



The Intervention Protocol for Harassment and Sexual Harassment is a pioneering attempt from the Mexican Federal Government to transform the structural causes of institutional violence within the public administration. Initiated in 2009, the Protocol has been implemented in over 30 state institutions, with replication now taking place at local level.

TACKLING INSTITUTIONAL VIOLENCE: THE INTERVENTION PROTOCOL FOR HARASSMENT AND SEXUAL HARASSMENT IN THE MEXICAN FEDERAL PUBLIC ADMINISTRATION

SUMMARY

Institutional violence against women refers to violence that is sanctioned implicitly or explicitly by governments and public administrations in their organisations, systems and procedures. It generally manifests itself at two levels: when public officers or structures impede women from accessing public services or exercising their rights in key areas such as healthcare, education or access to justice, or within the organisation of a public agency through either abusive behaviour in the workplace or in denying women access to equal opportunities. Sexual harassment in the workplace is a particularly pervasive, yet hidden form of institutional violence experienced by women in countries where public institutions are dominated by patriarchal and discriminatory relationships that often place women in situations of extreme vulnerability. In fact, workplace surveys have shown that as many as 50% of women from industrialised and developing countries have suffered from some form of sexual harassment.¹

While many countries have adopted laws on sexual harassment in the workplace, the focus of this Case Study Brief is the Intervention Protocol for

Harassment and Sexual Harassment developed in Mexico by the National Women's Institute, INMUJERES, in 2009. The Protocol represents an innovative strategy to transform unequal and discriminatory structures within public institutions and promote workplaces free from violence against women. Starting with a brief overview of institutional violence in Latin America and Mexico, this Brief goes on to provide an analysis of some of the more innovative features of the Protocol, its implementation and initial impacts. Finally, the Brief identifies enabling factors and key lessons for other countries interested in understanding practical ways to tackle institutional violence.

KEY

LESSONS LEARNED

The creation of an independent and confidential complaints procedure is fundamental if victims are to come forward and denounce abuse in the workplace.

Given that institutional violence is deep-rooted in social behaviour and cultural attitudes, training and seminars represent appropriate mechanisms through which to transform the perception of institutional violence from controversy into professional commitment.

The existence of decentralised Women's Offices responsible for mainstreaming gender at the sub-national level are key to local-level replication of such a protocol.

¹ UN Secretary General. 2006. *In-depth Study on all Forms of Violence Against Women*. UN, New York.



INSTITUTIONAL VIOLENCE AGAINST WOMEN IN LATIN AMERICA

Box 1: Defining Institutional Violence

The [UN Declaration on the Elimination of Violence against Women](#) and the [Convention on the Prevention, Punishment and Eradication of Violence against Women](#), the Latin American regional commitment relating specifically to violence against women, establish that institutional violence against women includes “physical, sexual and psychological violence perpetrated or condoned by the State or its agents regardless of where it occurs”.

Sources: Article 2 of the [UN Declaration on the Elimination of Violence against Women](#) and Article 2 of the [Convention on the Prevention, Punishment and Eradication of Violence against Women](#).

Despite a general lack of reliable data on cases of institutional violence in Latin America, it is possible to identify the occurrence of harassment against women in four public spheres in particular; education, healthcare, access to justice and the workplace. In the first instance, many girls and young women fall victim to sexual violence within learning institutions, sometimes leading to pregnancy. This can result in further discrimination and even exclusion, with serious impacts on the victim’s right to education and access to equal opportunities. Second, institutional violence committed within healthcare services manifests itself in the form of neglect and verbal, physical, and sexual abuse against women by doctors and nurses, representing a gross violation of reproductive and sexual rights.² Third, institutional violence in Latin American justice systems comprises a range of abuses, from the criminalisation of female victims by the police or courts to improper and/or inadequate investigations of cases.³ The final and most hidden form of institutional violence perpetrated against women in Latin America occurs in the workplace and can entail sexual harassment, exclusion from areas or job tasks, restricted access to professional development or work opportunities and unequal pay for equal work. Tackling gender-based violence in the workplace is at the heart of the broader struggle to ensure women’s labour rights and the right to live free from violence.

