

MEXICO

CEDAW A/39/45 (1984)

67. The Committee considered the initial report of Mexico (CEDAW/C/5/Add.2) at its 13th and 17th meetings, held on 2 and 5 August 1983 (CEDAW/C/SR.13 and 17).

68. The report was introduced by the representative of the State party who pointed out that his Government had ratified the Convention of the Elimination of All Forms of Discrimination against Women, since it considered that its own domestic legislation guaranteed the same rights, because in recent years the State had made great efforts in revising all legislation to eliminate any trace of discrimination against women. In accordance with article 133 of the Political Constitution of the Republic, the Convention was considered the supreme law of the land.

69. 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. The National Development Plan for 1983-1988 reflected its concern to guarantee equal opportunities for women in all spheres of national life.

70. The Committee welcomed the initial report presented by Mexico and noted that an impressive body of legislation had been adopted to secure women's equality. It also remarked that it might be useful to receive more information on the application of those laws. Several members regretted the lack of statistical data which did not allow the Committee to have a clear picture of the actual status of women in Mexico. In future, it was noted, empirical data should accompany every country report.

71. Regarding the above, it was asked what concrete benefits women had obtained through the adoption of equal rights legislation, what were the obstacles being encountered in their implementation and what solution or solutions were contemplated to overcome them. Other members inquired about the specific remedies and sanctions provided by law against acts of discrimination against women. In that regard, it was also pointed out that there seemed to be no institution(s) to assist women in the exercise of their rights and there was no information on the capacity of the court system to provide remedies for women's grievances. Information was also sought as to the extent of women's utilization of the court system to enforce their rights.

72. With regard to women's role in the family, it was noted that the report did not provide information as to the sharing of family responsibilities between husband and wife, nor was there any reference to the status of women in common law relationships, and it was asked whether such unions were now recognized by law. The question of the surnames of children born in and out of

wedlock was raised. In the areas of social security and welfare it was not clear whether a wife could receive a pension upon her retirement or whether it was dependent on her husband's death. There were other areas that required additional clarification and amplification, such as health, education and employment. No reference was found in the report to family planning, whether a woman had an option in the spacing of the births of her children and whether abortion was legalized.

73. Relating to women's civil and political rights, questions were raised pertaining to the freedom to pursue a profession or run for elective office. One expert requested clarification regarding the term "living honestly" as it appeared in article 34 of the Constitution, which stated that all Mexican men and women who fulfilled the condition of having reached the age of majority and "lived honestly" were citizens of the Republic.

74. The report revealed the persistence of traditional values, including specific roles ascribed to individuals according to their sex as well as prejudices, and referred to "customs and practices". It was felt that it was not clear how the Government intended to change that situation and what those "customs and practices" were. One member asked to what extent women's attitudes and perceptions of themselves accounted for the inequalities that continued to exist, whether women themselves had been made aware of their rights, and to what extent they were making use of them. It was also pointed out that a correlation seemed to be made between rural and indigenous women, but that no information was given on what steps had been taken to improve their situation.

75. The Committee also took note of the reference made by the representative in his introduction pertaining to the world economic crisis and how the latter had affected the status of women; several members asked how the crisis had indeed affected women and how the Government was planning to overcome the problem.

76. It was agreed that more information was necessary about the situation of women in the country and it was asked whether the Government of Mexico had made any reservations regarding the Convention and, if so, what were those reservations.

77. In answering the questions posed by the members of the Committee, the representative of Mexico recalled that the reason why the Committee had been established was because of world-wide discrimination against women and, therefore, his Government could not say that it had eliminated the de facto discrimination. His Government understood that the socio-economic development was essential for that purpose and, for that reason, had taken measures to promote women's participation in the preparation and implementation of the National Development Plan (1983-1988). Women's full integration would take a long time and would go hand in hand with the social and economic development of his country,

78. He explained that difficulties in applying some of the provisions of the Convention were largely due to the limited financial power of the State. The Mexican representative recalled that his country was a developing country suffering from a number of gaps and imbalances in its economic and social structure, aggravated by the current economic crisis, which inevitably affected the situation of women. Nevertheless, he reaffirmed the Mexican Government's commitment to

tackle those problems with all the means at its disposal.

79. Regarding the concrete benefits obtained by women, the representative of Mexico mentioned the rates of increase in the number of working women between 1970 and 1979 and the reduction in the rate of women's illiteracy between 1960 and 1982.

80. Some solutions to overcome certain obstacles encountered by women were found by making women aware of their rights under the Convention through government publicity campaigns and through efforts of women's organizations.

81. Concerning the court system to provide remedies for women's grievances, the representative of the State party referred to the remedy of amparo which effectively protected men and women against arbitrary acts committed by the State. He also pointed out that many women's organizations in the country protected women against violations of their rights.

82. If either spouse had a complaint in family affairs, he or she could bring it to the family court. A child born out of wedlock could have its mother's surname and its father's surname if the child was recognized by the father. A child born in wedlock automatically had both the father's and the mother's surnames. For legal purposes, a woman always kept her maiden name in official documents. Vast strides had been made in the area of family planning during the past 10 years, however, women were not forced to accept family-planning methods.

83. The words "living honestly", in referring to the requirements for being a citizen of Mexico, meant that an individual must not have been convicted in a court of a crime.

84. The representative of the State party said that his Government considered that an important part of its efforts consisted in strengthening the political will and in gaining broader popular support for full equality between men and women, and in the determination of the international community to change customs and prejudices.

85. In recalling the importance of socio-economic development as one of the bases for the promotion of the status of women, he gave various data and figures that showed the increase in the number of women in the labour force, in spite of the fact that Mexico's population had almost doubled in the last 20 years up to 1980 (from 35 to 67 million, half of whom were women) and the increase of rural-urban migration which had created great difficulties in all areas of development in the country. A substantial decrease in illiteracy had also been achieved, from 20 per cent in 1960 to 9.1 per cent in 1980. The major beneficiaries had been women, who had increased their enrolment in primary, secondary, technical and other institutions of professional studies.

