

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
36<sup>TH</sup> SESSION (NEW YORK, 7 TO 25 AUGUST 2006)**

**MEXICO (6<sup>th</sup> PERIODIC REPORT)**

Information Submitted to the Committee

The Mexican delegation<sup>1</sup> was headed by Patricia Espinosa, Head of the National Institute for Women of Mexico, and included members of the Mexican permanent delegation to the United Nations, representatives of various ministries and experts on women's rights.

On 17 August 2006, Mexico submitted its 6<sup>th</sup> periodic report<sup>2</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) along with written answers<sup>3</sup> to the Committee on the Elimination of Discrimination against Women's (the Committee) list of issues and questions.<sup>4</sup> The National Institute for Women prepared the periodic report, engaging only in limited consultations with civil society organisations. The report, covering the period of 2002-2006, outlines steps taken by the Mexican Government to comply with the Committee's previous recommendations. It also described new laws and awareness-raising initiatives aimed at combating abuses against women and defines areas where women's protection and equality is still lacking.

In the written responses to the Committee's list of issues and questions, the State Party provided clarifications on Mexico's legal system, the status of Convention in domestic law, the existence of discriminatory laws and new programmes to eliminate negative stereotypes and violence against women. The State Party acknowledged that some current laws discriminate against women, but claimed that the persistence of negative cultural stereotypes and a patriarchal society were the main obstacles to full equality of men and women. The report therefore described initiatives introduced to empower women and raise awareness about negative stereotypes, indicating that these projects have yielded positive results. In response to the Committee's focus on the prevalence of violence against women, particularly in Ciudad Juarez in Chihuahua State, the State Party reported on a 40-point plan of action, covering various areas, including prosecution and law enforcement, implementation of women's rights, assistance to victims and improvement in the social and economic conditions.

A shadow report<sup>5</sup> prepared by twelve non-governmental organisations (NGOs) was extremely critical and vocal about the State Party's failure to comply with the Convention, outlining the continuing discrimination and harassment women experience in Mexico. The NGO report rebuffed the claims made in the State Party's report, arguing instead that progress under each article has been very limited. It highlighted violence against women; limited access to judicial procedures; lack of criminal prosecutions; poverty among rural and indigenous women; and trafficking as major impediments to equality of men and women and the advancement of women's rights. The NGOs also criticised the

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<sup>1</sup> Full list of the delegation is available only in Spanish, see:

<sup>1</sup> [http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation\\_mexico\\_spanish.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation_mexico_spanish.pdf).

<sup>2</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/220/44/PDF/N0622044.pdf?OpenElement>.

<sup>3</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/MEX/Q/6/Add.1&Lang=E>.

<sup>4</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/250/55/PDF/N0625055.pdf?OpenElement>.

<sup>5</sup> [http://www.iwraw-ap.org/resources/pdf/Mexico\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Mexico_SR.pdf).

State Party for failing to provide any quantitative data to support or refute the reported success of the programmes presented in its report.

Mexico ratified the Convention on 23 March 1981. Upon signing the treaty, Mexico delegation inserted a declaration clarifying that the provisions of the Convention 'will be applied in Mexico in accordance with the modalities and procedures prescribed by Mexican legislation and that the granting of material benefits in pursuance of the Convention will be as generous as the resources available to the Mexican State permit.'<sup>6</sup> Mexico ratified the *Optional Protocol to the Convention on the Elimination of Discrimination against Women* on March 15, 2002.

## Themes and Issues<sup>7</sup>

### Violence against Women

The Committee reiterated its concerns about violence against women from its consideration of the State party's 5<sup>th</sup> periodic report in 2002. It probed the Government on issues of justice, notably the prosecution of individuals committing violence against women, the protection of victims and balancing international obligations with the national legal system. The delegation stated that the Government is educating the police and members of the judiciary about the Convention and women's rights and their application. In the legal arena, the report indicated that 28 out of 32 states passed legislation criminalising domestic violence, making marital rape a crime and instituting domestic violence as grounds for divorce. The State party acknowledged that the legal protection currently afforded is not sufficient to fight the prevalence of violence against women, as the persistence of traditional views of women hinder progress in the promotion of women's rights.

