

Information for the CEDAW Committee on the Situation Concerning Violence Against Women Human Rights Defenders¹ 52nd session, New York, July 17, 2012

ORGANIZATIONS RESPONSIBLE FOR THIS REPORT

Consorcio para el Diálogo Parlamentario y la Equidad Oaxaca, Red Mesa de Mujeres de Ciudad Juárez, Just Associates (JASS)

INTRODUCTION

There has been an alarming increase in violence against women human rights defenders in Mexico. The violence has been made invisible and underestimated in its seriousness, characteristics and consequences, in the context of widespread impunity, violence and criminalization of social protest in the country.

Between December 2010 and December 2011, eleven women human rights defenders were killed,² the majority of them in the states of Chihuahua and Guerrero, two of the four states with the highest recorded incidences of attacks against defenders of both sexes in Mexico.³

Of the 68 individual cases of attacks committed against defenders in 2011, 41% were against women defenders. 5

In March 2011, Margaret Sekaggya, Special Rapporteur on the situation of men and women human rights defenders submitted her third report to the Human Rights Council of the United Nations. This was the first report to focus exclusively on the situation of women human rights defenders and people who dedicate themselves to defending the rights of women. Of the 292 notifications of threats, including death threats, sent

Document prepared by Orfe Castillo and Marusia López (JASS). Review and comments by Yesica Sánchez (Oaxaca Consortium). The present report is based, among other sources, on the study entitled "Defensoras de derechos humanos en México: Diagnóstico 2010-2011 sobre las condiciones y riesgos que enfrentan en el ejercicio de su trabajo" (Defenders of Human Rights in Mexico: 2010-2011 Assessment of the conditions and risks faced in the course of their work"). Andrea Medina and Teheres Hochlli, coordinated by JASS, Consorcio Oaxaca and Red Mesa de Mujeres de Ciudad Juárez.

^{2010:} Bety Cariño in Oaxaca, Josefina Reyes and Marisela Escobedo in Chihuahua. 2011: María Magdalena Reyes, Luisa Ornelas and Susana Chávez in Chihuahua; Isabel and Reyna Ayala Nava in Guerrero, Carmela Elisarraráz Méndez in Michoacán, Bárbara Lezama in Puebla and Julia Marichal in Mexico City.

United Nations Office of the High Commissioner for Human Rights in Mexico, 2010 Update: Report on the Situation of Men and Women Human Rights Defenders in Mexico.

⁴ Report on Human Rights Violations Committed against Persons Defending Human Rights in the Period 2011- First Quarter, 2012, coordinated by Alejandro Cerezo, ACUDEH.

This figure does not include the attacks faced by women defenders in their family and community environments resulting from gender discrimination and violence, which are yet to be systematically recorded.

to the Rapporteur in the period 2004-2009, just over half related to women defenders working in the Americas. The highest numbers of these were sent from Colombia (45) with Mexico in second place (27).⁶

This report notes that Mexico is one of the countries with the highest number of attacks against women defenders, who fight against impunity and for access to justice for the victims of human rights violations⁷ and promote the rights of indigenous communities and community leaders.⁸

Likewise, the Report on Human Rights Defenders in the Americas presented by the Inter-American Commission on Human Rights (IACHR) in 2012, and the Mission to Mexico Report undertaken by the United Nations Working Group on Enforced or Involuntary Disappearances in 2011 recognizes that the defenders are one of the groups of particular concern. The IACHR report emphasizes that violence against women is a structural condition that severely limits the full exercise of their rights, including the right to defend rights.

Women human rights defenders are at greater risk in areas where criminal groups, paramilitaries, army or public security forces are present, as well as places where conservative groups hold a lot of power. The security model focused on police and military intervention applied in Mexico has not eradicated organized crime or ensured public safety, but rather the opposite: it has increased human rights violations, the criminalization of protest and the breakdown of the social fabric. As expenditure on the war on drugs increases, increases are also seen in killings, sexual violence, femicide and attacks against defenders.⁹

VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS FROM A GENDER PERSPECTIVE

As well as facing the same attacks as their male counterparts, women human rights defenders face a greater risk of sexual violence; smear campaigns based on gender stereotypes; violence within their families, communities and organizations; and scarce recognition of their work.¹⁰ In addition, after an attack they are more often forced into giving up their human rights defense work than men, whether due to the lack of social support networks or in order to protect their families.