86. He also noted that considerable investments were needed to initiate certain services required to comply with the Convention and that the present economic situation was not facilitating the deployment of such funds. In addition, actual equality was also impeded by cultural and psychological factors, which women themselves were sometimes perpetuating.

87. Upon ratifying the Convention, the Government of Mexico had made a reservation in relation

to article 10 (c) because of its financial implications.

88. Following several further questions on family planning, peace and disarmament, he stated that the relevant information would be included in the next report.

89. Some experts recommended drawing attention of States parties to the desirability of using the positive experiences referred to in the above-mentioned report in order to make further progress in eliminating discrimination against women, not only de jure, but also de facto.

CEDAW A/45/38 (1990)

350. The Committee considered the second periodic report of Mexico (CEDAW/C/131/Add.10 and Amend.1) at its 163rd meeting on 30 January 1990 (CEDAW/C/SR.163).

351. In introducing the second periodic report and responding to questions posed by members of the Committee, the representative of Mexico stated that her Government's aim was to ensure the full integration of women in social life and for the first time the Development Plan 1989-1994 contained a special section about the participation of women. The Government had made special efforts to obtain information on the status of women and to work on family planning. The implementation of the Convention was closely related to the persistence of poverty. She said that the Government would carry out a national census in 1990 in order to obtain a clearer picture of the progress made, and for the first time, the contribution of women would be taken into account. None the less, obstacles persisted that were hard to overcome in addition to the most serious economic crisis that the country had been undergoing since the Second World War and which made it more difficult to meet the country's commitments under the Convention. Aware of the most acute social problems, the Government had launched an ambitious National Solidarity Programme to improve the living conditions of the most needy groups of the population.

352. Replying first to the general questions, namely the extent to which women had recourse to the courts to enforce their rights, she said that women and men were equal before the law and had the same rights of recourse. Regarding the functions of the Secretariat on the Status of Women established in 1987, she explained that it was a government office of the State of Guerrero to promote the rights of women and she outlined its objectives. Concerning the problem of domestic violence, she informed the members of a programme of social and family integration and legal assistance that dealt with cases of domestic violence and said further that many women's associations were involved in the matter and various institutions had been set up to help women in despair. Women's awareness in the matter had also been raised.

353. Regarding activities to publicize the Convention, she said that the contents of the Convention had been disseminated through publications and seminars and, as the bicentenary of the Declaration of Human Rights coincided with the Convention's tenth anniversary, the latter event had been used to give publicity to both instruments. The United Nations information kit on the Convention was widely distributed and various other events were organized.

354. Among the legal measures that had been adopted since the time of the initial report, she mentioned the reform of the Civil Code in the Federal District concerning the recognition of women's rights in cases of voluntary divorce, the regulation concerning donations among spouses, a clear definition of the conjugal domicile and the setting up of government agencies dealing with sex-related crimes. A follow-up to the 1982 National Demographic Survey that would give a clearer picture of the progress made would be the census planned for 1990. She also stated that no further obstacles than those already identified in the two reports prevented progress in the advancement of women.

355. Referring to questions raised under article 2, she explained that the results of the survey carried out in the first half of 1983 showed that the demographic trends of the female population were the same as those for the total population, the economic participation of women had been rising, the illiteracy rate in 1980 was 16.7 per cent for men and 20.6 per cent for women. The crucial problem, however, was the high rate of female drop-outs from school. There were vast regional differences concerning the levels of health and social well-being of women, and some of the further problems that affected women were related to disablement, prostitution, alcoholism and drug addiction. She stated further that the National Commission for Women had been set up in 1985 as a pressure group to watch over the implementation of statutory rights of women in the fields of employment, health and family law.

356. The Government had not taken any temporary special measures within the framework of article 4.

357. Turning to article 5, she said that information campaigns through the mass media had been carried out to stress the role of women in the family, the need for joint responsibility of all family members, and to fight against the drop-out of girls from school. The Government was revising school textbooks and providing adult education programmes and was trying to modify socio-cultural patterns of conduct of men and women in order to create a better understanding of the role of women as workers and mothers. Although the progress in changing the socio-cultural patterns in the mass media was slow, there was growing awareness of the need for change.

358. Among the programmes to support women who were victims of rape, she mentioned a service that gave assistance to persons in need, the initiation of a revision of the relevant laws, the setting up, in 1989, of agencies, which were staffed with specially selected social workers and operated 24 hours a day and all year round and were located next to the criminal investigation offices. Those agencies helped women victims to lodge their complaints. With regard to the question whether religion or customs constituted an obstacle to the advancement of women, she said that there were beliefs that hindered the legalization of abortion. However, women were split into two camps on issues about abortion, which still remained an issue of conscience.

359. She said that she could not provide any data concerning the rate of prostitution, but the problem was being tackled by a 1989 reform of related legal provisions.

360. Turning to article 7, she said that there had been an increase in women's political participation since the initial report. There were a number of strong women's associations and some political parties were also dealing with the issue. The earthquake in Mexico City had led to a resurgence of new women's organizations. However, although the number of women in Parliament had increased, there was no increase in proportion. There was a marked rise of women in intermediate governmental levels, but not so much at the top levels. The same applied to the political parties. She also said that the Development Plan 1989-1994 envisaged the full integration of women in national development.

361. Referring to article 10, she said that sex education was provided through school textbooks in public and private schools at the primary and secondary levels and in community programmes,

labour programmes and among other groups. The freely available textbooks had been revised to reflect equality between the sexes. Since the initial report, specific school programmes had been set up for the indigenous population. The reasons for the lesser representation of women at higher economic levels were very complex and were related to the still-prevailing prejudices and customs. There were also certain regional differences.