### Legal Protection

The Women's National Institute is the main body responsible for advancing women's rights, combating discrimination and establishing gender equality in legal, economic and social areas. The Women's National Institute's efforts resulted in several legislations and national programmes promoting women's rights. However, the legal system does not offer full protection to women and women often face intimidation from law enforcement officials. According to the report, new laws were passed to protect women, including laws criminalising human trafficking and domestic abuse. Responding to the Committee's concerns about the high incidence of violence in the State of Chihuahua, the delegation indicated that a Special Prosecutor had been established with a mandate to investigate and prosecute those responsible for the murders of women. The delegation emphasised that these efforts to strengthen women's rights, reform the judicial system and educate police forces, judges and governmental officials about the Convention had yet to yield results as the patriarchal nature of society and negative cultural stereotypes remained major obstacles to the advancement of women's rights. However, the delegation indicated that education to combat stereotypes had been used at school to inform younger generation about women's rights. The Committee expressed serious concern about the discrepancies in

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<sup>6</sup> See: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

<sup>7</sup> For summary records of the meeting see <http://daccessdds.un.org/doc/UNDOC/GEN/N06/471/55/PDF/N0647155.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N06/471/67/PDF/N0647167.pdf?OpenElement>.

law application at municipal, state and federal level and asked the State Party to regularise this situation and ensure that the Convention is disseminated and upheld at all levels of government.

## **Indigenous Women**

Poverty is widespread in Mexico and affects indigenous women particularly and as a result the Committee inquired about programmes Mexico has employed to address this problem. According to the report, the National Commission for the Development of Indigenous People assists with efforts to increase access to safe water, electricity, new infrastructure and other needs. In their report, the NGOs stressed that indigenous women are extremely vulnerable and lack understanding of their rights. Indigenous communities live in areas with minimum employment opportunities, which force men to seek jobs elsewhere and women to raise their families in poverty. The Committee urged the State Party to increase indigenous women's literacy rates and access to health care and focus on decreasing the gap between rural and urban areas.

## **Trafficking**

The Committee focused on the issue of trafficking in persons, in light of Mexico's status as a country of transit for trafficking. The Mexican delegation declared that in its efforts to combat the exploitation of women, Mexico signed the *Convention against Transnational Organized Crime* and its *Protocol on Trafficking in persons* and engaged in cooperation with neighbouring countries to combat trafficking. In the legal area, new federal laws on trafficking have been drafted and some trafficking cases have been investigated. The NGOs contradicted the Government's claims, stating that it does not provide any assistance to victims, that legal procedures to prosecute perpetrators are lacking and that the Government does little to eradicate the root causes of trafficking, such as poverty and unemployment. In its concluding remarks,<sup>8</sup> the Committee stressed that the Government should regularise the application of laws criminalising trafficking, provide data on the impact of measures aimed to curb trafficking and set up programmes to assist victims.

## **Conclusions and Next Steps**

The Committee thanked the State Party for the submission of the report, stating that it was pleased with the strengthening of the National Institute for Women and the adoption of the *General Act on Equality between Men and Women*. The Committee highlighted various areas of concern and urged the State Party to streamline its legal system at the local and federal levels and create mechanisms to monitor the implementation of the Convention and the Government's programmes on women's rights. The Committee asked Mexico to make the eradication of violence against women its priority, notably by increasing awareness-raising on this issue, strengthening legal efforts to prosecute perpetrators and improving assistance to victims. The Committee also asked the State Party to focus on discrimination at work and facilitate women's access to health care, in particular family planning.

The discussion between the Committee and Mexican delegation was quite productive. However, NGOs presented a very different picture of women's rights in Mexico from the State Party's report, stressing

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<sup>8</sup> <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Mexico%20cc%20advance%20unedited%20version.pdf>

that women are persistently discriminated against and arguing that Mexico has failed to live up to its obligations under the Convention.

A number of Treaty Monitoring Bodies have taken up similar issues to the ones pointed out by the Committee. The Committee on the Elimination of Racial Discrimination expressed similar concerns about the discrimination suffered by indigenous people, notably requesting detailed information about the impact of relevant reforms and programmes. The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination also raised the issue of domestic violence against women and children and sexual abuse of migrant workers and women, urging Mexico to make this problem a priority.