



SHADOW REPORT FROM MEXICO

CEDAW COMMITTEE | MAY 2025

**Intersecting discrimination against
women in Mexico in a variety of settings**

Analyzing fiscal, labor, military, prison,
and judicial laws and policies

INTERSECTA



OXFAM
México



JUSTICIAS
para las mujeres

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Intersecta Organización para la Igualdad, A.C. (Intersecta), EQUIS Justicia para las Mujeres (EQUIS), and Oxfam México submit this Shadow Report to be considered at the 91st session for the 10th periodic review of Mexico by the Committee on the Elimination of Discrimination against Women (CEDAW Committee). The Report provides selected research and analysis focusing on different forms of discrimination and gender-based violence towards women in Mexico; most of our focus is on **indirect** forms of discrimination. We thank the Committee for the opportunity to share this information and for its consideration of the actions we recommend to address these issues.

1. Prison system

According to Article 2 of the CEDAW, States Parties commit to refrain from engaging in any act or practice of discrimination against women and to modify or abolish laws, including penal provisions, that constitute discrimination against women.

1.1 Pre-trial detention

Although the number of incarcerated women remains low compared to men, the proportion has steadily increased since 1990. By 2018, the year of the Committee's last Concluding Observations to Mexico, women made up an average of 5.18% of the country's prison population. Today, that figure has risen to 5.98%. One reason behind this increase is pre-trial detention.

We know this Committee has expressed concern regarding women in pre-trial detention. In its Observations to Argentina's Seventh Periodic Report, the Committee recommended that the State take "measures to limit the use of pre-trial detention of women". Similarly, in its Observations to Mexico's Ninth Periodic Report, the Committee welcomed initiatives to "reduce preventive detention, and to apply non-custodial measures". However, the number of women in pre-trial detention has grown. This trend is linked to recent legal reforms.

There are two types of pre-trial detention in Mexico: **justified** and **mandatory**. **Justified** pre-trial detention must be requested by the Public Prosecutor and approved by a judge, providing proof that the defendant's freedom poses a risk to the criminal proceedings or the people involved in the case. Pre-trial detention should only be applied when all the other available, less harmful alternatives are insufficient to guarantee that the case can proceed. In 2008, there was a reform to the criminal law system in Mexico that went into full effect nationwide in 2016. One of the important changes included in the reform was the regulation of 12 alternatives to pre-trial detention. In 2016, the number of men and women in pre-trial detention began dropping dramatically, until a reform to **mandatory** pre-trial detention changed everything.

Mandatory pre-trial detention is automatic. When someone is being formally investigated for a crime, which happens if there are “signs” that they participated in the commission of the crime, they are automatically sent to prison without any other consideration. **Mandatory** pre-trial detention is established in Article 19 of the Constitution, which includes a list of crimes that warrant this measure.

Despite the warnings by various international human rights bodies—including the UN [Human Rights Committee](#), [Committee Against Torture](#), [Working Group on Arbitrary Detention](#) and the [Inter-American Court of Human Rights](#)—about how **mandatory** pre-trial detention violates human rights, the Government expanded the list of crimes that warrant this measure in 2019 and 2024. In its Tenth Report to the Committee, under review in this session, Mexico presented the expansion of this list as a positive development.¹ We don’t believe this is something to celebrate.

Statistical data shows that these reforms have impacted incarceration rates. Since declining in 2016, the prison population began to rise again in 2019. This trend shift has disproportionately affected women. The number of men in pre-trial detention increased by 13.1% between 2019 and 2024. For women, the increase was 33.1%.

Inegi, the national statistics authority in Mexico, collects data on how people enter prison. Numbers show that when *going into prison*, the percentage of those in pre-trial detention has been on the rise. The numbers are always slightly higher for women (90% vs. 88% of men in 2023).

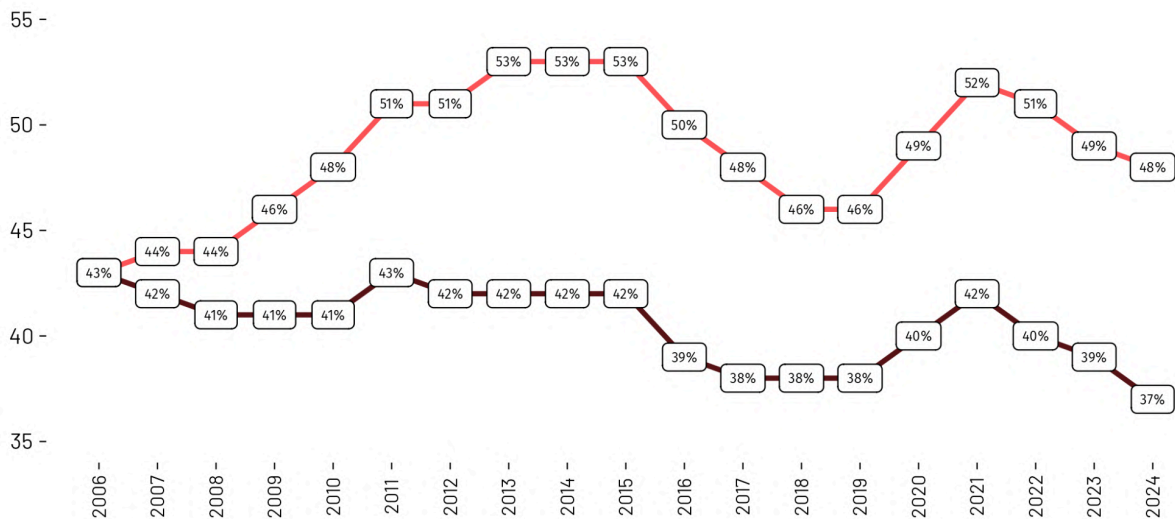
The percentage of women in pre-trial detention has always been higher than that of men. Since 2019, however, the gap between both -women and men- has widened. In 2024, 48% of the women in prison were in pre-trial detention, compared to 37% of men.

¹ Par. 129.

Out of the people in prison in Mexico, what percentage were in pre-trial detention?

Per year and sex

Sex of the people in prison: — Men — Women



Source: Cuaderno mensual de información estadística penitenciaria nacional.
For 2024, information includes people imprisoned between January and June.
Data processed by Intersecta.

In recent years, Inegi started applying the [Penitentiary System Census](#) to collect specific data on **mandatory** pre-trial detention. These new figures show that a higher proportion of women compared to men are in **mandatory** pre-trial detention. In 2023, 16% of men and 23% of women in prison were in **mandatory** pre-trial detention.