Like other forms of violence against women, the violence suffered by defenders is characterized by victimization, blaming and shaming of victims, normalizing or justifying the acts of the perpetrators, failure to take women seriously when they file reports, isolating them from their families or communities, the replication and legitimation of gender roles and stereotypes, and attacks on and insults against women when they take part in public affairs.

Attacks on women defenders tend to be justified on account of their having "abandoned" their traditional role, identifying their political activism as a transgression. It is difficult to threaten a male defender by saying to him "this is what happens when you leave your home," "instead of going out looking for trouble you should go and look after your children", and so on. The politics of repression has a "moral" framework that justifies its acts for the preservation of a system that perpetuates gender inequality.

Report of Asociadas por lo Justo and Nobel Women's Prize Initiative. http://nobelwomensinitiative.org/2012/06/from-survivors-to-defenders-women-confronting-violence-in-mexico-honduras-and-guatemala/?ref=18

Report of Mrs. Margaret Sekaggya, Special Rapporteur on the Status of Human Rights Defenders, December 20, 2010, p.12.

⁷ Ibid. p.11.

⁸ Ibid. p.12

Violence Against Women Human Rights Defenders in Mesoamerica: towards an assessment. Iniciativa Mesoamericana de Defensoras de Derechos Humanos, Coordinated by Marusia López, UDEFECUA, FCAM, AWID, CONSORCIO OAXACA, JASS, LA COLECTIVA FEMINISTA.

Of the defenders interviewed for the study "Women Human Rights Defenders in Mexico: 2010-2011 assessment of the conditions and risks they face when doing their work," 76% recognize the gender issues in the type of violence they experience through their work and, of these, 40% report sexual violence as the main form of specific violence. In addition 12% identified threats against the family, their sons and daughters, as the principal threat. Although this form of violence can also occur against male defenders, in the case of women defenders, it inhibits their work to a greater extent.

Women defenders also suffer violence within their own organizations and movements. Its expression includes: the invisibility of their contributions, discrimination, denigration, restrictions on participation, sexual and workplace harassment.

Regarding the frequency of violence, 50% said they had suffered direct violence because of the work they do, while the other 50% said they had faced severe obstacles. Furthermore, 86% reported that either their organizations or their male and/or female co-workers had been subjected to violence. The most commonly recorded form of violence (60%) is that which threatens the life, liberty and personal integrity of those who defend human rights. He work they do,

Vulnerability

The circumstances that make women defenders more vulnerable to violence include: discrimination against indigenous peoples, age discrimination, discrimination against socially unacceptable gender identities such as transsexuals, a lack of economic or emotional autonomy, as well as the countless difficulties in reconciling family life with their human rights activism.

Other factors include: the defense of human rights is accorded a low value or submitted to heavy smear campaigns by non-state actors, especially the defense of sexual and reproductive rights, the right to land and freedom of association, or confronting acts of aggression treated as less serious, such as domestic violence, a category that tends to diminish the significance of the threats and attacks women suffer.

Many of the defenders who face attacks due to their work participate in organizations that do not have the resources, infrastructure and security plans necessary to deal with the aggression. Also many do not participate in decision-making within their organizations, so they do not always have the chance to take part in the definition of protective measures. Many others do their work for the defense of human rights in a very precarious financial situation, which limits the availability of resources required for their safety.

The risk increases when defenders denounce violations of human rights by the authorities or the state protection of aggressors, especially when there is some degree of connection with organized crime. ¹⁴ The most threatened are the women defenders who have denounced gender violence committed directly by public officials, and especially by members of the military and police forces.

Women Human Rights Defenders in Mexico: 2010-2011 Assessment of the conditions and risks faced in the course of their work, Andrea Medina and Teheres Hochlli, coordinated by JASS, Consorcio Oaxaca and Red Mesa de Mujeres de Ciudad Juárez, 2011.

¹² Ibid.

¹³ Ibid.

