

**Observations on the State of
Indigenous Women's Rights in Mexico**
Alternative Report Submission

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

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I. Reporting Organization

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II. Background Information

This report focuses on Indigenous women in Mexico and the discrimination they face. The total population of Mexico is approximately 129,600,000, over 25,600,000 of whom reportedly self-identify as descending from, or belonging to, an Indigenous Peoples. Of that population, between 55-60 percent are women. Eighty percent of Indigenous Peoples in Mexico experience extreme levels of poverty, according to the FAO.¹ Indigenous Peoples are largely from the areas of Oaxaca, Quintana Roo, Campeche, Chiapas, Hidalgo, Puebla, Guerrero, Yucatán, San Luis Potosí, and Veracruz, and speak 1 of the 364 linguistic variations within 68 language groups and 11 linguistic families. 62 Indigenous “national languages” have been recognized by Mexico’s Law of Linguistic Rights of Indigenous Languages. The largest groups of Indigenous women are primarily Maya, Mixtec, Zapotec, Tzeltal, Tzotzil, Otomí, Nahuatl, Totonac, and Teenek.² Disaggregated data on Mexico’s Indigenous population is extremely limited and makes it hard to assess the true scope of Indigenous women’s status. Statistics collected by State agencies often fail to record Indigenous status; more effort needs to be made to document in national statistics how Indigenous ethnicity, in addition to gender, complicates and compounds experiences of poverty, violence, malnutrition, and access to services, justice, freedom of expression, and human rights violations broadly. Indigeneity should be determined on the principle of self-determination in line with international standards, compared to the current method frequently used by State agencies which is based on languages spoken.

Mexico signed the Convention on the Elimination of All Forms of Discrimination against Women on July 17, 1980, and despite significant effort in establishing offices to handle compliance, has great room for improvement. Mexico played a leading role in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and further, President Peña Nieto reaffirmed Mexico’s commitment to the implementation of this Declaration during the 2014 UN World Conference on Indigenous Peoples. However, this international commitment to Indigenous Peoples rights often fails to translate back to the domestic agenda. Mexico has established a number of federal agencies that include the pursuit of gender equality and/or Indigenous Peoples in their mandate, however the majority of these

¹ Xantomila, Jessica. “Las mujeres indígenas sufren más discriminación: FAO”, La Jornada, 2018. <http://www.jornada.unam.mx/2018/01/13/sociedad/029n1soc>

² Colmenares-Roa, T., et al. “Sociodemographic and Clinical Overview of the Indigenous Population Admitted to the Hospital General De Mexico Dr. Eduardo Liceagaâ .” *Revista Medica Del Hospital General De Mexico*, vol. 80, no. 1, 2017, pp. 3–15., doi:10.1016/j.hgmx.2016.07.004.

organizations are underfunded, and what funds they do have is often mismanaged. The National Women's Institute ("Inmujeres") and the National Centre for Gender Equality and Reproductive and Sexual Health are two such institutions reported on by Mexico in its earlier reports to the CEDAW. However, studies carried out in 2016 showed that in that year institutions focusing on gender equality experienced a 4.8 percent reduction in their budgets, and that the institutions often chose to spend the funds they did have on administrative costs unrelated to services for women.³

A notable federal agency dedicated to improving the lives of Indigenous women is the National Commission for the Development of Indigenous Peoples ("CDI"). CDI operates in 24 of Mexico's 32 states pursuant to Article 2 of Mexico's constitution to develop principles that promote sustainable development of Indigenous Peoples' rights.⁴ However, in 2017 the CDI saw a decrease in its annual budget of over 50 percent.⁵ The commission's 2018 budget was set at an increase of just 1.4 percent despite strong lobbying from Indigenous organizations in November 2017⁶. In her 2017 visit to Mexico, UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz characterized Mexican state institutions that work on issues of Indigenous Peoples as weak in comparison to other state institutions.⁷ Other preliminary findings from her visit will be referenced below.

In 2017, Mexico saw its first Indigenous woman attempt to run as candidate for president, María Jesús Patricio, from southern Jalisco, although she did not achieve the number of signatures required to be on the ballot. Patricio is affiliated with the National Indigenous Congress, which represents over 60 communities and tribes.⁸ The main issues Patricio wanted to bring to Mexico's attention are displacement, destruction of ancestral lands for government projects like tourism, infrastructure, and mining, discrimination, and poor access to health, education, and employment.⁹

II. Situation analysis – Continuing Rights Violations of Indigenous women

A. Violations of Indigenous Women's Constitutional Rights (CEDAW Articles 1, 2, 7, 8, 14)

Article 2 of the Political Constitution of the United Mexican States was amended on July 18, 2001. This amendment reads today, in part:

³ Roldán, Nayeli. "Presupuesto para mujeres y equidad de género es gastado en aseo de oficinas de gobierno" <https://www.animalpolitico.com/2016/09/presupuesto-programas-mujeres/>.

⁴ CEDAW/C/MEX/6. United Nations Convention on the Elimination of All Forms of Discrimination against Women, 2006, documents-dds-ny.un.org/doc/UNDOC/GEN/N06/220/44/PDF/N0622044.pdf?OpenElement.

⁵ "Warnholtz Loch, Margarita. "Presupuesto 2018 para pueblos indígenas" <https://www.animalpolitico.com/blogueros-codices-geek/2017/11/03/presupuesto-2018-pueblos-indigenas/>

⁶ Ibid.