362. Turning to article 11, she said that one of the major effects of the economic crisis on the work of women and men was their accelerated entry into the labour market. Concerning the question as to who was included in the female economically active population, she said that so far only the formal remunerated employment of women had been taken into consideration in the national accounts. The national survey in 1990 would, for the first time, give a clearer picture of the informal sector. Women's rights in the field of health were protected in all sectors of the economy, but it was more difficult to implement that stipulation in isolated communities. She emphasized that the labour laws applied to all citizens irrespective of sex. Regarding the unemployment rate, she said that it was 1.5 to 2 per cent higher for women than for men, but that the overall rate was declining.

363. Regarding questions raised under article 12, she said that abortion was prohibited, except in certain circumstances, such as when it arose from rape, if the foetus was malformed or for reasons related to the health of the mother. There was only one special office that dealt with the consequences of rape. She also said that it was practically impossible to estimate the number of abortions, the magnitude could only be inferred from the abortion-related complications. Since 1975, the family planning programme had been intensified and was integrated in the overall health programmes, and information had been disseminated to couples about how to regulate the number and spacing of their children. It was difficult to provide precise figures on the number of births per woman as not all childbirths took place in maternity clinics.

364. Referring to questions regarding the incidence of acquired immunodeficiency syndrome (AIDS), she said that 422 cases had been reported in women mostly between 25 and 44 years old mainly due to blood transfusions. Concerning a question as to whether health coverage was available only to the employed sector of the population, she stated that health legislation applied to all citizens. Since the initial report there had been a 20 per cent decline in the mortality rate of children. As for the principal causes of death and diseases of women, they were mainly cervical, uterine and breast cancer.

365. Regarding questions raised by members of the Committee under article 13, it was stated that no law made any distinction on the grounds of sex regarding the access to bank loans, mortgages and other forms of financial credit.

366. Replying to a question concerning article 14, the representative said that the remaining most acute problems faced by rural women since the initial report were, as stated in the report, the population explosion, the demand for land and the shortcoming in producers' organizations. Rural women had the same access to family planning services as urban women, but it was more difficult to set them up in rural areas. Sustained efforts were also being made to provide agricultural training services to women in rural areas, and under the 1971 Agrarian Reform Law, farm workers

over 16 years old, irrespective of their sex or age, if married, were eligible to obtain plots of land. In case of divorce, women could keep possession of such land. Women in rural areas were allowed to be associated with farms and industries set up in the Agricultural Industrial Unit.

367. Concerning a question on the legal protection for women who were living in de facto relationships, she replied that provided that the parties had lived together for at least five years and were not married to anyone else, both parties had a right to inheritance and succession.

368. Members of the Committee noted a very positive difference between the initial and the second periodic report in that the latter provided a lot of information not only on the de jure, but also on the de facto situation of women. They noted the frankness in the replies given and the commitment of the Government to women's issues and raised some additional questions. To the question as to whether the value of women's work carried out in their homes was taken into account by the courts in case of dispute about property during a divorce, the representative replied that it was of great concern to many women's organizations that women's work done in the household had not received proper recognition. To another question concerning the lack of specialized training programmes for women, she replied that the Government was putting strong emphasis on women's training programmes, especially in the informal sector. Regarding one comment that it might be more appropriate to structure the report according to the different regions, she said that it was up to the Committee to amend its guidelines accordingly.

369. Members requested more detailed information in the subsequent report on the informal sector, on the percentage of women living in poverty and on actions taken by trade unions for the benefit of women. On the question as to what the impact of the Convention had been on the status of women in the country, the representative stated that the Convention had certainly had an impact, but from the governmental standpoint, it was difficult to measure it. Special seminars and courses had been devoted to women's issues, but she had no concrete information on the activities taken by non-governmental organizations and women's movements as a result of the Convention. Concern was expressed that mass media might not be doing enough in trying to change the stereotyped ideas about women. The representative also stated that much more needed to be done to ensure the interaction between meeting the needs arising out of the economic crises and the fulfilment of the objectives arising out of the Convention.

CEDAW A/53/38/Rev.1 (1998)

354. The Committee considered the combined third and fourth periodic reports of Mexico (CEDAW/C/MEX/3-4 and Add.1) at its 376th and 377th meetings on 30 January 1998 (see CEDAW/C/SR.376 and 377).

355. Introducing the report, the representative stated that the Mexican constitution guaranteed equal rights for women and men. Furthermore, the constitution explicitly mentioned women's equal rights in the areas of education, family planning, nationality, employment, wages and political participation.

356. In order to implement the commitments made at the Fourth World Conference on Women in Beijing, Mexico had established a national machinery for the advancement of women, under the Ministry of the Interior, which was in charge of putting into practice the National Programme for Women: Alliance for Equality, the document containing Mexico's strategies for the implementation of the Beijing Platform for Action. The Executive Coordination Office of the national programme for women was responsible for bringing together and coordinating inter-agency activities, which would allow the full implementation of the National Programme for Women and other governmental programmes. Thus, the Consultative Council and the Social Comptroller were integrated as organs for counseling, following up and surveying the programme. These two bodies were integrated by women belonging to different sectors of society.

357. The Government of Mexico had taken steps to conform its national policies with international agreements on the status of women. In January 1994, the Ministry of Foreign Affairs had established a coordination unit for international women's issues that monitored the implementation of international agreements. Furthermore, the National Human Rights Commission analyzed whether the Mexican law complies with international agreements on women's and children's rights and proposed amendments thereon to the current law.

