



# UNITED NATIONS

Press Release

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## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS REVIEWS FOURTH PERIODIC REPORT OF MEXICO

10 May 2006

The Committee on Economic, Social and Cultural Rights has reviewed the fourth periodic report of Mexico on how that country implements the provisions of the International Covenant on Economic, Social and Cultural Rights.

Introducing the report was Maria del Refugio Gonzalez, Under-Secretary for Multilateral Affairs and Human Rights of the Secretariat for External Affairs of Mexico, who said Mexico had undergone great political and social changes over the last few years, including in human rights and its outlook on political affairs. It had strengthened the promotion and protection of human rights both externally and domestically, cooperating with international monitoring missions, and fulfilling its obligations. Mexico had worked to ensure economic, social and cultural rights for all its people, and one of its main challenges was poverty elimination, an area in which it had made a certain amount of progress. The Government was aware that it still had a lot of work to do to guarantee fully all economic, social and cultural rights for all Mexican citizens, but would continue to work in this direction.

During the discussion, which was held over three meetings, Committee Experts raised questions pertaining to, among other things, the status of the Covenant in national legislation; what real progress had been achieved with regards to discrimination against women, indigenous persons and homosexuals; self-determination in the context of indigenous communities; the effects of the North American Free Trade Agreement; issues related to unions and union membership; domestic violence, rape and incest; trafficking in persons; whether programmes on reducing extreme poverty could include economic, social and cultural rights; and the need for more concrete facts on what progress was being made.

The Committee will issue its concluding observations and recommendations on the report of Mexico at the end of its three-week session on 19 May.

Other members of the Mexican delegation included representatives of the Secretariat for Social Development, the Permanent Mission of Mexico to the United Nations Office at Geneva, the Secretariat for Health, and the National Commission for the Development of Indigenous Peoples.

The Committee will reconvene at 3 p.m. today to take up the third periodic report of Morocco (E/1994/104/Add.29)

### **Report of Mexico**

The fourth periodic report of Mexico (E/C.12/4/Add.16) says that the promotion and universal defence of human rights are a matter of fundamental priority for Mexico. Accordingly, Mexico has endeavoured to provide equal protection for civil and political rights and economic, social and cultural rights. The Government of Mexico considers that the full exercise of human rights and respect for individuals' fundamental freedoms is not only an inescapable duty of the Government, but also a prerequisite of democracy and, hence, of national development. Respect for protection of economic, social and cultural rights is also consistent with Mexico's historical tradition with regard to the development of standards on the subject, especially concerning social rights.

The national and international economic environment has posed obstacles to the Mexican people's full enjoyment of economic, social and cultural rights. However, despite the difficulties that need to be acknowledged, the Mexican State reiterates its will and determination to fulfil its human rights obligations. The gamut of human rights actions and policies developed by the Mexican Government, especially those designed to give effect to economic, social and cultural rights, which is the purpose of the International Covenant on Economic, Social and Cultural Rights, form part of the design of the State's overall human rights policy, in accordance with international protection standards, and evinces the Mexican Government's will to fulfil its international obligations. Mexico is actively promoting the drafting of an Optional Protocol to the Covenant, which will establish mechanisms for contributing to the legal enforceability of those rights.

In the domestic sphere, attention should be called to the creation of the Commission on Governmental Human Rights Policy on 11 March 2003, comprising Government departments and civil society organizations. This Commission's remit is jointly to formulate proposals for human rights public policy and regulations and to prepare initiatives on the institutional changes required for better promotion and protection. The Mexican Government is aware that fairer and more equitable levels of well-being can be attained for Mexican society through the progressive realization of economic, social and cultural rights. For this reason, the Mexican Government has been adopting all measures within its power to enable as many Mexicans as possible to enjoy these rights in the shortest possible time. The present report indicates the actions and criteria adopted by the Mexican Government in connection with its commitments under the Covenant.

### **Introduction of Report**

MARIA DEL REFUGIO GONZALEZ, Under-Secretary for Multilateral Affairs and Human Rights of the Secretariat for External Affairs of Mexico, said in December 2004, Mexico had submitted its fourth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, which dealt with any initiatives or changes in this area during the 1999-2004 period. Mexico had undergone great political and social changes over the last few years, including in human rights and its outlook on political affairs. It had strengthened the promotion and protection of human rights both externally and domestically, cooperating with international monitoring missions, and fulfilling its obligations. The current report was written through a new methodology, including the contribution of many different stakeholders, and revised by them before being submitted. The Government had made great efforts to fulfil its obligations under the Covenant through developing plans and programmes, implementing governmental policies and reforming the legal system. A cooperation agreement had been signed with the High Commissioner for Human Rights, and an office had been opened in Mexico in 2002.

