



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
24 December 2012

English only

**Committee on the Elimination of Discrimination
against Women
Fifty-second session**

Summary record of the 1051st meeting

Held at Headquarters, New York, on Tuesday, 17 July 2012, at 10 a.m.

Chair: Ms. Pimentel

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Combined seventh and eighth periodic reports of Mexico

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined seventh and eighth periodic reports of Mexico (CEDAW/C/MEX/7-8; CEDAW/C/MEX/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of Mexico took places at the Committee table.*

2. **Ms. García Gaytán** (Mexico), congratulating the Committee on its thirtieth anniversary, said that its message of 30 per cent of parliamentary participation by women was easy for Mexico to remember because that rate had already been reached in the recent federal elections and the related goal of gender parity by 2030 was one her country shared.

3. Mexico was ready to welcome all recommendations made by the Committee as those contributions would improve the protection of women's rights. Although much remained to be done, the country's regulatory and institutional framework for gender equality had been greatly strengthened by the human rights focus of the constitutional reform of 2011 which had enshrined the pro-person principle and given international treaties constitutional status. Furthermore, a Supreme Court decision obligated the judiciary to give international treaties precedence above conflicting national legislation. Those amendments were part of an ambitious legal revolution, based on the highest international human rights standards: femicide had been made a separate crime in the federal criminal code; the powers of federal institutions had been broadened to combat trafficking in persons; and international parameters had been taken into consideration in legal rules regarding reparations for damages and statutes of limitations in sex crimes against children. As a result of federal budget law amendments, the executive branch must include equality, anti-discrimination and violence measures in planning, programming and budgeting.

4. Neither legislative nor budgetary endeavours would automatically change social practices, however. A determined effort had been made by Government and the people to target the country's main enemy: its patriarchal, sexist, macho and misogynistic culture. Changing that culture of multidimensional discrimination facing women was the greatest

challenge for Mexico. Given the fact that gender inequalities were greatest at the local level, 1,250 municipal women's affairs offices had been established and efforts had been made to ensure continuing training for the heads of such local bodies. Within the executive branch, efforts included a programme to bring about immediate changes in institutional culture. There were numerous strategic plans in various public agencies and committees to prevent and address sexual harassment, and an observatory for equality in the armed forces had been created. The institutional culture programme had been internationally recognized by the United Nations Development Programme (UNDP) as one of the five best gender practices in Latin America. A national equal employment policy remained in place to promote equal opportunities and treatment for women and to protect labour rights and access to decent work. Under the policy, all ministries and more than 700 centres of employment had been certified under the Mexican Standard for Equal Employment for Women and Men.

5. The participation and empowerment of women was a prerequisite for the development of Mexico and the country had made a specific commitment to build the capacities of its indigenous women. In 2012, funds had been earmarked in six ministries for 20 programmes for indigenous peoples. Amendments to the budget law had made indigenous affairs a priority, although much remained to be done for indigenous women.

6. As part of its effort to meet the Millennium Development Goals in the area of education, policies and programmes had been instituted to close the gender gap in basic education, make high school compulsory in the Constitution and guarantee pre-school education. The Government was convinced that education offered the opportunity to confront the challenge of cultural change beginning in childhood and youth, and had therefore implemented basic education programmes and distributed teaching materials that mainstreamed gender and non-discrimination. In higher education, women were being offered greater opportunities in science and technology and child care facilities were being offered at colleges to accommodate women students with young children.

