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50:50 by 2030: A longitudinal study into gender disparity in law



MEXICO RESULTS REPORT

International Bar Association Legal Policy & Research Unit
with the support of the LexisNexis Rule of Law Foundation

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The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community. The LPRU engages with legal professionals, law firms, law societies and bar associations, governments, non-governmental organisations and international institutions to ensure innovative, collaborative and effective outcomes.

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Foreword

In Mexico, women make up 51.7 per cent of the total population.¹ However, we represent only 41.5 per cent of the total workforce.² Consequently, the Presidency of the Federal Judiciary recognises the importance of the ‘50:50 by 2030’ Gender Project, led by the International Bar Association with the support of the LexisNexis Rule of Law Foundation. This research collects data that sheds light on the challenges women face in the legal profession globally. This project is crucial for developing strategies tailored to the needs of women legal professionals and identifying where the gaps that limit their participation lie. It does so not only by identifying the persistent challenges in addressing gender inequalities but also by evaluating the results and impact of public policies and legislation adopted to tackle them. The ultimate goal is to consolidate egalitarian democratic cultures that benefit women and society as a whole.

The participation of women in the public sphere, especially in decision-making positions, and their empowerment has been driven by historical, social, cultural, economic and political changes. These changes have been promoted through the adoption of various international declarations, conventions and resolutions, as well as national judicial criteria and legislative changes that respond to the demands and efforts – both individual and collective – of women, human rights defenders, and civil society organisations.

A century after the enactment of our Political Constitution (1917), the demands of women regarding gender parity were enshrined in the 2014 constitutional reform, which elevated the principle of gender equality to a constitutional level, and in the 2019 reform, which incorporated equal participation of men and women in decision-making positions across all spheres of political, economic, and social life at all levels of government. In 2021, the constitutional reform of the Federal Judiciary established the incorporation of a gender perspective as one of the judiciary’s primary functions in a transversal, progressive and equitable manner in the exercise of its powers. It also established that gender equality is a guiding principle of the judicial career, to be observed at all stages, ensuring that at least half of the positions are occupied by women.

The progress of women in the Federal Judiciary is very encouraging. In November 2018, there were 23 per cent female judges and 18 per cent female magistrates; by November 2022, these percentages had risen to 32 per cent and 21 per cent respectively. As of May 2024, we have reached 36 per cent female judges and 22 per cent female magistrates. Additionally, in recent years, there have been unprecedented developments in the history of the Supreme Court of Justice of the Nation:

- During the 2021–2022 period, two women were unanimously elected to preside over the Chambers of the Constitutional Court: Justices Ana Margarita Ríos-Farjat and Yasmín Esquivel Mossa.

1 National Survey of Demographic Dynamics (National Institute of Statistics and Geography, 2023) www.inegi.org.mx/programas/enadid/2023/ accessed 13 August 2024.

2 National Survey of Occupation and Employment (National Institute of Statistics and Geography, 2024) www.inegi.org.mx/temas/empleo/ accessed 13 August 2024.

- In 2023, I was appointed as the first female President of the Supreme Court of Justice of the Nation and the Federal Judiciary Council, breaking what seemed to be an impenetrable glass ceiling for all Mexican women.
- In 2024, the Supreme Court of Justice of the Nation has five of its 11 seats occupied by women Justices: Ana Margarita Ríos Farjat, Lenia Batres Guadarrama, Loretta Ortiz Ahlf, Yasmín Esquivel Mossa, and myself, Norma Lucía Piña Hernández. This represents the highest number of women in the history of this High Court.

Today, in the Supreme Court and the Federal Judiciary Council, we have moved beyond the reductionist idea that gender equality is achieved through the mere enactment of institutional regulations. During my administration, we have aimed to base ourselves on accurate, evidence-based diagnostics to develop comprehensive programmes and coordinated actions that translate into real and effective measures to improve the lives of women. These include adjustments to working conditions to promote shared caregiving responsibilities (eg, flexible work, paternity leave, and breastfeeding support); policies of inclusion; zero tolerance of gender-based violence and discrimination within the institution; and the strengthening of gender equality. All of this is done with an efficient use of public resources.

A significant effort has been made to increase the number of women in the legal profession. However, structural barriers persist when entering and participating in this profession, as well as obstacles that hinder our retention in decision-making positions. Therefore, the measures developed to accelerate women's participation must be comprehensive and accompanied by monitoring and oversight mechanisms that allow us to address: (1) the conditions under which women enter the profession; (2) their retention and advancement to high-level positions; (3) leadership styles and commitment to the equality agenda; and (4) how the path is paved for those who follow.

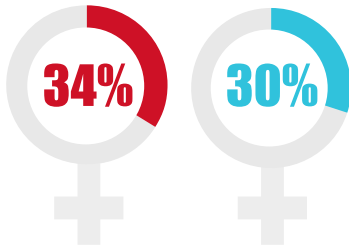
The '50:50 by 2030' Gender Project contributes to the generation and transparency of gender-perspective data, enhancing our understanding of the gaps and challenges faced in the legal field. These studies, including Mexico's and those of other participating countries, serve as a reference for designing, modifying and replicating strategies based on evidence that responds to the landscape and dynamics within this field, enabling comparisons and identifying changes over time.

The Mexican federal judiciary reiterates its commitment to the equal representation of women and men, an essential step toward achieving substantive equality.

Norma Lucía Piña Hernández

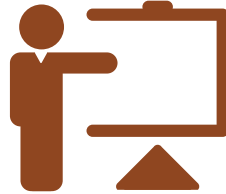
President of the Supreme Court of Justice of the Nation

Main findings – Mexico



Gender representation:

Women make up **34 per cent** of lawyers overall and **30 per cent** of senior lawyers.



The three most popular initiatives are:

- **Flexible working arrangements**
- **Leadership training for women**
- **Target setting**

Gender monitoring:

85 per cent of respondents monitor gender balance overall.

73 per cent monitor gender balance overall and within senior positions.



Out of the 11 Supreme Court Justices of the Supreme Court, five are female judges (**45 per cent**).



Within law firms, women make up **39 per cent** of lawyers and **17 per cent** of lawyers in positions of seniority.



Within the public sector, women make up **35 per cent** of all lawyers, and hold **33 per cent** of lawyers in positions of seniority.



Flexible working arrangements, despite being the most popular initiative, is perceived as the fourth most effective by respondents.



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www.ibanet.org/gender-equality-in-the-legal-profession

Introduction

The project

The International Bar Association (IBA) and the LexisNexis Rule of Law Foundation (LNROLF) have collaborated on a global study to uncover the root causes of gender disparity in the legal profession. The study, titled *50:50 by 2030: a longitudinal study into gender disparity in law* (the ‘Gender Project’) commenced in 2021. Reports have been published on England and Wales, Uganda, Spain, Nigeria, the Netherlands, Chile, the Republic of Korea and Brazil.³

Country context

Mexico is a federal republic composed of 31 states (or federal entities) and the capital, Mexico City. Mexico is in the top 15 largest economies in the world and is the second-largest economy in Latin America (behind Brazil)⁴ with a population of approximately 130 million, comprising 95.6 males for every 100 females.⁵

Governmental powers are divided constitutionally between the executive, legislative and judicial branches. Mexico has a bicameral parliament. The legislative branch is divided into the Chamber of Deputies and the Chamber of Senators. When Mexico was under one-party rule in the 20th century, the president had strong control over the entire country. The federal constitution⁶ now delegates several powers to the 31 states and Mexico City (formerly known as the Federal District), including the ability to raise local taxes. Moreover, each state has its own constitution, and follows the model of the federal constitution in providing for three independent branches of government (legislative, executive and judicial). Most states have a unicameral assembly called the Chamber of Deputies. The federal constitution, which has been amended several times, guarantees personal freedoms and civil liberties and establishes the economic and political principles for the country.⁷

Workplace gender equality laws

Mexico has signed and ratified various International Labour Organization (ILO) Conventions that promote gender parity in the workplace: the Equal Remuneration Convention 1951 (ratified in 1952), the Discrimination (Employment and Occupation) Convention 1958 (ratified in 1961) and the Domestic Workers Convention 2011 (ratified in 2020). In 1981, Mexico also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

3 Additional reports on the legal profession in Turkey and Ukraine will be published later in 2024.

4 ‘World Economic Outlook Database’ (International Monetary Fund, 2024) www.imf.org/external/datamapper/NGDPD@WEO/OEMDC/ADVEC/WEOWORLD accessed 24 July 2024.

5 ‘Mexico Population Clock’ (US Census Bureau, 2024) www.census.gov/popclock/world/mx#world-footer accessed 24 July 2024.

6 ‘Political Constitution of the United Mexican States (1917)’ (Start-Ops Mexico) <https://start-ops.com.mx/mexican-laws/political-constitution-in-english/> accessed 24 July 2024.

7 ‘Government and society’ (Britannica, 23 July 2024) www.britannica.com/place/Mexico/Government-and-society accessed 24 July 2024.

