



“Better to Make Yourself Invisible”

Family Violence against People with Disabilities in Mexico

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Map



Summary

When I go to school on the bus, I ask to use a diaper because I cannot hold the urge to urinate. My mother says that if I wet my clothes, she will punish me and not allow me to go to school, the only place I go besides home. I really don't know what to do. I am really in a very bad position, left without options.

—“Javier,” a 27-year-old man with a physical disability, Guadalajara, Mexico, March 2019

People with disabilities in Mexico, like Javier, can face severe abuse and neglect by their families with little protection or support from the government.

Based on research in 2018 and 2019, this report documents violence committed by family members against people with disabilities in four Mexican states: Oaxaca, Jalisco, Nuevo León, and Mexico City. Interviewees had physical, sensory, intellectual, and psychosocial disabilities. Abuses range from physical violence, sexual violence, psychological abuse, neglect, confinement, and verbal threats. Some adults who live with their parents have faced abuse since childhood. Perpetrators include parents, in-laws, stepparents, and other relatives such as uncles. This report also documents cases of men who abused their wives with disabilities.

Mexico's federal and state governments have yet to develop and implement policies to support people with disabilities to live independently. As a result, many people with disabilities—particularly those who need a lot of support for daily tasks and basic needs, such as housing, food, and hygiene—depend heavily or entirely on family members. The government is currently reviewing key policies related to violence against women and family violence. This is an important opportunity for the government to ensure that policies and their implementation are inclusive of, and accessible for, people with disabilities.

This report documents how the lack of policies to support independent living can increase the risk of family violence and abuse for people with disabilities. It also documents the barriers people with disabilities face in accessing protection from abuse and justice on an equal basis with others, and documents serious concerns regarding implementation of

procedural accommodations to ensure that people with disabilities can participate fully and equally in the justice system.

Violence in the home and under reporting of this crime are serious problems across Mexico. The most recent government data, from 2018, found that 33.9 percent of households in Mexico had at least one adult who was a victim of violence in the home—an estimated 24.7 million victims. The government also reports that 44 percent of women in Mexico have experienced violence by an intimate partner. More than 78 percent of intimate partner violence goes unreported. Against this background, even less data is available about this kind of violence against people with disabilities. Mexico’s government data collection on family violence against women does not disaggregate based on disabilities. Violence against people with disabilities, in particular family violence, has remained a largely invisible phenomenon with many hidden victims. This report seeks to contribute to changing that.

International human rights standards require governments to protect people with disabilities from violence and neglect, including on the part of family members, and ensure their access to justice. Mexico also needs to ensure that people with disabilities can enjoy their right to live independently, with support as necessary, with equal rights to choose where and with whom to live. This means that people with disabilities should not be forced to accept specific living arrangements, such as in institutions or with their families or others. This also entails providing people with disabilities with the necessary means for them to exercise choice and control over their lives.

Key Findings

For this report, we interviewed 24 women and 14 men with disabilities in four states of Mexico who had been victims of physical and emotional abuse by family members with whom they live. Olga, 45, a woman with cerebral palsy in Mexico City, still lives with her parents and two siblings. “Life at home is very difficult for me. I have no control over my life,” she said in a March 2019 interview.

My parents decide when I need to go to bed and everything else about me.
My parents call me names and berate me when I do not pay attention to them. They tell me I am an idiot when I involuntarily pinch them because of

my spasticity movements. My father hits me, he throws me to the side of my wheelchair, and I become sad and cry. There is not really much I could do when this happens, I speak to my mother, but I am also afraid of distressing her because she has diabetes, and something might happen to her if she gets upset.

People we interviewed for this report in all four states also described serious neglect by their family members on whom they depend for support, in the absence of options to live independently with professional support services.

For example, Oscar is a 35-year-old man with a physical disability living in Oaxaca. He broke his back after having an epileptic seizure and falling from a ride at an amusement park where he worked. In the absence of support services for him to live independently, Oaxaca state authorities eventually found an aunt willing to take Oscar into her house.

When we interviewed him in January 2019, Human Rights Watch saw how Oscar spends the entire day in a bed in the family living room, without privacy, and without opportunities to go out or engage in any kind of meaningful activity. “I seldom leave the bed. It’s been months since they took me out of the house... I spend the day watching films on the television. I don’t have any visitors,” he said. Oscar urinates into bags which hang from the bed, resulting in a strong stench of urine at his bed. He explained that his inability to bathe as often as he would like is also a serious problem. “They decide when and how to bathe me,” he said. “I have to wait until weekends.”

Olga from Mexico City also said her parents, in addition to abusing her as described above, struggle to provide her with basic support leading to neglect. She said:

Sometimes my parents don’t pay attention to me because they are too busy doing other things. They do not help me study because they tell me they are tired. My mother is now older, and she cannot support me the way she did when I was a child.... My father cannot carry me the way he used to do. My parents cannot help me bathe daily, only twice a week, so they just clean me with a towel before I come to school, which makes me feel embarrassed.

Olga’s family has also refused to implement supports that could allow her to be more independent at home. She explained that she has asked her family to purchase devices within their financial means that would allow her to move more independently on her own:

My family has not supported me with mobility devices at home. I have asked them to install a handle in the bathroom for me to use, but they haven’t. I also require a ramp, but my parents do not want to install it because they say I can get hurt moving around by myself.

She saves her small pension for one chance to do something independently from her parents each year. She explained, “The only money I have comes from the pension that Mexico City’s government gives to people with disabilities. I use it to save for the school summer camp, which is the only time of the year I do something without my parents.”

Javier from Guadalajara said that he depends on his older grandmother and neighbors for basic daily tasks. He said:

Currently, my grandmother provides support to me at home, but when I have to use the bathroom or wash myself, she asks a neighbor to come and carry me to the toilet or the shower.

This report also documents how family members have sought to control people with disabilities. The Oaxaca state government pays a monthly pension to Oscar’s family to support him. He told Human Rights Watch that he has no control over, or any say, in how the family spends the monthly allowance the state government pays his family to care for him.

Olga also described how her parents control her movement unnecessarily. “I am not allowed to go out with friends,” she said. “When I was a child, they used to let me, but now they do not. Once I had a boyfriend, but now that has ended.”

Instead of addressing the problem of family abuse against people with disabilities, officials from state DIF (*Sistema Nacional para el Desarrollo Integral de la Familia, DIF*)—the main social services agency providing services to people with disabilities—told Human

Rights Watch they either try to persuade families to change their abusive behavior, or, in cases of extreme neglect or abuse, they remove people from their families to place them in institutions or with other family members. No policies exist to support people to live independently in order to leave an abusive family situation, as required under Mexico's international legal obligations.

According to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), ratified by Mexico in 2007, people with disabilities have the right to live independently, with choices equal to others about their living arrangements. They should not be compelled to live in segregated institutions for people with disabilities. Human Rights Watch documented three cases of DIF officials in Oaxaca and Nuevo León placing people in institutions as a response to domestic violence, while DIF officials described eight similar cases in Mexico City in recent years.

Mexico's government has failed to implement policies and services to enable people with disabilities to live independently, as is their right. In fact, state policies in many cases do the exact opposite, including by reinforcing dependency of people with disabilities on family members by allotting pensions to families rather than to individuals. Of the states where we conducted research for this report, Oaxaca and Mexico City require families to support adult relatives with disabilities or face criminal sanctions.

Limits of Pensions

Federal and state policies to support people with disabilities have mainly consisted of financial disability pensions (*pensiones para personas con discapacidad*). The federal government introduced disability pensions in February 2019 for people living in poverty, with the expectation that 1 million people, out of a total of approximately 7 million people with disabilities in the country, will receive them by the end of 2020. As of May 2020, 837,428 people were receiving the pension.

The program has prioritized children and young people up to the age of 30, as well as adults in indigenous communities and in urban areas with high poverty to receive the pension. Mexico's Welfare Secretariat told Human Rights Watch that it calculated the new federal pension to "give people with disabilities greater family and individual financial solvency." A May 8, 2020 constitutional amendment established the disability pension as

a constitutional right, prioritizing children, indigenous, and Afro-Mexican people with disabilities under 64, who live in poverty.

Prior to the adoption of the federal pension, some states had programs to provide financial pensions to some people with disabilities. Since the adoption of the federal program, three of the four states where we conducted research discontinued the state pensions, except Jalisco. According to Mexico's Welfare Ministry, the federal government planned to reach an agreement with state governments to continue state pensions for individuals not covered by the federal pension. As of the writing of this report, no agreement had been reached.

For those who do receive the federal pension, the amount appears insufficient to meet even basic living costs for adults with disabilities, particularly those with high support needs and anyone who lives in a location with higher costs of living, including large cities such as Mexico City, Guadalajara, and Monterrey. The average monthly income in Mexico is 16,537,00 pesos (US\$846). The federal disability pension is significantly less: 1,310 pesos (\$58) monthly, or 43.6 pesos (\$1.90) per day.

Limited employment opportunities; affordable, accessible housing; accessible transportation; and services such as personal assistants also restrict possibilities for people with disabilities to live independently. There are few state and national programs providing these key services, developing needed services, or making existing services accessible.

Access to Justice

Human Rights Watch research also found that people with disabilities who are victims of family violence can face serious barriers accessing justice. People with disabilities can be isolated, confined, and forced to depend on their families economically and for support in basic needs, as well as for transportation and other services. They may have little opportunity to contact individuals outside of the home, let alone file a complaint about alleged abuse at a prosecutor's office.

International human rights standards require the Mexican government to adequately protect people with disabilities from violence. The government should also guarantee

accountability for family violence and promote physical and psychological recovery, including via protection services.

Mexico's federal and state legal systems recognize and define family violence. However, not all laws reference people with disabilities or ensure accessibility and procedural accommodations. Mexico's criminal law and all 32 state criminal codes criminalize family violence. With some variations, state criminal codes define family violence as any type of physical, psycho-emotional, sexual, economic, or reproductive rights violence occurring inside or outside the household against a partner, former partner, children, parents, grandparents, or extended relatives.

International law on the rights of people with disabilities requires states to create and implement appropriate legislative, administrative, and other measures to ensure these rights. Mexico's national law for victims of crimes and human rights abuses includes a specific reference to people with disabilities by requiring a differentiated approach that takes disability into account in all services and actions. However, Mexico's national law to protect women against violence, a key piece of legislation, does not include specific reference to women with disabilities or accessibility and accommodations women with disabilities may require to access justice and protection measures on an equal basis with others.

Interviews with prosecutors and experts involved in the training of law enforcement officials on disability rights revealed that many prosecutors have limited understanding of the scope and nature of procedural accommodations for people with disabilities during proceedings, as guaranteed under the criminal procedure code. Officials in the four states where Human Rights Watch conducted research emphasized that sign language interpreters were used as a reasonable accommodation in their work with victims. Few had experience with other types of accommodations, such as using images and easy to read information for people with intellectual disabilities, and had difficulty describing accommodations available to them to implement.

According to one expert providing training to prosecutors in multiple states in Mexico, most prosecutors "don't know how to provide support to people with disabilities for them to participate in the proceedings. They don't get what procedural accommodation is or how

to apply it.” She also noted that this can mean that when prosecutors have a case, “They regularly question the person’s ability to participate in proceedings.”

A key protection gap also exists in terms of emergency protection measures, in particular separating victims from alleged perpetrators. For people with high support requirements who depend on an alleged perpetrator economically or for basic daily activities, such as bathing, eating, or using the toilet, basic protection measures can be difficult or impossible to implement. The government does not provide services such as professional personal assistants for victims of domestic violence who have high support needs to allow them to live separately from a family member who provides such support. In addition, most emergency shelters are not accessible.

In one case documented by Human Rights Watch, in 2010, Guadalupe Huerta Mora, from Mexico City, was beaten severely by her three sisters-in-law, with whom she lived, together with her husband. The attack caused a spinal injury that left her unable to walk. She could not access protection measures. While Huerta Mora was in the hospital, Mexico City’s prosecutor requested general protection measures on her behalf, which included options such as emergency shelter and separation from her abusers. But the judge in the case denied her request on a technicality, ruling that the prosecutor’s office itself should have made the decision for protection measures, although the judge also has the authority to issue them. Due to the lack of options, after six months in the hospital, Huerta Mora ended up returning to the home where her abusers lived.

Shelters for Women Victims of Family Violence and Their Children

There are between 52 and 70 domestic violence shelters in Mexico, according to the Health Secretariat and the National Institute for Women, two government agencies which provided different figures in response to requests for information from Human Rights Watch. Mexican law defines shelters for women who are victims of family violence and their children as “spaces that are confidential, safe, temporary, and free [of charge].” In Mexico there are no shelters for men who are victims of family violence.

Shelters should provide comprehensive support for women who have experienced violence, including for women with disabilities facing abuses by family members, and such support should include psychological, educational, health, and legal support, without

discrimination. The National Institute for Women's guidelines for the operation of shelters, known as the National Model for Support in Shelters, calls for physical spaces in shelters to be accessible for women with physical disabilities.

However, the Mexican government needs to do more to ensure that existing shelters are accessible for women with disabilities. Accessibility is essential to ensure shelters are a protection measure that people with disabilities can avail of consistently on an equal basis with others. This includes accessibility of the physical environment but also of communications and language, as well as in relation to different kinds of disabilities (sensory, intellectual, psychosocial, and physical disabilities).

Mexican officials interviewed by Human Rights Watch about shelters acknowledged that shelters are not physically accessible and do not always have accessible communication available for people with disabilities who require it. A 2015 study by Mexico's National Institute for Women, the most recent research available, found that 80 percent of Mexico's shelters were physically inaccessible.

All but one of the women with disabilities interviewed for this report were not even aware that shelters for victims of family violence exist.

Mexico's National Model for Support in Shelters, the guidelines for operating domestic violence shelters, allows shelter staff to deny women with real or perceived psychosocial disabilities (mental health conditions) access to the shelter and instead refer them to a psychiatric hospital. Shelter managers, senior government officials, and advocates whom Human Rights Watch interviewed about access to shelters confirmed that they do not allow women with diagnosed mental health conditions to enter shelters. This policy and practice appear to rely on an inaccurate stereotype that people with psychosocial disabilities are dangerous. Exclusion from general services on the basis of an assumption that people with psychosocial disabilities are per se violent or disruptive constitutes disability-based discrimination.

Mexico's National Institute for Women should ensure the National Model for Support in Shelters guidelines specify that breaches of the shelter rules, such as when a resident engages in disruptive behavior, or is unable or unwilling to commit to abiding by the rules

upon admission, should be handled on the merits on a case by case basis rather than allowing decisions on admission to be based on an individual's disability.

The government is currently reviewing key policies related to violence against women and family violence. The National Institute for Women is reviewing the National Model for Support in Shelters with a view to updating it. The Ministry of Interior has initiated a review of the overall state response on violence against women and intends to develop a revised national strategy on protection of women from violence called Purple Door (*Puerta Violeta*), which will include monitoring and evaluation. The Purple Door strategy aims to provide multiple services from different agencies in one place, or through one "door," relieving victims of the effort of navigating multiple services and agencies.

Both policy reviews present an important opportunity for the government to incorporate requirements for accessibility and support services to women with disabilities when they are victims of violence and should include a clear understanding that disability includes women with sensory, intellectual, physical, and psychosocial disabilities. The government should actively consult with and incorporate the views of people with disabilities in the formulation of these and other relevant policies and laws.

Looking Ahead

Mexico's federal and state governments should prioritize policies to support independent living in the community to ensure the rights of people with disabilities, including as an essential element of combatting family violence against people with disabilities.

As a party to the UN Convention on the Rights of Persons with Disabilities, the government should ensure people with disabilities can live independently, with support as necessary, with choices equal to others. The UN Committee on the Rights of Persons with Disabilities has explained this right to mean that people with disabilities have the right to decide how and with whom to live and should not be compelled to live with their families due to the lack of support to live independently. If a person decides to live with their family throughout their life, that option should be respected; but this should be a genuine choice, not due to lack of other options to live independently.