⁷ Interview with Victoria Tauli Corpuz by Cultural Survival. <http://rights.culturalsurvival.org/special-rapporteur-visit-mexico>

⁸ Tucker, Duncan. "'Mexico Needs Healing': the First Indigenous Woman to Run for President." The Guardian, Guardian News and Media, 12 June 2017, www.theguardian.com/world/2017/jun/12/mexico-maria-de-jesus-patricio-martinez-indigenous-woman-president.

⁹ Tucker, Duncan. "'Mexico Needs Healing': the First Indigenous Woman to Run for President." The Guardian, Guardian News and Media, 12 June 2017, www.theguardian.com/world/2017/jun/12/mexico-maria-de-jesus-patricio-martinez-indigenous-woman-president.

“This Constitution recognizes and protects the indigenous peoples’ right to self-determination and, consequently, the right to autonomy.”

“Apply their own legal systems to regulate and solve their internal conflicts, subjected to the general principles of this Constitution, respecting the fundamental rights, the human rights and, above all, the dignity and safety of women.”

“[...] guaranteeing the right to vote and being voted of indigenous women and men under equitable condition.”¹⁰

This article grants Indigenous Mexicans the right to govern themselves in accordance with their own “uses and customs.” This broad right acknowledges Indigenous self-determination but lacks the power to regulate abuses of power.

As of 2016, 417 of the 570 Oaxaca municipalities are governed by Indigenous, traditional governments. Indigenous men of Oaxaca, alone, are afforded the right to vote under its traditional governance. On September 20, 2016, Indigenous women of Oaxaca filed a complaint to be able to participate in a local election for the first time. A federal electoral court found in favor of the complainants. This ruling was a reflection of the 2015 constitutional amendment that clarified earlier amendments on Indigenous Peoples rights. This 2015 amendment made clear the priority of women’s suffrage over government traditions, however, efforts should be made to gain the consent of Indigenous women and communities in the process of establishing new norms around Indigenous women’s suffrage to ensure broad acceptance within communities and maintaining the intent and spirit of traditional decision making within each community.¹¹

B. Labor, Law and Economic Equality (CEDAW Articles 7, 8, 10, 13, 14)

On February 16, 1996, the San Andrés Accords Regarding the Rights and Culture of the Indigenous entered into force and created space for Indigenous women’s voices to be heard.¹² The Accords were signed between the Mexican government and the Zapatista Army of National Liberation (EZLN) to bring recognition to the rights of Indigenous Peoples and their “human souls.” The passage of the Accords was reached with the Indigenous participation of the National Indigenous Congress, which represents Indigenous voices across Mexico.¹³ The Accords recognize the Indigenous right to self-determination and autonomy, broader representation and participation, recognition of collective rights, and access to justice. The Accords contributed to the passage of the aforementioned 2001 constitutional amendment of Article 2. Today, twenty-two years after the signing of the Accords, the EZLN and Indigenous communities

¹⁰ Political Constitution of the United Mexican States. Diario Oficial De La Federación, 15 Aug. 2016, www.trife.gob.mx/sites/default/files/consultas/2012/04/political_constitution_v2_pdf_20009.pdf.

¹¹ Campoy, Ana. “Mexico Is No Longer Turning a Blind Eye to Local Customs That Bar Women from Voting.” Quartz, Quartz, 26 Sept. 2016, qz.com/789942/mexico-is-no-longer-turning-a-blind-eye-to-local-customs-that-bar-indigenous-women-from-voting/.

¹² La Botz, Dan. “The San Andrés Accords--Twenty Years Later.” New Politics, 19 Feb. 2016, newpol.org/content/san-andres-accords-twenty-years-later.

¹³ Hernandez, Luis, and Navarro. “The San Andrés Accords: Indians and the Soul.” Cultural Survival, Cultural Survival Quarterly Magazine, Mar. 1999, www.culturalsurvival.org/publications/cultural-survival-quarterly/san-andres-accords-indians-and-soul.

continue to face labor and economic inequalities as the Mexican government and private companies aim to privatize and commercialize Indigenous community resources, which leads to displacement and poverty.¹⁴ Recent examples of this include the Creel regional airport, Eco-tourism park Barrancas del Cobre, gas pipeline Topolobampo-Ojinaga, and hydroelectric dam Los Pilares on the Mayo River in Sonora, all of which moved forward without the Free, Prior and Informed Consent of Indigenous Peoples in the area.¹⁵ More work needs to be done to implement the San Andres Accords.

C. Women's Health (CEDAW Articles 12, 14, 16, GR 34)

While seeking reproductive care from the state, Indigenous women in Mexico historically have experienced intimidation and threats of suspension of social programs if they did not agree to sterilization.¹⁶ These programs were carried out through the 1990s by State-sponsored programs PROGRESA and PROCAMPO.¹⁷ While today's State agencies like Inmujeres and the CDI have made an increasing effort to promote education and support for Indigenous women's access to health services, major issues still exist for Indigenous women seeking care provided by the State, especially in regards to reproductive care. In 2013, the Secretariat of the Interior found that 27 percent of Indigenous women seeking public health services were victims of sterilization without their consent.¹⁸

