

26 August 2006

Original: English

Advance unedited version

**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session
7-25 August 2006

**Concluding comments of the Committee on the Elimination
of Discrimination against Women: Mexico**

1. The Committee considered the sixth periodic report of Mexico (CEDAW/C/MEX/6) at its 751st and 752nd meetings, on 17 August 2006 (see CEDAW/SR.751 and 752). The Committee's list of issues and questions is contained in CEDAW/C/MEX/Q/6, and the responses of Mexico are contained in CEDAW/C/MEX/Q/6/Add.1.

Introduction

2. The Committee commends the State party for its sixth periodic report, which followed the Committee's guidelines, and referred to previous concluding comments and the Committee's general recommendations. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its large, high-level delegation, headed by the President of the National Institute for Women, which included representatives from the judicial and legislative branches; the ministries of foreign affairs, labour and social security, health, education and public security; and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee commends the State party for the adoption of the General Act on Equality between Women and Men in 2006.
5. The Committee commends the State party for the reinforcement of the National Institute for Women as its national machinery for the advancement of women and notes with appreciation the elevation of its head to the ministerial level, as well as the availability of more financial and human resources and the Institute's increased influence at the federal, State and municipal levels.
6. The Committee welcomes the development of the State gender indicator system.

Principal areas of concern and recommendations

7. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.**
8. The Committee notes with concern the lack of consistent harmonization of legislation and other regulations at the federal, State and municipal levels with the Convention, which results in the persistence of discriminatory laws in several States and obstructs the effective implementation of the Convention. The Committee regrets the insufficient explanation provided about mechanisms in place to ensure that States comply with federal laws and international human rights treaties to which Mexico is party, as well as about measures taken in cases where States and municipalities do not adopt the necessary legislative reforms to ensure compliance.
9. **The Committee urges the State party to give high priority to the harmoni**

14. The Committee remains concerned about the pervasiveness of patriarchal attitudes which impede the enjoyment by women of their human rights and constitute a root cause of violence against women. The Committee expresses concern about the general environment of discrimination and insecurity that prevails in communities ; workplaces, including maquila factories; and territories with a military presence, such as the northern and southern border areas, which might put women at constant risk of becoming victims of violence, abuse and sexual harassment. While welcoming the efforts undertaken by the State party, the Committee is concerned about the persistence of the widespread and systematic violence against women, including homicides and disappearances, and in particular about the acts of violence committed by public authorities against women in San Salvador Atenco, State of Mexico.

15. In the light of its general recommendation 19, the Committee urges the State party to take without delay all necessary measures to eliminate violence against women by any person, organization or enterprise, as well as violence committed by, or resulting from, actions or omissions by State agents, at all levels. The Committee urges the State party to accelerate the adoption of the amendment of the Penal Code to define the specific crime of femicide, and to proceed with the speedy adoption of the proposed General Act on Access of Women to a Life without Violence. It recommends that the State party implement a comprehensive strategy that includes prevention efforts involving the media and public education programmes aimed at changing social, cultural and traditional attitudes that are root causes of, and perpetuate, violence against women. It calls on the State party to enhance victims' access to justice and ensure that effective punishment of perpetrators is consistently imposed and that victims can benefit from protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken. It further calls on the State party to guarantee that the Special Prosecutor for Offences related to Acts of Violence against Women has the required authority, as well as the necessary human and financial resources, to empower her to effectively fulfil her mandate in an independent and impartial manner. The Committee requests the State party to ensure that the Special Prosecutor is given jurisdiction over the case of crimes in San Salvador Atenco so as to ensure the prosecution and punishment of perpetrators. It recommends that the State party provide the necessary economic, social and psychological assistance to the victims of these crimes.

16. While noting with appreciation the commitment and efforts of the State party to address the cases of violence against women in Ciudad Juárez, the Committee remains concerned that crimes against and disappearances of women continue, and that these efforts are insufficient to successfully complete investigations of cases and prosecute and punish the perpetrators as well as to provide access to justice, protection and compensation to victims and their families. It is especially concerned that these efforts have so far failed to prevent further crimes from being committed.

17. The Committee reiterates its recommendations made to the State party in relation to its inquiry undertaken under article 8 of the Optional Protocol (CEDAW/C/2005/OP.8/MEXICO) and urges the State party to strengthen efforts to implement them fully. It requests the State party to establish concrete monitoring mechanisms to systematically assess progress in the implementation of these recommendations and, in particular, progress in efforts aimed at the prevention of such crimes.

18. The Committee notes with concern that, while the Convention refers to the concept of equality, the term “equity” is used in the State party’s plans and programmes. It is also concerned about the State party’s understanding of equity as a preliminary step towards equality.

19. The Committee requests the State party to take note that the terms “equity” and “equality” convey different messages, and their simultaneous use can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee recommends the State party to consistently use the term “equality” in its plans and programmes.

20. The Committee is concerned that neither the report nor the constructive dialogue provided a clear picture of the extent to which gender perspectives have effectively been mainstreamed in all national policies, including the National Development Plan 2001-2006 and the Plan Contigo, aimed at eradicating poverty. The Committee is also concerned about the lack of clarity about the linkages between these plans and the National Programme for Equality of Opportunities and Non-Discrimination against Women. The Committee regrets that insufficient information was provided about the gender-specific impact on women of macroeconomic policies, in particular about the effects of regional trade agreements such as the Puebla Panama Plan and the North American Free Trade Agreement.

21. **The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and to strengthen the linkages between the national plans for development and poverty eradication and the National Programme for Equality of Opportunities and Non-Discrimination against Women with a view to ensuring the effective implementation of all the provisions of the Convention. The Committee requests the State party to include information about the effects of macroeconomic policies, including the regional trade agreements, on women, particularly on women living in rural areas and employed in agricultural activities, in its next periodic report.**

22. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood in the State party, leading to a lack of use of such measures.

23. **The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes, which benefit women, and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of substantive equality for women in various areas, as clarified by the Committee in its general recommendation 25. It also encourages the State party to strengthen the application of temporary special measures to accelerate substantive equality between women and men.**

24. While welcoming the programmatic and legal measures taken by the State party to combat trafficking, including the drafting of the proposed Act on the Prevention and Punishment of Trafficking, the establishment of binational and regional cooperation agreements and the creation of a sub-group on human trafficking among federal agencies, the Committee is concerned about the lack of uniformity in criminalizing trafficking at the level of the states and municipalities. The Committee urges the State party to take the necessary steps to ensure the uniform application of the law at the national level.

39. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

40. **The Committee commends the State party for having ratified the seven major international human rights instruments.¹ It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

41. **The Committee requests the wide dissemination in Mexico of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, 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".**

42. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.