To ensure the right to live independently, governments should provide support services, such as personal assistants, which the user chooses and directs, and which should be

flexible and provided according to individual requirements and preferences. Access to accessible, affordable housing is also essential to ensure independent living. The government should also ensure access for people with disabilities to general services, including public transportation, healthcare, education, recreation, information, and communication.

The right to live independently also means that the government should refrain from placing people with disabilities who are victims of family violence in institutions as a long-term or permanent protection response.

Key Recommendations

To the Mexican Government:

- Ensure that people with disabilities can safely report family violence and neglect and that complaint mechanisms are accessible to people with disabilities, including those who may be confined at home or have high support requirements;
- Ensure that people with disabilities, including those with high support requirements, can access shelters and other protection measures to safeguard their physical and psychological integrity on an equal basis with others;
- Enhance capacity of law enforcement officials, social services professionals, and others to identify situations of violence towards people with disabilities, including through trainings with disability and gender perspectives;
- Conduct information campaigns, including in easy-to-understand formats, to raise awareness about family violence against people with disabilities and avenues for support;
- Ensure that schools, health facilities, and other service providers working with people with disabilities can and know how to file complaints about alleged family violence against people with disabilities;
- Amend civil and criminal legislation to revise policies that compel families to support adult relatives with disabilities and instead ensure the law and policies guarantee people with disabilities can exercise their right to live independently, with support as necessary, such as personal assistance;
- Collect disaggregated data on violence against people with disabilities, including identifying those who acquired disabilities as a result of family violence or other forms of violence.

Methodology

We conducted research for this report between January and December 2019 in four states of Mexico: Oaxaca, Mexico City, Jalisco, and Nuevo León. We interviewed 140 people, including 24 women and 14 men with disabilities, who were victims of violence, some of whom are of indigenous origin. We also interviewed government officials; experts on the rights of people with disabilities; and civil society organizations, including organizations of people with disabilities. People with disabilities were referred by special schools for people with disabilities, experts, legal clinics, human rights activists, and civil society organizations.

We also interviewed 6 girls and 1 boy with disabilities who had experienced neglect, psychological and in one case sexual abuse. However, it was beyond the scope of this report to include these cases or analyze the protection services for children with disabilities in Mexico.

We selected these locations for geographic and socioeconomic diversity, as well as family violence rates. According to the June 2019 report of the National Secretariat of Public Security concerning emergency calls on family violence, between January and June 2019 Mexico City had the highest rates of family violence in Mexico; Nuevo León was fourth, and Jalisco seventh. Oaxaca has lower reported rates of family violence, likely because data are drawn from telephone reports, and rural communities in Oaxaca—in which indigenous populations are predominant—have limited or no access to phones.¹

Interviews were conducted in Spanish, or, for deaf people, in Mexican sign language with the aid of a sign language interpreter.

Family violence against people with disabilities is difficult to document due to limited public and nongovernmental services supporting people with disabilities. Sexual violence against women in the family can be particularly difficult to document due to stigma and

¹ National Executive Secretariat of the National System of Public Security, “National Emergency 911 Calls Statistics” (“Estadísticas nacionales de llamadas de emergencia al número único 9-1-1”), July 2019, https://www.gob.mx/cms/uploads/attachment/file/482702/Llamadas_de_emergencia_9-1-1_Ene-jun_250719.pdf (accessed December 12, 2019).

cultural stereotypes about women's roles in the family.

In order to protect the privacy and confidentiality of the people we interviewed for this report, we have used pseudonyms for most interviewees. Before each interview, we informed potential participants of the purpose of the research and asked whether they wanted to participate. We informed participants that they could discontinue the interview at any time or decline to answer questions without consequence.

We endeavored to conduct every interview in a location where the interviewee's privacy was protected. In some cases, we interviewed people in their homes where relatives were present because it was not possible or practical for the individual to leave the house. In these cases, we limited the questions asked so as not to place the individual at risk of repercussions from family members potentially involved in abuse or neglect.

We also interviewed public officials from the Integrated System for the Development of the Family (Sistema Nacional para el Desarrollo Integral de la Familia, DIF) as well as officials from the state prosecutors' offices, who are responsible for investigating family violence reports and, when appropriate, prosecuting crimes. We also interviewed officials from the state and national ombudspersons' offices, as well as members of commissions for the protection of victims, which provide direct support to and advocate for victims, including by identifying shelters, filing requests for protection orders, or appointing legal counsel.

Human Rights Watch sent 21 letters to state and federal government agencies, including DIF, the Welfare Secretariat, public prosecutors' offices, and others requesting responses to the concerns raised in this report. The responses are reflected in the relevant sections of this report. A table of letters and responses can be found in the Annex to this report.

Finally, we also met and consulted with members of human rights organizations and national and international disability rights experts. We interviewed employees of organizations that provide services to people with disabilities such as shelters, rehabilitation centers, special schools, day care centers, and other entities. We also reviewed official documents, in particular legislation on social assistance and disability issues, as well as relevant reports and resolutions from United Nations treaty bodies, regional human rights bodies under the Organization of American States (OAS), and nongovernmental organizations.

I. Background: Violence in Mexico

High Rates of Violence

Mexico has been plagued by high rates of all forms of violence since the 1990s. Most of it is unreported to authorities.² There are several state statistical instruments measuring violence and victimization in Mexico, including the National Survey on Victimization and Perception of Insecurity (Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública, ENVIPE), a collaboration of the United Nations Office on Drugs and Crime and Mexico's National Institute for Geography and Statistics. ENVIPE records the number of all types of crimes committed across Mexico in a given year.

The most recent data, for 2018, found that 33.9 percent of homes in Mexico had at least one adult crime victim, or an estimated 24.7 million victims. While men are more likely to be victims of most crimes, women are 11 times more likely to be victims of sexual violence.³ According to ENVIPE, in 2018 only 10.6 percent of crimes were reported to prosecutors. In the four states where we conducted research, a high percentage of crimes go unreported: in Nuevo León 91.6 percent; Mexico City 94 percent; Jalisco 91.8 percent; and Oaxaca 95.2 percent.⁴

Data on Family Violence and Reporting of Crimes

The National Survey on the Dynamics of Relationships in the Household (Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares, ENDIREH) includes data on family violence against women. It covers psychological, emotional, physical, sexual, and economic violence. This survey does not include girls younger than 15, except when they are victims of sexual violence. The survey does not collect data on whether victims have

² "National Survey on Victimization and Perception of Public Security (ENVIPE) 2019," ("Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública"), 2019, https://www.inegi.org.mx/contenidos/programas/envipe/2019/doc/envipe2019_presentacion_nacional.pdf.

³ Ibid.

⁴ Ibid.

disabilities.⁵ The national survey does not cover family violence against men and boys, nor is there a separate survey that does so.

According to the most recent ENDIREH report from 2016:

- 43.9 percent of women in Mexico have experienced violence by an intimate partner, with the state of Mexico, Mexico City, Aguascalientes, Jalisco, and Oaxaca reporting the highest rates.⁶
- Nationally, 78.6 percent of women who experienced intimate partner violence did not report the crime.
- Similarly, less than 10 percent of women who experience violence from other family members report the crime.⁷

According to one organization that advocates against child marriage in Mexico, 4 out of every 10 female survivors of sexual violence are girls under 15 years of age, and 60 percent of perpetrators against girls under 15 are family members or acquaintances.⁸

Lack of Data and Research on Violence against People with Disabilities

There are no data in Mexico about violence against people with disabilities. It has remained an invisible phenomenon rarely covered by media or research studies. Some international nongovernmental organizations (NGOs) have done reports on the situation of people with psychosocial and intellectual disabilities living in institutions, documenting abuses such as violence, sexual abuse, forced sterilization, and extreme neglect.⁹

⁵ The survey includes women above 60. “National Survey on the Dynamics of Relationships in the Household (ENDIREH) 2016,” (“Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares”), 2016, https://www.inegi.org.mx/contenidos/programas/endireh/2016/doc/endireh2016_presentacion_ejecutiva.pdf.

⁶ Ibid.

⁷ There was no reporting of a crime in 90.6 percent of cases. Ibid.

⁸ “Situation in Latin America: Mexico,” undated, <https://www.ninasnomadres.org/situacion-america-latina/> (accessed May 11, 2020).

⁹ Disability Rights International and Mexican Commission for the Defense and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos), “Abandoned & Disappeared: Mexico’s Segregation and Abuse of Children and Adults with Disabilities,” 2010, <https://www.driadvocacy.org/wp-content/uploads/Abandoned-Disappeared-web.pdf> (accessed January 7, 2020); Tania L. Montalvo, “Mexico Ignores Serious Abuses against People with Disabilities: International NGO” (“México ignora los graves abusos contra personas con discapacidad: ONG internacional,” *Animal Político*, May 11, 2016, <https://www.animalpolitico.com/2016/05/mexico-ignora-los-graves-abusos-contra-personas-con-discapacidad-ong-internacional/> (accessed January 7, 2020); Disability Rights International, “At the Mexico-US Border and Segregated from Society: Children and Adults with Disabilities Subject to Arbitrary Detention, Abuse and Early Death inside Mexican Orphanages and Institutions,” May 2019, <https://www.driadvocacy.org/wp-content/uploads/MEX-Report-May-2019.pdf> (accessed January 7, 2020).

In a 2012 report, the World Health Organization identified high rates of violence among people with disabilities globally, citing academic research.¹⁰ The research found that people with psychosocial disabilities are at greatest risk of violence, often because of the interpersonal difficulties they can have with others.¹¹ Reliance on others for people with high support requirements, as well as difficulties in communication and high levels of social isolation are also risk factors for family violence against people with disabilities.

¹⁰ World Health Organization, “Violence against adults and children with disabilities,” 2012, <https://www.who.int/disabilities/violence/en/> (accessed January 7, 2020), citing Karen Hughes et al., “Prevalence and risk of violence against adults with disabilities: a systematic review and meta-analysis of observational studies,” *The Lancet*, 380 (2012), [https://doi.org/10.1016/S0140-6736\(12\)60692-8](https://doi.org/10.1016/S0140-6736(12)60692-8).

¹¹ *Ibid.*

II. Family Abuse and Neglect of People with Disabilities

In 2019, Human Rights Watch interviewed 24 women and 14 men with disabilities in four states who described abuse by family members. Abuse involved physical violence, sexual violence, psychological abuse, neglect, confinement, and threats. We documented abuse against adults by their parents, stepparents, in-laws, and other relatives, such as uncles, as well as cases of men who abused their wives. Some adults who live with their parents had been abused since childhood. Some of the cases documented are detailed in this chapter.

Most people with disabilities interviewed did not have their own resources that could enable them to leave an abusive situation. Often family members directly received the state pension intended for the person with a disability, rather than the pension going to the person with a disability. In some cases, when individuals did receive a state pension or had other funds, their relatives controlled the money.

Claudia

Claudia is a 50-year-old woman from Mexico City who has a physical disability and uses a wheelchair or crutches. At the time Human Rights Watch interviewed her, she was living with her stepfather and her mother. She described how her stepfather has attacked her and regularly humiliates her:

Fourteen years ago, I had a cancerous tumor in my right leg, and they had to remove all the muscle, and since then I'm unable to walk. I was married but we had to move to my parents' house [with my stepfather and my mother]. My husband supported me at first but then decided to [leave], and we got divorced. After the divorce, my stepfather started harassing me, telling me that I had to look for another place to live.

Once I was fixing my wheelchair (he hates me using a wheelchair), and he deliberately turned off the light so I wouldn't be able to continue what I was doing. Each time we interact he insults me and says, 'You're good for

nothing. You're lazy.' I feel like sometimes it's better to make yourself invisible.

Once he threw my wheelchair outside the house and tried to hit me and I had to use one of my crutches to keep him away. He threatened me, saying 'If you touch me, you will see the consequences.'

I want to report the violence he is committing against me; I want to do this to leave a precedent. My mother can't do anything for me, she just tells me that's the way he is.¹²

Claudia's mother and stepfather do not allow her to stay in the house when they are not there, forcing her to go out, claiming that they want her to do things on her own. Without a job or other activities, she waits in public places or depends on friends. She explained:

I have to leave the house during the day and wait until my mother comes back from work at night. Because I'm not allowed to stay at home when nobody's there, I spend the day waiting in restaurants for my mother to come home. When they go on vacation, I need to ask friends to let me stay at their places for a few days.¹³

Claudia also described feeling trapped and unable to leave this abusive situation due to the lack of support for her to live independently:

I'm not able to move from my mother's house because I don't have the resources. I have a monthly Social Security pension of 6,000 pesos (\$268) and the disability benefit of 2,550 pesos every two months (\$114), but it is clearly not enough for renting an apartment, buying food, and other expenses.

¹² Human Rights Watch interview with Claudia Gonzalez, Mexico City, February 6, 2019.

¹³ Ibid.

For now, I don't have a personal assistant because I'm able to roll myself in my wheelchair but wouldn't be able to get myself up and down stairs. Apartments with an elevator are expensive, and those which I could afford are far away from everything. I need to be near accessible transport, specifically, the metrobus.¹⁴

Javier

In Jalisco, Javier, a 27-year-old man with cerebral palsy, described how his mother has abused him since he was a child:

I live with my mother and my sister. Since I was a boy my mother has hit me and insulted me. Now, I try to defend myself, but when I was a little boy, she used to pull me by the hair and drag me through our house and hit me. This violence hasn't stopped, but right now it's more insults, but sometimes it's also physical.

My mother wants to have complete control over me. For instance, when I go to school, I need to ride in a van for some time, and I cannot hold my urine. I have asked her to put a diaper on me in order not to wet myself, but she refuses, and if I wet my pants she punishes me by not letting me come to school, which is the only thing I get to do, the only time when I'm away from home.

The government recently gave me a computer for me to write, but she took it away saying it was paid for with her taxes, so it belonged to her.

I tell my family that I want to write a book about how I see things, but my mother tells me that I only speak nonsense and that no one will publish my book because I don't have a college degree.

When we have visitors at our home, my mother and my sister belittle me by saying that I want to be the center of attention, so I don't speak.

¹⁴ Ibid.

I cannot describe the hell it is for me during the weekends at home. I only go outside my house when I come to school. Otherwise, I have to stay at home.¹⁵

Javier has no job and no other personal income and depends on his family financially. He feels that he has no other options than to go into an institution. He explained:

I am trapped, bound hand and foot [left without options]. I have asked the school manager to look for a nursing home for people with disabilities for me, so I can leave home.¹⁶

Javier said that he sees a nursing home as his only option, since he does not have financial means to rent an apartment, support his basic needs, and hire a personal aide, all of which would be required for him to live independently.¹⁷

Olga

In Mexico City, Olga, a 45-year-old woman who also has cerebral palsy, lives with her parents. She described how her father abuses her:

My father hits me and berates me when he is tired. Sometimes he hits me in the head or throws me to the side of my wheelchair and I become sad and I cry. My father berates everyone. Not long ago he hit me. When these things happen, I speak to my mother but I'm afraid to do so because she has diabetes, and something [bad] can happen to her [if she feels stress]. I don't have anyone to speak about this because I'm afraid.

I love my father very much. I would like him to understand me and be patient with me. I want to explain myself to him. Sometimes I tell my aunt, and she talks with my father, but he says that I am to blame. Not long ago I

¹⁵ Human Rights Watch interview with Javier, Jalisco (exact location withheld), March 21, 2019.

¹⁶ Ibid.

