



70th session of the Convention on the Elimination of Discrimination against Women (CEDAW) Preliminary Agreed Outcomes: Mexico

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The Committee on the Elimination of Discrimination against Women today considered the ninth periodic report of Mexico on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Presenting the report, Miguel Ruiz Cabanas, Under-Secretary for Multilateral Affairs and Human Rights at the Ministry of Foreign Affairs of Mexico, reiterated Mexico’s determination to make reforms on behalf of women’s advancement. He said that the Committee’s recommendations had guided work on ending discrimination and empowering women in the country, acknowledging that many challenges lay ahead. Public security was a particular challenge for Mexico, given the violence resulting primarily from transnational organized crime. Another major challenge was that a sexist, patriarchal structure highly conscious of ethnicity, class, economic status and other stereotyping permeated the country.

In the discussion that followed, Committee Experts appreciated Mexico’s efforts in areas such as countering enforced disappearances and reforms that had increased women’s participation in political life. They, nonetheless, expressed concern about the vulnerability of migrant women to human trafficking, the lack of social services for domestic workers, discrimination against indigenous women and girls, women’s access to land, justice and economic resources, persistence of child marriage and teenage pregnancies, incarceration of women for non-violent offences, lack of harmonized laws on abortion, gender equality in the armed forces, illegal trafficking of babies for adoption in foreign countries, equality in workplace and education, and sexual violence and exploitation of women.

In his concluding remarks, Mr. Cabanas noted that his delegation had learned much during the dialogue and expressed hope that he had managed to get across a full picture of the initiatives undertaken in Mexico.

Dalia Leinarte, Committee Chairperson, thanked the delegation for its efforts to answer all questions and looked forward to continued work with Mexico.

The delegation of Mexico consisted of representatives of the Ministry of Foreign Affairs, the Ministry of Labour and Social Care, the Ministry of National Defense, the Ministry of Public Education, the Ministry of Governance, the Ministry of Health, the Ministry of Agrarian, Territorial and Urban Development, and the Permanent Mission of Mexico to the United Nations in Geneva.

All the documents relating to the Committee’s work, including reports submitted by States parties, can be found on the session’s webpage.



Presentation of the Report

MIGUEL RUIZ CABANAS, Under-Secretary for Multilateral Affairs and Human Rights at the Ministry of Foreign Affairs of Mexico, affirmed the importance of women's advancement, the Convention and dialogue with the Committee to his country, and remarked on the high participation of women in the latest national and local elections, which garnered 51,874 women candidates, or 50.38 per cent of the total. Seats won by women at the varied levels had approached gender parity. Mexico was unusually open to international and regional human rights mechanisms, having received 28 visits in the past five years, including those of the United Nations and inter-American organizations. It had also co-sponsored a resolution on women's rights in the current session of the Human Rights Council. The Committee's recommendations had guided work on ending discrimination and empowering women in the country, which had a highly complicated federal system that encompassed 32 states and thousands of municipalities. National mechanisms to coordinate efforts to advance women's rights included the National System of Equality between Men and Women, the National System to Prevent, Prosecute and Eradicate Violence against Women, and the National System for Integral Protection of Boys, Girls and Adolescents. The National Conference of Governors, the National Conference of Judicial Prosecutors, and the National Commission of Superior Justice Tribunals were equally involved in advancing women's equality, ending violence against women, and ensuring that the Convention was implemented across the country. Considering Mexico's political complexity and cultural diversity augmented by significant migrant flows, there were major challenges in the fight against discrimination on various grounds. The fight against racism and all forms of discrimination and exclusion was, therefore, a major priority of the Government.

