reports that women and girls with disabilities are subject to forced and coerced sterilization in Mexico.<sup>18</sup> Yet, the forced sterilization of women and girls with disabilities in Mexico is a subject that has received little attention from the government—as evidenced by the government’s failure to investigate health authorities and institutions that perform forced sterilizations, its failure to enact legislative reform to address the issue, and its failure to collect data on the practice.

In its 2014 review of Mexico, the CRPD Committee specifically recommended that Mexico: “launch administrative and criminal investigations into the judicial and health authorities and institutions that recommend, authorize or perform forced sterilizations on girls, adolescents and women with disabilities and to guarantee access to justice and reparation for victims.”<sup>19</sup> No evidence was found that suggests that these investigations have been launched, or that reparations have been provided for victims.

For example, a search in the Transparency Portal for trials and lawsuits on cases of forced sterilization brought before different judicial and other entities in the country, including the Council of the Federal Judiciary, the Attorney General’s Office, the National Council for the Prevention of Discrimination, and the National Human Rights Commission, revealed no registered cases. However, the aforementioned entities themselves recognize that this does not mean that cases of forced sterilization do not exist.<sup>20</sup> On the contrary, it confirms the lack of resources for women with disabilities to be able to access the judicial system and report these rights violations.

In February 2018, an initiative was brought before the Chamber of Deputies with the goal of reforming the General Law for the Inclusion of Persons with Disabilities, the General Health

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<sup>17</sup> Mexican Government, National Institute for Women (2017), presentations of the Forum “Gender, Sexuality and Disability”, “Access to reproductive and sexual health of women with disabilities”, by the Ministry of Health - CNEGSR, the Deputy General Directorate of Gender Equality, available at:

[https://www.gob.mx/cms/uploads/attachment/file/278097/7\\_CNEGSR.pdf](https://www.gob.mx/cms/uploads/attachment/file/278097/7_CNEGSR.pdf)

<sup>18</sup> CRPD Committee, *Concluding Observations: Mexico*, para. 37, U.N., Doc. CRPD/C/MEX/CO/1 (2014); CEDAW Committee, *Concluding Observations: Mexico*, para. 41.f, U.N. Doc. CEDAW/C/MEX/CO/9 (2018); CRC Committee, *Concluding Observations: Mexico*, para. 45, U.N. Doc. CRC/C/MEX/CO/4-5 (2015).

<sup>19</sup> CRPD Committee, *Concluding Observations: Mexico*, para. 38, U.N., Doc. CRPD/C/MEX/CO/1 (2014).

<sup>20</sup> National Transparency Platform, electronic database consultation, requests # 0320000431818, 0001700247418, 0320000062818, 0001700247318, 0320000431918, 0320000098518, 3510000046818, 3510000022718, 0441000017618 and 3510000083618, available at:

[https://www.plataformadetransparencia.org.mx/web/guest/inicio?p\\_p\\_id=buscadoresportlet\\_WAR\\_buscadoresportlet\\_t&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-1&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_buscadoresportlet\\_WAR\\_buscadoresportlet\\_action=buscadoresPortletSubmitSearch&cadenaBusqueda=esterilizaci%C3%B3n%20forzada#](https://www.plataformadetransparencia.org.mx/web/guest/inicio?p_p_id=buscadoresportlet_WAR_buscadoresportlet_t&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-1&p_p_col_pos=1&p_p_col_count=2&_buscadoresportlet_WAR_buscadoresportlet_action=buscadoresPortletSubmitSearch&cadenaBusqueda=esterilizaci%C3%B3n%20forzada#)

Law, and the Federal Criminal Code to address the issue of forced sterilization. This law reform sought to: (1) include the concept of “forced sterilization” in the General Law for the Inclusion of Persons with Disabilities; (2) amend the General Health Law “to authorize the Ministry of Health to design, implement, supervise, and evaluate programs that provide medical care and information to this sector of the population, specifically on the matter of forced sterilization, to create a campaign not only of punishment but of prevention”; and (3) “categorize the forced sterilization of girls, adolescents and women with some type of disability as a crime” in the Federal Criminal Code. However, no evidence was found in the Federal Official Gazette that this initiative has been approved, either in part or in full.

Additionally, there is no statistical data that offers an understanding of the prevalence of the cases of forced sterilization of women with disabilities in Mexico. The DGIS database of injuries does not provide the necessary detail to identify cases of forced sterilization, as the existing categories for causes of injury are: economic violence, violence through abandonment/neglect, physical violence, psychological violence, one-off instances of violence, and sexual violence. Having this information is critical to understanding the extent of this rights violation and devising appropriate legal and policy responses.