358. The representative reported that Mexico had established quotas to promote the participation of women in political decision-making. The federal election legislation called on political parties to establish a limit of participation of candidates of the same gender. Subsequently, two main political parties had established quotas to ensure that at least 30 per cent of their candidates were women and one had established a preferential option to select women.

359. Mexico had enacted special laws and reformed the civil and criminal code for the Federal District in order to combat and punish domestic violence. Furthermore, consultations had started at the local level to reform the civil and criminal codes of the majority of the states of Mexico with regard to violence against women. In addition, special programmes had been launched to support women victims of violence.

360. Girls and women were under-represented in higher education; however, their enrolment has increased in recent years. The rate of illiteracy in Mexico was declining but remained high among older women and rural and indigenous women. This had led to the establishment of compensatory programmes aimed at overcoming the educational backwardness in rural and indigenous

communities, which were in a state of extreme poverty or were isolated and lacked access to normal educational services. The National Institute of Adult Education addressed its action to a population comprised mainly of women and also offered non-formal employment training services. The National Educational Promotion Council operated in settlements with less than 150 inhabitants with the objective of establishing schools in the communities themselves.

361. The representative stated that women in the paid labour force had to cope with the double burden of work and family responsibilities and tended to be concentrated in the lower paid professions. The Mexican Government paid special attention to the need to train women under the Training Fellowships for Unemployed Workers Programme of the Ministry of Labour.

362. Maternal mortality had declined significantly, owing to awareness-raising and training campaigns. Furthermore, the increased use of contraceptives had led to a decline in fertility. In order to make health care more responsive to women's needs, the Ministry of Health had launched a programme to incorporate gender in all activities of its policy and programmes. Health policies and programmes have also been implemented in order to decrease and prevent the occurrence of cervix-uterine and breast cancer.

363. Households headed by women were most vulnerable to poverty. In order to combat poverty, the Mexican Government had been implementing the Food, Health and Education Programme, established in 1997. The Programme was establishing a series of affirmative measures in favor of the female population, after recognizing the disadvantages faced by women and girls in terms of food, education and health. The Government also provided micro credits to women and supported women entrepreneurs.

364. The situation of rural women in Mexico was very diverse, depending on their ethnic origin and the region. However, women in rural areas generally had less access to education and health care. The national machinery had launched policies and programmes to improve the situation of women in rural areas, such as the conformation of a rural women national network, in order to link governmental organizations, with the goal of promoting integral development.

365. The representative concluded by stating that Mexican women had advanced significantly in recent years, but still faced many obstacles to the full enjoyment of their rights. She underlined the commitment of the Mexican Government to continue to design policies aimed at granting women and girls equal treatment and opportunities. She also recognized that the most profound changes were born in the deepest values and attitudes of society, which could only be achieved through processes that demanded time and a strong political will.

Concluding comments

Introduction

366. The Committee expresses its appreciation for the third and fourth reports submitted by the Government of Mexico, which reflect the current state of compliance with the Convention in Mexico and the programmes established and actions taken to improve the status of women.

367. The Committee points out that the significance attached by the Mexican Government to the Convention has also been illustrated by the high level of the delegation representing the State party at the session.

368. The Committee thanks the Government of Mexico for its oral report, as well as its replies to the Committee's questions and its representative's statement, translated into both French and English.

369. The Committee expresses its thanks for the Mexican Government's exhaustive and specific replies to all the questions asked and for the updated information provided in the statement of the representative of the Government of Mexico.

370. The Committee congratulates the Government of Mexico for the achievements made since the last report in terms of both legislative reform and real progress in improving the status of women.

371. The Committee thanks the representative of Mexico for the transparency with which she discussed the socio-economic and political situation of women in her country and her Government's efforts to implement the Convention and for her objective and analytical presentation of the obstacles to the advancement of women in Mexico.

372. The Committee notes that the Mexican Government's report and its replies to the Committee's questions offer valuable, comprehensive information on the various programmes implemented and planned by the Government of Mexico. The Committee considers the specific information provided on the situation of indigenous women in Chiapas to be extremely important.

Positive aspects

373. The Committee expresses its satisfaction at the Mexican Government's efforts to implement the Convention through many programmes, either in progress or planned, for the advancement of Mexican women and commends the legal framework established for implementing the Convention. The Committee stresses that the Mexican Government has adopted the Platform for Action without reservations and has introduced a national action programme to implement the Platform and for the follow-up of commitments made in Beijing.

374. The Committee notes that the constitution provides guarantees for the protection of women's and men's rights, both as individuals and as groups.

375. The Committee stresses the importance of the establishment of the National Programme for Women: Alliance for Equality of 8 March 1995, which is a national mechanism to promote activities designed to improve the status of women that was binding on Federal Government offices and parastatal organizations. The Committee notes with satisfaction that the executive coordinator of the National Programme for Women, which coordinates all efforts to improve the status of women, is at the high level of under-secretary of State.

376. The Committee recognizes with satisfaction that the Convention serves as a framework for both the National Programme for Women and the National Human Rights Commission and that the efforts to implement the Convention are implicit in the National Development Plan.

377. The Committee notes with satisfaction that during the period from 1993, important constitutional reforms have been introduced in order to advance the status of Mexican women and implement the Convention and that constitutional reform has been followed by changes in other legislation.

378. The Committee notes with appreciation that pursuant to constitutional reforms primary and secondary education is now compulsory for women and girls.

379. The Committee observes with satisfaction that the civil, civil procedure and penal codes have been modified in order to facilitate proceedings with regard to violence against women in the family, including marital rape. It also commends the 1996 Federal District law to prevent and assist victims of intra familial violence and the fact that Mexico has signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará).

380. The Committee notes with appreciation the recent adoption by the Congress of the Union of an addendum to the Federal Code of Electoral Institutions and Procedures, which states that national political parties should consider providing in their statutes that no more than 70 per cent of the candidates for deputy or senator should be of the same gender.

