

**UN Women Mexico Country Office Contributions to the  
Study on Care and Support, in Accordance with Human Rights Council Resolution A/HRC/RES/54/6  
“Centrality of Care and Support from a Human Rights Perspective” | April 2024**

**Political and socio-economic context:** Currently, the Mexican State is in the evaluation process before the Committee for the Elimination of Discrimination Against Women (88 (PSWG) Pre-Session Working Group), Universal Periodic Review (UPR Fourth Cycle), and Committee on Economic, Social and Cultural Rights (VII Reporting Cycle), among other treaty-based bodies and charter-based bodies.

These evaluation processes are occurring in parallel to the current electoral process<sup>1</sup>, in which the federal executive (new President) and legislative branches will be renewed, along with 9 governorships (out of 32), 31 local congresses (out of 32) and over 1,700 mayorships. Election day will take place next June 2, 2024, and the change of Presidency will be on October 1<sup>st</sup>, 2024.

After a series of judicial, administrative, and legislative measures, gender parity is mandated in all branches and levels. Women’s political participation has significantly increased in the past 5 years, achieving parity in the Legislative (both at the federal and state level), increasing women’s representation in federal and state’ cabinets and as governors. Nevertheless, violence against women still poses a tremendous challenge for women to participate in public and political life, particularly at the local level. The National Electoral Institute has registered 382 cases of political violence against women, with 89% of the aggressions taking place at the state and municipal level<sup>2</sup>. This form of violence occurs in a context where 7 out of 10 women in Mexico have experienced violence at least once in their lives<sup>3</sup>. Although the Mexican state has undertaken several policy and normative efforts to address violence against women and girls, and some indications of slight decrease in femicides, meaningful challenges persist. During 2023, 3,429 intentional killings of women and girls (femicides/feminicidios) were registered by national authorities<sup>4</sup>.

Women’s formal economic participation in the labor market remains one of the lowest in the Americas region, with only 44.7% of women compared to 76.4% of men in the workforce<sup>5</sup>. The overburden of unpaid care work that women carry out is one of the main challenges to increase their economic participation, as they dedicate an average of 38.9 hours (about 1 and a half days) a week to it (about three times more than men do)<sup>6</sup>. 68.4% of women caregivers declared they could not work because they did not have anyone to care for their children.

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<sup>1</sup> <https://www.ine.mx/voto-y-elecciones/elecciones-2024/>

<sup>2</sup> <https://www.ine.mx/actores-politicos/registro-nacional-de-personas-sancionadas/>

<sup>3</sup> [https://www.inegi.org.mx/contenidos/programas/endireh/2021/doc/endireh2021\\_executive\\_presentation.pdf](https://www.inegi.org.mx/contenidos/programas/endireh/2021/doc/endireh2021_executive_presentation.pdf)

<sup>4</sup> <https://drive.google.com/file/d/1w9I7FUMjHYUgCsGfJmLRaqBlNuZaZOG8/view>

<sup>5</sup> [https://datos.bancomundial.org/indicador/SL.TLF.CACT.FE.NE.ZS?locations=MX-XJ&name\\_desc=false](https://datos.bancomundial.org/indicador/SL.TLF.CACT.FE.NE.ZS?locations=MX-XJ&name_desc=false)

<sup>6</sup> [https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2023/ENASIC/ENASIC\\_23.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2023/ENASIC/ENASIC_23.pdf)

## 1. National legal framework of the right to care:

In Mexico, all persons enjoy the human rights recognized in the Political Constitution of the United Mexican States (Constitution) and in the international treaties to which the Mexican State is a party. Therefore, in the Mexican legal system, all authorities, within the scope of their competence, have the obligation to guarantee, respect, promote, and protect these rights, in accordance with the principles of universality, interdependence, indivisibility, and progressivity.<sup>7</sup>

The legislative recognition of the right to care in the Mexican legal system is underway. At the federal level, the Chamber of Deputies approved, on November 18, 2020,<sup>8</sup> the elevation to constitutional status of the right to care and to provide care through a bill that reforms and adds Articles 1 and 73 of the Constitution. Moreover, in the Senate, the Initiative with a Draft Decree for the issuance of the General Law of the National Care System was presented in 2021, among many other initiatives<sup>9</sup>. However, these reforms are still pending discussion.

At the state level, numerous challenges still exist. Mexico City and Jalisco are the only states of 32 that recognize the right to care in their local constitution, and of these, only Jalisco has approved a State Law of the Care System<sup>10</sup>. At the municipal level, only the municipality of Zapopan in Jalisco has a Care System<sup>11</sup>, and in Monterrey, Nuevo Leon<sup>12</sup>, a similar regulation is in the process of being approved, the latter with technical support from UN Women CO.

Although, on October 18, 2023, the First Chamber of the Supreme Court of Justice of the Nation determined that, according to the text of the Constitution, international treaties to which Mexico is a party, as well as other soft law instruments, all persons have the human right to care, to be cared for, and to self-care, and the State has a primary role in their protection and guarantee<sup>13</sup>.