As the aforementioned 2015 study on women with psychosocial disabilities revealed, the prevalence is likely high. In that study, 50% of women with a psychosocial disability reported receiving a recommendation for sterilization, 6% had a surgery—likely sterilization—without knowing what it was, and 42% had been sterilized. Others (55%) reported facing strong pressure not to have children.<sup>21</sup>

#### *Forced Contraception and Lack of Access to Information about Contraception and STD Prevention*

Women with disabilities in Mexico have insufficient access to information about contraception and some receive contraception without their full, free and informed consent. According to the previously mentioned 2015 study on women with psychosocial disabilities in Mexico: “For every one in two women that had been prescribed contraceptives, their family, a doctor, or a psychiatric institution made the decision.”<sup>22</sup> In addition, the report found that “[w]omen with disabilities who are institutionalized are more likely to be prescribed long-acting, injectable contraceptives and are usually excluded from the decision-making process. DRI has documented this practice in institutions in Mexico . . . , where there are high rates of sexual abuse, especially against women.”<sup>23</sup>

Further, prejudices and lack of training mean that health service providers do not offer women with disabilities adequate information on contraceptive methods or STD prevention.<sup>24</sup> In the 2014 National Survey of Geographic Dynamics, it was revealed that a greater percentage of women without disabilities were aware of at least one contraceptive method, as compared to

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<sup>21</sup> *DRI and Chuhcan Report, supra* note 12.

<sup>22</sup> *DRI and Chuhcan Report, supra* note 12, at p. 20.

<sup>23</sup> *DRI and Chuhcan Report, supra* note 12, at p. 21.

<sup>24</sup> *DRI and Chuhcan Report, supra* note 12.

those with a disability (98.8% vs 95.2%).<sup>25</sup> Likewise, in the 2015 study of women with psychosocial disabilities, 29% reported having received a medication the purpose of which they did not know and 68% of women with psychosocial disabilities who had been prescribed contraceptives “were not informed about alternatives or side effects.”<sup>26</sup>

### *Suggested Questions to Mexico for the List of Issues*

- What steps is Mexico taking to ensure that its sexuality education curriculum is comprehensive, meets international standards, addresses the specific issues and problems experienced by persons with disabilities, and is inclusive of and provided in accessible formats to young persons with disabilities? What percentage of students with disabilities receive sexuality education each year, disaggregated by gender, age, and type of disability?
- What steps is Mexico taking to ensure that women and girls with disabilities have access to the full range of sexual and reproductive health services, in accordance with its obligations under human rights treaties, including the CRPD? What steps, if any, has the Inter-Institutional Group on Reproductive Health (GISR) taken to specifically address the needs of women and girls with disabilities?
- What training does Mexico mandate for doctors and other health care personnel about persons with disabilities, and particularly the sexual and reproductive health of women and girls with disabilities, including their right to informed consent? What steps has Mexico taken to address the stigma and negative stereotypes among health care professionals related to women with disabilities’ sexuality and reproductive health and autonomy?
- What steps has Mexico taken, in line with this Committee’s 2014 recommendations, to launch administrative and criminal investigations into the judicial and health authorities and institutions that recommend, authorize or perform forced sterilizations on girls, adolescents and women with disabilities and to guarantee access to justice and reparation for victims?
- What steps has Mexico taken to collect information, broken down by gender, age and type of disability, on reproductive rights violations against women with disabilities, including forced sterilization?

### **C. Participation of Women with Disabilities in Political and Public Life (article 29)**

According to the 2019 U.N. Map of Women in Politics, 6.6% of heads of state and 5.2% of heads of government are currently women. The 2018 U.N. Disability and Development Report further reveals that there is limited data that shows “extremely low” participation and representation of women with disabilities in political and government leadership roles worldwide. This report also states that, globally, the representation of women with disabilities is low in disability-focused national coordination mechanisms, and that their representation in states’ national mechanisms for gender equality is even lower. For Mexico, this data on

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<sup>25</sup> INEGI, National Survey of Geographic Dynamics (ENADID), Disability in Mexico, data through 2014 (2016), available at: <http://coespo.groo.gob.mx/Descargas/doc/DISCAPACITADOS/ENADID%202014.pdf>

<sup>26</sup> *DRI and Chuhcan Report*, *supra* note 12, p. 20.

participation and representation, broken down by sex and disability, is not available.<sup>27</sup> In general, disaggregated data on the participation of persons and women with disabilities in federal, state and municipal public roles does not exist in Mexico.