The Constitution establishes that people cannot be held in pre-trial detention for longer than two years, unless delays in the process are due to the people's defense (Article 20). Inegi data shows that the percentage of women who have been in pre-trial detention for more than two years is always higher. In 2023, 22.2% of women and 20.1% of men in pre-trial detention had been waiting for a conviction for over 2 years.

It is also important to consider the conditions women face while in pre-trial detention. Even though the Mexican government claims to be taking measures to improve conditions for incarcerated women,² recent [data](#) highlights ongoing violations of their rights. For instance, only 2.5% of women and people who menstruate in prison had access to sanitary pads. Additionally, 23.4% of women in pre-trial detention reported experiencing some form of discrimination, compared to 14.6% of men. Reports of violence were also higher among women: 44.7% versus 38.2% of men.³

² Tenth Report of the Mexican State, par. 409-430.

³ See: Intersecta, [Análisis de la propuesta de reforma constitucional sobre prisión preventiva oficiosa](#), 2024, pp. 31-35.

1.1.1 Recommendations

In this regard, we respectfully suggest that the Committee urges Mexico to:

- a) Repeal **mandatory** pre-trial detention, thus complying with regional and international standards and recommendations.
- b) Ensure that **justified** pre-trial detention is applied in a legal, proportionate, necessary, and exceptional manner.
- c) Promote the use of measures to reduce pre-trial detention, which includes promoting the use of non-custodial measures.

1.2 Social Reintegration of Formerly Incarcerated Women

Incarceration has lasting consequences that persist even after women regain their freedom. The table below shows that a greater proportion of incarcerated women than men believe that imprisonment will negatively impact their prospects for labor, education, and returning to their previous place of residence. Similarly, a [resolution by the National Council to Prevent Discrimination](#) (2023) recognizes that not receiving visits and not accessing physical, educational, recreational, and cultural activities hinders women's social reintegration.

Percentage of incarcerated population by perception of barriers to reintegration (Mexico, 2021)

Sphere	Women	Men
It will affect their chances of finding a job	61%	53%
It will hinder their ability to pursue further education	24%	23%
It will impact their ability to reunite with their families	27%	28%
It will impact their ability to reunite with their friends	31%	29%
They will be unable to return to their previous place of residence upon release	52%	44%

Source: National Survey of the Imprisoned Population (Inegi, 2021)

Through the **testimonies of formerly incarcerated women** in the Mexican States of Campeche, Mexico City, and Oaxaca, EQUIS identified that the prison environment deteriorates women's health due to poor living conditions, inadequate nutrition, violence,

and stress. However, neither social reintegration programs nor post-release services include access to medical care.

TESTIMONY 1.

Since we sleep on a stone bed and are given a very thin mattress, we leave prison with back pain.

TESTIMONY 2.

Since you don't have proper nutrition, your bones get weak, and your teeth start to rot and fall out.

The psychological consequences of incarceration include fear of the surrounding environment, difficulties with social interaction, anxiety, and a decline in self-esteem. However, the availability of post-release psychological services is minimal.

TESTIMONY 3.

Even if I was at a party with my family, I would look for corners to isolate myself. They would ask me, 'What's wrong with you?' But you're used to small spaces, and you stay apart.

TESTIMONY 4.

When I got out of prison, I was terrified of the street. I still struggle at night; it gives me anxiety. I don't like being on the street, I prefer to be at home.

The [National Survey of Imprisoned Population](#) (Enpol) shows that over one-third of incarcerated women (36%) believe that the prison does not provide them with the tools to reintegrate into social life. This percentage rises to 44% in Oaxaca, 47% in Mexico City, and 50% in Campeche. For instance, the majority of women who enter prison have only secondary education, a situation that remains unchanged during their incarceration,⁴ and the occupational activities in prison are limited and rarely provide professional training. When seeking employment outside of prison, employers discriminate against them, forcing them to self-employ or work in the informal sector.

TESTIMONY 5.

Our teachers were our peers, and they didn't have much knowledge. When it came time for the exam, you didn't know anything.

TESTIMONY 6.

We don't have proper training for the real world. Who's going to live off craft materials? Who's going to live making clay figurines?

TESTIMONY 7.

When I got out, I started working, but my boss found out and fired me when she learned I had been in prison.

The fracture or rupture of their familial relationships is what formerly incarcerated women regret the most, but there are no state-driven proposals to address this issue. The care of their children is generally assumed by other women, such as grandmothers, aunts, sisters,

⁴ According to Enpol, 85% of women studied secondary education before detention, and only 15% during deprivation of their liberty.

and friends, a situation referred to as "the seizure of motherhood." In this regard, it is worth noting that in 2018, this [Committee expressed to Mexico](#) concern about the conditions that limit women's access to reintegration opportunities and their contact with family members.

TESTIMONY 8.

I left my daughter with my mom when she was four months old. When I got out, she called me 'auntie.' I felt so lonely that I got pregnant just to feel I had something of my own.

TESTIMONY 9.

I left a five-year-old son, and when I got out, he was already a 25-year-old man. I couldn't be with him, I never took him to school. I know I failed as a mother because I couldn't be there for him.

Post-release services in the states vary in legal structure and in how they operate (either through direct services or referrals).⁵ These services are largely inaccessible to formerly incarcerated women, and those who do seek them often criticize them for their limited availability and the burdensome conditions attached. As a result, it is often other formerly incarcerated women, whether organized or not, who step in to fill these gaps, guiding their peers on how to access available services or offering support for their reintegration.

TESTIMONY 10.

I needed a sewing machine, and I told them (at the post-release institution), 'I need to work.' 'Don't worry,' they replied, 'fill out these forms, and that's where it all starts.' In other words, the help never came. For me, it was a moral and financial strain.

TESTIMONY 11.

I did reach out because my peers told me to, but it's not like they give you that information beforehand. I didn't receive any support. I submitted my paperwork, they asked me to speak with someone, and again, I had to submit more paperwork. I got frustrated. Then the post-release programs ask you to go to therapy, to attend courses, and you can't get a regular job because of it.

1.2.1 Recommendations

In this regard, we respectfully suggest that the Committee urges Mexico to:

- a) Guarantee conditions and mechanisms for the participation of formerly incarcerated women in the design of public policies for social reintegration.
- b) Provide formerly incarcerated women with a copy of their medical records upon release and establish a medium-term program for general and specialized medical consultations.
- c) Ensure access to unemployment benefits for formerly incarcerated women.
- d) Facilitate the maintenance of familial relationships for incarcerated women through strategies such as home visits or transitional shelters.

⁵ Nationwide, 7 out of 10 incarcerated women reported not knowing or having heard about any programs or support for reintegrating into life after release (Enpol, 2021).