In 2022, Mexico ratified the ILO Violence and Harassment Convention, which includes (among other things) commitments to adopt laws and regulations to prohibit violence and harassment in the workplace, including gender-based violence and harassment, and provide victims of workplace gender-based violence and harassment effective access to complaint and dispute resolution mechanisms, support services and remedies.⁸ Abortion was decriminalised nationally by a Supreme Court ruling in September 2023. Mexico's congress will now have to pass a law eliminating abortion from the penal code. About 20 states still have laws that criminalise abortion (meaning 12 of Mexico's 32 states have officially decriminalised abortion).

At the national level, gender equality enjoys constitutional and legislative protection. Mexico's Constitution prohibits discrimination based on ethnic or national origin, gender, age, disabilities, social status, health conditions, religion, opinions, sexual preferences or marital status, or any other action that harms human dignity and has the purpose of nullifying or undermining the rights and freedoms of individuals.⁹

Key national laws promoting gender equality in the workplace are the following:¹⁰

- Federal Labour Law (Ley Federal del Trabajo) prohibits working conditions that imply discrimination among workers based on ethnic or national origin, gender, age, disability, social status, health conditions, religion, immigration status, opinions, sexual preferences or marital status, or any other condition that violates human dignity. It also requires employers to implement protocols to prevent gender discrimination¹¹ and guarantees 12 weeks' maternity leave.¹²
- Federal Law to Prevent and Eliminate Discrimination (Ley Federal para Prevenir y Eliminar la Discriminación) requires government authorities to carry out measures to guarantee all people real equality of opportunity and the right to non-discrimination.¹³
- General Law for Equality between Women and Men (Ley General para la Igualdad entre Mujeres y Hombres) aims to guarantee equal opportunities and treatment between men and women, and propose institutional mechanisms aimed at achieving equality in both the public and private sectors, and across economic, political, social and cultural spheres.¹⁴

8 'World Report 2024: Mexico' (Human Rights Watch, 2024) www.hrw.org/world-report/2024/country-chapters/mexico#49dda6 accessed 24 July 2024.

9 See n 6 above, Art 1.

10 'CMS Expert Guide on Discrimination in the Workplace: Mexico' (CMS Law, 2024) <https://cms.law/en/int/expert-guides/cms-expert-guide-on-discrimination-in-the-workplace/mexico> accessed 24 July 2024.

11 'Mexican Federal Labor Law (2024)' (Start-Ops Mexico) <https://start-ops.com.mx/mexican-laws/labor-law-in-english/> accessed 24 July 2024.

12 This is less than the 14 weeks required under ILO Convention C183 Maternity Protection Convention, 2000, which Mexico has not ratified. Ibero-American General Secretariat (Secretaría General Iberoamericana or SEGIB) and United Nations Women, 'Progress and Challenges in Legislative Frameworks for Women's Economic Autonomy and Empowerment in Ibero-America' (2020) www.segib.org/en/?document=avances-y-retos-legislativos-en-materia-de-autonomia-y-empoderamiento-economico-de-las-mujeres-en-iberoamerica-2 accessed 24 July 2024.

13 Federal Law to Prevent and Eliminate Discrimination (2003) www.diputados.gob.mx/LeyesBiblio/ref/lfped.htm accessed 25 July 2024.

14 Art 15, General Law for Equality between Women and Men (2006) (Global-Regulation) www.diputados.gob.mx/LeyesBiblio/ref/lgimh.htm accessed 25 July 2024.

- Social Security Law (*Ley del Seguro Social*) guarantees the same retirement age for women and men, equal access to insurance and the right to nurseries for female workers who are unable to provide care to their children during working hours in early childhood.¹⁵
- Mexican Standard on Labour Equality and Non-Discrimination (*Norma Mexicana NMXR-025-SCFI-2015 en Igualdad Laboral y No Discriminación*) is a voluntary certification that seeks to transform organisational culture by eliminating barriers and promoting practices of equality and non-discrimination in human resource management. It sets out requirements for public and private companies and institutions of any size or type to commit to equality and the elimination of discrimination in the workplace, provide equal pay and implement other non-discrimination practices, including recruitment and training processes, thus publicly recognising organisations that foster inclusive and equal work environments.¹⁶

Female representation in parliament

Gender parity at a parliamentary level has been improving since the mid-1990s. When legislation on gender quotas was enacted, it resulted in female representation in Congress increasing from 15 per cent in 1996 to 40 per cent in 2008.¹⁷ However, candidates were obligated to list a substitute, usually a man, and were often asked to stand down in his favour.¹⁸ As a result, in 2011 the Electoral Tribunal of the Federal Judiciary ruled to prohibit the recurring practice of elected congresswomen resigning to give up their place to their male alternates;¹⁹ in 2014, political reforms mandated 50 per cent gender parity in candidate nominations for federal and local congressional elections.²⁰ In 2019, the requirement for gender parity was expanded to other political leadership positions, evidencing Mexico's commitment to achieving gender parity within its political institutions.²¹ In 2024, women have equal representation at the parliamentary level and occupy over 40 per cent of ministerial positions.²²

Mexico made history on 2 June 2024 with the election of the first female president in the country's 200-year history. Claudia Sheinbaum, a climate scientist and former Mexico City mayor, has promised to focus her term on building a strong welfare state, as well as advancing decarbonisation and renewable energy investment.²³

15 See n 12 above.

16 Federal Labour Law (2024), (OAS Rial) <https://rialnet.org/?q=en/node/1320> accessed 24 July 2024.

17 'Women's Suffrage in Mexico Meets the 2024 Election' (Baker Institute for Public Policy, 2024) www.bakerinstitute.org/research/womens-suffrage-mexico-meets-2024-election accessed 24 July 2024.

18 *Ibid.*

19 International Monetary Fund, Western Hemisphere Dept, 'Mexico: Selected Issues' (2023) IMF Staff Country Report No 2023/357 p21 www.imf.org/en/Publications/CR/Issues/2023/10/31/Mexico-Selected-Issues-541026 accessed 25 July 2024.

20 See n 17 above.

21 *Ibid.*

22 'Global Gender Gap Report 2024' (World Economic Forum, 2024) pp 23 and 30 www.weforum.org/publications/gender-gap-report-2024 accessed 24 July 2024.

23 Christopher Sherman, 'Claudia Sheinbaum: Mexico Presidential Election Profile' (AP News, 3 June 2024) <https://apnews.com/article/claudia-sheinbaum-mexico-presidential-election-profile-5f61250aacb9f397f74ff6c7cfe9cc0> accessed 24 July 2024; India Bourke, 'Claudia Sheinbaum: Mexico's New Climate-Minded President' (BBC Future, 8 June 2024) www.bbc.com/future/article/20240607-claudia-sheinbaum-mexicos-new-climate-minded-president accessed 24 July 2024.

Violence and gender-based violence

Drug cartels and gang violence remain a challenge for the country,²⁴ and political figures are frequently subject to intimidation or violence, particularly around elections.²⁵ The 2024 election cycle has been reported as the most violent in Mexico's modern history, with at least 37 people seeking office (most running for mayorships) killed and over 800 non-lethal attacks recorded.²⁶

Gender-based violence also persists, with concerns regarding high rates of femicide (a hate crime defined as the intentional killing of women and girls because of their gender).²⁷ According to data from the Executive Secretariat of the National Public Security System, 2,580 women were murdered in Mexico in 2023, but only 830 of these cases were categorised as femicides.²⁸ Failure to prosecute these cases as femicide has been linked to gender bias by judges and prosecutors, and deep-rooted social and cultural patterns that discriminate against women.²⁹

Civil society organisations have also raised concerns about growing numbers of women and girls who have 'disappeared',³⁰ linking this to other forms of violence against women, including femicide, kidnapping and human trafficking.³¹ A 2021 report found that investigations into femicides preceded by disappearances in Mexico were failing as a consequence of lost evidence, inadequate levels of investigation and failure to correctly apply a gender perspective.³²