Public security was a particular challenge for Mexico, given the violence resulting primarily from transnational organized crime. Another major challenge was that a sexist, patriarchal structure highly conscious of ethnicity, class, economic status and other stereotyping permeated the country. The Government was well aware of such challenges and had not only put in place legal remedies, but was determined to create cultural change as well. Reforms in the legal sphere since the last report had included the jettisoning of hundreds of national and regional laws considered to be detrimental to women's rights, as well as the adoption of the Gender Equality Act. In addition, the General Law on the Rights of Boys, Girls and Adolescents had been adopted in 2017. To counter violence against women, sexual violence and domestic violence, there were now 42 justice centres for women across the country, whereas the healthcare system had trained over 15,000 units to deal with consequences of sexual violence. Health system reforms had resulted in a 14.8 per cent decrease in adolescent pregnancies in the past decade. Turning to challenges facing the country, Mr. Ruiz Cabanas spoke of ensuring adequate budgeting for programs across the country on a range of issues, of the need to reward women for unpaid care and other domestic work, and to promote women's economic parity throughout states and in the private sector. There was a gap in all areas between policy frameworks on fostering equality and preventing violence against women and their implementation. For that reason, mechanisms for implementing policy had to be strengthened, along with the provision of necessary resources. In addition, more work had to be done throughout the federative entities to train justices and end impunity.



Questions from the Committee Experts: Round 1

An Expert affirmed the Committee's awareness of the huge challenges faced by Mexico as well as the complexity of its federal system and the prodigious amount of work being done to meet the challenges. She asked how improved measures could ensure the protection of the rights of women in the whole territory and whether the Government considered adopting harmonized, consistent laws femicide, disappearances of women and girls, and all forms of sexual violence and exploitation. Was the State party ready to give the Congress the authority to enact national laws in all those areas?

Noting increased violence against human rights defenders, including the press, the Expert asked that a gender-specific perspective be applied to the issue, along with reversal of budget cuts to efforts to counter the scourge, focusing in particular on the protection of indigenous women human rights defenders and journalists. She also raised the issue of publication of all court rulings, application of a gender perspective throughout the justice system, and improvement of 35 justice centres.

Finally, the Expert inquired about pre-trial detention and frequent use of torture in detention, and whether detention of women migrants and asylum-seekers would be ended.

Responses by the Delegation

The delegation replied that it was true that progress was slower than desired in the fight against violence against women and in ensuring justice for women, including in the area of hate speech. Nevertheless, the commitment of the Government was clear. The reform of the Development Planning Law showed its commitment to the Sustainable Development Agenda and the adequate funding of initiatives to reach the 17 goals.

To ensure access to justice for indigenous peoples, the authorities had provided interpreters for all proceedings. There were constitutional protections for the rights of indigenous women and guarantees that women's rights be considered over all other rights in the interaction between cultural practices and State law. On the transparency of the justice system, the delegation explained that 100 per cent of rulings of national courts were published and 47 per cent of lower courts also published their rulings. Unfortunately, the new law on transparency only called for publishing rulings of national interest. Nevertheless, all rulings at the federal level were still published.

Turning to women in detention, the delegation noted significant challenges, but noted that progress had been made in reducing overcrowding in women's prisons. From 2013 to 2017, a program had been instituted to release women for non-violent offenses, to provide more legal assistance, and psychological support.

Follow-up Questions from the Experts

An Expert asked whether it was possible to create one national legal framework to cover crimes and eliminate the differences between the states. She reminded that in some states no judicial rulings had been published in the past three years, which made it difficult to judge whether women were being discriminated against. Did the State party consider ending the incarceration of women for non-violent offences? How would numerous obstacles that prevented access to courts by indigenous women be overcome?



Another Expert noted a lack of discussion in Mexico's report of plans for opening the armed forces to women. What was the possibility of having a specific agenda for women in both national and regional security? What were the measures to prevent and improve the conditions of forced internal displacement of women, including of indigenous women?

Responses by the Delegation

The delegation explained that the Act on Torture and Forced Disappearance of 2017, drafted in collaboration with the United Nations, had already had an effect in many of the areas mentioned, although its full effect would require more time. There was a need for national laws on abortion, as the procedure was only legal in Mexico City.

It was true that many local courts did not publish their rulings and the problem was that they were independent and often lacking in necessary budgets. The Government would make efforts to encourage publication of their rulings, however.

On detention of women, a delegate said that the country would continue to work to end pre-trial detention. Release of women accused of non-violent crimes was a focus of current efforts. Internationally, Mexico was at the forefront of advocating alternatives to detention, but had not been able to develop a practicable national framework.

Turning to access to justice for indigenous women, the delegation said that distrust of the system by such women was justified. The executive branch of the national Government was rebuilding trust through the mandating of translators and by creating awareness of the rights of indigenous women among justices. Counselling services were also being provided to indigenous communities to keep young people from being caught up in criminal prosecution.

