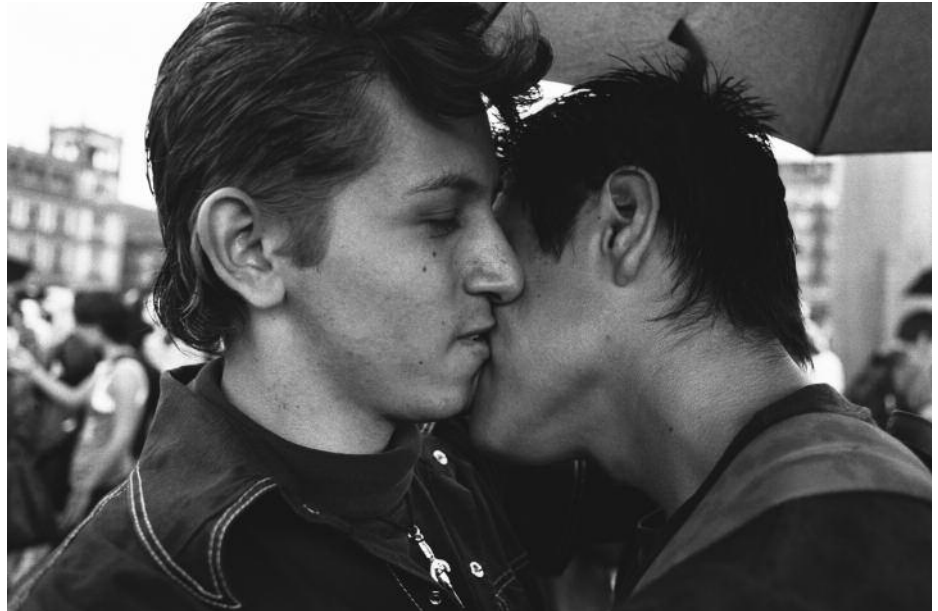


# The Culture of Discrimination in Mexico

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Until only a few years ago, discrimination did not officially exist in Mexico. A combination of vested interests, narrow visions and political cynicism forged a government discourse incapable of recognizing and politically admitting that several of the social inequalities that marked us as a nation were the result of the systematic exclusion of certain social groups.

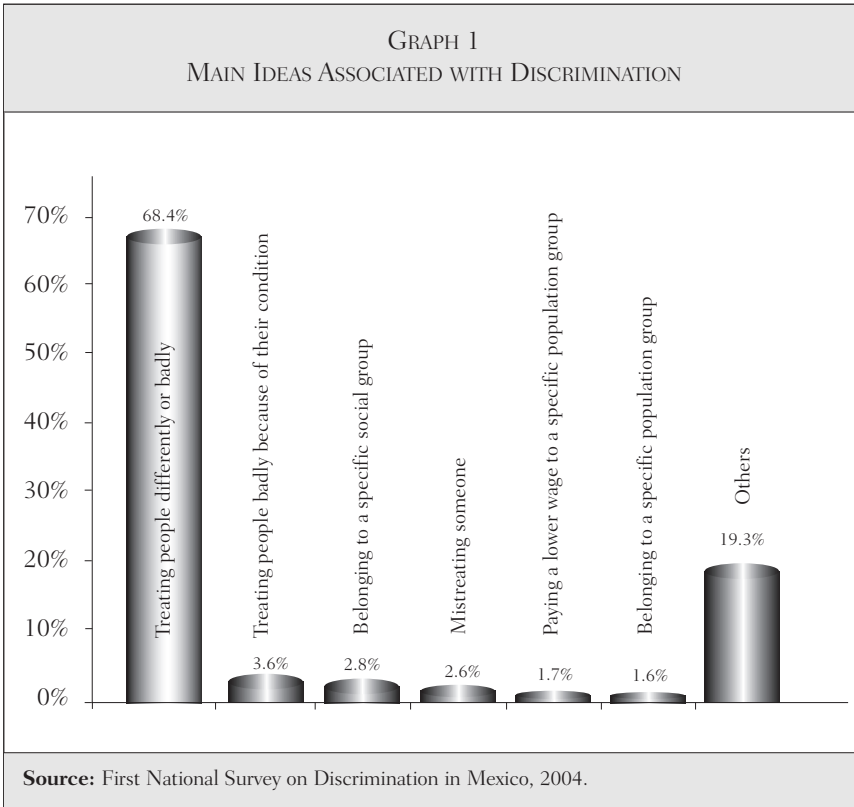
The self-interested myopia of government in this matter has begun to change, albeit slowly. Undoubtedly, the turning point was the reform of Articles 1, 2, 4, 18 and 115 of the Constitution in the framework of the debates about what has come to be known as the Indigenous Law. This reform was published in the *Official Gazette* August 14, 2001, and added a third