7. Women's access to health care, especially among the poorest, was a priority. Large-scale programmes provided care to pregnant women and their families as part of efforts to cut maternal mortality, whether or not

they had social security coverage. The Maternal Mortality Observatory had been established in 2011 in collaboration with UNDP, academia, civil society and the National Women's Institute to improve maternal mortality reduction policies and programmes. Mexico had modernized reproductive health services through new cervical cancer prevention and screening technologies; beginning in 2012 all Mexican girls would be vaccinated at age nine against human papillomavirus, which should cut new cases of infection by 90 per cent and cervical cancer by 70 per cent among those vaccinated. That drive had been begun in municipalities with the lowest human development index and a high proportion of indigenous population. An effort to double the coverage of breast cancer screening had been made and breast cancer prevention and control regulations had been updated from a human rights perspective. Coverage of specialized health services for women victims of violence had quadrupled from 2006 to 2011. Efforts to publicize and distribute barrier methods of contraception for family planning and to prevent sexually transmitted infections had been stepped up, especially among youth.

8. Aware of the importance of gender-disaggregated statistics in trend detection and decision-making, the Government had continued to generate information systems. In 2011, the satellite account for unpaid household work in Mexico had been published, and would contribute to the design of public equality policies. It showed that women made a greater contribution to the country's economy than manufacturing, agriculture or the oil industry.

9. Violence against women was one of the major challenges facing the country; it affected the ability of women to exercise their basic human rights. The Government response to the violence of organized criminal groups had been to revolutionize the laws on human rights protection, leading to a public security policy founded on the guarantee of the right to security for sustainable human development. Progress would be slow, but figures from the 2011 national household survey showed that, for its part, domestic violence had been falling.

10. Although equal access to justice was guaranteed by law, women still faced certain obstacles. Women's access to justice had been improved by concentrating services in four justice centres strategically distributed throughout the country and by providing specialized

training on gender violence for career police officers. The new act on gender violence contained provisions for a regional gender violence alert to be declared; three requests to declare such an alert had been received thus far. Several highly specialized institutions had been established to combat violence against women, supported by shelters operated by civil society and state and municipal authorities. Information on victims and perpetrators was collected in a national database.

11. In addition to domestic laws and institutions to protect women's rights, the Government had signed most relevant international instruments and was making every effort to implement them. The sentences of the Inter-American Court of Human Rights in three important cases had driven institutional efforts to move beyond legislation towards actual realization of rights. However, the structural discrimination that women faced hindered their full access to justice. Women in prison, especially indigenous women, suffered as a result of impunity and outdated attitudes. Due process had to be improved to reduce systematic procedural violations and the children of women in prison must be given better opportunities for comprehensive development.

12. Electoral courts had firmly enforced gender quotas and women's representation after the recent elections should reach 37 per cent in both chambers of the legislature, thanks to legislative changes passed in 2008, which included the obligation for political parties to dedicate at least 2 per cent of their budgets to women's political leadership. That representation should help Mexico to face the challenges before it.

Articles 1 to 6

13. **Ms. Schulz** asked who would be responsible for guaranteeing the human rights of women throughout Mexico, in the light of the multiple and differing federal, state and municipal laws covering such offences as rape, forced disappearance, trafficking, femicide and abortion. Given the widespread and grave discrimination and the violence faced by women, including from police and courts, she wanted to know how Mexico would ensure that its federalism would not perpetuate the situation.

14. Regarding implementation of the country's laws and programmes, perhaps owing to the militarization of Mexico and the growing influence of organized crime

on State authorities, an extravagant level of impunity had been reached. She inquired about a timetable for the harmonization of legislation, how impunity for perpetrators was to be addressed, how the infiltration by organized crime of the State authorities responsible for security and protection of rights was to be tackled, and how the many programmes presented were going to be implemented.

15. Concerning the reform of the criminal justice system and the move from an inquisitorial to an accusatorial system, she wanted to know what measures were in place to ensure that the change would lead to improvements in the situation of women, especially in the light of the imbalance of power among female victims and male perpetrators of violence, who were often agents of the State.