Questions from the Committee Experts: Round 2

On structural issues, an Expert asked for the precise function of the mechanisms meant to implement the Sustainable Development Goals, as well as the functioning of the Gender Equality Unit in relationship to the development of legal frameworks. How were all related mechanisms coordinated? Could all the mechanisms better use the influence of the executive level? Had they been given adequate budgeting and training for personnel?

Another Expert asked the delegation to sort out long-term strategies from temporary special measures. Why had only 27 per cent of women reported missing through enforced disappearance been found? Could resort to temporary special measures make the response to that situation more successful?

Responses by the Delegation

The mechanisms on implementing the Sustainable Development Goals were highly focused on ensuring that state governments were on board with meeting the targets, the delegation noted. The Gender Equality Entity was working to ensure that all the state entities enacted gender equality laws that were up to national standards. One per cent of the national budget was targeted to the advancement of gender equality and to ensure that all laws maintained a gender perspective.

It was true that many of the programs to protect women were temporary special measures that were in place as longer-term structures took hold. All federative entities had a large number of



temporary measures in place. At the national level, such measures had been most effective in electoral matters, the delegation explained.

Mexico had an alert system to search for disappeared women, with standard protocols on disappearances harmonized among federative entities. Programmes to empower indigenous women included economic projects that involved 8,000 such women and impacted over 30,000 of them. Poverty rates had been reduced due to those programmes. There were also 31 shelters for indigenous women.

Follow-up Questions from the Experts

Experts asked if statistical mechanisms existed in gender areas, including any that were meant to measure beneficiary responses to programmes for indigenous women.

Responses by the Delegation

The delegation explained that the National Office of Gender Statistics worked closely with the National Office for the Advancement of Women. As for the support for families that had been affected by enforced disappearances, the Government had dispensed some 40 million USD to women.

Questions from the Committee Experts: Round 3

What kind of action had been taken to stem harmful stereotypes in media? How many complaints had succeeded in terms of fighting stereotypes in courts? Turning to violence against women, Experts inquired why none of the protocols and laws described had been effective in protecting women. How was funding going to be ensured to improve the situation?

Noting the many factors that made women vulnerable to trafficking in Mexico, an Expert asked about information to identify victims and prosecute perpetrators. She also inquired about measures for preventing impunity for sexual exploitation, including among public officials, and to stem child pornography. What measures had been undertaken in cooperation with the United States and other neighbouring states to fight trafficking in women? Would laws on prostitution in Mexico be amended to conform with the Palermo Protocol?

Responses by the Delegation

The delegation noted the need to balance the fight against stereotypes with the freedom of expression. Not all states in the country had criminalized femicide, but key criteria had been introduced to carry out investigations on deaths of women within a gender perspective. There were over 9,000 cases of enforced disappearance, and there were prosecutors at the national and local level that specialized in dealing with such cases. Regional officers coordinated searches in cooperation with neighbouring countries. On protecting the rights of sex workers, the delegation said that Mexico had a significant challenge in ensuring the rights of trafficked women forced into prostitution.

Illustrating the magnitude of the problem of illicit drug trade in Mexico, the delegation reminded that there were 9,000 places along the border with the United States where deadly weapons could be purchased. Many disappearances were tied to the criminal organizations that fought over the



drug trade. Without the protocols and laws that Mexico had put in place, the problem of disappearances and deaths would be much worse.

Turning to migration, the delegation explained that the flows to the United States had declined, but migrants fleeing crime, poverty and the effects of climate change had entered Mexico trying to reach the United States. Accordingly, there was a need for a regional solution to deal with the issues involved in migration.

Follow-up Questions from the Experts

An Expert recognized Mexico's efforts to stem the problem of enforced disappearances but asked how more progress could be made. Another Expert asked why the Committee on Enforced Disappearances had not been able to visit Mexico.

What measures had been undertaken to counter the deadly human trafficking occurring on the United States border and to stop illegal trafficking of babies for adoption in foreign countries?

Responses by the Delegation

The recently enacted law on enforced disappearances had been drafted in cooperation with civil society and the United Nations. As it had entered into force in 2017, the delegation expressed hope that it would soon make more progress in remedying the situation. Measures to fight human trafficking included specialized forces and prosecutors that worked in coordination with the United States, as well as with the migrants unit of the justice sector.

