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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fourth periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**Mexico \* \* \* \* \***

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\* “The third periodic report (E/1991/104/Add.18) concerning rights covered by articles 1 to 15 of the Covenant, submitted by the Government of Mexico, was considered by the Committee at its twenty-first session in 1999 (see documents E/C.12/1999/SR.44-46; E/C.12.1/Add.41).

\*\* The information submitted in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.12/Rev.1).

\*\*\* According to information transmitted to States parties concerning the processing of reports, the present document has not been formally edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
INTRODUCTION .....	1 - 17	3
I. GENERAL PROVISIONS OF THE COVENANT .....	18 - 55	5
A. Article 1 .....	18 - 20	5
B. Article 2 .....	21 - 31	5
C. Article 3 .....	32 - 52	8
D. Article 4 .....	53	10
E. Article 5 .....	54 - 55	10
II. PROVISIONS OF SPECIFIC LAWS .....	56 - 934	11
A. Article 6 .....	56 - 174	11
B. Article 7 .....	175 - 270	38
C. Article 8 .....	271 - 317	59
D. Article 9 .....	318 - 361	70
E. Article 10 .....	362 - 402	86
F. Article 11 .....	403 - 492	93
G. Article 12 .....	493 - 618	108
H. Article 13 .....	619 - 720	137
I. Article 14 .....	721	153
J. Article 15 .....	722 - 934	153
III. REPLIES TO CONCLUDING OBSERVATIONS AND RECOMMENDATIONS .....	935 - 1242	199
IV. CONCLUSIONS .....	1234 - 1250	254

## INTRODUCTION

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant), and in the fulfilment of its obligations, Mexico submits its fourth periodic report on the implementation of the Covenant.
2. The promotion and universal defence of human rights are a matter of fundamental priority for the Mexican State. Accordingly, Mexico has endeavoured to provide equal protection for the exigibility of civil and political rights and economic, social and cultural rights (ESCRs).
3. 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.
4. Respect for protection of ESCRs is also consistent with Mexico's historical tradition with regard to the development of standards on the subject, especially concerning social rights. It is important to mention that the Mexican Constitution adopted in 1917 makes provision for ESCRs and that Mexico was one of the first countries to include the right to education (Art. 3), land rights (Art. 27), workers' rights (Art. 123) and public subjective rights in its Constitution.
5. The national and international economic environment has posed obstacles to the Mexican people's full enjoyment of economic, social and cultural rights.
6. 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 ICESCR, 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.
7. With a view to enhancing practice in the exercise of human rights, the current Mexican Government has voluntarily submitted to international scrutiny in the form of an open, permanent invitation in 2001 to all representatives of the United Nations international human rights protection and promotion mechanisms and of other international bodies to visit Mexico in the interest of improved exercise of human rights through the recommendations they may make.
8. As part of its current foreign policy, Mexico deems one of its guiding principles to be collaboration with the international organizations and the international community on actions that could contribute to internal exchanges needed to ensure the promotion of and respect for human rights in the country. This Government has promoted international cooperation through various programmes described in the core document.
9. With specific reference to ESCRs, given the need to strengthen the legal instruments that make for their exigibility and for civic culture geared to the exercise of those rights, Mexico is actively promoting the drafting of an optional protocol to the Covenant, which would establish mechanisms for contributing to the legal enforceability of those rights. Accordingly, at the sixtieth session of the United Nations Commission on Human Rights, Mexico supported resolution 2004/29, which renews the mandate of the Working Group for the elaboration of the Protocol for a period of two years.

Comment [BM1]: checked

Comment [BM2]: res. 2004/29, para. 14.a

10. Likewise, 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 Commission functions in the form of nine subcommissions – including the ESCR subcommission – that deal with all issues relating to the promotion and protection of the various human rights.

11. In view of the importance the current administration assigns to human rights, it has carried out various activities for informing the population of the existence of the Covenant and of the Mexican State's related commitments. In this particular, the ESCR subcommission has contributed to the dissemination of the Covenant and to better understanding of rights both by the departments and by civil society. Likewise, several members of the Government have taken part in seminars on economic and social policy, at which they have promoted analysis of such policy from the human rights point of view on the understanding that those rights, by their juridical nature, also imply obligations for States.

12. At the same time, based on the Cooperation Agreement among the Ministry of Foreign Affairs (SRE), the National Independent University of Mexico (UNAM), the Ibero-American University (UIA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), entered into in 2002, to organize seminars and other academic activities for fuelling the debate and promotion of human rights, the first seminar was held on 4-5 July 2002 on the subject: "The obstacles to the exercise of economic, social and cultural rights in Latin America". An outcome of the seminar was the publication of the book *Economic, Social and Cultural Rights (ESCRs) in Latin America: Obstacles to their effectiveness and main international instruments*, UNESCO-SRE-UIA-UNAM, Mexico City, 2003.

Comment [BM3]: checked

13. 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.

14. For the preparation of this report, the Mexican Government adopted an innovative methodology by hiring an external consultant from the National Independent University of Mexico specializing in economic, social and cultural rights.

15. The aforementioned expert participated in the coordination and preparation of the report and advised the various departments involved on the best way of systematizing the information and on the selection of data that effectively and specifically conformed to the ESCR Committee's Guidelines. This process produced knowledge and better understanding of the human rights perspective in the implementation of public policies.

16. Within the framework of the ESCR subcommission, civil society organizations (CSOs) were given the opportunity to voice their observations and have them included in this report, which claims to be an objective, realistic study on the conditions prevailing in the country, its achievements and the aspects in which there is still room for improvement.

17. In addition to the inclusion of the comments of the CSOs in the final section of this report, the Mexican Government also took them into account in addressing the lacunae and deficiencies in this document and produced a study that is as comprehensive as possible, not only to comply with an international obligation under the ESCR Committee's guidelines, but also to make a valuable contribution to the country.

## I. GENERAL PROVISIONS OF THE COVENANT

### A. ARTICLE 1

18. Mexico fulfils its commitment to the principle of self-determination of peoples in the definition of the political conditions most favourable to its economic, social and cultural development, established in article 1 of the Covenant. Mexico's commitment to that fundamental principle of international relations, aimed at achieving peace and international cooperation, has been demonstrated on various occasions through the position it has adopted within the United Nations, the Charter of which proclaims the principle of self-determination of peoples as the basis of universal political equilibrium. Since the second half of the 1940s, Mexico has supported various General Assembly resolutions defining the decolonization process after the Second World War. Mexico also supported resolution 1803 (XVII) of 6 August 1964, which defined States' permanent sovereignty over their natural resources, comparable to the principle of self-determination. Mexico's commitment to this principle was attested to by its adherence to resolution 3016 (XXVII) of 1972, concerning the sovereignty of States over their national resources, lands and waters.

**Comment [BM4]:** Charter checked. Not quote

**Comment [BM5]:** Resolution

19. Mexico also supported resolution 1815 (XVII) of 18 December 1962, which lists the principles upon which peaceful and friendly relations among States are founded. Mention is made in this resolution of the self-determination of peoples, a commitment consolidated with its incorporation into the Mexican Constitution in Articles 2 and Article 89, section X.

20. This affirmation is exemplified in the text of Article 2 of the Constitution, which establishes that the Mexican Nation is one and indivisible and has a multicultural composition founded on its indigenous peoples. The Constitution recognizes and guarantees the right of the indigenous peoples to self-determination and, consequently, recognizes their autonomy to decide on their social, economic, political, juridical and cultural organization.

**Comment [BM6]:** See Const. ref. 7

### B. ARTICLE 2

21. As regards the Mexican Government's actions against discrimination, the decree for the promulgation of the Federal Act for the Prevention and Elimination of Discrimination was signed on 9 June 2003 and entered into force on 12 June 2003. (Attached at **Annex 1**).

22. For the drafting of this Act account was taken of the persistence of discriminatory practices against women and the existence in the country of vulnerable groups such as the elderly, persons with disabilities and indigenous persons, who claim, for instance, the right to gender identity and to a sexual preference other than heterosexual, and the need to lay down principles of social equality and equity among Mexicans. It was therefore deemed necessary to establish a legal framework for preventing and eradicating the discrimination existing in some areas of the national reality. In accordance with the constitutional mandate of the right to equality and non-

discrimination<sup>1</sup> incorporated into the Constitution in 2001, as well into international and comparative law on the prevention, combating and eradication of discrimination, that framework establishes law that can influence the existing situation through tangible actions for eliminating all forms of exclusion that impede the full enjoyment of their rights and freedoms by persons in the country.

23. The Federal Act for the Prevention and Elimination of Discrimination created the legal mechanisms and the institutions that will afford effective implementation of Article 1, paragraph 3, of the Constitution of the United Mexican States, which prohibits all forms of discrimination in Mexico.

24. This Act defines discrimination as follows: “... *any distinction, exclusion or restriction that, based on ethnic or national origin, sex, age, disability, social or economic status, health condition, pregnancy, language, religion, opinions, sexual preferences, civil or any other status, has the effect of impeding or nullifying the exercise of persons’ rights or genuine equality of opportunity*”.<sup>2</sup> Its purpose is to prevent and eliminate all forms of discrimination practised against any person who finds him or herself on Mexican territory in the terms of Article 1, third paragraph, of the Political Constitution of the United Mexican States, and to promote genuine equality of opportunities and treatment. It establishes the obligation of the authorities and public bodies to adopt all measures within their means to avoid any type of discrimination and provides that the public authorities should, within their sphere of competence, take specific affirmative and compensatory action in the interest of equal opportunities for vulnerable groups.

25. The actions proposed by the Act impose obligations on the State to compensate for the situation of the most vulnerable groups and to create a relatively homogeneous and equitable point of departure for all persons. Affirmative action in favour of women, indigenous persons, persons with disabilities, children and older people are already under consideration in public budgets.

26. The Discrimination Act also implies the fulfilment of international commitments undertaken and ratified by Mexico to combat discrimination, since the special forms of protection and the affirmative action established therein incorporate into Mexican federal legislation contents taken from the international human rights covenants, the United Nations International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child and the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities. It also recognizes that in the event of there being more than one interpretation, preference will be given to that which more effectively protects persons or groups in a vulnerable situation.

Comment [BM7]: checked

27. The new Act against discrimination in Mexico regulates, reinforces and systematizes the commitments undertaken by our country through these instruments. The Act also created the National Council for the Prevention of Discrimination, a body responsible for monitoring its

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<sup>1</sup> The third paragraph of Article 1 of the Constitution concerning discrimination, specifies: “All discrimination based on ethnic or national origin, gender, age, differences in abilities, social condition, state of health, religion, opinions, preferences, civil status or any other grounds deleterious to human dignity and having as its object the annulment or restriction of individual rights and freedoms is prohibited.”

<sup>2</sup> Article 4 of the Federal Act for the Prevention and Elimination of Discrimination.

implementation and regulating public policies for combating discrimination, with a mandate to carry out and coordinate anti-discrimination measures of information, education, dissemination and other types and in favour of a culture of reciprocity and egalitarianism in people's treatment of one another. The Council is a decentralized body of the Federal Government, with its own legal personality and assets and enjoys technical and managerial autonomy. Since it does not come under any authority, it takes its own totally independent decisions in the event of claims or complaints.

28. Another of the Council's responsibilities is to contribute to the country's cultural and social development in this area; carry out legal actions conducive to the prevention and elimination of discrimination; formulate and promote public policies for equality of opportunities and treatment in favour of persons on the national territory; and coordinate the activities of the departments and agencies of the Federal Executive for the prevention and elimination of discrimination.

29. The following are among its main tasks: to devise strategies and instruments; propose and evaluate the execution of the National Programme for the Prevention and Elimination of Discrimination; adopt measures and programmes for the prevention and elimination of discrimination in public and private institutions and organizations; develop the promotion and dissemination of studies on discriminatory practices in the political, economic, social and cultural areas; conduct studies on the legal and administrative regulations existing on the matter and propose, where necessary, the appropriate amendments; investigate alleged discriminatory acts and practices; hear and settle the proceedings regarding complaints and claims under this Act; coordinate relations among federal, local and municipal public institutions and with persons and social and private organizations. The Council's greatest innovation perhaps lies in its capacity to receive complaints of acts of discrimination that occur in private circumstances (in the worlds of education, labour, sport, leisure and so on.) In such a case, the Council may act as a mediator or conciliator between the parties, without detriment to the plaintiffs' right to take legal action when they deem it appropriate.

30. The Commission is administered by a governing board that looks after governmental and civic participation,<sup>3</sup> and has an Advisory Council so that the voices of those struggling against social exclusion can be heard. The Council also has a Consultative Assembly, composed of representatives of the private, social or academic sectors, which is an organ for of advice and guidance on the actions, public policies, programmes and projects it develops.

31. In short, the purpose of the Federal Act for the Prevention and Elimination of Discrimination, which regulates the guarantee of non-discrimination foreseen in Article 1, third paragraph, of the Constitution, is to establish the rules and procedures for preventing and eliminating discrimination, and affirmative and compensatory measures for attaining equality of opportunities. This situation gives us a legal framework for preventing any form of discrimination and achieving genuine equality of treatment and opportunities.

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<sup>3</sup> It is composed of five representatives of the Federal Executive branch and five appointed by the Constituent Assembly. The former shall belong to the following ministries: Interior, Finance and Public Credit, Public Education, Health, and Labour and Social Welfare. Sitting as permanent guests will be a representative of each of the following public agencies: National Institute for Women, Mexican Youth Institute, National Commission for the Development of Indigenous Peoples, National Institute of the Elderly, CONASIDA and National DIF.

### C. ARTICLE 3

32. In addition to the foregoing concerning the Federal Act for the Prevention and Elimination of Discrimination, attention should be drawn to the pioneering nature of two activities and initiatives in Mexico: it is the first country in the world in which an office of the representative of the Office of the United Nations High Commissioner for Human Rights has been installed in peacetime, and it is the first in which the Government has put the preparation of a national diagnosis on human rights into the hands of the United Nations.

33. Chapter 5 of the diagnosis, submitted in December 2003, is devoted to the topic of women's human rights. The first general statement refers to the incorporation of the provisions of the international conventions, especially CEDAW and Belém do Pará, into the national and State legislation and their due implementation. Regarding the PROEQUIDAD programme, it advocates "promoting an efficient national legal framework on the human rights of women and girls, whereby women's and girls' full enjoyment of those fundamental norms will be promoted and guaranteed." It also provides for a series of strategic actions for the defence, protection and promotion of the human rights of women.

34. With a view to making a decisive contribution to human rights defence and promotion, a project, "Legislation with a gender perspective", was designed in order to encourage a legislative agenda that guarantees equality and non-discrimination. Four working meetings were held in late 2003: one with the women legislators of the Federal Congress and three regional ones with male and female legislators of the Equity and Gender Commissions of 27 of the 32 existing local congresses, in which State women's bodies also participated.

