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Committee on the Elimination of Discrimination against Women

Concluding observations on the ninth periodic report of Mexico*

1. The Committee considered the ninth periodic report of Mexico (CEDAW/C/MEX/9) at its 1608th and 1609th meetings, on 6 July 2018 (see CEDAW/SR/1608 and 1609). The Committee's list of issues and questions is contained in CEDAW/C/MEX/Q/9 and the responses of Mexico are contained in CEDAW/C/MEX/Q/9/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/MEX/CO/9/Add.11) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided electronically following the dialogue.

3. The Committee commends the State party on its multi-sectoral delegation, which was headed by His Excellency Miguel Ruiz Cabañas, Undersecretary for Multilateral Affairs and Human Rights. The delegation was further composed of representatives from the Ministry of Interior; the Attorney General's Office; the Secretariat of Labour and Social Security; the National Supreme Court of Justice; the Electoral Court of the Federal Judicial Power; the National Commission of Supreme Courts of Justice; the Commission for Gender Equality of the Chamber of Senators; the National Women's Institute; the National Commission to Prevent and Eradicate Violence against Women; the Executive Commission for the Attention of Victims; the Council of the Federal Judiciary; the Ministry of Foreign Affairs; the Ministry of National Defence; the Ministry of Public Education; the National Council for the Prevention and Elimination of Discrimination; the National Electoral Institute; the Mexican Institute for Social Security; the National Commission for the Development of Indigenous Peoples; the Executive Secretariat for National System for the Comprehensive Protection of Children and Adolescents; the Ministry of Health; the Ministry of Agrarian, Territorial and Urban Development; the Federal Office of the Special Prosecutor for Investigating Offences Related to Acts of Violence against Women; the Secretariat of the National System of Public Security; the Secretariat of Labour and Social Welfare; the Secretariat of Labour and Social Security; as well as representatives from the Judicial Power and Women's Institute of the federal state of Coahuila. The delegation was joined by the Ambassador to the Permanent Mission of Mexico to the United Nations and other international organizations at Geneva, Her Excellency Socorro Flores Liera; and Alternate Ambassador and Permanent Representative to the United Nations and other international organizations in Geneva, His Excellency Juan Raúl Heredia, along with representatives from the Permanent Mission of

* Adopted by the Committee at its seventieth session (2-20 July 2018).

Mexico. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's combined seventh and eighth periodic reports (CEDAW/C/MEX/CO/7-8) in undertaking legislative reforms, in particular the adoption of the following:

(a) The General Law on Enforced Disappearances, Disappearance Committed by Individuals and the National Missing Persons Search System, in 2018;

(b) The Law on National Planning (amended in 2018), which promotes gender equality and prohibits discrimination based on sex;

(c) The General Law to Prevent, Investigate and Sanction Torture and other cruel, inhumane or degrading treatment, in 2017;

(d) Amendments to the Federal Law on Preventing and Eliminating Discrimination, including provisions prohibiting misogyny, homophobia and racial discrimination, in 2014, as well as hate speech, including expressions of sexism, in 2018;

(e) Amendments to the General Law on Women's Access to a Life Free from Violence, including a provision criminalising femicide, in 2016;

(f) Amendments to the Constitution (article 41) to provide for parity in legislative elections at the federal and local level, in 2014;

(g) The General Law on the Rights of Girls, Boys and Adolescents, which includes provisions on equal rights to education, health and participation for girls and boys, in 2014;

(h) The Law on Telecommunications and Broadcasting, which includes nine articles that promote gender equality in different areas, in 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of:

(a) The National Programme for Equal Opportunities and Non-Discrimination against Women, (PROIGUALDAD, 2013-2018);

(b) The National Programme for Equality and Non-Discrimination (2014-2018);

(c) The National Programme on Human Rights (2014 -2018);

(d) The Comprehensive Programme to Prevent, Address, Punish and Eliminate Violence against Women (2014–2018);

(e) The National Programme for the Advancement and Inclusion of Persons with Disabilities (2014–2018);

(f) The Agreement on Gender Equality and Tackling Violence against Women in the Media (2016);

(g) The National Strategy to Prevent Adolescent Pregnancies (2015).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), 2015.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda. The Committee recalls the importance of goal 5 and the mainstreaming

of the principles of equality and non-discrimination throughout all 17 Sustainable Development Goals. It urges the State party to recognize women as the driving force of the sustainable development of their country and to adopt relevant policies and strategies to that effect.