DISCUSSION OF THE REPORT ON MEN AND WOMEN HUMAN RIGHTS DEFENDERS IN THE AMERICAS. Marusia López, JASS. 2012

Protective Measures

Women defenders emphasize that they need greater protection from sexual violence, considering the lack of credibility given to their complaints and the isolation they suffer. Equally, they stress the need for protective measures that do not further prejudices about the defenselessness of women; they should instead be designed on the basis of building empowerment.

Institutional measures to protect women defenders are at present insufficient to prevent, avoid and reduce risk. Even those women defenders who have the protection of the precautionary and provisional measures that the IACHR requests from the States are defenseless given the inadequate implementation of the measures, the repeated argument of lack of resources and coordination between local and federal authorities and the imposition of measures that revictimize them.

The high degree of impunity breeds a culture of permissiveness toward attacks against human rights defenders. This situation is aggravated for women defenders who also have to deal with the increase of domestic violence in the country. Violence against women inhibits the freedoms necessary to exercise the defense of human rights. 15 The so-called "narco-messages" in Mexico that warn women to be careful when going out in the streets, the risk of sexual violence in militarized territories across the region, or community settings where violence and the exclusion of women is legitimated in the name of tradition or religion, inhibit the freedoms necessary for women to exercise the defense of human rights. 16

Measures deemed useful for ensuring women's safety and protection given the gaps and deficiencies in existing state protection measures include the support of other civic organizations and local, national and international networks. This was rated the most important by 36% of those sruveyed. Also high up is building security measures in the neighborhood or community in which they live to provide immediate shelter and support.

ANALYSIS OF THE IMPLEMENTATION OF THE RECOMMENDATIONS IN THE AREA OF VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS IN MEXICO

1) Recommendations of the CEDAW Committee and other bodies of the United Nations and the Inter-**American Human Rights System:**

Recommendation 15 in the Sixth Report of Mexico to the CEDAW Committee in 2010 recognizes that violence against women also includes acts committed by state agents, or arising from their acts or omissions, and notes the duty of the Mexican state to end this kind of abuse:

15. In light of its general recommendation 19, the Committee urges the State to take all necessary measures without delay to end violence against women by any person, organization or company, as well as violence perpetrated by agents of the state, or resulting from acts or omissions at all levels. (...) The Committee urges the State to improve victims' access to justice and to ensure that offenders are punished effectively and systematically and that victims can benefit from protection programs...

In addition to the duty of the Mexican state to avoid all forms of violence against human rights defenders through acts, omissions or acquiescence, the competent institutions have a duty to guarantee the measures required for the effective protection of women human rights defenders. For this reason various human rights

Ibid.

Ibid.

bodies, both in the United Nations System¹⁷ and the Inter-American Human Rights System, have made numerous recommendations concerning the protection of human rights defenders of both sexes.

Regarding the specific situation of women defenders, in its latest report on human rights defenders in the Americas, the Human Rights Commission noted the duty of States to oversee compliance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belém do Pará") also in the area of the protection of defenders.

In its 2010 report on the situation of defenders, the UN Rapporteur on the Defenders made recommendations to the Mexican State that the protection mechanism (currently being designed) take into consideration the specific risks and safety needs of the defenders and those who dedicate themselves to the rights of women or gender issues.¹⁸

However, virtually no specific recommendations have been made to the Mexican State for the protection of human rights defenders based on their gender. Most of the recommendations referring to defenders focus on specific cases:

 In recommendation 15 on the Sixth Report of the Mexican State to the CEDAW Committee, the CEDAW Committee made a statement on the acts of sexual torture perpetrated against the defenders and woman of San Salvador Atenco within a police operation to repress a demonstration by the People's Front for the Defense of the Earth (Frente de Pueblos en Defensa de la Tierra).