35. Their work made it possible to furnish basic tools for the acquisition of basic legal knowledge for incorporating a gender perspective into legal initiatives, highlighting the importance of considering the international instruments on women's human rights during legislative work.

36. The topics arising during the meetings included gender-perspective budgeting, women's labour rights, quotas for women's political participation, and delinquent minors, among others.

37. The obstacles referred to at those meetings made it possible to identify the imperative need to abrogate and repeal legal provisions that undermine the human rights of women and children, stimulate mechanisms that afford the continuity of legislation regardless of the change of legislators every three years, and raise male and female legislators' gender awareness through a series of continuous and ongoing meetings that explain the importance and method of incorporating a gender perspective into the task of legislation.

38. An important recent legislative achievement was the promulgation of the General Act on Social Development, which has among its objectives adherence to a National Social Development Policy that furnishes the conditions for ensuring the enjoyment of social – both individual and collective – rights, guaranteeing access to social development and equal-opportunity programmes, as well as overcoming discrimination and social exclusion, acting in accordance with the principle of respect for diversity that includes gender mainstreaming and establishing, moreover, a ban on any discriminatory practice in the provision of the goods and services contained in the social development programmes.



39. Regarding financing and spending, of note are the provisions establishing that the “*programmes, funds and resources earmarked for social development have priority and are in the public interest... and their budget amounts may not be reduced,*” and that the federal budget for social spending may not be less than it was in the previous fiscal year and must increase in line with the growth of the gross domestic product.

40. In April 2003, a proposal for reforms and additions to various articles of the Planning Act was submitted for the purpose of drawing up the plans of the Federal Public Administration in the design of public policies, considering the gender perspective as both a tool and content. Likewise, reforms to the Planning Act and the Statistical Information and Geography Act, submitted on 18 November 2003, aim to create demographic policies that include this gender perspective and ensure that gender-equity criteria are applied in national planning.

41. Regarding electoral matters, the reforms that are being made to the Federal Code of Electoral Institutions and Procedures (COFIPE), as well as the presence of affirmative actions in 22 of the 32 state electoral laws, have had a notable impact on the recognition of women’s civil and political rights and on progress towards better access to political posts for women.

#### **Budgets with a gender perspective**

42. As regards budgets with a gender perspective, worthy of mention is the reform of article 43 of the Rules for the Operation of the Budget of Expenditure of the Federation 2004 (PEF), whereby departments are instructed to include indicators of results, disaggregated by sex and age group, in project evaluations. Further, it establishes that equitable and non-discriminatory access of women and indigenous persons to programme benefits must be guaranteed.

43. Such evaluations must state the resources allocated to the beneficiaries and incorporate a specific paragraph on the impact and results of the programmes on the welfare, equity and equality of women and non-discrimination against them.

44. A comprehensive review of the PEF shows that departments and bodies of the Federal Public Administration (APF) have resources to be used for women, which *in 2004 are being used through 134 programmes or actions, with a total of 133,901,462,069 pesos*. It should be said that, under article 16 of the PEF, the amounts authorized for gender equity programmes shall not be subject to budget adjustments.

45. In order to strengthen the APF departments in this regard, the National Institute for Women (Inmujeres) conducts methodology and awareness-raising workshops attended by public officials, both male and female, from 36 departments.

46. The purpose was to ensure that, within their fields of competence, they encourage the preparation and execution of equitable budgets for women and men. In this context, the *Conceptual Guide 2004 for preparing institutional budgets with a gender perspective* was published and the first version of the *Analytical Guides for identifying and including gender mainstreaming in the Budget of Expenditure of the Federation*. The impact of these strategies contributed to the budgets’ greater transparency and an increase in the number of actions.

47. The national mechanism took action on 74 federal programme operating rules and analysed, in greater depth and with a gender focus, operating rules in which proposals for evaluation indicators with a gender perspective for 11 APF departments and bodies were included.

48. Mexico's social policy has designed and incorporated specific actions for addressing the needs of women living in poverty. With regard to reform of laws and administrative practices for giving women equal rights and access to economic resources, the Ministry of Social Development (SODESOL) has conducted a review of the Operating Rules for incorporating a gender perspective in 16 programmes.

Comment [BM8]: checked

49. In order to expedite the review process, in coordination with public officials with direct responsibility for operation of the programmes, a *Guide of Basic Procedures* was prepared. It provides 94 operating rules that make it compulsory to include non-discrimination against women, in accordance with article 55 of the Decree on the Budget of Expenditure of the Federation for 2004.

50. The *Federal Act on the promotion of activities of civil society organizations* clearly demonstrates the existence of active joint responsibility with the Government on the part of those civil society organizations devoted to the promotion of gender equity.

51. Also outstanding is the *Protection of Migrants and Immigrants Act initiative*, article 20 of which establishes the observance of international conventions and treaties on gender equity and others concerned with avoiding marginalization based on sex, and the establishment of activities for avoiding abuses in migration procedures and any other inhuman and degrading treatment of documented and undocumented women migrants.

52. The *Convive* Programme of the Generosity Project carried out by Inmujeres with World Bank funding provides training for the strengthening of women leaders and raising the awareness of male leaders, through workshops that make for new, improved relations within their organizations and within the community as a whole. The workshops tackle various subjects, such as domestic violence.

#### D. ARTICLE 4

53. The States parties to the Covenant recognize that, in the exercise of the rights guaranteed under the Covenant, the latter may subject such rights only to limitations determined by law, and only insofar as is compatible with the nature of those rights and with the exclusive aim of promoting the general welfare in a democratic society.

#### E. ARTICLE 5

54. No provision of the present Covenant may be interpreted to mean recognition of any right of a State, group or individual to undertake activities or carry out actions aimed at destroying any of the rights or freedoms enshrined in the Covenant, or at limiting them more than the provisions of the Covenant allow.

55. No restriction or denigration of any of the fundamental human rights recognized or in force in a country shall be permitted by virtue of laws, conventions, regulations or customs, on the grounds that they are not recognized, or recognized to a lesser extent by the Covenant.

## II. PROVISIONS CONCERNING SPECIFIC RIGHTS

### A. ARTICLE 6

#### Paragraph 9 (a) of the guidelines\*

56. During the first quarter of 2004 the employed population totalled 41.6 million persons, consisting of 27.1 million men (65.2% of the total) and 14.5 million women ((34.8%)<sup>4</sup>. Although the overall participation of women is still low, women have been entering employment more rapidly than men; the average annual rate of increase in the numbers of employed women has been 2.1% during the last 5 years and 3.3% during the last 9 years (taking 1995 as a base point, since there was no national employment survey (ENE) in 1994), as against rates of increase for men of 0.9% and 1.6% during the same periods.

57. Substantial numbers of women in employment are in fact under-employed. The numbers have, however, fallen; in 1995, 40% of employed women were in part-time employment (less than 35 hours per week), whereas today only 34.4% of them are in employment of this type. In addition, the average rate of registered unemployment among women during the last 10 years has been 2.9% and that for men 2.4%.

58. Employment among young persons (ages 12-24) has fallen during the last 10 years. This is partly due to the fact that most young persons have tended to remain longer in school following the lengthening of the period of compulsory education up to the beginning of secondary education. However, it is still the population group with the highest level of unemployment (average rate of 4.5% over the last 10 years). This is more than double the corresponding rate for adults (1.9%).

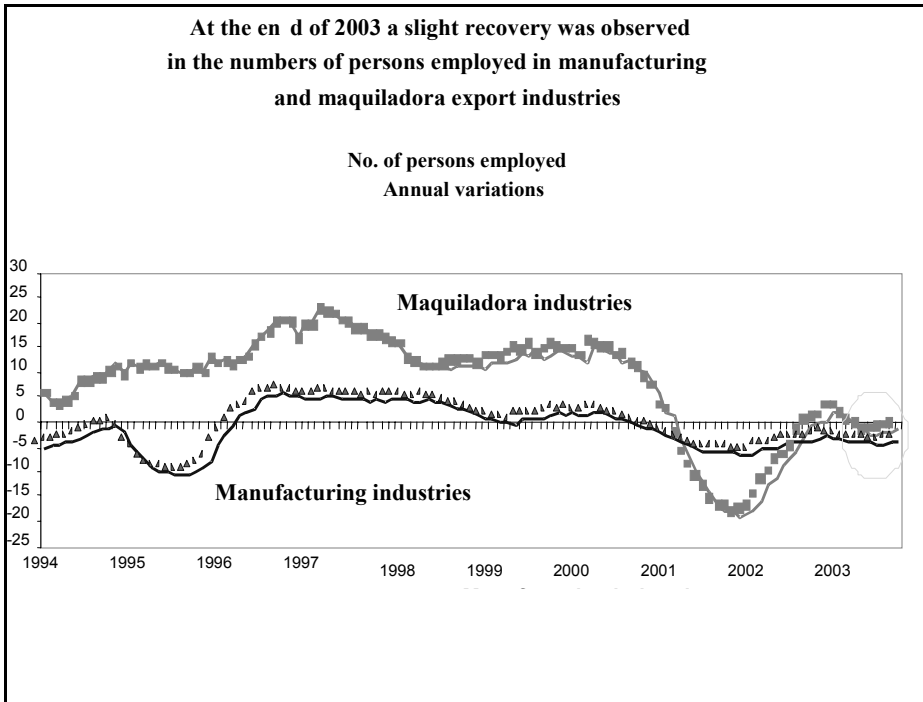
59. Employment among older persons (age 60 or over) has shown a steady increase: During the last decade it has been rising at an average annual rate of 3.3% - a rate only slightly lower than that the rate of growth of the employed adult population (3.5%). Nearly one-third of employed older people are working in conditions of underemployment.

60. Additional statistics from the National Employment Survey (ENE) forming part of the quarterly series on the employed population by region, broken down by sex and age group, and a table briefly illustrating employment trends, are appended (Annex II).

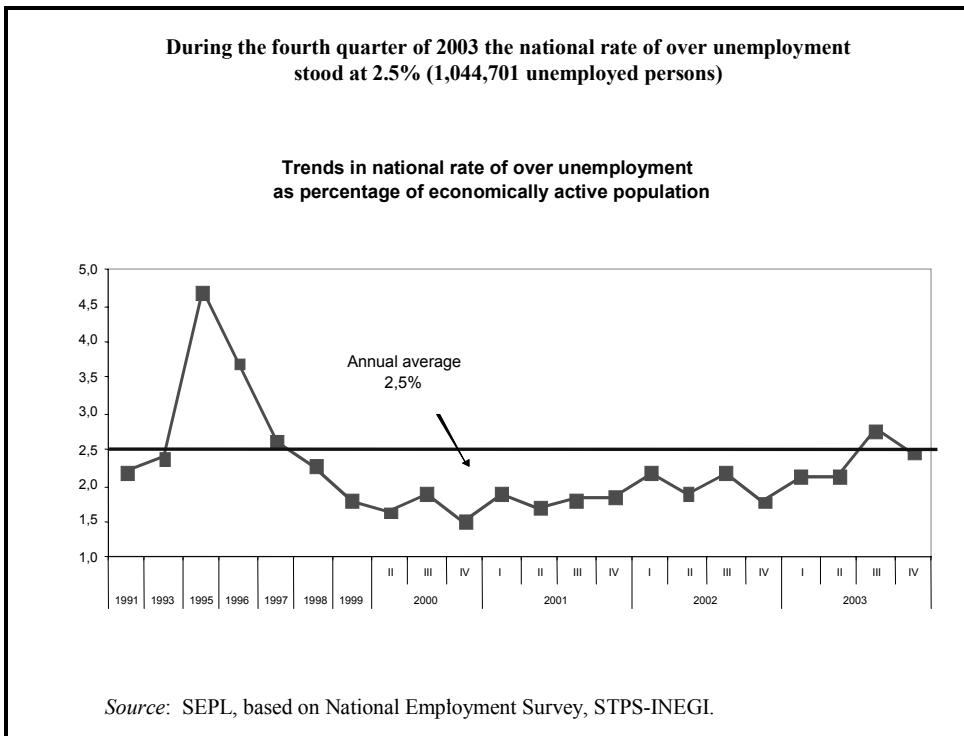
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\* HRI/GEN/2/Rev.2.

<sup>4</sup> According to the 2000 census, the population of Mexico was approximately 97,483,412 persons, with an annual rate of increase of 1.9%.

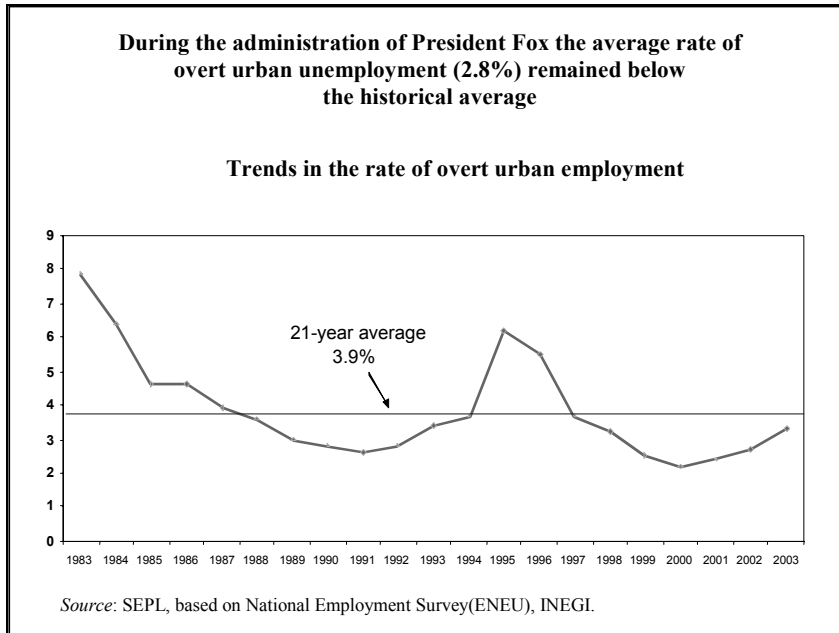


Source: Ministry of Labour and Social Welfare

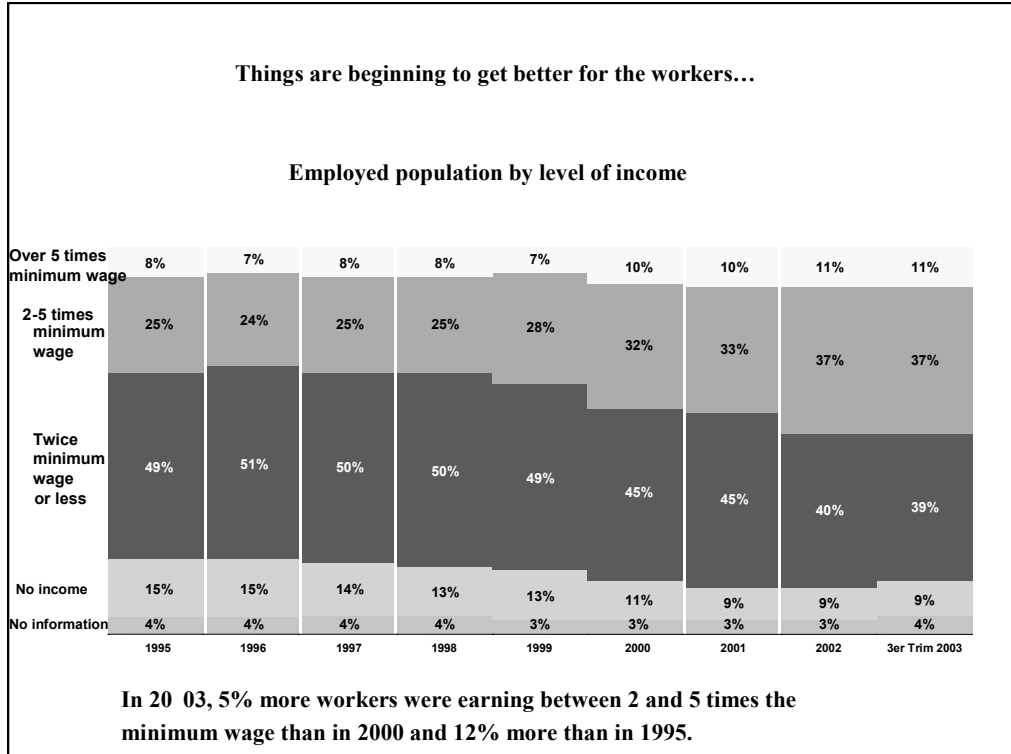


Source: SEPL, based on National Employment Survey, STPS-INEGI.