One recent case that gained notoriety occurred in 2017. Alma, an Indigenous woman from Guerrero, was harassed by 6 different doctors and nurses who sought to sterilize her during the two days she spent in the hospital after the birth of her child. After she refused to sign a document that would bring her into surgery, the doctors at Hospital General de Tlapa de Comonfort in Guerrero threatened that she would not be permitted to leave the hospital until she agreed to the surgery.¹⁹ The National Commission for Human Rights has registered 124 complaints of forced sterilization. However, this number is estimated to be much lower than reality, as many women are not aware that this kind of treatment is a violation of their rights, according to the non-profit Grupo de Reproducción Elegida.²⁰ Forced sterilization is especially a problem for Indigenous women, due to a multitude of factors; these include discrimination which leads to the failure of doctors to feel the need to explain the procedure, its risks and benefits, or to ask for the patient's consent; lack of access to linguistically appropriate health services for women who speak only their native language; and high rates of illiteracy among Indigenous women in rural areas. Another risk factor is mental or physical disability: women and young girls may be more vulnerable to forced sterilization immediately after instances of rape, especially rape due to incest, at a time when the trauma

¹⁴ La Botz, Dan. "The San Andrés Accords--Twenty Years Later." *New Politics*, 19 Feb. 2016, newpol.org/content/san-andres-accords-twenty-years-later.

¹⁵ Estrada, Jesus. "Comunidades indígenas denuncian ante la ONU despojo por proyectos de desarrollo" <http://www.jornada.unam.mx/2017/11/13/politica/005n1pol>

¹⁶ *Ibid.*

¹⁷ CEDAW/C/MEX/6. United Nations Convention on the Elimination of All Forms of Discrimination against Women, 2006, documents-dds-ny.un.org/doc/UNDOC/GEN/N06/220/44/PDF/N0622044.pdf?OpenElement.

¹⁸ Piña, Gloria and Aydé Rodríguez. "Alma, una víctima de esterilización forzada en Guerrero," <https://lasillarota.com/estados/alma-una-victima-de-esterilizacion-forzada-en-guerrero/171218>

¹⁹ Wilton Jen. "Mexican Politics and Economy: Report Reveals Indigenous Women Sterilised without Consent." *PULSAMERICA*, 18 Feb. 2013, www.pulsamerica.co.uk/2013/02/mexican-politics-and-economy-report-reveals-indigenous-women-sterilised-without-consent/.

²⁰ Lopez, Alejandro. "La práctica del gobierno mexicano de esterilizar a los indígenas contra su voluntad" <https://culturacolectiva.com/historia/esterilizacion-forzada-de-indigenas-contra-su-voluntad/>

of the experience may impede decision-making ability or personal agency. Indigenous men, in addition to women, have also been targets of forced sterilization.

In 2002, the National Commission for Human Rights, CNDH denounced medical personnel in rural clinics who obliged Indigenous women to carry out sterilization procedures in order to continue receiving government support. However, as of 2015, 17 states in Mexico have not passed legislation that criminalizes the forced sterilization of women. These include Aguascalientes, Baja California, Campeche, Chihuahua, Colima, Guanajuato, Jalisco, Estado de México, Morelos, Nayarit, Nuevo León, Oaxaca, Querétaro, Sinaloa, Sonora, Tamaulipas y Zacatecas.²¹

Additionally, there is a lack of appropriate care for unmarried Indigenous women and girls, who often recount abandonment by their families and feeling like a disappointment.²² This is problematic because Indigenous women are especially vulnerable to rape, and access to abortion is inconsistent and often inaccessible. For example, Mexican abortion legislation varies across states and abortion eligibility depends on the pregnancy's circumstances, like the riskiness of the pregnancy and fetal malformations. Lack of information on eligibility and poor access to safe services for Indigenous women are complicated barriers.²³ Non-governmental shelters, like the Hogar Comunitario in San Cristóbal de las Casas, provide workshops, support, and a community psychologist to single Indigenous mothers abandoned by their families.²⁴

18 years after the Millennium Development Goals, Indigenous women in Mexico continue to disproportionately experience maternal mortality.²⁵ Overcrowding of hospitals, poverty, lack of quality healthcare centers in rural areas, and discrimination against Indigenous women are contributing factors.²⁶ CEDAW's General Recommendation 34 on rural women specifically encourages State parties to safeguard rural women's right to adequate healthcare that is culturally acceptable to them, and that health care information be widely disseminated in local languages and dialects through several media. Yet, Indigenous women in Mexico who do not speak Spanish often have difficulties communicating their symptoms to health care professionals and many times they are not allowed to be accompanied into examination rooms by family members who speak Spanish. The lack of quality health care facilities in rural areas and multilingual health care professionals and translators are serious barriers that often keep Indigenous women from receiving the health care services that they need. External research conducted

²¹ Animal Politico. "En 17 estados del país se puede esterilizar a una mujer por la fuerza sin que sea un delito" <https://www.animalpolitico.com/2015/08/en-17-estados-del-pais-se-puede-esterilizar-a-una-mujer-por-la-fuerza-sin-que-sea-un-delito/>

²² González, Adriana A. "Mexican Shelter Supports Young Mothers, Indigenous Culture Rejects Them." Global Press Journal, 14 June 2016, globalpressjournal.com/americas/mexico/mexican-shelter-supports-young-mothers-indigenous-culture-rejects/.

²³ "Http://informe2015.Gire.org.mx/En/#/Home." Women and Girls Without Justice: Reproductive Rights in Mexico, Grupo De Información En Reproduccion Elegida, informe2015.gire.org.mx/en/#/Home.

²⁴ González, Adriana A. "Mexican Shelter Supports Young Mothers, Indigenous Culture Rejects Them." Global Press Journal, 14 June 2016, globalpressjournal.com/americas/mexico/mexican-shelter-supports-young-mothers-indigenous-culture-rejects/.