381. The Committee notes with satisfaction the efforts being made to implement affirmative action programmes in a number of areas, including the Federal Code of Electoral Institutions and Procedures and that these demonstrate a clear understanding of paragraph 1 of article 4 of the Convention..

382. The Committee welcomes the Mexican Government's initiative in establishing an information, documentation and research system on the situation of women, and considers this to be an important tool in designing better policies to promote equality, which would also reflect women's non-remunerative work.

383. The Committee acknowledges with satisfaction the considerable number of women working in the judicial system and that women occupy 19 per cent of high-level judicial posts.

384. The Committee welcomes the reinstatement of the Women, Health and Development Programme in 1995 and the elaboration of the Reproductive Health and Family Planning Programme, 1995-2000, both of which are evidence of the efforts to improve the quality of health care for women in the country.

385. The Committee commends the Government's initiative to encourage women's non-governmental organizations to participate in programmes to implement the Convention.

386. The Committee commends the Mexican Government for objecting to reservations lodged by some States parties to the Convention.

Factors and difficulties affecting the implementation of the Convention

387. The Committee notes that, while the Convention is part of the Supreme Law and its implementation is compulsory at the federal level, the specific legislation of a number of Mexican states contains elements that discriminate against women and are not in keeping with the provisions of national legislation and the Convention.

388. The Committee notes that implementation of the Convention is hampered by the fact that Mexico is a territorially vast, multi-ethnic and multicultural developing country with a difficult economic situation that affects the most vulnerable strata of society, and women in particular.

Principal areas of concern

389. The Committee expresses its concern with regard to the discrimination faced by indigenous women, where the health, education and employment indicators are below the national average. It also expresses concern about the situation of rural women living in poverty and in extreme poverty.

390. The Committee expresses concern with regard to the situation of indigenous women and children, particularly in the state of Chiapas since, in conflict zones where the police or armed forces are operating, women are often the innocent victims of violence.

391. The Committee expresses concern with regard to de facto discrimination, referring, in this regard, to the situation of women workers in factories where, according to information received from various sources, Mexican labour legislation, particularly legislation on the reproductive rights of women workers, is being violated. The Committee also refers to the situation in certain areas where the principle of equal salary for work of equal value is not applied and where women of child-bearing age are subject to mandatory pregnancy tests as a condition of employment.

392. The Committee notes that the report does not describe cases where the Convention has been used to support claims for women's human rights. The Committee is concerned that the absence of such cases is either because women lack awareness of the Convention and its primacy in domestic law or because they lack sufficient resources to access the legal system.

393. The Committee notes that, in spite of the legislative measures Mexico has taken, violence against women, particularly domestic violence, continues to be a serious problem in Mexican society.

394. The Committee notes the high, and unsatisfied, demand for contraceptive methods, in particular among poor urban women, rural women and adolescents. It also notes with concern cases in some localities in which contraceptive methods have been used without women's express consent, which is required under Mexican law.

395. The Committee expresses serious concern at the possible existence of an illicit traffic in women. It notes that if there is trafficking in women, that this is a serious violation of their human rights.

396. The Committee warns that, in the present circumstances, the gender-equality policy in the regular educational system may be affected by the decentralization of education in Mexico.

397. The Committee draws attention to the lack of access to health-care services for children and old people.

398. The Committee considers that the policies to promote equality within the family are insufficient, since stereotyped roles are perpetuated in the family by deeply rooted traditions of men's superiority. In addition, the Committee notes that certain legal provisions might continue to promote inequality and traditional roles within the family.

399. The Committee refers to the high rate of teenage pregnancy and the lack of access for women in all states to easy and swift abortion.

400. The Committee expresses concern at the absence of information about Mexican women who migrated abroad.

Suggestions and recommendations

401. The Committee encourages Mexico to continue to allow women's non-governmental organizations to participate in the implementation of the Convention.

402. The Committee recommends that, despite the structure of the Federal Government, the constitution and the Convention of Belém do Pará should be implemented throughout the country in order to speed up legal change in all states, and requests the Mexican Government to provide, in its next report, information on the measures it has taken in that regard.

403. The Committee recommends that the Mexican Government continue its efforts to reduce poverty among rural women, particularly indigenous women, and to work together with non-governmental organizations, making special efforts to promote education, employment and health programmes conducive to the integration of women into the development process, both as beneficiaries and as protagonists. In view of the relatively high growth levels of the Mexican economy that have been mentioned, the Committee would welcome a more equitable redistribution of wealth among the population.

404. The Committee suggests that Mexico evaluate areas, such as the private sector, that are not covered by affirmative action and, in its next report, submit a consolidated evaluation of all affirmative-action initiatives.

405. The Committee proposes that, in its next report, Mexico should provide more information about existing mechanisms to enable women to seek redress from the courts on the basis of the

Convention.

406. The Committee expresses the hope that the Government will continue to monitor compliance with labour laws in the factories and pursue the work of raising awareness among factory employers.

407. The Committee also requests the Ministry of Agrarian Reform to continue its institutional intervention to persuade public land (*ejido*) assemblies to allocate to women the parcels of land to which they are entitled.

408. The Committee recommends that the Government consider the advisability of revising the legislation criminalizing abortion and suggests that it weigh the possibility of authorizing the use of the RU486 contraceptive, which is cheap and easy to use, as soon as it becomes available.

409. The Committee requests that information be given in the next report on the impact of programmes to reduce and prevent teenage pregnancy.

410. The Committee recommends the introduction of training for health personnel with regard to women's human rights and particularly their right, freely and without coercion, to choose means of contraception.