¹⁷ Ibid.

wrote a beautiful letter to him. He asked me for forgiveness and changed for a while, but now he is the same again.¹⁸

Olga's teacher at the special school confirmed Olga's situation:

Her family refuses to make accommodations to their house for her to move around in her wheelchair more easily, saying she could get hurt. She never leaves the house except to go to the special school she has attended since she was eight. When her family goes on vacation, they don't take her with them. The only thing she looks forward to in her life is an annual summer camp organized by her school. It's the only time of the year when she can be away from her parents.¹⁹

Olga currently has no job and is still struggling to complete high school. When asked about her future she said, "I wish I could live with my sister."²⁰ Based on Olga's family's income, she previously received a small pension of 800 pesos per month (US\$35) from the Mexico City government, and since February 2019 receives the monthly federal pension of 1,310 pesos (\$58).²¹ This amount is not enough for her to live independently in the community with the necessary support.

Oscar

Oscar, 33, lives in Oaxaca City. He has a physical disability resulting from a fall after having a seizure in 2006. He broke his back. Since then, Oscar has had high support requirements. He requires support to get out of bed, get dressed, eat, bathe, use the toilet, and perform other basic activities.

According to a local disability rights activist who has advocated on Oscar's behalf, initially Oaxaca DIF officials provided Oscar and two other men with disabilities a place to stay in a shelter and hired a male nurse to support the three of them. However, the support proved

¹⁸ Human Rights Watch interview with Olga, Mexico City, March 13, 2019.

¹⁹ Human Rights Watch interview with schoolteacher (name and school name withheld), Mexico City, March 13, 2019.

²⁰ Human Rights Watch interview with Olga, Mexico City, March 13, 2019.

²¹ Ibid.

to be inadequate, because the nurse would leave the men alone for long periods.²² A local disability rights activist prompted the ombudsman's office to intervene, and DIF officials then sought out Oscar's extended family to support him.²³

When Human Rights Watch interviewed Oscar, he was in a bed in the living room of his aunt's house. He rarely leaves the bed because his family does not help him move around or go out of the house. The first floor of the house does not have a bathroom; Oscar uses diapers and a catheter to relieve himself. The urine catheter empties into a bucket or a bag on one side of the bed.

It was difficult to speak with Oscar. He appeared to feel uncomfortable speaking in detail because there were several family members nearby who could overhear the conversation. In a very low voice, he said, "I have not left this house for months. The only activity I do is watch old Mexican movies on television. What irritates me the most is that I cannot bathe every day. They only bathe me every eight days, and sometimes it takes longer." Oscar said his aunt mistakenly believed he would catch pneumonia if he bathed daily.²⁴

Oscar is trapped and unable to move out of this situation because he does not have control over the government disability benefit that could help him to live independently, with support. The Oaxaca DIF gives Oscar's family 10,000 pesos (\$448) monthly to support him. Oscar has no access to the benefit money; his aunt handles it directly.

Guadalupe Huerta Mora

Guadalupe Huerta Mora, 55, lived in a house in Mexico City with her husband and his three sisters. Her husband had been physically and emotionally abusive throughout their marriage. One day in 2010 following a dispute regarding the ownership of the house, the three sisters-in-law threw Huerta Mora to the floor and together kicked her severely, breaking her back. She cannot walk and can move her arms only slightly. She requires support getting out of bed, getting dressed, going to the toilet, eating, and other basic activities.

²² Human Rights Watch interview with a local disability activist, Oaxaca, January 21, 2019.

²³ Ibid.

²⁴ Human Rights Watch interview with Oscar, Oaxaca, January 21, 2019.

After the injury, Huerta Mora spent six months in the hospital. While she was there, her husband supported her physical needs but continued abusing her, even sexually. For example, one day while giving her a bath, he touched her genitals in a way that made Huerta Mora uncomfortable. He also made sure no one could visit her without him present, isolating her from family and friends. By law, staff at hospitals and clinics in Mexico are required to report to the prosecutor's office suspected violence against women, but the hospital staff did not do so, despite her injuries and her husband's behavior, according to Huerta Mora.²⁵

Guidelines on the protection of women victims of violence establish that women should be able to access psychological support in filing their claims and accessing justice. They are also entitled to protection measures, such as restraining orders. However, no officials referred Huerta Mora to psychological services, and a judge denied her request for protection measures.²⁶

Huerta Mora received 70,000 pesos (\$3,136) from the Mexico City government as a one-time benefit as a victim of a crime, but it was not sufficient for her to live independently for a sustained period of time with the support she requires. Because she could not work to support herself due to her injury, she felt she had no other option but to move back to the house where her husband and his sisters lived.²⁷

Huerta Mora said living with her abusers was intolerable, and she ultimately decided to leave Mexico City and moved with her younger son to Michoacán, which has a lower cost of living. She has some support from her extended family. She explained:

I had to move back to Michoacán were my mother lives. Sometimes I lie in bed all day because there is no one to help me into my wheelchair. To go to my medical appointments, I have to travel to Mexico City which takes me

²⁵ Mexican Official Norm 046 "Domestic Violence, Sexual Violence, and Violence Against Women. Criteria For Prevention And Care" ("Violencia familiar, sexual y contra las mujeres. Criterios para la prevencion y atención"), 2016, <http://www.cndh.org.mx/DocTR/2016/JUR/A70/01/JUR-20170331-NOR19.pdf> (accessed May 15, 2020).

²⁶ Human Rights Watch interview with Guadalupe Huerta Mora, Mexico City, January 9, 2019. On October 10, 2016, a Mexico City criminal court judge refused to grant Huerta Mora emergency protection measures, arguing that the prosecutor should have issued the protection measures and not him. Judges also have the authority to order protection measures. As explained below, emergency measures include separation from the household, orders not to get near the victim, orders not to intimidate the victim, among others.

²⁷ Human Rights Watch interview with Guadalupe Huerta Mora, Mexico City, January 9, 2019.

around eight hours in a bus. I sell candy and sometimes beg for money at the marketplace. My son [tries] to take care of me 24/7, but he has to go to school and live his own life.²⁸

I reported the crime and one of my sisters-in-law was prosecuted, tried, and convicted of the crime. Nevertheless, I didn't receive any reparations because my sister-in-law couldn't pay.²⁹

Interference with Reproductive Rights and Child Custody

In Mexico City, Human Rights Watch interviewed a 28-year-old deaf woman, Isabel, whose husband and mother-in-law abused her. She said her now ex-husband hit her repeatedly during their marriage from 2013 to 2015. Once, when she was pregnant, he hit her so hard that Isabel had a miscarriage. After Isabel gave birth to a child in 2014, her mother-in-law convinced a doctor to sterilize Isabel without her consent. Isabel explained to Human Rights Watch:

My mother-in-law used to say that I was lazy, and we had a lot of conflicts. I became pregnant in 2014 and she came with me to the hospital [when I gave birth]. I wasn't able to understand what the doctor was saying to me, and only later I realized that she was asking me if I wanted a tubal ligation. My mother-in-law consented on my behalf, and they performed the procedure after I gave birth to my child. Now I am divorced and want to have another child, but I cannot.³⁰

People with disabilities should not be subject to forced, coercive, and otherwise involuntary sterilization. They should also have access to family planning services of good quality, free from discrimination.³¹

²⁸ Ibid.

²⁹ Ibid.

³⁰ Human Rights Watch interview with Isabel, Mexico City, May 3, 2019.

³¹ For more information see, Human Rights Watch, "Sterilization of Women and Girls with Disabilities, A Briefing Paper," November 10, 2011, <https://www.hrw.org/news/2011/11/10/sterilization-women-and-girls-disabilities>.

In another case, Graciela, a 30-year-old woman from Monterrey, Nuevo León, who is deaf, told Human Rights Watch how her parents beat her while she lived with them and later petitioned for custody of her son, their grandchild, claiming Graciela was unfit to parent due to her disability. After many years of beatings, Graciela had moved out of her parents' home in 2017 to live with her sister-in-law, who is also deaf. When Graciela became pregnant in 2018, her mother asked her to move back in with her, which Graciela did temporarily. Graciela gave birth to her son in November 2018 and moved in with her boyfriend.

According to a lawyer providing guidance to Graciela pro bono but not formally representing her, in May 2019 Graciela's parents applied to court for custody of the child, claiming she was not fit to raise the child. They claimed that she had abandoned her child after moving out of the house she shared with her boyfriend.³² Under Nuevo León civil legislation, grandparents are entitled to petition to limit custody of their grandchildren when their parents are not able to raise the child or are considered unfit.³³

"Although I tried to keep my son with me, my parents took him away from me," Graciela told Human Rights Watch.³⁴ In addition to the physical abuse she endured from her parents, she suffers emotionally not having her child with her. A lawyer providing legal advice to Graciela but not representing her in proceedings explained, "Graciela's parents successfully petitioned for custody of the child; then Graciela filed a criminal complaint against her parents alleging they kidnapped her son. So far everything is very slow, and nothing has happened." Both legal processes are ongoing. Graciela and her husband can visit their child pending a decision in the custody case.³⁵

Cases Documented by DIF

Human Rights Watch interviewed DIF officials in Mexico City and in Monterrey, Nuevo León, who described cases of abuse and severe neglect of people with disabilities by their families. These cases are similar to those documented by Human Rights Watch.

³² Human Rights Watch interview with lawyer (name withheld), Monterrey, April 9, 2019.

³³ Nuevo León Civil Code, art. 414. According to the Nuevo León Civil Code, grandparents can apply to a judge to have custody over their grandchildren when they consider the parents to be impaired and it is for the best interests of the child.

³⁴ Human Rights Watch interview with Graciela, Monterrey, April 11, 2019.

³⁵ Human Rights Watch interview with lawyer (name withheld), Monterrey, April 9, 2019.

Officials from the Nuevo León DIF Office of the Prosecutor for Protection of People with Disabilities told Human Rights Watch that most of the 30 to 40 cases they receive a year involve people with psychosocial disabilities. “Families tie them up regularly. We can tell by the physical signs on their bodies. They have scars,” one official told us.³⁶

The officials told us about Esther, 37, a woman with a psychosocial disability who lived with her parents in a rural community in Apodaca, Nuevo León. From the time Esther was a small girl, her parents beat her and kept her in a shed near their house. Esther ate and defecated in the room. She was forced to crawl because the roof was too low for her to stand up. According to the Nuevo León DIF officials familiar with Esther’s case, Esther’s mental health and intellectual skills deteriorated while she was confined.³⁷

In 2017 the Monterrey DIF took Esther from her home and to a psychiatric hospital for an evaluation, where she was diagnosed with schizophrenia. They then placed Esther in a nursing home for older people, where she remained at the time of writing.³⁸

Officials from Mexico City’s DIF described similar cases. They receive four or five reports of family violence per month, including physical abuse and confinement of people with disabilities, in particular people with psychological disabilities.³⁹ At the time of a May 2019 interview, Mexico City’s DIF provided social services to 16 people with disabilities living in situations involving family violence; eight of them involved confinement of people by their relatives.⁴⁰

A Mexico City DIF social worker told us about Gerardo, whom DIF officials first met in 2017:

³⁶ Human Rights Watch interviews with three officials from the Nuevo León Integral System for the Development of the Family (DIF) Office of the Prosecutor for Protection of People with Disabilities, Monterrey, April 11, 2019.

³⁷ Human Rights Watch interview with a lawyer, Nuevo León DIF, Monterrey, April 11, 2019.

³⁸ Ibid.

³⁹ Human Rights Watch interview with a social worker, Mexico City Integral System for the Development of the Family (DIF), Mexico City, May 16, 2019.

⁴⁰ Ibid.

Gerardo was a 28-year-old man with a psychosocial disability. Gerardo's mother died when he was 9, and his father never took care of him, due to problems with alcohol and drugs. His aunt started 'caring' for him then. When we went to visit where he lived, he was locked up in a room that was filthy and full of garbage. He went to the bathroom in that same room, and his aunt gave him food through a barred window. There was no bathroom or light in the room. His aunt never took him out of the room alleging he was very aggressive. We took Gerardo to a psychiatric hospital to make an evaluation and tried to sensitize his family about how to treat him.⁴¹

The social worker showed Human Rights Watch photographs of Gerardo's room showing him perched on the window. The room was messy, full of garbage, and had no furniture other than a mattress.⁴²

DIF officials initially visited Gerardo every month when they first received the case in 2017 but did not visit consistently. During an April 2019 visit, Gerardo's aunt told them he had died in December 2018. There was no investigation into his death.⁴³

In an interview with Human Rights Watch, the manager of a nongovernmental institution for people with intellectual disabilities in Oaxaca described the case of Daniel, 22, originally from Morelos, a state south of Mexico City. Daniel had moved to the institution after an intervention by Morelos DIF officials. The manager said:

Neighbors of Daniel's family complained to the authorities because the family had him locked in a room in their house at night and put him on a patio outside during the day. At night, his father came to bathe him with a hose, and Daniel screamed. The Morelos State DIF intervened and sent him to this [institution]. When Daniel arrived, he had scars on his skin from being exposed to the sun and the weather.⁴⁴

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Human Rights Watch interview with Josefina Andrade Vargas, director, Acéptame como soy AC, Oaxaca, January 21, 2019.

III. Lack of Government Policies to Support People with Disabilities to Live Independently

The Mexican federal government and governments in the states where Human Rights Watch conducted research for this report have yet to develop comprehensive programs and policies to enable people with disabilities to live independently and be included in the community.

For people with disabilities, the consequence can be a high level of dependency on their families for economic and other types of support. Some state laws require families to support their relatives with disabilities. As the cases documented in this report show, policies and laws that fail to ensure people with disabilities can live independently can place people with disabilities at a greater risk of being trapped in situations of violence and neglect.

Federal and state policies in Mexico have mainly consisted of financial pensions for people with permanent disabilities. As described in more detail below, the federal government began to issue disability pensions in February 2019 to eventually reach 1 million people, prioritizing children and young people, as well as adults in areas of high urban poverty and in indigenous communities. While pensions can be an important element of support for independent living, pensions alone are insufficient.

There are few other state and national policies that support people to live independently, such as developing affordable, accessible housing; ensuring access to professional personal assistants for people with high support needs; promoting employment; and ensuring accessibility of public services like transportation. The federal and state governments should prioritize these policies to ensure the rights of people with disabilities, including as an essential element of combatting family violence against people with disabilities.

As a party to the UN Convention on the Rights of Persons with Disabilities (CRPD), the government should ensure people with disabilities can live independently, with support as necessary, and be included in the community, with choices equal to others. This includes

effective and appropriate measures leading to full inclusion in the community, including support services which the user chooses and directs, such as personal assistants. Support services should be flexible and provided according to individual requirements and personal preferences. The government also should ensure access to general services, including public transportation, healthcare, information, and communication.⁴⁵

The right to live independently and be included in the community is one of the cornerstones of the CRPD. According to the Committee on the Rights of Persons with Disabilities, states should provide the means necessary for people with disabilities to exercise choice and control over their lives. An essential component to the exercise of these rights is the possibility of accessing personal assistance services. Personal assistance refers to person-led human support available to a person with a disability, and it is a tool for independent living. These services need to be controlled by persons with disabilities themselves, so they can decide by whom, how, when, where and in what way the service is delivered.⁴⁶ Accordingly, Mexico should establish services that enable people with disabilities to exercise choice in how to receive support for independent living when necessary, and not rely on informal support provided by family as the only option. The government should also ensure accessible and affordable housing options in the community for people with disabilities.⁴⁷

In its 2014 review of Mexico, the UN Committee on the Rights of Persons with Disabilities, which reviews states' compliance with obligations under the convention, expressed its concern "at the lack of a State strategy for the inclusion of persons with disabilities in society and their ability to live independently."⁴⁸

⁴⁵ Convention on the Rights of Persons with Disabilities (CRPD), G.A. Res. 61/106, Annex I, U.N. GAOR, 61st Sess., Supp. No. 49, at 65, U.N. Doc. A/61/49 (2006), entered into force May 3, 2008, art. 19; Committee on the Rights of Persons with Disabilities (CRPD Committee), General Comment No. 5, On Living Independently and Being Included in the Community, CRPD/C/GC/5 (2017), para. 28.