The Government had drawn up the National Programme on Human Rights in 2004, which attempted to establish the basis of a national plan for human rights. On the environment and education, Mexico also had links with many important international organizations, including UNESCO. Mexico had worked to ensure economic, social and cultural rights for all its people, and one of its main challenges was poverty elimination, an area in which it had made a certain amount of progress. Another important theme was the adoption in 2003 of the Federal Law for the prevention and elimination of discrimination, which had given rise to a National Commission on Discrimination. A National Women's Institute had been established in 2001, which had led to a number of initiatives and opportunities in many fields including labour, with women's employment now at historic levels.

In terms of labour laws, Mexico had adopted and would continue to adopt a series of measures aimed at improving and protecting the rights of workers. In 2005, Mexico fully fulfilled its objective of eliminating the requirement for pregnancy certificates for women in order to be employed. Inspections were carried out to ensure that there was no violation of security, hygiene and other labour conditions. The inclusion of people with disabilities was also overseen. Mexico adopted specific protection and assistance measures for adolescents and children in the country, and adopted specific strategies to deal with the issue of street children, child labour, and other issues. As part of the measures taken to guarantee an adequate standard of living, Mexico carried out permanent efforts to provide alternatives to traditional housing schemes. Efforts to improve the quality of air in the valley of Mexico City were also continuing. Public health insurance was also an important success. The Government was aware that it still had a lot of work to do to guarantee fully all economic, social and cultural rights for all Mexican citizens, but would continue to work in this direction.

Members of the delegation then gave further introductions, saying that it was

very important to emphasise the values of efficiency and economic growth in poverty-reduction strategies in developing countries. Reforms and strengthening public income, financing social services, deregulating the labour market and the energy sector still remained to be done, as this would bring greater public income, which could finance reforms in the social sector. Some reforms had already been carried out, but a number of important reforms remained to be done. Important steps towards the creation of a national pensions schemes had also been taken. The National Scheme for Housing allowed for the integration of a comprehensive social services programme. It was not enough to talk about the importance of increasing policies on economic growth, it was also important to encourage social growth. Measures guaranteeing health care had also been implemented and were continuing. There had been collaboration between the legislative and executive Governments, as well as between the national and State Governments, in order to improve the situation. Mexico was a pluri-cultural country, and indigenous affairs were particularly important to the State, which was working to build a country where the rights of all were respected. A new relationship, leaving behind the idea of a monolithic, mono-cultural society, had been built, and initiatives had been taken to increase the participation of indigenous peoples, however, further progress was still required. The culture that had created subtle forms of discrimination remained to be changed.

### **Questions Raised by Committee Experts**

Taking up the first cluster of questions, an Expert said that according to the report, international tools were incorporated into national legislation and could be referred to before the Courts, and judges could refer to them. International instruments were above federal laws, and above the federal Constitution, and therefore were incorporated in domestic legislation. Why, therefore, was there a need to amend the Constitution to incorporate the Covenant, he asked, as was also mentioned in the report. He also asked what were the "itinerant courts" mentioned in the report, and what was their structure and itinerary. The training programme in human rights and access to judicial procedure also required elaboration.

Another Expert said Mexico was in a transitional period, and this had had various effects on the country, both positive and negative. What was the real progress achieved, she asked, in particular with regards to gender equality, and had there been transversal progress wherein all parts of the country had been able to cooperate on measures positively impacting the status of women, as discriminatory standards existed. National Plans for Women and for Human Rights had been created, and they needed to be harmonised. Had there truly been progress. Had there been an attempt to do something about the civil code to create a legal framework regarding domestic and family violence at federal level, she asked.

On general issues, an Expert noted that Mexico had failed to ratify a number of important ILO Conventions, and asked why these, as well as a UNESCO Convention, had not been ratified, and was it due to a failure in domestic legislation. Mexico had the highest per-capita income in Latin America,

however, there were very considerable gaps between rich and poor, North and South, rural and urban areas, and he asked what had been done in this connection, and what had the Government done to reduce these gaps. On the indigenous population, it appeared the right to self-determination had been limited, making its exercise very difficult, and the indigenous communities had complained about this. Were there any statistics on Mexican minorities of African origin, he asked, what was being done to reduce discrimination against the disabled, women and homosexuals, and what was being done to maintain the use of indigenous land by indigenous peoples.

The difficulty of the guarantee of equal access to information technology was raised by another Expert, who asked if anything was being done to combat info-exclusion so as to allow people to access information and to use it. In relation to the civil codes of some states which pinpointed discrimination, such as in requiring the consent of a husband when a woman wished to work and others, did the Government plan to take any specific legislative measures to overcome these particular gaps, she asked. With regards to the North American Free Trade Agreement (NAFTA), one of its aspirations was to improve country standards on living standards, but in Mexico, it appeared that with regards to the maize agriculture workers, the contrary had happened, and she asked what the Government was doing with regards to this specific group. Some clarity was also required by another Expert on discrimination, in particular with regards to what were the specific rights of the indigenous peoples with regards to land. Apart from the Constitution, was there a single law which protected them, she asked, and, on the series of programmes which had been aimed at their support, what had been done to ensure their cohesion and a coordinated approach. How did Mexico define affirmative action, she asked, and did the Government see it as positive discrimination. She also pointed out the number of objectives listed in the report, saying that there was a need to give a sense of results and what actually had been achieved.

