



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Thirty-sixth session

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### Concluding comments of the Committee on the Elimination of Discrimination against Women: Mexico

1. The Committee considered the sixth periodic report of Mexico (CEDAW/C/MEX/6) at its 751st and 752nd meetings, on 17 August 2006 (see CEDAW/SR.751 and 752). The Committee's list of issues and questions is contained in CEDAW/C/MEX/Q/6, and the responses of Mexico are contained in CEDAW/C/MEX/Q/6/Add.1.

#### Introduction

2. The Committee commends the State party for its sixth periodic report, which followed the Committee's guidelines and referred to previous concluding comments and the Committee's general recommendations. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its large, high-level delegation, headed by the President of the National Institute for Women, which included representatives from the judicial and legislative branches; the ministries of foreign affairs, labour and social security, health, education and public security; and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

#### Positive aspects

4. The Committee commends the State party for the adoption of the General Act on Equality between Women and Men in 2006.

5. The Committee commends the State party for the reinforcement of the National Institute for Women as its national machinery for the advancement of women and notes with appreciation the elevation of its head to the ministerial level,



as well as the availability of more financial and human resources and the Institute's increased influence at the federal, State and municipal levels.

6. The Committee welcomes the development of the State gender indicator system.

#### **Principal areas of concern and recommendations**

**7. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.**

8. The Committee notes with concern the lack of consistent harmonization of legislation and other regulations at the federal, State and municipal levels with the Convention, which results in the persistence of discriminatory laws in several States and obstructs the effective implementation of the Convention. The Committee regrets the insufficient explanation provided about mechanisms in place to ensure that states comply with federal laws and international human rights treaties to which Mexico is party, as well as about measures taken in cases where states and municipalities do not adopt the necessary legislative reforms to ensure compliance.

**9. The Committee urges the State party to give high priority to the harmonization of legislation and regulations with the Convention at the federal, state and municipal levels, including by revising existing discriminatory provisions, so as to ensure that all legislation is in full compliance with article 2 and other relevant provisions of the Convention. The Committee calls on the State party to put in place an effective mechanism to ensure and monitor this harmonization process. It recommends that the State party undertake measures to raise awareness about the Convention and the Committee's general recommendations aimed, inter alia, at parliamentarians, government officials, the judiciary and the legal profession at the federal, state and municipal levels.**

10. While noting the adoption of the General Act on Equality between Women and Men, aimed at establishing a mandatory link between the federal and the state level in the formulation of policies and legal provisions, the Committee is concerned that insufficient mechanisms exist to coordinate and ensure interaction in this process with states and municipalities. The Committee is concerned that the absence of such a coordination mechanism might obstruct the federal/state initiatives aimed at guaranteeing women's enjoyment of their human rights and result in a fragmentation of efforts. While the Committee welcomes the fact that the National Commission on Human Rights has been designated as the mechanism in charge of monitoring and evaluating the General Act on Equality between Women and Men, it is concerned that that institutions may not have the necessary gender expertise and human and financial resources to carry out this function.

**11. The Committee calls on the State party to put in place coordination and monitoring mechanisms to ensure the effective harmonization and**

**implementation of gender equality programmes and policies, as well as enforcement of the General Act on Equality between Women and Men at the federal, state and municipal levels. The Committee recommends that the State party ensure that the National Commission on Human Rights is provided with the necessary financial resources and personnel well trained in gender equality issues to effectively fulfil its function in regard to monitoring and evaluating the General Act on Equality between Women and Men.**

12. The Committee is concerned about the delays in the adoption of pending draft legislation and amendments to existing laws which are critical to ensure women's enjoyment of their human rights and the elimination of discrimination.

**13. The Committee urges the State party to accelerate the adoption of amendments and of pending draft legislation, with concrete timetables. The Committee recommends that the State party put in place an effective strategy with clear priorities to guarantee continuity of efforts aimed at ensuring respect for the enjoyment by women of their human rights.**

14. The Committee remains concerned about the pervasiveness of patriarchal attitudes which impede the enjoyment by women of their human rights and constitute a root cause of violence against women. The Committee expresses concern about the general environment of discrimination and insecurity that prevails in communities; workplaces, including maquila factories; and territories with a military presence, such as the northern and southern border areas, which might put women at constant risk of becoming victims of violence, abuse and sexual harassment. While welcoming the efforts undertaken by the State party, the Committee is concerned about the persistence of the widespread and systematic violence against women, including homicides and disappearances, and in particular about the acts of violence committed by public authorities against women in San Salvador Atenco, State of Mexico.

