



Convention on the Elimination
of all Forms of Discrimination
Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Second session

SUMMARY RECORD OF THE 13th MEETING

Held at Headquarters, New York,
on Tuesday, 2 August 1983, at 3 p.m.

Chairperson: Ms. IDER

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER
ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Mexico (CEDAW/C.5/Add.2)

1. At the invitation of the Chairperson, Mr. Ruiz-Cabañas (Mexico) took a place at the Committee table.

2. Mr. RUIZ-CABAÑAS (Mexico), introducing the initial report of Mexico, said that the report showed the important legal changes which had been made over the past decade in order to establish equality of rights between men and women. A careful review of the most important legislative provisions of the country had been undertaken in order to eliminate any vestiges of discrimination and a long-term strategy to ensure the implementation of those provisions had been set in motion. All the necessary amendments had been made in order to bring Mexican legislation in line with the Convention before the Government had ratified the Convention. There was, therefore, a clear parallel between the provisions of the Convention and Mexican legislation in that regard. In accordance with article 133 of the Mexican Constitution, the Convention, like all international treaties ratified by his country, was considered the supreme law of the land.

3. In Mexico there was no constitutional or legal basis for discrimination against women; any difficulties in implementing certain provisions of the Convention arose from the general economic conditions in the country. As a developing country, Mexico had shortcomings in its social and economic structure. The current world economic crisis, by accentuating those shortcomings, inevitably affected the situation of women, particularly the more disadvantaged urban and rural women. Nevertheless, his Government was determined to deal with the problems, using all the means at its disposal.

4. The Mexican Government was fully committed to ensuring equality between men and women and eliminating centuries-old prejudices, and the National Development Plan for 1983-1988 reflected its concern to guarantee equal opportunities for women in all spheres of national life.

5. Ms. GONZALEZ MARTINEZ expressed satisfaction at the comprehensive report submitted by the Government of Mexico. With regard to social security, referred to in section 51 of the report, she inquired whether the husband of a deceased woman who had contributed to old age insurance was entitled to a pension.

6. Ms. MACEDO DE SHEPPARD expressed satisfaction at the excellent quality of the report submitted by Mexico. She inquired what the Government of Mexico was doing to overcome the current economic crisis in so far as it affected the situation of women in that country.

7. Ms. SMITH said that the report under consideration provided ample information on the relevant provisions of Mexican legislation, but did not give a good picture of the actual situation. It was not clear how the rights of women were protected legally in practice. Was discrimination against women explicitly prohibited and subject to punishment by law? Had women actually resorted to the courts when they felt they had been the victims of discrimination? Were rural women, who would not have sufficient means to resort to the courts if a law was unconstitutional, afforded any redress? She inquired whether any laws had been repealed since Mexico had ratified the Convention. Were there any institutions which assisted women in dealing with discrimination? It would be useful to have more information on any de facto discrimination against women and on the general participation of women in the life of the country. Lastly, she requested statistics on the participation of women in political activities.

8. Ms. DE REGO DA COSTA SALEMA MOURA RIBEIRO inquired whether abortion was permitted under Mexican law. If so, statistics with regard to the number of women who received abortions would be appreciated. She requested further information on article 103 of the Mexican Constitution, particularly with regard to the remedy of "amparo". It would be useful to have the text of that article. She requested an explanation of the words "live honestly", used in section 13 of the report in referring to the requirements for being a citizen of the Republic. Who determined whether persons lived honestly?

9. Ms. ILIC expressed satisfaction at the comprehensive report submitted by the Government of Mexico. Section 11 of the report stated that it might be necessary, in order to change or abolish customs and practices, to institute appropriate social changes. She requested information on the type of social changes which were envisaged by the Government. The right of women to participate and contribute to development was very important in establishing equality of the sexes. She asked how women were integrated into the development plans of the country. Lastly, additional information would be appreciated with regard to steps taken to improve the situation of indigenous women in rural areas.

10. Ms. CORTES observed that the report provided a precise picture of the legal situation in Mexico but that there might be a broad gap between the letter of the law and the actual situation in practice. Section 6 of the report stated that all persons had the right to decide in a free, responsible and informed manner on the number and spacing of their children. She inquired to what extent women exercised equal rights in making decisions in that regard. In his introductory statement the representative of Mexico had referred to centuries-old prejudices which needed to be eliminated. To what degree did the attitude of women themselves account for inequalities which still existed? She asked whether women were aware of their right to equal treatment in employment and were able to assert that right. Lastly, she requested further information on progress made in improving the situation of women through the institution of "ejido", referred to in section 60 of the report.

11. Ms. MUKAYIRANGA said that the report provided very useful information regarding the legislation in force in Mexico. Nevertheless, the elaboration of laws and their application were two different matters. She inquired what obstacles had been encountered by the Government in implementing its legislative measures.

12. Ms. REGENT-LECHOWITZ expressed satisfaction at the excellent quality of the report submitted by Mexico. It was clear that Mexican legislation was in accordance with the provisions of the Convention. Nevertheless, further information on the practical application of the provisions of the Convention and statistics on the current situation of women in the country would be appreciated.