A chapter on follow-up to the previous report had been included in the fourth report, an Expert said, and this had been very helpful for the Committee. Mexico had a National Human Rights Commission, a human rights programme, an inter-ministerial Committee on human rights, and others, and a diagnostic study had been drawn up on the compliance of the State party on the implementation of its obligations with regards to the Covenant. What was going to happen in relation to the progress that had been made in this regard when the change of Government took effect shortly. He asked whether these programmes would continue, and if there was a mechanism to ensure they would be taken over. The right to self-determination had been recognised in the Constitutional reform, but with a number of caveats, which meant it had not taken practical form, which had led to the rising tensions in Chiapas and other States; what was being done in this regard required elaboration. Further, what was being done with regards to legal mechanisms to define, pursue and punish persons committing crimes of corruption, he asked.

Another Expert asked what was the de facto relevance of the Covenant, and to what extent policy makers were aware of it and its provisions and took these into account. Was the national programme on human rights based on the rights stipulated in the Covenant, he asked, as it seemed that the leaders of that programme were not aware of it. Did Mexico intend to endorse the proposed Optional Protocol, he asked, as this was a very positive sign. Had Mexico factored in the Covenant when signing NAFTA from the perspective of whether it had a negative effect on the Covenant-protected rights. Another Expert took up the issue of migrant workers, noting that it was complex, and yet was particularly important in a globalised world, and, in Mexico, as both a country of origin and of transit, what specific concrete measures had been taken to protect these workers from exploitation and violence.

The large gap in terms of enjoying the results of economic development between people of different regions was raised by another Expert, who said the gap between rich and poor and the link to the enjoyment of economic, social and cultural rights was not specific to Mexico, and many other countries suffered from it, but noted that the question here was whether this gap was widening or shrinking. He also asked how many indigenous languages had a written form, or were only spoken languages, and how many were recognised as national languages, and where they were, what kind of impact had this had on the use of those languages. Among human rights mechanisms, there was a very important body, the National Commission on Human Rights, an Expert said, and a proliferation of bodies protecting human rights, and he asked what was the degree of independence of the national and local commissions on human rights, and whether they reported to the Government. Did the National Commission implement economic, social and cultural rights, and how could it guarantee them and their existence, he asked.

Another Expert asked for clarification on the interpretative declarations made at the time of the ratification of the Covenant, saying that it was a very complex issue, and was needed in order to clarify how the State party implemented its obligations under the Covenant. What steps had the State party taken to protect basic rights for its citizens in the United States and Canada, even if they were there illegally, another Expert asked. He also took up access to justice in the case of family disputes, noting that there appeared to be no equal access for women and men, and asked what was the budget of the Federal Public Defendant to protect this equal access. On real steps to prevent trafficking in human beings and to combat that phenomenon, he asked what were State regulations and policies in this regard, and how many cases had been logged last year, including with regards to forced labour of minors in particular in the agriculture and mining industries. What kind of protection was provided to local juries and attorneys at law who provided indigenous people with protection of their rights on a pro bono basis, he asked.

### **Response by Delegation**

Ms. Del Refugio Gonzalez thanked all those who had commented favourably

on Mexico's commitment to fulfilling its international obligations. Mexico welcomed that the Committee recognised that many of its problems were similar to those affecting other countries in transition.

On social differences, the delegation said regarding inequality of wealth, the phenomenon did not begin with the free market policies, nor in the nineteenth century, but had existed since colonial and even pre-colonial times. In 1804, it was decreed that the City of Mexico was to be organised in a particular way, and those in the countryside would not benefit from the wealth channelled through it, and this was the context. The Government of Mexico was not proud of this, and was serious about dealing with it, but redistributive policies were among the most difficult to deal with. There had been some redistribution, but there was a lot of inequality in the distribution of wealth in Mexico. It was not clear whether this was linked in any way to NAFTA or to free-market policies, nor that they had made it worse. In terms of regional disparities, the free-trade agreement had favoured the North in particular, and the Government was increasing public investment to counter-balance this. On the relation between the country and the cities, it was true that the GDP of the countryside was lower, but the situation had improved over the last 15 years.