16. **Ms. Patten** asked how continuity could be ensured in the implementation of programmes and policies in the area of gender equality, above all those to protect victims of violence, in the light of the result of recent elections. She was curious to hear how coordination and participation were being strengthened at the different levels of authority in order to increase the effectiveness of mechanisms and programmes. Regarding the legislative framework, she wanted to know if there were concrete plans to undertake a comprehensive review of criminal codes at the federal and local levels and to eliminate provisions that directly discriminated against women. In the area of access to justice, she was interested in what mechanisms were in place and in how many states comprehensive assistance and protection programmes were available to victims of violence and where centres that ensured quality services for women from indigenous groups were located. She requested information on concrete measures being taken to give legal support and to promote access to justice for the victims of violence and to protect the relatives of murdered and abducted women, including the families of women human rights defenders who had suffered forcible disappearance or who had been victims of femicide, organized crime, attacks by the military, paramilitary groups, para-police groups and individuals.

17. She would like to learn more about the measures taken to intensify training for the judiciary on Committee's general recommendations, the Optional Protocol to the Convention and related jurisprudence, and efforts being undertaken by the Government to

change attitudes among local authorities with regard to gender-based violence and the issue of women's equality and human rights in general.

18. **Ms. Šimonović** requested information on the number of cases in which there were references to the Convention and on education for lawyers and the judiciary. She wanted to hear more about the definition of discrimination in anti-discrimination law as it pertained to the definition in article 1 of the Convention.

19. Regarding article 2, subparagraph g, of the Convention, given that in approximately half of Mexico's states reduced sentences were permitted in cases of women killed to protect honour, she asked if there were plans to repeal discriminatory legislation. Lastly, she expressed interest in receiving the 2012 data related to disappearances and murders of women.

20. **Ms. Bareiro-Bobadilla** asked if the definition of discrimination in article 1 of the Convention could be considered to have been fully incorporated in Mexico's domestic legislation and if there was an example of its use. Information regarding the level of knowledge of the Convention among women would be helpful. She asked how many cases of aggression against and murder of women human rights defenders and journalists had been punished and how, under the new legislation, Government mechanisms were preparing to implement protection orders when the very perpetrators of violence were allegedly authorities of the State.

21. **Ms. Ameline** asked if the federal Government expected to use the broadening of its legal powers in human rights under the constitutional amendment to strengthen its mechanisms to intervene at the level of the states, how the Government intended to accelerate coordination procedures and whether a new strategy was envisaged to assess implementation. She was interested in hearing more about the importance assigned to statistical information that could serve as the basis for public policy and in the training of the judiciary. It seemed that the time had arrived for the issue of women and violence to become a national cause and to raise awareness and application of the Convention at the local level.

22. **Ms. García Espinoza de los Monteros** (Mexico) said that the Government's security strategy included the protection of its citizens. The 2006-2012 National Development Plan included a mandate to prepare a national public security programme, based on the

coordination of the tiers of Government and the participation of civil society in drafting strategies in the areas of security, the exercise of rights, police operations, gender-based and human-rights-based police intelligence, and to provide technological resources to combat impunity and care for the victims of crime. Databases had been established for cases of disappearance and violence against women, protocols had been implemented to find missing women and children, more shelters had been opened with the participation and coordination of civil society, and new legislation had been introduced to defend women's rights, including migrant women. More training was required at the various levels of Government to introduce a new way of thinking and a break with the patriarchal model.

23. **Ms. Serrano Serrano** (Mexico) said that the harmonization of anti-discrimination legislation was a slow process as a result of Mexico's federal system. The fact that international treaties had been adopted meant that authorities at all levels would have to implement and comply with such legislation. The judiciary would require better training to ensure compliance.

24. **Ms. Maccise Duayhe** (Mexico) said that the programmes that had been initiated would continue, regardless of the outcomes of elections, and that the key to change lay with the training of local and federal judges. A course lasting several months, with the involvement of international institutions, demonstrated to members of the judiciary how, inter alia, the gender perspective could be a highly useful tool in sentencing. All members of the judiciary had joined a pact to introduce a gender perspective into their work.

25. Data were not available on the number of times the Convention had been mentioned during normal court cases, but it had arisen in 11 electoral cases.