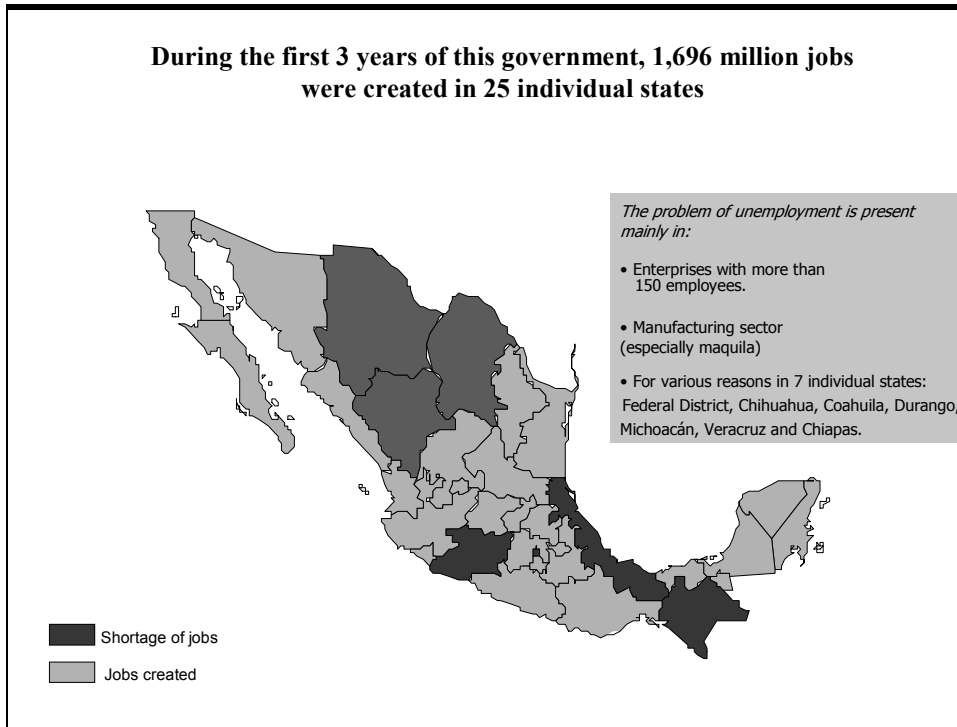
Source: Ministry of Labour and Social Welfare



Source: Ministry of Labour and Social Welfare



Source: Ministry of Labour and Social Welfare



Source: Ministry of Labour and Social Welfare

### Paragraph 9 (b)

61. The labour policy of the government lays down a five-point strategy:
- (1) inclusiveness, since all the trade unions, all the employers' organizations and all individuals must be included in the development process in the work sphere, in order to make the changes possible;
  - (2) the gradual nature of the introduction of the necessary changes;
  - (3) dialogue as a vehicle for change and decision-making;
  - (4) legality, in order to provide investors and workers with legal certainty;
  - (5) labour peace, since it offers a propitious environment for investment and development.
62. Within this five-point strategy a "New Labour Culture" is being promoted among all the actors in the process of change – namely the workers and the employers in the country – in order to establish favourable conditions in employment, training, productivity, competitiveness and the living standards of the workers.
63. The Ministry of Labour and Social Welfare (STPS), through the agency of the National Employment, Training and Skills Development Service (SNE), has a number of tools in the fields of information, linkages and matching, training and specific forms of support for the securing of jobs or productive activities targeting particular sectors such as women, young persons, vulnerable groups, indigenous communities and the promotion of equitable access for all.

64. The SNE works in a coordinated manner with the governments of the states and the Federal District to make available to the entire population, through the State Employment Services (SEEs), the services and the support measures of an active labour market policy forming part of the Employment Support Programme (PAE). The aim of this programme is to increase the employability of the unemployed and underemployed population by providing vocational guidance, technical assistance, information and, in certain cases, training and financial or material support.

65. The State Training and Employment Committees (CECEs) act as advisory bodies to the SEEs in support of the planning and implementation of measures.

66. The CECEs are instruments for the improvement of the quality standards and relevance of the support measures provided by the PAE for the entrepreneurial sector and the workers. They also permit feedback to the subprogrammes of the SEEs in the form of up-to-date information on and analyses of the labour market in each region. The educational and training institutions derive benefits from their participation in the CECEs; they learn about the job profiles sought in the production sphere and adapt the content of the syllabuses of the training they offer accordingly, with the result that a higher proportion of their graduates find places in the labour market.

67. In addition, the time and cost of placement for job seekers and of recruitment for enterprises are reduced by information schemes bringing job offerors and job seekers together efficiently through electronic systems providing information and bringing parties together in a simple and user-friendly fashion with the aim of giving job seekers a sufficient range of choices to find jobs matching their needs. These systems help to make the labour market more transparent and to extend the coverage of the placement process to all the segments of the population seeking employment.

68. Another aspect of the work of the STPS is the Training Support Programme, the purpose of which is to take measures (together with the state governments, enterprises, workers and other actors in the labour market) in the fields of skills development and continuing upgrading training of a nature to contribute to the development of workers employed in micro, small and medium-sized enterprises with a view to improving their levels of quality of life and productivity and, as a result, to improve the competitiveness of the enterprises in which they work.

69. In coordination with the Ministry of Public Education (SEP), the Standardization and Certification of Occupational Skills System is promoting the definition, establishment, evaluation and certification of occupational skills in the different branches of activity and with the participation of the entrepreneurial sector. The benefits sought under this system are:

- Greater transparency in internal and external labour markets and greater speed in the processes of recruitment and mobility;
- The recognition of knowledge and skills and the development of multiple skills;
- The promotion of skills development and lifelong continuous training;
- Mobility and transparency in the labour market with the availability of timely information;
- Guidance for skills development and administration of human resources,
- Improvement of competitiveness of enterprises.

70. These and other tools reflect the new vision of work and the new concepts of productivity, quality and competitiveness.

71. The aim of the STPS is to achieve equality of opportunity for all (and particularly young persons, older persons, handicapped persons, sufferers from HIV/AIDS, day-wage labourers, members of indigenous groups, persons deprived of liberty and other groups) for purposes of access to and remaining within the sphere of employment, and also to combat child labour, by framing and implementing affirmative measures comprising a gender perspective.

72. The integration into the world of work of handicapped and older persons is a matter for the Chamba Par programme, which consists of an employment office designed for these vulnerable groups. It is designed to bring handicapped and older persons seeking employment into contact with enterprises with vacancies for workers in these categories. The pool of applicants consists mainly of handicapped persons who have completed training in Training Centres for Industrial Employment (CECATIs) and the National College of Technical Vocational Education (CONALEP) and applicants from the agencies for integration into working life forming part of the National System for Integral Development of the Family (DIF).

73. Likewise, the Evaluation Centre for Handicapped and Older Persons has tools for evaluating the skills, abilities, aptitudes, attitudes and training-for-employment needs of handicapped persons and older persons with which to obtain labour profiles facilitating their inclusion within training and selective placement measures.

74. In the States of Chiapas, Mexico, Guanajuato, Jalisco, Querétaro, San Luis Potosí, Aguascalientes, Tlaxcala, Sinaloa, Sonora, Hidalgo and the Federal District the Specialized Contact Network for the Integration into Working Life of Handicapped and Older Persons has been established with the aim of establishing a network comprising public, private and social institutions in order to bring together seekers of labour and seekers of employment at national level.

75. Information on individual STP training and employment programmes specifically directed towards human resources development will be found later in this report.

**Paragraph 9 (c)**

76. The task of the STPS is to implement with justice and equity the national labour policy which promotes the common welfare. That task derives from the National Development Plan, which states that the task of the Government of Mexico is “to increase equity and equality of opportunities”, using criteria which recognize the differences and inequalities in society in order to frame social policy strategies designed to extend and offer equality of opportunities to every man and woman in Mexico’s population.

77. One of the principal objectives of the National Labour Policy Programme 2001-2005 is the strengthening of the New Labour Culture, which promotes work as an expression of the dignity of the human person in order to achieve his full potential and to improve his standard of living and that of his family. The programme stimulates the New Labour Culture to promote labour by the attainment of decent and well-paid conditions of employment for society as a whole.

78. The STPS has mechanisms for matching the supply of and the demand for labour to increase the ability of the unemployed and the underemployed to find work. It offers vocational guidance, technical assistance and information and, where appropriate, training and financial or material support (machinery and equipment for productive investment projects) in the light of the characteristics of the project and those of the labour market.



79. In coordination with the governments of the federated states and through the intermediary of the state employment services (SEEs), the STPS operates a number of direct matching programmes; these are described below.

**(a) Direct Matching Activities (Employment Offices)**

80. The work of the employment offices is focussed on the individual; its aim is to establish links, in an expeditious, efficient and timely manner, between job seekers and the opportunities for employment offered by enterprises. This service is made available to the target population by all the SEEs within the Republic and the Federal District through the intermediary of the local units of the Employment Service. The labour profile of each job seeker is determined by interviews conducted by employment counsellors and is matched with the vacancies reported by the entrepreneurial sector. This proceeding permits the identification of a suitable person in the shortest possible time on the basis of the features required by the enterprise.

**(b) Employment fairs**

81. The purpose of employment fairs is to bring seekers of labour and seekers of employment together in one place with the aim of matching one another and of enabling both parties (enterprises and job seekers ) directly to choose the individuals (or the jobs, according to the case) meeting their expectations. Employment fairs are organized by the Employment Services in the federated states and the Federal District.

**(c) Workshops for job seekers**

82. The purpose of workshops for job seekers is to provide information and recommendations which will enable a job seeker rapidly to enter the labour market. These workshops are conducted by officials of the Employment Services and are destined for persons who have some difficulty in finding employment.

83. This mechanism permits selection of the persons wishing to take part in a workshop. They are divided into groups according to their level of education and other features, i.e., through specialist workshops. The subjects discussed are selected according to the characteristics of the group. This manner of proceeding permits recourse to flexible modules matching the specific needs of each group, and thus the range of persons for whom workshops will be provided is being extended.

**(d) State training and employment committees**

84. One of the principal basic functions of the State Training and Employment Committees (CECEs) is the design of mechanisms making for better relations with the entrepreneurial sector, the identification of its manpower training needs, the need for information on labour markets and regions and occupations requiring priority matching and training measures.

85. The CECEs are instruments permitting improvements in standards of quality and relevance in training and linkage measures offered to the entrepreneurial sector. They also offer a source of feedback to the SEE, consisting of up-to-date information on and analyses of the labour market in each region. Educational and training institutes derive benefit from their participation in the CECEs, since they gain information on the occupational profiles needed by the production apparatus and on that basis can adapt the content of the training courses they offer; with a

resulting improvement in the proportion of their graduates who find places in the labour market. The placement agencies and employment offices also benefit from the broadening of their field of action.

86. In this way the CECEs serve as a forum in which the principal actors in the labour market meet and match with one another, setting out their needs for information, training and placement. In this way the SEE learns of the requirements of the labour market from the behaviour of the principal actors therein and directs more effectively its efforts to bring the supply of and the demand for labour into balance through measures supported by each CECE within its field of competence.

**(e) The State Employment System**

87. The State Employment System (SEE) is an instrument of the State Employment Services. Its principal task is to maintain contact with the areas of recruitment, selection and engagement of personnel in the production apparatus of each state by means of periodic working meetings for the exchange of qualitative and quantitative information on labour supply and demand, thus enabling enterprises to meet their needs in personnel in an adequate and timely manner. The task of the SEE is to secure places for a greater number of job seekers and at the same time to facilitate decision-making on joint strategies to improve the functioning of labour markets.

88. Thus the central objective of an SEE is the exchange of information on vacancies and job seekers with a view to increasing the numbers of the latter who find places in the labour market.

**(f) The Chambatel and Chabanet matching systems**

89. In the year 2000, with a view to introducing greater diversity into the services and bringing them more closely into line with the needs of both labour seekers and job seekers, Mexico has set up the Chambatel Matching System, by means of which job seekers can obtain information on vacancies by telephone, thus facilitating the matching of job offerers with job seekers.

90. In the same way an electronic employment office known as Chabanet has been designed, developed and brought into operation. It caters for the requirements of the entrepreneurial sector in skilled personnel and for those of job seekers in those sectors of the population which have access to the Internet. These two services are new matching instruments and offer another vehicle through which the SNE is endeavouring to expand the range of its activities.

**(g) The periodical “Mi Chamba”**

91. Another of the new vehicles for information and matching in the labour sphere, which was designed and established in the light of the need to modernize the services and make them more expeditious, is the periodical Mi Chamba. A primordial aspect of this instrument is the use and exploitation of information and telecommunication technologies.

92. *Mi Chamba* is a free publication designed to provide citizens with an expeditious source of information on employment opportunities. It is published fortnightly; it contains 16 pages, is attractively presented and easy to read; it contains information on vacancies and SNE and STPS programmes. In the Federal District 65,000 copies are printed; it is distributed in automobile service stations, government offices and NGOs and handed out in public places.

93. The principal benefits for job seekers are the availability of timely information on vacancies; this reduces time and expenditure on searching for employment.

94. For enterprises it is a means of obtaining more applicants for vacant posts and saves time and expenditure on recruiting and selecting employees.