With regards to NAFTA, a lot of things had been said about its impact on the primary sector of the economy. Products such as corn, grain, milk and meat were protected until 2008 for social reasons. What had taken place in the countryside was therefore not due to NAFTA. The small farmer was not really threatened. Mexico needed to focus its policies to resolve the problems of the groups that were particularly vulnerable. NAFTA had caused the creation of jobs for many who had not had jobs before, and had caused an increase of investment in Mexico. However, a free-trade benefit did not benefit all, although Mexico recognised that the benefits outweighed the costs, and that it needed policies to benefit those who lost out from the agreement. There were no indicators to show that there were less jobs today due to NAFTA. NAFTA was consistent with the Covenant, as it had increased employment, health, and welfare.

Regarding quality of education, the Government had created a programme to examine this, as good quality education was crucial for increasing employment and income, the delegation said. Teaching at the pre-school and basic school levels were essential in order to give children a quality of education that precluded inequality, and therefore the Government recognised it had to improve the quality of education in order to eliminate inequality.

There were no indigenous property rights in Mexico, the delegation said, but there were collective rights, and a proportion was owned collectively that was higher than in any other American country. No indication showed that this land was being privatised. In some investment projects that were considered important, there had been a vote in all involved communities to see if they were in favour of the project going ahead, and a qualified majority of more than two thirds had been in favour. The democratic process had been

upheld. Countries needed investment in energy infrastructure. With regards to the environment, there were programmes in the countryside which paid farmers for reducing carbon-dioxide emissions and for not clearing forests.

On sexual harassment, this was qualified as a crime in the Criminal Code since 1991, the delegation said. Fines were issued, but if crimes were more serious, imprisonment could be the punishment. In cases of rape, the judgement was very serious. On gender inequality, there were bursaries for increasing education among girls, and the figures for girls and boys enrolled in education were now equal. A minimum number of women were guaranteed in posts. There was a Migrants Commission, and the Ministry of Social Development had a housing programme working in areas with high concentrations of migrants.

With regards to indigenous issues, the delegation said the effect of the Zapatista uprising had brought these to the national agenda, as indigenous peoples had been marginalized for too long. The Mexican State had to take into account what they were saying, and had done so. However, it had been said that it did not comply with some of its agreements, but these cases were complicated, as they did not include all the Government. A new kind of Government had emerged after the change from the one-party system, which was committed to resolving the Zapatist conflict, and resolving the indigenous issues. The legislative branch had changed the law, bringing in an amendment, considering that some of the demands on indigenous issues could not be met. There were 12 million indigenous people, out of a total population of 105 million, and the changes in the legislation reflected what was the state of Mexican society at that time. It was recognised that indigenous issues needed to be put again on the national agenda in order to fulfil the legitimate aspirations of indigenous peoples. This was a historic process, and there had been progress therein with an institutional reform process which should help to push forwards reforms in terms of health, infrastructure, education, recognition of indigenous culture, and even recognition of indigenous peoples as a subject of public law, for example in terms of intellectual property.

Reforms had insured that indigenous peoples could use their own methods of resolving conflicts, as long as these respected the law, human rights and the rights of women. There was discrimination against women in indigenous communities, the delegation said, and there was a need for an overall framework which respected human rights. They could elect leaders in customary ways in order to manage their affairs as they wished, whilst guaranteeing the participation of women. Indigenous peoples had access to their lands in the terms established by the Constitution in terms of collective rights to land or private rights. Their cultural specificities were taken into account when they were being dealt with collectively. There were many indigenous languages, but there were even more dialects. There were great difficulties from one community to another, and it was a very inward-looking culture. Relations outside the community were very difficult, and this was why the most legitimate form of indigenous representation was the community assembly. There were some proposals coming from indigenous groups to

instigate regional assemblies, but not from all. Thus, the forms of representation were very difficult from one community to another.

Regarding coordination on indigenous issues at the institutional level, the Constitutional reform had led to a National Commission for the Development of Indigenous Peoples, the delegation said. There had been a lot of institutional changes, and the National Commission aimed to resolve the problem of the coordination of public policies through cross-cutting and integrated policies. All the different branches of Federal Government coordinated their work, with a focus on their activities on indigenous issues. Today, there were substantial resources for indigenous issues, with a budget which drew together federal spending on indigenous issues, and which had increased year after year. In spite of this, the National Commission believed its budget should increase further. It had been focusing on infrastructure, as the development of indigenous peoples could only take place with good infrastructure such as roads, drinking water and electricity. Indigenous languages were currently recognised as national languages, and catalogues of indigenous languages were being created. These languages were orally-based, and efforts were being made for them to be written down, by indigenous communities, but accompanied by the State in that effort. Indigenous persons had the right to speak their own languages in judicial proceedings.