paragraph to Article 1 explicitly prohibiting any form of discrimination that injures human dignity and has as its object the denial or violation of the rights and freedoms of the individual.

With the incorporation of this anti-discrimination clause, the Constitution lined up with the increasingly more widely accepted interpretation that equality cannot be a simple starting point nor a mere formal declaration of legal equality before the law and the courts, but an end and superior value that orders and gives meaning to a democratic political community.

Coincidentally, that same year a group of academics, legislators, intellectuals, militants of different political parties and social activists, led by a veteran left activist, Gilberto Rincón Gallardo, had founded the Citizens Commission for the Study of and Against Discrimination. This was a pluralistic, deliberative body with two major aims: doing a diagnostic analysis of discrimination in Mexico and formulat-

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ing a legislative proposal to regulate the constitutional prohibition of all forms of discrimination, and, as part of that project, proposing the creation of a state body to promote and monitor enforcement of the legislation that would result from this process.

Both activities were completed in late 2001 and presented to the executive, the legislature and the public. Mexico’s president sent a bill to Congress that was approved unanimously in April 2003 and the Federal Law to Prevent and Eliminate Discrimination (LFPED) was enacted June 11 of that same year.<sup>1</sup>

Its unanimous approval may give the false impression that it was a smooth, uncomplicated process. This was not the case. Agreement did not exist inside the administration about some crucial aspects of the bill: for example, the kind of behavior that should be considered discriminatory, the nature and status of the state body that should monitor the law’s enforcement, the kind of protection that should be established for victims of any discriminatory act, and, above all, the scope of the compensatory and promotion policies the state should guarantee to individuals who belonged to vulnerable groups, and

who were therefore at greater risk of suffering from different kinds of discrimination.

The bill’s journey through Congress was not easy either, and it suffered several changes along the way. Political and budgetary considerations made it impossible to make the new body autonomous and reduced the original list of affirmative action measures. Finally the bill was approved and months later the National Council for the Prevention of Discrimination (Conapred) was created, but the way forward to a solid anti-discriminatory policy, capable of promoting a more just, inclusive society, was not clear.

Many obstacles persist, not the least of which is the lack of awareness on the part of the political class itself about the real meaning of discrimination, as well as its costs and implications. An anecdote told by current Conapred president, Gilberto Rincón Gallardo, illustrates this point. In his text “La discriminación en la agenda del desarrollo” (Discrimination on the Development Agenda), he remembers that in late 2003, during the Chamber of Deputies discussion about the 2004 budget, in reference to the proposed Conapred budget, one legislator “remarked to anyone who wanted to listen that non-discrimination was a matter for developed societies, like Europe, but that it could have very little meaning for a country with needs like Mexico’s. In his opinion, allotting sufficient resources to the state’s institutional struggle against discrimination was a kind of eccentricity that a poor country like ours could not allow itself.”<sup>2</sup> That this was not an isolated opinion is shown by the fact that the budget finally approved was only 33 percent of the original proposal, which in itself was already pretty meager.

Contrary to what certain members of Congress and some sectors of the federal administration think, the fight against discrimination is not a luxury for poor countries, nor is it a demand that is only of interest to certain minorities. Strictly speaking, the right to non-discrimination is valid for everyone and is a central right of modern democratic states. In the words of the distinguished professor Luigi Ferrajoli, it guarantees the right to be different, that is, to be oneself and to continue to be different from others without being subject to or excluded from those others, at the same time that it guarantees the right to compensation for social disadvantages and, therefore, to becoming individuals equal to the rest with at least minimum conditions for living and survival.