**15. In the light of its general recommendation 19, the Committee urges the State party to take without delay all necessary measures to eliminate violence against women by any person, organization or enterprise, as well as violence committed by, or resulting from, actions or omissions by State agents, at all levels. The Committee urges the State party to accelerate the adoption of the amendment of the Penal Code to define the specific crime of femicide, and to proceed with the speedy adoption of the proposed General Act on Access of Women to a Life without Violence. It recommends that the State party implement a comprehensive strategy that includes prevention efforts involving the media and public education programmes aimed at changing social, cultural and traditional attitudes that are root causes of, and perpetuate, violence against women. It calls on the State party to enhance victims' access to justice and ensure that effective punishment of perpetrators is consistently imposed and that victims can benefit from protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken. It further calls on the State party to guarantee that the Special Prosecutor for Offences related to Acts of Violence against Women has the required authority, as well as the necessary human and financial resources, to empower her to effectively fulfil her mandate in an independent and impartial manner. The Committee requests the State party to ensure that the Special Prosecutor is given**

**jurisdiction over the case of crimes in San Salvador Atenco so as to ensure the prosecution and punishment of perpetrators. It recommends that the State party provide the necessary economic, social and psychological assistance to the victims of these crimes.**

16. While noting with appreciation the commitment and efforts of the State party to address the cases of violence against women in Ciudad Juárez, the Committee remains concerned that crimes against and disappearances of women continue, and that those efforts are insufficient to successfully complete investigations of cases and prosecute and punish the perpetrators as well as to provide access to justice, protection and compensation to victims and their families. It is especially concerned that those efforts have so far failed to prevent further crimes from being committed.

**17. The Committee reiterates its recommendations made to the State party in relation to its inquiry undertaken under article 8 of the Optional Protocol (CEDAW/C/2005/OP.8/MEXICO) and urges the State party to strengthen efforts to implement them fully. It requests the State party to establish concrete monitoring mechanisms to systematically assess progress in the implementation of those recommendations and, in particular, progress in efforts aimed at the prevention of such crimes.**

18. The Committee notes with concern that, while the Convention refers to the concept of equality, the term “equity” is used in the State party’s plans and programmes. It is also concerned about the State party’s understanding of equity as a preliminary step towards equality.

**19. The Committee requests the State party to take note that the terms “equity” and “equality” convey different messages, and their simultaneous use can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee recommends the State party to consistently use the term “equality” in its plans and programmes.**

20. The Committee is concerned that neither the report nor the constructive dialogue provided a clear picture of the extent to which gender perspectives have effectively been mainstreamed in all national policies, including the National Development Plan 2001-2006 and the Plan Contigo, aimed at eradicating poverty. The Committee is also concerned about the lack of clarity about the linkages between these plans and the National Programme for Equality of Opportunities and Non-Discrimination against Women. The Committee regrets that insufficient information was provided about the gender-specific impact on women of macroeconomic policies, in particular about the effects of regional trade agreements such as the Puebla Panama Plan and the North American Free Trade Agreement.

**21. The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and to strengthen the linkages between the national plans for development and poverty eradication and the National Programme for Equality of Opportunities and Non-Discrimination against Women with a view to ensuring the effective implementation of all the provisions of the Convention. The Committee requests the State party to include information about the effects of macroeconomic policies, including the regional trade agreements, on women,**

**particularly on women living in rural areas and employed in agricultural activities, in its next periodic report.**

22. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood in the State party, leading to a lack of use of such measures.

**23. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes that benefit women and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of substantive equality for women in various areas, as clarified by the Committee in its general recommendation 25. It also encourages the State party to strengthen the application of temporary special measures to accelerate substantive equality between women and men.**

24. While welcoming the programmatic and legal measures taken by the State party to combat trafficking, including the drafting of the proposed Act on the Prevention and Punishment of Trafficking, the establishment of binational and regional cooperation agreements and the creation of a sub-group on human trafficking among federal agencies, the Committee is concerned about the lack of uniformity in criminalizing trafficking at the level of the states, the absence of comprehensive protection and rehabilitation programmes for victims and the insufficiency of data and statistics on the incidence of trafficking and information on the impact of measures taken. The Committee is also concerned about the State party's lack of attention and efforts to address the incidence of internal trafficking.

**25. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls, including through the speedy adoption of the bill to prevent and punish human trafficking and the establishment of a concrete timetable for the harmonization of laws at the State level to criminalize trafficking in line with relevant international instruments. It urges the State party to study the phenomenon of internal trafficking, including its scope, causes, consequences and purposes, and systematically compile information with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to rehabilitate victims and reintegrate them into society. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls, and train law enforcement, migration and border police officials on the causes, consequences and incidence of trafficking in women and girls and different forms of exploitation. It urges the State party to carefully monitor the impact of measures taken and provide information on the results achieved in its next periodic report.**

26. The Committee is concerned about the exploitation of prostitution of women and girls, in particular about the increase of child pornography and child prostitution. It is also concerned about the lack of measures to discourage the demand for prostitution and of rehabilitation programmes for women involved in prostitution. It regrets that insufficient information was provided on the root causes of prostitution as well as on measures to address them.