According to the 2003 Annual Report by the [United Nations Special Rapporteur on Violence against Women](#), gender violence in the workplace represents one of the principal forms of violence against women around the world.⁴ In most Latin American countries, relationships in the workplace are based on asymmetrical power relations between men, who typically occupy the highest jobs, and women, the most frequent victims of harassment. These hierarchical and patriarchal conditions create an environment in which it is more difficult for women to denounce acts of aggression and abuse, and this contributes to the impunity of perpetrators, as well as casting doubt about the integrity of the victims. Even if women were bold enough to denounce such acts, most Latin American countries lack effective mechanisms for dealing with claims and holding public officials accountable.

Fortunately, though, the tide now appears to be changing. Recognition that discrimination against women corresponds to sustained inequalities has prompted some Latin American governments to implement policies aimed at reducing gender gaps and protecting women’s human rights. Furthermore, countries like Argentina, Brazil, Chile, Mexico and Uruguay have all criminalised sexual harassment in the workplace.⁵ Since 2001, the Mexican Government has driven forward the adoption of a comprehensive strategy to tackle harassment and sexual harassment in public institutions. In 2009, these efforts culminated in the implementation of the Intervention Protocol for Harassment and Sexual Harassment by INMUJERES. Research for this Brief has been carried out based on a literature review, discussions with feminist human rights experts during the *Seminar on Women, Violence and Justice* organised by the Mexican civil society organisation [Fundar](#), and an interview with Ximena Andi3n Ib311ez, Director of the [Instituto de Liderazgo Simone de Beauvoir](#).

INTERVENTION PROTOCOL FOR HARASSMENT AND SEXUAL HARASSMENT IN THE MEXICAN FEDERAL PUBLIC ADMINISTRATION

Background

Available data on female victims of institutional violence in Mexico were analysed for the first time in 2006 by the [National Institute for Women - INMUJERES](#). Created by the

² Rattner, D. 2008. [Humanizing Childbirth Care: Brief Theoretical Framework](#). In: *Interface* 4.

³ ECLAC. 2007. [¡Ni Una Más! El Derecho a Vivir una Vida Libre de Violencia en América Latina y El Caribe. \(No more! The Right to Live a Life Free From Violence in Latin America and the Caribbean\)](#). ECLAC, Santiago. Also, see the [ELLA Brief: The Cotton Field Case in Mexico: Setting Legal Precedents for Fighting Gender-Based Violence](#).

⁴ Commission on Human Rights. 2003. [Violence Against Women](#). Commission on Human Rights, online publication.

⁵ ECLAC. 2007, see above n3.



Mexican Government in 2001, INMUJERES is responsible for developing and mainstreaming gender equality policies, as well as promoting the foundation of specific agencies in each branch at every level of government to support this mandate. Surveys, interviews and analysis conducted in 2008 by INMUJERES on harassment and sexual harassment in the public administration revealed that more than 25,000 workers had been victims of sexual harassment, but that only 7,000 had started a complaints procedure (15% of female victims and 5.3% of male victims).⁶ Ministries with the highest rates of harassment were the President’s office, the Ministry of Education, the Ministry of Health, the Ministry of Energy and the Ministry of Foreign Affairs. Half of all women respondents believed that job promotions depended on physical looks and perceived ‘sexuality’, and over 35% highlighted the lack of appropriate mechanisms for dealing with complaints. These findings confirmed that public institutions in Mexico were failing to take adequate measures to fulfill international, regional and national commitments to women’s right to live free from violence. This, despite the fact that Mexico had already developed several instruments setting out clear guidelines for addressing gender violence, including the [National Development Plan](#),⁷ [The National Programme for Equality between Women and Men](#), [The Special Programme for the Improvement of Management](#) and the National Agreement on Equality between Women and Men. More recently, however, studies conducted by INMUJERES have stressed the need for more comprehensive and targeted strategies to identify, investigate, punish and prevent acts of harassment in the workplace. Initial steps have been taken at the legal level, specifically through the enactment of the [General Law for Women’s Access to a Life Free from Violence](#) in 2007. Similarly, in half of all Mexican provinces (16 in total) local penal codes have been modified to criminalise this type of violence.⁸