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians; annex VI to A/65/38). It invites the National Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

General context and gender based violence

9. The Committee acknowledges the efforts of the State party to overcome the general climate of violence and promote women's rights. However, it reiterates its previous concerns (CEDAW/C/MEX/CO/7-8, para.11) and regrets that the persistence of high levels of insecurity, violence and organised crime in the State party, as well as the challenges associated with public safety strategies, is negatively affecting the enjoyment of human rights of women and girls. It is further concerned that the emergence of anti-gender propaganda in the State party may undermine achievements attained in recent years in the advancement of gender equality.

10. **The Committee reiterates its previous recommendations (CEDAW/C/MEX/CO/7-8, para. 12) and urges the State party to:**

(a) **Strengthen its public security strategy to combat organized crime in accordance with its international human rights obligations, including the Convention, and to eliminate the high levels of insecurity and violence that continue to affect women and girls;**

(b) **Adopt appropriate measures to raise awareness of women's human rights through campaigns and public capacity-building designed and implemented with the active participation of women's organizations and address negative gender propaganda.**

Legislative framework and definition of discrimination against women

11. The Committee notes as positive the efforts made to strengthen harmonization of the legal framework with the Convention, including through amendments to Article 73 of the Constitution that enable the National Congress to expedite federal laws and the adoption of a National Programme for Equality and Non-Discrimination (2014–2018). However, it remains concerned that:

(a) The persistence of sex discriminatory provisions in legislation, combined with the lack of harmonization of state level civil and criminal codes, continue to impede the effective implementation of the Convention and domestic gender equality legislation;

(b) The lack of effective mechanisms, and insufficient state level budgetary allocations to implement and monitor the laws relating to gender equality and women's right to a life free of violence, have failed to eliminate discrimination, notably intersecting forms of discrimination, particularly against indigenous, Afro-Mexican and migrant women, women with disabilities, and lesbian, bisexual, transgender and intersex women;

(c) The absence of a unified criminal code and of a judicial mechanism to adjudicate cases of discrimination against women has resulted in low prosecution rates in cases of sex-based discrimination.

12. In accordance with the State party's obligations under the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, and taking into account the positive efforts made with other General Laws adopted by the State Party, the Committee recommends that the State party:

(a) Repeal any provisions in its legislation that discriminate against women and girls and harmonize legal definitions and sanctions for discrimination and violence against women;

(b) Reform article 73 of the Constitution to enable Congress to adopt a national criminal code regulating all criminal matters, including all crimes and sanctions; or to establish a minimum basis that fully guarantees the rights of women through a general law in criminal matters;

(c) Establish a judicial complaint mechanism to deal specifically with cases of discrimination against women, and ensure that adequate human, technical and financial resources are allocated for its effective implementation, including training for the judiciary on the application of the Convention and other anti-discrimination legislation;

(d) Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular indigenous, Afro-Mexican, migrant women, women with disabilities, and lesbian, bisexual, transgender and intersex women.

Access to Justice

13. The Committee welcomes the efforts that have been made by the State party to improve access to justice for women, including the Protocol to Judge with a Gender Perspective. However, it is concerned that deep-rooted institutional, structural and practical barriers continue to hinder women's access to justice, including:

(a) Discriminatory stereotypes and limited knowledge of women's rights among the judiciary, legal practitioners, and law enforcement officers, including the police;

(b) Stereotypical interpretative criteria and judicial bias in the resolution of cases, lack of accountability of judges who fail to comply with gender sensitive jurisdictional performance, combined with limited public access to judicial decisions;

(c) Financial, linguistic and geographic barriers facing low income, rural, indigenous women and women with disabilities in accessing justice;

(d) Limited awareness of information about their rights under the Convention, as well as the legal remedies available to women, including for victims of gender-based violence, and the low rates of prosecution in those cases.

14. In accordance with the Convention and its General Recommendation No. 33 on women's access to justice (2015), the Committee recommends that the State party:

(a) Ensure systematic and mandatory capacity-building of judges, prosecutors, public defenders, lawyers, the police and other law enforcement officers, at federal, state and local level, on women's rights and gender equality, to eliminate discriminatory treatment of women and girls;

(b) Adopt effective measures to ensure the implementation of the Supreme Court Protocol to Judge with a Gender Perspective throughout the judiciary at the federal and state levels; ensure accountability of judges who discriminate against women and review the General Transparency and Access to Information Law (2015) to ensure publication of all court decisions;

(c) Ensure that information on legal remedies is available to women victims of gender-based violence and all forms of discrimination, including in indigenous languages and in formats accessible for women with disabilities, and introduce a system

of mobile courts and free legal aid aimed at facilitating access to justice for women living in rural and remote areas;

(d) Encourage women to report incidents of gender-based violence, including domestic violence, and ensure that women victims of discrimination and gender-based violence have access to timely and effective remedies, and guarantee that all cases of gender-based violence against women are effectively investigated and that perpetrators are prosecuted and adequately punished.