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- 24 Fabiola Sánchez and Armando Solís, 'Mexico's drug cartels and gangs appear to be playing a wider role in Sunday's elections than before (AP News, 2024) <https://apnews.com/article/mexico-drug-cartels-violence-elections-43b1689bff1b38c68e8428a74c2e9a83> accessed 24 July 2024.
- 25 'Mexico's Land and Elections Feuds Threaten Political Figures in Oaxaca and Chiapas' (ACLED, 29 May 2024) <https://acleddata.com/2024/05/29/mexicos-land-and-elections-feuds-threaten-political-figures-in-oaxaca-and-chiapas/> accessed 24 July 2024.
- 26 Lizbeth Diaz, 'Mexican Candidate Assassinations Hit Grim Record Ahead of Sunday's Election' (Reuters, 1 June 2024) www.reuters.com/world/americas/mexican-candidate-assassinations-hit-grim-record-ahead-sundays-election-2024-06-01/ accessed 24 July 2024; also see n 24 above.
- 27 'We're Here to Tell It: Mexican Women Break Silence Over Femicides' (OHCHR, 3 July 2023) www.ohchr.org/en/stories/2023/07/were-here-tell-it-mexican-women-break-silence-over-femicides accessed 24 July 2024; Eva Selene Hernández Gress, Martin Flegl, Aleksandra Krstikj, Christina Boyes, 'Femicide in Mexico: Statistical Evidence of an Increasing Trend' (2023) 18(12) PLoS One e0290165. doi: 10.1371/journal.pone.0290165. PMID: 38134021; PMCID: PMC10745190.
- 28 Americas Quarterly, 'Violence Against Women is at the Center of Mexico's Security Crisis' (2024) www.americasquarterly.org/article/violence-against-women-is-at-the-center-of-mexicos-security-crisis/#:~:text=In%20Mexico%2C%20around%2010%20women,830%20were%20categorized%20as%20femicides accessed 24 July 2024.
- 29 OHCHR, 'We're Here to Tell It: Mexican Women Break Silence Over Femicides' (2023) www.ohchr.org/en/stories/2023/07/were-here-tell-it-mexican-women-break-silence-over-femicides accessed 24 July 2024. See also: Almudena Barragán, 'More Than 3000 Women Are Murdered in Mexico Each Year: How Violence Affects the Youngest Victims' (El País, 2023) <https://english.elpais.com/international/2023-11-25/more-than-3000-women-are-murdered-in-mexico-each-year-how-violence-affects-the-youngest-victims.html> accessed 24 July 2024.
- 30 'Beyond Collateral Damage: Femicides, Disappearances, and New Trends in Gender-Based Violence' (Wilson Center, 27 June 2023) www.wilsoncenter.org/article/beyond-collateral-damage-femicides-disappearances-and-new-trends-gender-based-violence accessed 24 July 2024; 'Diagnóstico de Derechos Humanos en México (IMDHD, September 2022) www.imdhd.org/wp-content/uploads/2022/11/IMDHD-Diagnostico_Nov2022.pdf, accessed 24 July 2024; 'Mexico' (International Commission on Missing Persons) <https://icmp.int/the-missing/where-are-the-missing/mexico/> accessed 24 July 2024.
- 31 See n 29 above (first reference only).
- 32 'Justice on Trial: Failures in Criminal Investigations of Femicides Preceded by Disappearance in the State of Mexico' (Amnesty International, 2021), 4 Amnesty International Report 55, 12.

Workforce participation

According to the World Economic Forum *2024 Global Gender Gap Index*, Mexico has achieved full gender parity in enrolment in secondary and tertiary education, with the number of female enrolments approximately doubling since 2006 (when the index was launched).³³

With respect to workforce participation and earned income, however, significant gender disparity remains, despite legal protections against workplace gender discrimination. Mexico's labour force participation gender gap is among the highest in the Organisation for Economic Co-operation and Development (OECD) and Latin American countries.³⁴

Paid employment for women over 15 years of age stands at around 46 per cent, compared with around 77 per cent male employment, demonstrating only a minor (five per cent) improvement in female participation in the workforce since 2005.³⁵ While gender quotas have accelerated the entry of more women into political positions (as described above), women are continually underrepresented in high-level positions in the public sector.³⁶

Female employment rates are also characterised by high rates of informal working: 55 per cent of women compared to 49 per cent of men, meaning over half of female workers have no formal employment contract and no access to health care or other benefits.³⁷ Women also spend over double the time on unpaid domestic or care giving tasks than their male counterparts.³⁸

The legal profession in Mexico

Mexico is a civil law jurisdiction, and the constitution takes precedence over all other sources of law.³⁹ Federal legislation is codified in five major codes, with similar codes in the states and Mexico City.⁴⁰ Legislation is complemented by case law (*jurisprudencia*),⁴¹ and the Supreme Court (Suprema Corte de Justicia de la Nación) constitutes the head of the judicial hierarchy.⁴²

33 *Global Gender Gap Report 2024* (World Economic Forum, 11 June 2024) www.weforum.org/publications/gender-gap-report-2024 accessed 24 July 2024. The index is an annual indicator of gender parity across economics, education, health and political empowerment.

34 See n 19 above.

35 'Data and Proposals for Equality 2024' (IMCO, 18 April 2024) <https://imco.org.mx/en/data-and-proposals-for-equality-2024/> accessed 24 July 2024. According to the International Monetary Fund, the gap has improved by ten per cent, as female participation increased, and male participation declined. It finds that female labour force participation is at about 48 per cent compared with males at 81 per cent: see n 19 above.

36 *Ibid* (first reference only).

37 *Ibid*.

38 'Gender Dashboard: Mexico' (OECD, 2024) <https://oecd.org/stories/gender/dashboard?country=MEX> accessed 24 July 2024.

39 'Mexico' (Judiciaries Worldwide) <https://judiciariesworldwide.fjc.gov/country-profile/mexico> accessed 24 July 2024.

40 M Rodriguez, 'LibGuides: Mexican Law: Mexican Legal System' (University of Arizona Law Library, 27 October 2022) <https://law-arizona.libguides.com/c.php?g=1267358&p=9294226> accessed 24 July 2024.

41 See n 28 above.

42 *Ibid*.

To practice law in Mexico, all lawyers (domestic and foreign) must obtain a professional licence from the Dirección General de Profesiones (a federal authority).⁴³ Foreign lawyers can be eligible to practise if an international treaty exists between Mexico and their home country (in which case, the terms of the treaty will govern the requirements that apply).⁴⁴ In the absence of a treaty, the foreign lawyer's eligibility to practice in Mexico will depend on reciprocity between the two countries and the fulfilment of requirements under Mexican law, including passing a legal exam.⁴⁵

More male lawyers than female lawyers work in the private and government sectors, and 70 per cent of in-house counsel are males.⁴⁶ However, more female lawyers practise in judicial and legislative roles, and in the education and hospital sectors.⁴⁷

According to government data, as of Q4 2023, there were 419,000 practising lawyers in Mexico, earning an average monthly salary of MX\$7,320 (approximately US\$411), and working approximately 37.4 hours per week.⁴⁸ The workforce of lawyers in Q4 2023 comprised 56.1 per cent males earning an average monthly salary of MX\$8,350 (approximately US\$468), and 43.9 per cent females earning an average monthly salary of MX\$6,010 (approximately US\$337), indicating that female lawyers earned approximately 28 per cent less than their male counterparts on average at this time.⁴⁹

Abogadas MX,⁵⁰ in collaboration with Data Cívica⁵¹ and the Mexican Institute for Competitiveness (Instituto Mexicano para la Competitividad or IMCO), presented for the first time a report that provides data on the persistent inequalities that women face in the legal field in Mexico. Data from 2018–2023 indicates that, in the private sector, female lawyers earned on average 41 per cent less than their male colleagues during this period.⁵² Data from this period also indicates that 83 per cent of male lawyers who studied law in Mexico participate in the labour market, compared with 69 per cent of trained female lawyers.⁵³

43 Manuel Martínez Pérez, 'Regulation of the Legal Profession in Mexico: Overview' (Practical Law, law stated as at 1 December 2022) [https://uk.practicallaw.thomsonreuters.com/w-016-5818?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-016-5818?transitionType=Default&contextData=(sc.Default)&firstPage=true) accessed 24 July 2024.

44 'APEC Legal Services' (APEC) www.legalservices.apec.org/inventory/mexico.html, accessed 24 July 2024; *ibid.*

45 See n 43 above.

46 For the period 2018–2023: "'Unequal Rights': Abogadas Mx Presents Its First Report on Gender Disparities in the Legal Field in Mexico' (*Latin Counsel*) www.latincounsel.com/Noticias:Review_of_ofac_sanctions__indispensable_requirement_when_doing_business_with_Venezuela?Noticias=unequal_law_first_report_abogadas_mexico_gender_inequality_gap#:~:text=Labor%20Market%20Participation%3A%20although%20it accessed 24 July 2024.

47 'Derecho Desigual' (Abogadas MX) <https://abogadasmxbeta.com/incidencias-derecho> accessed 24 July 2024. The data that feeds this platform comes from three open data sources, namely the National Survey of Occupation and Employment, the National Survey on the Dynamics of Household Relationships, and the 2020 Population and Housing Census, all published by the National Institute of Statistics and Geography (INEGI in its acronym in Spanish).

48 'Lawyers: Wages, Diversity, Industries and Labor Informality' (Data México) www.economia.gob.mx/datamexico/en/profile/occupation/abogados?redirect=true accessed 24 July 2024. These figures represent a 2.58 per cent increase in the number of lawyers and 15.8 per cent increase in the average salary compared with Q3 2023.

49 *Ibid.* Note that according to 'Derecho Desigual', currently, approximately 38.5 per cent of practising lawyers are female: see n 47 above.

50 Abogadas MX is a non-profit association that seeks to positively influence the professional trajectory of female lawyers in Mexico, to which we have dedicated a specific section later in this report.

51 Data Cívica is a civil society organisation born in 2015 that uses data and technology as tools for the advancement of human rights in Mexico.

52 See n 46 above.

53 *Ibid.*

Female lawyers face a particular caregiving burden, spending on average three times more hours on caregiving each week than their male counterparts.⁵⁴ Female lawyers have also faced persistent challenges with respect to gender-based violence: for example, of female lawyers in the private sector, 11 per cent have been groped, kissed or touched without consent and 20 per cent have received rude or offensive compliments at one of their jobs.⁵⁵

54 *Ibid.*

55 *Ibid.* Eg, in the period 2016–2021, seven per cent of female [practising] lawyers in Mexico were touched, groped or kissed without consent and 15.3 per cent were the subject of offensive comments: ‘Derecho Desigual’, see n 46 above.