Probably, the incorrect idea that part of our political class has about the importance of the struggle against discrimination is derived from a shaky understanding of the problem and a bad reading of the definition established in Article 4 of the LFPED: “For the purpose of this law, discrimination will be understood as all distinctions, exclusions or restrictions that, based on ethnic or national origin, sex, age, different abilities, social or economic condition, health conditions, pregnancy, language, religion, opinions, sexual preferences, marital status or any other condition, have as an effect impeding or negating the recognition or exercise of rights and individuals’ real equal opportunity.”

Certainly, when we speak of discrimination, we are referring to a series of attitudes, forms of behavior and social practices that imply inferior treatment of certain persons or groups with a trait understood by society as of little value or labeled as negative, unde-

sirable, perverse, dangerous and/or having a negative effect on society’s cohesion. However, these disparaging forms of behavior sooner or later give rise to, as the law says, a restriction or denial of fundamental rights and access to opportunities for development. In fact, the distinctive trait of discrimination, together with disparagement or contempt, is the denial of rights for some, which means at the same time privileges for others. As Mexican scholar Isidro Cisneros has pointed out, in a democratic society in which we are all formally equal, discrimination is the basis for social privileges.

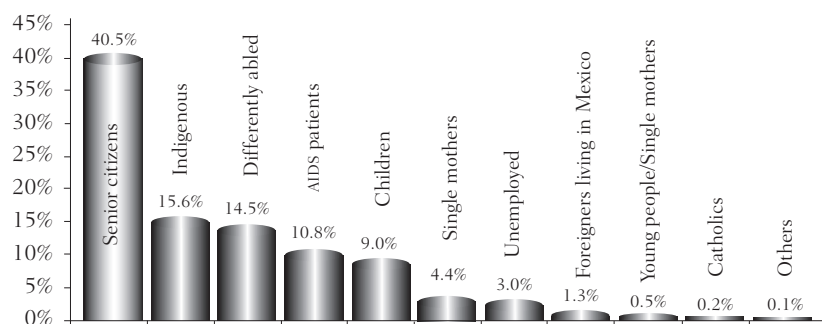
Discrimination begins when certain differences are characterized by peo-

ple with certain power—whether it be symbolic, political, economic or any other kind—as illegitimate or perturbing. These differences may be, for example, skin color, a disease, a sexual preference different from the predominant one, etc. These differences, once stigmatized, become a reason and pretext for degrading treatment and for justifying unequal access to opportunities and rights, and not uncommonly for legitimizing the subjection of some individuals or groups to others.

As a result, we are not faced with a minor problem. Discrimination injures and corrodes democracy; it reproduces, deepens and also creates inequalities; it incites societal conflict; it has enor-

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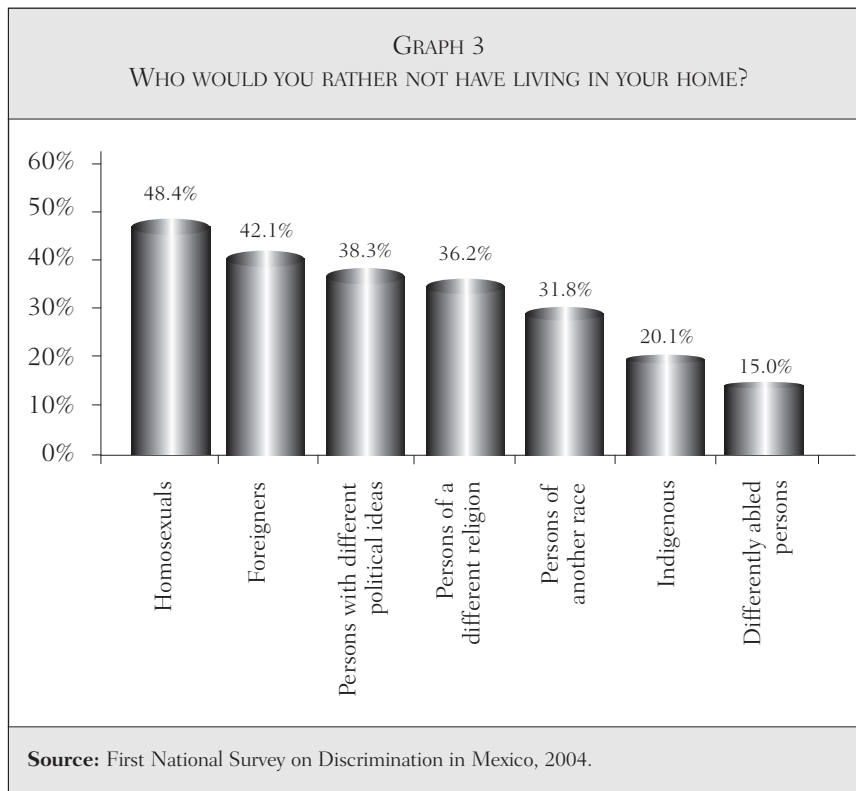
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Source: First National Survey on Discrimination Mexico, 2004.