A report would be issued before the end of the year on the rights of migrants and their families, the delegation said. The Government had done everything in its power to protect migrants, and wished to deal with the issue in a balanced fashion, working on a domestic level but also externally, and wished for the rights of migrants to be recognised globally. It had a programme for rehabilitation, as well as infrastructures in this regard. Mexico was trying to do everything in its power to ensure that the stay of illegal migrants went as favourably as possible, and that the treatment given to them was improved. A number of problems were faced therein, including that of gender inequality and issues related to women and children. Protection work went hand in hand with other missions.

There had been a Constitutional reform in 2001, the delegation said, in which the principle of non-discrimination had been agreed, and a law agreed in which discrimination was criminalized, no matter its grounds, including sexual orientation, race, gender, or other. A National Institution on the Prevention of Discrimination had been established, and a number of national organizations worked against it. Mexico would like to build a general framework to deal with the matter of family violence, and had a framework law to fight domestic violence. Sexual harassment was a crime, coming under the Penal Code, the delegation said.

The fight against corruption had increased over the last years, the delegation said, as the Government considered it to be a crime, as where there was corruption there was a corrupting partner. It was a social partner, and had to be tackled in an integrated manner, with governmental services improved and transparency encouraged. There was a programme also fighting to

control corruption. Everything was published online, and the population had access to these websites in order to view how a given governmental service was functioning. There was an assessment system, and a national investigation into corruption. There was also an inter-Ministerial Commission for the assessment of transparency. For external relations, there was a special process. A public official who was corrupt suffered penal, administrative and other sanctions.

There were currently four initiatives before Parliament with the aim of making progress in the field of trafficking in humans, the delegation said. These dealt with judicial activities and the participation of the victim, as well as aid to the victim. The authorities had the possibility of issuing a temporary visa to victims of trafficking, and try to give them some measure of protection.

Treaties formed part of domestic legislation, but were not applied automatically, and the rights contained therein had to be incorporated into domestic legislation, Ms. del Refugio Gonzalez said. With regards to women, the Government had been working on the issue for 20 years, and women's associations had been involved, with an attempt to formulate legislation. Last year, a diagnostic study of the legislation in this regard of 32 states of the Federation had been completed. Since 1999, courses on human rights had spread throughout the country in Universities and also in the Army. The legal culture had therefore changed, with an enormous effort to incorporate human rights issues. Mexico was trying to determine agreements that would last longer than any particular Government, so that each new Government could continue in these efforts. Some economic and social rights were contained in article 4 of the Constitution. Mexico did not have a separate part of the Constitution on human rights, but had individual guarantees in different parts of the text. With regards to discrimination, she said, there was a problem with regards to access to new technologies, and there was an aim of introducing computers in rural schools.

In a follow-up question, an Expert asked for a reply to his earlier question with regards to mobile Courts, and Ms. del Refugio Gonzalez said the delegation was not sure about whether these were indigenous courts, which moved around in indigenous areas, resolving indigenous issues, but would provide an answer later. Another Expert asked a question on good governance mechanisms in Zapatista areas and the right to self-determination in the context of municipal elections, and another on whether the Government intended to re-establish communication with the Chiapas area. Another Expert asked for a definition of the term "affirmative action".

Responding, the delegation said the Zapatista forces had decided not to take up the dialogue, as they had decided that the process was not moving as they liked after the Constitutional reform of 2001, but the Government was keeping its hand extended and was ready to re-start the dialogue at any time. With regards to municipal elections and self-determination, the delegation said that political parties were not representative of indigenous peoples, and there had been progress in the electoral process over the last year with regards to their representation in and by municipalities. On the interpretation

of affirmative action, in the national programme for equal opportunities, which was run with the aid of the National Commission for Women, there were policies of equality aimed to encourage those groups which for some reasons had been segregated and excluded.

### **Questions by Experts**

Taking up articles 6 to 9 of the Covenant, an Expert addressed the issue of social security, asking if the Government had such a positive evaluation of the privatisation of social funds, and if this would encourage it to continue with the privatisation of pension funds. What did Mexico expect to achieve if the pension funds were not privatised, she asked. The Expert had read that only 38.14 per cent of workers were insured, and asked whether this was true, and if so, what was the situation for the other workers. She also pointed out discrimination against men in terms of access to childcare facilities. Was there a minimum level of pensions, she asked, in particular with regards to those who had not contributed at all, and whether there was a form of state pension attributed to them in order to ensure a minimum standards of living.

Another Expert said that in Federal Labour Law, there was an article that said that there could be an exclusionary clause, allowing an employer to employ only workers who were members of the contracting union, forcing the employer to fire those who resigned or were expelled from the union. There was another law restricting a union to workers belonging to the same agency or office, and there could not be a union joining together workers belonging to different State agencies or offices. There was also a provision that once a worker joined a union or State agency, then he or she had no right to leave this without being expelled. It appeared that free association of workers in Mexico raised real concern, although the Constitution guaranteed free association to all. He asked if this discretion and lack of access to information on the denial of registration of unions was a form of Governmental control. He also asked a question with regards to the minimum age for labour, and another on access to courts for workers and trade unions.