⁴⁶ CRPD, art. 19; CRPD Committee, General Comment No. 5, para. 16.

⁴⁷ CRPD, art. 19; CRPD Committee, General Comment No. 5, para. 27.

⁴⁸ CRPD Committee, "Concluding Observations on the initial report of Mexico," CRPD/C/MEX/CO/1, October 27, 2014, para. 43.

Oaxaca

In Oaxaca, the state Secretariat of Social Development previously issued a pension of 1,000 pesos (\$45) every two months to some people with disabilities.⁴⁹ As of December 2018, 21,180 people received the pension, out of a total of approximately 227,000 people with disabilities in the state.⁵⁰

To be eligible, applicants needed to demonstrate that they had an income of no more than three times the minimum wage. Only permanent residents of the state of Oaxaca under 65 years old with a physical disability with high support needs, those with an intellectual disability, those who are permanently deaf in both ears, or who are blind in both eyes were eligible.⁵¹ The Oaxaca state authorities discontinued this pension program when the federal pension program became operational.

Jalisco

In Jalisco the government provided a monthly pension of 1,325 pesos (\$60) to any person, regardless of age, with disabilities who required a permanent support person and had an income below the minimum wage.⁵² In a letter to Human Rights Watch in November 2019, the Jalisco Child Protection Authority reported that the government offers a life skills and training program for people ages 16 to 38 with “mild to moderate learning disabilities” “aimed at providing tools to achieve inclusion in the workplace and family and social life.”

⁴⁹ “Official Gazette, Oaxaca de Juárez” (“Extra periódico oficial, Oaxaca de Juárez”), January 31, 2018, https://docs.google.com/viewer?url=https://www.programassociales.org.mx/files/ipro/f_ipro_MjAxODAzMjAxMDA4NDA_340_193.pdf (accessed November 25, 2019).

⁵⁰ “Wellbeing Support Program for People with Disabilities” (“Programa Bienestar de Apoyo a Personas con Discapacidad”), Initiative to Strengthen Social Programs (IPRO: Iniciativa para el Fortalecimiento de la Institucionalidad de los Programas Sociales), <https://www.programassociales.org.mx/programa/247/programa-bienestar-de-apoyo-a-personas-con-discapacidad?v=340> (accessed December 12, 2019); For data on people with disabilities see: National Institute of Statistics and Geography, “Sociodemographic Profile of the Population with Disabilities in the State of Oaxaca” (“Perfil sociodemográfico de la población con discapacidad en el estado de Oaxaca”), 2016, <http://www.sedesoh.oaxaca.gob.mx/wp-content/uploads/Documentos/Perfil%20PCD.pdf> (accessed January 8, 2020).

⁵¹ “Wellbeing Support Program for People with Disabilities” (“Programa Bienestar de Apoyo a Personas con Discapacidad”), Initiative to Strengthen Social Programs (IPRO: Iniciativa para el Fortalecimiento de la Institucionalidad de los Programas Sociales), <https://www.programassociales.org.mx/programa/247/programa-bienestar-de-apoyo-a-personas-con-discapacidad?v=340> (accessed January 8, 2020).

⁵² State of Jalisco Government, “Social Program: Inclusive Jalisco” (“Programa Social: Jalisco Incluyente”), <https://programas.app.jalisco.gob.mx/programas/panel/programa/654> (accessed January 8, 2020)

Participants also received food support. The letter did not specify the number of participants in this program.⁵³

The Jalisco government briefly suspended the pension program as the federal pension program became operational. Jalisco’s governor announced plans to reorganize the pension program to prevent duplication with the federal government.⁵⁴ However, in March 2019, the Jalisco government reinstated its pensions only to previously registered beneficiaries.⁵⁵ According to a July 2019 news report, 21,000 people were receiving the federal pension out of approximately 290,000 people with disabilities in the state.⁵⁶ One municipality in Jalisco, Tlaquepaque, also provides a 2,000 pesos (\$90) pension every two months for families that have a family member with a disability.⁵⁷

Nuevo León

At the time that we conducted research for this report, the Nuevo León state government had a pension program for people with disabilities with 27,000 beneficiaries receiving 700 pesos (\$31.50) every month.⁵⁸ In a response to a request for information from Human Rights Watch about financial and other support to people with disabilities, the Nuevo León state DIF reported that it has two relevant programs, but neither supports independent living. One program provides financial support to families of people who had been previously institutionalized. It also reported a second program to support organizations or

⁵³ Letter from Luis Antonio Gomez Hurtado, head, Jalisco State Child Protection Authority, to Human Rights Watch, November 14, 2019.

⁵⁴ Gloria Reza M., “Alfaro announces new social assistance system in Jalisco” (“Alfaro anuncia nuevo sistema de asistencia social para Jalisco”), *Proceso*, October 24, 2018, <https://www.proceso.com.mx/556715/alfaro-anuncia-nuevo-sistema-de-asistencia-social-para-jalisco> (accessed December 12, 2019).

⁵⁵ “Jalisco’s pension program is reinstated” (“El programa jalisco incluyente se reactiva”), Jalisco government press release, undated, <https://www.jalisco.gob.mx/es/gobierno/comunicados/el-programa-jalisco-incluyente-se-reactiva> (accessed January 8, 2020).

⁵⁶ Martín Patiño Segura, “More than 21 thousand people from Jalisco receive federal pension” (“Más de 21 mil jaliscienses beneficiados con pensión federal”), *Milenio*, July 17, 2019, <https://www.milenio.com/politica/comunidad/21-mil-jaliscienses-beneficiados-pension-federal> (accessed January 8, 2020).

⁵⁷ Government of Tlaquepaque, “Te queremos familia” program, <https://transparencia.tlaquepaque.gob.mx/wp-content/uploads/2016/10/CONVOCATORIA-TE-QUEREMOS-FAMILIA-2020.pdf> (accessed May 12, 2020).

⁵⁸ Nuevo León State Government, Welfare Secretariat, Planning Unit, “Nuevo León. Support Program for People with Disabilities with Logical Framework Methodology” (“Nuevo León. Programa de Apoyo a Personas con Discapacidad con Metodología de Marco Lógico”), November 2012, http://www.nl.gob.mx/sites/default/files/8-programa_de_apoyo_a_personas_con_discapacidad_con_metodologia_de_marco_logico_v2.pdf (accessed January 8, 2020).

institutions caring for people with disabilities, including for 18 people in Nuevo León and 40 people from Nuevo León now living in the state of Mexico.⁵⁹

The Nuevo León government cancelled the pensions when the federal government announced its disability pension program. In a visit to Monterrey, Nuevo León’s capital, in December 2018, President Andrés Manuel López Obrador said that the federal program would benefit 8,619 people with disabilities living in poverty in Nuevo León.⁶⁰ Under these changes, at least 18,000 people with disabilities stood to lose their pensions in Nuevo León.

As noted above, at the time of a November 2019 meeting with Human Rights Watch, the Welfare Secretariat did not have information about people who may have lost access to disability pensions since the federal program began.⁶¹

Table 1: State pensions in Oaxaca, Jalisco, Nuevo León, and Mexico City				
State	Pension Eligibility Requirements	Pension Amount	Number of Beneficiaries	State Pension Discontinued with the Introduction of the Federal Disability Pension in January 2019?
Oaxaca	Permanent residents of the state of Oaxaca under 65 years old with a physical disability with high support needs, those with an intellectual disability, those	1,000 pesos (US\$50) every two months	21,180 beneficiaries (as of December 2018)	Yes

⁵⁹ Letter from Luis Antonio Gómez Hurtado, prosecutor, Nuevo León DIF, to Human Rights Watch, November 14, 2019.

⁶⁰ Reyes Ramiro Gamez Barboza, “Nuevo León Cancels Inclusion of Persons with Disabilities Program, Beneficiaries Complain They Were Not Notified” (“NL cancela programa de Inclusión de Pcd, beneficiarios se quejan de que no fueron avisados”), *3ersector*, January 12, 2019, <http://3ersector.mx/index.php/noticias-2018/85-opinion/3854-en-nl-cancelan-programa-de-inclusion-de-pcd-beneficiarios-se-quejan-de-que-no-fueron-avisados> (accessed January 8, 2020).

⁶¹ Human Rights Watch interview with Ariadna Montiel, undersecretary, Welfare Secretariat, November 19, 2019.

	who are permanently deaf in both ears, or who are blind in both eyes			
Jalisco	Any person, regardless of age, with disabilities that require a permanent support person and have an income below the minimum wage	1,325 pesos (\$69) every month	21,000 beneficiaries (as of July 2019)	Briefly suspended as the federal pension program became operational. In March 2019, the Jalisco government reinstated its pensions only to beneficiaries previously registered
Nuevo León	Any person in a vulnerable condition who does not receive another pension, including the pension for older persons or social security ⁶²	700 pesos (\$37) every month	27, 269 beneficiaries (as of 2018) ⁶³	Yes
Mexico City	Any person with a disability living in poverty	1,275 pesos (\$67) every month	75,323 beneficiaries (as of December 2018)	Yes

⁶² Nuevo León State Government, Welfare Secretariat, Planning Unit, “Nuevo León. Support Program for People with Disabilities with Logical Framework Methodology” (“Nuevo León. Programa de Apoyo a Personas con Discapacidad con Metodología de Marco Lógico”), November 2012, http://www.nl.gob.mx/sites/default/files/8-programa_de_apoyo_a_personas_con_discapacidad_con_metodologia_de_marco_logico_v2.pdf (accessed January 8, 2020).

⁶³ Reyes Ramiro Gamez Barboza, “Nuevo León Cancels Inclusion of Persons with Disabilities Program, Beneficiaries Complain They Were Not Notified” (“NL cancela programa de Inclusión de Pcd, beneficiarios se quejan de que no fueron avisados”), *3ersector*, January 12, 2019, <http://3ersector.mx/index.php/noticias-2018/85-opinion/3854-en-nl-cancelan-programa-de-inclusion-de-pcd-beneficiarios-se-quejan-de-que-no-fueron-avisados> (accessed January 8, 2020).

Mexico City

The Mexico City DIF provided a monthly pension of 1,275 pesos (\$57.40) in 2019 for people with disabilities living in poverty.⁶⁴ As of December 2018, 75,323 people with disabilities received the pension.⁶⁵ There are more than 500,000 people with disabilities in Mexico City according to the city government.⁶⁶ According to the Mexico City DIF coordinator on disability, the benefit was suspended when the federal government announced its disability pension program.⁶⁷ According to a letter to Human Rights Watch in November 2019, the Mexico City DIF reported that its social benefit programs include a range of “urban benefits,” mostly related to transportation, as well as breaks on drinking water and property taxes, available to 11,000 people with disabilities. It also has a program of benefits for 2,015 retired police and firefighters with disabilities.⁶⁸

Federal Programs

The National Development Plan outlines the federal government’s policy priorities during this administration’s six-year term.⁶⁹ The main policy for people with disabilities involves a pension plan, and in February 2019, the Welfare Secretariat began providing a pension of 2,550 pesos (\$134) every two months to some people with disabilities.⁷⁰ The program

⁶⁴ Mexico City Integral System for the Development of the Family (DIF), “Rules of Operation of the Financial Support Program for People with Permanent Disability 2019” (“Reglas de operación del programa de apoyo económico a personas con discapacidad permanente 2019”),

<https://www.dif.cdmx.gob.mx/storage/app/uploads/public/5do/2dc/6ed/5do2dc6edodf1755707072.pdf> (accessed January 8, 2020).

⁶⁵ Mexico City Integral System for the Development of the Family (DIF), “Financial Support Program for People with Permanent Disability” (“Programa de Apoyo Económico Personas con Discapacidad Permanente”),

http://intranet.dif.cdmx.gob.mx/transparencia/new/_padrones/2019/discapacidad.pdf (accessed January 6, 2020).

⁶⁶ Institute for the Integration for the Development of People with Disabilities of the Federal District, (Instituto para la Integración al Desarrollo de las Personas con Discapacidad del Distrito Federal (INDEPEDI)), “Integration and Development Program for People with Disabilities in Mexico City” (“Programa para la Integración al Desarrollo de las Personas con Discapacidad del Distrito Federal 2014-2018”),

<https://indiscapacidad.cdmx.gob.mx/storage/app/uploads/public/594/409/072/5944090722f25714085039.pdf> (accessed January 8, 2020).

⁶⁷ Human Rights Watch interview with Ana Lilia Carrera, executive director, DIF Mexico City Division of the Rights of People with Disabilities and Community Development, Mexico City, April 1, 2019.

⁶⁸ Letter from Ana Leticia Carrera Hernandez, head, Executive Directorate for Disability Rights and Community Development, Mexico City DIF, to Human Rights Watch, November 15, 2019.

⁶⁹ According to Mexico’s constitution the president must present a national development plan that details policies to be implemented throughout the presidential term. Mexican President Andrés Manuel López Obrador presented his program on April 30, 2019.

⁷⁰ Presidency of the Republic of Mexico, “National Development Plan” (“Plan Nacional de Desarrollo”), April 30, 2019, <https://lopezobrador.org.mx/wp-content/uploads/2019/05/PLAN-NACIONAL-DE-DESARROLLO-2019-2024.pdf> (accessed

prioritizes children and young people and people who live in areas of high poverty, high marginalization, and with high rates of violence. The government says the pension will reach 1 million people, out of more than 7 million people with disabilities in the country, but does not provide a specific timeline.⁷¹ According to the Welfare Secretariat, as of November 2019, 65.6 percent of recipients are children and young adults; 21.8 percent are adults in urban areas with high rates of poverty and exclusion; and 12.4 percent are adults 30-64 living in areas with significant indigenous populations.⁷² In February 2020, the government increased the pension to 2,620 pesos (\$117.70) every two months.⁷³ On May 8, 2020, a constitutional amendment established the disability pension as a constitutional right, prioritizing children, indigenous, and Afro-Mexican people with disabilities under 64 years old, who live in poverty.⁷⁴

As noted above, since the adoption of the federal program, three of the four states where we conducted research – Jalisco is the exception – have discontinued the state pensions as of the time of writing. The Welfare Secretariat currently does not have information about if and how many people who previously received a state pension no longer receive one following these policy changes. However, according to the Undersecretary for Welfare, the secretariat is discussing with state governments how to avoid duplication and direct state pensions to individuals not covered by the federal pension.⁷⁵

The Welfare Secretariat stated in a letter to Human Rights Watch that it calculated the new federal pension to “give people with disabilities greater family and individual financial

January 8, 2020), p. 38; Government of Mexico, “Pension Program for the Welfare of People with Disabilities” (“Programa Pensión para el Bienestar de las Personas con Discapacidad”), <https://www.gob.mx/bienestar/acciones-y-programas/programa-pension-para-el-bienestar-de-las-personas-con-discapacidad> (accessed January 8, 2020).

⁷¹ “Agreement Issuing the Operating Guidelines of the Pension for Persons with Permanent Disabilities, for fiscal year 2019,” (“Acuerdo por el que se emiten los Lineamientos de Operación de la Pensión para el Bienestar de las Personas con Discapacidad Permanente para el Ejercicio Fiscal 2019”), February 27, 2019, https://dof.gob.mx/nota_detalle.php?codigo=5551351&fecha=27/02/2019 (accessed January 8, 2020).

⁷² Recipients include 536,500 children; 178,500 adults in urban areas with high rates of poverty and exclusion, and almost 102,000 adults in areas with significant indigenous populations. Letter from Ariadna Montiel, undersecretary, Welfare Secretariat, to Human Rights Watch, November 15, 2019.

⁷³ “Directive Issuing the Operating Guidelines of the Pension for Persons with Permanent Disabilities, for Fiscal Year 2020,” (“Acuerdo por el que se emiten las Reglas de Operación del Programa Pensión para el Bienestar de las Personas con Discapacidad Permanente, para el ejercicio fiscal 2020”), *Official Journal of the Federation (Diario Oficial de la Federación)*, February 5, 2020, http://www.dof.gob.mx/nota_detalle.php?codigo=5585641&fecha=05/02/2020 (accessed February 5, 2020).