National machinery for the advancement of women and gender mainstreaming

15. The Committee welcomes the development of a National Gender Equality Policy, as well as the various mechanisms that have been created to promote gender equality, including gender equality units. However, it is concerned about:

(a) The limited human, technical and financial resources allocated to the National Institute for Women (INMUJERES) to promote gender equality, as well as to support its role as the principal coordinating body for the National System for Equality between Women and Men;

(b) The fact that despite the increase in the gender budget, Annex for Equality between Women and Men (Annex 13), the amount allocated remains insufficient;

(c) The lack of systematic and institutionalized coordination, at the federal, state, and municipal levels, between the mandates of the three main bodies that constitute the National System for Equality between Women and Men;

(d) The absence of comprehensive monitoring and impact evaluation mechanisms, for gender mainstreaming, including the limited dissemination and use of disaggregated data and clearly targeted indicators;

(e) The insufficient participation of women's organizations in the design and monitoring of public policies on gender equality.

16. The Committee recommends that the State party:

(a) Increase the human, technical and financial resources of the National Institute for Women (INMUJERES), and enhance its capacity to promote and monitor the implementation of gender equality policies, by strengthening its role within the regulatory framework that governs gender mainstreaming, at the federal and state levels;

(b) Adopt an integrated gender-budgeting process and allocate adequate budgetary resources for the implementation of women's rights, ensure the application of effective monitoring and accountability mechanisms across all sectors and levels of government, and improve the system for tracking the allocation of resources for women;

(c) Strengthen efforts aimed at ensuring systematic and institutionalized coordination between the National Institute for Women and state and municipal women's offices;

(d) Introduce effective monitoring, evaluation, and accountability mechanisms to address the structural factors causing persistent inequalities, and enforce the integrated approach to gender mainstreaming and on the basis of compliance with relevant targets and indicators and effective data collection;

(e) Strengthen the participation of women's organisations and other non-governmental organizations in the design and monitoring of the implementation of gender equality policies;

(f) Ensure that the gender equality policy PROIGUALDAD (2013-2024), incorporates the advancements already made through the previous programme, PROIGUALDAD 2013-2018.

Temporary Special Measures

17. The Committee welcomes the progress achieved by the State party in facilitating women's participation in political and public life through the gender equality policy PROIGUALDAD (2013-2018). However, it is concerned about the limited application of temporary special measures to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention.

18. The Committee recommends that the State party strengthen the use of temporary special measures, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality in all areas of the Convention where women are underrepresented or disadvantaged.

Stereotypes

19. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes, including the signing of an Agreement for Gender Equality and the Fight against Violence against Women in the Media in 2016, however it remains concerned that:

(a) Persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, as well as intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality;

(b) The normalization of violence against women and stereotyped and sexualized images of women in mainstream media;

(c) Stereotyped media portrayals and negative images of indigenous women, Afro-Mexican women, migrant women, and refugee and asylum seeking women.

20. The Committee recommends that the State party:

(a) **Adopt a comprehensive strategy targeting women, men, girls and boys to overcome the machismo culture and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, and eliminate intersecting forms of discrimination against women;**

(b) **Develop an education strategy for media professionals comprising guidelines and monitoring mechanisms to eliminate discriminatory stereotypes against women, and encourage gender sensitive media coverage, particularly in electoral campaigns; introduce measures to promote equal representation of women and men in the media and fully implement the Agreement for Gender Equality and the Fight against Violence against Women in the Media (2016), to ensure adequate sanctions and enforcement powers in addressing discriminatory gender stereotypes;**

(c) **Introduce measures to encourage the media to promote positive images of indigenous women, Afro-Mexican women, migrant women, and refugee and asylum-seeking women.**

Harmful practices

21. The Committee notes with concern:

The limited provisions prohibiting unnecessary medical procedures on intersex children and the inadequate support and lack of effective remedies for intersex persons, who have undergone medically unnecessary surgical procedures.

22. In light of the joint general recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:

(a) **Adopt necessary provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach**

an age when they can give their free, prior and informed consent; and provide families of intersex children with adequate counselling and support.