**(h) Programme for the temporary employment of Mexican farm workers in Canada**

95. In addition to the services responsible for direct matchings at local, state and regional levels, the SPTS coordinates the operations of a programme for the matching of nationals with vacancies abroad known as the Mexico-Canada Programme for the Temporary Employment of Farm Workers (PTAT).

96. The purpose of the programme is to offer secure and remunerative alternative employment to Mexican farm workers who, on account of conditions peculiar to rural areas, find themselves unemployed, in such a way that the financial benefit accruing from their work returns to their families. To that end, in 1974 the Government of Mexico responded to a request from the Government of Canada, signing a memorandum of understanding between the two countries under which Mexico undertakes to recruit, select and send to Canada farm workers with substantial experience of farm work, and who are not seeking to settle in Canada, to work on Canadian farms under temporary contracts.

**(i) The "Opening Spaces" Programme**

97. The STPS is also promoting a series of measures to facilitate the insertion of handicapped and older persons into the labour market with full respect and exercise of their human, political and social rights. In this context the "Opening Spaces" programme is a specialist matching network which seeks to coordinate the efforts of public and private institutions with a view to promoting the insertion of these groups into employment or their inclusion in programmes of training for employment.

98. The "Opening Spaces" programme is coordinated by the STPS; the National System for Integrated Development of the Family (DIF), rehabilitation institutions, non-governmental organizations and the entrepreneurial sector participate in its implementation.

99. The objective of the programme is to bring within a single framework all the measures of labour force management targeting handicapped and older persons in order to optimize opportunities for their placement and training and to guarantee not only their integration in the labour market but also their development and protection within it.

100. The principal activities conducted under this programme are concentrated in Chamba-Par and the Evaluation Centre for Handicapped Persons and Older Workers.

101. **Chamba-Par.** The objective of Chamba-Par is to bring handicapped and older persons seeking employment into contact with enterprises which have vacancies suitable for workers in these groups. The aim of these measures is to provide support for these population groups on equal terms with the measures undertaken for the rest of the population.

102. **Evaluation Centre for Handicapped and Older Persons.** The Centre has at its disposal tools for determining the skills, abilities, aptitudes, attitudes and training needs for employment

of handicapped and older persons, and thus to obtain occupational profiles facilitating their incorporation into training schemes and selective placement.

103. With these evaluation tools it is possible to determine, speedily and efficiently, the abilities, manual dexterities and potentialities of handicapped and older persons in relation to the different occupations for which there is a need in the production sector. These measures are complemented by interviews and psychometric tests designed to secure more precise images of the vocational and occupational profiles of these groups.

**(j) Transitional work centres for vulnerable groups**

104. As an additional measure designed to support the "Opening Spaces" programme, the STPS has been promoting the establishment of Transitional Work Centres (GTLs). These are production plants, service enterprises, factories, maquiladora centres, etc., set up to provide employment for persons suffering from unequal conditions of employability.

105. In each CTL it is sought to establish conditions equivalent to any factory, maquiladora or service enterprise in the branch concerned; i.e., it will have administration, production, accounting and marketing departments to ensure a profitable financial situation.

106. In these centres persons suffering from unequal conditions of employability, in addition to being paid for their work, will be evaluated and certified by institutions qualified for the purpose so that they can subsequently apply to an employment office and eventually be incorporated into the national labour force under better conditions, thus fulfilling the primary objective.

**(k) System of financial support for labour mobility, within the country and abroad**

107. In a considerable number of municipalities in some of the federated states the production infrastructure and the basic conditions for agriculture and related activities are insufficient to meet the needs of the unemployed rural population groups living in those municipalities. In such situations the demand for labour and opportunities for self-employment are rare or non-existent. Consequently people living in these places are compelled to seek employment opportunities in other parts of the country (or abroad) where the economy is more dynamic. This gives rise to substantial flows of agricultural labour from one state to another, and even to other countries.

108. The flow (or mobility) of part of this population group takes place under unfavourable conditions as regards food, transport, lodging at the place of arrival, education and basic health services, to mention only the most important factors. In these circumstances it has been necessary to give attention to these matters and to contribute to the improvement of the conditions of movement and of settlement of this population group in the zones of departure and of arrival.

109. For another section of the agricultural population the distance of their places of residence from the capital cities of their respective states, and even from Mexico City, has for years restricted their ability to benefit from the Mexico-Canada Programme for the Temporary Employment of Farm Workers (PTAT).

110. To deal with this problem the federal government has been coordinating actions and resources of different ministries and public institutions for the purpose. In this context the STPS has, within the area of its competence, designed and developed financial aid schemes known as

“Systems of Financial Support for Labour Mobility within the Country ((SAEMLI) and Abroad (SAEMLE).”

111. The general objective of SAEMLI is to establish machinery enabling support to be provided to day-labourers in agriculture as regards training and transport from their places of origin to the host zones in which they will be employed. These measures will permit improvement of the employability of this population group and also of their mobility to zones where employment opportunities exist.

112. The SAEMLE, for its part, is designed to be a mechanism enabling the agricultural population living in places distant from the Federal District to complete the procedures for inclusion in the PTAT and thus enable that population group to benefit from that programme.

113. The support measures are basically directed at the population in the states characterized by regular departures and arrivals of day-labourers in agriculture and at first-time applicants to participate in the PTAT from anywhere in the Republic.

#### **(I) Financial Support System for Job Seekers**

114. In 2002 the federal government designed, through the STPS, an experimental pilot scheme providing a support mechanism known as the Financial Support System for Job Seekers (SAEBE). Its fundamental purpose is to help the unemployed population in the process of seeking employment and thus to reduce the expenditure of the unemployed population implicit in that process. Clearly this is not an unemployment insurance scheme; rather it is a mechanism which, far from acting on the unemployed population as a disincentive to seek employment, seeks to offer certain facilities to that group with a view to achieving their aim of securing integration into the labour market.

115. To seek work an unemployed person needs financial resources to make telephone calls, to travel from place to place and in particular to support his family – to name only the most important needs. The lack of such resources reduces the likelihood of a job seeker finding a job. To that end the SAEBE provides resources to cover certain basic items of expenditure which a job seeker has to incur. The provision of this support is subject to the performance of a number of search measures by the beneficiaries.

116. The mechanism of the SAEBE is designed fundamentally for unemployed persons in the formal sector, i.e., persons who were contributing to the social security scheme but who have lost their places in the labour market and are seeking work.

117. The system was conceived not so much as a passive labour market policy as a mechanism facilitating the matching of labour supply and demand. The support measures are directed at the part of the unemployed population in the formal sector of the economy. The explanation for this is that persons in this segment of the population have lost their positions in the production apparatus relatively recently and are more likely to find new employment than persons who have been out of the labour market for long periods.

118. Thus the persons for whom the SAEBE is designed form part of the economically active population in the formal sector who are in situations of overt unemployment and who make personal application at the offices of the State Employment Services (SEE) for admission to the benefits of this scheme.

119. To be admitted to the scheme an applicant must be unemployed and have been actively seeking work for at least three months, have contributed to the social security scheme for at least 6 months, have persons financially dependent on him or her and be aged 18 or over.

**(m) Employment creation programmes of the Ministry of Labour and Social Welfare**

120. Support for Productive Investment Projects takes the form of promotion of initiatives taken by economically disadvantaged persons for the creation, consolidation or maintenance of projects which may generate decent and lasting jobs. Such promotion requires the consolidation of a strategy within which the different actors in society participate with their experience and with their own tools to promote the creation of jobs, the consolidation of projects and the promotion of micro-regional production circuits and to seek the economic integration of the regions. These last two elements will ensure the future of the projects launched.

121. The project involves budget resources, training, continuing consultancy services on technical, administrative and managerial matters and also the participation of other bodies generating micro-regional development proposals, evaluating impacts, bringing together human and material resources to give form and coherence to the efforts of producers and entrepreneurs in the different regions and micro-regions of the country with the intention of seeking support opportunities which will better sustain a micro-region or a point where seekers and suppliers of goods and services meet.

122. Under this scheme consideration may be given to an individual, or a group of individuals, willing to create, consolidate or maintain a productive project. Each such project will receive support up to a maximum of 25,000 pesos (approximately US\$ 2,500) per participant, subject to a maximum of 125,000 pesos (approx. US\$ 12,500) where five or more participants are involved. This sum may only be used for the purchase of tools, equipment and machinery; it can be channelled to the beneficiaries under a commodatum scheme against signature of a certificate of delivery and receipt. It is important to mention that verification of purchases takes place at the same time as the other checks.

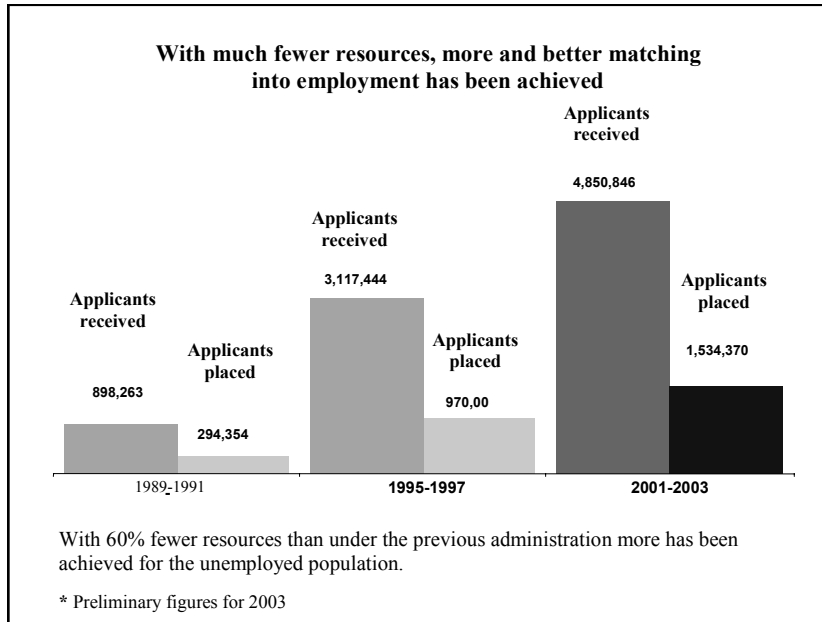
123. In addition, the Government of Mexico intends to update labour legislation in order to consolidate rights, to foster employment, to promote training, productivity and competitiveness and thus to strengthen the country's capacities. Social justice forms part of an efficient economy which can at the same time be self-sustaining in a global and humanist dimension.

124. There have been no substantial amendments to the Federal Labour Act since 1970, and a consensual modernization had become necessary. To that end, as early as April-May 2001 a central decision-making board was established with pluralist participation of the different production sectors on an equal footing. The tasks completed included a nation-wide consultation of the people and the submission by the representatives of the production sectors, on 26 November 2002, of a proposal for reform of the Labour Act. On 12 December 2002 legislators belonging to the National Action Party (PAN), the Institutional Revolutionary Party (PRI) and the Green Ecologist Party of Mexico (PVEM) gave their support to this set of agreements and submitted a proposal to the Chamber of Deputies. It must be stated that this proposal has not yet received the support necessary for approval.

125. The proposal for the reform of labour legislation covers six themes:

- The concept of “master” (*patrón*) is to be replaced by that of “employer” (*empleador*); This establishes a better balance in the relationship. Respect for the dignity of the individual is recognized as an essential aim of labour standards, since in no case may conditions be created implying discrimination among workers on any grounds whatsoever.
- Furthermore, sexual harassment is prohibited and punishable. Employers are forbidden to dismiss a woman employee or force her, directly or indirectly, to resign because she is pregnant, has changed her civil status or has child dependents.
- Under one of the chapters of the reform new forms of contract are to be established as follows: (a) the initial training contract is proposed as an option to make a post available and to break the vicious circle of being debarred from a job on account of a lack of work experience and vice versa; (b) the contract of employment providing for a probationary period is another mechanism of engagement, which would already be formally recognized in the legislative reform. No such contract would have a validity exceeding 180 days (for example, at managerial level) or be extendable; or be applicable to a worker simultaneously with another contract or in succession or on more than one occasion.
- The national education system is to be involved in worker training and skills development. This will greatly expand opportunities for on-the-job training with teachers from the national education system. Employers are given facilities to send their workers to complete their primary, secondary or preparatory education or for any formal course of study. Facilities are also provided through promotion of education to enable employers to discharge their obligation to give training.
- Enterprises with less than 21 workers are to be freed from the obligation to establish joint committees, since micro and small enterprises are unable to function effectively with structures of this kind. The obligation to train will remain entire, but in a community of less than 21 persons interchanges between employer and worker are to be facilitated so that in that way education and training can be transmitted. The requirement that entrepreneurs must register their training plans and programmes with the STPS would also be abolished.
- The ability to take more accumulated rest days is to be increased, either because the working week is organized in agreement with the workers or because there is agreement with the workers to carry rest days over or back to the Monday immediately following or the Friday immediately preceding the week-end, thus avoiding “bridges” between a rest day and a week-end, which adversely affects productivity.

126. The task of tripartite representative in hearings before boards is being professionalized, and representation by lawyers appointed by workers and employers would also be professionalized.



Source: Ministry of Labour and Social Welfare

### Paragraph 9 (d)

127. In Mexico the provisions guaranteeing the right of free choice of employment and ensuring that conditions of work do not violate the fundamental political and economic freedoms of the individual are contained in the Political Constitution of the United Mexican States and the Federal Labour Act (LFT).

128. On the subject of freedom of choice of employment, Article 5 of the Political Constitution of the United Mexican States reads as follows: “No person can be prevented from engaging in the profession, industrial or commercial pursuit, or occupation of his choice, provided it is lawful.”<sup>5</sup>

<sup>5</sup> “Article 5. (...)The exercise of this liberty shall only be forbidden by judicial order when the rights of third parties are infringed, or by administrative order, issued in the manner provided by law, when the rights of society are violated. No one may be deprived of the fruits of his labour except by judicial decision.

The law in each State shall determine the professions which may be practiced only with a diploma, and set forth the requirements for obtaining it and the authorities empowered to issue it.

No one can be compelled to render personal services without due remuneration and without his full consent, excepting labour imposed as a penalty by the judiciary, which shall be governed by the provisions of sections I and II of Article 123.

Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military service and jury service as well as the discharge of the office of municipal councilman and offices of direct or indirect popular election. Duties in relation to elections and the census shall be compulsory and unpaid, but those performed professionally under the terms of this Constitution and the applicable legislation shall be remunerated. . Professional services of a social character shall be compulsory and paid according to the provisions of law and with the exceptions fixed therein.

The State cannot permit the execution of any contract, covenant or agreement having for its object the restriction, loss or irrevocable sacrifice of the liberty of man for any reason.



