

“Whatever is individual has its own measure of aptitude, only gender capacity is infinite.” *Novalis*

FEDERAL JUDICIARY COUNSEL

Igualdad

Gender Perspective in the TFF:

A commitment
in the making

Legislators vs. Judges:

Opposing points
of view

SEXUAL HARASSMENT: A QUESTION OF GENDER

In order to eradicate sexual harassment, this complex issue requires a straight-forward examination from every possible institution; most of its victims are female. **_06**

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Sexual harassment, a form of violence

Mexico's current situation is unfortunately characterized by violence. In this context, public institutions have an even greater responsibility to combat this phenomenon.

Most of what transcends is extreme violence, but other, more insidious forms of it are experienced daily. Among these everyday violent manifestations we can include sexual molestation and sexual harassment occurring in the workplace against women and men.

The results of the latest National Survey on the Dynamics of Household Relations, published by INEGI, show that 7.6% of Mexican women aged 15 or over have suffered sexual harassment or molestation in their place of employment.

Sexual harassment consists of a hierarchical superior (either in a workplace or educational environment) assaulting a subordinate with lewd purposes, taking advantage of the power they wield over the victim.

Sexual molestation, on the other hand, is a form of violence that occurs in any space and in which there is no relationship of subordination between molester and victim.

Both behaviors are neither sought nor desired by the victim, who may feel uncomfortable, humiliated, insulted or degraded. They can manifest through awkward questions, inappropriate jokes, comments, gestures or sounds, unwanted physical contact, etc. In some cases, attackers disguise this behavior under a facade of affection or physical attraction.

These are behaviors that we experience daily and which violate personal integrity. The challenge of making equality real lies in changing our very culture. Social interaction is dynamic and today, more than ever, it's exposed to many influences that shape it constantly.

In 2015, the Federal Judiciary Counsel started a campaign to stop sexual molestation and harassment that focuses on preventing these forms of violence, which can be stopped in time through information and awareness of these behaviors. The campaign slogan is "It's about time!" by which we mean that "It's time for equality, time to be informed, to respect each other, etc."

This outreach campaign continues the previous "We are equal and worth the same" crusade and is part of an effort to mainstream gender perspective inside the Federal Judiciary Counsel, as mandated by the Federal Judiciary's Organic Law in its eighty-first article.

Mainstreaming gender perspective means but promoting individuals' right to equality and respect for their dignity.

General Directorate of Human Rights, Gender, Equality and International Affairs of the Federal Judiciary Counsel



Illustration by Christopher Cisneros

Directory



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ROSENDO CANTÚ CASE

Indigenous women and military jurisdiction

July 9th was the date scheduled for the third session of the Permanent Seminar on International Sentencing regarding Human Rights, entitled “ The Valentina Rosendo Cantú Case, gender violence against indigenous women and military jurisdiction”. The session was held in the Plenary Hall of the alternate headquarters of the Mexican Supreme Court (situated inside the Revolución Building).

Attending as speakers were Dr. Santiago Nieto Castillo, Researcher in UNAM’s (National Autonomous University of Mexico) Institute of Legal Research, and Dr. David Salgado Cienfuegos, Technical Secretary of the Federal Judiciary Institute. Magistrate Ricardo Paredes Calderón, head of the Second Unitary Circuit Penal Court and Dr. Fernando Córdova del Valle, Twelfth District Court of Protection in Criminal Matters of the Federal District Judge, also participated as commentators. María Jacqueline Martínez Uriarte, General Director of Human Rights, Gender Equality and International Affairs, served as moderator.



Firstly, this event addressed gender violence as faced by indigenous women – one of the most vulnerable groups- and the role the Mexican state must play in this scenario, which implies, among other things, that ministerial authorities must conduct investigations with determination and effectiveness, taking into account society’s duty of rejecting this type of practice and the latter’s obligation to eradicate it and give its victims confidence in the institutions created for their protection.

Also analyzed was the interference of military jurisdiction in the investigation of those crimes in which a member of the military and a civilian are involved; it was said that military criminal jurisdiction must be applied only in restricted and exceptional ways, with the only aim of protecting legal interests related to the special characteristics of the military forces (thus, causes that do not meet these criteria should be judged by other competent courts). Finally we must mention the presence of 85 participants, of which 48 were women and 37 men, thus proving the Federal Judiciary Counsel’s commitment to its staff’s Human Rights training. ■



Third national “Judging with a gender perspective” congress

The third national “Judging with a Gender Perspective” congress was held on July 3th and 4th in Mexico City, with the following objectives:

- 1) **Contribute to the strengthening of the Federal Judiciary Counsel’s policy of equality and non-discrimination.**
- 2) **Create a space that allows Federal Judges to reflect on and analyze gender equality and non-discrimination issues.**
- 3) **Discuss and disseminate gender equality and non-discrimination proposals and best practices in Federal Judiciary activity.**

One of the obligations and commitments of the FJC is providing Federal Judges with the tools needed to deliver justice with a gender perspective. The Executive Secretary of the Plenary and the Office of the President of the FJC, joined by the General Directorate of Human Rights, Gender, Equality and International Affairs, created this forum, which has been repeated three times in the last four years, in which Federal justice operatives and specialists on the subject share and exchange ideas, reviews, previews, challenges and proposals as to judging with a gender perspective.

This third Congress began with the keynote address “The Penal System and Gender Mainstreaming. Achievements and Challenges”, by MA Rodrigo Jiménez from Costa Rica. Subsequently, 4 simultaneous thematic work groups on gender perspective issues were conducted. Three hundred seventy-eight Federal Judges (of which 284 were men and 94 women) participated in this third congress, where 80 conferences and judicial rulings based on gender perspective were presented to participants.

It should be noted that in this Congress the presentation and discussion of sentences, in addition to lectures, was a sign of the progress made so far and of the unified efforts of Federal Judges. ■





ATALA RIFFO CASE

Discrimination and sexual preferences

On August 26th, the keynote speech entitled “The right to equality and the prohibition of discrimination. Sexual preference freedom” was delivered in the Plenary Hall of the alternate headquarters of the Mexican Supreme Court (in the Revolución Building) by Judge Jacqueline Karen Atala Riffo of Chile’s Supreme Court, due to her expertise on the subject. Judge Lilia Mónica López Benítez of the Seventh Criminal Panel Court of the First Circuit, Judge Fernando Rangel Ramírez of the Eleventh Civil Matters Panel Court of the First Circuit and Dr. Leticia Bonifaz Alfonzo, Director of CIDE’s (Center for

Economic Research and Teaching, A.C.) Division of Legal Studies, participated as commentators.

Meanwhile, María Jacqueline Martínez Uriarte, General Director of Human Rights, Gender Equality and International Affairs, served as moderator. The conference mainly analyzed the resolution emitted by the Inter-American Court of Human Rights in the Atala Riffo and Girls vs. Chile case, where the right to non-discrimination on grounds of sexual orientation and gender identity was recognized as a protected category of the San José Covenant, so any contrary practices should be avoided by State authorities or individuals.

It was said that, in custody trials, the mere fact of a mother or father having homosexual preferences is not synonymous with being an inadequate parent and thus losing custody of a child; it was also established that it is not tenable that children will suffer social discrimination because

of their parents’ sexual preferences, since the State must take all necessary measures to address intolerance and discriminatory statements.

All of the above rests on the fact that it cannot be required of a mother or father to fulfill a traditional role in society by giving up an essential part of their identity; since sexual orientation is related to the concept of freedom, the possibility of self-determination to freely choose options that give meaning to their existence, in accordance to their own choices and beliefs, must remain open. ■

This keynote speech was attended by 161 people, of whom 90 were women and 71 men; the event is part of the Human Rights training program undertaken by the Federal Judiciary Counsel.

INTERNATIONALLY RELEVANT

ADORNO FLORENTÍN CASE

Appeal annulled acquittal of a man who had sexually abused his wife.

In this judicial ruling, the Federal Court of Criminal Appeals reverses a judgment of Oral Criminal Court No. 16 acquitting Atilio Ramón Adorno Florentín of the crime of sexual abuse doubly compounded by being committed via sexual intercourse and having constituted a seriously insulting submission against his wife. In this particular case, it came to rape or sexual assault occurring within marriage.

Judge Slokar's opinion, to which most members of the Court adhere (with Ledesma being the exception) analyzes the characteristics of rape or sexual assaults that occur within marriage and in the context of domestic violence, warning us that:

"The dynamic described is voluntarily conducted by the offender and manages to keep the victim subjected by alternatively exploiting their fear of new or worsening attacks and their hope for an improvement in their partner's attitude. But this in no way means that there exists consent on the victim's part on the facts that the Court itself characterized as sexual abuse. A blatant self-contradiction occurs in the rulings very foundation when reference is made to <consensual sexual abuse>."

"This defect in the understanding of the facts is a difficulty that is often noted when intervening in situations of intimate violence"; on said subject, this Court chamber has stated that "the matter is related to the conception that relationships belong to the private sphere and that any State intervention in that sphere is illegitimate and counterproductive. However, the lack of timely intervention in favor of [the woman's] protection and 'respect' for marital intimacy, have abandoned the weakest- within the existing relations of power and submission- members of a family to their fate."(Cause No. 9125, entitled "K., SN and others / Appeal", Reg No 50/2013, rta 21/ 2/2013).

"It is unacceptable to argue that a person, simply by virtue of being Paraguayan, is incapable of understanding that he has no right to rape his wife, since there is no rule that establishes permission to rape her either in Argentina, in Villa 21 or in the Republic of Paraguay; on the contrary, the conventions on female Human Rights are in force in all these areas." ■

Miguel Castro Castro Penitentiary vs. Peru

The Inter-American Court of Human Rights ruled in favor of the right to freedom from gender-based violence and torture in prisons.

The facts, as presented by the Inter-American Commission on Human Rights in the case brought before the Inter-American Court of Human Rights, occurred from the sixth through the ninth of May, 1992, and relate to the implementation of Operative Transfer 1 within the Miguel Castro Castro Penitentiary, during which the State allegedly caused the death of at least 42 inmates, injured another 175 and subjected 322 inmates more to cruel, inhuman and degrading treatment.

In its ruling, the Court held that the State acknowledged that as a result of the events of May 1992, people died, were wounded or experienced some form of suffering, including the inmates' families.

Furthermore, this acknowledgement may have great relevance in the domestic sphere, because the facts that the State recognizes, more than fourteen years after the fact, are characterized by being extremely grave. Being actions undertaken directly by the government agents involved, they constitute serious violations of Human Rights protected by the San José Covenant. For many years these facts were denied or disqualified in various ways both by different state authorities and by some sectors of civil society and the media; on multiple occasions they were even considered legitimate in the "fight against terrorism".

It should be emphasized that the final report of the Commission of Truth and Reconciliation (CRV) that was created *ex profeso* in Peru, was analyzed within that context of Human Rights violations during the internal conflict, during which women were affected by violence differently than men. The CVR included in its report a chapter on sexual violence against women and also referred to the situation experienced by mothers incarcerated in prisons. Furthermore, the report concluded that during the internal conflict and because of it, State agents were responsible for approximately 83% of rape cases involving females.

"...The Court held for the first time that violence against women is a form of discrimination, according to the precedents of the Committee on the Elimination of Discrimination against Women. The Court similarly held that sexual violence is configured with actions of a sexual nature committed on a person without their consent; these actions may not only a physical invasion of the human body, but also acts which do not involve penetration or any physical contact..." ■

SEXUAL HARASSMENT AND SEXUAL MOLESTATION: A GENDER SPECIFIC ISSUE

By Magistrate Adela Domínguez Salazar*

These are complex issues that must be directly addressed by all institutions, with the goal of helping to eradicate behaviors that could constitute either sexual harassment or sexual molestation through actions aimed at letting people know their characteristics, since in many cases, victims are female.





One of the key elements that lead to impunity and the promotion of sexual harassment or molestation derives from the cultural concept we have of the type of behavior that may constitute these irregularities. Indeed, the workplace requires that men and women with different cultural and educational backgrounds remain together for several hours per day; it is in this environment where sexually-themed jokes or allusions, which would go virtually unnoticed in a family or friendly environment could cause- at best- discomfort in those who receive them in the workplace.