Unemployment appeared to have increased significantly, another Expert said, asking what had caused this and what measures were taken to combat it. Did the Global Employment Programme of the Government intend to reduce the number of people working in the informal sector, he asked, noting that this programme seemed to make it easier for people to get small, precarious jobs, and did not seem to be promoting stable jobs. The minimal age appeared to be very low, and did not allow workers to have a decent life, providing for family or children, in particular in the maquiladores where electrical goods manufacturing took place. He also noted that in indigenous communities, labour conditions appeared to be alarming, with unpaid labour, child labour and a serious problem regarding daily contracts with very low salaries. Other labour issues, including unjustified sackings, sackings of pregnant women and others were also of interest, as was the lack of ratification of ILO Conventions.

What kind of response and reactions had been received on the part of

indigenous communities as far as the measures on limiting the labour of children, an Expert asked. With regards to ILO Convention 138 on the minimum age for employment, what were the figures on children in work, another Expert asked, as various figures were available. Reasons had been given for non-ratification of ILO Convention number 138 due to national legislation, and these were of concern, and he asked whether in the future Mexico imagined that these problems could be overcome and the Convention could be adopted.

The Experts then took up articles 10 to 12, with an Expert asking what had the State party done with regards to increasing the registration of births. He also noted that the State party had adopted a number of legislative measures on reducing violence against women in 1999, and asked what had been the impact of these measures. Was there a text which penalised such offences, he asked. Another Expert asked what progress had been made regarding the status of women. There was also a need to explain what concrete progress had been made on domestic violence, trafficking in women, and other related issues. There was a need to harmonise State and Federal legislation on these issues, and the Civil Code included discriminatory provisions against women, and these should be abolished. Was there an effective Governmental policy to encourage progress in these areas, in particular the field of legislation, she asked. There was a need for guarantees for women to have a life free of violence. She also raised the issue that sexual abuse, when perpetrated within the family, was not prosecuted, as it was considered an internal matter, saying that this was an abomination. The age of sexual consent also required revision, and there was also a need for a definition for incest, as there was no legal term, and therefore no legal protection. Regarding indigenous women, there was a major gap, and no protection in their regard, in particular regarding reproductive and sexual health, and this applied to women across Mexico as a whole. There needed to be free access to medical services for women, in particular with regards to abortion in the context of rape.

Another Expert raised the issue of violence against women, saying she was impressed by the number of laws and the institutes dealing with this phenomenon, and asked how wide-spread it was and whether the National Institute on Women could intervene in cases of domestic violence. She also raised the issue of unsafe abortions, as it was the fourth largest cause of maternal deaths, as legalised forms of abortion were not available, asking if there was any thinking about the issue of providing legal abortion in any cases. It also appeared that many States did not have clear rules or procedures allowing women who were victims of rape access to abortion, and this required clarification. Further, was anything being done to train persons in authority, including the police, in methods of dealing with victims of rape, she asked.

Another Expert said the situation of women and children in Mexico appeared to be particularly alarming, and he asked whether NAFTA had made a difference and improved the situation, in particular with regards to street children. The minimum age for marriage also appeared to be much too low,

and the impact of the Convention on the Rights of the Child appeared to be non-existent in this regard. The minimum age for sexual consent was also too low, and should be raised. The Expert also associated himself with the questions on abortion and on child labour raised by previous speakers. On the right to health, another Expert noted that a proportion of the population did not have access to safe drinking water, and that the situation of rural communities was worse than urban areas, asking what was being done to remedy this situation. With regards to drugs, Mexico was a transit country, and this had important consequences on Mexican society, in particular with regards to violence, and the Expert asked for statistics and what the Government did to control the phenomenon of drug abuse.

The issue of child mortality was taken up by another Expert, who said that the situation appeared to have deteriorated in certain states, asking what the Government was doing to remedy this. He also pointed out that programmes were insufficient - there was a need for progress, and the Committee was interested in the effects of legislation. Further, he asked what was the progress of the situation of HIV/AIDS patients, and whether it was correct that all patients were receiving anti-retroviral drugs. What was Mexico doing to improve the situation of indigenous women with regards to reproductive health, he asked.

Another Expert raised the problem of water, asking if the Government intended to abandon a hydro-electric project whose negative aspects weighed more heavily than the positive ones. What were Mexico's plans with regards to its mega-projects which had a heavy effect on various communities, and which had a significant effect on the environment, he asked. He also raised the issue of health in Chiapas, asking whether it would not be possible to assist those communities, allowing them to participate in the setting-up of a monetary procedure and without injecting any political problems. Another Expert commended Mexico for significantly reducing extreme poverty, but noted that in rural areas it remained significant. He asked whether the programmes for reducing poverty integrated economic, social and cultural rights, and whether the State party would consider this, as poverty cut across all rights. He asked whether there was a provision for the right to food in any legislation, and whether the State party would consider adopting this. Adequate housing was also an issue.