²⁵ Bautista Jiménez, Edgar Rodolfo and Oliva López Arellano, "Muerte materna en mujeres indígenas de México y racismo de Estado. Dispositivos biopolíticos en salud," Salud Problema / Segunda época / año 11 / Número 21 / enero-junio 2017

²⁶ Portella, Anna. "Parteras, aliadas de las mujeres indígenas ante mortalidad materna, Forbes Mexico, March 2018 <https://www.forbes.com.mx/parteras-aliadas-de-las-mujeres-indigenas-ante-mortalidad-materna/>

with Indigenous women in neighboring Guatemala has shown that in order for Indigenous women to access health services, it is essential for those services to be provided in linguistically and culturally appropriate ways.²⁷

D. Homophobia and Transphobia (CEDAW Articles 2, 3, 5)

Transgender women, or *muxes* as they are known in the Zapotec culture, face discrimination in Mexico, and Indigenous transgender women are even more vulnerable targets due to extensive instability as triple minorities. Since 2010, nine states have passed same sex marriage laws, along with hate crime statutes and anti-discrimination laws, yet, brutal violence against LGBT Mexicans continues. This violence includes kidnapping, murder, and dismemberment. Some Indigenous people in rural and poor regions have increasingly conservative views towards the LGBT community, and often contribute to discrimination of transgender people, even within their own communities.²⁸

In an egregious example of both disrespect for trans people and women's political participation, it was found that political parties in Oaxaca attempted to bypass laws establishing 50 percent male-female gender parity in candidates within political parties. After a complaint was filed by a coalition of LGBT community groups in May 2018, it was found that 17 male candidates registered as trans-women *muxes* for the purposes of the campaign in order to be counted within the spaces allocated for women.²⁹ In December of 2017, the Oaxaca Electoral Institute IEEPCO approved regulations for gender equality in candidates put forward by political parties. In acknowledgement of the rights of trans persons, article 16 of the regulation establishes that candidates may self-describe their gender. Investigations concluded that the 17 men did not authentically identify as trans-women, nor were members of the Indigenous *muxe* community. This constitutes not only a derision of transwomen and the *muxe* identity, but an attempt to violate campaign regulations aimed to prevent discrimination of women. The candidacies of the 17 men were later revoked. Special attention should be given by electoral institutions to monitor the application of gender parity laws nationally moving forward.

Indigenous lesbian women also face triple discrimination; for being women, Indigenous, and for their sexuality. Cases have been reported of “corrective rape” and general discrimination within communities.³⁰ Institutionally, there continues to be a stark difference in access to spousal benefits conferred by employers or institutions in the 22 states that have not legalized gay marriage. Some health centers and hospitals exclude lesbian partners from visiting or accompanying their partners, and spousal benefits in the workplace often continue to be denied to lesbian partners.

E. Violence Against Indigenous Women (CEDAW Articles 11, 12)

²⁷ Alejandro Cerón, Ana Lorena Ruano, Silvia Sánchez, Aiken S. Chew, Diego Díaz, Alison Hernández and Walter Flores. Abuse and discrimination towards indigenous people in public health care facilities: experiences from rural Guatemala. *International Journal for Equity in Health*, 2016.

²⁸ Report on Human Rights Conditions of Transgender Women in Mexico. Cornell University Law School LGBT Clinic, transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf.

²⁹ Pedro, Matías. “Muxes piden sancionar a 17 hombres que se registraron como trans en comicios” <https://www.proceso.com.mx/533205/muxes-piden-sancionar-a-17-hombres-que-se-registraron-como-trans-en-comicios>

³⁰ <http://www.pikaramagazine.com/2017/10/donde-estamos-las-mujeres-indigenas-lesbianas/>

As of 2013, every Mexican state has a law on women's access to a life free of violence. 2012 marked the inclusion of the crime of femicide, or homicide against women because of their gender, into the Federal Criminal Code.³¹ In 2013, femicide rates increased in Mexican states with high Indigenous populations.³² The National Citizens' Observatory on Femicide found that, as of 2017, seven women are killed in Mexico every day. The majority of these murders are said to be due to misogyny, jealousy, and domestic violence and demonstrate that poverty is a confounding factor.

Most Indigenous Mexican women live in central and southern states, but the Juárez region, known as the "capital of murdered women," is a particularly high-risk region for Indigenous women migrants passing through northern Mexico. As a reaction to the violence against women in Juárez, the 2012 Alba Protocol was signed to coordinate government actions to search for women and girls reported missing in Juárez and the Missing Persons Search Unit was established.³³ However, a study published in 2017 have found that the Alba Protocol has been largely ineffective in finding missing women or preventing their deaths.³⁴

Unofficial data and experience tell that Indigenous women in Mexico disproportionately experience violence. However, very little research has been carried out by the State to gather disaggregated data on this issue: in 2008 the Survey on the Health and Rights of Indigenous Women "ENSADEMI" by its Spanish acronym, was conducted. This was the first time any State-sponsored study on violence against women had taken women's Indigenous identity into account. In 2011, a follow up study was carried out focusing specifically on domestic violence among Indigenous women in three southern regions of Mexico.³⁵ The 2011 study acknowledges, "Our data highlight the need to design information sources with an ethnic and intercultural focus in order to provide services and programs directed at the prevention, treatment, healing, and eradication of violence in those specified groups." These studies found that only one-third of women sought help from authorities, some of whom said they did not seek help because they didn't know they could, or because they didn't trust the authorities.³⁶ External research conducted with Indigenous women in neighboring Guatemala has shown that in order for Indigenous women to access services such as domestic violence or mental health support centers, it is essential for those services to be provided in linguistically and culturally appropriate ways.³⁷

No official studies have been done to look at the experience of Indigenous women in Mexico who are victims of State-sponsored violence carried out by the military, either today or historically, and its

³¹ A/HRC/WG.6/17/MEX/1. United Nations General Assembly, 2013, www.upr-info.org/sites/default/files/document/mexico/session_17_-_october_2013/a_hrc_wg.6_17_mex_1_e.pdf.