⁷⁴ *Official Journal of the Federation (Diario Oficial de la Federación)*, May 8, 2020.

⁷⁵ Human Rights Watch interview with Ariadna Montiel, undersecretary, Welfare Secretariat, Mexico City, November 19, 2019.

solvency” and “invest in resources that bring about greater welfare (such as prosthetics, consultations with medical specialists, therapies, better nutrition).”⁷⁶ However, the federal pension alone appears insufficient to even meet basic living costs for adults with disabilities, particularly those with high support needs and anyone who lives in a location with higher costs of living. The average monthly income in Mexico is 16,537 pesos (\$743).⁷⁷ In contrast, the federal pension is 1,310 pesos (\$59) monthly, or 43.6 pesos (\$1.95) per day.

In particular, for people who have high support requirements and may be most likely to be dependent on their families, the daily cost of basic living expenses would far exceed the monthly pension. For example, in Mexico City, the average cost for a personal assistant, something essential for most people with high support requirements, is 500 pesos a day (\$26). With the federal pension, a person with a disability with high support requirements would be able to pay for just four days of personal support, without including night shifts.⁷⁸ Other living expenses, such as housing or clothing, could not be covered by the pension amount.

Mexico’s Welfare Secretariat confirmed in its letter to Human Rights Watch that there is no government program related to personal assistance for people with disabilities, and that the only policy that could be used for personal assistance is the federal pension.⁷⁹

There are a few other federal policies that could support people with disabilities to live independently. For example, there is a housing program that provides loans to people with disabilities to adapt houses or buy a house that is accessible, yet the loans are only available to people who are employed.⁸⁰ The federal government has a fund available to

⁷⁶ Letter from Ariadna Montiel, undersecretary, Welfare Secretariat, to Human Rights Watch, November 15, 2019.

⁷⁷ National Institute of Statistics and Geography, “National Survey of Household Incomes and Expenditures,” (“Encuesta Nacional de Ingresos y Gastos en los Hogares”), 2018, https://www.inegi.org.mx/contenidos/programas/enigh/nc/2018/doc/enigh2018_ns_presentacion_resultados.pdf (accessed January 8, 2020).

⁷⁸ Human Rights Watch researcher phone calls to personal support service providers in Mexico City, September 2019.

⁷⁹ Letter from Ariadna Montiel, undersecretary, Welfare Secretariat, to Human Rights Watch, November 15, 2019.

⁸⁰ “I Want a Loan” (“Quiero un crédito”), *Infonavit*, https://portalmx.infonavit.org.mx/wps/portal/infonavit.web/trabajadores/quiero-un-credito!/ut/p/z1/o4_Sj9CPykssyoxPLMnMzovMAfljo8zjijSwMDNyDdAZ93Co8LAWc3Vw9XS19jl3cAwz1w_EqMDTQj6JEP1ABSL8BDuBoANQfhdeKUEOoAjxmFOSGRhkhkOioCAG-r2_AI/dz/d5/L2dBISEvZoFBIS9nQSEh/ (accessed January 8, 2020).

states to help them finance accessible transport.⁸¹ In its November 2019 letter, the Welfare Secretariat stated that the federal government encourages employment for people with disabilities, in the form of tax benefits for employers.⁸²

Families Required to Support Adult Relatives with Disabilities

Instead of ensuring that adults with disabilities can live independently, with support, and be included in the community, civil legislation in the four states in Mexico targeted in this research requires families to support adults with disabilities who do not have the means to support themselves.⁸³ This obligation is imposed on parents, children and grandchildren, siblings, cousins, aunts and uncles of the person concerned. In Mexico City, Jalisco, and Oaxaca, if a person has economic means and fails to support their family member with a disability, they can be held criminally liable, with penalties up to and including imprisonment.⁸⁴

In 2017, Mexico City's parliament passed a new constitution, which includes a provision to establish the right to care, which will be ensured through a system of care that "will give priority attention to people in situations of dependency due to illness, disability, life cycle, especially childhood and old age and to those who, in an unpaid way, are in charge of their care."⁸⁵

This provision emerges from a recognition of the undue burden many women face in their traditional role as primary caregiver of children and providing support to older people, and people with disabilities or chronic illnesses. However, for adults with disabilities, who have the right to live independently, the law risks prioritizing support by family members, by providing them with financial benefits to care for their family members, rather than support for services to ensure independent living.⁸⁶

⁸¹ "Operational Guidelines for the Accessibility Fund for Public Transport for People with Disabilities" ("Lineamientos de Operación del Fondo para la Accesibilidad en el Transporte Público para las Personas con Discapacidad"), *Official Journal of the Federation (Diario Oficial de la Federación)*, February 26, 2019, https://dof.gob.mx/nota_detalle.php?codigo=5551140&fecha=26/02/2019 (accessed March 30, 2020).

⁸² Letter from Ariadna Montiel, undersecretary, Welfare Secretariat, to Human Rights Watch, November 15, 2019.

⁸³ Jalisco State Civil Code, arts. 434, 435, 436, and 439; Nuevo León State Civil Code, arts. 303, 304, 305, 306, and 308; Oaxaca State Civil Code, arts. 315, 316, 317, 318, and 320; Mexico City Civil Code, arts. 303, 305, 306, and 308.

⁸⁴ Mexico City Criminal Code, art. 156; Jalisco State Criminal Code, art. 183; and Oaxaca State Criminal Code, art. 193.

⁸⁵ Mexico City Constitution, art. 9(b).

⁸⁶ *Ibid.*

At the national level, there is no formal right to care. However, the federal government is currently would help family members to support people with disabilities and others.⁸⁷ There are no specific policies yet in place.

Both Mexico City's and the national systems of care have the potential to improve independent living support for people with disabilities, if these and other policies prioritize independence, autonomy, and the right of adults with disabilities to choose how support should be provided, whether by an assistant selected by the person concerned or a family member.

⁸⁷ Human Rights Watch interview with Ariadna Montiel, undersecretary, Welfare Secretariat, Mexico City, November 19, 2019.

IV. Obstacles to Protection and Justice for Victims with Disabilities

Human Rights Watch's interviews with people with disabilities, government officials, and experts on family violence, as well as written information from prosecutors and others, show that people with disabilities who are victims of family violence face obstacles to reporting crimes; accessing protective measures, including shelters for survivors of family violence; and participating in law enforcement proceedings on an equal basis with others.

As documented in this report, people with disabilities can be isolated, confined, and forced to depend on their families economically and for support in basic needs, as well as for transportation and other services. People may have little opportunity to contact individuals outside of the home, let alone go to the prosecutor's office to pursue a complaint for alleged abuse.

For people with high support requirements who depend on an alleged perpetrator economically or for basic daily activities, such as bathing, eating, or using the toilet, basic protection measures can be difficult or impossible to implement.

As described in more detail below, most emergency shelters are not physically accessible. The government does not provide services such as personal assistants for victims of domestic violence who have high support needs. This makes a protection measure like separation of the alleged perpetrator and victim difficult or impossible to implement in practice.

National and state officials do not systematically collect information that could assist them in identifying and effectively prosecuting crimes against people with disabilities. Officials from prosecutors' offices in states where Human Rights Watch conducted research had limited knowledge and experience in implementing procedural accommodations for people with disabilities who may need support or adjustments when filing complaints during the investigation, or in criminal proceedings.

Mexico’s federal criminal law and all 32 state criminal codes criminalize family violence. With some variations, family violence is defined in Mexico’s state laws as any type of physical, psycho-emotional, sexual, economic, or reproductive rights violence occurring inside or outside the household against a partner, former partner, children, parents, grandparents, extended relatives, or those “who are under guardianship,” which can include people with disabilities.⁸⁸

While most state laws in Mexico align with international standards, some fall short. The law in Jalisco, for example, refers broadly to mistreatment without defining the complete scope domestic violence can have, including economic and sexual violence.⁸⁹ In Nuevo León, family violence is defined only by recurrent acts that result in serious harm, and it does not cover same-sex partners.⁹⁰ In its 2018 concluding observations on Mexico, the CEDAW Committee, which monitors countries’ implementation of the Convention on the Elimination of Violence against Women (CEDAW), stressed the need to harmonize all state laws with definitions provided in the general acts to free women of violence.⁹¹

In Mexico City, Jalisco, and Oaxaca, when family violence is committed against a person with a disability, that is an aggravating factor in sentencing, meriting harsher punishment.⁹² In 2007, the federal government created a national law for the protection of women against violence that coordinated activities between federal, state, and municipal governments to prevent, punish, and eliminate violence against women.⁹³ All states are part of this national system and have adopted legislation on the protection of victims of family violence as detailed in the paragraphs above. However, the national system does not make explicit provision to address the unique circumstances that women with disabilities might face.

⁸⁸ Mexico City Criminal Code, art. 200; Oaxaca Criminal Code, art. 404; Jalisco Criminal Code, art. 176; and Nuevo León Criminal Code, art. 287.

⁸⁹ Jalisco Criminal Code, art. 176.

⁹⁰ Nuevo León Criminal Code, art. 287.

⁹¹ UN Committee on the Elimination of Discrimination against Women, “Concluding Observations on the Ninth Periodic Report of Mexico,” CEDAW/C/MEX/CO/9, July 25, 2018, para. 32.

⁹² The Mexico City Criminal Code considers the fact of the victim having a diagnosed mental disorder to be an aggravating circumstance, Mexico City Criminal Code, art. 200; the Jalisco Criminal Code has a general provision establishing that disability will be considered for sentencing, Jalisco Criminal Code, art. 57, I, a; the Oaxaca Criminal Code considers disability as an aggravating circumstance, Oaxaca Criminal Code, art. 405; the Nuevo León Criminal Code has no provision considering aggravating circumstances against people with disabilities.

⁹³ General Law on Women’s Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia), 2007, http://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV_130418.pdf.

In 2013, Mexico adopted a national law for victims of crimes and human rights abuses.⁹⁴ This law created obligations for police, prosecutors, and judges and other agencies at the federal, state, and municipal levels to provide aid, protection, and redress to victims of crimes and human rights abuses. This system requires officials to adopt a differentiated approach for people with disabilities. Mexico's Criminal Procedure Code requires prosecutors' office officials to provide procedural accommodations to people with disabilities to ensure their access to justice.⁹⁵

International human rights law requires that states protect people with disabilities from violence, including family violence, provide effective remedies for such violence, and hold perpetrators accountable. The Convention on the Rights of People with Disabilities specifically provides that:

States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.⁹⁶

Much international law on domestic violence has focused on violence against women, given the vast majority of victims are women, even though domestic violence can also affect men, as documented in this report. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Mexico in 1981, requires states to eliminate discrimination against women, including gender-based violence against women.⁹⁷ This includes acts that cause physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivation of liberty.⁹⁸ Mexico ratified the Inter-

⁹⁴ General Victims' Law (Ley General de Víctimas), 2013, http://www.diputados.gob.mx/LeyesBiblio/pdf/LGV_030117.pdf.

⁹⁵ General Victims' Law, arts. 5 and 48.

⁹⁶ CRPD, art. 16(5).

⁹⁷ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Mexico on March 23, 1981, art. 2; CEDAW Committee, General Recommendation 35, Gender-Based Violence Against Women, Updating General Recommendation No. 19, CEDAW/C/GC/35 (2017), para. 21.

⁹⁸ CEDAW Committee, General Recommendation 19, Violence against Women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted, para. 6. The 1993 United Nations General Assembly Declaration on the Elimination of Violence against Women has a similar definition. UN General Assembly, Declaration on the Elimination of Violence against Women, December 20, 1993, G.A. res. 48/104, 48 U.N. GAOR Supp. (no. 49) at 217, U.N. Doc. A/48/49 (1993).

American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (also known as the Convention of Belem do Pará) in 1998.⁹⁹

As party to both CEDAW and the Convention of Belem do Pará, Mexico has the obligation to respect, protect, fulfill, and promote human rights with regard to violence against women. This includes the responsibility to prevent, investigate, and prosecute all forms of violence, and protect women from such violence and hold perpetrators accountable.¹⁰⁰

With regard to people with disabilities, the CRPD requires states to “take all appropriate legislative, administrative, social, educational, and other measures to protect persons with disabilities, both within and outside the home, from all forms of violence, including their gender-based aspects.”¹⁰¹

The UN Committee on the Rights of Persons with Disabilities (CRPD Committee) has noted that women with disabilities are at a heightened risk of violence, exploitation, and abuse compared to other women, but this intersection of discrimination is rarely the focus of legislation as most laws and policies addressing women have historically ignored disability.¹⁰² The CRPD Committee also pointed out that women with disabilities may face barriers to accessing justice, including with regard to violence and abuse, owing to harmful stereotypes and that “women with disabilities may also fear reporting violence, exploitation, or abuse because they are concerned that they may lose the support required from caregivers.”¹⁰³

The CRPD notes that states have “the duty to exercise due diligence by preventing violence or violations of human rights, protecting victims and witnesses from violations, investigating, prosecuting, and punishing those responsible, including private actors, and providing access to redress and reparations where human rights violations occur.” This

⁹⁹ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), adopted June 9, 1994, OAS/ser.L/II.2.27, CIM/doc.33/94, entered into force March 5, 1995.

¹⁰⁰ On due diligence, see, for example, CEDAW Committee, General Recommendation 19, para. 9. The 1993 United Nations General Assembly Declaration on the Elimination of Violence against Women has a similar definition. UN General Assembly, Declaration on the Elimination of Violence against Women, December 20, 1993, G.A. res. 48/104, 48 U.N. GAOR Supp. (no. 49) at 217, U.N. Doc. A/48/49 (1993).

¹⁰¹ CRPD, art. 16(1).

¹⁰² CRPD Committee, General Comment No. 3, Women and Girls with Disabilities, CRPD/C/GC/3 (2016), paras. 3 and 29.

¹⁰³ *Ibid.*, para. 52.

includes “the training of professionals in the justice sector to make sure that there are effective remedies for women with disabilities who have been subjected to violence.”¹⁰⁴

Obstacles to Reporting

As noted above in the background section, there are low rates of reporting of all crimes across Mexico, including reporting on family violence.¹⁰⁵ Obstacles to reporting can be particularly pronounced for victims with disabilities. Many people with disabilities, including many interviewed for this report, are confined at home, dependent on their family members, and with little contact with the outside world.

Of the people we interviewed, eight filed criminal complaints with prosecutors and in some of those cases, investigations were ongoing at time of writing. In three cases, investigations led to prosecutions. In the case of Guadalupe Huerta Mora, described above, one of her sisters-in-law was convicted, yet she did not receive any compensation due to the woman’s inability to pay. In two cases described below, women with sensory disabilities experienced obstacles related to lack of adequate procedural accommodations to ensure their understanding and full participation in proceedings.

Several service providers for people with disabilities told Human Rights Watch they are reluctant to report cases of known or suspected family violence to prosecutors out of fear that the response might not be sufficient, or in the best interest of the victim. One school director told Human Rights Watch:

The cases where we have known about violence against people with disabilities would leave the victims unprotected if we reported. There is a case in which a mother was violent with her son, but if we report we risk her not bringing her son to school anymore, and the only contact he has with the outside world is this school.¹⁰⁶

¹⁰⁴ Ibid., para. 26.

¹⁰⁵ See background section.

¹⁰⁶ Human Rights Watch interview with a manager of a school for people with disabilities, name and location withheld, March 22, 2019.

Another school director similarly told Human Rights Watch, “We have a lot of cases in which our students are mistreated by their families but reporting the crime would entail risking the children not coming to school anymore, so we prefer not to do it.” The director also described a case in which a mother of the child at a school reported family violence to prosecutors. She said:

Six years ago, we had a case of a sexual abuse against a blind girl. The mother reported the crime, but the prosecutors confronted the girl with the perpetrator together, and he eventually walked free.