In response to the findings of the 2008 report conducted by INMUJERES, the [Protocol for Harassment and Sexual Harassment in the Federal Public Administration](#) (hereinafter the Protocol) was developed to mainstream values regarding gender equality and non-discrimination across the operations and attitudes of public institutions and their workers. This

approach is based on the notion that any public institution should exhibit concrete values related to the society to which it belongs and, as such, these institutions need to be transformed when they sustain unequal and discriminatory structures.

Innovative Features

The Protocol displays various innovative features, in this Brief we focus on scope, the complaints procedure, training for civil servants and oversight.

Scope

The Protocol seeks to transform public institutions via three main pillars of action: prevention, protection and sanction (Figure 1).

Figure 1: A Three-pronged Approach to Tackling Violence in the Workplace

Approach	Procedure and Practice
Prevention	The Protocol promotes the establishment of institutional rules or norms which determine that the department or agency will refuse to employ anyone with a proven history of sexual harassment. The department or agency must also fulfil its obligation to document cases of proven harassment or sexual harassment in work records of the perpetrator (never in the victim’s records) and to provide this information to other employers.
Protection	The Protocol also establishes interim measures of protection, such as halting direct working relationships between the person harassing and the victim. It also states that any person who files a complaint will not be subject to intimidation, retaliation or discrimination. If it is not possible to verify the allegations, for example, there will be no retaliation and close monitoring of the situation must be carried out to ensure that there are no future occurrences. Privacy of all persons involved in a complaint must be reserved during the procedure. The Protocol is founded on the notion that public servants learn when they see that the institution is committed to its policy against sexual harassment and does not tolerate violations.
Sanction	The Protocol refers to evidence from international research that corrective disciplinary sanctions are effective tools to prevent and eliminate sexual harassment. It lists a set of disciplinary norms and graduated sanctions that must be included in the internal regulations of each department or agency, ranging from an official warning, to therapy, disciplinary actions (suspension, dismissal, change of workplace), a formal apology, conciliation or mediation and reimbursement of any costs associated with harassment.

⁶ Proceso. 2010. [Sufrieron 25 Mil Personas Acoso Sexual en Instituciones Públicas. \(25,000 People Suffered from Sexual Harassment in the Workplace\)](#). Proceso, online publication.

⁷ Target 16 of the National Development Plan 2007-2012 refers to the elimination of all forms of gender discrimination.

⁸ Programa de Asuntos de la Mujer y de Igualdad entre Mujeres y Hombres (Programme for Women’s Affairs and Gender Equality). 2013. [Legislación Penal de las Entidades Federativas que Tipifican el Acoso Sexual como Delito \(Criminal Legislation in Mexican Provinces Penalises Sexual Harassment\)](#). Comisión Nacional de Derechos Humanos (National Human Rights Commission), Mexico City.



The Protocol also clarifies the norms and/or regulations that any given act of harassment or sexual harassment infringes, such as labour norms, administrative rules or the penal code. This helps to determine the severity of the abuse, as well as the due processes for investigation and sanctions.

Complaints Procedure

The Protocol includes detailed guidelines on setting up and managing a complaints procedure in every agency or department. This is a highly relevant strategy because it aims to overcome two key obstacles to tackling institutional violence. First, it sends a clear message of zero-tolerance towards harassment and, in doing so, contributes to changing the behaviour and attitudes of civil servants. Second, the complaints procedure provides an institutional mechanism for dealing with claims of harassment, which empowers victims to denounce cases of abuse. Unfortunately, no data is yet available to demonstrate the impacts of this new complaints procedure on incidence and treatment of harassment. Considerable effort will be required to collect data on complaints and to assess the functioning and effectiveness of the procedure, including qualitative data from those individuals involved.

