
Committee on the Elimination of
Discrimination against Women
Second session
1 - 12 August 1983

Excerpted from: Supplement No. 45 (A/39/45)

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

Initial report

67. The Committee considered the initial report of Mexico (CEDAW/C/5/Add.2) at its 13th and 17th meetings, held on 2 and 5 August 1983 (CEDAW/C/SR.13 and 17).
68. The report was introduced by the representative of the State party who pointed out that his Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women, since it considered that its own domestic legislation guaranteed the same rights, because in recent years the State had made great efforts in revising all legislation to eliminate any trace of discrimination against women. In accordance with article 133 of the Political Constitution of the Republic, the Convention was considered the supreme law of the land.
69. In Mexico, there was no constitutional or legal basis for discrimination against women; any difficulties in implementing certain provisions of the Convention arose from the general economic conditions in the country. As a developing country, Mexico had shortcomings in its social and economic structure. The current world economic crisis, by accentuating those shortcomings, inevitably affected the situation of women, particularly the more disadvantaged urban and rural women. Nevertheless, his Government was determined to deal with the problems, using all the means at its disposal. The National Development Plan for 1983-1988 reflected its concern to guarantee equal opportunities for women in all spheres of national life.
70. The Committee welcomed the initial report presented by Mexico and noted that an impressive body of legislation had been adopted to secure women's equality. It also remarked that it might be useful to receive more information on the application of those laws. Several members regretted the lack of statistical data which did not allow the Committee to have a clear picture of the actual status of women in Mexico. In future, it was noted, empirical data should accompany every country report.
71. Regarding the above, it was asked what concrete benefits women had obtained through the adoption of equal rights legislation, what were the obstacles being encountered in their implementation and what solution or solutions were contemplated to overcome them. Other members inquired about the specific remedies and sanctions provided by law against acts of discrimination against women. In that regard, it was also pointed out that there seemed to be no institution(s) to assist women in the exercise of their rights and there was no information on the capacity of the court system to provide remedies for women's grievances. Information was also sought as to the extent of women's utilization of the court system to enforce their rights.

72. With regard to women's role in the family, it was noted that the report did not provide information as to the sharing of family responsibilities between husband and wife, nor was there any reference to the status of women in common law relationships, and it was asked whether such unions were now recognized by law. The question of the surnames of children born in and out of wedlock was raised. In the areas of social security and welfare it was not clear whether a wife could receive a pension upon her retirement or whether it was dependent on her husband's death. There were other areas that required additional clarification and amplification, such as health, education and employment. No reference was found in the report to family planning, whether a woman had an option in the spacing of the births of her children and whether abortion was legalized.

73. Relating to women's civil and political rights, questions were raised pertaining to the freedom to pursue a profession or run for elective office. One expert requested clarification regarding the term "living honestly" as it appeared in article 34 of the Constitution, which stated that all Mexican men and women who fulfilled the condition of having reached the age of majority and "lived honestly" were citizens of the Republic.

74. The report revealed the persistence of traditional values, including specific roles ascribed to individuals according to their sex as well as prejudices, and referred to "customs and practices". It was felt that it was not clear how the Government intended to change that situation and what those "customs and practices" were. One member asked to what extent women's attitudes and perceptions of themselves accounted for the inequalities that continued to exist, whether women themselves had been made aware of their rights, and to what extent they were making use of them. It was also pointed out that a correlation seemed to be made between rural and indigenous women, but that no information was given on what steps had been taken to improve their situation.

75. The Committee also took note of the reference made by the representative in his introduction pertaining to the world economic crisis and how the latter had affected the status of women; several members asked how the crisis had indeed affected women and how the Government was planning to overcome the problem.

76. It was agreed that more information was necessary about the situation of women in the country and it was asked whether the Government of Mexico had made any reservations regarding the Convention and, if so, what were those reservations.

77. In answering the questions posed by the members of the Committee, the representative of Mexico recalled that the reason why the Committee had been established was because of world-wide discrimination against women and, therefore, his Government could not say that it had eliminated the de facto discrimination. His Government understood that the socio-economic development was essential for that purpose and, for that reason, had taken measures to promote women's participation in the preparation and implementation of the National Development Plan (1983-1988). Women's full integration would take a long time and would go hand in hand with the social and economic development of his country.

78. He explained that difficulties in applying some of the provisions of the Convention were largely due to the limited financial power of the State. The Mexican representative recalled that his country was a developing country suffering from a number of gaps and imbalances in its economic and social structure, aggravated by the current economic crisis, which inevitably affected the situation

of women. Nevertheless, he reaffirmed the Mexican Government's commitment to tackle those problems with all the means at its disposal.

79. Regarding the concrete benefits obtained by women, the representative of Mexico mentioned the rates of increase in the number of working women between 1970 and 1979 and the reduction in the rate of women's illiteracy between 1960 and 1982.

80. Some solutions to overcome certain obstacles encountered by women were found by making women aware of their rights under the Convention through government publicity campaigns and through efforts of women's organizations.

81. Concerning the court system to provide remedies for women's grievances, the representative of the State party referred to the remedy of amparo which effectively protected men and women against arbitrary acts committed by the State. He also pointed out that many women's organizations in the country protected women against violations of their rights.

82. If either spouse had a complaint in family affairs, he or she could bring it to the family court. A child born out of wedlock could have its mother's surname and its father's surname if the child was recognized by the father. A child born in wedlock automatically had both the father's and the mother's surnames. For legal purposes, a woman always kept her maiden name in official documents. Vast strides had been made in the area of family planning during the past 10 years, however, women were not forced to accept family-planning methods.

83. The words "living honestly", in referring to the requirements for being a citizen of Mexico, meant that an individual must not have been convicted in a court of a crime.

84. The representative of the State party said that his Government considered that an important part of its efforts consisted in strengthening the political will and in gaining broader popular support for full equality between men and women, and in the determination of the international community to change customs and prejudices.

85. In recalling the importance of socio-economic development as one of the bases for the promotion of the status of women, he gave various data and figures that showed the increase in the number of women in the labour force, in spite of the fact that Mexico's population had almost doubled in the last 20 years up to 1980 (from 35 to 67 million, half of whom were women) and the increase of rural-urban migration which had created great difficulties in all areas of development in the country. A substantial decrease in illiteracy had also been achieved, from 20 per cent in 1960 to 9.1 per cent in 1980. The major beneficiaries had been women, who had increased their enrolment in primary, secondary, technical and other institutions of professional studies.

86. He also noted that considerable investments were needed to initiate certain services required to comply with the Convention and that the present economic situation was not facilitating the deployment of such funds. In addition, actual equality was also impeded by cultural and psychological factors, which women themselves were sometimes perpetuating.

87. Upon ratifying the Convention, the Government of Mexico had made a reservation in relation to article 10 (c) because of its financial implications.

88. Following several further questions on family planning, peace and disarmament, he stated that the relevant information would be included in the next report.

89. Some experts recommended drawing attention of States parties to the desirability of using the positive experiences referred to in the above-mentioned report in order to make further progress in eliminating discrimination against women, not only de jure, but also de facto.