26. **Ms. García Espinoza de los Monteros** (Mexico) said that the Government acknowledged that there was violence against women human rights defenders and journalists. The Special Prosecutor for crimes against the freedom of expression had carried out 228 investigations, of which 66 had been opened as a result of violence against women journalists in the exercise of their profession. In those cases, from 2010 to 2012, 9 women journalists had been killed. The Special Prosecutor had granted 108 precautionary orders to journalists, relatives and victims of crimes

indirectly related to the investigations. The National Human Rights Commission had reported that over the previous seven years, the application of precautionary measures to protect journalists had been requested on 71 occasions. At the Ministry of the Interior, the Office for the Promotion and Defence of Human Rights had cases of 36 women journalists protected under federal precautionary measures, and others were benefiting from local protection. The Consultative Committee for the Evaluation of the Recommendation of Actions and Prevention and Protection for Journalists was considering 12 precautionary measures. Once a precautionary measure was requested for a journalist or a human rights defender, a decision on the action to be taken must be made within three hours, and the measure must be in place within nine hours. The relevant Act had created a reparations and indemnity fund for human rights violations of 33 million pesos. Measures included federal police escorts, use of cell phones and radios, police guards and safe houses when necessary.

27. The offices of the two relevant special prosecutors had reported that their files contained over 1,000 reports of missing women and girls. It was known that there was a great deal of underreporting, particularly because in many areas disappearances were not considered separate crimes. However, there were new protocols for searches and investigations, such as the Alba and Amber Protocols. In addition, a specially-trained elite police force was being established to search for missing persons which would apply scientific methods to search for missing women and girls, even when there was little material evidence, in the hope of find them still alive.

28. **Mr. Rosas Rosas** (Mexico) said that historically, there had been many different police forces in Mexico, but the increase in violence as a result of battles among drug cartels over territory had led states to respond through consolidated law enforcement agencies that used more modern scientific methods. They had combated the infiltration of their ranks and applied international human rights standards to deal with complaints of abuse. Training and protocols had been improved, particularly in contact with victims of crimes of violence.

29. **Ms. Incháustegui** (Mexico) said that as far as the continuity of plans and programmes was concerned, the new women's rights legislation contained obligations, mechanisms and frameworks for policies

and agreements that involved the states and ensured their continuation.

30. Further work was required in the states, half of which had yet to criminalize femicide, through a comprehensive reform of the federal penal code and national harmonization of the definition of discrimination that would reflect article 1 of the Convention.

31. **Mr. Bucio Mújica** (Mexico) said that conceptual definitions of discrimination must recognize that any form of discrimination affected women disproportionately. The definition adopted by the Senate was broader, taking elements from the Convention and from the International Convention on the Elimination of All Forms of Racial Discrimination. Admittedly, there was a risk of perpetuating discrimination due to the country's federal nature. The degree to which a person's rights were protected depended on local legislation and, in a country as demographically complex as Mexico, combating that inequality required greater harmonization.

32. **Ms. García Gaytán** (Mexico) said that Mexico had not been militarized and that all Mexicans were against violence, which was not caused by the State.

33. The approach taken to change the mindset of members of the judiciary involved modifying the content of courses in the law curriculum. The dissemination of the Convention, which unfortunately was not well known in Mexico, required work at the local level and among the judiciary.

34. **Mr. Negrín Muñoz** (Mexico) said that constitutional reform had been implemented rapidly and that all magistrates, at the federal and local levels, had been trained in the new legislation. There had been a review of penal codes from a gender perspective, and new protocols had been introduced for criminal investigations from that perspective. The protocol for the investigation of sex crimes had been completed. While improvements were indeed necessary, and despite the barbaric acts of criminal groups, the country was united around the cause of non-violence and, as demonstrated by the large turnout in the recent elections, was confident in its own democracy.