mous costs in the realm of justice, but also economic costs. To get an idea of the serious dimension of the problem, its implications and its ominous consequences, suffice it to cite a few examples of situations in society that can ultimately be traced back to discrimination:

- In Mexico, women’s average annual income for paid work is approximately U.S.\$4,486, while for men it is practically triple: U.S.\$12,184.
- In 2000, 11.3 percent of women over the age of 15 were illiterate, compared to only 7.4 percent of men in the same age group.
- The indigenous population is 45 percent illiterate, while the national average is gauged at 10 percent.
- Most of the illiterate indigenous population are women (48.1 percent), while men represented only 29.6 percent. In Oaxaca, of approximately 500,000 illiterate persons, 67 percent were women.
- The states with the highest indigenous population (Puebla, Michoacán, Guerrero, Oaxaca and Chiapas) occupy the five lowest places on the Human Development Index nationwide.
- The index of children’s rights compliance in Mexico shows profound differences by region and state. For example, children from the ages of zero to five years born in the state of Guerrero, a southern impoverished state, have one-third the chance of staying alive, growing up healthy and getting an education as children born in the northern state of Nuevo León.
- Child mortality among the indigenous population (48.3 per thousand live births) continues to be almost double the national average (28.2 per thousand live births).



This list could be extended *ad infinitum*: we would have to speak to the lack of educational and job opportunities for differently abled persons; the mistreatment and exclusion of older adults; the harassment and violence against non-heterosexuals. And these figures would end by sketching a country suffering from widespread discriminatory practices, crisscrossed by profound inequalities and injustices.

Given this panorama, different questions arise: Is society aware of the problem of discrimination? Does it realize its dimensions? Does it recognize its consequences? Does it realize that some groups are liable to suffer systematic discrimination? In contrast with our situation a few months ago, we now have a wealth of information that can at least attempt to give a first response to these questions. It is provided by the First National Survey about Discrimination, designed and implemented by

the Social Development Ministry (Sedesol) with support from Conapred.

The Sedesol decided to find out what society’s perceptions were about discrimination, analyzing both the general public and specific populations hypothetically exposed to discrimination. The sample for the general population encompassed 1,482 interviews of persons 18 years and over, and equally representative surveys were done nationwide of sub-sets of the population: senior citizens, indigenous, differently abled persons, religious minorities and women, with a total of 5,608 questionnaires filled in. To explore the group of non-heterosexuals, given the methodological difficulty in identifying it and building a representative sample, officials opted to do a case study with 200 interviews.<sup>3</sup>

The possibilities for analyzing this survey are enormous so I will concentrate here on only a few features. What

is most noteworthy in this survey? In the first place, that almost seven out of ten persons in the country associate the term “discrimination” with differentiated or negative treatment of certain people. This means that a sizeable proportion of those surveyed perceived the contempt or disparagement inherent in the act of discriminating and appropriately grasped its significance.

But only a small proportion of that universe links discrimination with the loss of rights. This may mean that the population is not sufficiently clear that the contempt and mistreatment associated with discrimination end up translating inevitably into not only symbolic exclusion, but into the restriction of fundamental rights and fewer opportunities for development.

If this reading is correct, the fight against discrimination in Mexico faces serious problems: as long as people do not see the sometimes irreparable damage created by discrimination in people’s lives, the phenomenon can tend to be seen as trivial. It can be considered negative, but not particularly serious; it can be seen in any case as an expression of merely individual attitudes that are politically incorrect but unimportant, and not as a problem that leads to social exclusion and that therefore merits the state’s corrective intervention in order to restore unjustly trampled rights.