The Supreme Court recognized that care is a fundamental good and established that the right to care implies that all individuals, especially those who require intensive or extensive and/or specialized care, such as older people, people with disabilities, and those with chronic illnesses, have the opportunity to access them, without it being at the expense of the health, well-being, or life plan of those who provide care.

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<sup>7</sup><https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>

<sup>8</sup><http://www5.diputados.gob.mx/index.php/esl/Comunicacion/Boletines/2020/Noviembre/18/4462-La-Camara-de-Diputados-aprueba-reforma-constitucional-en-materia-de-Sistema-Nacional-de-Cuidados>

<sup>9</sup> <https://comunicacionsocial.senado.gob.mx/informacion/comunicados/1338-plantean-senadores-expedir-ley-general-del-sistema-nacional-de-cuidados#:~:text=Plantea%20que%20las%20personas%20cuidadoras,capacidades%20y%20certificar%20sus%20habilidades>

<sup>10</sup> <https://www.congreso.jalisco.gob.mx/boletines/aprueban-ley-en-materia-de-cuidados-integrales>

<sup>11</sup> <https://servicios.zapopan.gob.mx:8000/wwwportal/publicfiles/descargasEnlaces/10->

2021/Reglamento%20del%20Sistema%20Integral%20de%20Cuidados%20para%20las%20Personas%20en%20Situaci%C3%B3n%20de%20Dependencia%20del%20Municipio\_0.pdf

<sup>12</sup> [https://www.monterrey.gob.mx/pdf/dictamenes\\_cabildo/2024/CONSULTA\\_CIUDADANA\\_PUBLICA\\_PARA\\_LA\\_EXPEDICION\\_DE\\_REGLAMENTO.pdf](https://www.monterrey.gob.mx/pdf/dictamenes_cabildo/2024/CONSULTA_CIUDADANA_PUBLICA_PARA_LA_EXPEDICION_DE_REGLAMENTO.pdf)

<sup>13</sup> <https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=7568>

Likewise, the Supreme Court determined that the right to care also implies the right of individuals not to be forced to care due to gender mandates, which is a matter of social justice in favor of women and girls, who predominantly bear the burden of care work. In this regard, the Supreme Court highlighted the need to adopt measures so that care does not disproportionately fall on families, particularly on women and girls, but rather to have the possibility of delegating care and having it provided by other sectors of society, including the State, under dignified and quality conditions.

Additionally, in accordance with Article 94 of the Constitution, since this resolution was voted on by a majority of the members of the Supreme Court, it has become mandatory for all judicial bodies in the country. This implies that for the interpretation in cases related to care, judicial entities must consider that this is already a recognized right. Consequently, it can be assured that the right to care, understood as the right of every person to care, be cared for, and self-care, is already recognized and protected in Mexico through judicial precedent, and progress is being made within its legislative recognition.

Finally, it is important to highlight that at the regional level, the Public Hearing for the Request for Advisory Opinion on “ *The content and scope of care as a human right, and its interrelationship with other rights*” OC-31 was held before the Inter-American Court of Human Rights from March 11-14 2024, in which the UN Women Regional Office for the Americas and the Caribbean and Mexico Country Office participated with formal elements to contribute to the resolution that the Court will issue. In case this Advisory Opinion is approved, it would mean that the right to care is protected by the Inter-American Human Rights Instruments throughout the region<sup>14</sup>.

## **2. Policy or programmatic measures taken to promote and ensure the rights of caregivers and recipients of care and support:**

In 2018, with the aim of laying the groundwork for the creation of the National Care System, the National Institute for Women (INMUJERES) and UN Women CO developed a proposal for a National Strategy in this area (National Care Strategy)<sup>15</sup>, with the purpose of guaranteeing care services to the population in situations of dependency, that complied with the principles of accessibility, quality, and sufficiency, and that promoted the autonomy of individuals and the reduction of gender inequalities.

INMUJERES, in addition to supporting legislative work to promote the right to care, has developed over the years, together with other entities such as UN Women, a series of tools and knowledge products that would support the comprehensive care system that is being sought to be developed. This is the case of generating evidence on the cost-benefit of investing in the National Care System, as well as the economic, social, and cultural impact it represents. For this purpose, for the first time

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<sup>14</sup> [https://www.corteidh.or.cr/docs/opiniones/soc\\_2\\_2023\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/soc_2_2023_en.pdf)

<sup>15</sup> <https://mexico.unwomen.org/sites/default/files/FIELD%20Office%20Mexico/Documentos/Publicaciones/2019/BASES%20PARA%20UNA%20ESTRATEGIA%20NACIONAL%20DE%20CUIDADOS%202018%20web1.pdf>

in Mexico, together with INMUJERES and in coordination with the Economic Commission for Latin America and the Caribbean (ECLAC), the *“Methodology to estimate the costs and economic impacts of implementing care services in Latin America and The Caribbean<sup>16</sup>”* developed by UN Women is being applied.