Anyone exposed to this kind of situation would end up wondering how to handle things, especially if the unwanted treatment is being doled out by someone in a position of power or higher up in the corporate hierarchy... hence the difficulty in controlling such conduct.

Many women have been exposed to unpleasant workplace comments regarding their emotional or sexual life and privacy, as various statistics based on surveys conducted on the subject demonstrate. However, the large number of cases reflected in statistics, does not have a direct impact on sanctioning procedures.

Experts in these areas suggest that the existence of these behaviors should not be overlooked with the hope that they will “go away”; on the contrary, immediate action must be taken to persuade whoever participated in the incident that this unsavory behavior must not



When talking about sexual harassment and molestation, the relevance of dealing with these aspects does not only involve the aggressor's behavior, but also includes those who let it happen without taking any effective action to remedy the situation.

repeated, and also to observe the unfolding of events in order to have control over and finally eradicate such attitudes.

Therefore, the first step forward in the fight against sexual harassment and molestation in public institution workplaces is recognizing the behaviors that constitute these figures, clearly identifying them to avoid any confusion and making people aware that they cannot afford to perform any such actions. In this context, it should be noted that the issues of sexual harassment and sexual molestation are very complex, not only because it is difficult to determine their causes but also due to the negative consequences (psychological, professional, economic, and so on) that may result from such events.

The issue of gender is a determining factor for these regrettable behaviors, as the discriminatory treatment of women stems from cultural beliefs and customs; so much



so, that there are different regulations, both international and national, to regulate this problem. Of the various existing standards, one can conclude that workplace or sexual harassment has been addressed in the Human Rights field as one of the manifestations of aggression against women which violates many fundamental rights: the right to non-gender discrimination and the right to privacy, among others. This type of aggressive behavior violates due respect for a person's dignity. Also, this is a multiple offense, capable of damaging- in addition to those already referenced- the right to safety and health at work, the right to sexual freedom and, indirectly, the right to employment itself.

The importance of addressing these issues of sexual harassment and molestation, not only lies in its constraining effect on the offender's behavior, but also on those who allow it and do not effectively remedy it. That is why society's permissiveness (and the lack of effective gender-sensitive procedures and adequate punishment of those responsible), unfairly impacts the victim -whose work, personal and professional development possibilities are hurt- and the workplace itself, since attention to assigned tasks and optimal performance are affected. It may come to pass that a competent female employee is forced to quit her job because of attacks on her sexual freedom made by a superior, thus leaving her duties unattended to or unfinished.

To that extent, the importance of having an absolute awareness that any behavior that causes discomfort is inappropriate and that any such behavior should be discontinued and terminated must be stressed. Women's Access to a Life Free from Violence Act, published on February 1, 2007 in the Official Gazette, regulates these behaviors. Although a "soft" law, it does define concepts such as violence, harassment and sexual harassment as follows:

"Article 13. Sexual harassment is the exercise of power, in a framework of actual

subordination of the victim to the aggressor in a workplace or school environment. It can be expressed in verbal, physical, or verbal and physical behaviors related to sexuality with lewd connotations.

Molestation is also a form of violence: While there is no subordination, there is an abuse of power that leads the victim to a state of helplessness and risk, whether it is performed in one or more events. "

As can be seen above, the radical difference between the two figures can be summarized in the existence of the victim's subordination to the aggressor.

Despite the apparent ease with which procedures for that purpose can be pursued, my previous research on the topic in the Integrated Dossier Follow-up System implemented by the Federal Judiciary Counsel, searching for the words "molestation", "sexual" and "sexual harassment" yielded the following results: "molestation", 0 cases; "sexual harassment", 5, and "sexual", 572. This reflects a consistent problem, since obviously not all cases are reported.

In conclusion, the possibility of eradicating inappropriate behaviors and sexual harassment depends largely on the attitude taken when cases arise and on how seriously procedures to handle them are taken, so they can set precedents that will give a firm foundation to the criteria that must be supported in this regard.

That is why, in addition to educational systems, those responsible for monitoring the implementation of standards in each of the State agencies and private institutions have an important role in developing a culture of legality that aims to eradicate sexual molestation and sexual harassment. Growing, genuine respect for Human Rights will occur alongside improvements in public service. ■

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Feature



Article 132 of the Social Security's Organic Law violates constitutional principles.

The situation regarding Human Rights, specifically in terms of equality and non-discrimination, which is presented regarding the designated device, derives from this article's normative content, since it establishes that the deceased worker's or retiree's widow must comply with a series of conditions in order to gain access to his pension, unless she has had children with the deceased. All of this relates to Article 130, which establishes that the economically dependent widower of a female employee or retiree shall have access to said pension. It should also be noted that such legislation makes reference to concubinage but, as this situation is not relevant to the study presented here, no more will be said on that subject. It must be taken into account that the Mexican Supreme Court's Second Chamber determined that the conditions set down in Article 130's second paragraph violate the principles of equality and non-discrimination, as is clear from the jurisprudence of item:

"WIDOWER'S PENSION. ARTICLE 130, SECOND PARAGRAPH, BY LIMITING BESTOWAL OF SAID PENSION TO THE WIDOWER OR CONCUBINE PROVING THAT THEY DEPENDED ECONOMICALLY ON THE DECEASED FEMALE WORKER OR RETIREE, VIOLATES THE PRINCIPLES OF EQUALITY AND NON-DISCRIMINATION."

EQUALITY AND NON-DISCRIMINATION PRINCIPLES

By Magistrate María Isabel Rodríguez*

In order to show that Article 132 does actually contradict the constitutional equality and non-discrimination principles contained in Articles 1 and 4, both concepts-and said violation of these concepts- must be clearly defined.

As has happened with many legal and Human Rights related concepts, these two have evolved over time. Among other important scholars that have studied this matter we can find Luigi Ferrajoli, who mentions four models of relationship between Law and “differences”. Ferrajoli points out that the fourth kind makes a legal assessment of differences, since diversity’s importance is acknowledged and so differences are not used to discriminate, but serve instead as beacons that highlight those prejudice-based factors that have placed certain groups at a disadvantage: Thus granting them special treatment that will lead to equality.

Ferrajoli also points out that the equality principle is a complex one. Firstly, it is stipulated to oversee and handle differences. On the other hand, however, it is meant to oppose inequality. This scholar also says that differences have to do with how diverse our identities are and with how inequality is bred from the variety of economic and material conditions humans can experience. Thus, these concepts are facts, while equality is a rule. Ferrajoli defines the principle of equality as a value associated with all of the identity differences that make each individual a different person and each individual a person like everyone else. From that perspective, this expert can now reconsider and affirm that equality is the impairment of value of the material and social inequalities due to which the equal value of differences and the equal dignity of persons are actually limited or denied.

Thus, the equality principle coincides with the principle of human dignity and



with the universal character of the fundamental rights attributed to any human being.

For his part, Zagrebelsky, (2003, 109-111) tells us that the constitutional state must assess the structural distinction between rules and principles derived from the separation of rights and the separation of justice, identifying the former as the provisions laid down by law and the second as derivatives of constitutional norms.

Hence, the distinction is strictly between the law and the Constitution, stating that rules tell us what to do or not do (and as such exhaust themselves), while

principles are constitutives of the legal order that come to life when they are referred to in a particular case (therefore, there can only be adherence or rejection to principles), thus providing us with the necessary criteria to assume a position in specific situations (even if it appears undefined at first glance).

It is worth noting that the non-discrimination clause is the legal form adopted by most constitutions to integrate the right to non-discrimination into the legal system (De la Torre, 2006:255). As regards the right of non-discrimination, based on what was said by the author, such a clause



is an iusfundamental standard; it can be considered a standard because through expressions such as “prohibited”, as stated in Article 1 of the Political Constitution of the United Mexican States, something should be a certain way. Secondly, from a formal criterion, it becomes a standard when located, as in the Mexican case, within the first articles of the Constitution. Lastly, as to the subject criterion, this clause can be considered a standard since it is aimed at protecting fundamental rights (2006, 261).

Thus, the principle of equality allows analysis of specific situations arising from differences or inequalities, to determine if, in the case under study, the same value is applied to the dignity of all persons involved. In this vein, the principle of equality does not inherently entail prohibiting policy or legislative differences; but it does require that if differential treatment is mandated, it must be duly justified in order to not violate the non-discrimination

principle which all human beings should enjoy. In this way, the principle of equality limits state power, thus avoiding the establishment of privileges for certain individuals or groups of individuals. Therefore, as already mentioned, various provisions, which tend to treat equals as equals and unequals unequally, are possible provided that such differential treatment is not built on exclusions or limitations based on ethnic or national origin, sex, age, disabilities, social or economic status, health, pregnancy, language, religion, opinions, sexual preferences, marital status or any other factor which might impede or annul the acknowledgment or effective exercise of individuals’ rights or the existence of equal opportunities for all (General Law to Prevent and Eliminate Discrimination, Article 1).

If the possibility of differentiated treatment for certain individuals is to be established without involving violation of the principles of equality and the right to non-discrimination, it is necessary to indicate that these distinctions will stand as long as:

- 1. The distinction is objective and is reasonably justified**
- 2. The distinction pursues a legitimate end in line with the principles and values set out in the Constitution**
- 3. There is a relationship of proportionality between the means employed and the goals they seek to achieve (De la Torre, 2006: 265). In the words of the Court, differential treatment is considered legitimate if it does not lead to situations that are contrary to justice, to reason or to the nature of things. Differential treatment cannot be arbitrary, capricious, despotic or in conflict with the essential oneness and dignity of human nature (García, 2010: 55).**

One of the categories for which a difference that violates the right to non-discrimination must not be established is based on gender, but what exactly is meant by “gender”? It should be noted that the category “gender” was first used by feminist, English speaking academics in the mid-seventies to refer to sociocultural systems constructed collectively from bodily differences. In order to demonstrate the nature of this concept, it must be noted that “sex” means any genetically determined biological characteristics that organize people into the categories of man and woman, while “gender” shall mean the social construction which assigns to a given sex a number of characteristics, behaviors, socially differentiated roles, and even expectations of how a “man” or a “woman” should behave. Hence, from a person’s sex society has generated the expectation that he/she will behave, dress, speak, react, develop, express, think and feel in a certain way. One of the equality principle’s main characteristics, highlighted previously by De la Torre, is related to equality in actual legal contents.

Having made these clarifications, if one assumes that the right to non-discrimination defines itself by contrast with other rights, when Article 132 of the Ley del Seguro Social states that a widow isn’t entitled to a pension if:

- a) The pensioner’s death should happen less than six months after marrying said widow**
- b) When said marriage happened after the pensioner’s 55th birthday- provided that the marriage is less than a year old**
- c) When, upon marriage, the pensioner was already the recipient of a disability, retirement, or unemployment in old age pension-unless the marriage is over a year old**



d) If the pensioner's death took place at least six months into the marriage

e) None of the aforementioned conditions will apply if a widow has children by the deceased pensioner

Meanwhile, Article 130 of this same law points out that a widower is entitled to the same pension; it therefore follows that the content of Articles 1 and 4 of the Political Constitution of the United Mexican States, and the legal reasoning springing from the principle of equality and the right of non-discrimination, lead us to conclude that Article 132 is contrary to the principles of right to equality and non-discrimination. That is, differential treatment can be clearly identified without any legal cause whatsoever.

Thus, Article 32 provides for differential treatment based on "suspect classes" (a.k.a. prohibited bases for discrimination), as a widow must fulfill conditions other than simply being the surviving legal spouse of the deceased.

Therefore, it is considered that Article 132 violates the principle of equality and non-discrimination protected by Articles 1 and 4 of the Political Constitution of the United Mexican States, and that differential treatment based on gender (since the Federal Legislative expressly speaks of "man" and "woman" and also attends

to the role of "housewife and mother") is somehow justified, considering that any classification must be reasonable, not arbitrary, and must rest on some basis for differentiation that is linked both substantially and fairly to the purpose of legislation, so that all people in similar circumstances are treated equally.

Once the referred study is completed, in order to solve the Human Rights problem the case presents, I believe that the aforementioned Article 132, if claimed to be unconstitutional when first applied as a basis for IMSS to deny a widow's pension, will be determined as contrary to the Constitution and not applicable either today or in the future.