129. In addition, Article 123 of the Constitution that every person has the right to decent and socially useful work.

130. Article 4 of the Federal Labour Act provides that: "No person can be prevented from working or engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful". The exercise of these rights may only be forbidden by decision of the competent authority when the rights of third parties or of society are violated (...).<sup>6</sup>

131. Article 3 of the same Act states that "work is a right and a social duty. It is not an article of trade. It demands respect for freedoms and dignity from those who perform it and must be performed under conditions which will ensure the life, the health and a decent economic level for the worker and his family."

### Paragraph 9 (e)

132. In the view of the STPS education and training are fundamental factors in the development of the potentialities, skills, abilities, values and attitudes of the workers. Against this background the STPS is responsible for the framing of public policy on training for the men and women workers of the country. In order to bring about radical changes in labour relations and to promote the National Labour Culture the STPS has at its disposal the following training and skills development programmes:

- **Cross-cutting programmes.** These are training programmes in human development subjects directed at all workers in the country, regardless of their occupational, educational or hierarchical status. Their aim is promote a cultural change permitting a humanization of labour relations through the design and organization of workshop courses which will enhance recognition of the dignity of the individual, of work as a means of transforming reality and of organizations as communities of shared development.

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Likewise no person can legally agree to his own proscription or exile, or to the temporary or permanent renunciation of the exercise of a given profession or industrial or commercial pursuit.

A labour contract shall be binding only to render the services agreed on for the time set by law and may never exceed one year to the detriment of the worker, and in no case may it embrace the waiver, loss, or restriction of any civil or political right.

Non-compliance with such contract by the worker shall only render him civilly liable for damages, but in no case shall it imply coercion against his person.

<sup>6</sup> "Article 4.

- I. The rights of third parties are violated in the following cases defined by law. They are.
  - (a) when a separated worker is definitively replaced, or an attempt is made to replace him, without a ruling on the case by the Conciliation and Arbitration Board,
  - (b) when a worker who has been separated from his employment on grounds of illness or force majeure, or with authorization, is denied the right to return to his former post when he presents himself again for work.
- II. The rights of society are violated in the following cases defined by law. They are.
  - (a) when, a strike having been called within the terms laid down in this Act, an attempt is made to replace the strikers in their normal jobs, or such replacement is in fact made, before the dispute which gave rise to the strike has been settled, save as provided in Article 468;
  - (b) when, a strike having been called in an equally licit fashion by the majority of the workers in an enterprise, the minority seeks to continue working or does so."

- **Multi-skill programmes.** Programmes of this type are directed at the occupations in the country in which demand is greatest and persons the majority of whom have both low educational levels and low incomes. They offer an opportunity for the training of workers as skills developers in the occupations in which demand is greatest; with the help of manuals prepared on the basis of technical standards of work competence, the persons concerned serve as disseminators of the contents of the manuals within their respective enterprises. The use of this tool enables enterprises to have employees who will support measures for the diagnosis, implementation and evaluation of the training process in their own work centres; it also enables workers to improve their work performance on the basis of standards of competence, thus contributing to the improvement of their quality of life and the competitiveness of the micro, small or medium-sized enterprise concerned.
- **Training support programme (PAC).** As mentioned earlier, this programme is designed for micro, small and medium-sized enterprises; it provides financial support for training and skills development programmes.

133. Unlike other social projects, which seek to solve a specific problem, the PAC seeks to create a novel system of public and private investment to respond to the changes continually taking place in a global market.

134. The PAC provides financial resources for the development of training programmes. It operates in response to demand from the production sector. Jointly with the governments of the federated States, the production sector and the representative organizations of employers and workers, it links up and implements training projects in accordance with criteria established by the STPS to improve the living standards of workers in employment and employers as well as their families as well as seeking to promote their full development as individuals. Likewise, it seeks to increase the competitiveness of enterprises and promote better integration into the market and the development process.

- **Employment Support Programme.** The purpose of this programme is to improve the employability of unemployed and underemployed persons by providing them with vocational guidance, technical assistance and information and, where appropriate, training or assistance in cash or in kind, according to the characteristics of the person concerned and of the market.

135. These and other tools reflect the new vision of work and the new concepts of productivity, quality and competitiveness. Statistics on training and employment for 1999 and 2001 are appended (Annex III).

#### **Paragraph 9 (f)**

136. During the last 30 years the Mexican economy has been suffering from the effects of economic crises coupled with the obsolescence of the model of economic growth which prevailed during the period 1940-80. To these factors may be added a process of accelerated opening and integration to the global economic environment, which affected the changes needed to adapt the production apparatus and the country's labour market to the new world-wide conditions.

137. It should be pointed out that the world economic environment has been unfavourable since 2001, notwithstanding the efforts made at different national and regional levels to stimulate the

recovery of the economy. In particular, the complex conditions experienced in the United States economy during the last four years, following a ten-year period of steady growth, have hampered the sustained revival of the Mexican economy. In addition to these difficulties the absence of internal agreement among the different political actors concerning the necessary reforms has delayed recovery and the creation of sources of employment.

138. Notwithstanding these difficulties, the economy has been improving year by year during the present administration. It is estimated that by the end of 2004 a growth rate of 4% in gross domestic product will have been achieved.

139. The government is pressing forward with active policy measures in the labour market designed to diversify and extend access to all population groups. These measures constitute considerable efforts to promote a more dynamic and better-informed labour market. These measures have been described under section 2 (b).

#### **Paragraph 10 (a)**

##### **Legal framework**

##### *Constitutional*

140. In Mexico all discrimination professed on grounds of:

Ethnic or national origin;

Gender;

Age;

Difference in abilities;

Social condition;

State of health;

Religion, opinions;

Sexual preferences;

Civil status, or any other grounds deleterious to human dignity and having as its object the annulment or restriction of individual rights and freedoms, is prohibited.

141. This prohibition is laid down in the third paragraph of Article 1 of the Political Constitution of the United Mexican States and in the Federal Act for the Prevention and Elimination of Discrimination (as already reported in reply to the questions under Article 2), which establishes the guarantee of equality.<sup>7</sup>

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<sup>7</sup> Art. 1. Every person in the United Mexican States shall enjoy the guarantees guaranteed by the present Constitution. These guarantees may not be suspended or restricted save in the cases and under the conditions laid down by the Constitution itself.

Slavery is prohibited in the United Mexican States. Slaves from foreign countries who enter the national territory shall by that act alone recover their freedom and enjoy the protection of the laws.

All discrimination based on ethnic or national origin, gender, age, differences in abilities, social condition, state of health, religion, opinions, preferences, civil status or any other grounds deleterious to human dignity and having as its object the annulment or restriction of individual rights and freedoms is prohibited.

142. Likewise, article 3 of the Federal Labour Act stipulates that no distinction may be made among workers on grounds of race, sex, age, religious beliefs, political convictions or social condition.<sup>8</sup>

### Federal legislation

143. There are a number of legal instruments specifically protecting the right not to be discriminated against (see Annex I):

1. The **Federal Act for the Prevention and Elimination of Discrimination**, which deals specifically with questions of discrimination (see Annex 1).
2. Article 8 of the **General Act on the Linguistic Rights of Indigenous Peoples**, published in the *Official Journal of the Federation* on Thursday, 13 March 2003, stipulates that no person may be subjected to any type of discrimination on grounds of or by virtue of the language that person speaks.

In addition, article 24 states that the National Institute for Indigenous Languages and the corresponding bodies in the different states shall urge the appropriate authorities to issue laws sanctioning and punishing any type of discrimination, exclusion or exploitation of persons speaking national indigenous languages or infringing the provisions contained in the Act establishing rights for persons speaking national indigenous languages.

3. Article 2, section (c), of the **Act concerning Religious Associations and Public Worship**, published in the *Official Journal of the Federation* on Wednesday, 15 July 1992, states that the Mexican State guarantees to every person the right in religious matters not to be subjected to discrimination, coercion or hostility on account of his or her religious beliefs or be required to make any declaration concerning those beliefs. It also stipulates that religious grounds may not be invoked for debarring any person from engaging in any work or activity save in the cases provided for in the Act itself and in other applicable statutory provisions.
4. Article 5 of the **Act concerning the Rights of Older Persons**, published in the *Official Journal of the Federation* on Tuesday, 25 June 2002, states in an enunciative and non-restrictive manner that its purpose is to guarantee older persons the following rights:
  - I. *Concerning integrity, dignity and preference;*  
Protection against all forms of exploitation.

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<sup>8</sup> Article 3. Work is a right and a social duty. It is not an article of trade. It demands respect for freedoms and dignity from those who provide it and must be performed under conditions which will ensure the life, the health and a decent economic level for the worker and his family.

No distinction may be made among workers on grounds of race, sex, age, religious beliefs, political convictions or social condition.

Equally, the promotion and supervision of the training and skills development of the workers is a matter of interest to society.

II. *At work:*

To enjoy equality of opportunity in access to employment or other possibilities of securing incomes of their own and engaging in productive activity for as long as they wish and to enjoy the protection of the provisions of the Federal Labour Act and other provisions of labour law.

5. Article 3 of the **General Social Development Act**, published in the *Official Journal of the Federation* on 20 January 2004, provides that the that the Social Development Policy shall be subject, *inter alia*, to the principles of freedom (the ability of individuals to choose the methods of achieving their personal development and of participating in social development), distributive justice (a guarantee that every person will receive a fair share of the benefits of development in accordance with his merits, needs and abilities and those of others); solidarity; integrality; participation in society; sustainability; respect for diversity (recognition in terms of ethnic origin, gender, age, differences in abilities, social condition, state of health, religion, opinions, preferences, civil status and other factors so as to end all discriminatory situations and promote development with equity and respect for differences), and also: free self-determination and autonomy of indigenous peoples and their communities, and transparency (recognition within the constitutional framework of the internal forms of coexistence and organization; the scope of application of their own systems of standards; election of their authorities or representatives; means of preserving and enriching their languages and culture; means of preserving and improving their habitat; preferential access to natural resources; election of representatives in local authorities and full access to the jurisdiction of the State).

Article 6 also recognizes the rights to education, health, food, housing, the enjoyment of a healthy environment, work, social security and the rights relating to non-discrimination as defined in the Political Constitution of the United Mexican States as rights for social development.

6. Article 2, section II, of the **Act concerning the National Commission for the Development of the Indigenous Peoples**, published in the *Official Journal of the Federation* on Wednesday, 21 May 2003, empowers the Commission to promote the eradication of discrimination or social exclusion and the construction of a society which will be inclusive, pluralist, tolerant and respectful of intercultural differences and dialogue.
7. The **Act concerning the National Institute for Women**, published in the *Official Journal of the Federation* on Friday, 12 January 2001, stipulates as follows:

The general objective of the Institute, as stated in article 4, is to promote and foster conditions which will permit an absence of discrimination, equality of treatment and opportunities between the sexes, the full exercise of all the rights of women and their equitable participation in the political, cultural, economic and social life of the country.

The remit of the Institute includes the following (art. 7):

Assistance in the framing of government policies and stimulating social attitudes in order to achieve gender equality;

Fostering, promoting and supporting the full exercise of the rights of women and strengthening administrative mechanisms with the same aim in view;

Proposing, as part of the National Development Plan, the National Programme for Equality of Opportunities and Non-Discrimination against Women and periodically and systematically evaluating its implementation;

Promoting and, where appropriate, participating in, together with the Ministry of External Relations, the signature and implementation of instruments agreed on at international and regional levels and concerned with equality of opportunities for and non-discrimination against women;

Promoting, among the three powers of the Union and society, measures designed to improve the social condition of the feminine population and the eradication of all forms of discrimination against women in social, economic, political and cultural life;

Establishing structures for cooperation with the administrative bodies in the federated states concerned with women's affairs in order to promote and support as appropriate policies, programmes and measures relating to gender equality and equality of opportunities for women.

### **Local legislation**

144. Mention is made here of the specific case of the Federal District. Similar measures, in various forms, are to be found in the other constituent elements of the Republic.

1. Article 2 of the **Act concerning the Commission on Human Rights of the Federal District**, published in the *Official Journal of the Federation* on Tuesday, 22 June 1993, empowers that body to combat all forms of discrimination and exclusion which result from an act committed by a public authority affecting any person or social group.

It should be mentioned that on 14 January 2003 a decree amending that Act was published in the same Official Gazette. Specifically, it added to article 66 sections V and VI, which state that the Commission on Human Rights of the Federal District, in the course of the promotion and dissemination of a culture of knowledge of and respect for human rights, may organize awareness-promotion campaigns on specific themes, such as respect for and integration of groups of persons who have become vulnerable and against discrimination and exclusion of every kind, and also conduct and disseminate studies in the fields of discrimination, exclusion and human rights.

2. The **Act concerning the Rights of Older Persons in the Federal District**, published in the *Official Journal of the Federal District* on Tuesday, 7 March 2000, provides for recognition of the rights of older persons, such as.
  - A. The right of integrity and dignity:
    - I. Non-discrimination; their rights are to be observed without any distinction whatsoever.

In addition, article 11 lays an obligation on the Ministry of the Interior to:

- I. Implement the programmes necessary to promote employment for older persons, in both the public and private sectors, taking into account their professions or occupations and their theoretical and practical experience and knowledge, without any restriction other than physical or mental disability;
  - II. Give impetus, in coordination with the Ministry of Economic Development, to self-employment programmes for older persons, in accordance with their professions or occupations, by means of financial support, training and the creation of production, distribution and marketing networks;
  - III. Provide legal advice and representation to older persons through trained personnel in order to guarantee their integrity and avoid all acts of discrimination, respecting the individuality of each at all times.
3. Article 206, sections II and III, of the **Penal Code for the Federal District**, published in the *Official Journal of the Federal District* on Tuesday, 16 July 2002, lay down penalties of fines and imprisonment<sup>9</sup> for any person who, on grounds of age, sex, pregnancy, civil status, race, ethnic ancestry, language, religion, ideology, sexual orientation, skin colour, nationality, social origin or status, occupation or profession, financial status, physical characteristics, disability or state of health,
- humiliates or excludes any person or group of persons (section II);
  - refuses to comply with or restricts the applicability of labour legislation (section III).

A public official who refuses to perform, or holds up, a proceeding, service or benefit for a person who is entitled thereto shall be liable to the penalty provided for in the first paragraph of this article increased by half and shall in addition be dismissed and disqualified from holding any public charge, post or office for a period equivalent to the length of the prison sentence imposed.

4. The **Act concerning the Institute for Women for the Federal District** was published in the *Official Journal of the Federal District* on Thursday, 28 February 2002. The Act states that the general objective of the Institute is to promote, foster and establish the conditions making for non-discrimination, equality of opportunities, the full exercise of all the rights of women and their equitable participation in the social, economic, political, cultural and family spheres, and also to design, coordinate, implement and evaluate the General Programme for Equality of Opportunities and Non-Discrimination for Women and the programmes deriving therefrom. (article 4)

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<sup>9</sup> “Art. 206. (...) shall be liable to imprisonment for one to three years and a fine of 50 to 200 times the minimum daily wage”.