Turning to prostitution, the delegation clarified that sex work was legal, but there were complaints of legal prostitutes being harassed under the laws on trafficking. Courts had taken up those complaints in a confidential manner. Ending impunity for public officials for sexual exploitation was currently on the agenda of all the Government entities.

Procedures for the adoption of children were monitored by a specialized unit, but the migration and human trafficking units were responsible for stopping the trafficking of abducted infants. The Congress currently considered a law on adoptions that addressed such issues.

With respect to receiving a visit from the Committee on Enforced Disappearances, the Government had still not reached an agreement because it was developing its legal structure on the issue. But, Mexico was open to such a visit and had already benefited from working with that Committee.

Addressing Experts previous questions on gender equality in the armed forces, the delegation stated that recruiting women was a priority, and that the authorities were fighting stereotypes and removing legal restriction. There were currently 11 women generals and the forces were working to ensure that women could hold positions in every area from combat to military police to engineering.

Law did not adequately address forced displacement, even though the authorities dealt with relevant problems under various statutes and assisted victims. The lack of definition of the problem hindered efforts.

Questions from the Committee Experts: Round 4

An Expert recognized Mexico's reforms that had increased women's participation in political life, but noted that discrimination had persisted, particularly against indigenous and migrant women and



women of African descent. What measures had the State party undertaken to address that problem and to counter political violence against women?

Another Expert inquired about agreements between Mexico and the United States to ensure that all births were registered among the population that had migrated between the two countries.

Responses by the Delegation

Mexico attached great importance to birth registration of all persons. Its consulates were all equipped with the tools to register the births of persons residing in the United States and other countries, the delegation explained.

As for efforts to encourage the participation of women in electoral processes, temporary special measures were in place in the areas where near-parity existed. Thus far, there were no such measures in executive positions, so only two women were elected as governors in last elections. Due to other affirmative action measures, there were indigenous women elected to many posts.

Mexico was working with UN Women to end discrimination and political violence, both of which remained a great challenge. A national network of women human rights defenders had been set up to collect any complaints, as well as an online course to raise awareness of the problem. The Senate had been for some time trying to enshrine gender parity and statutes against political violence.

Questions from the Committee Experts: Round 5

Noting the prevalence of harassment and sexual violence in the educational system, along with teenage pregnancy and other factors that made women drop out, an Expert asked about the measures taken in that area. What measures was the State party taking to harmonize efforts to increase educational opportunities for girls across all states, especially for vulnerable groups?

Reminding that only around 49 per cent of women were employed in the productive economy in Mexico, another Expert asked what was being done to rectify that situation. She also wanted to know what was done to narrow the high wage gap and why some women were required to take pregnancy tests for employment. Were there plans to make domestic workers eligible for a range of social benefits?

An Expert asked for clarification of statistics cited in the report about a decline in adolescent pregnancies. What programmes were planned to deal with numerous teenage pregnancies? Did the State party plan surveys and programs on all reproductive services? What plans were in place to harmonize laws on abortion?

Responses by the Delegation

The delegation noted that the educational system aimed to help everyone to achieve their full potential. Protocols were in place to prevent violence and harassment, along with a robust legal framework to promote peaceful co-existence and human rights in schools. Teachers were trained to prevent violence in schools, and much work had been done to close the gap between boys and girls, and indigenous children and others.

A national strategy on teenage pregnancy had engaged the participation of civil society and the administrations of each state, and it utilized the Internet to create awareness and conduct sex education. Over 5,000 reproductive health centers across the country provided guidance and



contraception. The pregnancy rates had indeed fallen significantly under the strategy, although it was true that some states had seen more progress than others. All federative states had trained health staff in awareness-raising and had instituted programs to prevent pregnant girls from dropping out of school.

Controversies on dealing with conscious objectors to abortion had reached the Supreme Court and the entire abortion issue continued to divide the population in a way that made it hard to make progress. For that reason, Mexico had not been able to harmonize laws on abortion across states, which now had widely different legal frameworks.