Methodology

Mexico is the ninth jurisdiction to be covered by the Gender Project. The IBA is hugely grateful to the National Association of In-house Lawyers (Asociación Nacional de Abogados de Empresa or ANADE), Barra Mexicana and Abogadas MX⁵⁶ for their tireless enthusiasm and assistance with this initiative and efforts in connecting the IBA to the relevant stakeholders within the Mexican legal profession.

The Mexico study commenced in January 2024 and concluded in July 2024. During this time, 55 law firms, the Supreme Court (Suprema Corte de Justicia de la Nación) and the Attorney General's Office were approached.

Seniority within the Mexican legal profession was established as follows:

- *law firms*: partnership level and above, with specific information about representation at the executive level;
- *corporate sector (in-house legal teams)*: senior management level, general counsel and board members;
- *public sector*: Office of the Attorney General (Fiscalía General de la República); and
- *judiciary*: senior members of the judiciary from the Supreme Court (Suprema Corte de Justicia de la Nación), Federal Judiciary Council (Consejo de la Judicatura Federal), Electoral Tribunal of the Judicial Branch of the Federation (Tribunal Electoral del Poder Judicial de la Federación), Circuit Courts (Tribunales de Circuito) and District Courts (Juzgados de Distrito).

We selected and approached the following entities within each of the sectors:

1. Law firms were selected from:
 - (i) Ranking Legal500; and
 - (ii) recommendations from senior IBA officer networks;
2. Office of the Attorney General (Fiscalía General de la República); and
3. the Supreme Court (Suprema Corte de Justicia de la Nación), Federal Judiciary Council (Consejo de la Judicatura Federal), Electoral Tribunal of the Judicial Branch of the Federation (Tribunal Electoral del Poder Judicial de la Federación), Circuit Courts (Tribunales de Circuito) and District Courts (Juzgados de Distrito).

The overall response rate is shown in Figure 1.

Organisation	Number approached	Respondents	Response rate (%)
Law firms	55	24	44
The judiciary	2 ⁵⁷	2	100
The public sector	1	1	100

Figure 1: Overall response rate from the 50:50 by 2030 Project in Mexico.

56 Further information on Abogadas MX can be found on p 28.

57 Although the approach was initially made with the Supreme Court, a further response was also received from the Federal Judicial Council.

Gender representation across the legal profession: 2024 status

Overall picture: all lawyers

Female lawyers by sector and seniority

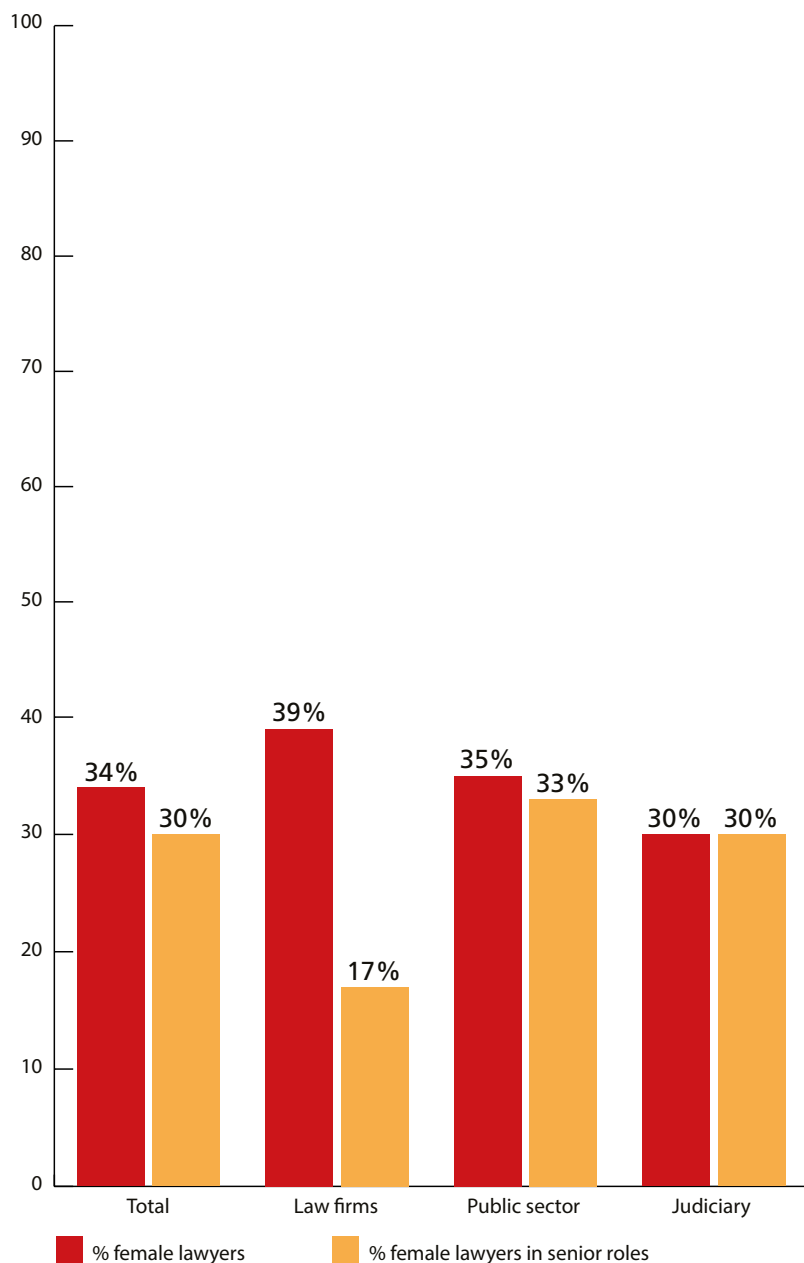


Figure 2: Representation of women by sector and seniority.

From data received as part of our study, women make up 34 per cent of lawyers working across the Mexican legal profession and 30 per cent of senior lawyers. The law firm sector has the highest proportion of women working within it (39 per cent), followed by the public sector (35 per cent) and the judiciary (30 per cent).

At a senior level, however, the proportion of women drops from 34 to 30 per cent within the legal profession overall. The public sector has the highest proportion of female lawyers at a senior level (33 per cent), followed by the judiciary sector (30 per cent), and the law firm sector has the lowest (17 per cent). Fourteen per cent of lawyers within law firm boards are female.

Overall picture: working part-time

Working part-time in Mexico is uncommon. The judiciary and the public sector did not report any part-time working within these sectors. Within law firms, only seven per cent of lawyers work in this way, and of this seven per cent, ten per cent were female. At a senior level, only three per cent of lawyers work part-time, 11 per cent of these being female. The national part-time employment rate is 16.6 per cent.⁵⁸

58 'Part-time employment rate' (OECD Data, 2023) www.oecd.org/en/data/indicators/part-time-employment-rate.html?oeecdcontrol-324c268e53-var1=MEX&oeecdcontrol-96565bc25e-var3=2023 accessed 29 July 2024.

Gender representation initiatives: across the legal profession

The survey asked whether legal workplaces monitor gender balance overall and at a senior level. Eighty-five per cent responded they monitor overall gender representation in their workplaces; 73 per cent responded that they monitor gender balance both overall and at a senior level; and 100 per cent of the public sector and the judiciary respondents monitor gender balance overall and at a senior level. Most respondents have measures in place aimed at increasing the number of women in senior positions, with 19 per cent responding ‘none of the above’ to the survey question on initiatives in place.

Initiative popularity and perceived effectiveness

Popularity of initiatives

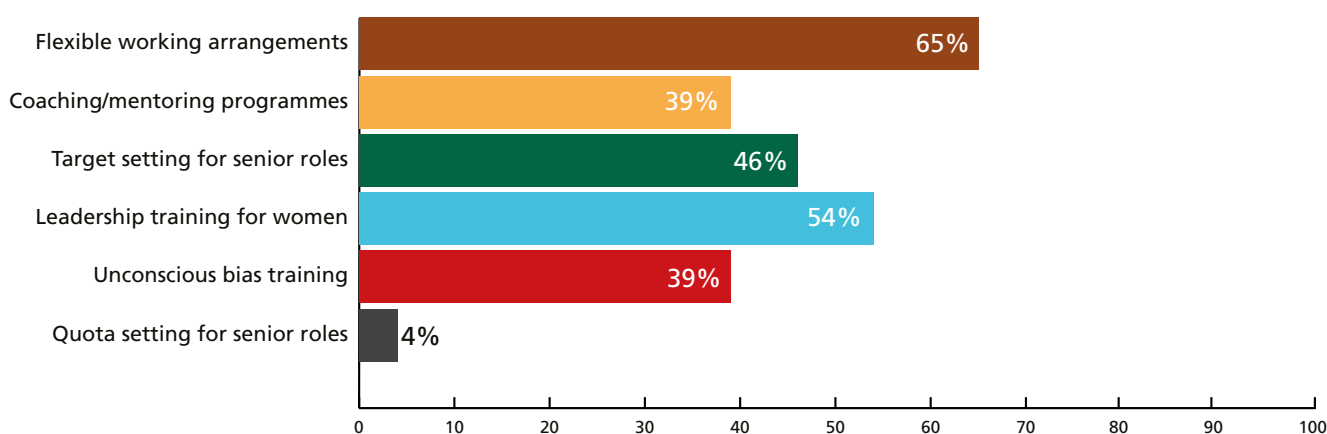


Figure 3: Popularity of initiatives to improve gender representation in the legal profession.