### **Response by Delegation**

On the social security system, in the early '40s in Mexico, the Mexican Institute for Social Security had been set up, and one of its services was invalidity security, others were old age and death, the delegation said. The old age element could not be financed due to a number of reasons, including the number of retirees. The pension fund was then used for the loss in the medical institute. With the increase of women in the labour force, there was an increase in contributions. In the '90s, the financing system became unsustainable, and a savings system for retirement had had to be set up. The retirement funds were invested mainly in Government bonds, and consequently the redistribution system was privatised, but there was a

minimum guaranteed pension, which kept its values in real terms. Mexico was using the best qualities of the privatised and the public systems, and there was an increase in the use of the savings system. The problem facing the system today was the problem of precariousness of employment due to the growing phenomenon of globalisation, and the financing of the social security system required further review, and various methods of financing were under consideration. Approximately half the population did not have social security, and of those that did, there were a number paying into systems that were not currently viable.

The unemployment rate in Mexico was substantially lower than that in most developing countries, and rarely went above 5 per cent, the delegation said. There was a problem of poverty and low income, but people could still receive incomes at a certain wage rate. The official figures indicated that the proportion of children between 12 and 14 working had dropped from 12.7 to 8.7 per cent between 2000 and 2004. Much remained to be done, however, and Mexico was working towards this. A sensitisation campaign had been carried out in order to create greater knowledge of the problem of child labour, and there were also coordinated programmes in order to prevent the problem, and protect adolescents who were at risk.

With regards to mega-projects, Mexico would not go forwards without collective assent from the community, the delegation said. More than half of Mexican land was collectively owned, and therefore there were particular proceedings which had to be gone through in order to implement these projects. At no time were decisions taken to impose a project by force. Chiapas was not a state in war; it was in peace. There were some areas where conflicts existed, but since 1994, the State Party had considerably invested in combating poverty there, as well as creating infrastructure and enhancing telecommunications, modernising the state. It was not an abandoned state, and received considerable funding. There was an education component to programmes on reducing poverty across Mexico, giving the population the necessary support, and there was no compartmentalised view. The number of rooms per dwelling had increased, and their quality had improved, and this was due to programmes on improving the quality of housing, which had been a priority for the Fox Government.

On questions relating to women, gender equity and discrimination, the Government of Mexico was fully aware of the need to control domestic violence and violence against women, and had made it a priority, working on an institutional basis, developing programmes and statistics to make it possible for all women to be rid of violence, the delegation said. There were some mechanisms, such as the National Development Plan, which stipulated that in order to increase equality of opportunities there was a need to organise programmes and social policies in order to provide these to all men and women in Mexico, encouraging conditions providing these and enabling them to exercise their rights and participate in political life on an equal basis to ensure their economic, social and cultural rights. There was a need to persecute aggressors of women, and to integrate women into all levels of

economic and political life. Non-consensual sex was considered rape. Family violence was considered a crime, and was included in the Civil Code as a reason for divorce. Measures were taken in order to allow women across the country to affirm their right to a violence-free life, and the crime of domestic violence would, thanks to a number of programmes, initiatives and laws, eliminate this phenomenon. On incest, this was punished, and this applied to all participants, regardless of age. Punishment for sexual abuse was more severe when committed on minor children or children with disabilities.

With regards to abortion, this was the fourth cause of maternal mortality. With regards to legal abortion, recently the Health Secretariat asked all institutions, through an official circular, to consider this question, and the National Institute for Women indicated that it would continue to work with the legislative bodies with a view in this direction. On pregnancy or non-pregnancy certificates, ongoing campaigns had been carried out in order to avoid the requirement for these in order to obtain or remain in a job, and there was a legislative Bill on this, as this was a discriminatory act, and there was a new administrative mechanism to which recourse could be had, the delegation said. Specific campaigns had been held to disseminate information and to sensitise people to the need to avoid the request for these certificates at the time of hiring. Regarding Ciudad Juarez, the Committee would be left a document dated May 2006, offering broad information, as this was a complex issue, involving many ramifications, and was far-reaching in scope. There was a programme aimed to deal with the situation from a number of different view points, and a number of actions were being carried out in order to improve the social situation in Ciudad Juarez.