- e) Strengthen awareness of post-release services within prisons and during the release process. Additionally, review the access requirements to ensure they do not contain discriminatory criteria or conditions.

2. Judicial Reform

Access to justice in Mexico has been exclusionary and discriminatory for women, particularly toward lesbian, bisexual, trans, indigenous, and incarcerated women. These groups face multiple barriers to accessing justice, including a lack of gender perspective, structural racism, homophobia, transphobia, and inadequate prison conditions.

The system has been unable to address the justice demands of women, who continue to face significant discrimination in accessing justice. In Mexico, more than 70% of women consider access to justice as one of the most violated rights.

In September 2024, Mexico enacted a constitutional reform that significantly modified the structure of the judiciary, but that failed to meet women's demands for justice. One of the most notable changes is the introduction of popular elections for all judicial positions at the federal and state levels. At a federal level, candidates are nominated by the heads of the three branches —a majority of Congress, the President, and a majority of the Supreme Court. On June 1, 2025, the first election will be held for 881 federal judicial posts and 1,800 subnational positions across 19 states. The second election will be held in 2027 to elect the remaining posts.

However, the reform lacks transparent and objective selection procedures, citizen participation, and measures to guarantee equal opportunities for women, particularly Indigenous women, LBT women, and women with disabilities. There are no methodologies in place to effectively evaluate candidates' qualifications or experience. While in legislative and executive elections, a series of affirmative action measures have been taken to ensure the participation of people on account of gender, ethnic origin, sexual orientation, and disability, concerning the judicial elections, no affirmative actions were implemented, except for a 50% quota for women. This environment excludes a wide range of women from historically marginalized groups from competing for these positions.

The reform also fails to ensure equitable representation of women in high-ranking judicial positions, contradicting the CEDAW Committee's recommendations. Although the reform establishes gender parity for all positions, it lacks effective implementation mechanisms, resulting in women representing only one-third of the candidates, and it does not address

the patriarchal structures that have historically hindered women's access to power in the judiciary.

Thus, the judicial election contradicts the [recommendations of the Inter-American Commission on Human Rights](#), the [Special Rapporteur on the independence of judges and lawyers](#), and the CEDAW Committee's [General Recommendations 23, 33, and 39](#), which emphasize the need for transparent appointment processes and the inclusion of women in justice institutions.

The lack of gender balance and diversity in the judicial election limits the variety of perspectives in judicial decisions. A diverse judiciary ensures that rulings reflect the realities of those seeking justice. Without this diversity, there is a risk of decisions that overlook the cultural, social, and economic contexts of individuals, ultimately undermining the fairness and effectiveness of the justice system.

Moreover, the voting mechanisms pose obstacles that make it difficult for citizens to have the necessary information and tools to cast an informed vote. The absence of transparency and the lack of citizen participation mechanisms have hindered gender-sensitive monitoring of the election process.

Additionally, there will be a 37% reduction in polling stations compared to the 2024 electoral process, which will disproportionately impact historically discriminated groups. Information about the candidates is available only online and in Spanish, which presents a further barrier, especially in states like Chiapas and Oaxaca, [where the majority of the population speaks Indigenous languages and less than half have internet access](#).

The Mexican judicial system has systematically reproduced injustices, a situation worsened by the judicial election, as the reform threatens to paralyze the justice system, delaying access to justice for women seeking redress in the courts.

2.1 Recommendations

Given this context, we respectfully request that the Committee recommends the following:

- a) Implement appointment mechanisms that allow for a thorough evaluation of candidates' profiles, taking into account their track record in defending human rights, and ensuring transparency and citizen participation throughout the process.
- b) Develop affirmative actions that help ensure the representation of all populations, especially those historically discriminated against.
- c) Ensure that future reforms go beyond numerical representation to foster an inclusive and equitable judicial environment that values and promotes the active participation of women at all levels of the judiciary.
- d) Establish measures to ensure maximum transparency, both in the profiles of candidates and in the appointment process itself.
- e) Guarantee citizens' access to polling stations located close to their place of residence.
- f) Create accessible physical and virtual spaces where the public can obtain information about candidates, implementing affirmative actions that address linguistic diversity and use accessible language.
- g) Promote [feminist models of open justice](#) aimed at transforming the judicial system into one that is accessible, transparent, and responsive to the diverse realities of women.
- h) Ensure spaces for citizen participation, the publication of rulings, and accountability mechanisms with an intersectional approach that recognizes the multiple forms of discrimination women face.

3. Access to justice for lesbian, bisexual, and transgender women

According to [General Recommendation No. 28](#) of this Committee, States are obligated to adopt measures, including judicial ones, using an intersectional approach to eliminate all forms of discrimination against women. This includes sexual orientation, gender identity, and ethnicity.

Access to justice for lesbian, bisexual, and transgender (LBT) women requires, above all, the collection, publication, and analysis of relevant data. The [human rights-based data approach](#) (HRBA) emphasizes that this process must be guided by the principles of participation, disaggregation, self-identification, transparency, privacy, and accountability. However, EQUIS has documented the lack of effective mechanisms in the judiciary to collect data on LBT women, echoing the [Inter-American Commission on Human Rights' report](#) about the scarcity of data that highlights the violence and discrimination they face.

In Mexico, the fundamental laws governing the federal and local judiciaries do not explicitly require the collection, disaggregation, and analysis of data on sexual orientation, gender identity, and ethnicity using a HRBA. Likewise, some judiciaries justify the absence of such data in judicial proceedings by citing the need to protect sensitive information. This not only

prevents the visibility of these women but also obscures the discrimination they face. This restrictive interpretation of the right to privacy overlooks the fact that it is possible to process sensitive data with a human rights-based approach.

Moreover, the case search systems —available on the websites of both local and federal judiciaries as a proactive transparency tool— lack filters to identify cases involving LBT women, which limits transparency and judicial monitoring. These search tools, which allow the public to access rulings issued by the judiciary, lack the necessary criteria to properly classify cases related to criminal and family law matters. This does not mean that such cases do not exist, but rather that they are not adequately categorized.

EQUIS also identified the absence of standardized criteria between the federal and local judicial branches for handling cases involving LBT women. While some courts claim to use their own protocols, they do not provide evidence of their content, and most of them state that they apply the general criteria of the Supreme Court of Justice, without any specific adaptations. This lack of clear and uniform guidelines hinders adequate attention with a gender and intersectional perspective, increasing the risk of discriminatory and revictimizing rulings.

In conclusion, the collection and disaggregation of data with a human rights-based and intersectional approach ensures access to information and justice for LBT women by making visible the extent, patterns, and characteristics—regional, structural, legal, ethnic, among others—of the violence and discrimination they experience.

