



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the tenth periodic report of Mexico*

General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goals target 5.1, which is to end all forms of discrimination against all women and girls everywhere, please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention in order to support policymaking and programme development and measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to address the coronavirus disease (COVID-19) pandemic and its long-term impact and ways to apply those efforts and mechanisms in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies undertaken to ensure that gender equality and women's empowerment are a fundamental requirement for addressing such crises and elaborating adequate responses, such as policies, provision of essential services of adequate scope, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

* Adopted by the pre-sessional working group on 1 November 2023.



Definition of discrimination and legislative and policy framework

3. In the light of the Committee's previous concluding observations (para. 10),¹ please provide information on the steps taken by the State party to:

(a) Repeal any provisions in its legislation that discriminate against women and girls and harmonize legal definitions and sanctions relating to discrimination and violence against women, including in criminal proceedings;

(b) Establish a judicial complaint mechanism, specifically for cases of discrimination against women, with adequate human, technical and financial resources;

(c) Prevent and eliminate all forms of de facto discrimination against women at the federal, State and local levels.

Access to justice

4. In the light of the Committee's previous concluding observations (para. 14), please provide information on the steps taken by the State party to:

(a) Eliminate discrimination against women and girls in the administration of justice by removing barriers to equal access to justice and reparation as well as building capacities of law enforcement officers on women's rights and gender equality;

(b) Ensure accountability for discrimination against women in the administration of justice, the implementation the 2020 Supreme Court protocol for judging with a gender perspective and the publication of all court decisions, notably through application of the General Act on Transparency and Access to Public Information of 2015.

National machinery for the advancement of women and gender mainstreaming

5. In view of the Committee's previous concluding observations (para. 16), please provide updated information on the efforts made by the State party to:

(a) Increase the human, technical and financial resources of the National Women's Institute, enhance its capacity to coordinate and promote gender equality policies, in particular the National Programme for Equality between Women and Men 2020–2024, and consider elevating the institutional status of the National Women's Institute within the State;

(b) Adopt an integrated gender-responsive budgeting process for allocating adequate resources for the implementation of women's rights and improve the tracking of allocated resources for women;

(c) Halt the defunding of gender equality policies and ensure adequate budget allocations for those policies, in particular in favour of Indigenous women and women of African descent;

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

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's concluding observations on the ninth periodic report of the State party (CEDAW/C/MEX/CO/9).

Temporary special measures

6. Please provide information on the steps taken by the State party to systematically use temporary special measures to achieve substantive equality in all areas under the Convention where women are underrepresented or disadvantaged.

Stereotypes

7. Please provide evidence-based information on the measures taken by the State party to:

(a) Transform the patriarchal culture and the discriminatory stereotypes relating to the roles and responsibilities of women and men in the family and society;

(b) Fully eliminate discriminatory stereotypes directed against women in media coverage, in particular during electoral campaigns, through equal representation of women and men in the media, full implementation of the agreement for gender equality and tackling of violence against women in the media, as well as addressing digital violence, the application of adequate sanctions for the use of discriminatory gender stereotypes and the promotion of positive images of Indigenous women, women of African descent, migrant women and refugee and asylum-seeking women.

Harmful practices

8. In the light of the Committee's previous concluding observations (para. 22), please provide information on the measures taken by the State party to:

(a) Explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age at which they can give their free, prior and informed consent;

(b) Ensure the provision of adequate counselling and support to families of intersex children.

Gender-based violence against women

9. In the light of the Committee's previous concluding observations (para. 24), please provide detailed information on the activities and impact of the National Commission to Prevent and Eradicate Violence Against Women, as well as the measures taken by the State party to:

(a) Prevent violent deaths, killings and enforced disappearances of women as a matter of urgency, notably in the States of Mexico, Tamaulipas, Jalisco and Guerrero, while addressing the root causes of such violence;

(b) Guarantee access to timely and effective remedies as well as effective and gender sensitive investigation, prosecution and adequate sanctions for all cases of gender-based violence against women;

(c) Ensure that the use of the fast-track judicial procedure in cases of gender-based violence does not jeopardize the full protection of the rights of women who are victims and adequate reparations relating to the rights of those women;

(d) Evaluate the impact of the gender violence alert mechanism, to ensure harmonized and extended implementation and coordination at the federal, State and municipal levels, and ensure the participation of non-governmental organizations, academic experts, gender and human rights advocates and women who were victims of violence;

(e) Harmonize the legislation on femicide across the country and ensure that femicide is criminalized in all State penal codes in accordance with the General Act on Women's Access to a Life Free from Violence;

(f) Ensure an effective coordination between the Federal Prosecution Office and the National Search Commission and the simplification and harmonization of State-level procedures to activate the Amber Alert programme and the Alba Protocol and accelerate the search for disappeared women and girls;

(g) Address the lack of protection measures to ensure the dignity and physical integrity of lesbian, bisexual, transgender and intersex women;

(h) Resolve the case concerning Pilar Arguello Trujillo, as recommended by the Committee in its views concerning *Trujillo Reyes and Arguello Morales v. Mexico*.