If the approach is made in judicial office, that is, claiming that the administrative decision in which said provision applies and the benefit is denied as invalid, the problem will be solved by making an examination ex officio of the validity of the injunction against the principle of equality and the right to non-discrimination that concludes that the precept does not conform to either, which would result in its inapplicability. ■

***Magistrada María Isabel Rodríguez:**
Third Criminal Matters and Employment Penal, Seventh Circuit (Xalapa).

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The term “gender” was first used in the mid-seventies by English-speaking feminist scholars when referring to sociocultural systems collectively constructed from bodily differences. In order to demonstrate the nature of the concept, it is noted that “sex” means all genetically inherited or acquired biological characteristics that organize people into the two categories of male and female, while gender refers to the social construction that assigns a number of specific characteristics, behaviors and socially differentiated roles to each sex (moreover, people are expected to act according to such roles). Hence from the sex of a person, society has generated the expectation that he/she will behave, dress, talk, react, develop, express, think, feel and speak in a certain way.

Gender Perspective in the TFF (Federal Court of Fiscal and Administrative Justice) Building Commitments

By Magistrate Magda Zulema Mosri Gutiérrez *

“Woman, wake up; the rapture of reason is being heard throughout the Universe; acknowledge your rights. The powerful empire of Nature is no longer surrounded by prejudice, fanaticism, superstition and lies. The torch of truth has dispelled the clouds of folly and usurpation.”

Olympe de Gouges

During nation-states’ consolidation process, there was an attempt to annul differences in societies via denial or suppression by force. The democratic state’s new paradigm requires that such differences be recognized and that present day states reconfigure themselves in order to allow their citizens to reach their full potential in discrimination-free scenarios.

In order for there to be an international order granting full validity to the rights and freedoms proclaimed in the Universal Declaration of Human Rights, the international community has established conventions and treaties, not only as to define minimum requirements regarding the protection of Human Rights, but also to enable itself to organize parallel judicial bodies that meet state complaints for violations of these fundamental rights.

Also, on a global scale, The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights seek to eradicate inequality among individuals. Both covenants distinguish between formal (legal) equality and material (or de facto) equality, since contracting



states recognize that material equality is necessary to formal equality, which justifies differential treatment for groups and individuals living in disadvantaged conditions that prevent them from exercising their rights and freedoms¹.

On our own continent, the Organization of American States (OAS) established in 1948² provided the framework for the Inter-American Convention of Human Rights (a.k.a Pact of San José Costa Rica), signed on November 22, 1969, and adopted by Mexico on March 24, 1981³.

The Pact of San José, Costa Rica, creates two bodies to deal with Human Rights violations: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The first of these, instituted in 1959, became an



Illustrations by Daniel Esqueda Media / Ángel Sánchez

effective force in 1960, while the Inter-American Court of Human Rights was not established until after the Convention entered into force during 1978.

Inter-American Court of Human Rights judicial decisions have forced countries under its jurisdiction, including Mexico, to stand trial and, if declared guilty of Human Rights violations, to fully compensate victims for any damages caused.

Mexico has already been declared guilty of Human Rights violations: on November 16, 2009, the Court resolved a complaint filed by the Inter-American Commission on Human Rights regarding the disappearance and murder of several women in Ciudad Juárez, Chihuahua, in cases identified as “Campo Algodonero”; on November 23 of the same year, the Court also ruled on the “Radilla Pacheco vs United States of Mexico” case.

Following these Court rulings, on June 10, 2011, the Mexican Constitution was amended to include Article 1 (which deals with Human Rights) at the heart of

¹ Adopted in New York on December 16th 1966, in force since 1976, and to which Mexico became a signatory on March 24 and 23, 1981, respectively.

² In Bogotá, Colombia, from the signing of the OAS Charter, in force since 1951. Mexico is among 25 countries that have ratified or acceded to the American Convention on Human Rights, according to the Inter-American Court of Human Rights’ official website.

³ The Pact of San José was preceded by the American Declaration of the Rights and Duties of Man, signed at the Ninth International American Conference in Bogotá, Colombia on May 1948, and which came into international force on July 18th, 1978. Retrieved from <http://www.oas.org/es/cidh/mandato/Basicos/declaracion.asp>

justice administration. Similarly, a second paragraph (on the duty and power of domestic courts to directly apply international Human Rights law), was added in the same provision⁴.

Pursuant to this constitutional mandate, society expects not only justice to be served in accordance to our professional and ethical commitment, but that gender, as a category of analysis, be incorporated into the resolution of jurisdictional matters, so that all citizens' rights are respected and protected without discrimination and without any ill effects as to judicial independence and impartiality.

On this same issue, the Asociación Mexicana de Impartidores de Justicia A.C.-AMIJ, (Mexican Judges' Association) proposed the adoption of the Covenant to Introduce Gender Perspective in Mexican Justice Administration Bodies, to establish guidelines that will promote gender-discrimination free law enforcement as well as promoting violence-free workplace environments within law enforcement bodies⁵.

In this regard, the Federal Court of Fiscal and Administrative Justice has taken several steps to mainstream gender in both its judicial and administrative work. As a member of the Asociación Mexicana de Impartidores de Justicia, it helped pass the Covenant to Introduce Gender Perspective in Mexican Justice Administration Bodies; on March 5th 2014, it joined the Judicial Decision-Making with a Gender Perspective Protocol, a commitment to equality issued by the Mexican Supreme Court. It also created the Commission for Gender Equality on April 23 of that same year, a collegial body responsible for promoting, disseminating and incorporating the duties and principles contained in international treaties and laws relating to this issue⁶.

Also, the TFF's adhesion to the Judicial Decision-Making with a Gender Perspective Protocol is intended to guide Magistrates and Judges as to practices that ensure access to justice, not only in rulings related to women, but in any cases where differential law enforcement is suspected.

What determines whether or not to apply gender perspective to a judicial process is the existence of asymmetric power situations or any structural in-

equality contexts based on sex, gender, economic status, religion, race or sexual preference/orientation, among other criteria or "suspect categories," as the Judicial Decision-Making with a Gender Perspective Protocol calls them.

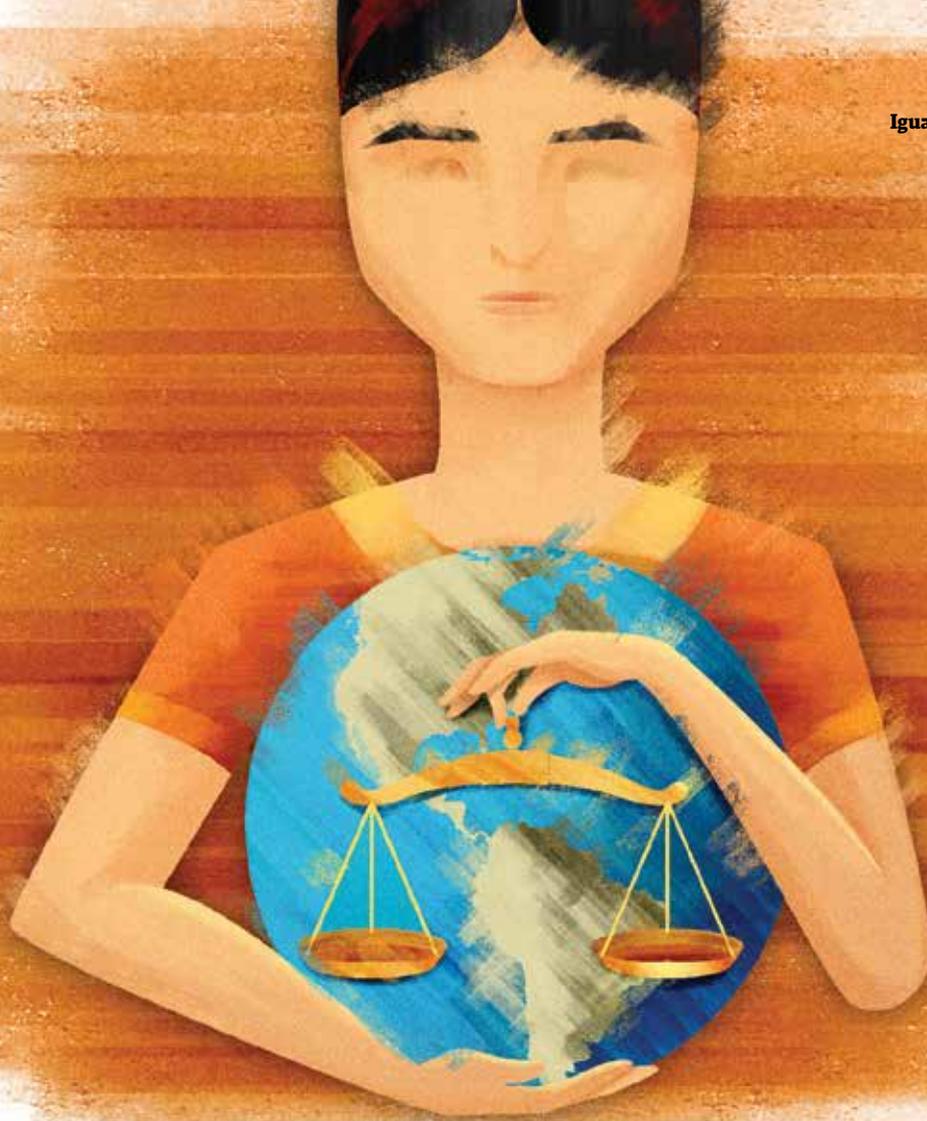
This means that, due to legal and ethical issues, incorporating gender perspective into law enforcement bodies does not consist of favoring either sex, or affecting the independence, impartiality and fairness of judicial work in any way.

Rather, as stated in the Judicial Decision-Making with a Gender Perspective Protocol, gender sensitive resolutions and decisions are part of a strategy to combat impunity, discrimination and inequality, sending the message that Human Rights violations are to be prevented, recognized and repaired. Whereupon, "jurisdictional work takes an active role in the transformations necessary to achieve a society where all people are able to design and implement a project for a dignified life⁷.

Law enforcement bodies are scrupulous administration of justice guarantors of the non-discriminatory, unrestricted exercise of rights and freedoms; those who integrate the TFF (Federal Court of Fiscal and Administrative Justice), work to enforce what the Constitution unequivocally orders on the principle of equality.

Gender mainstreaming is one of the "categorical imperatives" of the Federal Court of Fiscal and Administrative Justice on which this Court fully agrees. Therefore, the Court is proactive in implementing gender mainstreaming in the argumentative practice of those who administer justice as a way of guaranteeing the right

⁴ Mexican Judges and law enforcement bodies at all levels, within their respective competencies and corresponding procedural rules, have an obligation to safeguard fundamental rights as well as the values, principles and Human Rights that the State has recognized in international instruments, since Mexico took on the most comprehensive commitment to protect and respect Human Rights in accordance with jurisprudential thesis 2^a./ J. 16/2014 (10th) of the Second Chamber of the Mexican Supreme Court, published in book 5 of the Federal Judicial Weekly (April 2014, Volume I, page 984, registration number 2006186): Diffuse control of constitutionality should be applied in administrative litigation trials).



to equality and making it manifest as a fundamental principle in the search for fair solutions.

The incorporation of gender perspective to the categories of analysis under which matters to be considered by the courts are scrutinized, now allows for direct and indirect influence on structural or de facto situations that prevented certain groups from openly enjoying their Human Rights by granting visibility to resolutions, prejudice and unlawful conditions identified when analyzing a specific case.

There are still many challenges in the Federal Court of Fiscal and Administrative Justice, regardless of the guidelines provided by the Judicial Decision-making with a Gender Perspective Protocol. Certainly, however, the work undertaken by this Court provides an answer to the demands of Mexican society, who expects from us not only strict adherence to the law, but also an unwavering ethical awareness associated with justice and equity's highest values. ■

**Judge Magda Mosri Zulema Gutiérrez: Second Section of the Superior Courtroom of the Federal Court of Fiscal and Administrative Justice.*

⁵ **Mexican Association of Justice Administrators (AMIJ).** *Operating Rules for the Monitoring and Evaluation Committee of the Covenant to Introduce Gender Perspective in Mexican Justice Administration Bodies* (p. 1). Retrieved from http://www.amij.org.mx/site/micrositios/equidaddegenero/documentos/documentos_interes/Reglas_de_Operacion_Comite_de_seguimiento_y_evaluacion.pdf

⁶ Agreement G / 52/2014 which discloses the creation of the Commission for Gender Equality of the Federal Court of Fiscal and Administrative Justice, published in the Official Gazette on Monday, May 22nd, 2014.