Gender-based violence against women

23. The Committee welcomes the significant legislative and institutional measures taken by the State party to combat the high levels of gender based violence in the State party. However, it remains deeply concerned about:

(a) The persistent patterns of widespread gender-based violence against women and girls across the State party, including physical, psychological, sexual and economic violence, as well as the increase in domestic violence, enforced disappearances, sexual torture and murder, particularly femicide;

(b) The fact that the afore-mentioned crimes are often perpetrated by state and non-state actors, including organized crime groups;

(c) The incomplete harmonisation of state level legislation with the General Law on Women's Access to a Life Free from Violence (2016) to criminalise femicide;

(d) The high incidence of enforced disappearances targeting women, who are either directly affected as the disappeared person, or as a consequence of the disappearance of a family member, in which case the burden often falls on women to, not only search for the disappeared person and to initiate an investigation, but to also be the main provider for the family;

(e) The persistent obstacles that continue to prevent the effective implementation of the Gender Alert Mechanism on Violence Against Women (GAM) at the federal, state and municipal levels;

(f) The reported use of violence by State and non-state actors against lesbian, bisexual and transgender women;

(g) The limited use of statistical data on violence against women, disaggregated by type of violence and relationship between the perpetrator and victim;

(h) The limited progress in resolving communication No. 75/2014 concerning Pilar Arguello Trujillo (adopted by the Committee under article 7 (para. 3-5) of the Optional Protocol) despite the assurances provided by the State party in reviewing this case.

24. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

(a) Adopt urgent measures to prevent the violent deaths, killings and enforced disappearances of women, including by addressing the root causes of such violence, including armed violence, organized crime, drug trafficking, discriminatory stereotypes, poverty and marginalization of women;

(b) Investigate, prosecute and adequately punish perpetrators, including state and non-state actors, as a matter of priority;

(c) Ensure that femicide is criminalized in all state penal codes in accordance with the General Law on Women's Access to a Life Free from Violence (2016), and standardize police investigation protocols for femicide across the State party, and ensure the effective enforcement of criminal law provisions on femicide;

(d) Simplify and harmonize procedures at the state level to activate the Amber Alert and Alba Protocol, and to accelerate the search of disappeared women and girls, and adopt targeted policies and protocols to mitigate the risk associated with the disappearance of women and girls, such as femicide, and human trafficking in women and girls for sexual exploitation and forced labour; ensure that the Commission for the Attention to Victims strengthens its gender sensitive approach;

(e) Evaluate the impact of the Gender Alert Mechanism, to ensure harmonized and extended implementation and coordination at the federal, state and municipal levels, and ensure participation of non-governmental organizations,

academic experts, and gender and human rights advocates and women victims of violence;

(f) **Address the lack of protection measures to ensure the dignity and physical integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society;**

(g) **Strengthen mechanisms to systematically collect disaggregated data on violence against women, including femicide, and enforced disappearances of women and girls;**

(h) **Accelerate the resolution of communication No. 75/2014, as adopted by the Committee under article 7 (paras. 3- 5) of the Optional Protocol, as a matter of priority, with a view to encouraging the resolution of other such cases in the future.**

Women, peace and security

25. The Committee welcomes the State party's efforts to encourage women to join the armed forces, particularly in high-ranking positions. Nevertheless, it is concerned about the limited participation and inclusion of women in processes and strategies aimed at addressing the situation of widespread violence and insecurity in the country, including organised crime.

26. **Recalling the Convention and its General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) **Develop a national action plan, in cooperation with women's civil society organizations, to ensure the participation of women in addressing the situation of insecurity, violence, and organised crime in the country;**

(b) **Introduce temporary special measures to further encourage women to join the armed forces, particularly in high ranks;**

(c) **Adopt measures to build the capacity of women and girls, including women civil society groups, to engage in efforts to counter insecurity and violence against women.**

Women human Rights Defenders

27. The Committee notes with concern that women human rights defenders and journalists, are subjected to various and increasing manifestations of violence seemingly committed by State agents in some cases. The Committee is further concerned at reports indicating that social media, and digital attacks, are used as a tool by anonymous groups to incite violence against women human rights defenders and journalists.