³² Wilton, Jen. "Mexican Politics and Economy: Report Reveals Indigenous Women Sterilised without Consent." PULSAMERICA, 18 Feb. 2013, www.pulsamerica.co.uk/2013/02/mexican-politics-and-economy-report-reveals-indigenous-women-sterilised-without-consent/.

³³ A/HRC/WG.6/17/MEX/1. United Nations General Assembly, 2013, www.upr-info.org/sites/default/files/document/mexico/session_17_-_october_2013/a_hrc_wg.6_17_mex_1_e.pdf.

³⁴ Schatz, Sara. "Sexual Homicide of Women on the U.S.-Mexican Border" Springer Science and Business Media, 2017.

³⁵ *Violencia de pareja en mujeres indígenas de tres regiones de la República Mexicana 2011*

³⁶ *Ibid.*

³⁷ Alejandro Cerón, Ana Lorena Ruano, Silvia Sánchez, Aiken S. Chew, Diego Díaz, Alison Hernández and Walter Flores. Abuse and discrimination towards indigenous people in public health care facilities: experiences from rural Guatemala. *International Journal for Equity in Health*, 2016.

continued effects. The 2011 Inmujeres study proved that women who experience violence in the past are more likely to be victims of domestic violence. Research has also shown that those who have been victims of violence themselves are more likely to commit violence in the future. The WHO states: “Situations of conflict, post conflict and displacement may exacerbate existing violence, such as by intimate partners, as well as and non-partner sexual violence, and may also lead to new forms of violence against women,” and that “men are more likely to perpetrate violence if they have low education, a history of child maltreatment, exposure to domestic violence against their mothers.”³⁸ Therefore, it is impossible to separate the historical colonial violence experienced by Indigenous communities and the current condition of high levels of domestic violence, although the Inmujeres study implies that the commonality of domestic violence in Indigenous communities is a result of a cultural values.

In a forum conducted at the Universidad Autonoma de Chapingo, Indigenous women denounced that militarized violence against Indigenous women has increased in recent years, highlighting the case of Inés Fernández and Valentina Rosendo, two Indigenous Me’phaa women of Guerrero that were captured, tortured and raped by a group of military personnel.³⁹ Sixteen years after the incident, Valentina’s attackers are finally being sentenced on June 8, 2018, after the case was brought to the Inter-American Court. The case of these two women, noted forum participants, is “emblematic, but not unique.”⁴⁰

G. Trafficking (CEDAW Article 6)

Trafficking and exploitation have become norms throughout rural areas in Mexico with high levels of poverty and low access to education. Approximately 20,000 people are victims of trafficking in Mexico every year. Of women trafficked in Mexico, 70 percent are Indigenous women, according to the Comité de Seguimiento de la Alianza de Mujeres Indígenas de México y Centroamérica.⁴¹ Indigenous girls and women are often enticed by the promise of a better future with a stable career and marriage. This deception often leads first to prostitution. Once the deception wears off and victims resist, they are beaten and threatened.⁴² Another factor leading Indigenous women into trafficking is migration compelled by domestic violence and sexual violence. Indigenous Mexican women fleeing their homes search for a better life during their migration to the United States every year. Many of the men who help women arrive at the Mexican-United States border rape, rob, and assault them. Indigenous Mexican women largely understand the risks associated with migration and still choose to migrate, which demonstrates the dire quality of life currently experienced by these women. Migration has increased in the past decade, which calls for legal and policy reform in Mexico.⁴³

³⁸ World Health Organization. “Violence Against Women, Key Facts.” Nov. 2017. <http://www.who.int/news-room/fact-sheets/detail/violence-against-women>

³⁹ Robles, Rocio Mendez. “Otorgarían justicia a Valentina Rosendo a 16 años de ser víctima de tortura sexual.” May, 2018 <http://www.mvsnoticias.com/#!/noticias/otorgarian-justicia-a-valentina-rosendo-a-16-anos-de-ser-victima-de-tortura-sexual-416>

⁴⁰ La Jornada, “De cada 100 mujeres victimas de trata en Mexico 70 son Indígenas” <https://desinformemonos.org/de-cada-100-mujeres-victimas-de-trata-en-mexico-70-son-indigenas-ong-240613-la-jornada/>

⁴¹ Velasco, Elizabeth. “De cada 100 mujeres víctimas de trata en México, 70 son indígenas: ONG” <http://www.jornada.unam.mx/2013/06/24/politica/015n1pol>

⁴² Lakhani, Nina. “Tenancingo: the Small Town at the Dark Heart of Mexico's Sex-Slave Trade.” The Guardian, Guardian News and Media, 4 Apr. 2015, www.theguardian.com/world/2015/apr/05/tenancingo-mexico-sex-slave-trade-america.

⁴³ https://projects.iq.harvard.edu/files/indigenous/files/critique_of_anthropology-shannon.pdf

On June 14, 2012, the General Act for the Prevention, Punishment and Eradication of Crimes of Human Trafficking and for the Protection and Assistance of Refugees was enacted. The General Act calls for all 32 Mexican states to bring their local laws into conformity for the prevention and punishment of human trafficking.⁴⁴ The Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking of the Office of the Attorney General supports the tasks set out in the General Act. The Office established a “special, high-security shelter” to temporarily house women in need of a violence-free life. The shelter provides psychological treatment and support during both investigation and trial.⁴⁵ However, as violence and trafficking continue to rise, these services are insufficient in breadth and depth, and need to do more to target services specifically towards women in each of the 68 Indigenous cultures that exist in the country.