The survey also allows us to infer that the social imaginary has differentiated perceptions of the legitimacy of diverse exclusionary practices, as well as of the consideration and government support discriminated-against groups have a right to. The answer to some questions, for example, about which groups are the most vulnerable, which should receive help from the government, which could create conflicts, etc., makes it

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possible to identify two main groups of individuals suffering from discrimination in that imaginary:

1. Those who push certain emotional buttons and prompt commiseration or solidarity, but who are the object of a special social consideration to the degree that they are seen as deserving of government support. Among these are clearly senior citizens and, to a lesser extent, differently abled individuals, people with HIV-AIDS and the indigenous.
2. Those who are mistrusted and rejected, who are seen as a potential threat to the social or moral order and whose discrimination is thus implicitly seen as justified: outstanding among these are foreigners, members of religious minorities and non-heterosexuals.

The majority of those interviewed considered, for example, that among the most unprotected groups in Mexico were senior citizens, followed by indigenous, differently abled persons and AIDS patients. Between 67 percent and 75 percent thought the government should support senior citizens, the differently abled and indigenous in seeking jobs, but these percentages dropped significantly when asked about foreigners (52.2 percent thought they

should be given government support), non-Catholics (45 percent) and homosexuals (35.4 percent). To a question about who they would never hire, almost one-fifth answered “a foreigner” and “an AIDS patient”, while one in ten answered “a homosexual”.

The survey included the controversial but illustrative question about whether the interviewee would be willing to have homosexuals, foreigners, people with different political ideas, or another religion, or another race, indigenous or differently abled individuals living in their home. The results are revealing: only 15 percent said they were not willing to have differently abled persons living in their home; 20 percent objected to living with indigenous. However, the negative responses increased when people of other races, religions and political views were mentioned, rising to 48.4 percent when asked about homosexuals.

These differences in perception pose a potential problem for the fight against discrimination in Mexico because they could encourage our political class to be tempted to only promote actions that benefit discriminated groups favored by public opinion, blocking those directed at safeguarding the rights of equally discriminated against but socially rejected groups, all at the cost of an integral policy and strategy.<sup>4</sup>

The temptation to foster anti-discriminatory policies selectively is not limited to the government; it is also present in the business world, including the large multinational corporations which, despite having anti-discriminatory policies in their home offices, only apply them partially in Mexico. Recently, Conapred announced a case of a powerful soft drink multinational whose subsidiary in Mexico promoted inclu-

sionary labor programs for the differently abled but discriminated against non-heterosexuals.

The issue of a partial, selective anti-discriminatory policy is particularly worrying because, judging from the survey results, homophobia is still very deeply entrenched in important segments of the population. Just look at the following figures: asked about whether government should do anything if the majority of a community decided a group of homosexuals should not live there, two out of every five interviewees said the authorities should do nothing special like, for example, defending homosexuals' rights to reside there without being bothered. Three out of every ten people thought a special neighborhood—that is, a ghetto—should be built for homosexuals to live in.

More than half those interviewed attributed homosexuals' problems in relating to others to their sexual preference, to their behavior and way of life. This is a typical attitude blaming the excluded for their exclusion. Fewer than 20 percent of those surveyed attributed those problems to discrimination and the rejection of society.

It is not strange that under these circumstances, the gay community clearly and unequivocally sees itself as discriminated against. As already mentioned, the survey included a case study in which people from the gay community were interviewed, the results of which include the following:

- Ninety-four percent perceived themselves as discriminated against.
- Seven out of ten homosexuals think their rights to be treated equally under the law, to not be victims of violence and to freely express their ideas are not respected.

The population is not sufficiently clear that the contempt and mistreatment associated with discrimination end up translating inevitably into the restriction of fundamental rights.

- Eight out of ten think gay unemployment is because of discrimination.
- Seven out of ten think that homosexuals have fewer opportunities of getting a job.
- Three out of every ten say that in the last five years they have been denied a job because of being homosexual.
- Four out of ten say they have been discriminated against on the job because they are homosexual.
- More than half assume that the main obstacles for getting ahead are related to discrimination and the lack of opportunities.
- Seven out of ten think discrimination is the greatest suffering people with different sexual preferences face.