Notably, in 2017, the National Electoral Institute launched the “Protocol for the Inclusion of Persons with Disabilities as Officials in Election Monitoring Groups,” just one year before the most recent federal elections. As a result, 1,963 persons with disabilities were appointed as Polling Station Officials (1,122 men and 841 women) and 80% of the citizens with disabilities who were appointed agreed to participate on election day. In total, 776 persons with some form of disability served as officials (out of a total of 1,400,000 officials nationally) in Election Monitoring Groups. In other words, 0.05% of participants were persons with disabilities. Although this is an important initiative to make voting more accessible for persons with disabilities, more needs to be done to ensure that women and persons with disabilities are empowered to seek public office and participate in public discourse.

#### *Suggested Questions to Mexico for the List of Issues*

- What steps is Mexico taking to compile information, disaggregated by gender, age and type of disability, on persons with disabilities’ participation in federal, state and municipal roles?
- What steps is Mexico taking to ensure that women with disabilities are serving as public representatives and that women and girls with disabilities are otherwise actively engaging in the public discourse on issues that affect them? Are there any government quotas or affirmative action measures in place?
- What steps is Mexico taking to increase budget allocations to ensure that the physical space of electoral booths is accessible to all, as required by the INE Protocol?

#### **D. Discrimination and Stereotypes Concerning Women with Disabilities (articles 5 and 6)**

In Mexico, there is a situation of general discrimination towards persons with disabilities and, to a larger extent, towards women with disabilities, accompanied by a lack of specific measures on the part of the Mexican government to address the needs of women with disabilities.

According to data from the National Survey on Discrimination (ENADIS), 58.3% of persons with disabilities have, at some point, been discriminated against due to their disability, and 35% of women in Mexico believe that the rights of persons with disabilities are not respected, while 32% of men were of the same opinion.<sup>28</sup>

Further data on discrimination against women with disabilities is reported in a study by the National Council for the Prevention of Discrimination (CONAPRED), which focused on

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<sup>27</sup> United Nations, *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities: 2018* (2019), available at <https://www.un.org/disabilities/documents/2019/UN-flagship-report-disability-7June.pdf>.

<sup>28</sup> INEGI (2017), National Survey on Discrimination (ENADIS), available at: [https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2018/EstSociodemo/ENADIS2017\\_08.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2018/EstSociodemo/ENADIS2017_08.pdf)

discrimination against persons with intellectual disabilities. This study carried out a survey on stigmatizing situations; for example, treating persons with intellectual disabilities as if they were children. The study indicates that there are more women with intellectual disabilities who have experienced stigmatizing situations as compared to men with disabilities, finding that “while 30.7% of women with disabilities interviewed reported having experienced 4 or more acts of stigmatization, 24% of men [with disabilities] reported the same.”<sup>29</sup> This data shows that women with intellectual disabilities are more likely to be subjected to discrimination, in comparison to men with the same characteristics.

Further, like women with disabilities around the world, women with disabilities in Mexico are subjected to discrimination and negative stereotypes based on both their gender and disability that impact their exercise of rights, including sexual and reproductive rights. In particular, women with disabilities in Mexico are perceived as being asexual and unable to take on the role of motherhood or be good parents. In fact, studies in Mexico have found that “women with disabilities who get pregnant are often labeled as reckless, careless and even egoistic for ‘not thinking what they can do the child.’ For instance, . . . [d]octors in the social security system scolded [a 36-year-old teacher who was Deaf] for getting pregnant, calling her irresponsible for not considering the risk of passing her disability on to her daughter.”<sup>30</sup>

Meanwhile, with regard to the legal framework, some progress has been made but specific measures are lacking. On a positive note, discrimination on grounds of “gender” and “disability” is prohibited under article 1 of the Political Constitution of the United Mexican States (CPEUM).<sup>31</sup> Similarly, the Federal Act on the Prevention and Elimination of Discrimination protects persons with disabilities—with specific mention of women with disabilities—against discrimination. Article 4, paragraph 4, of the Act states that: “it will be a priority for the Public Administration to adopt measures of affirmative action towards those persons with disabilities who suffer a greater degree of discrimination, such as women.”<sup>32</sup>

However, in practice, such measures of affirmative action towards women with disabilities do not exist or are yet to be adopted. This points to Mexico’s failure to take action towards addressing this Committee’s concern, expressed in 2014 Concluding Observations for Mexico, about “the lack of specific assistance measures implemented by the State Party to prevent and combat intersectional discrimination against women and girls with disabilities, and the lack of information in this regard.”<sup>33</sup>