⁷ **Supreme Court of the Nation.** (2013.) *Judicial Decision-Making with a Gender Perspective Protocol* (pp.137) Mexico: SCJN.

JUDGING WITH GENDER PERSPECTIVE

Is discrimination still a reality?

Article 4 of the Political Constitution of the United Mexican States states that men and women are equal before the law, something that is an essential prerequisite for the establishment of a democratic state; however, this constitutional aspiration is still pending today.

By Magistrate Ricardo Paredes Calderón *

Unequal treatment and gender discrimination share (along with other causes for discrimination) a serious imbalance as to national and global levels. The UN, as part of the solution, has attempted to centralize equal opportunity policies between women and men in conditions of freedom, equality, security and dignity in order to eradicate poverty and hunger and achieve a fully inclusive, fair globalization, thus turning these principles into a foundation for all other policies and expanding UN commitment to this issue at every level.

The perception of discrimination is different from the male and female points of view, as seen in the first national survey on discrimination in Mexico (2005). In it, the average Mexican man stated that women were not subjected to discriminatory treatment. Apparently, 84% of the men polled would respect a woman's decision to become a single mother; almost 90% felt that denying

employment to pregnant women would violate their Human Rights; 83% would be willing to pay pregnancy disability leave in order to guarantee women's right to employment; and 96% say a man should never hit a woman under any circumstances.

However, these data are not entirely encouraging. For instance, when asking respondents whether they would ask a woman seeking employment to undergo a pregnancy test, one in four said yes; the same percentage indicated that they agree with the statement that many women are raped because they "provoked men". Almost 40% of those polled commented that women who want to work should do so in jobs befitting their sex; finally, nearly one in three believe that men should earn more than women.

Answers are quite different from a female perspective: 94.2% of women polled said that there is discrimination against females; on a scale of 0 to 10 (where 0 would be "not at all" and 10 would be "a lot" in the intensity of perceived discrimination), women felt that the degree of discrimination in the workplace reaches about 7.28 versus 6.19 within families.





A Different Perspective

According to the first national survey on discrimination in Mexico (2005):

Up to **96%** of men felt that physical violence against women is never justified, however...



One in every four men think many women provoke men into raping them.

Meanwhile **94.2%** of women point out that gender discrimination exists.



31.5% of them attribute this to sexism



25.3% blame the Mexican government



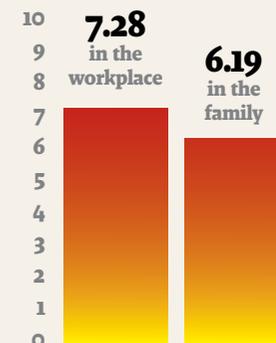
20% blame society as a whole



20% blame other women

Intense discrimination

In a scale of 0 to 10, where 0 implies “not at all” and 10 implies “a lot” in the intensity of perceived discrimination, women felt:



When asked who or what is responsible for discrimination against women, 31.5% attributed it to “sexism”; 25.3% blamed “government”; 20% put the onus on “society”; and a very relevant and significant 20% blamed it “on women themselves.”

This, quite frankly, reflects the current gender situation. Men and women speak different languages, in which the reality expressed by the opposite sex is not perceived; therefore, there is minimal awareness of the situation identified by women. Even the cultural conception of what discrimination means is very different for each sex: While from the male perspective there is respect and protection for women as the weaker members of a couple, (men) seem unaware of how prevalent and intense discrimination is, and their responses suggest that they think the current state of affairs is “fair” or “not so bad.”

Male perception of the non-existence of discrimination against women, while practically all of the women surveyed expressed that discrimination is an undeniable truth, clearly indicates one of the problem’s main underlying causes: While women have become aware of discrimination, resenting it and perceiving that equality and female empowerment will help to level the playing field, this unfortunately does not solve the problem, because it is the opposite sex (and particularly people who adopt gender stereotypes or even society in general) who should acquire that consciousness.

Upon looking at what happens to women in the cri-

iminal justice system, we find a similar picture. A study entitled “Assessment of the incidence of crimes committed by prosecuted and sentenced women deprived of their liberty,” issued in November 2009 by the Center of Studies for the Advancement of Women and Gender Equity (Centro de Estudios para el Adelanto de las Mujeres y la Equidad de Género) of the Mexican Congress’ lower house, stated that the three most prevalent crimes attributed to women had changed, because according to 2007 statistics from INEGI (Mexico’s National Institute of Statistics and Geography), the most common offenses were those related to narcotics, theft and third party injury.

Again using qualitative analysis, and now taking into account women’s motives for committing crimes, the same study indicates that certain variables increasing the female crime rate in some illegal activities are:

1. Women are socialized to obey others, to be demure and proper, to fulfill a role of obedience and subordination to men. Many studies have found that when a woman breaks the law it is almost always under a man’s influence.

2. Generally, men encourage women to commit crimes, either by asking for their support or by forcing and threatening them; a crucial factor is the evidence of domestic violence perpetrated by men against women when females commit a crime.



3. Feminization of poverty, a key element that makes it possible to make female poverty visible, since women are often deprived of access to critical resources such as loans, land and inheritances. Their work is not rewarded or recognized, their healthcare and nutrition needs are not a priority, they lack adequate access to education and support services, and female participation in decision-making in homes and communities is minimal¹.

Recent statistics, however, show that circumstances might finally be changing. INEGI's latest study on this issue, "Public Safety and Justice 2010, Leading Indicators", cites results obtained by the Federal Judiciary Counsel's Department of Statistics and Judiciary Planning in 2009 regarding feminine participation in illegal activities. Unfortunately, it can be noted that change has not been substantial, because although Federal courts register a greater incidence of female crimes related to patenting inventions and trademarks, electoral processes, forgery and counterfeiting, banking, gaming, abuse-related crimes or misdeeds against authority and professional responsibility, these are all non-violent offenses.

Even in the first category mentioned, which is the most frequent, the incidence rate is only equal to 28% of male incidence for the same crime; apparently, the same proportion applies to electoral crimes. Illegal pro-

fitting from criminal operations follows with 16%, property-related offenses with 14% and tax crimes amount to 13%. Offenses having to do with bodily integrity and death reach 14 and 12%, respectively, while offenses related to public health amount to 8%. Varying percentages are related to crimes against personal liberty (10%), possession of a firearm (3%), sex (7%) and organized crime (5%), but they are significantly lower to the male rate of incidence regarding the same offenses².

As to common law, the case varies even less, because the highest incidence in women is related to purely economic crimes (fraud, breach of trust, dispossession –between 23 and 28% -); followed by injury to others and burglary (16 and 17%)³.

However, this statistic yields as a significant fact that most female offenders are domestic workers (up to 67% of federal offenders, and 79% of common offenders). The percentage rises to 82% for those who have already been sentenced⁴, which in itself is also highly significant, since it stems back to socio-economic vulnerability, a lack of educational opportunities and better paid jobs.

This indicates that there is still a notorious role for women as "followers" rather than as intellectual authors of crimes; and that such a role results from a lack of educational and self-employment opportunities, which generate a particular kind of impoverishment exacerbated by the taxing demands of parenthood and the erection of mothers as household heads. Moreover, all of the above derives from discriminatory gender stereotypes, whose purpose is preserving the same pattern of female dependence on male leading roles.

Therefore, if crimes against public health are not what we naturally expect from women, as they are not emotional or family-related offenses, what is the reason for the high female incidence of these crimes?

The same study suggests that the increased incidence of health related crimes in women observed in the

¹ **House of Representatives of the United Mexican States** (N.A.). Title not available. Retrieved from www3.diputados.gob.mx/.../2009%2011%20Diagnostico_MPL.pdf

² **INEGI** (2010).

Public Safety and Justice 2010, Leading Indicators (pp.48) Mexico: INEGI. Retrieved from http://www.inegi.gob.mx/prod_serv/contenidos/espanol/bvinegi/productos/continuas/sociales/seg_y_just/2012/Seg_Pub_Jus_2010.pdf

³ Op cit, pp. 59.

⁴ Op cit, pp. 61, 65 y 66.



last decade happened mainly in terms of possession, sale or transportation of narcotics. From this, we could conclude that:

“Most women engage in the drug trade out of economic necessity, emotional dependence or because they play the roles of homemakers, spouses, girlfriends or lovers to drug dealers” (Lagarde, 1990: 164)⁵.

This offense involves women who helped their drug-selling husbands, innocent wives who didn’t suspect that their homes were actually narcotics warehouses, mothers who covered up their children’s criminal activities or females who introduced drugs into prisons at the request of sentimental partners “on the inside”, who threatened to abandon them or claimed that would be attacked if the woman in question didn’t participate in the ruse. Most significant -and mortifying- are cases where indigenous women who lived in extreme poverty agreed to transport drugs on their bodies or even inside their stomachs or vaginas for a few pesos (10 to 20), and were then detected by the police. These women, known to criminals as “sheep” (since they carry the “wool”, but do not benefit from its possession), generally work for men⁶.

After this bird’s eye view of the issue, it is easy to answer the question of why we should judge with gen-

⁵ House of Representatives of the United Mexican States (N.A.). Title not available. Retrieved from www3.diputados.gob.mx/.../2009%2011%20Diagnostico_MPL.pdf

⁶ Op cit.

der perspective: We have to understand that “equality” does not just mean treating women and men equally, but also acknowledging that females suffer discrimination and inequality. Equity helps balance out inequality, and it is won through empowering females at every level.

The continued application and interpretation of laws based on traditional, chauvinist schemes not only perpetuates inequality, but even makes it impossible to aspire to any constitutional ideal of gender equality.

Finally, it bears saying that it is time for both male and female judges to start incorporating gender perspective into their work. This should not result in losing all fairness and being partial to women, but in recognizing the historical discrimination women have been victimized by. Thus, when about to emit a legal resolution, judges should take into account the entire context surrounding a crime, rather than just assessing and analyzing facts in a specific and traditional way. After all, judging with gender perspective means nothing but analyzing cases from a different, non-traditional point of view, putting aside any existing stereotypes or prejudices personally held by Federal Judiciary members. ■

***Magistrate Ricardo Paredes Calderón:** Head of the Second Unitary Circuit Penal Court



**SOMOS IGUALES
VALEMOS LO MISMO**



Secretaría General
de la Presidencia

Dirección General de
Derechos Humanos,
Equidad de Género y
Asuntos Internacionales

Interview | **Daniel Francisco Cabeza de Vaca Hernández**
Federal Judiciary Counselor

ECHOING WORDS

Daniel Cabeza de Vaca has been Federal Judiciary Counselor since 2009. Furthermore, during 2010 he became the Federal Judiciary Counsel's representative at the Gender Equality Inter-institutional Committee.

Born in the Mexican state of Guanajuato on May 25th, 1959, Cabeza de Vaca has a B.A. in Law and a Master's degree as Notary Public by this state's university.

A valuable contributor in various Guanajuato state government bodies from 1991 to 1999, he went on to play important roles in the Federal administration. In 2005, Mexico's Senate unanimously ratified Cabeza de Vaca as head of the Attorney General's Office.

In *Igualdad's* last issue, you personally pointed out that the object of reforming the Federal Judiciary's Organic Law was crosswise integration of gender perspective in all Federal Judiciary Counsel matters. How is this being accomplished?

First and foremost, by proscribing any discriminatory practices, guaranteeing women's right to fully enjoy and exercise their Human Rights, always in a context of equality. Also, all this must be incorporated into the Federal Judiciary Counsel's internal policies.



Three years after it came into force, what are your thoughts on the Human Rights constitutional amendment?

Since 2011's constitutional amendment, the Mexican State has acknowledged Human Rights (since Human Rights are a given for human beings, no state can grant them), whether they are contained in the Political Constitution of the United Mexican States or in international treaties signed by Mexico.

This reform goes beyond individual guarantees to incorporate into the Mexican legal establishment the minimum international standards needed to effectively protect and watch over Human Rights, even those forming part of the *ius cogens*.