The Committee asks the State to make sure that the Special Prosecutor has jurisdiction in the case of the crimes committed in San Salvador Atenco, in order to guarantee that the culprits are tried and punished. The committee recommends that the State provide the necessary financial, social and psychological assistance to the victims of these crimes." ¹⁹

• The CEDAW Committee also made reference to the violations to the human rights of victims' family members in Ciudad Juárez and the human rights organizations that protect them. In the report on Mexico produced by the Convention on the Elimination of All Forms of Discrimination against Women, under Article 8 of the Optional Protocol of the Convention, the following recommendation is made to the Mexican State:

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Office of the High Commissioner for Human Rights in Mexico (Report on the Status of Human Rights Defenders, 2009): Articulation of a massive and sustained campaign to make visible and recognize the legitimacy of the work of the defenders, to regulate the use of security forces at a federal, state and municipal level to frame the right of social protest, in the light of international human rights standards. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples of the UN (2003 Report, Mexico): To declare the murder of human rights defenders as a federal crime which will therefore be prosecuted in federal courts; To review and amend those types of crimes which because of their open wording can be applied expansively against defenders. Human Rights Committee [Review of Reports Submitted by Member States under Article 40 of the Covenant, Mexico, 2010): To ensure immediate, effective and impartial investigation of threats, violent attacks and killings of journalists and human rights defenders, and, where appropriate, to prosecute the perpetrators of such acts. Working Group on the Universal Periodic Review (Mexico Report, 2009): To improve the effectiveness of the "precautionary measures" to protect human rights defenders, in particular by adopting effective and comprehensive strategies for prevention at central and local levels with the aim of preventing attacks and to protect the life and physical integrity of journalists and human rights defenders.

Report of Mrs. Margaret Sekaggya, Special Rapporteur on the Status of Human Rights Defenders, December 20, 2010, p.19.

Report of the Committee for the Elimination of Discrimination against Women, 26th and 27th sessions.

As a matter of urgency, to put into practice or reinforce effective measures for the protection of people and institutions that work and operate in Ciudad Juárez and Chihuahua to explain the facts and respect human rights, which, like the family members of the victims which have united for this purpose, continue to suffer threats and harassment²⁰.

...to investigate and punish the complicity or tolerance of State authority agents for persecution, harassment and threats against victims' relatives, members of organizations that represent them and other people involved in their defense.²¹

- In turn, organizations such as the Office of the High Commissioner for Human Rights in Mexico, the Inter-American Commission on Human Rights (IACHR), among others, have issued press communiqués expressing their concern at particular murder cases or attacks against defenders. Examples of this include the complaint raised by these organizations over the murder of the defender Marisela Escobedo in front of government offices in 2010, or the protest about the attacks on the defender Margarita Martínez (who suffered threats, torture, including sexual torture, and kidnap), among others.
- The situation of family members of victims of femicide in Ciudad Juárez and Chihuahua and women's organizations who support them has also been a special cause for concern for various organizations at the Inter-American System and the UN. Referring to the violence in Ciudad Juárez, the IACHR made the following recommendations to the Mexican State:

...to make it a priority to guarantee safety measures for female victims of acts or threats of violence, as well as family members, human rights defenders, witnesses or journalists at risk. To offer protection to those who have a right to personal safety, so that those who demand an explanation of the crimes or who provide information are not intimidated and can continue their efforts.²²

2) Progress, non-compliance and delays in eradicating violence, and protecting female defenders in Mexico:

At the 98th session of the United Nations Human Rights Council concern was expressed for:

...the lack of significant progress in following the committee's previous recommendations, including those on violence against women, the deployment of the armed forces to guarantee public safety and the lack of protection for human rights defenders and journalists. In the last few years, this organization has issued a number of recommendations aimed at preventing attacks and in favor of protecting male and female defenders. The majority of such recommendations have not been complied with, in whole or in part.

Over two years later, on June 22, 2012, the Head of the Federal Executive promulgated two decrees whereby: 1) the Law for the Protection of Human Rights Defenders and Journalists and 2) the constitutional reform which grant the Federation jurisdiction over crimes against journalists, whether individuals or offices, that affect the right to information or freedom of speech. This institutional framework, implemented thanks to the work and determination of human rights organizations, and in spite of the State delaying its design and implementation, gives legal certainty to the men and women defenders who have been threatened and attacked.

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Report on Mexico by the Committee for the Elimination of Discrimination against Women, under article 8 of the Optional Protocol of the Convention. 32nd session. January 10-28, 2005, p. 37

²¹ Ibid. p. 36.

The State of Women's Rights in Ciudad Juárez, Mexico: The right to be free from violence and discrimination, IACHR, 2003.