Article 3 stipulates that the Act applies to men and women situated in the Federal District without discrimination on grounds of age, sex, pregnancy, civil status, race, language, religion, ideology, sexual orientation, skin colour, nationality, social origin or status, occupation or profession, financial status, physical characteristics, disability or state of health.

Article 8 provides, *inter alia*, that the Institute is empowered to give impetus to, and coordinate with the different entities of the public administration, public actions and policies designed to prevent violence and in the fields of health, education, employment, training and sports aimed at securing equality of opportunities; to disseminate knowledge of the legal and administrative provisions favouring women in force at international, national and local levels; and to propose to the local authorities in the Federal District measures designed to improve the social condition of women and to eradicate all forms of discrimination against women in every sphere of their development;

5. The **Internal Regulations of the Institute for Women for the Federal District**, published in the *Official Journal of the Federal District* on Thursday, 5 December 2002, makes reference to a General Programme for Equality of Opportunities and Non-Discrimination for Women, which will contain, among other things, measures to combat and eradicate discrimination against women.

#### **Administrative measures**

145. The STPS is combating practices which hinder access, continuance and promotion of women in the working environment by affirmative measures enacted in a gender perspective:

- Promotion and dissemination of the labour rights of vulnerable groups through the different communication media;
- Conclusion of the Agreement with the maquiladora export industry abolishing the requirement of proof of non-pregnancy as a condition for engagement of women, the continuance of women workers in employment and the promotion of their labour rights;
- The “More and Better Jobs for Women in Mexico” programme is a technical cooperation programme, conducted by the STPS with the technical assistance of the International Labour Organization (ILO), and a response to the disquiet arising from the increasing participation of women in the labour market, the ever-increasing numbers of women working in the informal sector, the precarious nature of their jobs and earnings and the situation of women in the maquiladora industries, which is marked by various forms of discrimination, and in particular the rarity of access to technical or high-level managerial posts.
- This year an investigative study on the reconciliation of family life with working life is planned.

146. As regards minors, the STPS is promoting measures to eliminate the commercial sexual exploitation of children, to protect working minors and to combat child labour. These measures include:



- The Programme of Support for the Prevention and Elimination of the Commercial Sexual Exploitation of Children (CSEC) and the Protection of CSEC Victims in Mexico. In 2002 a joint declaration was signed on cooperation, with the technical and administrative support of the ILO-IPEC, to assist in the prevention and elimination of the commercial sexual exploitation of children and the protection of CSEC victims in Mexico at both national level and in zones at both state and local levels where the incidence of CSEC is high.
- The concerns of this population group are also addressed by the Disincentives to Child Labour Programme, implemented in coordination with national and international organizations.

147. As regards older and handicapped persons and persons suffering from HIV/AIDS, equality of opportunities for access to and continuance in the working environment is fostered by the following measures:

- Recognition of Inclusive Enterprises for a New Labour Culture. This scheme promotes the participation of enterprises in the creation of job opportunities for handicapped persons by awarding them recognition for their efforts and thus bringing society to identification of their products and/or services in support of that social group.
- Networks of links for integration into the labour market. The fostering of equality of opportunities for access to and continuance in the world of work for members of the different vulnerable groups implies links with different organs of society. The object of this strategy is to promote, disseminate, facilitate and expedite the integration of disabled and older persons into the labour market by matching on a nation-wide basis persons offering and persons seeking employment.

148. As regards day labourers and members of the indigenous population, the employment and self-employment of the latter under conditions of equity is being promoted to improve their well-being, while respect for the labour rights of day workers and their advancement in the work environment are being promoted.

149. In addition, assistance is provided for the training of young heads of micro-enterprises through the offer of self-employment alternatives with the aim of integrating young people into the world of work.

150. The employment programmes for young persons include the Equity and Work Promotion Programme for Young People, which intends to promote better opportunities for the young in the work environment by affirmative measures promoting their incorporation into productive work and the creation of formal self-employment opportunities in conditions of equity. The affirmative measures to be undertaken are: (1) promotion of the integration of young people into the world of work; and (2) promotion of the formation of micro-enterprises of young persons as a form of self-employment.

151. In addition, training and opportunities for employment and self-employment are provided for persons deprived of liberty by means of training for employment and self-employment in equitable conditions and in a non-discriminatory fashion and thus to facilitate the achievement of their well-being and welfare. The affirmative measures taken include training, certification,

employment and self-employment for persons deprived of their liberty in 7 states, namely Aguascalientes, Chiapas, Chihuahua, México, Oaxaca, San Luis Potosí and Yucatán.

#### **Activities for persons deprived of their liberty**

Distribution of printed material containing information to promote awareness in society of the importance of including this group of persons in the productive life of the country; the material contemplated would consist of leaflets, brochures, posters and descriptive notes on events being organized during the year;

Promotional activities through the communication media, with the radio and the Press in view, by means of articles in which mention is made of the New Labour Culture and of the activities being conducted for the benefit of this group of persons;

The conclusion of agreements with enterprises to engage persons who have been deprived of liberty and have undergone rehabilitation during their periods of imprisonment;

Training and subsequent certification in an occupation of persons in this vulnerable group to enable them to have access to a greater choice of employment;

The award of official recognition to encourage institutions or enterprises which take measures to promote the inclusion of this vulnerable group of persons in the work sphere;

The holding of a seminar for persons who have been deprived of their liberty in which, through exchanges of experience, they can secure incorporation in the work sphere under equitable conditions;

The promotion in other states, through the Federal Labour Delegations, of the prison labour system which is being successfully conducted in the State of Aguascalientes Support / follow-up activities in Federal Labour Delegations;

Promotion of linkages to secure optimum use of public and private resources for the benefit of this vulnerable group Participation in non-programmed events contributing to the incorporation into working life of this vulnerable group;

Coordination with the programme entitled "More and better jobs for women deprived of their liberty and the spouses of persons in that situation" (executing agency ILO).

153. In 2004 an investigation into the actual work situation in Mexico's prisons was carried out. Human training courses were conducted in prisons and social rehabilitation centres. Steps will be taken to introduce special legislation on the work of persons deprived of their liberty. The gender perspective will be taken into account in measures to promote employment among persons deprived of their liberty. The creation of a network of linkages to assume specific obligations is planned. A proposal to establish a prison industry at the service of the State has been made.

#### **Paragraph 10 (b)**

154. As regards vocational guidance, employment and occupation according to race, colour, sex, religion and national origin, the sources of information make no distinctions based on socio-demographic characteristics save on that of sex, the present situation regarding which has been commented on in point 2(a) of the present document.

**Paragraph 10 (c)**

155. The Federal Labour Act, in articles 7 and 372 (section II), specifies the cases in which a distinction, exclusion or preference is not considered as discrimination. The actual text reads as follows:

“Article 7. In every enterprise or establishment the employer must employ not less than 90 per cent of Mexican workers. Workers in the technical and professional categories must be Mexican nationals save where there are none in a specific speciality, in which case the employer may temporarily employ foreign workers in a proportion not exceeding 10 per cent of the employees in that speciality. The employer and the foreign workers will have a joint obligation to train Mexican workers in the speciality in question. Doctors employed by enterprises must be Mexican nationals.

156. The provisions of this article are not applicable to directors, administrators and general managers.”

157. Article 372 of the Act stipulates that foreign nationals may not form part of the executive boards of trade unions.

158. In addition to the above, the Federal Labour Act provides for two cases in which a distinction, exclusion or preference is not considered as discrimination in Mexico on account of the specific requirements of the type of work concerned.

159. In one case there are restrictions on the work that women may perform if such work endangers the health of the woman, or the condition of the child, either during pregnancy or the period of breastfeeding. In such cases the woman must not suffer any prejudice as regards wages, benefits and rights; she may not be employed in unhealthy or dangerous work, night work in industry, in commercial or service establishments after 10 p.m. or on overtime.

160. To this end it is provided that working mothers shall enjoy the following rights:

- I. During pregnancy a woman shall not perform work requiring considerable effort and giving rise to pregnancy-related danger to her health, such as lifting, pulling or pushing heavy weights, work producing vibration, standing for long periods or work which affect or may adversely affect her psychological or nervous state;
- II. She shall enjoy rest for six weeks preceding and six weeks following childbirth;
- III. The rest periods referred to in the previous section shall be extended for the time necessary in the event that the woman shall find herself unable to work on account of pregnancy or childbirth;
- IV. During the period of breastfeeding she shall be allowed two special rest breaks of 30 minutes' duration each to nurse her child in a suitable and hygienic place designated by the enterprise;
- V. During the rest periods referred to in section II the woman shall receive her full wage. In the cases referred to in section III she shall be entitled to 50 per cent of her wages for a period not exceeding 60 days;

- VI. The woman shall have the right to return to her previous job provided that not more than one year has elapsed since the date of the birth; and
- VII. The pre- and post-natal periods shall be counted towards her seniority.

161. In this connection the Federal Regulations on Safety and Health and the Working Environment stipulate that pregnant women may not be employed in certain types of work.<sup>10</sup>

162. It is also stipulated that women may not be employed while breastfeeding in tasks where there is exposure to chemical substances of a nature to affect the life and health of the woman concerned.

163. The second case relates to minors. The Federal Labour Act prohibits the employment of minors -

- I. Under age 16, in:
  - (a) Places selling intoxicating liquor for immediate consumption;
  - (b) Work of a nature to affect their morals or good behaviour;
  - (c) Itinerant work, save with special authorization by the Labour Inspectorate;
  - (d) Work underwater or underground;
  - (e) Dangerous or unhealthy work;
  - (f) Work in excess of their strength or of a nature to impede or retard their normal physical development,
  - (g) Work in non-industrial establishments after 10 p.m.;
  - (h) Other types of work as determined by law.
- II. Under age 18, in:
  - (a) Night work in industry.

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<sup>10</sup> Article 154 of the Regulations:

- I. The handling, transport or storage of teratogenic or mutagenic substances;
- II. Where there is exposure to ionizing radiations of a nature to cause contamination in the working environment, in accordance with the applicable laws, regulations or standards;
- III. Where abnormal pressures or undesirable temperature conditions are present in the environment;
- IV. Where muscular effort which may affect the product of conception is required;
- V. In work on drilling rigs or platforms at sea;
- VI. In work underwater or underground or in open-cast mines;
- VII. In work in confined spaces,
- VIII. In welding work;
- IX. In other activities designated as dangerous or unhealthy in applicable laws, regulations and standards.

164. The Federal Regulations on Safety and Health and the Working Environment provide (article 159) that persons between ages 14 and 16 may not be employed in dangerous or unhealthy occupations. In addition, in accordance with the provisions of the Act to Give Effect to Article 27 of the Constitution, concerning Nuclear Materials, and the General Regulations on Radiological Safety (article 160), minors under age 18 may not be assigned to work involving exposure to ionizing radiations,

165. It also has to be borne in mind that the Federal Act for the Prevention and Elimination of Discrimination provides (article 5) that the following cases, among others, may not be deemed to be discriminatory:

- Distinctions based on specialized abilities or knowledge required for the performance of a particular task;
- Distinctions laid down as requirements for admission to or continuance in the public service and other requirements laid down in statutory instruments;
- Distinctions, exclusions, restrictions and preferences made between citizens and non-citizens;
- As a general rule, all those which are not designed to annul or diminish the rights and freedoms or equality of opportunity of individuals or to violate human dignity.

#### **Paragraph 11**

166. According to the National Employment Survey, there are 1,826,000 persons, or 4.4% of the total number of persons employed in Mexico, holding a job or occupation in addition to their principal employment

167. During the last 10 years the numbers of persons with secondary jobs has varied between 1.6 and 2.5 million. Between 1995 and 2000 the numbers of persons concerned exceeded 2 million; but in 2001 it fell to 1.7 million. The recovery during the subsequent years was slow; this suggests that during periods of less economic activity opportunities for holding more than one job are fewer.

168. It should be pointed out that there are no clearly visible tendencies in the behaviour of this group, as the period analysed is still very short. (See Annex II: Statistics of Employed Population with Second Jobs or Occupations).

#### **Paragraph 12**

169. The most significant change in the world of labour is the promotion of the New Labour Culture, which seeks to create better living conditions for Mexican workers through more and better training, to enable them to become more productive and to participate more actively in their enterprises, so that the additional profits may be translated into fairer wages and more decent working conditions.

170. The SPTS has fostered a climate of labour peace in the light of the new labour culture, which places the individual at the centre of all economic decisions, with the consequence that increasingly disputes are settled through dialogue between the factors of production, thus

contributing to respect for the right of the population to work. For this reason, among other factors, in 2003 only 42 disputes gave rise to strikes, or a bare 1 per cent of the 4,206 disputes between workers and employers referred to the Federal Conciliation and Arbitration Board (JFCA). That body dealt with 55,103 cases, including in particular some 40,000 cases concerning individuals, 9,400 registered collective agreements and 370 collective disputes. It also received over 4,600 internal agreements and rules and issued 2,695 certificates determining the origins of labour disputes according to their official nature and to whether they led to strikes.

### **Paragraph 13**

171. The Government of Mexico, in coordination with the ILO, has implemented the programme entitled “More and better jobs for women”, concluded in Guerrero and Coahuila. It has benefited 2,214 women wage-earners in the maquiladora industry in the State of Coahuila (in addition to the training given to 750 men in maquiladora enterprises in that State) and 428 women in the informal sector in Guerrero State. The STPS and the ILO decided to launch a new project, which has been under way since December 2003 in four other states: Chiapas, Chihuahua, Veracruz and Yucatán.

172. The STPS, through the intermediary of the State Employment Services, transfers to state governments and the government of the Federal District the resources necessary for the Employment Support Programme (PAE) received from the Inter-American Development Bank (IDB). These consist of financial and material support (bursaries, instructors, sets of tools, training materials, help with transportation and accident insurance provided to beneficiaries, according to the type of measure).

173. The Training Support Programme (PAC) provides financial resources for the development of training programmes. It operates in accordance with demand from the production sector; jointly with the regional governments, the production sector and the representative bodies of employers and workers; it links up and executes training activities in line with criteria established by the STPS to improve the living standards of workers and employers and their families. It seeks to promote the fulfilment of the individual and thereby improves the competitiveness of enterprises and makes for better integration into the market and inclusion in the development process.

174. The Government of Mexico is implementing a Programme of Specific Action to Combat the Commercial Sexual Exploitation of Children (CSEC) as part of the ILO’s International Programme on the Elimination of Child Labour (IPEC). The Government of Mexico is fully determined to strengthen national policies and inter-institutional coordination in order effectively to deal with this problem. In addition to the measures being taken at national level, specific measures are being taken targeting the cities of Tijuana (a frontier town where migration is particularly important), Guadalajara (an urban area with one of the highest population densities in the country) and Acapulco (where sex tourism involving children is of significance).