3.1 Recommendations

Therefore, we recommend that the Mexican State be advised to:

- a) Reform the fundamental laws of the judicial branches and transparency legislation to require them to collect and analyze data based on sexual orientation, gender identity, ethnicity, and other suspect classifications.⁶
- b) Establish citizen observatories, with the participation of civil society organizations, to monitor compliance with the aforementioned obligations from a gender perspective.
- c) Issue standardized guidelines for the collection and handling of sensitive data in the judiciary, following a human rights-based data approach, related to gender identity and sexual orientation.

⁶ P. 30

- d) Properly train the personnel responsible for handling sensitive data related to individuals' sexual orientation and gender identity.
- e) Ensure mandatory registration from the outset of the proceedings and search systems with an intersectional approach to disaggregated data, in compliance with the principles of participation, privacy, and self-identification of the parties to the proceedings, while guaranteeing data transparency.⁷
- f) Collect and analyze data within the judicial branches to highlight violence and discrimination against LBT women and identify patterns and trends.
- g) Establish specialized and binding protocols, applicable nationwide, for handling cases involving LBT women.

4. Militarization

According to General Recommendation No. 35, the CEDAW Committee has noted that gender-based violence against women is shaped and often exacerbated by cultural, economic, ideological, political, and social factors, including militarization.

4.1 Evolving militarization

Before going into the different ways that women's rights have been hindered in the context of militarization in Mexico, it is important to acknowledge how this process has changed, particularly in recent years.

By militarization, we understand two types of processes. The first is the process in which the armed forces acquire resources and functions originally thought for civilian institutions –militarization in sense 1–. The second is the process in which civilian institutions adopt technology, organizational forms, and practices that are proper of the military –militarization in sense 2–. Both are ongoing in Mexico, and both pose particular challenges for women.

In regards to militarization in sense 1, in Mexico, the armed forces have been involved in functions originally intended for the police for decades. Mostly, this involvement happened concerning drug trafficking operations. In 2006, however, the number of soldiers and marines deployed to supposedly battle organized crime increased. Rather than reducing violence, [our research](#) shows that they contributed to the increase in violence experienced in the country. This includes a spike in the killings of women.

⁷ Such disaggregation must include suspect classifications such as sex, age, ethnic origin, Indigenous identity, disability, sexual orientation, gender identity and more.

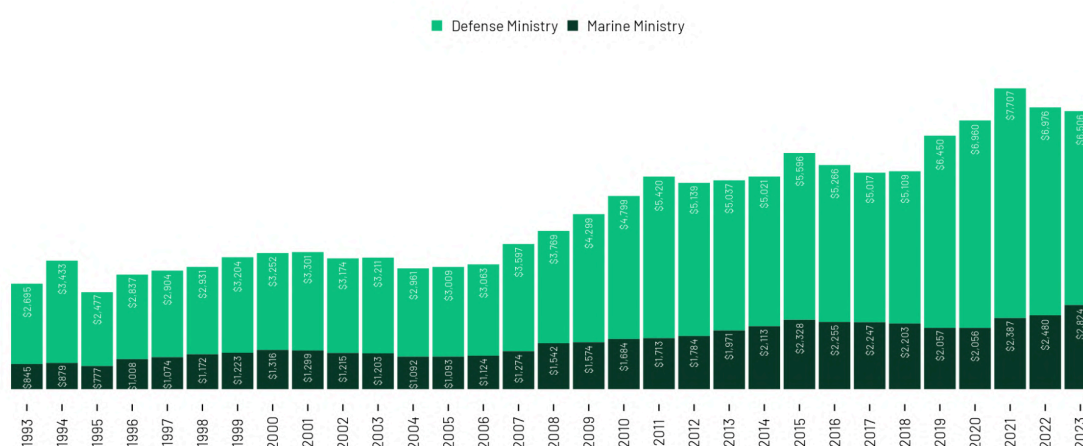
In 2019, a constitutional amendment was approved that eliminated the Federal Police and replaced it with the National Guard with a civilian character, although of military composition. This is an example of militarization in sense 2, something that is also occurring at the state level, where the number of military personnel heading the Secretariats of Public Security has increased. [Recent research](#) shows that in cases where the military is in charge of Public Security Secretariats, homicides do not decrease, but rather increase.

In 2024, the Constitution was amended again to transform the National Guard into a military institution with military jurisdiction. This means that now there are only military institutions performing public security functions at a federal level.

In recent years, we have seen that militarization in sense 1 has [increased](#), particularly affecting the public administration, as now the armed forces have a variety of civilian functions beyond public security. These include the armed forces acquiring powers to intervene in infrastructure projects and social programmes, as well as environmental and civil protection measures. In the past sexennium, the government created over 14 companies under the control of the armed forces, which allows them not only to build infrastructure projects, but manage and benefit from them economically.

Furthermore, during these years, the resources effectively spent by the armed forces have increased substantially.

The federal budget spent by the armed forces in Mexico
Per year, in millions of US dollars



Note: Figures were adjusted for inflation, considering their 2024 value.
The exchange rate was of US\$1 = MXN\$20 pesos.
Source: Transparencia presupuestaria database of the Treasury Ministry.

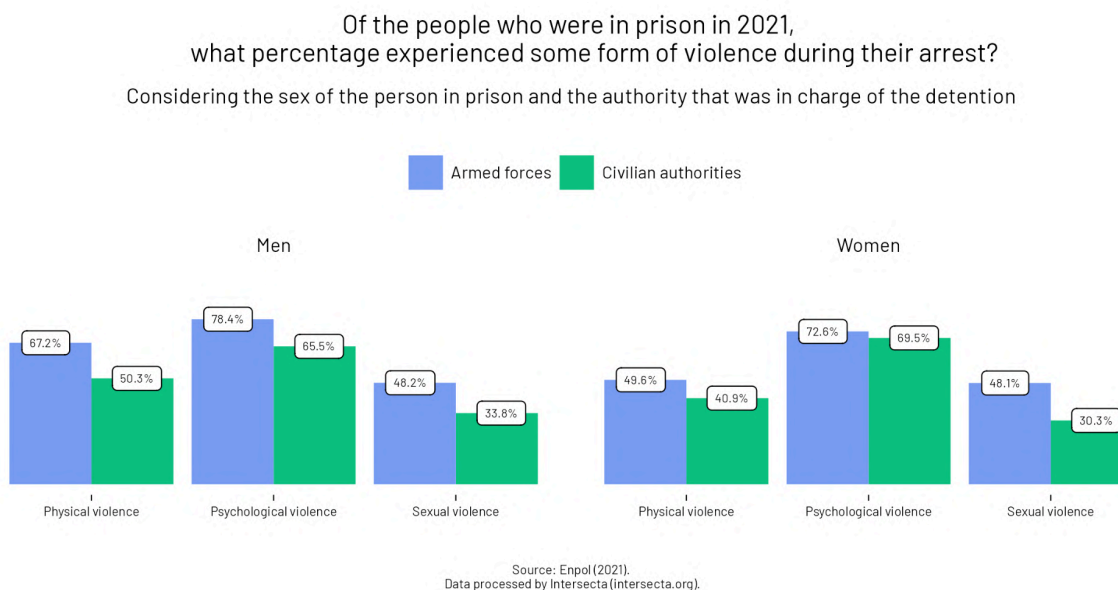
4.2 Discrimination and gender based violence against women