It's a complete paradigm shift regarding how rules are interpreted. We are currently shifting from an older, rigid system to a holistic and systemic point of view, which values all Human Rights. The main goal is broader protection for all individuals.

The Mexican Constitution states that all authorities must, within their own sphere of competence, promote, respect, protect and guarantee Human Rights according to the principles of universality, interdependence, indivisibility and progressivity. How can this be accomplished? And how would you define the aforementioned principles?

That's an excellent question... The first thing people wonder is what exactly do those principles mean; even judicial authorities may have some problems defining them. However, properly defining these terms is essential when trying to correctly understand and respect Human Rights.

Universality means Human Rights apply to all human beings. It's about respecting every person's dignity regardless of nationality, religion, age, preferences, sex, etcetera... From a practical point of view, universality means that you should



not only look after individuals entrusted into your care, but after everybody... particularly vulnerable groups or persons, such as crime victims. This principle can become a gateway thru which other cultures and disadvantaged groups may enter mainstream consciousness.

Interdependence, on the other hand, refers to the fact that some rights may in turn impact other rights. So an all-encompassing view of the human individual is needed in order to guarantee all universal rights.

The 1968 Proclamation of Teheran, adopted at the close of the first UN World

Conference on Human Rights, was the first to state the indivisibility principle: "as Human Rights and fundamental liberties are indivisible... it would be impossible to enjoy civil and political rights without also having full access to economic, social and cultural rights." In my opinion, this text expresses the concept beautifully.

Progressivity refers to the State's obligation to avoid backtracking as regards to respecting and guaranteeing Human Rights. Also known as the right to non-regression, it ensures continued evolution in favor of individuals and

“

The most comprehensive way to protect women's Human Rights is to apply the principles of equality and non-discrimination. As the amount of legal resolutions grounded in these principles grows, important judicial precedents will be set.

”

Daniel Francisco Cabeza de Vaca Hernández,
Federal Judiciary Counselor.

taken inside the Federal Judiciary Counsel to promote gender equality in the Federal Judiciary as a whole?

One can always point to the December 2013 Official Gazette publication of the last paragraph added to Article 81 of the Federal Judiciary's Organic Law. This paragraph refers to the Federal Judiciary Counsel's attributions, which are relevant enough to enumerate:

*Article 81 ...
I. to XLIII. ...*

The Federal Judiciary Counsel will incorporate gender in a crosswise and equitable manner in the discharge of its functions, programs and actions, in order to guarantee to both women and men, the exercise and enjoyment of their Human Rights in conditions of equality; it shall also ensure that its subservient bodies do so.

In dealing with gender equality, previous reforms to the Federal Judiciary's Organic Law only concerned judicial career paths in case of a tie between a male and a female candidate in competitive examinations to access judicial office, in which case, any conflicts would be resolved on a basis of equality affirmative action- Article 114, Second fraction, final paragraph of the Official Gazette's May 26th, 2011, issue.

However, this new disposition will change gender equality matters, since every Federal Judiciary Counsel act meant to benefit female Judicial Branch employees will be affected.

Any closing thoughts?

The FJC's General Directorate of Human Rights, Gender, Equality and International Affairs has taken actions that have eventually become proven good practices, practices that will help implement new public policies and place the Federal Judiciary Counsel at the legal forefront.

a greater degree of State effectiveness regarding Human Rights.

Human Rights should be firmly grounded on the principle of equality and taken into account globally in a fair and equitable way if one means to give equivalent importance to all rights.

Regarding the Federal Judiciary Counsel and the principle of equality, how has this precept been viewed in relation to women's rights?

As of today, the Federal Judiciary Counsel has a specialized body, the General

Directorate of Human Rights, Gender, Equality and International Affairs, which is in charge of promoting gender equality inside the FJC itself.

Unquestionably, the Federal Judiciary's Gender Equality Inter-institutional Committee (a body created in 2010, headed by Minister Olga Sánchez Cordero and also made up by Electoral Tribunal of the Federal Judiciary Branch Magistrate María del Carmen Alanís Figueroa and myself as FJC representative) has excelled at its tasks.

What are some of the specific actions

Presently, the FJC is working on the five strategic guidelines included in its 2014 Annual Program:

1. Research
2. Education
3. Dissemination
4. Entailment
5. Institutional strengthening

It was precisely in this mindset that *Igualdad* magazine was conceived and edited. *Igualdad* is to be a free quarterly publication consisting of 3,000 copies.

As to research efforts, they have been based on UNAM's gender diagnosis regarding law enforcement and will continue among these lines in order to correct any failings via effective institutional or corporate culture strategies. Also, federal sentencing will continue to be analyzed in order to identify interpretative frameworks and possible routes to gender-sensitive judgments.

All of the above will be the basis to create a document, which will serve as a sort of navigational chart of both national and international criteria to ensure the inclusion of gender perspective in any future rulings.

Regarding dissemination and education efforts, they had never comprised such a large swath of Mexico before (both geographically and in relation to the number of Judicial Branch employees included).

As to entailment, the Third National "Judging with Gender Perspective" Congress surely deserves special mention. It was held during July 2014 and numbered some 500 Mexican judges.

Judicial institutions will continue to be strengthened by health-oriented initiatives, such as early detection of breast, cervical and prostate cancers, or the creation of special nursing rooms for breastfeeding mothers and their infants in every Federal Judiciary building. In fact, a national health campaign has already benefitted 4,242 persons in 62 locations of all Mexican states.

Have any other actions been taken to increase gender sensitivity among Mexican judges?



» There now exists a **Judicial Decision-Making with a Gender Perspective Protocol** created by the Mexican Supreme Court.

» Cooperation agreements have been signed with public institutions such as Inali and Inmujeres.

» The FJC participated as part of the official Mexican delegation that rendered a status report to the CEDAW (Convention on Elimination of all forms of Discrimination against Women) Committee.

» The FJC has produced television shows about human trafficking and violence against women.

- » **Classroom and on line training through courses, workshops and Master's Degrees in the gender equality field.**
- » **As part of new affirmative actions, scholarships in gender related courses of study were granted to male civil servants, while female civil servants were granted scholarships to pursue any field of education related to their careers.**
- » **The aforementioned Preventative Health Strategy.**
- » **According to FJC records, 428 paternity licenses have been granted since 2012 (which goes to show that gender equality does not only concern women and female issues).**
- » **The book series Voces sobre Justicia y Género (which analyzes judicial sentencing from a gender perspective viewpoint) published by the Mexican Supreme Court, was reprinted and widely distributed.**
- » **During 2013, we launched a massive awareness campaign.**
- » **Special nursing rooms for breastfeeding mothers and their infants are being built or adapted in every Federal Judiciary building.**

How do Mexican judges and magistrates protect women`s rights?

Mexican judges and magistrates must protect everyone`s rights, not just women`s. However, gender perspective must be incorporated when evaluating facts to take into account any disadvantageous situations women might find themselves in due to their gender.

The best possible way to protect women`s rights is simply to implement equality and non-discrimination principles. As judicial resolutions framed in gender perspective start to multiply, important national judicial precedents will come into being.

Our judges must comply with international treaties and legal instruments. Thus, judges` point of view must necessarily change. Is the Judicial Decision-Making with a Gender Perspective Protocol an instrument that helps support this process of change?

The Judicial Decision-Making with a Gender Perspective Protocol is undoubtedly a valuable tool for judges, since it "allows [us to] combat discrimination through jurisdictional work to ensure access to justice and redress, in a particular case, any asymmetric power situations¹."

The Mexican Supreme Court created the Judicial Decision-Making with a Gender Perspective Protocol, which allows judges to identify and evaluate (independently and impartially) whether those cases assigned to them could involve gender-based Human Rights violations and also to take into account the social, economic and cultural context.

On the other hand, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) has been a legally binding agreement for Mexico during 30 years now. Therefore, its mandates have been incorporated into Mexico`s institutional and regulatory practices and into the Federal Judiciary. To ensure accountability, periodic progress reports are submitted.

How are gender issues challenging the Federal Judiciary Counsel?

The most immediate challenge has to do with the female to male ratio regarding judges and magistrates. As of today, only 24% of judges are female, as opposed to a 76% male majority. Magistrates do even worse: 82% are men, while only 18% are women.

However, the real difficulty lies in making sure both men and women have

access to the same career and personal growth opportunities within the Federal Judiciary Counsel, notwithstanding gender roles.

Part of the FJC mission is crosswise implementation, within all its actions and programs, of gender perspective. This is being achieved through the following actions:

- » **Continuous training at all levels throughout the Mexican Republic; we should prepare trainers to replicate the training received. We need to disseminate the relevant criteria and judgments on the subject.**
- » **Generally improving women`s life conditions (as I have mentioned earlier), is essential to achieve sustainable, long-term development. Female civil servants should be supported as they strive to move forward as active decision-makers. Women should also benefit from and participate in this process.**
- » **Also, changes in ascription (as when candidates to judicial office need to relocate when assuming a new job) must no longer represent an obstacle for the new female judge or magistrate.**
- » **New rules, guidelines and programs meant to help FJC employees (of any gender) achieve true balance between work and family life.**

A final consideration would be ensuring that female civil servants can further their education and training at times and locations that do not clash with their roles as mothers and household heads. ■

¹ **Mexican Supreme Court.** (August 2013). Judicial Decision-Making with a Gender Perspective. A Protocol (pp. 73). Mexico: SCJN.



LEGISLATORS VS. JUDGES: OPPOSING POINTS OF VIEWS

By Leticia Bonifaz*

In this article, I want to share with the reader some reflections on how two disparate kinds of logic, “legislative” logic and “judicial” logic, are being applied to laws, rulings and judicial decisions that relate to women and girls.

For some years now, but especially since the Human Rights reform, all training courses have insisted that, regardless of the regulatory details provided



Illustrations by Daniel Esqueda Media / Ángel Sánchez

in general terms by a legislator, it is up to him/her and to judges dealing with a specific case, to implement international treaties and general principles. First instance judges, depending on the subject, have always had their codes of relevant procedures and applicable substantive code on hand. Any laws with guidelines for public administration or law enforcement have also been a reference, although not an essential one, in supporting resolutions.

While judges seek to administer justice in specific cases, the legislature tries to foresee all possible generalities. It is in this context that the Mexican Supreme Court has issued a series of protocols, aiming to guide the judiciary

when resolving specific cases. Protocols, while not binding, will certainly serve as a reference in this era of constant legislative changes, as new criteria for higher courts, in the application of international treaties and the precedents being set by the Inter-American Court (of Human Rights).

So far the Court has issued protocols for:

- 1) **Cases involving sexual orientation or gender identity**
- 2) **Cases involving individuals, communities and indigenous peoples; also, cases involving children and adolescents, along with any useful basis for implementing said protocols**
- 3) **Cases involving migrants or any persons subject to international protection**
- 4) **Cases involving disabled persons**
- 5) **Judicial resolutions with gender perspective, thus making the right to equality real.**

There also exists an inter-american judicial action protocol, which aims to improve access to justice for disabled persons, migrants, children, adolescents and indigenous peoples.

The mere existence of protocols is a sign that judges may require additional guidance, in addition to basic legal training and judicial criteria.

Why should a judge have to know what gender perspective is all about? Why, if we were all trained in universities under the scheme of *rasa* equality, should we now work towards understanding a kind of equality that takes differences into account? How to understand this process of legally making formerly socially invisible phenomena visible?

Amid new paradigms and an overabundance of new rules, new compasses and new points of departure are needed to understand what is going on with those new rules added daily to the legal system, increasing complexity and making judges' jobs even more difficult.

[The Mexican] Congress is currently following a permanent change in legislation logic... It is specializing new laws by subject, but also doing so in a crosswise manner. Unfortunately, legislators do not always do a thorough job. To do so would require seeking consistency in the normative order, either repealing opposing rules or amending them to harmonize the whole thing.

To all of the above we may add a constant centralization of power that affects state legislatures, which are normally slow to adjust and might even wind up devoid of laws.

Formerly, the idea that whatever was not expressly granted to the Federation was reserved to each State (logic expressed by Articles 73 and 124 of the Political Constitution of the United Mexican States) was a general consensus. That has now changed: Between concurrency and cooperative federalism, judges face additional complexities.