Women, peace and security

10. In view of the Committee's previous concluding observations (paras. 10 and 26), please provide information on steps taken by the State party to:

(a) Ensure that its public security strategy to combat organized crime, notably through extensive militarization, effectively respects and protects the rights of women and girls;

(b) Effectively implement the National Action Plan on Women, Peace and Security, adopted in 2021, with the participation of women's civil society organizations;

(c) Introduce temporary special measures to enable women to join the armed forces and access high-ranking positions;

(d) Build the capacity of women and girls, including through women's civil society groups, to engage in efforts to counter insecurity and violence against women.

Women human rights defenders

11. Please provide information on the urgent, concrete and effective measures taken by the State party to:

(a) Fully implement the federal mechanism to protect women human rights defenders and journalists, with the effective incorporation of a gender perspective across all States;

(b) Prevent, investigate and prosecute attacks and other forms of abuse against women human rights defenders and journalists, including discrimination and violence against women journalists in their workplace, and punish the perpetrators of such abuse.

Trafficking and exploitation of prostitution

12. Please provide information on the measures taken by the State party to:

(a) Strengthen the mechanisms and policies in place to combat trafficking and ensure that they have adequate human, technical, financial and human resources, including for the establishment of Executive Commissions for Victims' Assistance in all States and the implementation of the General Act for the Prevention, Punishment and Eradication of Crimes of Trafficking in Persons and for the Protection and Assistance of Victims at the State level across the country;

(b) Strengthen support to women victims of trafficking, in particular migrant women and Indigenous women, by ensuring early identification and referral of victims of trafficking to appropriate social services and their access to adequate health

care, counselling services and redress, including reparations and compensation, and the provision of adequate shelters;

(c) Enhance regional cooperation with countries of origin and destination in order to prevent trafficking; strengthen institutional mechanisms to combat corruption; and investigate incidents of complicity between State agents and organized crime gangs and provide reparations or compensation to victims;

(d) Protect women in prostitution from exploitation and abuse by carrying out a study on the root causes and extent of prostitution and use the outcomes of such a 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

13. In the light of the Committee's previous recommendations (para. 34), please provide information on the steps taken by the State party to:

(a) Establish concrete goals and timetables as well as the conditions necessary to achieve the equal participation of women in public and political life at all levels;

(b) Eliminate the de jure and de facto discriminatory practices against women within political parties which prevent them from standing for election at the federal, State or municipal level;

(c) Review and harmonize State legislation to ensure recognition of political violence against women as a crime.

Nationality

14. Please provide information on the measures taken by the State party to ensure universal birth registration including by:

(a) Ensuring that registry offices or mobile units are available in all maternity units at the main points of transit or destination of migrants, including at the community level;

(b) Strengthening the process to accelerate the registration of children born in the United States of America to Mexican parents who have returned to the State party.

Education

15. In the light of the Committee's previous concluding observations (para. 38), please provide information on the steps taken by the State party to:

(a) Increase budgetary allocations for the full implementation of the new education model of 2017 across all States; the upgrading of school infrastructure, especially in rural and remote areas; and the supply of essential and accessible teaching and learning materials;

(b) Ensure sufficient human and financial support for the full implementation of the national strategy for the prevention of adolescent pregnancy and the strengthening of support mechanisms for encouraging pregnant girls and young mothers to continue their education during and after pregnancy;

(c) Address discriminatory stereotypes and structural barriers which deter girls from progressing beyond secondary education, notably towards enrolment in traditionally male-dominated fields of study such as science, technology, engineering and mathematics;

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

(e) Prevent, punish and eradicate all forms of violence against women and girls in public educational institutions, with a focus on sexual and psychological violence.

Employment

16. In the light of the Committee's previous concluding observations (para. 40) and in the context of the ratification by the State party of the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190) and the Official Mexican Standard on Labor Equality and Non-Discrimination, please provide information on the measures taken by the State party to:

(a) Increase access for women to the formal labour market and promote the employment of women in non-traditional, higher-paid sectors;

(b) Enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100) of ILO;

(c) Monitor and enforce the legislation promoting and protecting maternity leave and expedite the adoption of the national care policy to provide sufficient and adequate childcare facilities;

(d) Recognize the right to care and implement the Domestic Workers Convention, 2011 (No. 189) of ILO as a matter of priority;

(e) Address persistent gender-based violence, discrimination and sexual harassment in the workplace.