4.2.1 Public security

Since 2020, we have repeatedly requested the annual use of force reports mandated by the 2019 National Law on the Use of Force, which requires all security authorities, including the armed forces, to publish disaggregated data by sex. However, the armed forces argue they are not obligated to produce these reports, as they do not consider themselves public security institutions.⁸ While they do release information on “confrontations” —incidents involving firearm use, supposedly in response to attacks— this data is not disaggregated by sex, despite our ongoing requests, leaving us without information on how many women are killed, injured, or detained during these events.

The armed forces also perform detentions. Although we do not know what happens with most detentions, thanks to the [Enpol survey](#), carried out by Inegi, there is some information about how people in prison were detained. The latest Enpol shows concerning patterns regarding the arrests performed by the armed forces, compared to the police forces.

Some of the patterns are similar for men and women. For instance, the armed forces are more likely to arrest people without a judicial warrant, and the time they take to bring people to the prosecutor's office is longer. Furthermore, the frequency of all 25 types of torture included by Enpol is higher in detentions performed by the armed forces.



⁸ Requests for access to public information 330026423000137 and 330026623000095.

Although men experience, in general, higher levels of torture, there are some forms of violence that women experience disproportionately at the hands of the armed forces. For instance: out of the men in prison, 8% of those detained by the armed forces reported sexual harassment, abuse, attempted rape, and exhibitionism, when compared to 28.8% of women. Out of the men in prison, 3.8% of those detained by the armed forces reported rape, when compared to 13.4% of women. Although these gender differences can also be found in police detentions, the level of violence is higher in the detentions conducted by the armed forces.

In addition to the violence that military personnel directly exercise against women, we have found various problems with the strategy of militarizing public security. In 2020, we published a [report](#) showing how military confrontations at the municipal levels were never associated with a decrease in homicides; on the contrary, they generally led to an increase in homicides, both of men and women, at home and in the street. Last year, [a report published by another NGO](#) found similar results for Public Security Ministries at the state level that were headed by a former military officer. Homicides generally increased, rather than decreased.

In 2018, the CEDAW Committee expressed concern for the “challenges associated with public safety strategies”. In our view, these problems have not waned, but continue.

4.2.2. Migration

In recent years, we have witnessed the militarization of migration policy in both senses.

On the one hand, there has been an increase in the number of soldiers, whether they belong to the National Guard or the Army, deployed to migration stations and public areas, where they conduct patrols, detentions, inspections, and manage migratory flows. The National Guard has been mobilized to contain and deter migrants, treating them as “external enemies” instead of rights-holders. Specifically regarding migrant women—including girls, adolescents, and adults—there is documented evidence that military personnel are among the main perpetrators of abuse. Women [report](#) being extorted, forcibly removed from vehicles, and subjected to physical and psychological violence, often in front of their children. [These abuses are more frequent among racialized and Afro-descendant women.](#)

On the other hand, militarization in sense 2 is also happening: in recent years, the National Migration Institute has experienced various transformations. According to a [study](#) by the Iberoamerican University, military personnel heading NMI offices nationwide have increased. NMI staff are also being trained by military personnel and are acquiring military technology to further patrol, control, and segregate.

4.2.3. Participation in the Maya Train Megaproject

As we said, the military is also overseeing the construction of the Maya Train, a large-scale infrastructure project with significant territorial, social, and cultural implications. The Army has hired civilian laborers, many of whom come from local Indigenous communities. This context brings together multiple and intersecting forms of oppression—gender, class, and race, among others. According to collected testimonies, civilian women workers hired by the Army perform their jobs under informal conditions: without contracts, social security, or labor protections, and are subjected to long working hours. [Reports](#) have emerged of mistreatment and sexual violence.

Moreover, the right to fair consultation, as outlined in the CEDAW Committee's recent General Recommendation No. 39, was not respected. Women in the territories [report](#) that their lives are affected by these works, because of the impossibility or difficulty of carrying out their daily activities normally and of the different forms of violence that have increased against them.

4.2.4. Inside the armed forces

The CEDAW Committee has pushed for the inclusion of women within the armed forces.

We have not been able to monitor if and how this has happened, because the armed forces stopped publishing information disaggregated by sex per rank. We have also asked for its composition disaggregated by sexual orientation, gender identity, and disability, but they respond that they don't have an obligation to generate this data.⁹

4.3 Recommendations

- a) Establish comprehensive civilian control over military involvement in all areas, through competent, well-resourced control, monitoring, and accountability civilian institutions.
- b) Amend the General Law on Transparency and Access to Public Information to:

⁹ Request for access to public information 330026623001618.

- i) Ensure the publication of reports and databases (with methodologies) concerning violence-related events, use of force, detentions, etc., that are disaggregated by gender, and other categories to allow an intersectional analysis.
 - ii) Require the disclosure of personnel data by rank, disaggregated by gender identity, sexual orientation, race, and disability.
 - iii) Require the development of quantifiable and verifiable indicators to monitor and evaluate military performance in all tasks, with a focus on the differentiated impacts experienced by women.
- c) Ensure consultation with Indigenous populations regarding the military's presence and actions in their territories.

5. Workplaces

According to Article 11 of the CEDAW, States Parties commit to eliminating discrimination against women in employment.

5.1 Insufficient legislation

Federal labor regulations on discrimination have advanced in recent years. In this section, we outline some of the advances and explain why we find them insufficient to fully guarantee women's workplace rights.

In 2019, the Federal Labor Law (FLL) was amended to require employers to implement a "protocol" for preventing and addressing violence, sexual harassment, and gender discrimination. Although this is positive,¹⁰ the obligation does not extend to discrimination based on class, race, disability, sexual orientation, or other factors. Evidence from Mexico and beyond shows that gender discrimination often intersects with other forms of discrimination.

In 2022, Mexico ratified the International Labor Organization's Convention No. 190 (C190) on workplace violence, effective in 2023. However, there are significant gaps between C190 and the FLL.