The most popular gender representation initiative was flexible working arrangements, with 65 per cent of respondents having them in place.

The next most popular initiative was leadership training for women, with 54 per cent of respondents providing this option. Leadership training for women has been in place for an average of three years. This was the lowest average years of implementation.

The longest standing initiative was target setting for senior positions, having been implemented for an average of six years. Target setting ranked third in popularity, having been implemented by 46 per cent of respondents.

Coaching and mentoring programmes and unconscious bias training come next, with 39 per cent of respondents claiming to have these measures in place.

Quota setting for senior positions was the least popular initiative by a significant margin, with just four per cent of respondents using quotas. Quota setting has been in place for an average of four years.

Effectiveness of initiatives

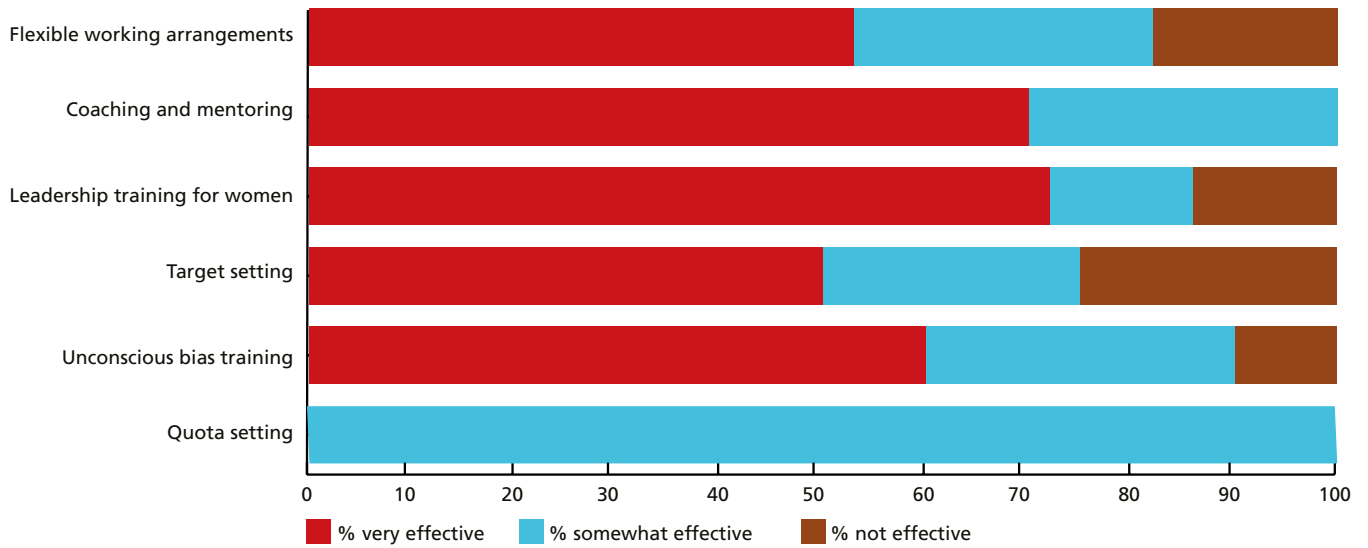


Figure 4: Effectiveness of initiatives to improve gender representation in the legal profession

Leadership training for women was regarded as the most effective initiative (see Figure 4), with 72 per cent of respondents rating it as ‘very effective’. This was closely followed by coaching and mentoring programmes, with 70 per cent of respondents rating the initiative as ‘very effective’.

Despite being the most popular initiative, flexible working arrangements were only regarded as ‘very effective’ by 53 per cent of respondents, with 29 per cent rating it as ‘somewhat effective’ and 18 per cent rating it as ‘not effective’.

Gender initiatives: sector breakdown

Law firms

Eighty-three per cent of law firm respondents said they monitor gender equality overall, but only 71 per cent monitor gender equality at a senior level. When asked whether they shared this monitoring exercise with law firm leadership, 85 per cent said ‘yes’.

Popularity and effectiveness of initiatives: law firms

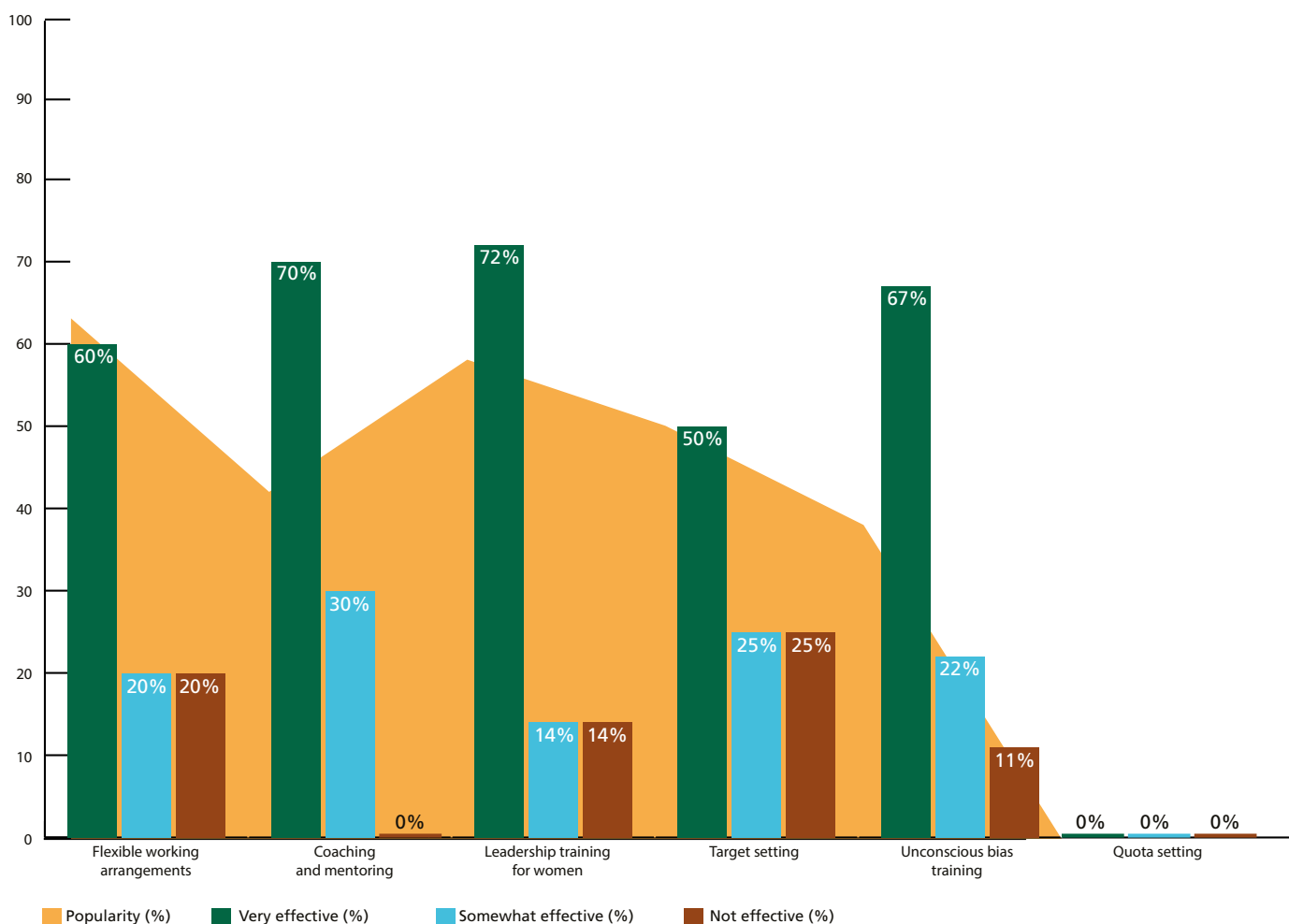


Figure 5: Popularity and effectiveness of initiatives to improve gender representation: law firms

Flexible working arrangements are the most popular initiative, with 63 per cent of law firm respondents having them in place, followed by leadership training for women (58 per cent), target setting (50 per cent), coaching and mentoring programmes (42 per cent) and unconscious bias training (38 per cent). No law firm has quota setting in place.

Flexible working arrangements, despite being the most popular initiative, is viewed to be ‘very effective’ by only 60 per cent of law firms, making it the fourth most effective after leadership training for women (72 per cent), coaching and mentoring programmes (70 per cent) and unconscious bias training (67 per cent).

Unconscious bias training, despite being the least popular initiative, is viewed as highly effective, with 89 per cent of law firm respondents labelling it ‘very’ and ‘somewhat’ effective. Coaching and mentoring programmes is viewed as the most effective initiative, with all respondents labelling it ‘very’ and ‘somewhat’ effective.