Many trafficked women also suffer wrongful detention if they are caught for prostitution and unable to prove they are trafficking victims. The prosecution of trafficking offenses is challenging because female exploitation is often a family effort. Educational programs are needed to end this cycle.⁴⁶

H. Land Rights (CEDAW Article 14, General Recommendation #34)

Collective Rights to Land and Free, Prior, Informed Consent

CEDAW Gen. Rec 34, clause 54 (e) states, “Ensure that rural development projects are implemented only after participatory gender and environmental impact assessments have been conducted with full participation of rural women, and after obtaining their **Free, Prior and Informed Consent.**” The duty to consult with Indigenous Peoples is also reflected in ILO Convention 169, and the UNDRIP.

Land use within Mexico has been a source of conflict that strongly impacts Indigenous women. Indigenous women rely on the land for their livelihoods, their cultural and spiritual ways of life, and to feed their families. The destruction, denigration, and forced removal of Indigenous women from their traditional lands from the initial period of colonization and as it is ongoing today has had devastating consequences for Indigenous women’s well-being.

Mexico has frequently failed to obtain Indigenous Peoples’ Free, Prior, and Informed Consent in regards to land usage. Recent cases have shown an alarming disregard for Indigenous rights to land, with major projects impacting natural resources being implemented without the consultation of Indigenous nations, as shown through the following examples. The Mexican government recently built a highway through the land of the San Francisco Xochicuautla Otomí community. This project led to the demolition of a home and resistance camp and threatened vital natural resources the community relied on. The Me’phaa Indigenous community of San Miguel del Progreso has had to contend with a mining operations on their

⁴⁴ A/HRC/WG.6/17/MEX/1. United Nations General Assembly, 2013, www.upr-info.org/sites/default/files/document/mexico/session_17_-_october_2013/a_hrc_wg.6_17_mex_1_e.pdf.

⁴⁵ A/HRC/WG.6/17/MEX/1. United Nations General Assembly, 2013, www.upr-info.org/sites/default/files/document/mexico/session_17_-_october_2013/a_hrc_wg.6_17_mex_1_e.pdf.

⁴⁶ Lakhani, Nina. “Tenancingo: the Small Town at the Dark Heart of Mexico’s Sex-Slave Trade.” *The Guardian*, Guardian News and Media, 4 Apr. 2015, www.theguardian.com/world/2015/apr/05/tenancingo-mexico-sex-slave-trade-america

land after the Mexican government allowed 42 concessions for the company to operate on the land. Despite protests, only 30 of these concessions were removed. UN Special Rapporteur Victoria Tauli-Corpuz highlighted land rights and the failure to consult as one of the central issues for Indigenous Peoples during her 2017 country visit to Mexico.⁴⁷ She noted that consultations with Indigenous Peoples, when performed, have failed to take place prior to concessions and licenses being issued, and have lacked effective intercultural dialogue and information provided in languages the communities can understand. This is particularly important for Indigenous women, who are more likely to lack higher education and Spanish language ability. Any efforts to develop policies and legislation on consultation with Indigenous Peoples must itself be a result of a consultation process, noted Tauli-Corpuz, and that should involve Indigenous women.

When environmental activists in Mexico stand up to violations of their land rights, they face violent retaliations, as detailed later in this report.

Individual Rights of Indigenous Mexican Women to Own Land

Indigenous women in Mexico have also struggled to secure their individual rights to land within an inheritance process that typically centralizes males. The *Red Nacional de Mujeres Indígenas: Tejiendo Derechos por la Madre Tierra y Territorio* (RENAMITT) has reported that there is a lack of government policies protecting Indigenous women's ownership of land, which is needed due to the inequality, violence, and bureaucracy that often prevents them from doing so. Without these land titles, women have little influence over decisions made about what is done with the land. Other obstacles Indigenous women face to their land is the long distances from offices where they can register land titles, and the difficulty of providing proper documentation. RENAMITT has called for laws that apply gender perspective to land rights and better representation of women in decision-making processes regarding land rights.

According to the FAO, only 32 percent of women in Mexico own individual titles to land.⁴⁸ However it is worth mentioning that that data likely does not reflect cases where land is held collectively by Indigenous communities. According to data from the National Institute de las Mujeres (Inmujeres), in 2016, rural women represented just 29 percent of the labor force. Yet, rural women are responsible for 50 percent of the production of food. Forty percent of women do not have any personal income, meaning the work they perform in rural areas is not compensated. Women and girls are also carrying out a large percentage of work at the family level. This invisibility of rural women's work in the agricultural sector and in the home has led to obstacles for Indigenous and rural women to access resources from public programs that foment productivity.⁴⁹

I. Freedom of Expression

Indigenous Peoples in Mexico face violence for practicing their right to free speech. Journalists

⁴⁷ Cultural Survival, "Special Rapporteur Visit to Mexico" Interview, available at <http://rights.culturalsurvival.org/special-rapporteur-visit-mexico>

⁴⁸ Cortinez, Valentina. Igualdad de género para el desarrollo territorial: experiencias y desafíos para América Latina, 2016. http://www.rimisp.org/wp-content/files_mf/1466786058Iguualdad_de_genero_para_el_desarrollo_territorial.pdf