In 2024, a constitutional amendment was passed to eliminate the gender pay gap (GPG). However, the amendment and subsequent legislation lack essential components to achieve this.

¹⁰ Tenth Report of the Mexican State, par. 281.

First, employers are under no obligation concerning the GPG; the responsibility falls entirely on the authorities. We believe this is a mistake. According to ILO, requiring employers to measure and *publish* their GPG is important. While this obligation may vary according to employer size, it is key for the promotion of equality.

Second, although Mexico ratified ILO Convention 100 in 1956, the FLL does not require equal pay for “similarly valued jobs”, only for the same job. As recognized by ILO, one of the most important drivers behind the GPG is the different way in which jobs of similar value are paid.

Finally, a key driver of the GPG is the unequal distribution of unpaid care work. To address the unequal distribution of care responsibilities, it is important to examine the underlying causes and how Mexican law plays a role in reinforcing this imbalance. Maternity and paternity leave policies exemplify this. While maternity leave in cases of pregnancy lasts 12 weeks and is paid by the State, paternity leave lasts only five days and is paid by employers. In case of adoption, maternity leave lasts six weeks while paternity leave lasts five days. This reflects a State-endorsed belief that caregiving is primarily women’s responsibility. Although Mexico reported an ongoing reform to address this,¹¹ said reform has not been prioritized or advanced, and the proposed extension of paternity leave by 15 days remains insufficient.

5.2 Labor inspection

Labor inspection is a key state tool for safeguarding labor rights. Labor inspectors are tasked with promoting and monitoring compliance with labor legislation. [However, this mechanism is underfunded and underutilized.](#)

We have observed a constant stagnation or reduction in the resources allocated to labor inspection. At the federal level, for example, the budget of the Representative Offices of the Labor Ministry, to which several labor inspectors are assigned, has dropped by 79% between 2018 and 2023. The number of labor inspectors has also remained low or even decreased, and the number of labor inspectors is insufficient to cover the country’s workforce. According to ILO data, globally, the average number of inspectors per 100,000 workers is 5.8. In 2023, Mexico only had 1.1 federal inspectors per 100,000 employed persons. Moreover, our research shows that most labor inspectors are men, which means gender parity in this role has not been achieved.

¹¹ Tenth Report of the Mexican State, par. 262.

Finally, one of our most concerning findings is how labor inspection addresses the informal sector. Through petitions for access to public information, we asked labor authorities what they were doing regarding the informal sector. They responded that they have no authority over the informal sector. This is a sector in which women are overrepresented: [while 55.6% of women are in the informal sector, 53.5% of men are in this sector](#). We consider the fact that labor authorities have no power to oversee the informal sector as a form of indirect discrimination.

5.3 Recommendations

In this regard, we respectfully suggest that the Committee urges Mexico to:

- a) Implement an initiative that requires workplaces to measure their gender pay gap, publish it, and take actions to reduce it.
- b) Implement policies for redistributing care work, including equal and inclusive birth and adoption leave legislation.
- c) Harmonize national legislation with ILO C190.
- d) Invest in strengthening labor inspection as a mechanism to safeguard labor rights.

6. Fiscal policies

In 2018, the Committee [recommended](#) that the Mexican state allocate more resources to policies that seek to ensure gender equality. This section highlights how fiscal structures have not fully complied with a fiscal and gender justice perspective.

6.1 Fiscal justice, direct and indirect discrimination

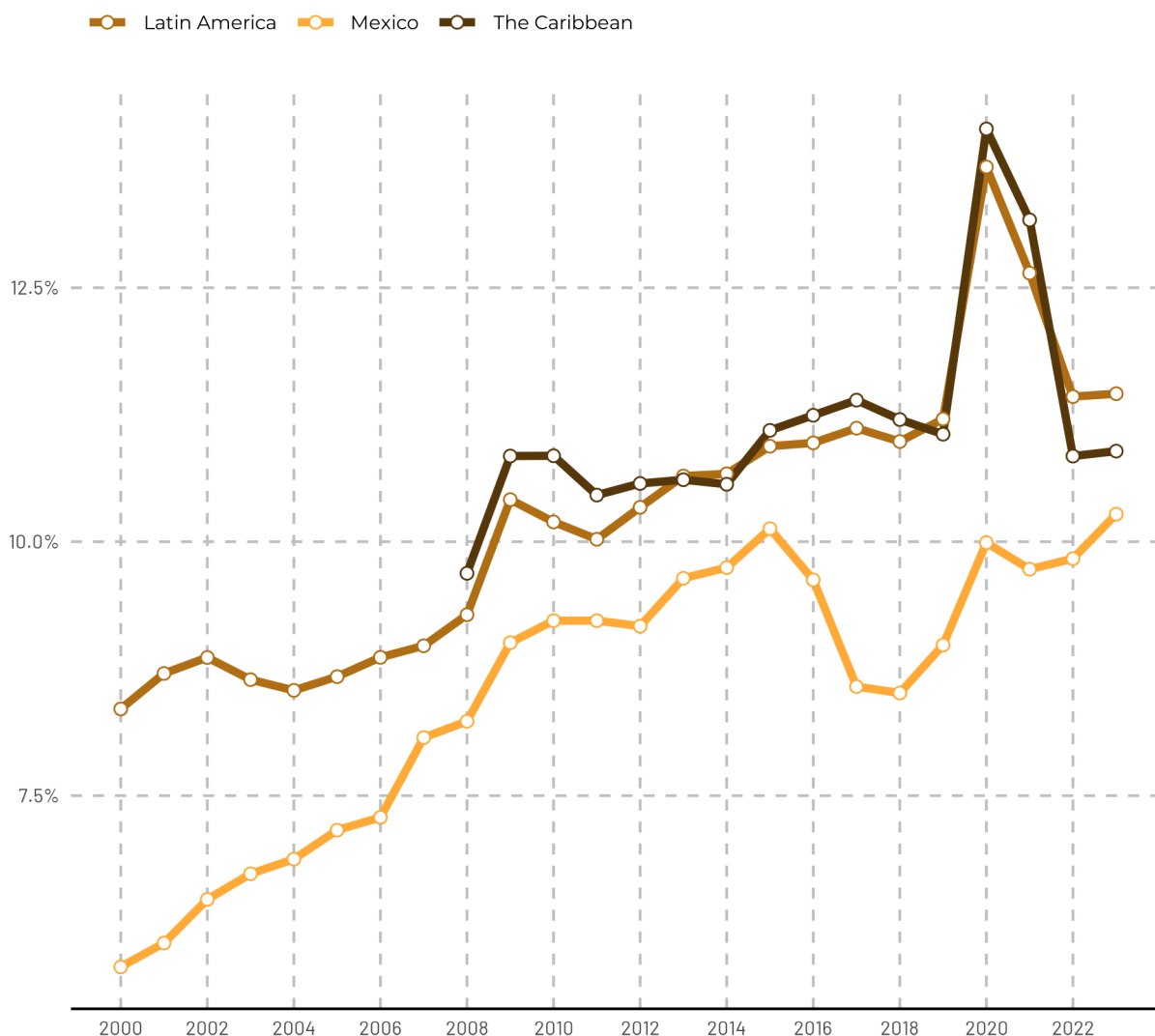
Fiscal policies can replicate or reduce structural discrimination. Based on the Committee's definition, it is important to recognize that States Parties must ensure laws are free from direct or indirect discrimination, which requires examining how these laws are applied through public policies. Although public budgets and taxation may appear gender-neutral, many disproportionately harm women and reinforce discriminatory patterns.