Finally, the creation of the National Care System is also included in the National Program for Gender Equality (Proigualdad 2020-2024)<sup>17</sup>, which includes among its priority objectives – in response to the National Development Plan 2019-2024 – those aimed at eliminating inequalities between women and men through the creation of care services.

### 3. Main challenges faced at the national level:

Women in Mexico spend approximately 65% of their total working time on unpaid domestic and care work, compared to 26.5% of men.<sup>18</sup> The economic value of unpaid domestic and care work is 6.4 trillion pesos, representing 27.6 percent of the country’s GDP in 2021. Women contributed 19.1%, and men 7.2%.<sup>19</sup> Despite the enormous social and economic contribution women make, the right to care is not yet legally recognized at the federal level,<sup>20</sup> and only two states out of thirty-two recognize this right in their constitutions.

While the national systems for the Integral Development of Families, the Protection of Girls, Boys and Adolescents, and for the Equality between Women and Men have boosted care policies for girls and boys, elderly people and people with disabilities, these systems are not articulated and face significant challenges in allocating budgets for their effective operation. It is noted that Mexico has not yet ratified the Convention 156 of the International Labor Organization on the Workers with Family Responsibilities, as the CEDAW Committee recommended in 2012.

For these reasons, promoting and supporting the development of comprehensive care systems at the global, regional, and local levels has been a priority for UN Women Mexico. In the country, we have implemented a 360-degree strategy that includes some of the following actions:

- Technical assistance for the construction of a national care system and the development of care laws and policies.
- Data generation and tools for evidence-based decision-making in public policy, such as the methodology for estimating the costs and returns on investment of implementing care services – studying their effects on GDP, employment, and fiscal revenues; and the creation of a Care

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<sup>16</sup> [https://mexico.unwomen.org/sites/default/files/2022-12/EN\\_ONU\\_V2Corta\\_MetodologiaCostos\\_05Dic.pdf](https://mexico.unwomen.org/sites/default/files/2022-12/EN_ONU_V2Corta_MetodologiaCostos_05Dic.pdf)

<sup>17</sup> <https://www.gob.mx/inmujeres/acciones-y-programas/programa-nacional-para-la-igualdad-entre-mujeres-y-hombres>

<sup>18</sup> <https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2022/CSTNRH/CSTNRH.pdf>

<sup>19</sup> <http://en.www.inegi.org.mx/app/saladeprensa/noticia.html?id=7814>

<sup>20</sup> On November 18, 2020, the Chamber of Deputies approved a draft decree that reformed Articles 4 and 73 of the Political Constitution of the United Mexican States regarding the National Care System and the right to care, which was turned over to the Senate. However, it has yet to be approved by the Senate. Moreover, from October 2021 to date, various initiatives have been submitted to the Congress of the Union to create a National Care System; however, they have yet to be approved.

Map<sup>21</sup>, in collaboration with the College of Mexico (El Colegio de Mexico -COLMEX-) and INMUJERES.

- Local implementation, including the design of pilot programs for care services at the local level, such as providing support to Monterrey in the construction of its municipal care system.
- Sociocultural transformation initiatives, such as the #EsLoJusto campaign, which aimed to raise awareness among employers about the rights of domestic workers.
- Together with INMUJERES, Un Women CO has been promoting the Global Care Alliance, which has successfully positioned itself as a global leader in the care economy and now has more than 178 members.

#### 4. Data:

According to the 2022 National Survey for the Care System (ENASIC)<sup>22</sup> published by the National Institute of Statistics and Geography (INEGI), it is important to highlight the following data:

- In Mexico, an estimated 58.3 million people are susceptible to receiving care at home, consisting of people with disabilities or dependents; children (0 to 5 years old); adolescents (5-17 years old); and older adults (60 years and older). Of these individuals, 64.5% receive care from a household member or from another household.
- The group with the highest care coverage were children up to 5 years old, at 99.0%. The second place was occupied by children aged 6 to 11 years (93.0%), followed by adolescents aged 12 to 17 years (65.9%), people with disabilities or dependents (61.5%), and older adults (22.4%).
- In 2022, 31.7 million people aged 15 and over provided care to household members or members of other households. Of this population, 75.1% were women and 24.9% were men.
- Women who are primary caregivers devoted an average of 38.9 hours per week to caregiving. In the case of male primary caregivers, the average was 30.6 hours.
- In 2022, out of all households in the country, 77.8% (30.2 million) had at least one member in a situation requiring care. This percentage includes people with disabilities or dependents; children (0-5 years old); adolescents (6-17 years old); and older adults (60 years and older).
- Of the people with disabilities or dependents, only 3.3% (0.2 million people) attended a care center (special education institution, daycare, vocational training, or other). Likewise, it was reported that 33.3% "would require additional care beyond that provided at home", with activities such as physical or mental stimulation - the most mentioned category, at 60.2% - and support from nursing staff or a caregiver, at 59.9%.

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<sup>21</sup> <https://mapadecuidados.inmujeres.gob.mx/acerca-de/>

<sup>22</sup> [https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2023/ENASIC/ENASIC\\_23.pdf](https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2023/ENASIC/ENASIC_23.pdf)