Concerning the main causes of maternal mortality and the health of adolescents, the total number of maternal deaths had declined considerably over the last few years, the delegation said. Among the main causes of death were obstetric haemorrhaging, puerperal infection, complications of pregnancy and obstructions. On contraceptive methods, the use of these during the first sexual rapport was low. The use of a condom was the preferred method by adolescents, followed by the IUD. There had been a reduction in the number of infant deaths. In Mexico, the strategies used to prevent addictions were manifold, and the National Centre against Addiction had an overall strategy on treatment, rehabilitation, support for social projects, and training, investigation and evaluation, among others. The work done with penitentiary personnel had been enhanced, and there was a free hotline with 90 health professionals who had been trained to provide care via telephone. Access to anti-retroviral treatments had increased yearly, and had been a universal feature since 2003, when all those requiring such treatment received it, and were included in a social security system in order to provide this. On intra-familial violence, the Secretariat for Health provided places of refuge which gave medical and psychological care, as well as legal support.

On child labour, there was a programme to combat this in its worst forms, and the population of child workers contributing to family enterprises and to family incomes was recognised as an issue. There were also high numbers of indigenous children working. The impact of these programmes had been

positive, as fewer children had become school dropouts in rural areas, and the number of children and young people moving from primary to secondary schools had increased. On trafficking, Mexico was a party to the Convention on Organised Trans-National Crime, and had adopted an Act to Prevent and Sanction Trafficking in Persons, shortly to be discussed in the Chamber of Deputies. Action was being taken jointly with neighbours, including the United States and Central American countries, on which memoranda of understanding had been signed.

Mexico was one of the ILO members with the highest rate of ratification of conventions, having ratified 77 of them, including 6 of the core conventions, the delegation said. Mexico was seeking to enhance the coverage available for employers and employment providers. Mexico had provisions concerning labour inspection. The Secretariat for Work and Social Security carried out programmes for entrepreneurs and workers in connection with labour inspection.

In follow-up questions, an Expert asked for information as to whether child labour sometimes occurred without interfering in schooling. He also asked whether there were benchmarks for the Committee to make its assessment with regards to many topics, including trafficking, as it was difficult to assess how these were combated and what exactly was the situation, and there was a need for information on particular cases. Another Expert said there were many fundamental aspects which required a coordinated system at both the Federal and State level in order to be effectively dealt with, and these included trafficking, the status of women, and many others. Investment needed to be increased in education and health, she said, and gender equality needed to be improved and enhanced.

Responding, Ms. del Refugio Gonzalez said there were many new institutions whose work was only just becoming visible. There were institutions in all Mexican States dealing with the issues raised, and all State structures received assessments of the situation.

### **Questions by Experts**

Taking up articles 12 to 15 of the Covenant, an Expert said that Mexico was going in the right direction in many areas where there had been true progress, but there were other areas with delays and shortcomings. In certain indigenous areas, there were many people who could not go to school for the mere reason of their ethnic origin, and if they did, were subjected to discrimination. There was concern that the budget for inter-cultural and bilingual education had been considerably reduced, and was less than 50 per cent of what it was in 2000. There was also a shortage of teachers, particularly in mountainous areas. Regarding cultural rights, he asked if States did not recognise traditional knowledge rights in the context of intellectual property rights, and asked why their cultural heritage was evaded.

Another Expert said that 81.6 per cent of primary schools had 6 grades, however, most of these schools had fewer than six teachers, and after

reading the report he had noticed that in most of the multi-grade schools, there was an average of only one to two teachers to cover multiple grades and disciplines. He asked whether the Government had plans to increase the numbers of teachers in these schools so as to ensure the quality of education.

### **Response by Delegation**

Responding to these questions, the delegation said education was classified in Branch 11 of the budget, and in the last few years there had been an increase of 31.7 per cent on indigenous education, and there had been a reduction in administrative costs, but not on education. Impetus had been given to the inter-cultural and bilingual education systems, and there was a centralised inter-cultural university. On the property rights of indigenous intellectual property, one of the limitations of the 2001 reform on indigenous issues was to recognise them as subjects of public law, as indigenous people did not have a legal description, and therefore it was difficult to determine. Traditional knowledge was recognised with regards to folklore, but there were other problems. There had never been ownership of land by ethnic groups, even in previous times. The agrarian legislation gave a perfectly good definition of lands being owned by those who previously populated them. It was very difficult to have school teachers in some areas. A lot had been done in order to bring children together in a school in the first place, which was impressive, due to the fragmented nature of the poor rural population.

### **Concluding Remarks by Mexico**

Ms. del Refugio Gonzalez said the delegation had not been able to give an adequate summary of all the issues quickly, as the field of economic, social and cultural rights was so vast, and had perhaps not been quick enough to give a summary that would clarify issues, but had made huge efforts to give a response. There was only one block of questions requiring a response, and this would be left with the Committee. Mexico expressed its deep thanks to the Committee, and knew it was the Committee's concern to focus on details to which Mexico was not paying sufficient attention. Note had been taken of some of these, and it had been a very fruitful session for Mexico, which hoped it had been thus also for the Committee.

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