However, violence against human rights defenders has tended to worsen, with the Mexican State showing no political will or concrete results in confronting it. Below are some of the main points on Mexico's failure to comply with the majority of the recommendations made for the protection for female defenders:

- The number of murders of women defenders has increased between 2010 and 2011. Of the 11 reported cases of defenders murdered between 2010 and 2011, 72% were committed in 2011.
- The forced relocation of women defenders and their families increased in the years up to 2010. Of the seven cases of forced relocation recorded by the Office of the High Commissioner for Human Rights in Mexico in that year alone, five related to defenders and their families.²³ One case of special concern is the Reyes family from Chihuahua, where many family members are defenders. The family was forced to move after the murder between 2009 and 2011 of 6 members of their family, of whom four were women. During those years the Reyes Salazar family faced threats, physical attacks and the burning down of their house, among other acts of terror and delays of justice.
- Between 2011 and 2012 at least two organizations linked to the defense of women's human rights have had to shut down for safety reasons. This was the case with the Worker Support Center in Puebla (CAT) and the CIAM Cancún, A.C. high-security shelter.
- The State is the main culprit for the violence against women defenders. 55% of the defenders indicate that the State is directly responsible for the attacks and threats against them. ²⁴ This includes aggression and threats, which, although committed by individuals or strangers, point to local, state or federal authorities as the instigators or masterminds. The remaining 45% are acts of violence carried out by criminal groups, conservative groups, companies and the media. In these cases the State is also obliged to guarantee victims the access to justice and failure to do so makes them responsible.
- Impunity. The Report of the UN's Special Rapporteur for Defenders concurs with the United Nations Office of the High Commissioner for Human Rights in Mexico (OHCHR) according to which 98.5% of incidents of threats, harassment or attacks against defenders go unpunished.²⁵ Examples of this are:
 - The eleven cases of human rights defenders murdered between 2010 and 2011 that remain unpunished.
 - The 3 missing human rights defenders: Eva Alarcón (member of the *Campesinos Ecologistas* organization, who went missing on December 8, 2011 in Guerrero), Alicia Salaíz Orrantia (member of the Civil Association of Human Rights in Nuevo Casas Grandes, who went missing on November 5, 2009), Gabriela Sánchez Morales (EZLN supporter who was disappeared by Federal Preventative Police agents in Chiapas on July 17, 2011²⁶), Isela Hernández (who was disappeared by armed men in Chihuahua on August 14 while looking after the grandson of murdered defender Marisela Reyes²⁷).

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In the report update on the situation of men and women human rights defenders by the United Nations Office of the High Commissioner for Human Rights in Mexico, analyzing the period from September 2009 to October 2010, pointing to a "new element of concern about the hostility towards their work. Some defenders have changed their address (some have even gone overseas). In this period, Silvia Vázquez, Blanca Mesina, Gustavo de la Rosa, Adolfo Guzmán, Margarita Martínez, Rosa Isela Pérez and Obtilia Eugenio Manuel had to leave their homes and communities". Source: Assessment. Human Rights Defenders in Mexico. Assessment 2010-2011 on the conditions and risks they face during the course of their work, Andrea Medina, Theres Hochli, coordinator. Consorcio Oaxaca, JASS, Red Mesa de Mujeres de Ciudad Juárez.

Ibid.

Statement by human rights organizations in Mexico. NGO adds its voice to demands to the UN for the protection of human rights defenders. http://www.cmdpdh.org/index.php?option=com_content&view=article&id=312%3Aong-sesuman-a-la-exigencia-de-la-onu-para-proteger-a-defensores-y-defensoras-de-derechos-humanos-&catid=47%3Adefensoras-y-defensores&Itemid=187&lang=es

National Campaign Against Forced Disappearances. Report on forced disappearance of defenders 2012.

²⁷ Ibid.