⁴⁹ <http://www.fao.org/americas/noticias/ver/en/c/320313/>

and activists in particular have faced violent retaliation in the countryside from cartels, paramilitaries, police, and politicians. In Mexico, 90 percent of murders of journalists go unpunished, according to the Mexican National Commission for Human Rights, which also reports that the most affected areas in Mexico are Chihuahua, Guerrero, Veracruz, and Oaxaca, home to an estimated 3.5 million Indigenous people. In 2017 Mexico was rated the world's most unsafe country for journalists that is not currently at war.⁵⁰ Rates of violence against journalists have been increasing over the last two decades. Throughout the period of 2000-2017, 112 journalists were killed specifically as a result of their work. Seven percent of those killed during that period were women. Many of these journalists were reporting on human rights violations, including Indigenous rights and women's rights. For example, Candido Rios Vasquez, murdered in August of 2017, had a successful career advocating, particularly in Indigenous areas, for women, farmworkers, and migrants.⁵¹ Miroslava Breach Velducea was a journalist murdered in March of 2017. She investigated human rights violations and illegal logging in Indigenous Rarámuri communities in the Sierra Tarahumara region;⁵² environmental damage in the region; female homicides in Ciudad Juárez; and the 2010 murder of Marisela Escobedo Ortiz, a mother who was, in turn, advocating for justice of the murder of her daughter, Rubí Marisol Frayre Escobedo, in 2008.

Not reflected in these numbers are attacks on community communicators, often Indigenous Peoples including Indigenous women, who lack formal training as journalists but who operate at community radio stations. These Indigenous radio hosts who advocate for Indigenous rights are frequently targets of censorship and attacks. In 2016, Marcos Hernández Bautista, a news correspondent researching Indigenous radio stations, was shot in the head and killed in Oaxaca.⁵³ In June 2017, Indigenous radio host Marcela de Jesus Natalia was shot twice and killed.⁵⁴

In 2012 as the Federal Mechanism of Protection for Human Rights Defenders and Journalist was established. This law can grant extraordinary measures of protection when a journalist's life is at risk. The most popular measure is the Panic Button, which tracks one's location so that if there is danger, the person can activate the button to send for the authorities. In 2013, after one year of the Mechanism's existence, the rate of murders of journalists dipped to 2004 levels. However, since then, the rate of murders has continued to steadily climb and 2017 was the most dangerous year on record for journalists. Although the law notes that it is inclusive of providing protection to informally trained community media practitioners in addition to professional journalists, devices like the "Panic Button" often leave Indigenous Peoples or those reporting in rural, hard-to-access areas outside of quick access to help. Although the law strives to be inclusive, and in fact meets international standards, it is still insufficient as it continues to systematically exclude certain communities. Candido Ríos Vasquez, for example, was under the federal Mechanism for Protection for Human Rights and Defenders and Journalists at the time of his murder.

⁵⁰ Reporters Without Borders, "Barometer 2017", 2017. <https://rsf.org/en/barometer?year=2017>

⁵¹ CBS News: "Reporter killed in Mexico was at least 9th journalist slain this year" 2017.

⁵² <https://www.cbsnews.com/news/reporter-killed-in-mexico-was-at-least-9th-reporter-killed-this-year/>

⁵³ Najar, Alberto. "Miroslava Breach, la periodista "incómoda" asesinada en México cuando llevaba a su hijo a la escuela

" Ibid.

⁵⁴ <https://www.knightcenter.utexas.edu/blog/00-16605-newspaper-correspondent-and-radio-host-killed-within-24-hours-oaxaca-mexico>

⁵⁴ <https://www.telesurtv.net/english/news/Mexican-Indigenous-Radio-Host-Murdered-in-Guerrero--20170603-0014.html>

Legislation on Indigenous Community Radio

An important tool for the realization of Indigenous women's right to free expression in Mexico is community radio. Radio is essential as a low-cost medium, accessible to rural areas without electricity, is hyper-localized in the wide range of Indigenous languages, and can be convey information and cultural content by and for the disproportionately high number of rural Indigenous women without literacy skills or Spanish language ability.

The national network of Indigenous radio stations in Mexico is Sistema de Radiodifusoras Culturales Indigenistas (SRCI). SRCI is a part of the Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI), the national institute for Indigenous peoples, and is supported by the national government. Established in 1979 with one station, XEZV, "the Voice of the Mountain," in Tlapa de Comonfort, Guerrero, SRCI now operates a network of 25 radio stations in 16 states and serves all the major regions with Indigenous communities, including Oaxaca, Veracruz, Michoacán, Chiapas, and Yucatán. Programs are broadcast in 31 Indigenous languages and Spanish. Since 2001, the Constitution of the United Mexican States (CPEUM), in its Article 2, recognizes and guarantees the right of Indigenous Peoples and communities to self-determination and autonomy to "Preserve and enrich their languages, knowledge and all the elements that constitute their culture and identity." Specifically, subsection B, section VI mandates the Federation, the states, and municipalities to "Establish conditions for Indigenous people and communities to acquire, operate and administer means of communication in the terms that the laws of the matter determine."