In Mexico's report, significant budget headings are categorized under gender and social policies, however, its social investment remains below the regional average. It is also essential to evaluate the efficiency of public spending in reducing violence against women

and children, using clear indicators and establishing benchmarks for meaningful comparison.

Public Social Investment: Comparisson between Mexico and the region

As a percentage of GDP



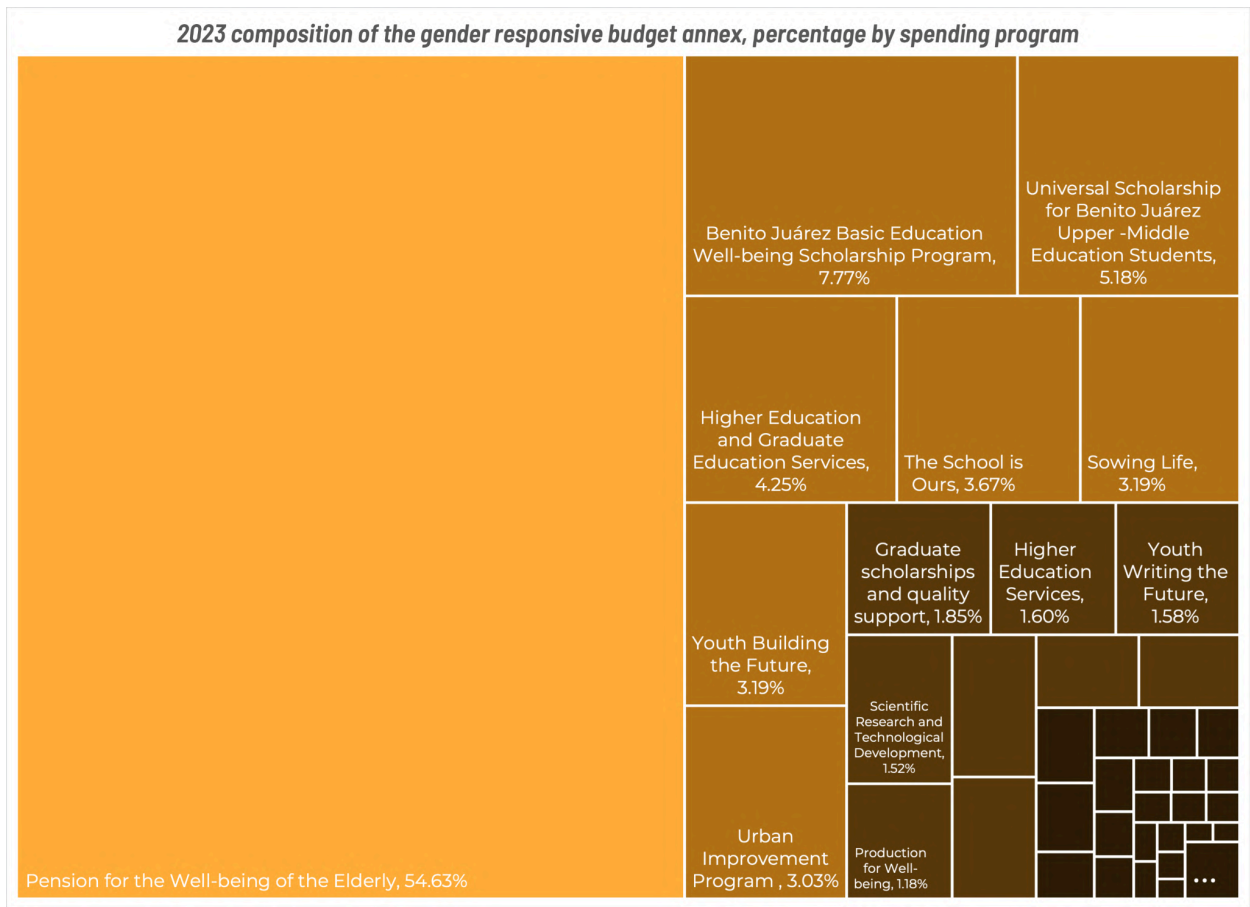
Source: made by Emilio del Río Castro. Oxfam Mexico. Data from ECLAC

6.2. Gender responsive budgets

In 2018, the CEDAW Committee recommended that the Mexican government embrace an integrated gender-responsive budgeting process and allocate adequate budgetary resources for the implementation of women's rights. As well as to ensure effective

monitoring and accountability mechanisms across all sectors and levels of government and improving the system for tracking the allocation of resources for women.

Although a cross-cutting annex (Annex 13) identifies gender expenditures, it does not include a clear methodology for assigning budget items. Whether a public policy is considered gender-sensitive spending is completely at the discretion of the person in charge of labeling. There are no mechanisms to ensure that the items that address the country's most crucial gender issues are labeled. The reported¹² increase in gender-sensitive budgeting can largely be attributed to the inclusion of the Welfare Pension for the Elderly, representing 54% of Annex 13's total budget, a policy that does not take a complete approach to reducing gender-based inequalities.



This increase does not translate directly into profound solutions to the problems of gender inequality.