“ In the Mexican legal field, significant challenges still persist regarding gender equality, reflected in gaps in opportunities and representation. However, the National Program for Equality between Women and Men 2020–2024 offers a crucial platform for change. At Baker McKenzie, we are committed to promoting gender equity and diversity. We recognise that the inclusion of women is not only a matter of social justice, but also an essential strategy for business growth and innovation. The arrival of the first female president in Mexico further motivates our commitment to advance gender equality and opportunities, working to create an environment where all people, regardless of their gender, can reach their full potential.

Raymundo Enríquez
Senior Counsel, Baker McKenzie

Most firms appear to have a system that is flexible and personalised to the lawyer’s specific situation. Although there are lawyers (both male and female) who make use of these policies, there are also lawyers who, due to their personal circumstances, never make use of the possibility of working remotely or outside of normal working hours.

Some firms, such as Basham, Ringe y Correa have implemented a policy of three days in the office, two at home or vice versa. All mothers at Mijares, Angoitia, Cortés y Fuentes can work from home all afternoons until their child turns 18. Fathers can work from home for three weeks after their child’s birth. Another firm has a nursery room in the office. Baker McKenzie Mexico has a Family and Parental Leave Policy, which encompasses multiple benefits for employees related to parenting and family life. The policy includes paid leave for the birth or adoption of a child, with the possibility of extending this period with a gradual reduction in compensation. Additionally, the firm offers flexible working to attend medical appointments during pregnancy and for adoption procedures. The policy also includes daycare subsidies and a phased return-to-work process, ensuring that neither one’s professional career nor compensation is affected by taking this leave.

More than half of the firms that have participated collaborate with the association Abogadas MX for the organisation and implementation of their coaching and mentoring programmes. Law firms such as CMS Woodhouse Lorente Ludlow, Chevez Ruiz Zamarripa, Basham, Ringe y Correa, and DeForest have in place these collaboration agreements with Abogadas MX. In parallel, some firms have their own mentoring programmes. One firm has had a mentoring programme since 2016, in which more than 400 lawyers have participated (men and women) as mentors and mentees.

As with coaching and mentoring, several firms have collaborative agreements with Abogadas MX for the implementation of their leadership programmes. Chevez Ruiz Zamarripa offers a range of activities, from leadership courses and external coaching to capacity building webinars. Particularly noteworthy is its leadership programme for female lawyers, which aims to strengthen their leadership abilities and skills, through a mentoring programme in which, from a practical perspective, key competencies are worked on.

Mijares, Angoitia, Cortés y Fuentes has several initiatives that contribute to women's leadership development. It has established a leadership academy (for both male and female lawyers) and run a leadership workshop once a year for the last three years (for female lawyers). The academy runs a training programme designed exclusively for all senior associates, aiming to enhance and strengthen leadership, communication and teamwork skills. The programme commenced in 2022. A firm invites its lawyers to the Annual Leadership Workshop run by Abogadas MX. DeForest has been running for the past three years a coaching and leadership training open to both male and female lawyers aimed at discussing the firm's strategy, individual teams' strategies and the abilities necessary to achieve objectives. It also runs a programme titled SMART aimed at developing both technical and soft skills to better position lawyers for positions of responsibility.

Unconscious bias training initiatives vary, including informal instances and those carried out in isolation (to mark International Women's Day for instance), to structured training carried out periodically. Some firms point out that the work environment is increasingly healthier. Von Wobeser y Sierra's training addresses what is appropriate at work and what is not, and other topics of interest such as inclusive language or what it means to be successful. Chevez Ruiz Zamarripa has a podcast to which experts from different subjects are invited to discuss interesting topics, including diversity and inclusion (D&I) issues. Mijares, Angoitia, Cortés y Fuentes holds awareness talks and workshops, aimed at male and female lawyers separately, and upstream evaluations, to understand how biases work and how they affect fellow colleagues and the work environment more broadly daily.

“ In Mexico, the legal profession is still working towards true gender equality. Although progress has been made, there are still barriers that prevent women from reaching leadership positions and being recognised for their contributions for various reasons, including stereotypical and cultural views about their capabilities and roles. It is important to continue to push for change and to support initiatives that promote equal opportunities for women in the legal field.

Ana Sofía Ríos

Partner, Chevez Ruiz Zamarripa

The firms, such as Baker McKenzie Mexico, that have target setting in place have set themselves a 40 per cent 'male', 40 per cent 'female' and 20 per cent 'flexible' objective. One firm says the mere fact of having objectives has served them to raise awareness among all lawyers about equality issues. A firm has changed its focus over time, at first the effort was put into having more female partners, and over time the goal has become to have more diversity in general throughout the firm. CMS Woodhouse Lorente Ludlow aims to have 30 per cent female partners by 2025 and 40 per cent by 2030.

Additionally, some firms, such as DeForest, pay for Abogadas MX membership for their lawyers. Several other firms actively support the specialisation of their lawyers by financing their postgraduate studies or studies abroad. Bello, Gallardo, Bonequi y García is working towards obtaining the certificate provided by the Mexican Standard on Labour Equality and Non-Discrimination. Finally, and as is becoming increasingly common, firms like Von Wobeser y Sierra and Basham, Ringe y Correa have a D&I committee, in charge of carrying out and monitoring a wide range of D&I activities.

“ We need to hear the needs of all female lawyers and take immediate action in order to secure their participation in law firms at all levels; including the option of creating specific roles that accommodate the needs/wishes of female lawyers and not the needs of the current law firm structures.

Gustavo Struck
Partner, Creel Abogados

The corporate sector

During the undertaking of the survey stage, there were difficulties in obtaining responses from the corporate sector, despite engaging with corporations directly and through national organisations.⁵⁹ As such, this section focuses on more qualitative data and desk-based research to provide an insight into the Mexican corporate legal sector.

Women are also underrepresented in senior positions in the corporate sector. According to a recent 2024 study conducted by the Mexican Institute for Competitiveness in collaboration with Kiik Consultores, while women make up approximately 43 per cent of the workforce in nearly 200 companies listed on the Mexican stock exchange, they hold only 25 per cent of legal department leadership positions, 11 per cent of chief finance officer (CFO) positions and four per cent of chief executive officer (CEO) positions.⁶⁰

Analysis of publicly available data on the gender of general counsels and heads of legal affairs of the largest companies by market cap reveals that, across ten companies, ten out of ten general counsels were male, and four out of six heads of legal affairs were also male.

The public sector

In Mexico, 35 per cent of all prosecutors are women, with 33 per cent holding senior leadership positions. In 2015, a Gender Equality Unit within the office of the Attorney General of the Republic (Fiscalía General de la República) was created to promote inclusivity.

In November 2016, the office of the Attorney General of the Republic, to advance the objective of becoming a more egalitarian, inclusive and violence-free institution, obtained the certification provided by the Mexican Standard on Labour Equality and Non-Discrimination. In 2018, the institution obtained the Gold Certificate.

Between 2014 and 2016, in collaboration with the National Autonomous University of Mexico (Universidad Nacional Autónoma de México) and the National Women’s Institute (Instituto Nacional de las Mujeres or INMUJERES), two surveys were conducted to gather data on gender equality, work environment and

59 This surveying difficulty in the corporate sector has arisen in other jurisdictions surveyed in the wider Gender Project study and is not a difficulty unique to Mexico.

60 ‘Data and Proposals for Equality 2024’ (IMCO, 18 April 2024) <https://imco.org.mx/en/data-and-proposals-for-equality-2024/> accessed 24 July 2024; ‘Mexico Will Achieve Gender Parity in Corporate Boards Until 2052’ (IMCO, 18 April 2024) <https://imco.org.mx/en/mexico-will-achieve-gender-parity-in-corporate-boards-until-2052/> accessed 24 July 2024.

violence against women within the Attorney General's Office. The findings were compiled and published in a comprehensive report.

To identify progress made within the institution, an update of this diagnosis was carried out in 2021, analysing four categories of organisational climate and culture components: sexual harassment, discrimination, workplace harassment and work-life balance. The report is exhaustive and illustrates the work environment within the institution. In 2021, 93 per cent of staff agreed or strongly agreed that equal respect for women and men prevailed within the institution and that the authority of both sexes is equally respected. Additionally, there appears to be a decline in the percentage of staff reporting sexual harassment, workplace harassment and work-life balance problems. However, the report also highlighted practices that hinder equality. Among them, the assignment of tasks unrelated to the functions of the position stands out, such as making coffee for the office, washing cups or dishes, and doing personal tasks for superiors, as well as jokes that promote gender stereotypes. Another notable advancement is in the reduction of discrimination, which fell from 25 per cent to 8.5 per cent between 2016 and 2021.⁶¹

The percentage of people recognising problems in reconciling personal and work life has significantly decreased from 18.6 per cent in 2016 to 10.9 per cent in 2021. However, there remains a notable difference between men and women, with men now reporting tensions at a higher rate. In 2016, while 20.6 per cent of women and 17.6 per cent of men claimed to have work-life balance problems, by 2021 these figures dropped to 9.9 per cent for women and increased to 11.8 per cent for men. The gap was reversed because the proportion of women who experienced problems fell by just over half (11 percentage points), while that of men fell by six points. Several hypotheses may explain why staff experience less tension in reconciling their personal and work lives. One of them is that overall working conditions within the office have improved. Additionally, the incorporation of new work schemes due to the pandemic, such as remote work, may have generated the perception of greater conciliation. There may also be a change in mindset towards work, mainly among women, who are now less likely to develop stress or feelings of guilt when work circumstances limit the balance with their personal life.