For the purposes of equality and to enable certain rights to gain further visibility, women are not only granted those rights that the Mexican Constitution and laws extend to “any person” or to “Mexicans” in general. Now, some rights are specifically granted to women in the General Health Act or the Federal Labor Code, with specific differences for biological reasons. Besides this, Congress has also issued the General Law regarding Equality between Women and Men; Women’s Access to a Life Free of Violence Act; the General Law to Prevent, Punish and Eradicate Human Trafficking (and the Protection and Assistance of Victims of its crimes); General Law to Prevent and Eliminate Discrimination, and the Victims Act, to name a few ...

We must add to this growing list the rules on the same subjects issued by State Congresses and the Federal District’s Legislative Assembly.

How can judges move in the midst of this legal tangle, that gets more and more complicated every day? We even assume that judges must also take into account the contents of all applicable international treaties and conventions!

A judge may directly implement an international treaty on human rights. The legislature, however, has often simply reproduced the contents of international treaties and laws. This generates redundancy, overregulation and makes it difficult to find the standard that best fits each case (the famous “needle in the haystack” effect). As a solution, in addition to standards, judges fortunately have principles, which, by their generality will make the subsumption of the case easier.

Of course each standard does politically benefit those who drive its issue, but even beyond that one would have to measure its effectiveness or usefulness when applied to a specific case.



Currently, Congress is discussing the bill on Rights of Children and Adolescents sent by President Peña Nieto last September. The Senate already discussed said bill, amended it by 80 percent and sent it along to the House of Representatives.

This initiative may be another example of overlapping rules: Judges already have a specialized protocol, an International Convention and have clearly seen that the guiding principle should be the best interests of the child in question. They must also keep the limits of federal



and local jurisdiction in mind... However, there exists a proposal that repeats standards already included in the International Convention, which reiterates the basic principle, duplicates the content of rules already in place in other jurisdictions and upsets federal/local jurisdiction.

This initiative recognizes already existing rights and notes that it “seeks to ensure a comprehensive, cross-sectional perspective with a Human Rights focus.” However, judges can perform their work without this new bill. Should this legal

initiative pass both Houses of Congress, a judge will have before him even more regulations to harmonize, something which will not necessarily make his/her job any easier.

A disturbing recent sign that displays the lack of clarity on which rule or principle should be applied is the draft’s ninth article. Often a law makes supplementary provisions foreseeing a lack of an exactly applicable standard, but this bill’s wording generates more questions than clarity. In fact, it seems to take a 360-degree spin and reaches the original point of departure: Rules and principles are equally weighty, without distinguishing their function.



“In the absence of express provision in the Political Constitution of the United Mexican States, international treaties, in this Act or other applicable provisions [...] shall be governed by the general principles derived from those Systems; or, in their absence, the general principles of law, emphasizing at all times the guiding principles of this law.”

No matter how many standards continue to be added, this legislature has recognized that some gaps might remain, and thus finally relies on the logic of established principles to guide judges.

Furthermore, this bill establishes requirements for those exercising parental authority or guardianship, which so far are contained only in Civil and Family codes. It makes feeding a child, registering it within sixty days of its birth or ensuring that it attends compulsory education obligations, something that is already in the Mexican Constitution and the General Education Act. It also includes the obligation to protect minors from all forms of violence; in the case of girls they are also applying laws specific to women. And overregulation continues...

The proposed bill sets rules for acknowledging parenthood and also, for example, rules that say that “usually children with separated families have the right to maintain extended family relationships and to have contact with family members on a regular basis, except in cases where the competent court determines that this is not in the child’s best interests.”

That is legislative logic: Seeing cases in general, but also recognizing the possibility that a judge may change a rule if the case warrants it.

The proposed bill foresees substantive equality and the ideas of “mainstreaming gender perspective in all its activities and ensuring the use of non-sexist language in official documents” and “implementing specific actions to eliminate mores,

traditions, prejudices, gender roles, stereotypes or any other practices which are based on inferiority.”

“The rules for girls and adolescents should be directed to visualize, promote, respect, protect and guarantee their rights at all times in order to achieve substantive equality.” If this is the same set of laws that protect women over eighteen, why insist on repetition?

After listing the legal obligations of those exercising parental authority, the bill says that federal laws and State laws will provide provisions to regulate and penalize obligations. Again the lack of clarity as to the applicable standard is evident. Not quite suppressing local authority jurisdiction generates uncertainty.

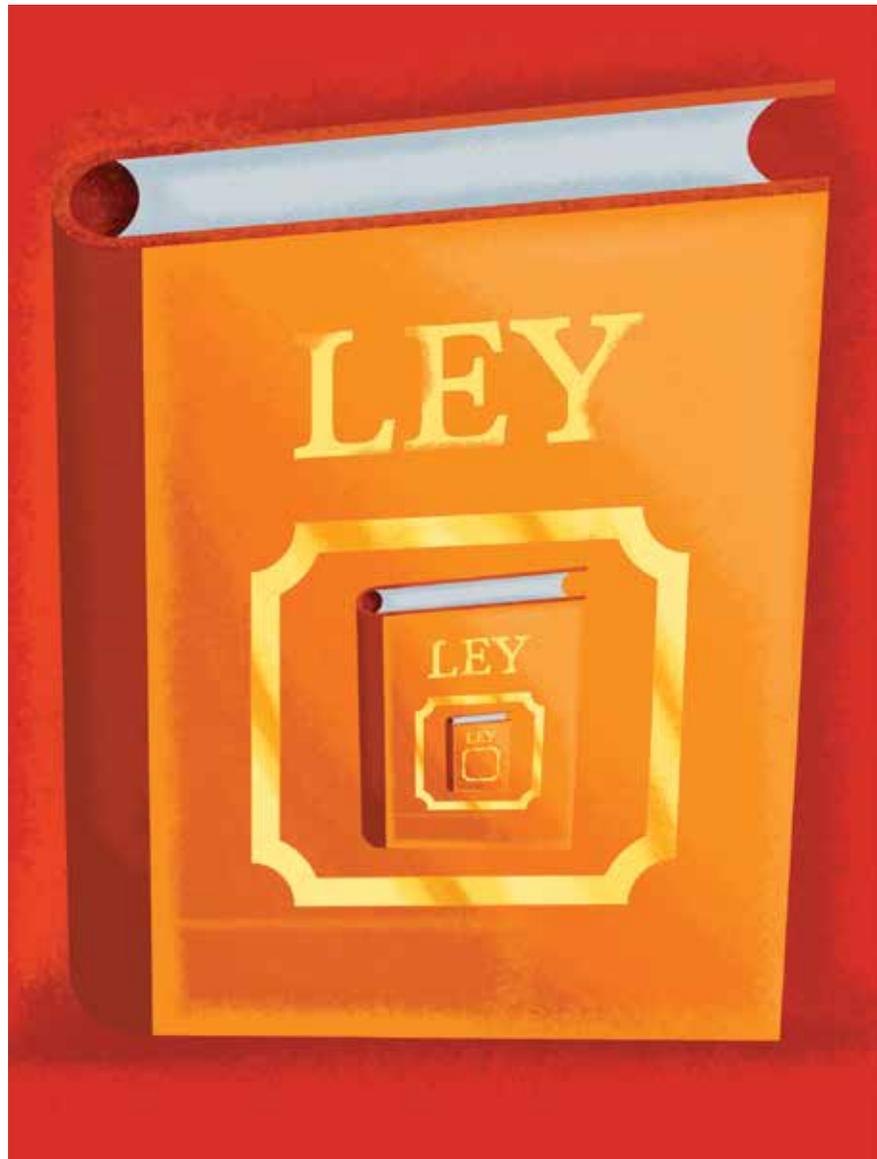
“Federal and State laws shall arrange that in terms of the provisions of this Act and the scope of their respective powers, the following listed obligations be fulfilled.”

Clearly, not all cases imagined by the legislature will become a specific theme for judges, but it is also clear that poor legislative drafting or carelessness generate application problems to individual cases, making jurisdictional work much more complex. A judge has to continue interpreting rules as if they were part of coherent system, devoid of deficiencies.

From my point of view all these laws are no longer thought of as program standards aimed at different levels of public administration, but instead contain obligations for individuals and rights which may be enforceable even jurisdictionally, so their impact on the Judiciary is even greater.

Lawmakers seek to establish general characteristics; judges, on the contrary, go from general needs to finding a specific solution for each case.

A short-term process of harmonization of all legislation by the lawmakers is not apparent. Meanwhile, judges cannot stop in their tracks and have to continue working with the elements they do have in order to integrate, interpret and resolve contradictions. ■



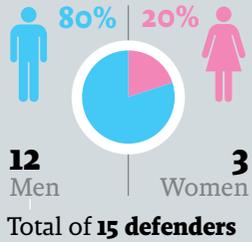
Legislature members are replaced every three to six years; on the other hand, the Judiciary is a life-long career. Awareness of the necessary revision of legislative logic versus judiciary logic would be desirable, both for the benefit of those who administer justice and for the full realization of the ultimate goals of Law itself.