28. **The Committee recommends that the State party take concrete and effective measures to fully and gender sensitively implement the Federal Mechanism to Protect Human Rights Defenders and Journalists across all states, to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women human rights defenders and journalists, and that it take effective measures to combat impunity.**

Trafficking and exploitation of prostitution

29. The Committee welcomes the efforts to combat trafficking in the State party, including through the adoption of the General Law to Prevent, Punish and Eradicate Crimes in the Field of Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes (2012). However, it is concerned about:

(a) The lack of harmonized and coordinated mechanisms at the state and municipal levels to ensure effective implementation of the General Law to Prevent, Punish and Eradicate Crimes in the Field of Trafficking in Persons and for the Protection and Assistance to Victims;

(b) The lack of a comprehensive anti-trafficking strategy and the limited use of disaggregated data on victims of trafficking or information on the extent of trafficking in the State party, particularly as regards trafficking for purposes other than sexual exploitation;

(c) The low prosecution and conviction rates in cases of trafficking, and the re-victimisation of women and girls, some of whom are reportedly criminalized rather than receiving victim support;

(d) The insufficient victim assistance rehabilitation and reintegration measures, including the inadequate number of shelters, and the limited access to counselling, medical treatment, psychological support and redress such as compensation for victims of trafficking, in particular migrant women;

(e) The reported complicity between state agents and international organised crime gangs and the resulting corruption and impunity, as well as the insufficient coordination with neighbouring countries in relation to the prevention of trafficking, attention to victims, and prosecution of perpetrators.

30. The Committee recommends that the State party:

(a) Allocate adequate human, technical and financial resources to the effective and harmonized implementation of the General Law to Prevent, Punish and Eradicate Crimes in the Field of Trafficking in Persons and for the Protection and Assistance to Victims across all federal states;

(b) Strengthen the mechanisms and policies in place to combat trafficking, and ensure that they have adequate technical, financial and human resources, including for the training of labour inspectors, police and border officials so as to better identify forced labour, trafficking and related offences of women and girls, and systematically collect and analyse disaggregated data on human trafficking;

(c) Investigate, prosecute and adequately punish perpetrators of trafficking in persons, especially women and girls; and develop national guidelines for early identification and referral of victims of trafficking to appropriate social services so as to avoid re-victimisation;

(d) Strengthen support to women victims of trafficking, in particular migrant women and indigenous women, by ensuring adequate access to health care, counselling services and redress, including reparation and compensation and the provision of adequate shelters;

(e) Enhance regional cooperation with countries of origin and destination in order to prevent trafficking through information exchange and the harmonization of procedures; strengthen institutional mechanisms, especially at the local level, with a view to combating corruption; and systematically and duly investigate incidents of complicity between state agents and organised crime gangs, and ensure that perpetrators are effectively prosecuted and punished with adequate sentences and disciplinary measures, and that victims are provided with reparation or compensation.

31. The Committee notes with concern the reports of police violence, extortion, arbitrary arrests and detention without warrants of women in prostitution. It is further concerned by the limited information on their situation and at the absence of specific services and programmes for women in prostitution, including exit programmes for women wishing to leave prostitution.

32. The Committee recommends that the State party take efficient measures to protect women in prostitution from exploitation and abuse, as well as carry out a study on the root causes and extent of prostitution and use the outcomes of the study to develop services and support programmes for women in prostitution, including exit programmes for women wishing to leave prostitution.

Participation in political and public life

33. The Committee welcomes the progress achieved by the State party in increasing the participation of women in political and public life, particularly through the establishment of

the Women's Political Participation Observatory, and the increased number of elected female candidates during recent elections. However, the Committee notes with concern:

(a) Structural barriers to women's access to political and public life, in particular decision-making in appointed positions, as well as in political parties;

(b) Gender-based and racial discrimination within political parties which continue to hamper women from running for election at state or municipal levels;

(c) The phenomena of increased political violence against women, the lack of a harmonized normative framework typifying political violence as a crime, as well as low prosecution levels, may deter women from participating in elections at federal, state and especially at municipal levels.

34. The Committee reiterates its recommendation to the State party that it fully utilize general recommendation No. 23 (1997) concerning women in political and public life, to accelerate the full and equal participation of women in the Executive and the Judiciary, , especially at the local level. It calls upon the State party to:

(a) **Establish concrete goals and timetables to strengthen women's equal participation in public and political life at all levels and create the necessary conditions for the achievement of such goals;**

(b) **Adopt measures to address de jure and de facto discriminatory practices within political parties, that discourage women, including indigenous and Afro-Mexican women, from running for election at federal, state or municipal levels;**

(c) **In line with General Recommendation 35 on gender-based violence against women, updating general recommendation 19, take steps to harmonize state legislation to recognize political violence against women as a crime, establishing clear responsibilities for the federal, state and municipal authorities in terms of its prevention, attention, prosecution and sanction.**

Nationality

35. While welcoming the constitutional reform of 2014 recognizing the right to birth registration, and the recent simplification of the process requiring children born in the United States of America to be registered at the Mexican consulate, the Committee is concerned that the number of indigenous, Afro-Mexican and migrant girls and boys living in remote areas who are registered at birth remains low.