Training and dissemination of information constitute two pillars of the work carried out by the office of the Attorney General to contribute to guarantee, respect, protect and promote women's human rights, particularly the rights to equality and non-discrimination, access to justice, and a life free from violence. These efforts also aim to achieve the incorporation of a gender perspective as a tool for these purposes. Just as important as implementing training on equality issues is the capacity of the institution to measure the impact this training has. The awareness of the gender training has grown significantly. Despite this, the majority still do so only when required. Staff workload appears to be the main limitation on training attendance.

It is also an additional burden to travel to course venues, as is the long duration of some face-to-face courses. Senior managers receive almost no gender training, which calls into question the usefulness of the training. Although the training is well evaluated, there is also the perception that it is not directly linked to the competencies that staff require to better perform their functions. In addition, the Attorney General's office has also carried out a study on the extent to which paternity leave has been used.

61 Marisol Nashiely Ruiz Ruvalcaba and Francisco Eduardo Viveros Pérez, 'Actualización parcial del diagnóstico institucional sobre la incorporación de la perspectiva de género y la igualdad entre mujeres y hombres' (Unidad de Igualdad de Género, 2021) <https://fgr.org.mx/swb/FEMDH/UIG> accessed 13 August 2024.

In May 2018, the Professionalisation Council of the Attorney General's office signed an agreement to establish gender parity in the admission calls to join the Ministerial, Police, and Expert Career Service⁶² to reduce the inequalities affecting women in holding public positions. This agreement is complemented by another that stipulates that the panels administering the oral examination to candidates must include members of both sexes. Throughout the entire process, (admission call, opposition phase and allocation of places) a 50/50 criterion must be observed.

This institution has also taken measures to protect maternity and breastfeeding. For example, between 2016 and 2022, the number of nursery rooms in the different institution buildings increased by 203 per cent, totalling 53 nurseries.

The judiciary

The Mexican judiciary operates within a three-tier system. At the top is the Supreme Court (la Suprema Corte de Justicia de la Nación), consisting of 11 members: ten Justices and one Chief Justice. The Chief Justice is currently a woman. Below the Supreme Court are the Circuit Courts, followed by the District Courts. Judges for both the Circuit Court and District Court are appointed by the Federal Judiciary Council (Consejo de la Judicatura Federal or FJC). The President of the Supreme Court is also the president of the Federal Judiciary Council.

In Mexico, approximately 30 per cent of all judges are female. This percentage also applies to women holding high-level positions. Out of the 11 Supreme Court Justices, five are female (45 per cent). This marks a historic high for female representation on Mexico's highest court.

“ The legal profession in Mexico makes its best effort to advance with firm determination towards gender equality. However, in the upper echelons of command, both in the public and private spheres, women face not only the rugged climb towards the summit, but also the cold wind of ignorance of its leadership and the storm of political violence, when they challenge being puppets in a theatre dominated by prejudices and stereotypes. The journey towards parity is a continuous challenge that requires constant commitment and a strong political will, both in the public and private spheres.

Margarita Beatriz Luna Ramos

Of counsel, Von Wobeser y Sierra and former Supreme Court Justice

The Supreme Court

The Supreme Court of Mexico has quota setting and flexible working arrangements in place. In 2024, work is underway on a new work model, designed based on the pilots carried out. They also have a policy of zero violence and discrimination based on gender and a strategy to intensively reinforce the obligation that judges must act with a gender perspective and an intersectional approach.

62 The body in charge of providing professionals to the Attorney General's office.

Under the umbrella of responsible parenting, the Supreme Court has implemented a series of policies to support parents and ensure the wellbeing of the judges. Three nurseries have been installed in the different court buildings. The period in which the right to breastfeed can be exercised has been extended from six months to two years, and paternity leave has been extended to match that of mothers. The Supreme Court is currently monitoring and evaluating this measure to learn about its impact on promoting shared care giving duties, as well as the areas of opportunity or institutional actions necessary to improve the measure. These policies have been in place for an average of three years and are perceived to be very effective.

The internal guidelines of the mechanism to prevent, address, and eradicate sexual harassment and any other form of sexual violence, approved and established in 2021, were reinforced in 2023 with the creation of the General Directorate of prevention, attention and monitoring of cases of gender violence.

Moreover, to serve as an example, the plenary session of the Supreme Court has reached a series of ad hoc agreements⁶³ for certain high-level positions to be occupied by women within the Mexican judiciary, either due to lack of sufficient female representation at that specific time or because the vacancy that remains empty was being occupied by a woman at the time.

Additionally, the court has an inclusion policy for people with disabilities. Among the different initiatives, the court created the Administrative Personnel Registration System, a platform designed to monitor the number of people with disabilities who work in the Supreme Court and make sure that the minimum goal of three per cent of people with disabilities working for the Supreme Court (that has already been achieved) is achieved. The registration system also responds to requests to implement reasonable technical adjustments at work for people with disabilities and personnel providing care or support to persons with disabilities. People with disabilities currently represent five per cent of the Supreme Court's workforce.

The federal judiciary

The Mexican federal judiciary has flexible working arrangements and quotas, alongside policies such as extended maternity, paternity and breastfeeding leave. A programme encouraging responsible parenting further enhances the support for judicial staff.

In 2021, a reform was carried out within the federal judiciary, according to which gender equality was established as one of the guiding principles of the judicial career in all its stages. As a result, it was stipulated that the Federal Judicial Training School (Escuela Federal de Formación Judicial)⁶⁴ may hold competitive exams exclusively for women or mixed exams with specific percentages for women. Additionally, it was established that all judicial bodies shall have at least half of their vacancies occupied by women.

To date, five competitive examinations exclusively for women have been conducted for the position of judges and magistrates, along with 12 gender-balanced ones, that allocate a certain number of vacancies to women. The Federal Judicial Council attributes these policies for the significant increase in the number of female judges and magistrates in recent years. In May 2024, women represented 22 per cent of magistrates

63 You can access these agreements (in Spanish) at https://dof.gob.mx/nota_detalle.php?codigo=5643189&fecha=17/02/2022#gsc.tab=0 and www.dof.gob.mx/nota_detalle.php?codigo=5690612&fecha=31/05/2023#gsc.tab=0 accessed 24 July 2024.

64 The body in charge of designing and organising the competitive examinations.

and 36 per cent of judges, whereas in 2017, women represented 19 per cent of magistrates and 22 per cent of judges.

“ This significant increase reflects that the ‘glass ceiling’ has begun to break. If this trend continues, a gender-equal judiciary can be achieved in the coming years. However, these measures must be complemented by other actions that dismantle other structural barriers, such as the lack of time of female judges due to the unequal burden of care responsibilities, the need for a violence-free environment, and the necessity to consolidate a gender-equal organisational culture.

Federal Judiciary Council

The FJC claims quota setting, in its different forms, has the potential to be very effective. However, it requires time and must be complemented with the implementation of other policies aimed at changing the organisational culture within the judiciary.

The pandemic forced all staff to work remotely, which subsequently proved to improve work-life balance. In 2022, remote working was regulated as a permanent option. This regulation considers the rules of working flexibly from an operational perspective, as well as from a human rights and gender equality perspective. Specifically, employees have a hybrid working scheme available to them, according to which they can work from home a maximum of 40 per cent of the time every two weeks, so long as the tasks undertaken at home are compatible with this way of working. The relevant internal body can authorise an increase in this percentage. The heads of judicial bodies must request express authorisation to enjoy any percentage of remote working. Additionally, priority shall be given to breastfeeding mothers and those performing caregiving or parenting duties. The flexible working policy was expanded in 2023, allowing for an increase in the 40 per cent mentioned above for those taking care of people with disabilities or elderly people. Currently, the FJC is delving deeper into the remote work regulation to create more comprehensive guidelines, with a focus on gender and caregiving.

In 2023, the FJC, together with the United Nations Population Fund, has been working on a comprehensive inclusion policy to incorporate the perspective of historically excluded people and create inclusive workspaces free of discrimination and violence towards them. The policy aspires to be the institutional framework that guarantees the right to decent work for all public servants, with a focus on human rights, gender and intersectionality. The policy will focus on the LGBTQI+, Black, Indigenous and Afro-Mexican communities, people with disabilities and caregivers. The policy is expected to be presented in the second half of 2024, with implementation set to begin in 2025. To this end, a national mandatory census was conducted in February and April 2024 to identify and categorise the future beneficiaries of the policy.

“ To ensure an inclusive institution that responds to social demands, equal and diverse representation that includes all voices, experiences, facts, narratives, and lives must be guaranteed.

Federal Judiciary Council

In 2024, the judiciary identified three major circumstances that explain the low number of female judges in positions of responsibility:

- low participation in the calls for applications;
- low scores; and
- the difficulty in obtaining documents that verify studies that would allow them to obtain a better score in the examinations.