**Leticia Bonifaz: Director of CIDE's Division of Legal Studies*

Gender Statistics

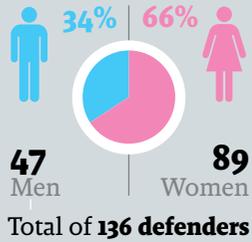
AGUASCALIENTES

Position:
Public Defender
Government Branch:
Federal Executive



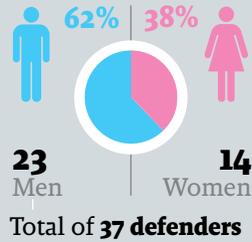
BAJA CALIFORNIA

Position:
Public Defender
Government Branch:
Federal Executive



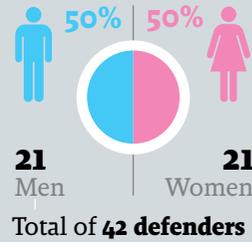
BAJA CALIF. SUR

Position:
Public Defender
Government Branch:
Federal Executive



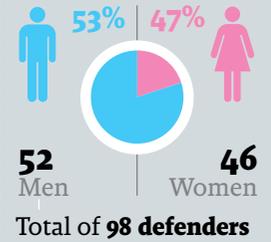
CAMPECHE

Position:
Court-appointed lawyer
Government Branch:
Federal Executive



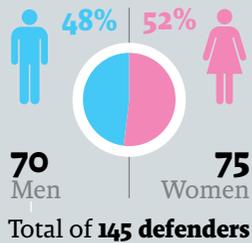
CHIAPAS

Position:
Public Defender
Government Branch:
Federal Judiciary



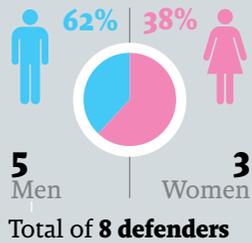
CHIHUAHUA

Position:
Public Defender
Government Branch:
Federal Executive



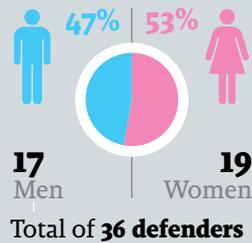
COAHUILA

Position:
Court-appointed lawyer
Government Branch:
Federal Judiciary



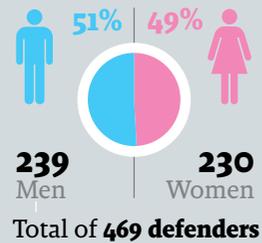
COLIMA

Position:
Public Defender
Government Branch:
Federal Executive



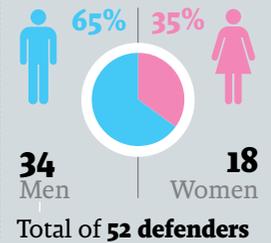
DISTRITO FEDERAL

Position:
Court-appointed lawyer
Government Branch:
Federal Judiciary



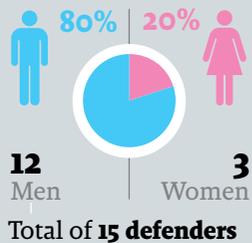
DURANGO

Position:
Public Defender
Government Branch:
Federal Judiciary



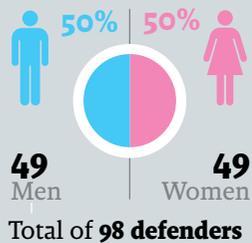
GUANAJUATO

Position:
Public Defender
Government Branch:
Federal Executive



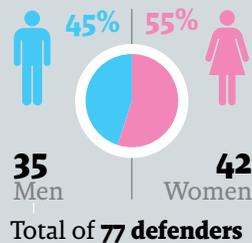
GUERRERO

Position:
Court-appointed lawyer
Government Branch:
Federal Executive



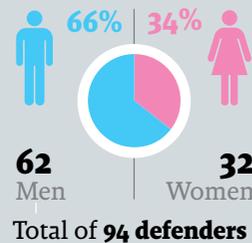
HIDALGO

Position:
Public Defender
Government Branch:
Federal Executive



JALISCO

Position:
Social Agent
Government Branch:
Federal Executive



EDO. DE MÉXICO

Position:
Public Defender
Government Branch:
Federal Executive

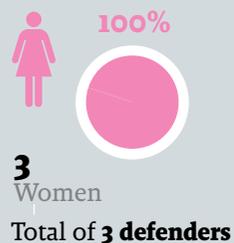


MICHOACÁN

Position:
Public Defender
Government Branch:
Federal Executive

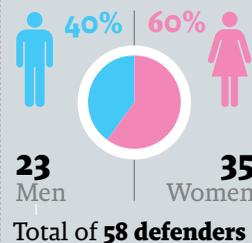


Position:
Court-appointed lawyer
Government Branch:
Federal Executive



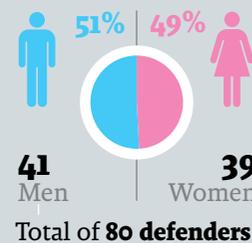
MORELOS

Position:
Court-appointed lawyer
Government Branch:
Federal Executive



NAYARIT

Position:
Court-appointed lawyer
Government Branch:
Federal Executive



NUEVO LEÓN

Position:
Public Defender
Government Branch:
Federal Executive

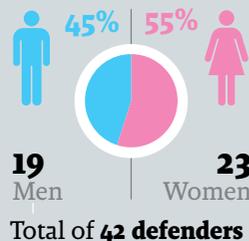


Public Defense Counselors

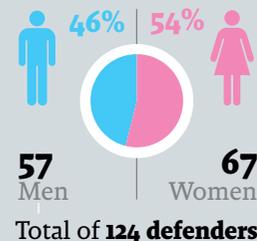
The graph below shows the number of Public Defense counselors per Mexican entity, as well as the government branch they depend on and the gender equality ratio for these positions in each of the Mexican states.

OAXACA

Position: Public Defender
Government Branch: Federal Executive

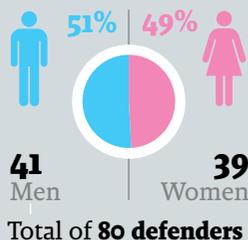


Position: Court-appointed lawyer
Government Branch: Federal Executive



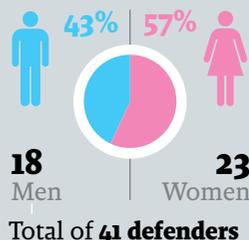
PUEBLA

Position: Public Defender
Government Branch: Federal Executive



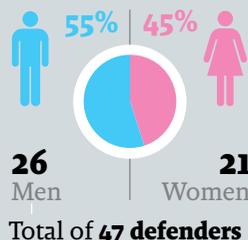
QUERÉTARO

Position: Public Defender
Government Branch: Federal Executive



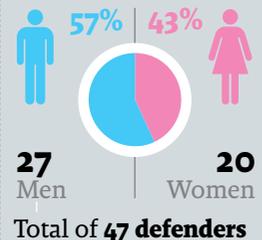
QUINTANA ROO

Position: Public Defender
Government Branch: Federal Executive



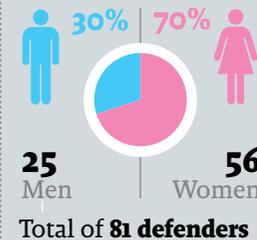
SAN LUIS POTOSÍ

Position: Court-appointed lawyer
Government Branch: Federal Executive



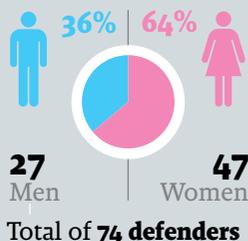
SINALOA

Position: Court-appointed lawyer
Government Branch: Federal Executive



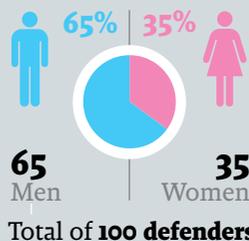
SONORA

Position: Public Defender
Government Branch: Federal Executive



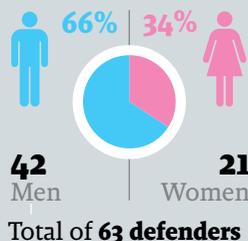
TABASCO

Position: Public Defender
Government Branch: Federal Executive



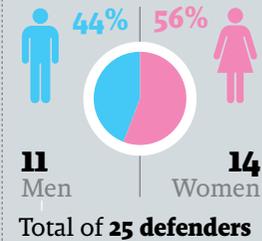
TAMAULIPAS

Position: Public Defender
Government Branch: Federal Executive



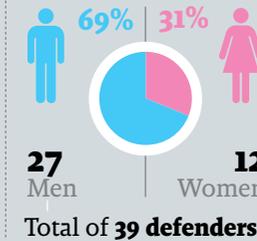
TLAXCALA

Position: Public Defender
Government Branch: Federal Executive



VERACRUZ

Position: Court-appointed lawyer
Government Branch: Federal Judiciary



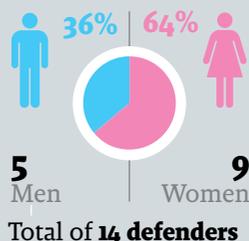
VERACRUZ

Position: Public Defender
Government Branch: Federal Executive

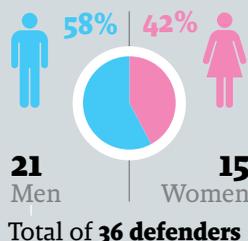


YUCATÁN

Position: Public Defender
Government Branch: Federal Executive

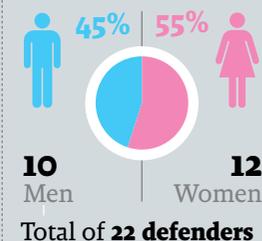


Position: Court-appointed lawyer
Government Branch: Federal Executive



ZACATECAS

Position: Public Defender
Government Branch: Federal Executive



Position: Court-appointed lawyer
Government Branch: Federal Executive



Gender equality awareness and training: the FJC experience

The Federal Judiciary Counsel's Gender Equality and Non-Discrimination Policies

By María Vallarta Vázquez and Georgina Lozano Martínez*

The equality promoting policies held by the Federal Judiciary Council were designed to attain three objectives: a) incorporating a culture of respect for individuals and equality in this institution's daily life, b) the issuance of resolutions attuned to a gender perspective as a common and visible practice, and c) the inclusion of more women in Judge and Magistrate positions.

This policy is comprised of strategies that include specific actions that are approved annually by our institution's governing body.

To achieve the first two objectives, the strategic line of training is the most relevant because it raises awareness and fosters continuing education¹ on gender equality and non-discrimination directed at judicial and administrative officials.

This article aims to take stock of the actions undertaken to raise awareness of this issue and impart gender equality and nondiscrimination training in the FJC from 2011 to 2014, as well as visualizing the results achieved in the last four years.

The implementation of awareness and training programs was built on the principle of bringing up the issue



of gender equality in an amicable and voluntary (not mandatory) way to FJC officials, based on the idea that internalizing others' right to equality could even call for cultural change.

Another principle was providing classroom-based programs and maximizing coverage in order to reach every Federal Court location to combat the centralization of training programs. The courts' and administrative areas' workloads were also taken into account.

Therefore, awareness and training programs were offered at convenient times of the month and during evening hours. In some cases, incumbents requested specific times, a request which was gladly granted. This point was strategic to achieving nationwide coverage.



¹It should be noted that the CJF has three areas that offer training. Firstly, the Federal Judiciary Institute (FJI) whose main attribution is research, but which also deals with the education, training and academic updating of Federal Judiciary members. FJI activity is aimed at Judges and other Judiciary staff. Secondly, the General Directorate of Personnel Services, which is responsible for designing a comprehensive training and development system for administrative personnel, and covers various topics related to the work and needs of the institution; however, it does not specialize in Human Rights and gender equality. Finally, the General Directorate of Human Rights, Gender Equality and International Affairs, which has among its attributions the implementation of programs and actions regarding training and mainstreaming of gender and Human Rights. Directorate General programs are targeted to the implementation of FJC policy on Human Rights, gender equality and non-discrimination.

New awareness and training programs were offered each year, followed by monitoring, registration follow-up and sometimes, direct communication between the Directorate General of Human Rights, Gender Equality and International Affairs and Judges' regional coordinators or directly with the incumbents in cities that initially had offered little response to the courses. This strategy proved very effective to publicize the efforts of the institution and the importance of training personnel on this issue.

RAISING AWARENESS

Awareness on issues of equality and non-discrimination between men and women was achieved through courses in subjects unrelated to work activities, such as "History and gender", "Gender in literature", "Science and feminism" and "The representation of gender roles in art."

Moreover, seminars, lectures and talks on gender equality and non-discrimination such as "the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW) in law enforcement", "Gender violence and domestic violence. Liability for damages" or "Judicialization of human trafficking, Argentina's experience" were held.

The awareness courses were implemented after conducting institutional cooperation agreements with academic institutions recognized for their expertise in the subject of gender equality and non-discrimination. To carry out the different forums over the last four years experts in various subjects related to gender equality and justice were identified.

Finally, it should be noted that the awareness raising actions of FJC officials are closely linked to actions that comprise the strategic Equality and Non-discrimination FJC Broadcasting Policy.

TRAINING PROGRAMS

Training was conducted through various academic programs related to gender equality and law enforcement: courses (10 hours), diploma courses (120 hours), and Master's degrees.

It should be noted that two public training courses with public and international institutions were also held. Approximately 100 public defenders were trained through the "Criminal defense with a gender perspective workshop" organized by INMUJERES (National Institute For Women) and 675 members of the Federal Judiciary through the online course "Strengthening law enforcement with gender perspective and multiculturalism", which was designed and organized in collaboration with UN Women.

As shown by all of the above, the awareness and training programs were varied as to format (classroom, on line and a combination of both), length and subject.

It should be noted that in several cities Judges and Magistrates attended training programs. This participation was particularly significant, because it is they who are involved in training future judges; the courses offered by the Federal Judiciary Institute (judicial school) are taught by Federal Judges. In this sense, awareness and gender equality training can have a positive impact on the education of future national judicial operatives.

Programs with a gender perspective

The following list features the programs offered to judicial and administrative officials of the Federal Judiciary Counsel.