On the other hand, some policies that reduce gender inequalities have stopped receiving budget allocation. For instance, the full-time school program known as "Programa Nacional Escuelas de Tiempo Completo" was eliminated in March 2022 and replaced by a locally

¹² Tenth Report of the Mexican State, par. 62.

managed program, "[*La escuela es nuestra*](#)" which does not fully cover the same needs. [*Since 70% of the 27,000 participating schools in the full-time program were indigenous and rural, and 55% of the children who benefited were below the poverty line, this change worsened inequalities and negatively affected vulnerable children, especially girls.*](#)

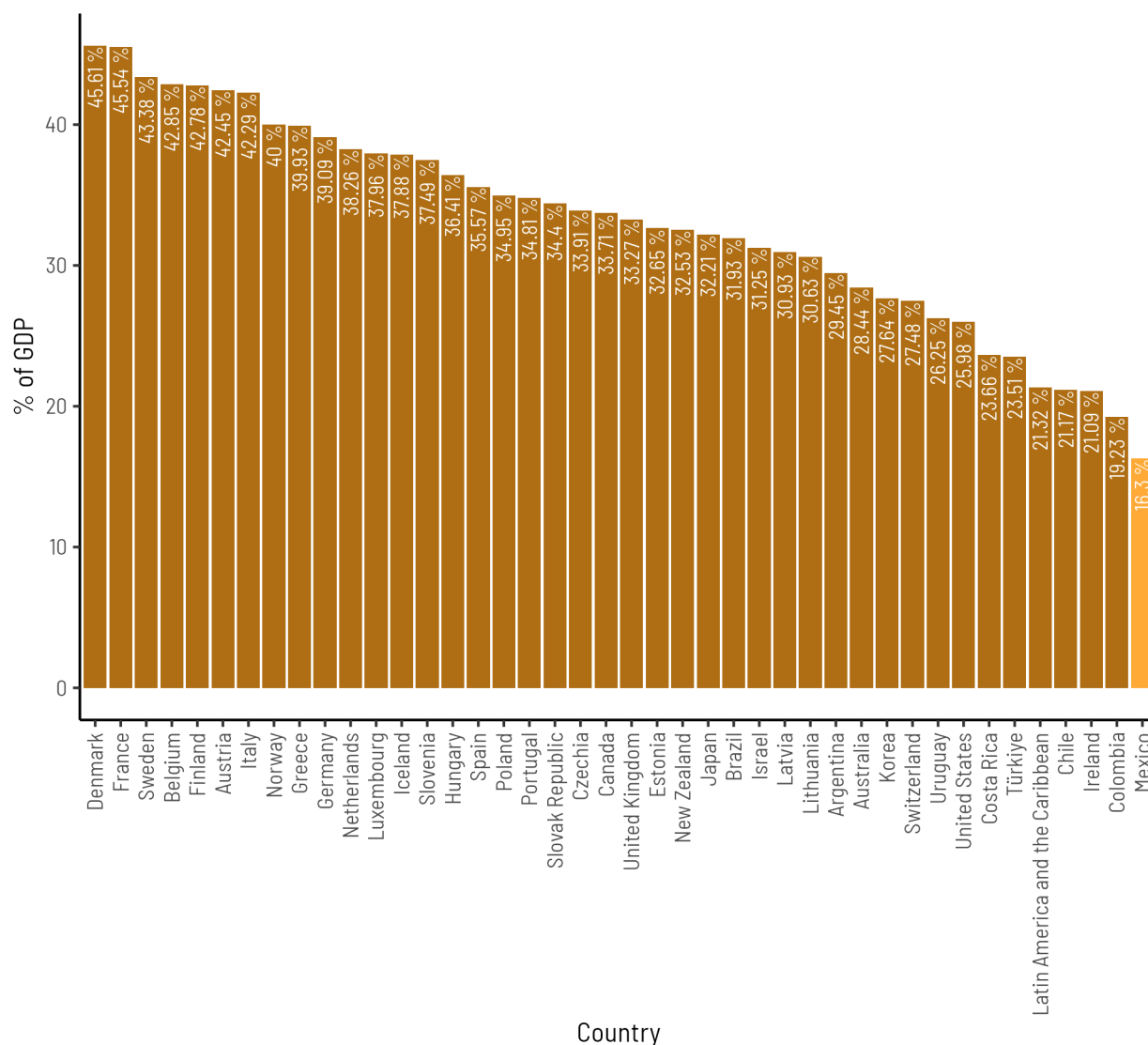
While the primary objective of the Full-Time Schools Program was to improve childhood education, its implementation also had various positive effects for women. [*Research*](#) has shown that the extended school hours increased labor participation among mothers with school-age children, allowing them to engage in paid employment with fewer scheduling constraints and resulting in higher monthly incomes. [*These effects*](#) were especially pronounced among mothers with lower educational attainment. Additionally, the program indirectly benefited grandmothers, who often served as primary caregivers. The reduction in caregiving responsibilities enabled greater labor force participation among grandmothers, particularly in the informal sector. This was lost with the change of programs.

6.3 Tax revenue and fiscal space

The Mexican state does not have sufficient resources to meet the investment needs to reduce existing gender gaps, as shown in the [*research by Oxfam Mexico*](#). Mexico is the country with the lowest tax collection in the OECD and is below the average tax collection in the region. Poverty in the country is feminized, while extreme wealth is masculinized; the two richest men in Latin America reside in Mexico and have a lower tax burden, proportionately, than the poorest women in the country. In addition to this, Mexico's fiscal federalism is characterized by weak state and municipal public finances, heavily dependent on federal transfers. Also, there is very little fiscal transparency in the highest income percentiles, and the concentration of wealth in very few hands, together with a regressive tax system, has meant a very limited state response capacity. This creates challenges in financing public policies that address care responsibilities, particularly affecting women and historically discriminated groups nationwide.

Average total tax income by country, years 2016 a 2022

Percentage of GDP



Data OECD. Isabel Mateos, Oxfam Mexico, 2025

To have sufficient fiscal resources to invest adequately and strategically in policies to reduce structural inequalities, Mexico must have a progressive and profound fiscal reform in the coming years. Following the principle of maximum use of resources, it is necessary to question whether existing resources are being protected from corruption and maximized, and whether the mechanisms to collect them do not replicate discriminatory dynamics.

6.4 Recommendations

Therefore, we recommend that the Mexican State be advised to:

- a. Develop and publish criteria and methodologies to plan, implement, and evaluate gender-sensitive public policies at federal and sub-national levels, differentiating resources between immediate needs programs and strategies addressing structural inequalities, and including criteria for program integration within transversal budget annexes.
- b. Create an interinstitutional mechanism to manage open data on taxation and budgeting, ensuring the inclusion of a gender perspective throughout budget stages and improving intersectional data for fiscal policy analysis and evaluation.
- c. Generate and disseminate clear guidelines for gender and intersectional analysis of fiscal policies, promoting progressive tax reform that secures sufficient, sustainable resources to eliminate inequalities. Increase social investment, especially in public care services, aiming to reach the region's average social spending by 2030.

Credits

This document was published in Mexico City in May 2025 and was written by Intersecta, EQUIS Justicia para las Mujeres, and Oxfam México.

From **Intersecta**, Ximena Said, Claudia Ordoñez, Estefanía Vela Barba, and Ana Calderón Salazar conducted the research and writing of the document. They were supported by Constanza Carrasco and Gabriela García.

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