She said this experience contributed to her reluctance to report crimes.¹⁰⁷

Under some Mexican state criminal codes, including those in Oaxaca, Jalisco, and Nuevo León, anyone who has knowledge about family violence can report an alleged crime to prosecutors.¹⁰⁸ In some states, such as Mexico City, the alleged adult victim must report the crime to the prosecutor’s office, except when the alleged family violence involves a victim with a disability.¹⁰⁹ In all of these states, once a prosecutor opens an investigation, the victim must go to the prosecutor’s office to confirm the report. For many people with disabilities, particularly those with high support needs, forced to rely on their families, visiting a prosecutor’s office is impossible because the victims are under their families’ control or lack access to transportation, including money to pay for transportation. Prosecutors do not visit alleged victims at home. If a victim fails to visit the prosecutor’s office, this can be grounds for closing an investigation and dismissing the case.

In some Mexican states victims of family violence can initially report a crime online. Ultimately the alleged victim must go to the prosecutor’s office in person to confirm the report. For example, in a November 2019 letter to Human Rights Watch, the Nuevo León state prosecutor told Human Rights Watch that people with disabilities could report crime through the prosecutor’s office’s website.¹¹⁰

¹⁰⁷ Human Rights Watch interview with the director of a school for people with disabilities, name and location withheld, March 22, 2019.

¹⁰⁸ Oaxaca Criminal Code, art. 404; Jalisco Criminal Code, art. 176; and Nuevo León Criminal Code, art. 287.

¹⁰⁹ Mexico City Criminal Code, art. 200 bis.

¹¹⁰ Letter from Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León Prosecutor’s Office, to Human Rights Watch, November 11, 2019.

However, a Human Rights Watch researcher with expertise in accessibility tested the system and found that, while an official did respond through the website, the system is not fully accessible.

For people with sensory disabilities (deaf or blind people) the online system did not meet current international best-practice guidelines on webpage accessibility, including on text location, prerecorded sign language messages, image captions, and text size.¹¹¹ To contact a prosecutor, the system requires a user to have an email account and enter personal information, receive a code via email and enter it on the webpage. After this, an officer responds and asks about the crime the user wants to report.

A Human Rights Watch researcher followed these steps and made a request to the responding officer for sign language interpretation. The officer responded that sign language was only available if the complaint is made in person.¹¹² Human Rights Watch called a second time and asked about the procedure for a person with a physical disability and was told that while the initial report could be done online, the person needed to go to the prosecutor office for investigation follow up; officials do not make home visits.¹¹³

Physical accessibility of prosecutor's offices in Mexico can also be a significant barrier. Central prosecutors' offices in the four states visited for this research did not have accessible main entrances. For example, in Oaxaca, a wheelchair user must enter the building by using a steep ramp at the back door of the office adjacent to a parking lot. In Nuevo León and Mexico City, wheelchair users are required to enter through a service door at the back of the buildings where there is a ramp. In Jalisco, wheelchair users can only access the ground floor because there are no elevators.¹¹⁴ The CRPD Committee has found that there can be no effective access to justice if the buildings in which law-enforcement agencies and the judiciary are located are not physically accessible.¹¹⁵

¹¹¹ "Web Content Accessibility Guidelines (WCAG) 2.1," <https://www.w3.org/TR/WCAG/> (accessed January 9, 2020).

¹¹² Human Rights Watch researcher telephone call to the Nuevo León online crime reporting system, December 12, 2019.

¹¹³ Ibid.

¹¹⁴ Human Rights Watch interview with Alejandro Góngora Montejano, acting human rights director for the prosecutor's office in Jalisco, Guadalajara, March 21, 2019; Human Rights Watch interview with Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León, April 9, 2019; Human Rights Watch interview with Rubén Vasconcelos, state prosecutor of Oaxaca, Oaxaca, November 20, 2019; Human Rights Watch interview with Claudia Violeta Azar Cruz, family court prosecutor, Mexico City, November 21, 2019.

¹¹⁵ CRPD Committee, General Comment No. 2, Accessibility, CRPD/C/GC/2 (2014), para. 37.

Lack of Data and Information on Crimes

Human Rights Watch research found that national and state officials do not systematically collect and analyze information about crimes committed against people with disabilities, including family violence. The national government does not have statistics or reporting about family violence against people with disabilities.¹¹⁶

Prosecutors and other officials at the state level told Human Rights Watch in interviews and in letters that they receive complaints from people with disabilities about family violence and some of them keep track of the numbers of such cases, but they do not systematically compile and analyze the types of crimes, locations, and other elements, such as gender and age of the complainants.¹¹⁷

International human rights standards require governments to systematically collect and analyze crimes, such as violence against people with disabilities, in order to understand the scope and nature of the abuses. The CRPD requires states to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to improve protection of the rights of people with disabilities, including access to justice and physical and psychological integrity.¹¹⁸

Detailed, disaggregated data, which considers factors such as gender, age, type of disability, socio-economic status, and other elements, is important for officials to build a better understanding of the types of crimes that are most common against people with disabilities. It is also essential so that they can adopt effective strategies to investigate and prosecute these offenses and to collaborate across government agencies to prevent their occurrence, such as through social services and awareness-raising campaigns.

¹¹⁶ As noted above in the Background section, ENVIPE and ENDIHRE do not include disability in their surveys. The Executive Public Security National System, which collects information on crime rates in all states, also does not include disability in its data collection. Executive Public Security National System, <https://www.gob.mx/sesnsp> (accessed April 20, 2020).

¹¹⁷ Human Rights Watch interview with Alejandro Góngora Montejano, acting human rights director for the prosecutor's office in Jalisco, Guadalajara, March 21, 2019; Human Rights Watch interview with Jesús Rodríguez, vice prosecutor for victims' rights, Oaxaca, January 21, 2019; Human Rights Watch interview with Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León, April 9, 2019; and Human Rights Watch interview with Claudia Violeta Azar Cruz, family court prosecutor, Mexico City, November 21, 2019.

¹¹⁸ CRPD, art. 31, in conjunction with arts. 13 and 16.

In letters sent to Human Rights Watch, some state prosecutors' offices provided figures on the number of complaints and reports filed by people with disabilities regarding family violence.

In a November 2019 letter to Human Rights Watch, the Nuevo León Prosecutor's Office reported receiving 35 criminal complaints of family violence against people with disabilities from 2017 to 2018, and 2 in 2019.¹¹⁹ A December 2019 letter from the Mexico City Prosecutor's Office reported 264 cases from 2017 to 2019 in which a person with a disability was a victim, but without specifying how many cases involved domestic violence. In the letter, officials acknowledged the difficulty of collecting data from different units within the prosecutor's office, and said they are working on a solution.¹²⁰

In a November 2019 interview with Human Rights Watch, officials from the Oaxaca Prosecutor's Office told Human Rights Watch that they did not have data on investigations initiated into allegations of family violence against people with disabilities, nor information on cases that were resolved.¹²¹ According to the Jalisco acting director of the Justice Center for Women, which is part of the prosecutor's office, the institution does not compile data or other information on crimes reported by people with disabilities in a centralized way.¹²² The Oaxaca and Jalisco state prosecutors' offices did not respond to subsequent Human Rights Watch letters requesting further information.¹²³

Insufficient Development and Knowledge of Procedural Accommodations

Prosecutors' office officials interviewed for this report in all four states visited demonstrated limited knowledge about the procedural accommodations the law requires

¹¹⁹ Letter from Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León Prosecutor's Office, to Human Rights Watch, November 11, 2019.

¹²⁰ Letter from Carlos Frausto, director of human rights, Mexico City Prosecutor's Office, to Human Rights Watch, December 18, 2019.

¹²¹ Human Rights Watch interview with Jesús Rodríguez, vice prosecutor for victims' rights, Oaxaca, January 21, 2019; Human Rights Watch interview with Rubén Vasconcelos, general prosecutor of Oaxaca, Oaxaca, November 20, 2019.

¹²² Human Rights Watch interview with Alejandro Góngora Montejano, acting human rights director for the prosecutor's office in Jalisco, Guadalajara, March 21, 2019.

¹²³ Letters from Human Rights Watch to the Oaxaca Prosecutor's Office and to the Jalisco Prosecutor's Office, October 25, 2019.

for people with disabilities who allege violence.¹²⁴ This lack of knowledge places people with disabilities who do come forward with allegations of violence at serious risk of not being able to participate on an equal basis with others in justice mechanisms.

Under Mexico's laws, prosecutors and judges can order protection measures such as restraining orders, immediate removal of the alleged perpetrator from the victim's residence, or placement of a victim in a temporary shelter.¹²⁵ Mexico's General Law on Women's Access to a Life Free from Violence, which regulates protection measures for women who allege family violence, does not include specific reference to women with disabilities or the accommodations they might require to guarantee access to protection measures.¹²⁶ Under international human rights law, Mexico is required to specifically address the situation of people with disabilities who are victims of violence. This includes not only making services accessible on an equal basis with others, but creating specific instruments to ensure prevention, prosecution, protection, and reparations for victims of violence.¹²⁷

However, both the General Victims' Law and the National Criminal Procedure Code require officials to ensure accommodations for people with disabilities in criminal procedures. The General Victims' Law requires officials to adopt a "differentiated approach" when a victim is a person with a disability. Officials must assess each victim's particular situation to ensure access to victims' services such as healthcare, temporary protection, legal counsel, and social assistance.¹²⁸ Examples of a differentiated approach for a person with a disability include allowing people with disabilities to testify with the aid of an assistant, adding more breaks when they are interviewed, and using plain language, among others.

¹²⁴ Human Rights Watch interview with Alejandro Góngora Montejano, acting human rights director for the prosecutor's office in Jalisco, Guadalajara, March 21, 2019; Human Rights Watch interview with Jesús Rodríguez, vice prosecutor for victims' rights, Oaxaca, January 21, 2019; Human Rights Watch interview with Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León, April 9, 2019; Human Rights Watch interview with Claudia Violeta Azar Cruz, family court prosecutor, Mexico City, November 21, 2019.

¹²⁵ National Criminal Procedure Code (Código Nacional de Procedimientos Penales), 2014, arts. 137, 138, and 139, http://www.diputados.gob.mx/LeyesBiblio/pdf/CNPP_220120.pdf.

¹²⁶ All protection measures must be approved by a judge and are classified in three categories: emergency measures, preventive measures, and civil measures. General Law on Women's Access to a Life Free from Violence, arts. 19-21.

¹²⁷ CRPD, art. 16. See also, Peter Bartlett and Marianne Shulze, "Urgently awaiting implementation: The right to be free from exploitation, violence and abuse in Article 16 of the Convention on the Rights of Persons with Disabilities (CRPD)," *Int J Law Psychiatry*, (2017), <https://www.ncbi.nlm.nih.gov/pubmed/28645758>, p. 7 (accessed May 12, 2020).

¹²⁸ This differentiated approach also applies to members of indigenous communities, children, or people with other personal situations that could necessitate making accommodations to procedures and policies. General Victims' Law, art. 5.

The National Criminal Procedure Code requires law enforcement officials at all levels to provide “reasonable procedural accommodation” for people with disabilities who may require them in order to participate in law enforcement proceedings.¹²⁹ Accommodations include any technological means required for a person to participate and understand the information provided, such as speech-to-text capabilities, an additional person who can communicate with the individual, such as a sign language interpreter, or a personal assistant to support an individual in reporting or testifying.¹³⁰

Procedural accommodation is an essential part of the right to access to justice for people with disabilities under international human rights law.¹³¹ Procedural accommodation entails adopting individually tailored measures to meet the specific accessibility requirements of the person concerned. In practice, experts in access to justice for people with disabilities have pointed out that implementation of procedural accommodation requires flexibility to provide each person with accommodations that meet their specific needs. This can include appointing facilitators to explain the nature of proceedings at each point, in plain language; emotional support persons; facilitated communication tools for persons who have limited speech or communication skills, like a computerized transmitter for speech, a communication board, or an interpreter; and speeding up or slowing down the process.¹³²

According to guidance by the United Nations High Commissioner for Human Rights on access to justice for people with disabilities, the individual involved should be able to freely choose the accommodations they would like to have.¹³³ Procedural accommodation is a distinct standard from reasonable accommodations that should be provided in other settings, such as schools. Procedural accommodation to facilitate access to justice is not subject to a “reasonableness” or proportionality test.¹³⁴ Accordingly, failure to provide

¹²⁹ National Criminal Procedure Code, art. 10.

¹³⁰ National Criminal Procedure Code, art. 45.

¹³¹ CRPD, art. 13.

¹³² Sharon Primor and Na’ama Lerner, “The Right of Persons with Intellectual, Psychosocial and Communication Disabilities to Access to Justice in the Criminal Process,” Bizchut, The Israel Human Rights Center for People with Disabilities, 2012, https://edc238f7-2d2f-4614-b813-4f28f868dc59.filesusr.com/ugd/co271d_092d363faadd407594d36ec4cc658116.pdf (accessed January 28, 2020), p.10.

¹³³ OHCHR, “Right to Access to Justice under Article 13 of the Convention on the Rights of Persons with Disabilities,” December 2017, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/25 (accessed January 30, 2020), para. 26.

¹³⁴ CRPD Committee, General Comment No. 6, Equality and Non-Discrimination, CRPD/C/GC/6 (2018), para. 25, d.

needed procedural accommodation amounts to disability-based discrimination in access to justice.

The right to access to justice under the CRPD also requires that states “promote appropriate training for those working in the field of administration of justice, including police and prison staff.”¹³⁵

Despite these obligations under national and international law, prosecutors’ office officials interviewed by Human Rights Watch did not demonstrate clear and consistent knowledge of procedural accommodations and how to use them to ensure access to justice for victims.

Experts interviewed by Human Rights Watch shared these concerns. For example, Diana Sheinbaum, Director of the Disability and Justice Program at Documenta, an NGO providing technical assistance to prosecutors’ offices in some states in Mexico, including two states where Human Rights Watch conducted research, said, “Prosecutors know very little about disability rights. When they have a case, they regularly question the person’s ability to participate in proceedings.” Sheinbaum noted that prosecutors in one state where Human Rights Watch did research and where Documenta has done training, “don’t know how to provide support to people with disabilities for them to participate in the proceedings. They don’t get what procedural accommodation is or how to apply it.”¹³⁶

Human Rights Watch interviewed a justice facilitator who has provided support to more than 100 persons with disabilities participating in criminal proceedings in different locations in Mexico. He described serious concerns about obstacles for people with disabilities in the justice system. “When people with intellectual or psychosocial disabilities testify in hearings, their capacity is always questioned,” he said.

Sometimes the system turns them from victims to defendants. Once people with disabilities are in the criminal system, they have fewer chances of having their side of the story be heard. The weight the system gives to their

¹³⁵ CRPD, art. 13(2).

¹³⁶ Human Rights Watch interview with Diana Sheinbaum, director of the disability and justice program, Documenta, Mexico City, November 19, 2019. The specific location of the training is withheld to protect the privacy of the Documenta staff person who conducted the training.

disabilities to discredit them is huge. Most people I have supported are defendants. There are fewer victims in criminal proceedings because it is hard for them to enter the system. There is no state infrastructure facilitating their participation.¹³⁷

Oaxaca

In a November 2019 interview, Rubén Vasconcelos, the head of the Prosecutor’s Office in Oaxaca, told Human Rights Watch they do not yet have a policy on prosecution of cases involving family violence against people with disabilities, including how to improve victim protection or ensure procedural accommodations and accessibility. He said:

There are some concrete actions, but we don’t have yet a plan or general policy in place. The fact that we have so few cases reported involving people with disabilities speaks of the need to make a revision to our policies. We need to build an accessibility plan to make all our agencies accessible. As of now, only 50 percent of them are fully accessible.¹³⁸

Jalisco

In an interview with Human Rights Watch, officials from the Jalisco Prosecutor’s Office said that they had called sign language interpreters in past cases and were not aware of which other procedural accommodations could be used in the context of their work.¹³⁹ In 2018, the Jalisco Prosecutor’s Office developed a protocol that requires staff to provide procedural accommodations to people with disabilities and ensure accessibility.¹⁴⁰ However, the protocol does not have clear guidelines on what actions law enforcement

¹³⁷ Human Rights Watch interview with justice facilitator (name withheld), Documenta, Mexico City, May 2, 2019.