36. The Committee recommends that the State party ensure universal birth registration, including by ensuring that registry offices or mobile units are available in all maternity units, in the main points of transit or destination of migrants and in communities where children are born. Strengthen the process to accelerate the registration of children born to Mexican parents in the United States of America, who have returned to the State party.

Education

37. The Committee welcomes the efforts of the State party to increase women's and girls' enrolment in non-traditional areas of studies such as science, technology, engineering and maths (STEM) and vocational training. However, it notes with concern:

(a) The persistence of structural barriers to women's and girls' access to high-quality education, in particular at the secondary and tertiary levels, due to limited budgetary allocations in some states, poor school infrastructure, teaching materials and a lack of qualified teachers, especially in indigenous communities and in rural areas;

(b) The inadequate financial and human resources allocated for the full of the National Strategy to Prevent Pregnancy among Adolescent Girls in all the federal states, may prevent pregnant women and young mothers from reintegrating into education;

(c) Women's and girls' persistent underrepresentation in traditionally male-dominated fields of study persists, such as science, technology, engineering and mathematics (STEM);

(d) The inadequate and inconsistent application of curricula on sexual and reproductive health and rights across all states;

(e) The lack of effective mechanisms for preventing, punishing or eradicating sexual abuse and harassment and other forms of violence in schools.

38. The Committee recalls article 10 of the Convention its general recommendation No. 36 (2017) on the right to education of women and girls and recommends that the State party:

(a) **Increase budgetary allocations to ensure full implementation of the new education model (2017) across all states, and to allow for the upgrading of school infrastructures, especially in indigenous communities and in rural areas, and to enhance the supply of essential and accessible teaching and learning materials;**

(b) **Ensure that sufficient human and financial support is available for the full implementation of the National Strategy to Prevent Pregnancy among Adolescent Girls, and strengthen support mechanisms to encourage pregnant women and young mothers to continue their education during and after pregnancy, including by providing affordable childcare facilities, informing pregnant women of their rights and imposing fines on educational institutions expelling pregnant women and/or denying young mothers to reintegrate into education;**

(c) **Address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enhance initiatives that encourage the enrolment of girls in traditionally male-dominated fields of study, such as science, technology, engineering and maths (STEM);**

(d) **Ensure age-appropriate, evidence-based and scientifically accurate comprehensive sexuality education for girls and boys;**

(e) **Implement measures to prevent, punish and eradicate all forms of violence against women and girls in public educational institutions.**

Employment

39. The Committee notes as positive the ongoing efforts to promote the integration of women into the labour market, including through amendments to the Federal Labour Law. However, it notes with concern:

(a) Women's low economic participation in the State party (44% compared to 78% of men);

(b) The persistent gender pay gap (5.8% in 2017) in both the public and private sectors;

(c) The unequal distribution of domestic and care work between women and men and the short periods of paternity leave, which force many women into low-income part-time jobs in the informal sector;

(d) The precarious situation of women domestic workers who on average earn less than half the minimum wage; are unable to access social security or health benefits; and are not covered by the legal protection under the Federal Labour Law;

(e) The limited access by migrant women, indigenous women, Afro-Mexican and women with disabilities to the formal labour market.

40. The Committee reiterates its previous recommendations (CEDAW/C/MEX/CO/7 8, paragraph 29) and recommends that the State party:

(a) **Adopt measures to increase women's access to the formal labour market and promote women's employment in non-traditional, higher paid sectors, as well as to create employment opportunities for disadvantaged groups of women, through the use of temporary special measures in line with article 4, paragraph 1, of the Convention and its general recommendation No. 25 (2004);**

(b) **Enforce the principle of equal pay for work of equal value, in line with International Labour Organisation (ILO) Convention No. 100 and strengthen efforts to eliminate the gender wage gap and adopt further measures to narrow and close the gender wage gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(c) **Monitor and enforce the legislation promoting and protecting maternity and strengthen incentives for men to avail themselves of their right to parental leave, as well as expedite the adoption of the national care policy, providing sufficient and adequate childcare facilities;**

(d) **Amend the Federal Labour Code to ensure its application to domestic workers, undertake regular labour inspections of private households and ratify the International Labour Organisation (ILO) Convention No. 189 (2011) concerning decent work for domestic workers as a matter of priority.**