411. The Committee suggests that the Government continue to work for the adoption of nationwide legislation on all forms of violence against women, including domestic violence, adjusting state laws to national laws.

412. The Committee requests the Government to consider the possibility of implementing an integrated, long-term plan for combating violence. Such a plan could include taking legal action, training judicial, law enforcement and health personnel, informing women about their rights and about the Convention and strengthening victims' services.

413. The Committee recommends that strong action be taken against persons who commit violence against women, and that it should be made easier for women to bring court action against offenders.

414. The Committee recommends that the Government address the matter of whether it intends to legalize prostitution and whether this issue has been subject to public debate in its next report. It strongly recommends that new legislation should not discriminate against prostitutes but should punish pimps and procurers.

415. The Committee recommends that the legal penalties for rape be amended and that the State ensure their implementation. It also recommends rape awareness campaigns be conducted for non-governmental organizations and legislators.

416. The Committee suggests that action be taken against employers who discriminate against women on grounds of pregnancy. The women concerned should be supported, and society sent a clear signal that such discrimination is not to be tolerated.

417. The Committee requests information in the Government's next report on the avenues of appeal open to women who, upon a division of property in divorce, suffer economically despite their contribution to the family's assets.

418. The Committee requests information in the Government's next report on women who migrate abroad, where they go and whether any authorized agency regulates such migration.

419. The Committee requests that the next report provide comparative data on men's and women's access to pensions and the minimum amount of such pensions.

420. The Committee requests information in the next report on whether homosexuality is penalized in the criminal code.

421. The Committee requests information on women heads of rural enterprises and on programmes for the economic advancement of rural women.

422. The Committee recommends the introduction of education programmes on the provisions of the Convention and the rights of women for judicial personnel, law enforcement officers, lawyers and others who are responsible for applying the law. The Committee also recommends that further steps be taken to increase the numbers of women at all levels of the judiciary and law enforcement agencies.

423. The Committee proposes that a campaign be conducted to educate women about the content of the Convention, alerting them to their economic, political, civil and cultural rights.

424. The Committee welcomes the systematic inclusion of statistics in future reports in order to facilitate a dialogue with the Committee on women's de facto situation. In particular, the Committee requests data on the implementation of the information system that is beginning to be applied.

425. The Committee recommends that the Government of Mexico pay special attention to safeguarding the human rights of women, including indigenous women and women in conflict zones, especially where police and armed forces are operating.

426. The Committee recommends that all states of Mexico should review their legislation so that, where necessary, women are granted access to rapid and easy abortion.

427. The Committee requests the wide dissemination in Mexico of the present concluding comments, in order to make the people of Mexico, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.

CEDAW A/57/38 part III (2002)

(a) Introduction by the State party

410. The Committee considered the fifth periodic report of Mexico (CEDAW/C/MEX/5) at its 569th and 570th meetings, on 6 August 2002 (see CEDAW/C/SR.569 and 570).

411. In introducing the fifth periodic report, the representative of Mexico stated that her country had made significant progress in the twenty years since its ratification of the Convention on 3 September 1981 and that, since July 2000, Mexico had been in a process of democratic transition following a change of government. The head of the new government had articulated its political will by describing support for progress for women as “an ethical responsibility and a demand of democracy and justice”. Mexico had amended the first article of the Constitution to prohibit all forms of discrimination, including on the grounds of gender, and had created the National Women’s Institute (INMUJERES) with a mandate to foster, in society and its institutions, a culture of gender equity.

412. Among the most important advances achieved by INMUJERES had been the strengthening of institutions in matters of gender through the creation of a six-year work plan, the National Programme for Equality of Opportunities and Non-discrimination against Women, 2001-2006 (PROEQUIDAD), which applied to all sectors of the federal public administration. The Government had signed the National Agreement for Equality between Men and Women, by which the Cabinet and the judicial and legislative branches of the federal Government undertook to comply with the general aims of PROEQUIDAD. Thirty laws dealing with women’s political participation, sexual harassment, social security, social development, job discrimination and violence had been tabled. An Inter-institutional Panel of Gender Liaisons had been created to evaluate and follow-up compliance by the executive with commitments on gender issues. INMUJERES was creating a gender indicators model to evaluate the living conditions of women, the integration of a gender perspective in State activities, the position of women in decision-making bodies and their access to justice and participation in its administration.

413. In relation to compliance with obligations under the Convention and commitments in the Beijing Platform for Action, the Government had, inter alia, ratified the Optional Protocol to the Convention on 15 March 2002; designed and implemented various programmes to combat stereotypical gender roles; approved a draft decree to amend the Federal Electoral Institutions and Procedures Code to make gender quotas obligatory in the next five federal election processes; created a scholarship programme in the Ministry of Education as an affirmative action measure to bridge the gender gap in educational retention; established a women and health programme in the Ministry of Health; and created an integrated, gender-sensitive poverty eradication policy known as CONTIGO (“with you”) guaranteeing a better quality of life for Mexicans.

414. Combatting violence against women was one of the priorities of PROEQUIDAD. INMUJERES had created an Institutional Panel to Coordinate Preventive Action and Attention to

Domestic Violence and Violence against Women, which provided a national framework for coordinated action against violence against women. Within that framework, a National Programme for a Life Without Violence 2002-2004 was currently under discussion with civil society, and legislation dealing with domestic violence had been passed in 15 states. Specific programmes to deal with domestic violence in 16 states had also been created, as had various campaigns and national programmes against domestic violence.

415. The Government was particularly concerned at the level of violence against women in Ciudad Juárez in Chihuahua state. A special commission had been created to investigate the murders of women perpetrated in that region. A panel to coordinate action to prevent and eradicate violence, based on the National Panel, had also been established with the objective of designing a plan to restore the social fabric in Ciudad Juárez, and to improve the living conditions of the children of women who had been murdered, and of the city's residents as a whole.