27. **The Committee urges the State party to take all appropriate measures, including the adoption and implementation of a comprehensive plan to suppress the exploitation of prostitution of women and girls, child pornography and child prostitution, through, inter alia, the strengthening of prevention measures, discouraging the demand for prostitution and taking measures to rehabilitate victims of exploitation. The Committee requests the State party to include in its next periodic report a comprehensive assessment of the extent of prostitution and its root causes. Such information should be disaggregated by age and geographical areas, and also include information on the impact of measures taken and of results achieved.**

28. While recognizing the efforts made to increase the representation of women in public administration, the Committee notes with concern the small number of women in decision-making positions, in particular at the municipal level and in the foreign service.

29. **The Committee recommends that the State party strengthen measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of its general recommendation 23, on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to accelerate efforts to promote women to positions of leadership, including in the foreign service.**

30. The Committee reiterates its concern about the situation of women's labour rights in the maquiladora industries, including lack of access to social security and the persistence of discriminatory practices such as pregnancy tests.

31. **The Committee calls upon the State party to bring its labour legislation fully into compliance with article 11 of the Convention and to accelerate the adoption of the amendment of the Federal Labour Act to eliminate the pregnancy-test requirements. It urges the State party to strengthen the work of the general labour inspection directorate so that the working conditions of women are effectively monitored, violators of the rights of women in the maquiladora industries are punished and women workers' access to justice is enhanced. It recommends that the State party include information about the impact of measures taken and results achieved in its next report.**

32. The Committee remains concerned about the level of maternal mortality rates, particularly those of indigenous women, which are a consequence of the insufficient coverage of, and access to, health services, including sexual and reproductive health care. The Committee notes with concern that abortion remains one of the leading causes of maternal deaths and that, in spite of the legalization of abortion in specific cases, women do not have access to safe abortion services and to a wide range of contraceptive measures, including emergency contraception. The Committee is also concerned about the insufficient efforts to prevent teenage pregnancies.

33. **The Committee urges the State party to expand the coverage of health services, including reproductive health care and family planning services, and to address the obstacles that prevent women from having access to such services. The Committee also recommends that sex education be widely promoted and provided, targeting men and women and adolescent boys and girls. The Committee requests the State party to harmonize legislation**

**pertaining to abortion at the federal and state levels. The Committee urges the State party to implement a comprehensive strategy which should include the provision of effective access to safe abortion in situations provided for under the law and a wide range of contraceptive measures, including emergency contraception, measures to raise awareness about the risks of unsafe abortions and nationwide sensitization campaigns about women's human rights, targeting in particular health personnel, as well as the general public.**

34. While welcoming the establishment of the National Commission for the Development of Indigenous Peoples, the Committee is concerned about the higher levels of poverty and illiteracy and multiple forms of discrimination experienced by indigenous and rural women. The Committee is concerned about the large disparities between them and women in urban areas and from non-indigenous groups in access to basic social services, including education and health, and participation in decision-making processes.

**35. The Committee urges the State party to ensure that all poverty eradication policies and programmes explicitly address the structural nature and various dimensions of poverty and discrimination that indigenous and rural women face. It recommends that the State party use temporary special measures to address the disparities that indigenous and rural women face with regard to access to basic social services, including education and health, and participation in decision-making processes. The Committee requests the State party to include in its next periodic report comprehensive information on the measures taken and their impact, accompanied by data disaggregated by urban and rural areas, by states and by indigenous populations.**

36. While welcoming the development of a State gender indicator system and the availability of extensive data series disaggregated by sex, the Committee regrets the insufficient analysis of these data and statistics in the report, as well as in the answers provided in the constructive dialogue. This insufficient analysis prevented the Committee from clearly identifying the results and impact of the different policies, plans and programmes.

**37. The Committee requests the State party to strengthen the analysis of, and use the available data to determine trends over time, results and the impact of, programmes, plans and policies at all levels and to ensure that data disaggregated by states, rural and urban areas and indigenous groups and the analysis of such data are included in its next periodic report.**

**38. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**39. The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

40. The Committee commends the State party for having ratified the seven major international human rights instruments.<sup>1</sup> It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

41. The Committee requests the wide dissemination in Mexico of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

42. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.