Training

INMUJERES has implemented an innovative training strategy as a means to raise awareness and deepen understanding of the Protocol and its practical application in public institutions. Training for civil servants was deemed particularly important due to the sensitive and controversial nature of institutional violence, as well as the patriarchal structures present in many federal institutions. In order to influence long-term cultural change, therefore, INMUJERES started holding seminars about sexual harassment issues and the need for specific policies to address the internal organisation of public offices. The Institute then launched [face-to-face training](#) and [two online courses](#) in order to reach out to a greater number of public officials. These courses aim to build basic and more advanced skills in gender approaches, and the prevention and treatment of harassment and sexual harassment. Participants are provided with a Competency Certificate as

a means to endorse gender awareness as a key component of professional development. Data produced by INMUJERES indicates that, by 2011, over five hundred civil servants had attended the face-to-face courses and over four thousand had taken the online course.⁹ Although only available in Spanish, it is worth noting that INMUJERES has produced a vibrant database of materials to accompany these courses, from tools for detecting sexist language in working documents, to anti-sexual discrimination screen savers, interviews with the public on gender issues, and *cine debate* – guidelines for conducting a critical gender assessment of selected films.

Oversight Mechanism

In June 2011, INMUJERES established a Committee for the Prevention and Treatment of Harassment and Sexual Harassment responsible for overseeing implementation of the Protocol recommendations by public institutions.¹¹ Made up of the Executive Director of INMUJERES, along with legal and technical support staff, the Committee has the authority to deal directly with cases of harassment, as well as to mandate actions aimed at improving internal processes within any given public agency. The Committee is also responsible for recommending any follow-up action to be carried out by INMUJERES in order to prevent future occurrences.¹¹

KEY IMPACTS

Four years since its launch, an assessment of the design and effectiveness of the Protocol is now required to understand if and how new mechanisms created within public institutions are impacting upon levels of harassment, including the number and type of complaints made, the quality and effectiveness of the complaints procedure, perceptions of victims, as well as behaviour and attitudes amongst civil servants. Despite a lack of comprehensive data, some initial and important impacts of the Protocol can be observed.

Increasing Visibility of Institutional Violence

The Protocol has faced some resistance within public institutions, relating mainly to the complexity and politics of changing internal structures and norms, as well as personal attitudes that the Protocol entails. Despite this, it is clear that

⁹ INMUJERES. 2012. [Informe de Rendición de Cuentas 2006 – 2012 \(2006-2012 Accountability Report\)](#). INMUJERES, Mexico City.

¹⁰ Ibid.

¹¹ Two documents (in Spanish) that may be useful for readers interested in learning more about the mandate and functions of the committee are the [Guía Administrativa de Prevención y Atención a Quejas por Acoso Laboral, Acoso y Hostigamiento Sexual \(Administrative Guidelines\)](#) and the [Procedimiento de Actuación del Comité para la Prevención y Atención del Hostigamiento y Acoso Sexual \(Procedures\)](#).



the Protocol has improved the visibility of harassment and sexual harassment within public institutions. One important indicator of this is that 48 federal public agencies have now developed their own internal mechanisms to deal with harassment. In this sense, INMUJERES has been able to use the Protocol to harness and mobilise greater political commitment to tackling institutional violence in Mexico. The outreach of the Institute's dissemination and training strategies are two further indicators of this success, with some 4,500 civil servants having received professional development on these issues as of 2011.¹² Beyond the national sphere, INMUJERES has also held three international seminars with the objective of sharing experiences of regional and international strategies for preventing and tackling institutional violence, helping to position the country as one of the regional leaders in this field.