## **B. ARTICLE 7**

### **Paragraph 15 (a) of the guidelines**

175. In Mexico contractual wages are fixed by negotiation between workers and employers without any interference on the part of the authorities. The STPS may, at the request of either party, act as a conciliator in those negotiations.

176. However, minimum wages exist. They are fixed by the National Minimum Wages Commission (CONASIMI), whose task it is to ensure full implementation of the exercise of constitutional rights and guarantees, and in particular Article 123 of the Political Constitution of the United Mexican States, Part A, section VI, which lays down the imperative requirement that minimum wages are to be set by that National Commission and states the features which minimum wages must have. Articles 90 and 94 of the Federal Labour Act reaffirm this constitutional requirement and, in articles 570-574, lay down the procedure for the fixing of minimum wages.<sup>11</sup>

177. Thus in Mexico the only method of fixing minimum wages established by law is that referred to in Article 123, Part A, section VI, of the Constitution and articles 570-574 of the Federal Labour Act.

178. In the procedure for the fixing of current minimum wages the rules laid down in articles 570 and 571 of the relevant Act are scrupulously followed. They stipulate that in the fixing of minimum wages the workers and employers may submit to CONASIMI any economic studies they believe necessary for the Council of Representatives of the Commission to consider within the procedure. The Council of Representatives is a tripartite body; its membership is made up of titular and alternate representatives of unionized workers and of employers in equal numbers (not less than 5 and not more than 15), who are appointed every four years, and a representative of the government, who is President of the Commission. These provisions will be found in article 554 of the Act.

179. The Technical Office is required to submit to the Council of Representatives, not later than on 30 November, the report referred to in section V of article 562 of the Federal Labour Act. The report must contain information on price movements and their impact on the purchasing power of minimum wages and the most significant data on the national economy. It must also submit a report on the investigations and studies submitted by workers and employers.

180. During the month of December, and not later than on the last working day of that month, after analysing the report of the Technical Office and the studies submitted by the workers and employers, the Council of Representatives issues a decision fixing general and occupational minimum wages and the adjustments for municipalities in the different geographical areas for the purposes of the application of those wages.

181. The decision of the National Commission must state the elements justifying the fixing of the new minimum wages.

182. The President of the National Commission orders the publication of the decision on the fixing of minimum wages in the Official Gazette of the Federation not later than 31 December.

183. In addition, the Federal Labour Act states that minimum wages may be reviewed at any time during the period of their validity provided that economic circumstances so justify. Reviews take place:

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<sup>11</sup> Federal Labour Act, arts. 570-574.

- I. At the initiative of the Minister of Labour and Social Welfare, who submits a request in writing to the President of the National Minimum Wages Commission, stating the circumstances giving rise to the request;
- II. At the request of the trade unions, federations and confederations of workers or of employers, provided that the following requirements are met:
  - (a) The request must be submitted to the Ministry of Labour and Social Welfare by workers' unions, federations and confederations representing at least 51 per cent of unionized workers or by employers having in their employ at least the same percentage of workers;
  - (b) The request must contain a statement of the elements justifying it and may be accompanied by appropriate studies and documents;
  - (c) The Minister of Labour and Social Welfare shall, within the five days following the date of receipt of the request and after certification that the majority requisite under (a) above has been reached, transmit it to the President of the National Minimum Wages Commission, together with the accompanying studies and documents.

184. Within three days of the date of receipt of the request from the Minister of Labour and Social Welfare (or, according to the case, from the workers' or employers' organizations) the President of the National Commission shall convene the Council of Representatives to consider the request and decide whether the supporting grounds are sufficient to initiate the revision process. If the decision is affirmative, the Technical Office will be instructed to prepare a report on price movements and their impact on the purchasing power of minimum wages, also supplying the most significant data on the national economic situation. This will furnish the Council of Representatives with the information necessary for reviewing the current minimum wages and fixing, when necessary, new levels. If the decision is negative it will be brought to the attention of the Minister of Labour and Social Welfare.

185. The Technical Office is allowed five days from the date of receipt of the instruction from the President of the National Commission to prepare the report referred to in the previous paragraph and to transmit it to the Council of Representatives through the President of the Commission.

186. Within three days following the date of receipt of the report of the Technical Office, the Council of Representatives shall issue an appropriate decision, where necessary setting new minimum wages.

187. The decision of the Council of Representatives shall set the date on which any new minimum wages fixed are to come into force; that date may not be later than 10 days following the date of issue of the decision.

188. The President of the National Commission shall order the publication of the decision in the Official Gazette of the Federation within the three days following the date of issue of the decision.



189. Thus in Mexico, which is a signatory of ILO Conventions 26, 99 and 131, the terms of those Conventions are incorporated in national legislation under the terms of article 123 of the legislative instrument referred to.

**Paragraph 15 (b)**

190. In Mexico a system of minimum wages has been established. Article 123 of the Political Constitution of the United Mexican States stipulates that “(...) every person is entitled to decent and socially useful work. To that end the creation of jobs and social organization for work shall be promoted in accordance with the law.”

191. Section VI defines minimum wages as follows:

“VI. The minimum wages which workers must enjoy shall be general or occupational. The former shall be applicable in specified geographical areas; the latter shall apply in specified branches of economic activity or special professions, occupations or types of jobs.

“The minimum general wage must be sufficient to meet the normal material, social and cultural needs of a head of family and to provide for the compulsory education of any children. The minimum occupational wage also takes into account conditions in the various economic activities.

“Minimum wages shall be fixed by a national commission consisting of representatives of workers, employers and the government; the commission may seek the assistance of such specialist commissions, acting in an advisory capacity, as it considers necessary for the optimum performance of its functions.”

192. The Act to Give Effect to Article 123 of the Constitution (the Federal Labour Act) defines the minimum wage in chapter VI, (article 90) as follows:

“Article 90. (...) the smallest monetary amount which a worker must be paid for the services rendered in a working day.

“The minimum wage must be sufficient to meet the normal material, social and cultural needs of a head of family and to provide for the compulsory education of any children.”

193. The Federal Labour Act also stipulates that:

“Article 91. Minimum wages may be general, applicable in one or more geographical areas and which may cover one or more federated states, or occupational, for a particular branch of economic activity or special professions, occupations or types of jobs within one or more geographical areas.

“Article 92. General minimum wages shall apply to all workers in the geographical area or areas for which they are fixed, independently of branches of economic activity or special professions, occupations or types of jobs.

“Article 93. Occupational minimum wages shall apply to all workers in the designated branches of economic activity or special professions, occupations or types of jobs in one or more geographical areas of application.

“Article 94. Minimum wages shall be fixed by a CONASIMI consisting of representatives of workers, employers and the government; the commission may seek the assistance of such specialist commissions, acting in an advisory capacity, as it considers necessary for the optimum performance of its functions.”

194. The membership and functioning of the National Minimum Wages Commission were explained in the reply to the previous question.

195. As regards the groups of wage-earners to whom these minimum wages apply, article 93 of the Federal Labour Act states that occupational minimum wages apply to all workers in the designated of branches of economic activity or special professions, occupations or types of jobs in one or more geographical areas of application.

196. The following table lists the 88 professions, occupations and types of job currently comprised within the system of occupational minimum wages.

**Special professions, occupations and types of jobs**

1.	Masonry workers (skilled)	45.	Chicken farm workers
2.	Filing clerks in offices	46.	Agricultural machine operators
3.	Counter employees in drugstores, pharmacies and druggists' shops	47.	Welding machine operators
4.	Bulldozer operators	48.	Operators of die-stamping machines, metals
5.	Cash register operators	49.	Operators of wood-working machinery in general (skilled)
6.	Typesetters (skilled)	50.	Plastics moulding machine operators
7.	Preparers of drinks in bars	51.	Milling machine operators (skilled)
8.	Carpenters (interior fittings)	52.	Rectifier operators
9.	Carpenters (erection and repair of buildings (skilled)	53.	Automobile and truck repair mechanics (skilled)
10.	Plane operators	54.	Mechanics, turners (skilled)
11.	Cooks (adult) in restaurants, taverns and other establishments for the preparation and sale of foodstuffs	55.	Typists
12.	Mattress makers and repairers (skilled)	56.	Molten metal moulders
13.	Mosaic and tile layers (skilled)	57.	Fitters in footwear workshops and factories (skilled)
14.	Assistant bookkeepers	58.	Assistant drivers on passenger and goods craft
15.	Plasterers, buildings and dwellings	59.	Nickel and chrome coating of metal parts and articles (skilled)
16.	Workers in iron (construction)	60.	Hairdressers and manicurists

**Special professions, occupations and types of jobs**

17.	Cutters in footwear workshops and factories (skilled)	61.	Drillers (pneumatic drills)
18.	Clothing workers in workshops or factories	62.	Painters of automobiles and trucks (skilled)
19.	Clothing workers (home workers)	63.	Painters of houses, buildings and constructions generally (skilled)
20.	Driver-attendants, parked automobiles	64.	Ironing workers in dry-cleaning establishments, laundries and similar establishments
21.	Truck drivers (general)	65.	Plumbers, sanitary (skilled)
22.	Goods van drivers (general)	66.	Multicolour offset press operators
23.	Operators of vehicles with cranes	67.	Press operators (skilled)
24.	Dredger operators	68.	Radio technicians, repairers of electrical and electronic apparatus (skilled)
25.	Cabinet makers, manufacture and repair of furniture (skilled)	69.	Room service workers in hotels, motels and other places providing accommodation
26.	Electricians, installing and repairing electrical installations (skilled)	70.	Receptionists (General)
27.	Electricians, repair of automobiles and trucks	71.	Repairers of automobiles and trucks (display personnel)
28.	Electricians, repairers of motors and/or generators in service workshops (skilled)	72.	Repairers of domestic electrical appliances (skilled)
29.	Workers responsible for storage, shelves or sections in automobile service stations	73.	Reporters in daily press
30.	Storekeepers	74.	Illustrators, daily press
31.	Nurses (certificated)	75.	Pastrycooks, confectionery workers
32.	Practical auxiliary nurses	76.	Tailors (homeworkers) (skilled)
33.	Ironmongery and paint shops (counter clerks)	77.	Oxyacetylene or electric-arc welders
34.	Stokers, steam boilers	78.	Saddlers in manufacture and repair of leather articles (skilled)
35.	Petrol station workers	79.	Butchers, fleshers (counter workers)
36.	Blacksmiths (skilled)	80.	Automobile upholstery workers (skilled)
37.	Sheet-metal workers, automobile and truck repairs (skilled)	81.	Upholstery workers, furniture (skilled)
38.	Furnace operators, foundries (skilled)	82.	Spanish-language stenographers
39.	Jewellery and silverware workers (skilled)	83.	Social workers
40.	Jewellery and silverware workers working at home (skilled)	84.	Caterpillar or trax operators (skilled)
41.	Assistants in clinical analysis laboratories	85.	Milking machine operators
42.	Linotypists (skilled)	86.	Caretakers
43.	Lubricators of automobiles, trucks and other motor vehicles	87.	Door-to-door sellers of domestic appliances
44.	Teachers in private primary schools	88.	Cobblers in shoe repair workshops (skilled)

197. As regards the total numbers of persons receiving minimum wages in the formal private sector of the economy, in May 2004, out of 11.75 million workers paying contributions to the Mexican Social Security Institute (IMSS), 913,741 workers, or 7.9% of the total, were receiving minimum wages; 30.2% were receiving more than the minimum wage but not more than twice that amount, while the remaining 61.8% were receiving more than twice the minimum wage.

198. As regards the question of whether any wage earners remain outside the protection of the system of minimum wages described above, in law or in fact, it should be pointed out, on the one hand, that Article 10 of the Political Constitution of the United Mexican States provides that:

“In the United Mexican States every person shall enjoy the guarantees granted by the present Constitution; those guarantees may not be restricted or suspended save in the cases and under the conditions established herein.”

199. This provision is reinforced by Article 123, which reads as follows:

“Every person is entitled to decent and socially useful work. To that end the creation of jobs and social organization for work shall be promoted in accordance with the law.”

200. The same constitutional article stipulates that:

“The Congress of the Union, without contravening the following basic principles, shall formulate labour laws which shall apply to:

- A. Workers, day labourers, domestic servants, artisans, and in a general way to all labour contracts:
  - VII. Equal wages shall be paid for equal work, regardless of sex or nationality.
  - VIII. The minimum wage shall be exempt from attachment, compensation, or deduction.
- B. Within the authorities of the Union, the government of the Federal District and their workers:
  - IV. Wages shall be fixed in the respective budgets, and their amount may not be decreased while a given budget is in effect.

201. In no case may wages be less than the minimum wages fixed for workers in general in the Federal District and the States of the Republic.”

202. In Mexico minimum wages acquire force of law when the authority legitimately empowered to fix them (the CONASIMI) fixes them by a decision in which all the formalities and proceedings listed in articles 570-574 of the Federal Labour Act have been observed.

203. In addition, the procedures for fixing and reviewing wages with the involvement of the production sectors are designed to ensure that wages do not depreciate.

204. Articles 570 and 571 of the Act, referred to earlier, state that, in the process of fixing minimum wages, workers and employers may submit to the National Commission on Minimum

Wages any economic studies they may consider necessary; for the Council of Representatives of the CONASIMI to consider in the course of the proceeding.

205. For further information see the reply on article 7 (paragraph 2a).

206. As already stated, the fixing of minimum wages is the responsibility of the CONASIMI, which undertakes the appropriate studies for making proposals concerning the amounts of general and occupational minimum wages; the Council of Representatives of that body decide on changes in those amounts. The studies prepared by the Technical Office of the CONASIMI not only sum up the principal price indices in the national economy and their impact on the purchasing power of minimum wages but also provide an analysis covering production indices, public finances, monetary and financial policy, the balance of trade, the oil market, tourism, foreign investment, external debt, trade relations with other countries, the international economic situation, productivity, employment, wages, labour-management negotiations and programmes of support for employment and training and other subjects. These reports provide a basis for establishing the attitude of the Council of Representatives towards the possible fixing and/or review of wage levels.

207. In this context the Council of Representatives takes into consideration the above-mentioned indicators, and in particular economic conditions in the country and the economic policy measures already in effect as well as those it is planned to take. The Council also fixes minimum wages taking into account in particular the level of inflation expected during the coming year; this has in the first instance permitted partial or total avoidance of decline in the purchasing power of these wages.

208. The procedure for fixing and adjusting wages, as established in accordance with Article 123, section VI, of the Constitution and articles 570-574 of the Federal Labour Act, comprises the following elements:

209. In the fixing of minimum wages workers and employers may submit to the CONASIMI such economic studies as they consider necessary for the Council of Representatives of the Commission to consider in the course of the proceedings.

210. The Technical Office of the commission is required to submit to the Council of Representatives, not later than on 30 November, the report referred to in section V of article 562 of the Federal Labour Act. The report must contain information on price movements and their impact on the purchasing power of minimum wages and the most significant data on the national economy. It must also submit a report on the investigations and studies submitted by workers and employers.