Even where measures do exist, information about these initiatives is not publicly available. For example, like women with disabilities around the world and throughout Mexico, women with disabilities in some indigenous communities are subjected to discrimination and negative

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<sup>29</sup> CONAPRED (2009). STUDY ON DISCRIMINATION AND MENTAL AND INTELLECTUAL DISABILITY, Table 1. Level of stigma reported by persons with intellectual disabilities in the metropolitan area of Mexico City, p. 45, available at: [https://www.conapred.org.mx/documentos\\_cedoc/E06-2009.pdf](https://www.conapred.org.mx/documentos_cedoc/E06-2009.pdf).

<sup>30</sup> *DRI and Chuhcan Report*, *supra* note 12, pgs. 12-14; Instituto Nacional de las Mujeres (Inmujeres), *Mujeres y Discapacidad en México* (2002) available at [http://cedoc.inmujeres.gob.mx/documentos\\_download/100860.pdf](http://cedoc.inmujeres.gob.mx/documentos_download/100860.pdf).

<sup>31</sup> CPEUM, article 1, available at: [http://www.diputados.gob.mx/LeyesBiblio/pdf/1\\_060619.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/1_060619.pdf).

<sup>32</sup> Federal Law to Prevent and Eliminate Discrimination, Chamber of Deputies, available at: [http://www.diputados.gob.mx/LeyesBiblio/pdf/262\\_210618.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/262_210618.pdf)

<sup>33</sup> CRPD Committee, *Concluding Observations: Mexico*, para. 13, U.N., Doc. CRPD/C/MEX/CO/1 (2014).

stereotypes that do not allow their full inclusion and development, frequently resulting in their exclusion and marginalization from the community, work, family and school. Accordingly, the National Council for the Development and Inclusion of Persons with Disabilities, through its National Program 2014-2018, developed strategies, such as Strategy 1.6, on the inclusion of persons with disabilities, including in rural and indigenous areas. Nonetheless, data on how these strategies are being implemented is not available.<sup>34</sup> There are also no statistics that measure the number of women with disabilities that live in indigenous communities.<sup>35</sup>

#### *Suggested Questions to Mexico for the List of Issues*

- What steps is Mexico taking to raise public awareness and institute educational programs about the rights, contributions, and capabilities of women and girls with disabilities, as a means of overcoming negative and harmful stereotypes based on both disability and gender? How is Mexico ensuring that these initiatives are accessible to all women and girls with disabilities, for example in indigenous languages and/or accessible formats?
- What steps is Mexico taking to address the intersectional discrimination faced by indigenous women with disabilities and women with disabilities in rural areas?

### **E. Legal Capacity and Its Impact on the Rights of Women and Girls with Disabilities (articles 12, 13, 15, 16, 17, 23)**

In Mexico, federal bodies do not recognize the full legal capacity of persons with disabilities. For example, in some states, civil legislation allows for the annulment of marriage on grounds of “disability,” which can limit the relations of persons with disabilities and their rights regarding the home and the family. Further, as noted in CONAPRED’s publication, *Legislate without Discrimination*, “the discrimination of women in their right to full legal capacity arises not through formal restriction, but rather through actual situations and the lack of support mechanisms.”<sup>36</sup>

Specifically, one of the problems at the regulatory level is that civil legislation, especially in several of the federal entities of the Republic, continues to restrict access to marriage for persons with disabilities. This may have an impact on the social relations of persons with disabilities, especially in their legal capacity to decide to form a couple, which can cause discrimination and prevent their full inclusion. This is the case with the Civil Code for the State of Guanajuato, for example, which states in Article 153 that intellectual disability—described as “craziness, idiotism, and imbecility”—is an impediment to marriage.<sup>37</sup>

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<sup>34</sup> CONADIS, *Rural Women and Disability* (2017), available at:

<https://www.gob.mx/conadis/es/articulos/mujeres-rurales-y-discapacidad?idiom=es>

<sup>35</sup> According to data from the Housing and Population Census from the National Institute of Statistics and Geography (INEGI), in Mexico there are 15.7 million people who are considered to be indigenous. It should be noted that, according to figures from the INEGI, “out of the total population with disabilities from age 3 and above, 450 thousand people (7.9%) are speakers of an indigenous language, of which there is an equal proportion of indigenous women with disabilities to indigenous men with disabilities (50.5% vs 49.5% respectively).”