35. **Ms. Schulz** said that she had not heard an answer regarding how the Government was addressing the imbalance of power between women and men or how agreements made in the new system were being

monitored. While federalism implied challenges, it must not be taken as an excuse to allow pockets of discrimination to remain in the country.

36. She asked what measures were being taken to monitor and sanction police officers, prosecutors and judges who discriminated against women and who did not fulfil their duty of investigating cases fully. She was interested to know the degree to which violence against women must be reduced for the Government to feel satisfied that it had guaranteed the right of women to live in security.

37. **Ms. Neubauer** said that, while she understood the complexities of Mexico's federal system and the fact that they resulted in uneven progress in implementing the Convention's standards and ideals, she had received no adequate information regarding the efforts that had been made or that were envisaged to strengthen mechanisms for the advancement of women in those states and municipalities where gender equality measures and their implementation lagged significantly behind national objectives.

38. Acknowledging increases in the budget of the Women's Institute, she wanted to know how the state women's offices had been strengthened and whether their budget increases had been in proportion to increases in federal spending on gender equality as a whole.

39. **Ms. Murillo de la Vega** said she was interested in how women's associations had participated in the drafting of the country report and what form the necessary coordination had taken. She would also like to know how often the three main institutions involved in combating violence against women met and how they coordinated their work. With reference to women journalists and human rights defenders, she said that precautionary measures must be supported by prosecutions and arrests of perpetrators. Indeed, there had been cases of soldiers entering the homes of human rights defenders who were supposedly protected by such measures.

40. She requested further information on the San Salvador Atenco case where women had been tortured and raped while in police custody, during transportation after an arbitrary arrest.

41. **Ms. Šimonović** said that details had not been provided on the challenges to harmonization with the Convention of criminal and civil legislation at the

federal, state and municipal levels, or on the 33 proposals for reforms arising out of the diagnostic work performed. Legislation providing for reduced sentences for killings motivated by infidelity should be revisited and repealed.

42. If data concerning cases of disappearances were being collected, she would be interested to know whether there was information on concrete cases and whether the overall trend was increasing or decreasing.

43. **Ms. García Gaytán** (Mexico) said that as a country with a federal system of government, Mexico had to deal with state constitutions that were sometimes not as advanced as they might be. Therein lay the importance of the amendment to article 1 of the Constitution and the Supreme Court decision giving precedence to international instruments over domestic law. It was regrettable that a person's rights might not be properly protected just because of the place of birth; appeals could therefore be lodged in cases of prejudicial local legislation.

44. Although the Government would never be satisfied as long as women were still victims of violence, it would frame its goals in terms of zero impunity, rather than zero attacks or murders.

45. The extra funds that had been provided to local mechanisms — \$153 million for state mechanisms and \$24.4 million for municipal bodies — were intended to create strong leadership and networks together with civil society organizations. The National Women's Institute held quarterly meetings with the Special Prosecutor's Office for Crimes of Violence against Women and Trafficking in Persons. Each agency that received earmarked funds must report to the Institute on its use of funds.

46. **Mr. Negrín Muñoz** (Mexico) said that levels of reduction in violence had been reflected in the data collected by a national survey. Domestic violence had fallen by an average of 5 per cent annually in the period from 2006 to 2011.

47. He agreed that the best form of protection was punishment for the perpetrators of violent acts or murder. However, the Committee must acknowledge, support and encourage the progress Mexico had made in implementing precautionary measures implemented in response to decisions of the Inter-American Court of Human Rights, the National Human Rights Committee and local justice centres. The Government recognized

that it must improve its data collection, but it had indeed provided details in its report.

48. **Ms. Valle** (Mexico) said that the recent legislative and other changes in the criminal justice system had reinforced due process, ensuring the right to a hearing and to an adequate defence not otherwise available due to cultural, economic or social conditions.

49. In each state, disciplinary measures dealt with wrongdoing by members of the judiciary that went from warnings through fines and suspension to permanent disbarment.