Health

41. The Committee reiterates its previous concerns (CEDAW/C/MEX/CO/7 8, paragraph 30) and notes the State party's efforts to strengthen and harmonize the General Law on Victims at the federal and state levels in relation to abortion in cases of rape, as well as the introduction of a National Strategy to Prevent Adolescent Pregnancies. However, it is concerned about:

(a) Provisions in criminal legislation at the state level that restrict access to legal abortion, and continue to force women and girls to resort to unsafe abortion at the risk of their health and life;

(b) Inconsistencies between different state criminal codes that hinder the effective implementation of Article 35 of the General Law for Victims and NOM-046-SSA2-2005, which legalizes abortion in case of rape;

(c) Recent amendments to Article 10 of the General Health Law (2018), which provide for conscientious objection by health personnel and may constitute barriers for women's access to safe abortion and emergency contraception, especially in rural and remote areas;

(d) Reported incidents of obstetric violence by health personnel during childbirth;

(e) The disproportionately high rates of maternal mortality among women from indigenous communities;

(f) Reports of forced sterilization of women and girls, and limited access to reproductive health services, particularly for women and girls with mental and other disabilities.

42. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Increase efforts to accelerate the harmonization of federal and state laws and protocols on abortion, with a view to guaranteeing access to legal abortion and ensure access to post-abortion care services, irrespective of whether abortion has been legalized;**

(b) **Harmonize relevant federal and state laws with the General Law on Victims and NOM-046-SSA2-2005, and adequately inform and train medical personnel so as to ensure specialized attention for women and girl victims of sexual violence, including the provision of essential services for emergency contraception and abortion;**

(c) **Develop the necessary protocols for the implementation of the amendments to the General Health Law, which permit conscientious objection, as long as it doesn't place the life of the mother at risk, and does not impede women's and girls' access to legal abortion; and ensure that in such cases women and girls are referred to another appropriate provider;**

(d) **Harmonize federal and state laws to define obstetric violence as a form of institutional and gender-based violence in accordance with the General Law on Women's Access to a Life Free from Violence, and ensure effective access to justice and integral reparation to all women victims of obstetric violence;**

(e) **Reduce the incidence of maternal mortality, including through collaboration with traditional midwives and the training of health professionals, especially in rural areas, ensuring that all births are attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals;**

(f) **Ensure that fully informed consent is systematically sought by medical personnel before sterilizations are performed, that practitioners performing sterilizations without such consent are adequately punished and that redress and financial compensation are available to women victims of non-consensual sterilizations.**

Economic empowerment and social benefits

43. The Committee welcomes the State party's continued efforts to reduce poverty. However, it remains concerned at:

(a) The high levels of poverty and inequality faced by disadvantaged and marginalized groups of women, especially indigenous and Afro-Mexican women, and women heads of households;

(b) That the social benefit system does not adequately protect women due to their involvement in unpaid care work and the fact that many have been employed in the informal sector;

(c) Women's limited access to microcredit and loans;

(d) The low participation of women in leadership roles in the area of disaster risk reduction and management, particularly at the local level, despite the inclusion of a gender perspective in its National Climate Change Policy (2012).

44. **The Committee recommends that the State party:**

(a) **Strengthen its national poverty reduction strategy with a focus on the most disadvantaged and marginalized groups of women, particularly indigenous, Afro-Mexican and rural women, ensuring that the development and implementation of SDGs (Agenda 2030) are fully inclusive, and encourage the active participation of women in the formulation and implementation of poverty reduction strategies;**

(b) **Increase women's access to the national social security system, and develop coordinated social protection and compensation programmes for women;**

(c) **Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for women in order to promote women's entrepreneurship and empower them economically, in particular as regards indigenous and Afro-Mexican women, and women with disabilities;**

(d) **In accordance with the Committee's General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change, accelerate the participation of women in decision-making and recovery processes related to disasters at all levels, in particular at the local level; and continue efforts aimed at integrating a gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.**

Rural women and indigenous women

45. The Committee welcomes the introduction of the conditional cash transfer system PROSPERA and *Cruzada contra el Hambre* as well as the National Financing Programme for Micro-entrepreneurs and Rural Women. It is concerned, however, that rural women, in particular those in isolated communities, including indigenous and Afro-Mexican women, continue to face intersecting forms of discrimination. The Committee is particularly concerned that they:

(a) Are disproportionately affected by poverty, and face barriers in accessing health care, education and employment opportunities in the formal sector;

(b) Despite recent improvements in access to land, rural and indigenous women continue to have limited access to land titles, as well as adequate representation in decision making positions in relation to accessing *ejidos* and communal lands;

(c) The limited implementation of the principle of free, prior and informed consent and the lack of consultations with indigenous women and Afro-Mexican women in connection with development projects affecting their collective rights to land ownership, as well as the consequences of forced evictions of indigenous and Afro-Mexican women from lands traditionally occupied or used by them and the dispossession of such lands as a result of rural development projects, without the provision of alternative livelihoods;

(d) The insufficient institutional support to ensure that indigenous women have adequate access to health care, education and employment opportunities and to ensure they are able to preserve and transmit their traditional way of life.