Equality in workplace was guaranteed by the federal labor law. The authorities fostered cultural change for that through work fairs across the country, along with guidance for companies on issues such as breast-feeding. The 50/50 split between men and women's enrolment in higher education boded well for women's future equality in higher-skill jobs. Gender-related discrimination complaints could be lodged under national law, and a requirement for pregnancy tests did exist, but were targeted by a number of initiatives.

Questions from the Committee Experts: Round 6

What training was offered to healthcare workers to prevent discrimination against women with disabilities, indigenous women, and gay and lesbian women? Was sexual counseling offered to persons with disabilities? What was done to prevent genital mutilation in the intersex context and to assist victims?

An Expert asked about new educational models that were coming out, and about educational fees.

Responses by the Delegation

There was a special procedure to lodge discrimination complaints in the healthcare system for vulnerable groups, as well as to address accessibility issues for persons with disabilities, the delegation explained. Some 18,000 officials received training on such issues each year. There were also protocols against conducting medical procedures on intersex individuals in early infancy.

Turning to education assessment, the delegation said that there was regular monitoring of results in all areas. With respect to science and technology study among women, there was a 35 per cent increase in women's enrollment.

Follow-up Questions by the Experts

An Expert reiterated her questions about programmes to stem discrimination against indigenous and women with disabilities in the workplace, and about why domestic workers were not covered by social programs.

Responses by the Delegation

Training and employment programmes for indigenous women were available in the form of some 12,000 projects. In addition, the Development Agency for Indigenous Women had projects on water, fuel and other areas of indigenous women's work. There were also initiatives recognizing companies who encouraged employment of workers with disabilities.



Questions from the Committee Experts: Round 7

One Expert inquired whether there were evaluations done on Prospera, the project to reduce poverty among women, and asked about measures to improve women's land ownership, particularly indigenous women. What was the impact of extractive industries on women and did the State party consider adopting gender-sensitive risk reduction strategies in the face of climate change? What were the channels for local and indigenous women to have a voice in local planning?

How did the State party disseminate information on the rights of migrant women, and how did it encourage their political participation?

Responses by the Delegation

A delegate said that women had taken ownership of the Prospera programme, making up 90 per cent of those who took advantage of it. It had become the main program for women's economic empowerment in rural areas, allowing them to have credit in their own right and to amass the resources and knowledge needed to create businesses. There was a quota that required a minimum 40 per cent women on local agrarian planning commissions.

The national strategy on climate change did include a gender perspective, but there were indeed challenges ahead in terms of women gaining access to the projects involved.

Follow-up Questions from the Experts

Experts reiterated questions about unpaid care and the effect of extractive industries on women.

Responses by the Delegation

There was a huge need for a system to relieve women of the burden of providing unpaid care for family members, the delegation said, adding that institutions were working to create facilities to be able to provide such care.

Mexico had ratified the Indigenous and Tribal Peoples Convention of the International Labour Organization, and it required consultation with indigenous peoples on the work of extractive industries.

There were one-stop shops for migrant women that provided information on all needed services available, and refugee programmes had been shaped to conform to the standards of the United Nations High Commissioner of Refugees. The authorities had sped up asylum requests from women due to a single registry key.

Questions from the Committee Experts: Round 8

An Expert asked how the State party would pursue the eradication of child marriages would in all states of Mexico, both in harmonizing the legal code and making the necessary cultural changes.

Turning to family law, she asked whether the laws on divorce were equal for men and women and whether complaints of judges making sexist remarks had been properly dealt with.



Responses by the Delegation

There were four states that had yet to outlaw child marriage, but three of them had changed administrations so there were currently more opportunities to harmonize such laws. In order to bring about a culture transformation, the authorities had begun awareness campaigns in 2018 to target rural and indigenous populations.

As for sexist remarks by judges, training programmes were changing the behaviors of many in the sector of family law.

Concluding remarks

MIGUEL RUIZ CANANAS, Under-Secretary for Multilateral Affairs and Human Rights at the Ministry of Foreign Affairs of Mexico, noted that his delegation had learned much during the dialogue and expressed hope that he had managed to get across a full picture of the initiatives undertaken in Mexico. As there was much action pending, a full understanding was often difficult to get across in the limited time available.

DALIA LEINARTE, Committee Chairperson, thanked the delegation for its efforts to answer all the questions and looked forward to continued work with Mexico.

Preliminary report of outcomes. Not an office record at the time of publishing 25 July 2018