50. **Ms. Nazares** (Mexico) said that the proposed amendments to criminal codes for the protection of women were based on an analysis of the codes in the country's different states. They included amendments to 33 articles of the Federal Criminal Code, three amendments to the General Act on Women's Access to a Life Free of Violence, an article of the Organization Act of the Federal Public Administration and an article of the Organization Act of the Office of the Federal Attorney-General. The reform would cover reparations of damage, in line with international standards, changes to the statute of limitations for sexual crimes against minors, the criminalization of discrimination, a new chapter on reproductive rights, the crimes of forced insemination and sterilization, harmonized punishments and specific elements of crimes of sexual abuse. A new area covered in the reform was fraud, which was a common form of abuse against women. Feminicide had been established as a separate offence in many codes, and emotional state as a mitigating circumstance in homicide was being repealed.

51. **Mr. Sierra** (Mexico) said that of the 21 persons arrested for the alleged crimes committed in Atenco, all had been released due to a supposed lack of evidence, and the one found guilty of libidinous acts had paid a fine in lieu of serving time. The Supreme Court of Justice of the Nation had ruled that there had been serious violations of individual guarantees. The case had been reopened under the torture statute and there would be a review of the torture laws of the state of Mexico.

52. **Ms. García Gaytán** (Mexico) said that the national report had been prepared in close cooperation and collaboration with the three tiers and branches of Government and with civil society organizations.

53. **Ms. Murillo de la Vega** said that the affirmative action taken in the field of electoral law should be expanded to other areas such as the labour market, women's representation in the judiciary and in the governing bodies of universities. She requested information on affirmative action for women in minorities — indigenous communities, the disabled or unmarried mothers — covering such needs as housing.

54. **Ms. Patten** said that according to independent sources, the murder rate had increased across Mexico and the same flaws in investigations found by the Committee when it had considered the terrible crimes of Ciudad Juárez in 2005 remained. She asked how the Government was addressing the longstanding problem of impunity and the history of complicity of the state and local authorities and what concrete measures were being taken to overcome shortcomings in the criminal justice system. She was interested in what was being done to deal with the lack of training in new criminal investigation equipment and methods.

55. The Human Rights Council had expressed concern over the lack of protection for women human rights defenders and journalists. The Special Rapporteur on the situation of human rights defenders had also stated that Mexico was the country where the highest number of women were attacked for fighting impunity, attempting to gain access to justice and promoting the rights of indigenous women. She wanted to know what progress had been made in investigations of murders and attacks.

56. The preventative and precautionary measures ordered by the Inter-American Court of Human Rights were clearly not working since the attacks continued, and she asked what the Government planned to do to correct the situation. She would like to know whether there were gender focus protocols in each and every state and what measures had been taken and which body was responsible for the implementation and monitoring of the special protections recommended by the Special Rapporteur.

57. **Ms. Šimonović** requested information on the current situation in Ciudad Juárez and on actions envisaged by the Government to prevent further killings and abductions.

58. Acknowledging the country's new legislation concerning a life free of violence and the mechanism of gender violence alerts, she wanted to know why such mechanisms had not been used in Ciudad Juárez.

Lastly, she would like to know how prosecutors determined what constituted murder and what amounted to femicide.

59. **Ms. Gabr** said that trafficking in persons was becoming an enormous problem as countries experienced an opening of borders. The very stability of societies was threatened with the violence that resulted from trafficking for the purposes of prostitution. She asked if forced disappearances were related to trafficking and whether studies had been carried out that revealed any correlation.

60. She asked to hear more about Mexico's future vision for the implementation of the procedural mechanisms undertaken to improve prosecutions, the training provided to judges and magistrates and any plans to expedite the prosecution of criminal gangs and end the impunity they enjoyed.

61. Given that impunity continued to be a major problem, she asked what kind of measures would be taken during investigations and how they would be made more transparent. She was interested to hear how families would be informed of progress in cases and how identifications of deceased victims would be expedited.

The meeting rose at 1 p.m.