To address the above, the following two projects are being carried out:

1. The Gender Equality Directorate (Dirección de Igualdad de Género), in collaboration with the Federal Judicial Training School, will analyse recruitment and selection processes to identify any discriminatory gender biases. Based on the findings, relevant measures will be designed and implemented to ensure that selection processes promote equal opportunities and address the specific needs of female judges and magistrates.
2. In 2024, the Federal Judicial Training School is implementing a national, long-term training plan to train aspiring female judges and magistrates. This initiative aims to strengthen their applications and equip them with the necessary tools to bolster their profiles, thus increasing their chances of success when applying to high-level positions.

“ Gender equality not only involves breaking the glass ceiling but also ensuring that women remain in high-level positions once reached. It is also important that the organisational culture is one that favours a balanced and healthy workplace for all. A successful policy will be one that gets more women to the top but also one that consolidates the institution’s own capacity to break down structural barriers.

Federal Judiciary Council

Abogadas MX⁶⁵ is a non-profit association that seeks to influence the professional trajectory of female lawyers in Mexico, through a model based on the principles of diversity and inclusion. Among the many activities it organises throughout the year and via its leadership and professional development network, there are programmes, workshops, trainings and seminars, in addition to the different scholarships it funds. This year it marks its tenth anniversary.

Abogadas MX firmly believes that having women in decision-making roles contributes to the growth of organisations and the country. It works towards improving working conditions for women lawyers to create a safer, more equal and inclusive environment for all.

It undertakes a broad range of activities across four primary areas: human development (stress management seminars, leadership, self-knowledge, meditation workshops and yoga); professional development (scholarships and discounts for postgraduate studies, legal technical seminars); support activities (networking events and campaigns on social media); and impact on one's surroundings (Abogadas MX social mobility scholarships and the minimum standards on D&I within Mexican law firms). Additionally, it runs two activities that cut across all four dimensions mentioned above: its Annual Leadership and Professional Development Workshop (with approximately 500 lawyers attending each year) and the Mentoring Programme (its first ever initiative back in 2014; to date it has had more than 1,000 participants).

During conversations undertaken as part of the surveying stage of this project, the organisation highlighted the Abogadas MX social mobility scholarships, a programme aimed at students in their final year of law at public universities, generating a magnificent opportunity to boost the start of their professional careers. Students receive Abogadas MX membership, English classes, CV and personal branding classes, mental health workshops and equality seminars. 120 students from three different generations have benefitted so far from this scholarship.

Finally, Abogadas MX has an online platform called Unequal Law (Derecho Desigual),⁶⁶ where one can explore the gaps that women in the legal profession experience in Mexico, both in comparison with the men as compares to other professions and according to other sociodemographic characteristics.

65 To know more about the work of this association, please visit www.abogadasmx.org.mx/ accessed 24 July 2024.

66 See n 47 above.

Comparing jurisdictions

The data from Mexico reflects a high representation of female lawyers in the profession at large, but a lower proportion of women at the senior levels. This disparity requires further scrutiny.

The overall Gender Project study, conducted so far in nine jurisdictions, revealed that Mexico ranks eighth, both in the overall percentage of female lawyers and in the percentage of female lawyers at the senior level. It is worth noting that, due to difficulties in obtaining data from the corporate sector in Mexico, it is challenging to make direct comparisons with other jurisdictions at the overall level. For this reason, this comparison section focuses on each of the other sectors.

In the law firm sector, Mexico and Chile demonstrate almost identical levels of parity at the overall level (both with 39 per cent female lawyers) and at the senior level (17 and 18 per cent female lawyers). At the senior level in law firms, only South Korea (13 per cent) ranks lower than Mexico.

In the public sector, Mexico has similar data to South Korea and Brazil. Mexico and South Korea both have 35 per cent female lawyers overall, and Brazil has 43 per cent. Interestingly, public sector data from Chile shows a significant contrast, with 63 per cent of Chilean public sector lawyers being women.

In the judiciary, Mexico has the same gender parity (30 per cent) at the overall and senior levels. This is similar to Nigeria, which has 32 per cent overall and 33 per cent senior female judges. Of the jurisdictions surveyed thus far, six out of nine have a parity gap of less than ten per cent between the overall and senior level in the judiciary. The only jurisdictions with a gap greater than ten per cent are Brazil, Chile, England and Wales, and Spain.

Regarding initiatives, flexible working arrangements was the most popular initiative in Mexico. This mirrors the most popular initiative in Chile, England and Wales, and Spain. Quota setting was the least popular initiative in Mexico. This is a common theme across jurisdictions surveyed thus far as part of the Gender Project.

The highest rated initiative in terms of efficacy in Mexico was leadership training for women, mirroring Spain and the Netherlands. This was the opposite in Nigeria, where this initiative was the lowest rated initiative. The lowest rated initiative in Mexico was quota setting, which was also found to be the case in the Netherlands.

Conclusion

The legal profession in Mexico is steadily advancing towards gender parity. However, as the report highlights, each sector is yet to achieve parity at both overall and senior levels, necessitating further development.

Although the law firm sector performed highest in the overall per cent of female lawyers (39 per cent), it scored the lowest at the senior level (17 per cent). Responses from law firms show promising progress and a willingness to address this gender disparity. This is evidenced by their collaboration with organisations like Abogadas MX to implement initiatives such as coaching and mentoring programmes. Several firms also have their own initiatives in place.

With only 30 per cent of judges being female at both overall and senior levels, the judiciary also requires significant progress to reach gender parity. The public sector has similar levels of parity at the overall level (35 per cent) and senior level (33 per cent). Nevertheless, the judiciary has demonstrated its commitment to advancing gender parity, as evidenced by the reforms that have taken place in recent years and the ongoing studies undertaken by the judiciary that aim to understand this disparity. Efforts by Mexico's judicial and public sectors to understand and address the root causes of gender disparity are commendable, with these initiatives aimed at fostering a more inclusive and equitable legal landscape.

Due to the difficulties in surveying the corporate sector, concrete conclusions are harder to make. However, desk-based research and conversations with in-house stakeholders indicate that significant progress is needed in the corporate sector to achieve gender parity at all seniority levels.

In summary, the law firm sector performed best overall in terms of its focus, with flexible working arrangements and leadership training being the most popular initiatives. However, leadership training for women and coaching and mentoring programmes are the best rated in terms of effectiveness.

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Appendix 1: survey questions

1. What type of organisation do you work for?

- Law firm
- Corporation with in-house counsel
- Public sector
- Judiciary

2. We'd like to start by asking some general profiling questions about the lawyers who are employed in your organisation.

Total number of lawyers:

Number of lawyers who work on a part-time basis:

Number of lawyers employed at a partner/management (or equivalent) level:

Number of lawyers employed at a partner/management (or equivalent) level who work on a part-time basis:

3. This question asks about the lawyers who are female. Please enter approximate numbers for the following:

Total number of lawyers who are female:

Female lawyers who work on a part-time basis:

Female lawyers employed at a partner/management (or equivalent) level:

Female lawyers employed at a partner/management (or equivalent) level who work on a part-time basis:

4. How many individuals sit on your Partnership Council/Management Board/Executive Council (or equivalent)?

5. Of the individuals who sit on your Partnership Council/Management Board/Executive Council (or equivalent), how many are female?

6. Do you monitor the gender balance in your organisation overall?

- Yes
- No

7. Do you monitor the gender balance in your organisation for lawyers at the senior level?

Yes

No

8. Is this gender monitoring data shared with the leadership of the organisation?

Yes

No

Initiatives/policies

9. Does your organisation have any of the following initiatives/policies in place addressing gender equality and/or seeking to increase the number of women reaching positions of seniority?

Quota setting for senior role positions

Availability of greater flexible working arrangements (post Covid-19 restrictions)

Leadership training for women

Target setting for senior role positions

Unconscious bias training

Coaching/mentoring programmes

Other: _____

None of the above

Please answer the below questions about the initiatives/policies your organisation has in place to address gender equality and/or increase the number of women reaching positions of seniority. If your organisation has multiple initiatives/policies in place, kindly address each initiative/policy in your responses.

Please respond to questions 10, 11 and 12 for each of the policies/initiatives in place.

10. Can you please provide a brief description of your initiatives/policies?

Please include how each initiative/policy works, how it is measured, and the impact it is having.

11. Approximately how long has each initiative/policy been in place?

Please provide the approximate number of years.

12. In your view, how effective has each initiative/policy been in supporting gender equality and/or increasing the number of women reaching positions of seniority in your organisation?

Initiative/Policy: _____

- Very effective
- Somewhat effective
- Not effective

13. Does your organisation have any other diversity related initiatives in place (race, ethnicity, sexual orientation, disability, religion, etc.)?

- Yes
- No

14. If the answer to the above question is yes, please describe how one of these initiatives or policies works.

Please include how it works, how long it has been in place, and the impact it is having.

These are the final two questions.

15. What else do you want us to know about other initiatives coming in the future?

16. Would you like to associate your organisation's name with the policies and initiatives you have provided? This will enable the International Bar Association to highlight examples of programmes in its reporting.

If you select 'No' below, all your survey data will remain confidential and only reported in aggregate.

- Yes
- No



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