- The police responsible and then-Governor of the State of Mexico, Enrique Peña Nieto, remain unpunished for acts of sexual torture, unjust detention and executions during the so-called Operation Atenco.
- **Criminalization.** Particularly in the cases of women defending rights to land and territory, the unfair use of the penal system has led to defenders being accused and facing criminal trials. There are also recorded uses of police forces overseeing evictions or harassing defenders, violating their human rights and using public force to protect personal interests. A case of special concern is that of Bettina Cruz Velázquez, member of the Unión Hidalgo Wind Project Resistance Committee located in the Isthmus of Tehuantepec region of Oaxaca who was detained on February 24, 2012 by the Federal Investigation Agency and transferred to the Tehuantepec prison. She was detained for 33 hours, four of them in isolation, and released on bail, meaning she still faces charges.
- Deficient implementation of IACHR preventative and provisional measures. Between 2010 and 2011, human rights defenders granted preventative and provisional measures such as Margarita Martínez (Chiapas), Obtilia Eugenio and her organization (Organization of the Indigenous Me'Phaa People (OPIM), Guerrero), Inés Fernández (OPIM, Guerrero), Valentina Rosendo Cantú (Guerrero), Lydia Cacho and her organization (CIAM, Cancun) and Norma Andrade and her family (Nuestras Hijas de Regreso a Casa organization, Chihuahua), Alba Cruz and her organization (Código DH, Oaxaca), Emiliana Cerezo and her organization (Comité Cerezo, Mexico City), have continued to be threatened and attacked.
- Lack of gender indicators. The design of an approved protection mechanism did not include gender indicators that would have allowed the establishment of specific protection measures for defenders, as recommended by the UN's Special Rapporteur on defenders.

SOME RECOMMENDATIONS WE WOULD LIKE TO SEE IN THE COMMITTEE'S FINAL REMARKS TO THE MEXICAN GOVERNMENT:

a) Attention to violent cases and situations:

- To establish a reasonable time frame in which to provide information on the progress of investigations
 into murders and attacks against women human rights defenders, and to punish those who have been
 identified by the relevant authorities as responsible for the attacks and murders of women human
 rights defenders according to the law.
- To speed up the search to find the following defenders alive: Eva Alarcón (member of the *Campesinos Ecologistas* organization, who went missing on December 8, 2010 in Guerrero), Alicia Salaíz Orrantia (member of the Civil Association of Human Rights in Nuevo Casas Grandes, who went missing on November 5, 2009), Gabriela Sánchez Morales (EZLN supporter who was disappeared on July 17, 2011 by Federal Preventative Police agents in Chiapas²⁹), Isela Hernández (who was disappeared by armed men in Chihuahua on August 14 while looking after the grandson of murdered defender Marisela Reves).
- To guarantee the necessary protection and conditions to allow evicted defenders and their families to return to their homes and to continue their work as human rights defenders.
- To guarantee the necessary protection, resources and conditions for the Worker Support Center (Centro de Apoyo al Trabajador) and the CIAM Cancún A.C. high-security shelter to resume their operations, if their members so decide.

National Campaign Against Forced Disappearances. Report on forced disappearance of defenders 2012.

Project by Derechos Económicos Sociales y Culturales, A.C.

- To guarantee access to justice and effective protective measures for families of those women human rights defenders who have been forcibly disappeared, who have been victims of femicide, violent organized crime, and attacks by the military, paramilitary groups, parapolice groups and individuals.
- To punish in accordance with international standards, the transnational corporations that violate human rights and that commit acts of violence against defenders, and to guarantee full consultation rights to the indigenous peoples and rural communities affected by these corporations.

b) Protection mechanisms

- To carry out a comprehensive evaluation, from a gender perspective and with the participation of women human rights defenders, on the failure to apply precautionary measures issued by the relevant national bodies and the Inter-American Court of Human Rights. To use this assessment to determine the necessary measures to guarantee its full application.
- To guarantee that the protection mechanism for defenders of both sexes includes an analysis of the effects of the discrimination and violence against them. The mechanism should especially define the specific measures to be used to tackle the threat of sexual violence as a repeated means of attacking women defenders and their families.
- To assign and guarantee earmarked budgets for the protection of women defenders in each and every state in the country.
- To implement gender-focused protocols for prevention and protection in each and every state in the Mexican Republic.
- Implement a campaign to recognize the work and social contribution of women human rights
 defenders, particularly those who have been subjected to libel and discrimination because of their
 gender (defenders of sexual and reproductive rights, defenders from indigenous groups, defenders
 who fight against femicide, defenders who report human rights violations by the army and who report
 violations of human rights by private companies, among others).
- To guarantee that the official studies on the status of defenders of both sexes contain data broken down by gender.

SIGNATORIES TO THIS REPORT

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