13. Ms. CARON asked whether the economic difficulties mentioned by the representative of Mexico affected men as well as women. She would also like detailed information on whether discrimination had been eliminated in practice.

14. Turning to section 74 of the report, she noted that a wife had the freedom to choose her family name. She would, however, like to know what family name was given to the children in a marriage or children in single-parent families. Noting that article 169 of the Civil Code provided that the spouses might follow any occupation except those damaging to the morals or the structure of the family, she said she would appreciate specific examples of such exceptions. She would also like to know whether in Mexico the household management and tasks, mentioned at the end of section 74, were considered to be the sole responsibility of women. In conclusion, she said that it would be useful to have more statistics on the employment of women in Mexico.

15. Ms. ESCUDERO-MUSCOSO said that the report of Mexico was an extremely detailed and interesting one. It would, however, be useful to know what practical benefits were obtained by women from the legislative provisions referred to in the report, the obstacles to the implementation of those provisions, and the possible ways in which the legal procedures could be altered so as to increase the legal protection of women against discrimination.

16. Ms. OESER said that, while the legal details in the report were impressive, there was a lack of information on the real situation of women in Mexico. She would also like to know whether the Government of Mexico had made any reservations upon ratifying the Convention.

17. Mr. NORDENFELT commended Mexico for its prompt ratification of the Convention and the thorough report it had submitted to the Committee. While the report went into great detail about the relevant Mexican legislation, it also showed the need for guidelines to help States focus in their reports on how the goal of equality was actually being achieved.

18. Noting the statement in section 6 that various articles of the Constitution laid down, either explicitly or implicitly, that men and women were equal by not making, establishing or indicating any difference concerning the recognition, enjoyment or exercise of essential rights, he stressed that the absence of any explicit distinction was no guarantee against discrimination. Article 4 of the Constitution, which stated that men and women were equal before the law, was, however, explicit. He was unable to follow the logic of the statement in section 15 that, since legal equality existed it was not possible to adopt special measures aimed at accelerating de facto equality between men and women, since that equality had already been achieved by means of constitutional or substantive measures. In his view, de jure equality could not imply de facto equality.

(Mr. Nordenfelt)

19. There was also a lack of practical examples elsewhere in the report. For example, while it was stated in section 11 that the President had the power and duty to issue regulations mentioned specifically in article 2 (f) of the Convention, it did not state whether he had used that power. Similarly, while the same section stated that the persons responsible for "customs and practices" which directly affected women's recognized and protected rights could be made to respect those rights, there was no mention of how they were obliged to do so. He would also like information on the availability of legal aid for women who wished to assert their rights through the courts. He wondered whether the court system had the practical capability to deal promptly with cases of discrimination as they arose, and whether women had in fact resorted to court proceedings in order to assert their rights.

20. He too was puzzled that one of the conditions of citizenship should be to live honestly, and wondered whether dishonest women were deprived of their citizenship. He also wondered, with reference to article 36 of the Constitution, mentioned in section 20 of the report, whether women who had no property or who were not in gainful employment, were entitled to participate in elections. In conclusion, he said that it would be useful to have more precise statistical information; for example, in section 21, which referred to the number of women employed in government offices, it would be helpful to know what percentage of the total work force was constituted by women and at what levels they were employed.

21. Ms. BIRYUKOVA shared the view that the report, while an excellent study of the legal situation in Mexico, lacked information on how those laws were applied in practice and the real situation of women in the country. She would, for example, have liked to see some information on the percentage of women in Parliament, in secondary and higher education institutions, and other walks of life.

22. With regard to part III of the report, she asked who decided where students would study and how they were supported if they studied abroad. She would also like to know what measures the Government was taking at the regional, national and international levels to overcome the negative effects of the economic crisis on the full implementation of the Convention. Noting that the preamble to the Convention stressed that the strengthening of peace and security, disarmament and international co-operation would promote social progress and development, thereby contributing to the attainment of full equality between men and women, she asked how the Mexican Government was endeavouring to remove the obstacles preventing the elimination of discrimination against women.

23. In conclusion, she requested that the report of the Committee should reflect her suggestion that the reports of States parties should not only give an account of legal norms but should also demonstrate the actual state of affairs, providing appropriate statistical data.

24. Ms. EL-FETOUH asked to what extent women were aware of the legislation to promote equality.

25. Ms. BERNARD said that she would like to know about the rights of women living in common-law marriages and the legal provisions governing the children born within such relationships.

26. Ms. SMITH noted the statement in section 32 that the question of scholarships or study grants from the State was irrelevant since all education was free anyway. Although education itself might be free, there was still the question of living expenses incurred, for example, by women with children.

27. Mr. RUIZ-CABAÑAS (Mexico) asked the Committee if he could reply to the questions raised concerning the initial report of Mexico at a later stage in order to give him time to first consult his Government.

28. The CHAIRPERSON said that there was no objection to the request of the representative of Mexico.

ORGANIZATION OF WORK

29. The CHAIRPERSON announced that the Bureau had decided that, when considering reports, the Committee should give priority to those countries whose representatives had come from the capital cities to attend the meeting. Taking account of that decision, the Committee would consider the report of the Government of the USSR the following morning.

The meeting rose at 4.30 p.m.