Creation of Complaints Mechanisms

By 2012, nine federal offices and 22 other state institutions had established internal mechanisms for preventing and dealing with institutional violence based on the Protocol. These include the National Secretariats of Energy, Finance and Public Credit, National Defence, Economy, Tourism, the Navy, the Office Legal Counsel for the Executive Branch, the Office of the Presidency of the Republic and the Ministry of Labour and Social Welfare.¹³

Local Replication

Every Mexican state has its own Women's Office responsible for mainstreaming gender across local-level government. Inspired by the Protocol, several states such as Oaxaca, Puebla, Sonora and Tamaulipas, have begun implementing actions to prevent and deal with harassment in the workplace. These include:

- The elaboration of a diagnosis of sexual harassment and violence in public institutions in Oaxaca, conducted by the local Women's Office

- Guidelines for the prevention and treatment of sexual harassment in the working place developed by the Women's Offices in Oaxaca, Puebla and Sonora;
- Pamphlets and study guides to help public servants deal with sexual harassment produced by the Women's Office in Puebla and the Women's Institute in Sonora;
- A local protocol to deal with sexual harassment in public institutions developed by the Women's Institute in Tamaulipas.¹⁴

¹² INMUJERES. 2012, see note above.

¹³ The other institutions are: Administración Portuaria Integral de Puerto Madero, S.A. de C.V., Administración Portuaria Integral de Dos Bocas, S.A. de C.V., Administración Portuaria Integral de Progreso S.A. de C.V., Administración Portuaria Integral de Tampico, S.A. de C.V., Administración Portuaria Integral de Altamira, S.A. de C.V., Centro Internacional de Instrucción de ASA, Telecomunicaciones de México, Banco Nacional del Ejército, Fuerza Aérea y Armada S.N.C., Archivo General de la Nación, Procuraduría Federal de la Defensa del Trabajo, Centro Regional de Alta Especialidad de Chiapas, Pemex-Corporativo, Centro de Investigaciones en Óptica, A.C., Centro de Investigaciones y Estudios Superiores en Antropología Social, Instituto Potosino de Investigación Científica y Tecnológica, Instituto Nacional para el Federalismo y el Desarrollo Municipal, Secretaría General del Consejo Nacional de Población, Coordinación General de la Comisión Mexicana de Ayuda a Refugiados, Centro de Producción de Programas Informativos Especiales, Secretaría Técnica de la Comisión Calificadora de Publicaciones y Revistas Ilustradas y Apoyos, Servicios a la Comercialización Agropecuaria y Consejo Nacional de Ciencia y Tecnología (CONACYT).

¹⁴ INMUJERES. 2010. [Estrategias Implementadas por las Instancias de las Mujeres en las Entidades Federativas para Prevenir, Atender, Sancionar y Erradicar la Violencia contra las Mujeres \(Strategies Implemented by Women's Offices in Federal Agencies for the Prevention, Treatment, Sanction and Eradication of Violence Against Women\)](#). INMUJERES, Mexico City.

CONTEXTUAL FACTORS

ENABLING THE DEVELOPMENT OF THE PROTOCOL



Inspired by international and regional standards for women's rights and the prevention of violence against women, the Mexican State has taken some important steps towards tackling institutional violence by making changes to national law and creating a new institution, INMUJERES, to drive forward gender mainstreaming in policy and practice. Central Government commitment and action have undoubtedly raised awareness of gender issues in general, making public institutions and their employees more receptive to recent initiatives on gender violence, including the Protocol.

The technical capacity and political skills of INMUJERES are two significant factors behind the successful implementation of the Protocol to date. Collection and analysis of primary and secondary data on the controversial issue of harassment within public institutions has required a sensitive approach, and consistent political lobbying has helped secure and mobilise broad commitment to the adoption of the Protocol within public offices.

LESSONS LEARNED

- 1 The adoption of an Intervention Protocol for Harassment and Sexual Harassment represents an innovative strategy for transforming unequal and discriminatory structures within public institutions.
- 2 The creation of an independent complaints mechanism that protects confidentiality is fundamental if victims are to come forward and denounce abuse in the workplace
- 3 Given that institutional violence is deep-rooted in social behaviour and cultural attitudes, face-to-face training, online courses and seminars all represent important mechanisms for achieving outreach and can help transform the perception of institutional violence from a controversial issue into a professional commitment.
- 4 The existence of local Women's Offices responsible for mainstreaming gender at the sub-national level has been vital for the replication of the Protocol in other Mexican states.

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