<sup>36</sup> CONAPRED (2009). STUDY ON DISCRIMINATION AND MENTAL AND INTELLECTUAL DISABILITY, available at: [https://www.conapred.org.mx/documentos\\_cedoc/E06-2009.pdf](https://www.conapred.org.mx/documentos_cedoc/E06-2009.pdf).

<sup>37</sup> Código civil del Estado de Guanajuato, art 153, VIII, IX.

### *Suggested Questions to Mexico for the List of Issues*

- In line with this Committee's 2014 recommendations to Mexico, what steps has Poland taken to review and harmonize the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children?
- What specific steps is Mexico taking to ensure that women with disabilities receive support to make important life decisions for themselves and are not subjected to medical treatment, including reproductive health procedure such as sterilization or abortion, without their full, free and informed consent?
- What specific steps is Mexico taking to ensure that women with disabilities who are currently deprived of legal capacity can access justice, particularly when they are the victims of gender-based violence? What training is Mexico providing to law enforcement and judicial officers to ensure that discriminatory stereotypes about the capabilities of women and girls with disabilities do not impede their access to justice?

### **F. Discrimination in Education against Women and Girls with Disabilities (articles 5, 6, 24)**

Women with disabilities in Mexico face violations of their right to education, which has a direct impact on their quality of life. There is currently no national-level inclusive education plan for students with disabilities in Mexico; instead, the education system is segregated, with special education projects for persons with disabilities.

Recent data shows that the already tenuous inclusion of persons with disabilities in the education system is being further eroded. According to the Secretariat of Social Development's (SEDESOL's) 2018 Report on the Results of Poverty Measurement, between 2014 and 2016 there was a reduction of educational inclusion for persons with disabilities from 51% to 48.7%; at the same time, the population of persons with disabilities who experienced educational lag increased by 4% (from 3.9 to 4.3 million).<sup>38</sup> This data is not disaggregated by sex, and does not indicate how many of these people are girls and women with disabilities.

The Ministry of Public Education's educational model clearly reveals a tendency towards segregation, and not of inclusion. The Ministry does not have an inclusive program where there is universal accessibility (spaces, language, communication, learning accessibility), reasonable adjustments in the curriculum, and teacher training with a focus on alternative forms of learning. This increases the probability that women with disabilities will be forced to abandon their studies and shows clear discrimination toward the condition of disability.

In March 2019, the National Institute for the Evaluation of Education published a document entitled "Reference framework for the evaluation of educational attention to diversity: students with disabilities," which is focused on how to evaluate educational programs to ensure they are inclusive of persons with disabilities. However, due to political adjustment issues within the federal government, there is no strategy in place to assist persons with disabilities in Mexico and therefore there is no educational strategy or plan where this reference framework can be implemented. In fact, there is even uncertainty over whether this Institute will continue its work.

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<sup>38</sup> Secretariat of Social Development (SEDESOL), *Informe Anual sobre la situación de pobreza y rezago social* (2018).

### *Suggested Questions to Mexico for the List of Issues*

- What temporary and permanent special measures has Mexico taken specifically targeted at women and girls with disabilities to overcome discrimination in education and ensure their effective access to quality, inclusive education? How has Mexico addressed the needs of women and girls with disabilities experiencing intersectional discrimination and barriers to education, such as indigenous girls and women and those living in poverty or in rural areas?
- What steps is Mexico taking to create a national-level inclusive education plan and implement the National Institute for the Evaluation of Education's 2019 Reference framework?
- What efforts is Mexico making to compile data on access to education and school inclusion, including dropout rates, for persons with disabilities, disaggregated by gender, disability and geographical location (rural vs. urban)?

### **III. Conclusions**

Women and girls with disabilities in Mexico face unique forms of discrimination, violence and abuse, as well as significant barriers to their inclusion, political and public participation, and access to information, education, justice and sexual and reproductive health services. Mexico does not have a strategic plan in place to give hope to this population, and to resolve the real problems they live with every day.

The issue of women with disabilities has not been given the urgent attention needed to make room for its inclusion in political development strategies. Without this strategic vision, girls and women with disabilities will remain the forgotten sisters, and if most of us are left behind, we will be unable to say that are moving forward as a country.

Thank you again for the opportunity to contribute to the CRPD Committee's pre-sessional working group and its consideration of Mexico's state report. If any questions should arise, please do not hesitate to contact the authors of this report at [mexicanascondiscapacidad@gmail.com](mailto:mexicanascondiscapacidad@gmail.com) and [a.bjerregaard@womenenabled.org](mailto:a.bjerregaard@womenenabled.org).