In light of these figures and of the denunciations made to the Conapred, it seems impossible not to make a priority of the fight against homophobia. But there are also other urgent matters that the survey leaves no room for doubt about. Just as the fundamental rights of the gay community must be protected, it is also necessary to implement precise anti-discrimination policies to safeguard the rights of women, indigenous, the differently abled, little girls and little boys, religious minorities, migrants, etc.

Although this survey is a base line and we cannot know how perceptions

about discrimination have evolved, the results show that, for example, phenomena like sexism, racism and religious intolerance are constituent aspects of the way significant sectors of the population view life.

Two out of every five people interviewed think that indigenous will always suffer from social limitations because of their racial characteristics; one in three thinks that the only thing they have to do to escape poverty is not behave like indigenous; and two in five would be willing to join others to ask that the authorities not allow a group of indigenous to move close to their community.

Perceptions about women are no better: one out of five interviewees thought it was natural that women be denied more things than men; one out of seven thinks that not much should be spent on educating daughters because they eventually get married; one in five thinks that women who want to work should work in "women's" fields; almost one in five thinks that women are less capable than men of holding important posts; one in three considers it normal that men earn more than women; and, finally, one in four agrees with the idea that many women are raped because they "provoke" men, a painfully misogynist affirmation in a country that carries the burden of the shame of the Ciudad Juárez "femicides."

The National Survey on Discrimination reveals a worrying panorama in which discrimination seems to be routine. The fact that it refers to perceptions and attitudes of contempt should not make us forget that these mental phenomena tend to translate into individual forms of behavior and social practices that limit the lives of those discriminated against because they turn into lives without rights: the rights to

education, to a well-paying job, to decent treatment in health care facilities, and even to simply externalize a preference or identity for fear of scorn, marginality and persecution.

Therefore, the fight against discrimination can only be conceived of as an integral struggle for the restitution of rights to those who have *de facto* lost them because they are victims of social stigma. Restituting those rights implies removing prejudices, promoting respect and tolerance, reforming exclusionary laws and reorienting public policies to compensate groups at a disadvantage socially. In this, the state has a crucial, undeniable role: its task, as stipulated in Article 2 of the Law to Prevent and Eliminate Discrimination, is “to promote the conditions to ensure that individuals’ freedom and

equality are real and effective.” Its irrevocable duty is to fight against discrimination, in favor of equality, in favor of all people enjoying a life with rights, the only kind of life that deserves to be called decent. **MM**

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#### NOTES

<sup>1</sup> Ley Federal para Prevenir y Eliminar la Discriminación (Mexico City: Consejo Nacional para Prevenir la Discriminación, 2004).

<sup>2</sup> Gilberto Rincón Gallardo, “La discriminación en la agenda del desarrollo” (paper read at the International Forum on Non-Discrimination, organized in Mexico City by the Inter-American Development Bank and the National Council for the Prevention of Discrimination in September 2004).

<sup>3</sup> *Primera Encuesta Nacional sobre Discriminación en México* (Mexico City: Secretaría de Desarrollo Social/Consejo Nacional para Prevenir la Discriminación, 2005). For a description of the methodology used, see *Encuesta nacional sobre discriminación. Nota metodológica sobre*

*el diseño de la muestra*, photocopy (Mexico City: Sedesol, May 12, 2005). This document specifies that the sampling was stratified by conglomerate and multi-stage, with a probability proportional to the size and random selection of the units in the different stages of sampling. It also stipulates that the confidence level for sampling the general population is 95 percent, with a margin of error of plus or minus three to four points, while the level of confidence of the sub-samples is 90 percent with a margin of error of plus or minus 4 points. Information about this survey and the survey’s data base can be found at [www.sedesol.gob.mx](http://www.sedesol.gob.mx)

<sup>4</sup> This is not mere academic speculation. Compare, for example, the importance given by the current administration to differently abled persons and the embarrassment in several sectors of the federal government caused by the first publicity campaign against homophobia by the Ministry of Health through the National AIDS Attention and Prevention Center (Censida) and Conapred.

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#### FURTHER READING

Añón, María José, *Igualdad, diferencias y desigualdades* (Mexico City: Fontamara, 2001).