Health

17. In view of the Committee's previous concluding observations (para. 42) and in the light of judgment No. 267/2023 of the Supreme Court of 6 September 2023, please provide information on the steps taken by the State party to:

(a) Increase efforts to accelerate the harmonization of federal and State laws and protocols on abortion in compliance with judgment No. 267/2023 of the Supreme Court of 6 September 2023, including the decriminalization of abortion at the federal level and in all States, and guarantee access to legal and safe abortion and post-abortion care services across the State party;

(b) Issue guidelines regarding conscientious objection in the health-care system and prevent obstetric violence and forced sterilization;

(c) Harmonize relevant federal and State laws with the General Victims Act and Mexican Official Standard NOM-046-SSA2-2005, regulating prevention and care relating to domestic and sexual violence against women;

(d) Also harmonize federal and State laws to define obstetric violence as a form of institutional and gender-based violence, in accordance with the General Act on Women's Access to a Life Free from Violence, and ensure effective access to justice and integral reparations;

(e) Ensure that informed consent is systematically obtained by medical personnel before sterilizations and that non-consensual sterilizations are adequately punished and victims granted redress;

(f) Reduce the incidence of maternal mortality through early identification of warning signs and symptoms in pregnancy and obstetric emergencies and care of the newborn;

(g) Ensure adequate funding for the second phase of the National Strategy for the Prevention of Adolescent Pregnancy.

Economic empowerment and social benefits

18. Please provide information on the measures taken by the State party to:

(a) Strengthen its national poverty reduction strategy through the participation of women and a focus on the most disadvantaged and marginalized groups of women, in particular Indigenous women, women of African descent and rural women;

(b) Increase access for women 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.

Rural women, women of African descent and Indigenous women

19. In the light of the Committee's previous concluding observations (para. 46), please provide information on the steps taken by State party to:

(a) Increase the financial, human and technical resources allocated to education, health care, social protection and social security for Indigenous women; increase their economic participation; ensure ownership of their lands and territories and free, prior and informed consent; and ensure protection of Indigenous women environmental defenders in full compliance with the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement);

(b) Expand the access of rural women to landownership and tenure, including by ensuring their adequate representation in decision-making positions in relation to access to ejidos and other types of communal lands;

(c) Effectively implement the specific activities relating to women of African descent under the National Programme for Equality and Non-Discrimination (2021–2024).

Migrant, refugee, asylum-seeking and internally displaced women

20. Please provide information on the measures taken by the State party to:

(a) Revise the Migration Act to abolish automatic detention and incorporate judgment No. 388/2022 of the Supreme Court, under which administrative detention is limited to 36 hours, in domestic law;

(b) Ensure effective access to fair, efficient and gender sensitive refugee status determination procedures, including for transgender asylum-seekers and refugees, notably by the strengthening of the Mexican Refugee Agency;

(c) Guarantee the rights of migrant, refugee, asylum-seeking and internally displaced women and girls to health services, housing and employment;

(d) Ensure all necessary services with regard to employment, health care, psychological counselling, education and participation in public affairs;

(e) Protect migrant, refugee, asylum-seeking and internally displaced women against all forms of violence, including sexual and gender-based violence, femicide, disappearances, kidnapping and human trafficking;

(f) Ensure that all cases of enforced disappearances of migrant women are effectively investigated and that perpetrators are prosecuted and punished;

(g) Guarantee effective protection of migrant women and girls at the northern border, who are at high risk of refoulement and violence owing to the bilateral

agreement with the United States and the presence of organized criminal groups at the border.

Women in detention

21. In the light of the Committee's concluding observations (para. 50), please provide information on the concrete measures taken by the State party to:

(a) Further strengthen the reform of the prison system and harmonize the use of non-custodial sanctions and measures in all States, as well as reduce the high number of persons awaiting sentencing who are deprived of their liberty;

(b) Prevent, address and sanction violence against women in detention, including sexual torture, in the light of the conclusions of the National Assessment on Sexual Torture Committed against Women Deprived of Liberty in Mexico;

(c) Improve prison conditions, in particular to ensure access to adequate health-care services and obstetric and gynaecological care and justice services, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders;

(d) Ensure the access of migrant women in detention facilities to sexual and reproductive health care, including access to prenatal health care and menstrual hygiene products.

Marriage and family relations

22. In view of the Committee's previous concluding observations (para. 52), please provide information on the efforts made by the State party to:

(a) Implement article 45 of the General Act on the Rights of Girls, Boys and Adolescents by ensuring that the minimum age for marriage of both girls and boys, which is 18 years of age, is reflected in the laws of all States and enforced throughout the State party;

(b) Conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize early marriage;

(c) Ensure that any laws, regulations and policies on surrogacy protect women acting as surrogates from exploitation, coercion, discrimination and violence directed against them.

Climate change and disaster risk reduction

23. Please describe steps taken to integrate a gender perspective into national policies on climate change in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction and land and environmental resource management.

24. Furthermore, please provide detailed information on the steps taken to accelerate the participation of women in decision-making and recovery processes relating to disasters at all levels and the integration of a gender perspective into all sustainable development and climate change policies, such as the 2022 National Action Plan for Gender and Climate Change. In addition, please provide information on the resources available for implementing the national action plan, including financial resources.

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous combined periodic reports in 2018. Such measures may include recent laws, developments, plans, programmes and ratifications of human rights instruments, as well as any other information that the State party considers relevant. Please note that, further to the issues raised in the present document, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.