416. The representative stated that several measures had been implemented to eradicate traffic in women and prostitution of women across the country. They included the introduction of an inter-institutional action plan to prevent, give attention to and eradicate the commercial sexual exploitation of minors; the creation of cybernetic police; the creation of an inter-institutional coordination body for the eradication of child pornography; amendments to the Federal Criminal Code; and the approval of the Law for the Protection of the Rights of Children and Adolescents, and the ratification of Agreement 182 of the International Labour Organization.

417. The representative noted that the Government had made an enormous effort to build a new relationship between Mexico's indigenous population, the State and society as a whole. The National Programme for the Development of Indigenous Peoples had been designed. A constitutional amendment to the Indigenous Plan recognizing the disadvantaged social and economic conditions of the indigenous peoples had also been introduced, but it was currently being challenged in the Supreme Court. Within the framework of the Inter-sectoral Programme for Attention to Indigenous Women, INMUJERES had signed an inter-institutional agreement with the Representative Office for the Development of Indigenous Peoples and the National Indigenist Institute under which various projects were being carried out.

418. As part of the Government's efforts to form new alliances with civil society, the representative indicated that INMUJERES, in collaboration with civil society, had created the Agenda for Permanent Dialogue between the Institute, Federal Government Departments and Non-Governmental Organizations, Universities and Research Centres. The representative added that, within the framework of the Mechanism for Dialogue with Civil Society Organizations for the Defence of Human Rights, created by the Ministry of Foreign Affairs, INMUJERES would coordinate a panel on women's rights and compliance with the Convention.

419. In concluding, the representative assured the Committee that the Government recognized that much remained to be done in ensuring and sustaining progress and empowerment of women. Challenges which faced the current administration included: improving the administration of justice and solving the crimes committed against the women of Ciudad Juárez; bringing Mexican judicial decision-making in line with the international treaties and agreements signed and ratified

by the Government of Mexico concerning the defence, protection and promotion of women's rights; incorporating a gender perspective into public spending and budgeting; promoting affirmative action for women in the regulation of credit institutions; modernizing labour legislation to ensure the fullest possible social security coverage for working mothers in all sectors and geographical regions of the country; promoting compensation programmes to allow women to have equal access to job opportunities, particularly in the formal economy; ensuring access to health and education services for rural and indigenous women and those residing in poorer municipalities; and fostering changes in sexist and discriminatory attitudes, values and practices.

(b) Concluding comments of the Committee

Introduction

420. The Committee expresses its appreciation to the State party for the creative way in which its fifth periodic report was presented, in accordance with the Committee's guidelines for the preparation of reports, and for its frank oral report. The Committee also commends the State party for providing full replies to the questions formulated in writing by the Committee.

421. The Committee also commends the State party for having sent a large, high-level delegation, headed by the president of INMUJERES and including representatives of different government agencies, legislators from various political parties, researchers and non-governmental organizations.

Positive aspects

422. The Committee welcomes the State party's ratification on 15 March 2002 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and its acceptance of the amendment to article 20, paragraph 1, of the Convention.

423. The Committee notes with satisfaction the constitutional reform carried out on 14 August 2001 which incorporated a special prohibition against discrimination based on sex into Mexican law.

424. The Committee welcomes the establishment in law in January 2001 of the National Women's Institute (INMUJERES), constituted as an autonomous, decentralized national mechanism with ministerial rank, its own budget and a cross-sectoral impact on all government institutions, thereby mainstreaming a gender perspective within national policy. The Committee also notes with satisfaction the cross-sectoral design of the National Programme for Equality of Opportunities and Non-discrimination against Women, 2001-2006 (PROEQUIDAD) as the linchpin of national policy on gender.

425. The Committee appreciates the effort made by the State party to bridge the gap between girls and boys in terms of school retention and promotion, particularly through the National Programme of Scholarships for Higher Education.

426. The Committee commends the State for putting into effect in its cooperation programme with INMUJERES the initiative put forward by the United Nations Development Fund for Women (UNIFEM) of establishing an interactive monitoring system for the Convention on the Elimination of All Forms of Discrimination against Women as a mechanism for monitoring and exchanges of information on the reports submitted to the Committee by Latin American and Caribbean States parties to the Convention.

Principal areas of concern and recommendations

427. Although the Committee takes note of the reforms, legislative initiatives, plans and programmes that are being carried out, it is especially concerned at the lack of evaluation of the various programmes put in place and their specific impact on women.

428. The Committee urges the State party to pay special attention to promoting the implementation and evaluation of policies at the country's three levels of government, particularly in municipalities, and to the establishment of a specific timetable for monitoring and evaluating the progress achieved in compliance with the obligations under the Convention.

429. The Committee expresses its concern at the fact that no instances are mentioned in which the Convention has been invoked before the courts and the lack of a compilation of judicial decisions in this regard.

430. The Committee calls on the State party to undertake dissemination, education and awareness-raising campaigns on the provisions of the Convention aimed at society as a whole, particularly officials responsible for the administration and protection of justice and especially Mexican women, in order to make them aware of their rights in the judicial arena at the national and state levels.

431. While noting that the problem of violence is regarded as one of the priority areas of PROEQUIDAD and that major reforms have been enacted to the Penal Code, the Committee expresses great concern at violence against women in Mexico, including domestic violence, which continues to go unpunished in several states.

432. The Committee requests the State party to take into account its Recommendation No. 19 on violence against women and take the steps required to ensure that the law provides appropriate penalties for all forms of violence against women and that appropriate procedures exist for investigating and prosecuting such offences. It recommends that the State party promote the enactment of federal and state laws, as appropriate, to criminalize and punish domestic violence and the perpetrators thereof, and take steps to ensure that women victims of such violence can obtain reparation and immediate protection, particularly by establishing 24-hour telephone hotlines, increasing the number of shelters and conducting zero-tolerance campaigns on violence against women, in order that it may be recognized as an unacceptable social and moral problem. The Committee also considers it especially important that steps be taken to train health-care workers, police officers and staff of special prosecutors' offices in human rights and dealing with violence against women.