¹³⁸ Human Rights Watch interview with Rubén Vasconcelos, general prosecutor of Oaxaca, Oaxaca, November 20, 2019.

¹³⁹ Human Rights Watch interview with Alejandro Góngora Montejano, acting human rights director for the prosecutor’s office in Jalisco, Guadalajara, March 21, 2019. This followed Jalisco State Human Rights Commission General Recommendation 12018 identifying shortcomings in the state’s system to protect the rights of people with disabilities.

¹⁴⁰ “Protocol of Action for the Care of Persons in Cases where Persons with Disabilities are Involved” (“Protocolo de Actuación para la Atención de Personas en Casos en donde se Involucran Personas con Discapacidad”), *State of Jalisco Official Gazette (El Estado de Jalisco Periódico Oficial)*, November 10, 2018, <https://periodicooficial.jalisco.gob.mx/sites/periodicooficial.jalisco.gob.mx/files/11-10-18-v.pdf> (accessed January 28, 2020). This followed a recommendation from the Jalisco State Human Rights Commission, General Recommendation 12018, identifying shortcomings in the state’s system to protect the rights of people with disabilities and calling for the creation of this kind of protocol.

officials should take when people with disabilities report family violence and what support services should be provided to ensure victims are protected, including from retaliation.¹⁴¹

Nuevo León

An official from the Nuevo León Prosecutor's Office told Human Rights Watch they did not yet have a protocol to respond to cases involving people with disabilities. This official was not able to specify the procedural accommodations available to people with disabilities who file complaints with the prosecutor's office. He said that they will request that DIF provide support to the person.¹⁴²

In a November 2019 letter to Human Rights Watch from the Nuevo León Prosecutor's Office, an official confirmed that the only procedural accommodation they have applied in cases involving people with disabilities is calling a DIF representative for assistance or a sign language interpreter.¹⁴³

Mexico City

In an interview with Human Rights Watch, an official from the human rights department of the Mexico City Prosecutor's Office, which is tasked with ensuring the rights of participants in criminal proceedings, said they received complaints from people with disabilities. Most complaints received by their office related to lack of accessibility and lack of procedural accommodations.¹⁴⁴ A prosecutor from the same office told Human Rights Watch that they do not collect information on procedural accommodations used in criminal proceedings. She stated that prosecutors could make accommodations such as making adjustments to interviews or hearings; allowing a person of trust to be present with the individual; or allowing someone to assist in reading documents related to the procedures.¹⁴⁵ She also said that when they know or believe that a victim has a psychosocial, intellectual or developmental disability, prosecutors will call experts, such as psychologists and

¹⁴¹ Ibid.

¹⁴² Human Rights Watch interview with Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León, April 9, 2019.

¹⁴³ Letter from Griselda Nuñez, special prosecutor for the protection of women victims of violence, Nuevo León Prosecutor's Office, to Human Rights Watch, November 11, 2019.

¹⁴⁴ Human Rights Watch interview with Carlos Frausto, director of human rights, Mexico City Prosecutor's Office, Mexico City, November 21, 2019.

¹⁴⁵ Human Rights Watch interview with Claudia Violeta Azar Cruz, family court prosecutor, Mexico City, November 21, 2019.

psychiatrists, to conduct an assessment and determine the procedural accommodations to be made available.¹⁴⁶ This is a problematic practice, as under the CRPD, people with disabilities should be able to request the procedural accommodations that they require and procedural accommodations should not be dependent on a disability assessment performed by an expert.¹⁴⁷

In a letter responding to questions sent by Human Rights Watch, the Mexico City Prosecutor's Office explained that a 2018 prosecutorial directive gives general guidance when a victim is a person with a disability, including to conduct the interview in an accessible and safe place; maintain communication with the victim through all means available; allow the intervention of a supporter if the victim requests it; ensure the victim is not tired; and delay investigation acts as appropriate.

However, the letter did not include information on actual procedural accommodations used in any cases.¹⁴⁸ While this directive is an important first step, more detailed guidelines are needed to ensure prosecutors know the types of accommodations that may be necessary and implement them consistently.

The lack of procedural accommodations can negatively impact victims' participation in legal proceedings.

For example, Isabel, a 28-year-old woman from Mexico City who is deaf, described how her husband beat her, tried to choke her, and raped her. Her mother-in-law, who lived with the couple, did nothing to intervene and regularly humiliated and insulted her, telling her she was "lazy."¹⁴⁹ Isabel's husband petitioned for divorce in 2017, and a family judge granted the divorce and custody of the child to him in 2018. Isabel had not attended the hearing and did not know that the judge had granted her former husband legal custody of their child due to the lack of sign language interpretation for her to understand her lawyer.

¹⁴⁶ Ibid.

¹⁴⁷ CRPD arts. 5, 8, and 13.

¹⁴⁸ Letter from Carlos Frausto, director of human rights, Mexico City Prosecutor's Office, to Human Rights Watch, December 18, 2019.

¹⁴⁹ Human Rights Watch interview with Isabel, Mexico City, May 30, 2019.

When Isabel’s former husband refused to give her the child back, she filed a criminal complaint against him and his mother for kidnapping.¹⁵⁰

Isabel told Human Rights Watch she faced serious challenges in understanding and participating in the criminal case due to the lack of a qualified sign language interpreter. Initially, the prosecutor appointed a sign language interpreter, but the interpreter said he could not understand all of the signs used in the proceedings.

Isabel then found a sign language interpreter from Mexico City’s Commission for Human Rights who agreed to translate for her pro bono. The prosecutor objected to the participation of an independent interpreter, and Isabel was left without one.¹⁵¹ The prosecutor dismissed the case in September 2019 citing the divorce ruling and the decision to grant custody of the child to her former husband.¹⁵²

Obstacles for People with Disabilities to Access Domestic Violence Shelters

Mexican law defines shelters for women who are victims of family violence as “spaces which are confidential, safe, temporary, and free [of charge].” They provide comprehensive support for women who have experienced violence, that is, services including psychological, educational, health, legal, and social work for women and their children who have been victims of extreme violence in a domestic setting.¹⁵³ There are no shelters for men.

The Mexican government has not yet done enough to ensure that existing shelters are accessible for women with disabilities. Accessibility is essential to ensure shelters are a protection measure that people with disabilities can access consistently on an equal basis with others.

Under the CRPD, accessibility is one of the core rights for people with disabilities.¹⁵⁴ The CRPD Committee has established that accessibility is a precondition to access to justice

¹⁵⁰ Human Rights Watch telephone interview with Isabel’s lawyer, Mexico City, February 4, 2020.

¹⁵¹ Human Rights Watch interview with Isabel, Mexico City, May 30, 2019.

¹⁵² Human Rights Watch telephone interview with Isabel’s lawyer, Mexico City, February 4, 2020.

¹⁵³ General Law on Women’s Access to a Life Free of Violence, art. 8, VI.

¹⁵⁴ CRPD, art. 9.1.

and to ensure people with disabilities have the right to effective protection. It states that “safe houses, support services and procedures must all be accessible in order to provide effective and meaningful protection from violence, abuse, and exploitation to persons with disabilities, especially women and children.”¹⁵⁵

Accessibility should be addressed in all its complexity, including not only the physical environment but also communications and language, as well as in relation to all different kinds of disabilities (sensory, intellectual, psychosocial, and physical disabilities). The Committee on the Elimination of Discrimination against Women has also stressed the importance of developing and disseminating “accessible information, through diverse and accessible media and community dialogue, aimed at women, in particular those affected by intersecting forms of discrimination, such as those with disabilities.”¹⁵⁶

There are no clear statistics on the total number of shelters in Mexico.¹⁵⁷ According to a November 2019 letter from the national Health Secretariat to Human Rights Watch, at that time there were 52 shelters for women receiving funding from the secretariat. The shelters are managed by private institutions and nongovernmental organizations.¹⁵⁸ The secretariat also stated that there are other shelters in Mexico run by public entities, such as state government agencies and some that receive funding from the National Institute for Social Development (INDESOL).¹⁵⁹

According to a November 2019 interview with the head of the National Shelter Network for Women, a nonprofit that coordinates a network of most shelters for women operating in Mexico, there are a total of 65 shelters in the network.¹⁶⁰ An official in the Ministry of Interior tasked with reviewing Mexico’s National Strategy to Combat Violence against

¹⁵⁵ CRPD Committee, General Comment No. 2, Accessibility, para. 37.

¹⁵⁶ CEDAW Committee, General Recommendation 35, Gender-Based Violence Against Women, Updating General Recommendation No. 19, CEDAW/GC/35 (2017), para. 12.

¹⁵⁷ Human Rights Watch interview with Erika Marisol Troncoso Saavedra, director, Center on Family Violence, Health Secretariat Center for Gender Equity and Reproductive Health, Mexico City, November 22, 2019.

¹⁵⁸ Letter from Erika Marisol Troncoso Saavedra, director, Center on Family Violence, Health Secretariat Center for Gender Equity and Reproductive Health, to Human Rights Watch, November 15, 2019.

¹⁵⁹ Human Rights Watch interview with Erika Marisol Troncoso Saavedra, director, Center on Family Violence, Health Secretariat Center for Gender Equity and Reproductive Health, Mexico City, November 22, 2019.

¹⁶⁰ Human Rights Watch interview with Wendy Figueroa, chair, National Centers for Women, Mexico City, November 22, 2019.

Women estimated that there are 72 shelters in Mexico as of November 2019.¹⁶¹

According to a study published by the National Institute for Women (INMUJERES), more than half of the 82 shelters operating in 2015 in Mexico were physically inaccessible; half did not have ramps for women with physical disabilities; 70 percent had no accessible toilets; and over 80 percent did not have accessible showers.¹⁶² No shelters provide personal assistants for people who may require such support. The Mexico City Prosecutor's Office confirmed that in cases of family violence against people with disabilities with high support requirements, they are not able to refer people to any shelters.¹⁶³

The 2011 National Model for Support in Shelters is a set of guidelines issued by the National Institute of Women for the operation of shelters in Mexico. It calls for physical spaces in shelters to be accessible for women with physical disabilities.¹⁶⁴ However, according to officials from the Health Secretariat, the primary government agency responsible for funding women's shelters, the agency does not monitor shelters' accessibility. The secretariat monitors shelters' compliance with administrative and financial requirements only. The Health Secretariat has no specific definition of accessibility, and accessibility is not a precondition to allow a shelter to operate.¹⁶⁵ Each shelter has its own mechanisms to ensure accessibility.¹⁶⁶

¹⁶¹ Human Rights Watch interview with Alicia Leal, director of the Puerta Violeta Strategy of the Ministry of the Interior, Mexico City, December 10, 2019. In its 2015 Study on Women's Shelters, Fundar estimated that there were 72 shelters for women operating in Mexico. Fundar, Center of Analysis and Research (Fundar, Centro de Análisis e Investigación), "Study on shelters in the framework of policies to combat violence against women" ("Diagnóstico sobre los refugios en la política pública de atención a la violencia contra las mujeres en México"), November 2015, <https://fundar.org.mx/wp-content/uploads/2019/02/291273234-Diagnostico-sobre-los-refugios-en-la-politica-publica-de-atencion-a-la-violencia-contra-las-mujeres-en-Mexico.pdf> (accessed January 28, 2020).

¹⁶² National Institute for Women (INMUJERES), "Shelters for Women, Their Daughters and Sons in Situations of Violence: An Assessment Based on Data from the Census of Social Assistance Housing" ("Refugios para mujeres, sus hijas e hijos en situación de violencia: un diagnóstico a partir de los datos del Censo de Alojamientos de Asistencia Social"), 2015, http://cedoc.inmujeres.gob.mx/documentos_download/101267.pdf (accessed January 28, 2020), p. 10.

¹⁶³ Human Rights Watch interview with Claudia Violeta Azar Cruz, family court prosecutor, Mexico City, November 21, 2019.

¹⁶⁴ National Institute for Women (INMUJERES), "National Model for Support in Shelters for Women Victims of Violence and their Children" ("Modelo de Atención en Refugios para Mujeres Víctimas de Violencia y sus Hijas e Hijos"), 2011, http://cedoc.inmujeres.gob.mx/documentos_download/101219.pdf (accessed January 28, 2020); and Human Rights Watch interview with Alicia Leal, director of the Puerta Violeta Strategy of the Ministry of the Interior, Mexico City, December 10, 2019.

¹⁶⁵ Human Rights Watch interview with Erika Marisol Troncoso Saavedra, director, Center on Family Violence, Health Secretariat Center for Gender Equity and Reproductive Health, Mexico City, November 22, 2019.

¹⁶⁶ Letter from Erika Marisol Troncoso Saavedra, director, Center on Family Violence, Health Secretariat Center for Gender Equity and Reproductive Health, to Human Rights Watch, November 29, 2019.

The National Model for Support in Shelters excludes women deemed to have a “psychiatric disability,” those who require specialized forms of support, or those who could “endanger themselves or others.”¹⁶⁷ Under the policy, women who have or appear to have a psychosocial disability should be “referred to other relevant facilities (clinics, psychiatric hospitals and centers for drug users, among others) prior to referral to a shelter.”¹⁶⁸

In a letter to Human Rights Watch describing the policy, the Health Secretariat did not specify who is authorized to determine whether a woman who has approached a shelter has a psychosocial disability if a woman does not identify herself as having one, or who determines a person’s alleged dangerousness. Alicia Leal, a women’s rights expert recently appointed to the Ministry of Interior to review the general system to protect women against violence, told Human Rights Watch that staff at the shelters are the ones who ultimately determine who is admitted and who is not.¹⁶⁹

The guideline builds on an inaccurate stereotype that people with psychosocial disabilities (mental health conditions) pose a danger to themselves and others. A fundamental right running through the CRPD is the right to equality and nondiscrimination.¹⁷⁰ The CRPD Committee has recognized that women with disabilities are at a heightened risk of violence, compared to other women.¹⁷¹ Women with psychosocial disabilities are entitled to be protected against violence, without discrimination on an equal basis with others. The CRPD Committee has stressed that discrimination against women with disabilities is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions, and discriminatory social norms and/or rules.¹⁷²

The right to be free from violence can be hindered by harmful stereotypes, for instance, attitudes that call into question the ability of women to make decisions or report facts about a crime. Associating psychosocial disabilities with violent or disruptive behavior that results in exclusion from general services is a form of disability-based discrimination.

¹⁶⁷ Ibid.

¹⁶⁸ “National Model for Support in Shelters for Women Victims of Violence and their Children” (“Modelo de Atención en Refugios para Mujeres Víctimas de Violencia y sus Hijas e Hijos”), p. 27.

¹⁶⁹ Human Rights Watch interview with Alicia Leal, director of the Puerta Violeta Strategy of the Ministry of the Interior, Mexico City, December 10, 2019.

¹⁷⁰ CRPD, art 5.

¹⁷¹ CRPD Committee General Comment No. 3, Women and Girls with Disabilities, CRPD/C/GC/3 (2016), para. 29.

¹⁷² Ibid., para. 17.

The guidelines should include provisions describing the options for response in the event a person breaches or refuses to follow the rules of the shelter, such as by engaging in disruptive behavior, rather than allowing decisions on admission to be based on an individual's disability.