Courses

- » A gender sensitive legal defense (Classroom, 20 hours)
- » Law and Gender (Classroom, 10 hours)
- » Equality in family and criminal matters (Classroom, 10 hours)
- » Violence and gender perspective (Classroom, 10 hours)
- » Strengthening law enforcement with gender perspective and multiculturalism (On line, 60 hours)

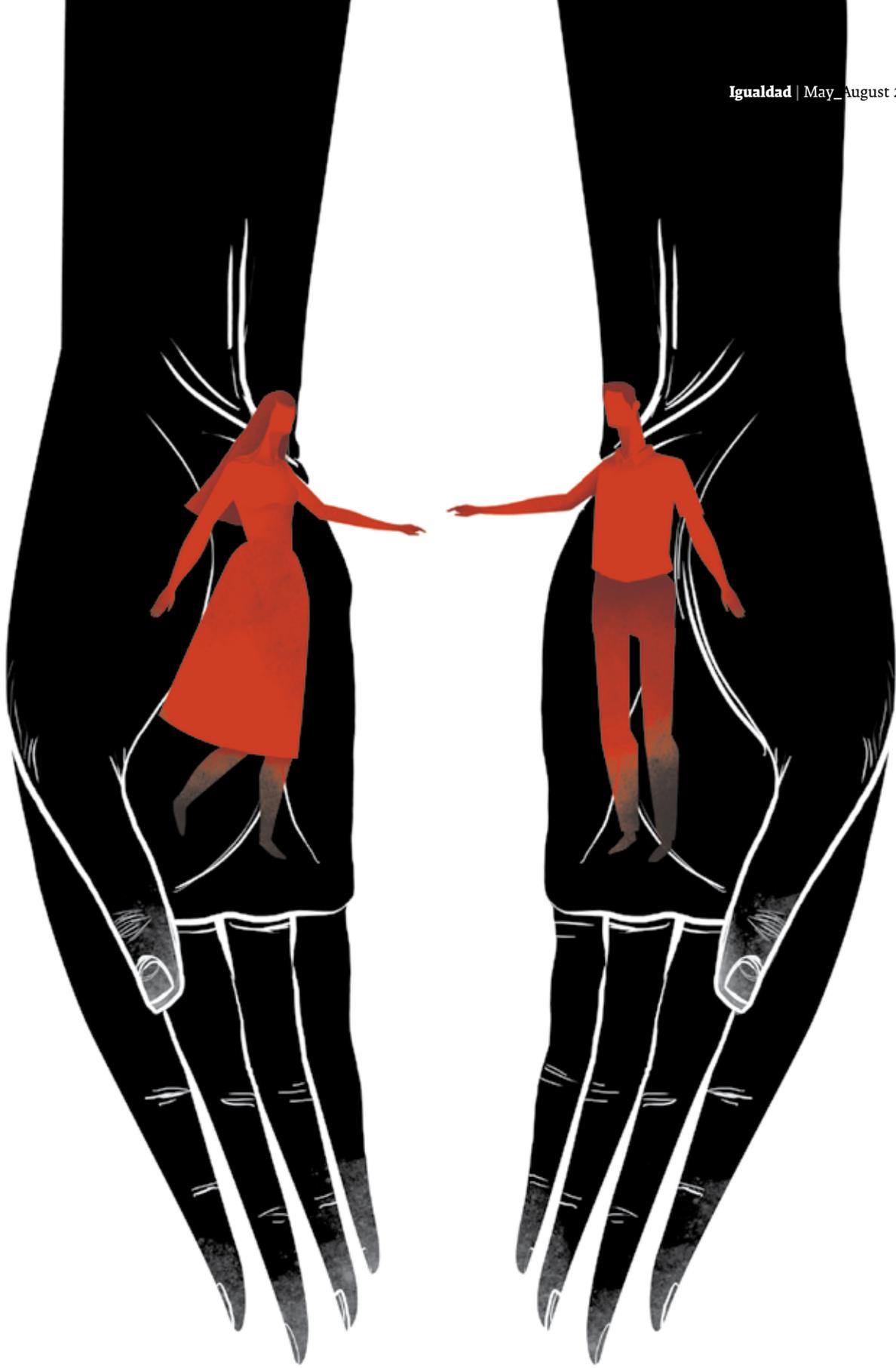
Diploma programs

- » Comprehensive graduate program in Human Rights and Democracy²: Basic diploma, Advanced diploma, Specialized training and Master's degree (Classroom and online: 3 months, 6 months, 1 year and 2 years)
- » Training in family democratization to foster equal relationships between men and women (Classroom, 168 hours)
- » Judging with a gender perspective (Classroom, 120 hours)
- » Gender based violence (Classroom, 120 hours)

Master's degree

- » Human Rights, law enforcement and gender (Classroom, two years)

The courses offered adapted very well to cities or places where federal courts with a significant workload, such as Federal Criminal Courts, are located. The acceptance of

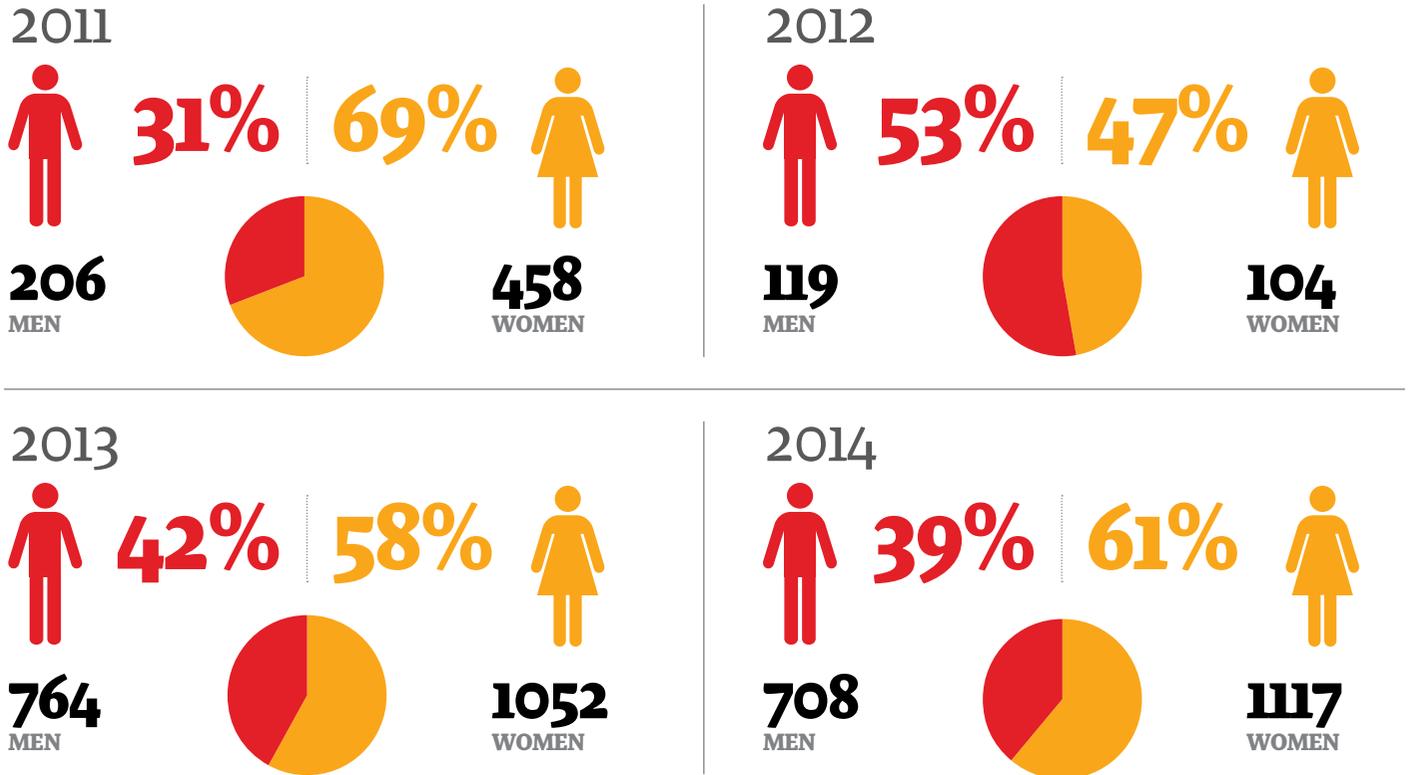


Illustrations by **Daniel Esqueda Medina** / Jorge López

²This program was designed to provide FJC officials with four academic alternatives: Basic diploma, Advanced diploma and / or continuing on to specialized graduate studies or even a Master's degree. It should be noted that students had to define, initially, what stage of the program they planned to attend in order to be eligible for any diploma, to ensure end level efficiency and guarantee that officials would gain the appropriate recognition.

General Directorate of Gender Issues

FJC employees trained in gender equality and non-discrimination policies per sex (2011-2014)



Number of employees trained between 2011 and 2014: **4528**. 1797 men (40%) | 2731 women (60%).

and participation in virtual programs should also be stressed. This flexible format adapts to the different workloads of different locations and helps achieve nationwide coverage.

In order to assess awareness and training on gender equality and non-discrimination, students in each group of the different programs were asked to answer a questionnaire in order to obtain their assessment regarding the contents and academic quality thereof. Evaluations generally tended to hit at least a 9 on a scale of 0 to 10.

Gender equality and non-discrimination awareness and training included academic scholarships for programs including matters of gender equality (in men's case), or any subject related to job functions (for women). In 2013, 38 scholarships, benefiting 30 officials and eight officers, were granted. In 2014, 49 scholarships were granted to 48 officers and 1 official. This program was planned as an affirmative action and results confirmed its positive impact.

The overall result of the gender equality and non-discrimination FJC policy was very positive over the past four years. We trained 8,923 officers, judicial and administrative officials; additionally, 87 scholarships for academic programs related to the work of women at the FJC (or in the case of male officials, programs including gender issues) were awarded. The implemented policy succeeded, for the first time, in reaching national coverage. The programs were offered in 60 cities where federal courts are located.

The focus of the gender equality and non-discrimination FJC policy is that through dissemination and training, the culture of equality and non-discrimination should be strengthened between our officials. This will translate into law enforcement capable of bringing visibility to people's conditions of inequality and vulnerability, thus ensuring respect for Human Rights and favoring a broader interpretation in favor of individuals. ■

***María Vallarta Vázquez:** Director of Gender Issues for the Federal Judiciary Counsel

***Georgina Lozano Martínez:** Officer of Gender Issue for the Federal Judiciary

“The instructor taught us well. The course itself not only gave us oral examples, but also engaged us visually... I wish courses could be offered continuously in a classroom setting”.

A participant in the courses created in collaboration with Universidad Anáhuac.

“I hope [they] continue to offer these courses, so that we can apply them to our daily lives.”

Participant in the courses created in collaboration with Claustro de Sor Juana University.

“

“It’s a very interesting topic because it helps us realize that men and women have the same rights and therefore women should be valued. Its simple and straightforward presentation made me acknowledge violence in my personal relationships and understand its causes, consequences and how to prevent it. [...This diploma will be...] very helpful in the creation of long-term assistance and the eradication of violence.”

Participant of the Mora Institute’s Training in Family Democratization workshop.



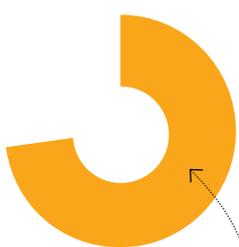
2007-2013 RESULTS

Training Programs for Federal Judges

The constant training of Federal Judges is a policy that is particularly relevant in the context of the changes in our country, which are being driven by the need to reform and safeguard Human Rights.

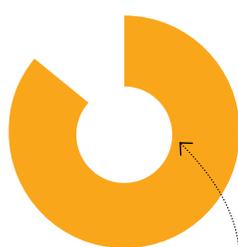
The Federal Judiciary Counsel has a study on the features of the training courses offered to Judges and Federal Judges during the period between January 2007 and April 2013, in order to confirm whether this effort had focused on Human Rights. Results are available at the Directorate General of Human Rights, Gender Equality and International Affairs.

RELEVANT RESULTS



73%

of the training courses are taught by the Federal Judiciary Institute, followed by the Directorate General of Personnel Services. The Supreme Court's role in this training was significant between 2011 and 2013.



86%

of the training programs for Judges and Federal Judges are courses. The other programs are seminars, specialized courses, or different kinds of graduate education.

As of 2010, Human Rights issues hold the foremost importance in terms of training programs among Judges, replacing even legislative updates. It is worth mentioning that Criminal Law is an important part of the training programs attended by Federal Judges in 2008, 2009 and 2010.

Since 2010, the Human Rights courses imparted were integrated by a greater number of hours. In other words, more intensive training was conducted. Hence, Human Rights take the top spot.

TRAINING OF FEDERAL JUDGES BY TYPE OF MATERIAL AND NUMBER OF HOURS (2007-2013)



It should be noted that female Federal Judges and Magistrates attended the programs offered during the period at least three times more than their male counterparts.

By April 2013, female and male Federal Judges had virtually the same level of schooling: 63% held a Bachelor's degree, 31% a Master's and approximately 6% a PhD. ■

OF ALL THE TRAINING PROGRAMS OFFERED TO FEDERAL JUDGES...

86%

are held in
a classroom.

8%

are held
on line.

5%

are imparted
through videocon-
ferencing.

1%

are held
remotely





...de la igualdad

Infórmate

www.yaeshora.cjf

Dirección General de Derechos Humanos,
Equidad de Género y Asuntos Internacionales.