433. The Committee is concerned that while the State party has implemented poverty reduction strategies, poverty constitutes a serious obstacle to enjoyment of rights by women, who make up the majority of the most vulnerable sectors, especially in rural and indigenous areas.

434. The Committee calls on the State party to give priority to women in its poverty eradication strategy, with special attention to women in rural and indigenous areas; in this context, measures and specific programmes should be adopted to ensure that women fully enjoy their rights on an equal footing in the areas of education, employment and health, with special emphasis on joint work with non-governmental organizations and on women's participation not only as beneficiaries, but also as agents of change in the development process.

435. The Committee notes with great concern the problems of exploitation of prostitution, child pornography, and trafficking of women and girls in Mexico and the lack of sex-disaggregated statistics on the incidence and growth of these phenomena.

436. The Committee encourages the State party to take steps to combat trafficking of women and girls and the exploitation of prostitution, both outside and inside the country, and to compile and systematize sex-disaggregated data in order to formulate a broad strategy for putting an end to such degrading practices and punishing their perpetrators.

437. In view of the growing number of Mexican women emigrating to other countries in search of greater job opportunities, the Committee is concerned that this may make them especially vulnerable to situations of exploitation or trafficking.

438. The Committee urges the State party to focus on the causes of that phenomenon by adopting measures to alleviate poverty and strengthen and promote the economic input of women, as well as fully guarantee the recognition and exercise of their rights. The Committee further encourages the State party to seek bilateral and multilateral agreements with the receiving countries.

439. The Committee expresses great concern at the incidents in Ciudad Juárez and at the continuing murders and disappearances of women. It is especially concerned at the apparent lack of results of the investigations into the causes of the numerous murders of women and the failure to identify and bring to justice the perpetrators of such crimes with a view to protecting women against this type of violence.

440. The Committee calls on the State party to promote and accelerate compliance with Recommendation No. 44/98 of the Mexican National Human Rights Commission in relation to the investigation and punishment of the Ciudad Juárez murders. The Committee also calls on the State party to protect women from such violations of their human right to personal safety.

441. The Committee expresses its concern about the poor conditions of employment of Mexican women, particularly the wage discrimination, the vertical and horizontal segregation to which they are exposed and the inadequate social benefits they receive. The Committee is especially concerned about women working in the informal sector, including domestic workers, and those employed in the maquila industry whose basic labour rights are not respected; in particular, the

Committee is concerned about the pregnancy test demanded by employers which exposes women to the risk of being let go or fired in the event that it proves positive.

442. The Committee recommends that the State party speed up the adoption of the reforms that must be made in the Labour Act, including the prohibition of discrimination against women, in an effort to ensure their participation in the labour market on a footing of genuine equality with men. It also urges the State party to give effect to the labour rights of women in all sectors. To that end, it recommends that the State party strengthen and promote the role of INMUJERES in negotiating the Labour Act so as to give special attention to the needs of women workers and to implement the principle of equal pay for work of equal value and prohibit the requirement of a pregnancy test for maquiladora workers.

443. The Committee expresses its concern about the small percentage of women in high-level posts in all activities, namely political, legislative, trade union and educational.

444. The Committee recommends the adoption of strategies for increasing the number of women in decision-making posts at all levels, particularly in the municipalities, by taking temporary special measures as specified in article 4, paragraph 1, of the Convention; it recommends further that the State party strengthen its efforts to promote women to management positions in the public and private sectors through special training programmes and sensitivity campaigns stressing the importance of women's participation in decision-making at all levels.

445. The Committee notes with concern the high maternal mortality rate, particularly as a result of abortions among adolescents and the inadequate education, dissemination, accessibility and supply of contraceptive devices especially to poor women in rural and urban areas and to adolescents. The Committee further notes with concern the increase in HIV/AIDS, mostly among adolescent girls.

446. The Committee recommends that the State party consider the situation of the adolescent population as a matter of priority and urges it to adopt measures guaranteeing access to reproductive and sexual health services with attention to the information needs of adolescents; it recommends further that it implement programmes and policies to increase the knowledge of the various contraceptive methods and their availability on the understanding that family planning is the responsibility of both partners. It further urges the State party to promote sex education for adolescents with particular attention to the prevention and elimination of HIV/AIDS.

447. The Committee notes the lack of sufficient data disaggregated by sex in many of the areas covered by the fifth report, notwithstanding that it is the Committee's understanding that the Mexican National Census is based on statistics disaggregated by sex.

448. The Committee recommends that data disaggregated by sex should be compiled and urges the State party to include relevant statistics indicating the evolving impact of the programmes.

449. The Committee notes with concern that the minimum legal age of marriage, which is set at 16 in most of the states, is very young and not the same for girls and boys.

450. The Committee recommends that the law be revised by raising the minimum legal age of marriage in order to bring it into line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and make it equally applicable to girls and boys.

451. The Committee requests the State party, in its next periodic report required under article 18 of the Convention, to respond to the specific questions raised in these concluding comments.

452. Taking into account the gender dimension of declarations, programmes and platforms of action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

453. The Committee requests the State party to widely disseminate these concluding comments, in order to inform the Mexican population, especially public officials and politicians, of the steps that have been taken to ensure de jure and de facto equality of women and of other measures that need to be taken to that end. It also requests the State party to continue to disseminate widely, especially among women's and human rights groups, the Convention and its Optional Protocol, the General Recommendations of the Committee, 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".