

Mexico
(18th session)

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 counselling, 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 analysed 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 favour of the female population, after recognizing the disadvantages faced by women and girls in terms of food, education and health. The Government also provided microcredits 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 on 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 intrafamilial 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 and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.