46. In line with the Convention and its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Increase the financial, human and technical resources allocated to education and health care for rural and indigenous women, and take targeted measures to create equal opportunities, in practice, for indigenous, Afro-Mexican and rural women in the labour market;

(b) Expand access for indigenous and rural women to land ownership and tenure, including by ensuring their adequate representation in decision making positions in relation to accessing *ejidos* and communal lands;

(c) Establish a legal framework to regulate and ensure that development projects, agro-industrial and other business projects are implemented only with the free, prior and informed consent of affected indigenous, Afro-Mexican and rural women and provision of alternative livelihoods as well as benefit sharing agreements concerning the use of their natural resources and lands in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO;

(d) Strengthen institutional support to ensure indigenous women's access to basic services, including water and sanitation, as well as employment opportunities, and enhance the recognition and preservation of their traditional cultural practices.

Disadvantaged groups of women

Refugee, asylum-seeking and migrant women

47. The Committee welcomes the establishment of the Unit for the Investigation of Crimes against Migrants, as well as its campaign "*Migrar no es un delito*" (migration is not a crime). However, it notes with concern that migrant women continue to face automatic detention based on the Migration Act, that the "release from detention program" is not generalized and that many women and girl asylum seekers do not have effective access to asylum procedures. It is also concerned that the right of migrant and refugee and asylum seekers to work, to access health services and housing is not guaranteed in all states. It is further concerned at the impact of enforced disappearance on migrants and the high levels of gender-based violence, particularly on the border with the United States of America.

48. The Committee recommends that the State party:

(a) Revise the Migration Act with a view to abolishing automatic detention and in the meantime disseminate the "release from detention program" to all states;

(b) Ensure effective access to fair, efficient and gender-sensitive refugee status determination procedures;

(c) Ensure the right of women and girl migrants, refugees and asylum seekers to work, to access health services and housing is implemented in all states;

(d) **Ensure that all necessary services regarding employment, healthcare, psychological counselling, education and their participation in public affairs are made available to migrant, refugee and asylum seeking women;**

(e) **Ensure that all cases of enforced disappearances of migrant women are effectively investigated, and perpetrators prosecuted and punished commensurate with the gravity of the crime committed.**

Women in detention

49. The Committee welcomes the initiatives adopted to reduce preventive detention, and to apply non-custodial measures, however it remains concerned about the conditions in many detention centres, particularly those situated in remote areas, that limit women's access to health services, including obstetric and gynaecological care, as well as to justice services, rehabilitation and reintegration opportunities, and contact with family members.

50. **The Committee recommends that the State party further strengthen the reform of the prison system and harmonize the use of non-custodial sanctions and measures, in all states. The Committee further recommends that the State party improve prison conditions, in particular to ensure that adequate health care facilities, including obstetric and gynaecological care, access to justice services, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules').**

Marriage and family relations

51. The Committee notes as positive amendments to article 45 of the General Law on the Rights of Children and Adolescents that increase the minimum age of marriage to 18 years for both girls and boys. However, it is concerned about the effective implementation of this provision at the state level. It is further concerned about reports about cases of forced marriage, particularly in indigenous communities.

52. **In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee recommends that the State party ensure the effective implementation of article 45 of the General Law on the Rights of Children and Adolescents by ensuring that the minimum age of marriage of 18 years of age for both girls and boys is reflected in the laws of all states and effectively enforced throughout the State party. It further recommends that the State party conduct comprehensive awareness-raising campaigns to challenge cultural attitudes legitimizing early marriage, and introduce mechanisms to register all marriages, especially in rural, remote and indigenous areas.**

Beijing Declaration and Platform for Action

53. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

54. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, in particular the National Congress, State Ministries and courts, to enable their full implementation.**

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 24 (c), (d), (e) and (h) above.**

Preparation of the next report

56. The Committee invites the State party to submit its tenth periodic report in July 2022. The report should be submitted on time and cover the entire period until the time of its submission.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).