In the interviews Human Rights Watch conducted for this report, public officials and private service providers supported the existing policy that automatically refers women who have or appear to have psychosocial disabilities to psychiatric hospitals instead of admitting them into shelters for their protection, even though this policy is inconsistent with Mexico's international legal obligations. In one of the states visited, a prosecutor said it would be challenging for shelters to receive women with mental health conditions because they *could be* disruptive or hurt themselves and others.¹⁷³ In another state, a prosecutor spoke about people with disabilities typically being violent, verbally abusive, and aggressive toward staff.¹⁷⁴ In yet another case, a service provider in Mexico City said it would not be appropriate to admit women with mental health conditions to shelters because they cannot sign an agreement with informed consent.¹⁷⁵

According to Mexico's international human rights obligations, people with disabilities have the right to full legal capacity and should be given access to supported decision-making.¹⁷⁶ Governments also must ensure that private parties providing general services are not allowed by law to discriminate against people with disabilities.¹⁷⁷

At the time of writing of this report, INMUJERES was reviewing the National Model for Support in Shelters with a view to updating it. Alicia Leal, the expert tasked by the Ministry of Interior to review state response on violence against women, told Human Rights Watch that the government is aiming to create uniform forms of support in shelters in Mexico through a revised national strategy on protection of women from violence called Purple Door (*Puerta Violeta*), which will include monitoring and evaluation.

¹⁷³ Emphasis added. Human Rights Watch interview with prosecutor, name and location withheld, November 20, 2019.

¹⁷⁴ Human Rights Watch interview with prosecutor, name and location withheld, November 22, 2019.

¹⁷⁵ Human Rights Watch interview with service provider for women survivors of violence (name withheld), Mexico City, November 22, 2019.

¹⁷⁶ CRPD, art. 12.

¹⁷⁷ CRPD, art. 5(2).

Both policy reviews present an important opportunity for the government to incorporate requirements for accessibility and support services to women with disabilities when they are victims of violence and should include a clear understanding that disability includes women with sensory, intellectual, physical, and mental impairments.

Justice Centers for Women

The Ministry of Interior has established 44 Justice Centers for Women across Mexico to provide services to women who are victims of family violence and their children, including facilitating access to justice.¹⁷⁸ Justice Centers for Women are managed by state governments. Most function as a unit of the prosecutor's office and include temporary shelters.¹⁷⁹ The aim of the justice centers is to provide a swift, coordinated state response to a victim's various needs, including psychological support and legal aid to secure protective measures and participate in investigative and other legal proceedings. Of the states where Human Rights Watch conducted research for this report, there are three justice centers in Mexico City, two in Jalisco, one in Oaxaca, and none in Nuevo León.

The operational protocol for the Justice Centers for Women provides detailed guidance on the steps justice center officials should take when a woman files a report of violence, including providing legal advice, securing protective measures if needed, and offering temporary shelter, among other actions. The protocol includes a section on provision of protection for women with disabilities.¹⁸⁰

The centers should adopt all necessary measures to ensure women with disabilities who are victims of violence can access health services, education, training, employment, recreation, and sports. Justice center buildings should be accessible and have adequate

¹⁷⁸ National Commission for the Prevention and Eradication of Violence against Women (Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres, CONAVIM), "Justice Centers for Women: Guidelines for their Creation and Functioning" ("Centros de Justicia para las Mujeres; Lineamientos para su Creación y Operación"), 2012, <http://www.conavim.gob.mx/work/models/CONAVIM/Resource/618/1/images/lineamientosCJMF21mar2013.pdf> (accessed January 28, 2020).

¹⁷⁹ Executive Secretary of the National Public Security System, National Center for Crime Prevention and Citizen Participation (Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, Centro Nacional de Prevención del Delito y Participación Ciudadana), "Protocol for the Support of Users and Victims in the Justice Centers for Women in Mexico" ("Protocolo para la Atención de Usuarías y Víctimas en los Centros de Justicia para las Mujeres en México"), 2012, <https://www.gob.mx/cms/uploads/attachment/file/164222/02ProtocoloAtencionCJM.pdf> (accessed January 28, 2020), p. 239.

¹⁸⁰ *Ibid.*

infrastructure to facilitate use by everyone. The protocol acknowledges the situation of children with disabilities whose mothers are victims of violence, requiring officials to make referrals to specialized network services needed to ensure their rights to education and health. Unfortunately, the protocol uses some outdated language, for example referring to women with disabilities as those who “suffer from a disability,” and over emphasizes the need for care which can be stigmatizing and should be revised.¹⁸¹

Services can be provided in the justice center itself or officials can go to the alleged victim’s home, when, for example, a woman has a disability that makes it impossible or difficult for her to travel to the center. According to the protocol, when a service coordinator (counselor) interviews a woman with a disability, they must have training and be sensitive, respectful, and empathetic to the interviewee. Information must be provided in clear and concise language for a woman with an intellectual disability to understand. The interviewer must respect the user’s independence, autonomy, and opinion.¹⁸²

The protocol does not provide guidance on how staff should respond to specific situations women with disabilities may experience, such as reliance on a perpetrator or someone else in the home for support with daily tasks, which can make it difficult for a woman to leave the home.

Accessibility in Justice Centers for Women varies. Human Rights Watch visited the justice center in Oaxaca and observed that the building had an elevator and other accessibility features such as ramps. However, the center’s emergency shelter had steps and no ramp at the entrance, and the only bathroom in the shelter was not accessible for someone using a wheelchair.¹⁸³ The director of the center said they had provided services to eight deaf women with the support of a sign language interpreter.¹⁸⁴ In a December 2019 letter to Human Rights Watch, the director of the Oaxaca Justice Center said that they do admit women with mental health conditions but may also refer them to a psychiatric hospital.¹⁸⁵

¹⁸¹ Ibid. The protocol also refers to women “with different abilities,” a term not used officially in Mexico since 2006.

¹⁸² Ibid.

¹⁸³ Human Rights Watch visit to the Oaxaca Justice Center for Women, Oaxaca, November 20, 2019.

¹⁸⁴ Human Rights Watch interview with Jhazibe Leticia Valencia de los Santos, director, Justice Center for Women in Oaxaca, Oaxaca, November 20, 2019.

¹⁸⁵ Letter from Jhazibe Leticia Valencia de los Santos, director, Justice Center for Women in Oaxaca, to Human Rights Watch, December 4, 2019.

We also received two letters from Justice Centers for Women in Jalisco. The Justice Center for Women in Guadalajara reported they had provided services to 775 women with disabilities from February 5, 2015 to December 12, 2019. The letter stated that the center was accessible because it had ramps and they receive sign language training to support women with disabilities. The letter did not include information about bathrooms at the center or other alternative communication formats, such as for people with intellectual disabilities. The shelter does admit people with psychosocial disabilities, although if necessary, staff refer women to the state institute for mental health.¹⁸⁶

The Justice Center for Women in Puerto Vallarta responded they had provided support to 32 women with disabilities in 2019. They provide services to women with psychosocial disabilities, and on a case by case basis, a group of professionals makes an evaluation of those women with “severe” mental health conditions, who can be referred to psychiatric services independently of the services provided by the center. They have staff who can serve as sign language interpreters, but do not have accessible formats of communication for other types of disabilities, such as intellectual disabilities. The building is accessible for women with physical disabilities, and they are planning to install braille signing.¹⁸⁷

Human Rights Watch wrote to three Justice Centers for Women in Mexico City and did not receive a response. Human Rights Watch did not visit other Justice Centers for Women.

¹⁸⁶ Letter from Yohanna Karolina Aviña Suárez, director, Justice Center for Women in Guadalajara, to Human Rights Watch, December 16, 2019.

¹⁸⁷ Letter from Georgina Livier Morones Toscano, acting director, Justice Center for Women in Puerto Vallarta, to Human Rights Watch, December 16, 2019.

Full Recommendations

To Mexico's Federal Congress:

- Amend and harmonize the National Criminal Procedure Code; the General Law on Women's Access to a Life Free from Violence; and the General Victims' Law to ensure access to justice for people with disabilities. Specifically:
 - Ensure that emergency, preventive, and protection measures are accessible for people with disabilities, including those with high support requirements, by creating legal provisions that acknowledge the fact that people with disabilities may depend on perpetrators and may require support persons and accessible services to enable them to report domestic violence and move out of abusive situations;
 - Ensure that complaint mechanisms are accessible to people with disabilities, including those who may be confined at home or have high support requirements, including by expanding options for reporting by phone or online and requiring law enforcement agents to conduct home visits;
 - Clarify the legal definition of procedural accommodations as it relates to accessing justice services and participation in criminal and remedial procedures. Make sure procedural accommodations are not subject to a test on reasonableness and proportionality, which may apply to physical and other types of accommodations (in education, for example).
- Amend the General Law for Inclusion of People with Disabilities to clarify and specify the obligations of federal, state, and municipal governments to ensure people with are able to enjoy the right to live independently and be included in the community by:
 - Ensuring access to individualized support services for people with high support requirements;
 - Creating time-bound plans to expand accessibility of services, including housing and public transportation.

To the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI):

- For future National Surveys on the Dynamic of Household Relationships (Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares, ENDIREH), collect disaggregated data on violence against women with disabilities, including identifying those who acquired disabilities as a result of family violence or other forms of violence, and including information on girls younger than 15;
- For the next National Survey on Victimization and Public Security Perception (Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública, ENVIPE), collect disaggregated data on victims with disabilities, including identifying those who acquired disabilities as a result of crimes or other forms of violence;
- Conduct focused statistical studies on violence against people with disabilities in both urban and rural areas.

To the General Conference of Prosecutors:

- Issue a general directive for state prosecutors to:
 - Ensure people with disabilities, family members, or service providers can file complaints about alleged violence without fear of retaliation against themselves or the victims by ensuring accessible protection measures, including for those people who require personal support to live independently from their perpetrators;
 - Provide recommendations to reach out to schools, health centers, and others who offer services to people with disabilities, to encourage them to screen for violence committed against people with disabilities;
 - Create a time-bound plan to ensure accessibility of prosecutorial buildings, information, communications, and services for people with disabilities.
- Issue a general directive for state prosecutors to systematically collect information about crimes committed against people with disabilities, disaggregated by indicators such as age, gender, and type of abuse, the protection measures issued in each case, and the outcome of cases, with a view to using it to improve policies and procedures to protect and provide justice for victims with disabilities;

- In the mandatory trainings for prosecutors, investigative police, and those providing technical expertise to the courts, include specific information on good practices to ensure access to justice to victims with disabilities. This should include information on specific types and uses of procedural accommodations, including, for example, interview techniques for people with intellectual and learning disabilities and integration with gender-sensitivity training. Include people with disabilities in trainings;
- Issue directives for state and federal prosecutors' offices to make available easy-to-read materials for people with intellectual disabilities to understand the processes for making complaints and accessing protection measures.

To the Ministry of the Interior:

- When designing new policies to improve protection of women against violence, such as the Purple Door (*Puerta Violeta*) policy, ensure accessibility as a key component in the reforms; the policy should consider accessibility of the built environment, communications, information, and services, and consider all types of disabilities, including psychosocial disabilities;
- Institute screenings for gender-based violence when a person with disabilities reports family violence;
- Ensure consultation with women with disabilities and their representative organizations in the design and implementation of the policies.

To the Executive Commission to Support Victims:

- Propose policies to the National System to Support Victims to ensure:
 - The protection of men with disabilities against family violence, including the creation of shelters and other support mechanisms to allow them to leave situations of violence and neglect;
 - People with disabilities who have been victims of violence, including family violence, have access to rehabilitation and comprehensive reparations to address the impact of the crime or abuse, consistent with their individual requirements;
- Include in the National Register on Victims disaggregated information about crimes and human rights abuses committed against people with disabilities;

- Conduct information campaigns, including using easy-to-understand and accessible formats, to raise awareness about all forms of family violence against people with disabilities, including sexual violence, risk factors, and avenues for help.

To the National Institute for Women:

- Include in the revised National Model for Shelters the obligation to provide services to all women with disabilities without discrimination, including those with psychosocial disabilities and those with high support requirements;
- When revising the National Model for Shelters, ensure consultation with women with disabilities and organizations representing women with disabilities;
- Establish an effective mechanism to monitor and evaluate accessibility of shelters.

To the Welfare Secretariat:

- When designing the proposed National System of Care, ensure it does not require families to support their adult relatives with disabilities; ensure that support for families of adults with disabilities occurs only when this is the form of support freely chosen by the person with the disability;
- Provide pensions for adults with disabilities directly to the individual. Do not provide disability pensions to family members without the individual's consent;
- Develop programs and policies, in cooperation with civil society as appropriate, to ensure people with disabilities can live independently and be included in the community by providing community-based services like personal assistance, housing, employment opportunities, and accessibility to general services.

To the State Legislatures of Mexico City, Oaxaca, Nuevo León, and Jalisco:

- Amend state civil legislative framework to include the right of people with disabilities to full legal capacity and supported decision-making, which will guarantee that they have legal standing to file claims, including criminal complaints about violence, without the intervention of a guardian or curator.

To the Mexico City State Legislature:

- When drafting enabling legislation to create Mexico City’s system of care, avoid imposing on family members the obligation to support adults with disabilities. Instead, empower people with disabilities to decide the system of support that meets their individual requirements and make available a system of supported decision-making.

To the State Legislatures of Mexico City, Oaxaca, Nuevo León, and Jalisco:

- Amend state disability legislation to ensure the right of people with disabilities to live independently and be included in the community by:
 - Ensuring access to individualized support services for people with high support requirements;
 - Creating time-bound plans to ensure accessible services, including housing and transportation.
- Amend state criminal laws to remove provisions that define the failure to provide support for adults with disabilities as a crime;
- Review state legislation on victims to ensure that protection measures are accessible to people with disabilities, on an equal basis with others.

To the State Attorneys General of Mexico City, Oaxaca, Nuevo León, and Jalisco:

- Appoint a staff person within the prosecutor’s office to serve as a focal point, with specific expertise to guide and advise prosecutors and other law enforcement agencies on implementation of procedural accommodations including during investigations and criminal proceedings;
- Ensure that protocols and other guidance on reporting violence against children in and outside schools are fully inclusive of children with disabilities. Guidance should include training for school counsellors, teachers, and other staff on particular behaviors or issues to be aware of that may be relevant for children with sensory disabilities or those with disabilities who necessitate alternative forms of communication. Provide specific guidance to school counsellors and teachers on

steps they should take to ensure that reporting means are accessible to children with disabilities;

- Develop policies to encourage health centers and other agencies that provide services to people with disabilities to submit complaints of alleged family violence against people with disabilities. Also develop policies to ensure protection against possible reprisals for those filing the complaint and the alleged victims;
- Require prosecutors and police to develop policies to ensure people with disabilities can safely report family violence and neglect and can access protection measures;
- Ensure prosecutor's offices, shelters and other temporary housing are fully accessible for persons with all types of disabilities.

To the State Welfare Agencies in Mexico City, Oaxaca, Nuevo León, and Jalisco:

- Implement programs to ensure early identification of situations in which people with disabilities might be victims of violence, such as situations in which people with disabilities have little to no contact with others outside family settings;
- Reform policies that compel families to support adult relatives with disabilities;
- Establish programs and services to ensure that people with disabilities can live independently and be included in the community, including through provision of personal assistance services for people with high support requirements.

To the State Integral Development of Families (Desarrollo Integral de la Familia, DIF) Agencies in Mexico City, Oaxaca, Nuevo León, and Jalisco:

- Develop policies and services to guarantee protection of and support to people with disabilities who have survived family violence, including through a network of services to provide accessible housing, transport, personal assistance, and employment opportunities;
- Other than for short term, temporary emergency stays, refrain from placing people with disabilities in institutions to protect them against domestic violence and neglect;

- Provide disability pensions and other financial or material support directly to the person concerned and ensure that they may decide the nature and scope of living arrangements and support.

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