The 2014 Federal Telecommunications and Broadcasting Law confers the right to provide telecommunications and broadcasting services for cultural, scientific, educational, or nonprofit purposes to the community. With the signing of the law, federal agencies are now obligated, under clause 89 section VII, to broadcast official publicity campaigns via contract with community and Indigenous media. Although a positive step towards supporting newly authorized community/Indigenous radio stations in the country, a deeper analysis suggests discriminatory aspects towards community and Indigenous media and interpretation and implementation of the law to date has been faulty and insufficient. The law allocates just one percent of the communications budget will be spent across all Indigenous and community media nationally, compared to 99 percent to be spent via commercial media, which shows discrimination when considering that Indigenous and rural audiences who access these media are significantly higher than one percent of the population. Additionally, it has been seen that confusion exists on the part of state agencies regarding compliance: to date, less than one-fifth of federal agencies followed through by issuing contracts to community radio stations. Mexico should take steps to ensure compliance with Telecommunications Law Article 89. VII in consultation with Indigenous and community media practitioners to facilitate the financial stability of the community and Indigenous radio stations in the same way that mainstream media is supported through broadcast contracts with government agencies.

J. Violence against Human Rights Defenders

Indigenous activists also face intimidation for exercising their rights. Many protesters, journalists, and radio workers have been arbitrarily detained or extorted. HRDs have been wrongfully imprisoned for

months at a time. Community radio station workers have been forced to pay unfair fines by the government. Between 2012 and 2016, the organization Red Nacional de Organismos de Derechos Humanos Todos los Derechos para Todos reported 302 aggressive actions against environmental journalists in the country, ranging from threats to extrajudicial executions. Guadalupe Campanur Tapia, a 32-year-old environmental and Indigenous rights defender from Michoacán was murdered on January 11, 2018. On June 3, 2017, Indigenous radio host Marcela de Jesus Natalia was also murdered in Guerrero and was the sixth journalist killed that year. Radio hosts and journalists have been targeted multiple times with two murders also occurring in 2006. Cases such as these highlight the need for improved justice and protections of activists within Mexico, and the recent violence warrants a strong response from the Mexican government.

With the murder of eight environmental activists in 2017, Indigenous Peoples' rights to land use have been severely threatened. Illegal logging in particular has threatened the lives of those in Mexico with multiple murders of activists. The violence these activists face comes not only from organized crime groups and their hitmen, but from authorities themselves. A recent report by the Mexico's Center for Environmental Rights (CEMDA) found that "43 percent of the attacks carried out against environmentalists came from the authorities themselves." While the Mexican federal government has promised to increase protections for environmental activists, Indigenous residents still live in fear as their land is destroyed and they have little recourse for justice.

IV. Legal Framework

Convention on the Elimination of Discrimination Against Women (CEDAW) Articles 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 16 and General Recommendations No. 34 of the CEDAW Committee

UN Declaration on the Rights of Indigenous Peoples

V. CEDAW General Comments

The CEDAW General Recommendation No. 34 on the rights of rural women specifies steps the Mexican government can take to reduce discrimination against Indigenous women. These recommendations include:

1. Ensuring groups of rural women, including Indigenous rural women, have access to education, employment, water, sanitation, and health care.
2. Preventing trafficking by empowering rural Indigenous women both economically and informationally and ensuring the momentum of anti-trafficking legislation.
3. Ensuring equal access to land and other resource rights as Indigenous men.
4. Encouraging the translation of this general recommendation and other informative documents into indigenous and minority languages.⁵⁵

VI. Questions

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http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf

What is Mexico doing to reduce impunity in cases of violence against journalists?

What steps is Mexico taking to gather more disaggregated data on the human rights of Indigenous women?

VII. Recommendations

Cultural Survival urges the government of Mexico to:

1. Take steps to implement CEDAW's General Recommendation 34 on the rights of rural women by create national legislation to ensure the Free, Prior and Informed Consent of Indigenous Peoples is obtained regarding any on their lands and territories.
2. Increase funding for State institutions working on Indigenous issues and Gender equality; and provide better oversight to ensure funds are properly executed.
3. Ensure that Indigenous women have access to linguistically and culturally appropriate health care, especially for gynecological, prenatal and antenatal care.
4. Work with Mexican states to establish criminal repercussions for medical providers who use force, coercion, or intimidation to sterilize women.
5. Collect disaggregated data on Indigenous women in the next nationwide census employing the principle of self-determination. Ensure the collection of disaggregated data across all areas of study, including health and social indicator data on Indigenous women, especially regarding trafficking.
6. Develop anti-trafficking campaigns that are with culturally and linguistically specific to the situation of Indigenous women.
7. Increase funding for women's care centers in rural Indigenous communities; and ensure the presence of culturally and linguistically appropriate services and staff at these centers.
8. In consultation with Indigenous and community media practitioners, implement Telecommunications Law Article 89. VII which stipulates that state agencies allocate one percent of their communications budget via Community and Indigenous Radio.
9. Ensure that services provided by the Federal Mechanism for the Protection of Human Rights Defenders and Journalists are inclusive of and accessible by Indigenous journalists and community media practitioners in rural areas, and that this Mechanism receives sufficient funding to accomplish their mission of protecting journalists in danger.
10. Gain the consent of Indigenous women and communities in the process of establishing new norms around Indigenous women's suffrage to ensure broad acceptance within communities and maintaining the intent and spirit of traditional decision making within each community.⁵⁶
11. Closely study and implement the recommendations of UN Special Rapporteur on the Rights of Indigenous Peoples' forthcoming from her 2017 visit to Mexico.

⁵⁶ Campoy, Ana. "Mexico Is No Longer Turning a Blind Eye to Local Customs That Bar Women from Voting." Quartz, Quartz, 26 Sept. 2016, qz.com/789942/mexico-is-no-longer-turning-a-blind-eye-to-local-customs-that-bar-indigenous-women-from-voting/.