211. During the month of December, and not later than on the last working day of that month, after analysing the report of the Technical Office and the studies submitted by the workers and employers, the Council of Representatives issues a decision fixing general and occupational minimum wages with adjustments for the municipalities in the different geographical areas for the purposes of the application of those wages.

212. The President of the National Commission orders the publication of the decision on the fixing of minimum wages in the Official Gazette of the Federation not later than 31 December.

213. In addition, the Federal Labour Act states that minimum wages may be reviewed at any time during the period of their validity provided that economic circumstances so justify.

214. Further information will be found in the reply relating to article 7, paragraph 2.a.

215. Monitoring of compliance with labour standards, and in particular those relating to minimum wages, is the responsibility of the labour authorities. These, through institutionally established mechanisms in the case of the administrative authorities, or at the request of a party, deal with the appropriate judicial bodies: the STPS; the labour authorities in the states of the Federation; the Federal Conciliation and Arbitration Boards; the local conciliation and arbitration boards; the Federal Conciliation and Arbitration Tribunal and the local conciliation and arbitration tribunals.

216. In real terms the general minimum wage has shown no significant signs of recovery since 1981, even though in recent years the rate of depreciation has decreased, and in 1998, 2000 and 2001 the minimum wage even increased slightly, by 0.7%, 0.8% and 0.5% respectively. During 2002 the minimum wage increased by an average of 0.7%. In 2003 there was an increase of 0.26%. During the first five months of 2004 the general minimum wage showed an average real increase of 2.7%. Thus during the 42 months of the present administration (up to mid-2004) the minimum wage achieved an increase in real terms of 4.7% in line with the policy of supporting a recovery of the purchasing power of minimum wages.

**Movements in minimum wages**

<i>Period</i>	<i>Average national minimum wage<sup>1</sup> (pesos per day)</i>	<i>National consumer price index (level 1)<sup>2</sup></i>	<i>Real minimum wage (in 1994 pesos)</i>
1994	13.970	100.0	13.97
1995	16.428	137.1	12.08
1996	20.394	187.2	10.89
1997	24.300	224.7	10.82
1998	28.301	260.0	10.90
1999	31.910	303.7	10.51
2000	35.120	331.4	10.60
2001	37.570	352.8	10.65
2002	39.740	370.8	10.72
2003	41.530	390.1	10.65
2004 *	43.297	406.4	10.66

\* Average January-June.

<sup>1</sup> Average weighted with the total economically active wage-earning population in each geographical area.

<sup>2</sup> Refers to the national consumer price index for families with incomes not exceeding one minimum wage.

217. The average real contribution wage of permanent wage-earning workers registered with the Mexican Social Security Institute (IMSS) underwent substantial negative changes as a result of unfavourable conditions in the national economy and the inflationary peak observed during 1995.

From 1998 onwards an upward tendency began to emerge in most sectors of economic activity. During 2000 and 2001 the tendency became general and even showed the most important increases in real terms of recent years. In 2002 and 2003 the average contribution wage continued to increase, but more slowly than during the previous two years. In May 2004 it stood 2.3% higher than during May of the previous year. Between December 2000 and May 2004 the average contribution wage increased in real terms by 14.3%.

218. The changes in the different types of wages during the last few months have been as follows: between January and December 2003 the minimum wage improved in real terms by 0.26%; contractual wages increased in real terms by 0.15%; and the average IMSS contribution wage increased by 2.7% in real terms between January and October 2004.

219. In aggregate terms, during the six-year period ending in December 2003, the average general minimum wage increased by 0.61%, while the contractual wage within federal jurisdiction increased by 1.12% in real terms. During the period of the present administration and up to October 2004 the average IMSS contribution wage increased in real terms by 11.02%.

**Movements in real wages over six-year presidential terms**

<i>Presidential term</i>	<i>General minimum</i>	<i>Increase in contractual wage</i>	<i>Average contribution wage</i>
Vicente Fox Quesada (2000-2006)	Dec. 2000/Dec. 2003	Dec. 2000/Dec. 2003	Dec. 2000/Oct. 2003
	0.61%	1.12%	11.02%
Ernesto Zedillo Ponce de León (1994-2000)	Dec. 1994/Dec. 1997	Dec. 1994/Dec. 1997	Dec. 1994/Dec. 1997
	-24.45%	-9.10%	-26.56%
Carlos Salinas de Gortari (1988-1994)	Dec. 1988/Dec. 1991	Dec. 1988/Dec. 1991	Dec. 1988/Dec. 1991
	-16.65%	-6.00%	10.07%

220. As mentioned earlier, monitoring of compliance with labour standards, and in particular those relating to minimum wages, is the responsibility of the labour authorities. These, through institutionally established mechanisms in the case of the administrative authorities, or at the request of a party, deal with the appropriate judicial bodies, namely the STPS; the labour authorities in the states of the Federation; the Federal Conciliation and Arbitration Boards; the local conciliation and arbitration boards; the Federal Conciliation and Arbitration Tribunal and the local conciliation and arbitration tribunals.

221. Workers, their beneficiaries and their unions have legal remedies under the Federal Labour Act enabling them to exercise their labour rights. The Office of the Federal Procurator for the Defence of Workers (PROFEDET) in the STPS offers workers and their unions free advisory, conciliation and legal representation services, fostering a culture of prevention and promoting conciliation as an expeditious means of settling disputes. Where necessary the Office also represents workers, their beneficiaries and their unions before labour courts, jurisdictional and administrative bodies and all other public and private institutions. See the information in the reply concerning article 7, paragraphs 5 (a) and (b).

222. The Government of Mexico has available to it, through the STPS, a body known as the National Mixed Committee for the Protection of Wages (CONAMPROS). This body has been established as an agency of cooperation with and support for the working class; in addition to protecting purchasing power it campaigns to increase the living standards of wage earners and to give impetus to worker-government programmes; it also seeks to attain greater equity in worker-employer relations, promoting the consolidation of a new labour culture of complete human development.

223. Through its links with the workers' organizations and with the support of the different elements of the STPS, CONAMPROS is implementing a basic programme made up of four service areas: technical cooperation with unions; social action; social welfare; and training and communication within unions.

- Technical cooperation with unions. This consists of support for workers' organizations during the process of preparing claims and the revision of labour contracts and in legal, financial and fiscal matters generally, seeking at all times to ensure that equity and faithful observance of the laws in force prevail. It also organizes the coordinated intervention of bodies concerned with the distribution of benefits, such as the Ministry of Labour and Social Welfare and the Ministry of Finance and Public Credit.
- Social action. The central aim of the efforts of the State is to raise the living standards of all the members of our society, and in particular of those in the marginalized groups; this involves the eradication of social exclusion practices. To develop greater participation of the workers in achieving this end, and with the intention of supporting the efforts of trade unions to improve the living conditions of wage earners, CONAMPROS, in coordination with the workers' organizations and with the support of the STPS and other institutions of the public administration, has implemented programmes on such matters as school equipment, the defence of Christmas bonuses, profit-sharing and social supplies. It is also taking measures to secure price reductions for staple products, supplies, housing, cultural development, recreation and sports.

In addition, it is conducting a campaign to increase the purchasing power of wage earners by various measures relating to, for instance, the purchase of durable goods on favourable terms or the timely and fair sharing of profits and payment of Christmas bonuses.

- Social welfare. With a view to supporting government programmes and informing workers' organizations and individual workers about them, CONAMPROS provides precise and timely guidance on the bodies established for training and employment purposes or for the solution of any problem or occupational hazard with which wage earners may find themselves faced. The Committee acts in conjunction with the workers' movement and has recourse to the programmes and measures established by the STPS for the benefit of trade unions and individual workers.
- Training and communication within trade unions. Among other things, the Committee is responsible for the broadcasting of two television programmes, "Foro laboral" ("Labour Forum") and "En marcha" ("Forward"). These programmes usually contain reports which comment on various matters arising in production processes; they also



include interviews of trade union leaders and public officials concerned with labour matters with a view to describing the situation prevailing in the labour sphere. They include, too, sections containing brief reports on fora, seminars, congresses, etc. In the “En Marcha” programme 405 of the information given concerns Mexico State; it includes brief notes on local matters and interviews of state union leaders and public officials.

224. These four service areas embrace a wide range of measures designed both for the protection of wages and the improvement of the living standards of workers and their families and to meet requests from the trade union organizations.

225. In accordance with the objectives set, the entire programme of CONAMPROS follows a line converging on the socio-economic strategy of the State.

**Paragraph 15 (c)**

226. In accordance with the provisions of Articles 1 and 4 of the Political Constitution of the United Mexican States, the principle of equality is a public right which must be guaranteed by the different levels of government and by governmental organs in general and the satisfaction of which specifically affects the interest of individuals and of society.<sup>12</sup>

227. This constitutional guarantee is complemented by section VII of Article 123 of the Constitution, which states:

“VII. Equal wages shall be paid for equal work, regardless of sex or nationality.”

228. To the same end the Federal Labour Act, which gives effect to Article 123 of the Constitution, affirms the same principle, stipulating in article 86 that equal wages shall be paid for equal work performed in identical posts with equal working hours and standards of efficiency.

229. As regards the procedure for the fixing of minimum wages, see the information in the reply relating to article 7, paragraph 2(a).

230. With this in mind, and in accordance with the principle of juridical equality and legality laid down in the Constitution, at no time in the proceedings for the fixing of general minimum wages are any criteria or behaviour patterns adopted by the persons fixing the minimum wage which have the immediate or indirect effect of discriminating against any person or group of persons - individuals, moral persons or even persons in public law or ethnic groups - on grounds of gender, age, social standing, etc.

231. In addition, the information on incomes collected in the National Employment Survey for

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<sup>12</sup> Art. 1. Every person in the United Mexican States shall enjoy the guarantees guaranteed by the present Constitution. These guarantees may not be suspended or restricted save in the cases and under the conditions laid down by the Constitution itself.

Slavery is prohibited in the United Mexican States. Slaves from foreign countries who enter the national territory shall by that act alone recover their freedom and enjoy the protection of the laws.

All discrimination based on ethnic or national origin, gender, age, differences in abilities, social condition, state of health, religion, opinions, preferences, civil status any other grounds deleterious to human dignity and having as its object the annulment or restriction of individual rights and freedoms is prohibited.

Article 4. Men and women are equal before the law....

the first quarter of 2004 indicates that 46.2% of women wage earners receive incomes of twice the minimum wage or less; this percentage is significantly higher than that for men in the same incomes bracket (32.9%). However, in order to determine whether there is inequality of remuneration for work of equal value, an analysis based on equal occupations has to be undertaken, and other related elements such as hours worked have to be taken into account. A first approach to this subject can be found in a study carried out with information collected by the National Survey of Employment, Wages, Technology and Training in the Manufacturing Sector (ENESTYC) referring to the maquiladora export industry, where data is available on salaries and wages broken down by major occupational groups and by gender, enabling the “wages gap” to be calculated. The figures showed that among salaried employees the salaries of women were 10.2% below those of men in 1999, but that by 2001 the differential had decreased to 5.7%. Likewise, the gender-based differences between the wages of specialist and non-specialist workers fell from 22.9% and 10.8% respectively (in favour of men) in 1999 fell to 7.5% and 5.2% respectively. In contrast, in the cases of persons in managerial positions the differential increased from 18.8% to 21.6% during the same period. However, this differential does not offer any specific occupation-based comparisons but only comparisons at hierarchical levels; this could suggest a tendency for more men than women to be occupying the highest managerial posts.

232. The SMTS has brought about the signature of 16 agreements with private enterprise and government authorities concerning the improvement of the condition of women at work; 470,000 women workers and their families have benefited from these agreements.

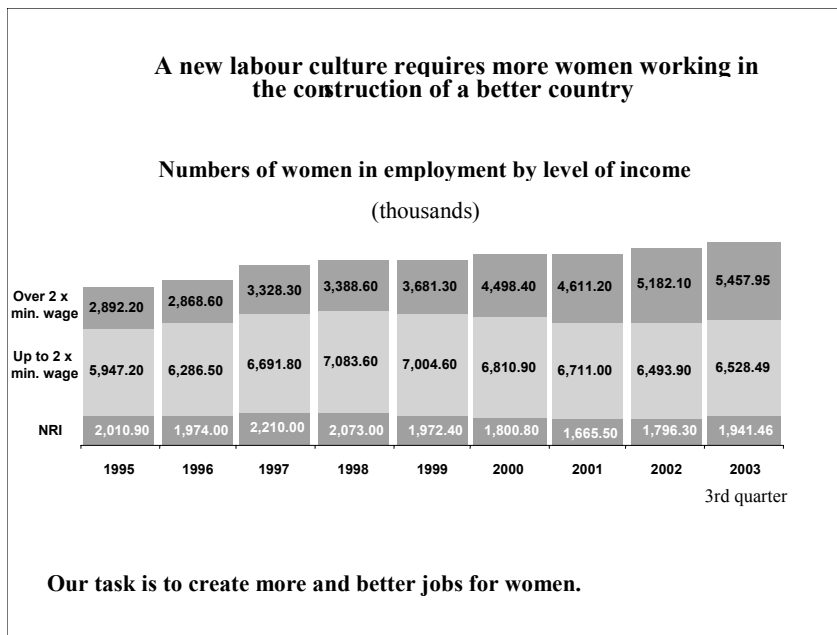
233. A Concertation Agreement was concluded between the National Council for the Maquiladora Export Industry and the Ministry of Labour and Social Welfare benefiting women workers in that industry and their families. This agreement gave rise to the signature of 15 other agreements with state governments and associations of entrepreneurial women, who undertook to abolish the requirement of proof of non-pregnancy as a condition of engagement, not to require certification of the use of contraceptives as a condition for remaining in employment and to promote programmes on family responsibilities and breastfeeding. In addition to the foregoing, the Ministry of Labour and Social Welfare is implementing the following programmes:

- The “More and Better Jobs for Women in Mexico” programme, being executed in coordination with the International Labour Organization (ILO). The first project was executed between April and September 2002; it was designed to improve job opportunities and working conditions for women wage earners in the maquiladora industry in Coahuila and women in the informal sector in Guerrero. In the light of the good results achieved it was decided to launch a new project, of 18 months’ duration, with the aim of promoting new job opportunities for women in the informal sector in Chiapas, Veracruz and Yucatán and to improve respect for the labour rights of women wage earners in the maquiladora industry in Chihuahua and Yucatán.
- During 2003 officials of the Ministry of Labour and Social Welfare participated in a virtual interactive induction seminar on training policies for the improvement of employability and gender equity, offered by the ILO, seeking to strengthen the capacity of the different actors in society to incorporate transversally gender analysis in their respective spheres of action.
- With a view to obtaining contributions from employers’ and workers’ organizations and civil society, a National Consultation was held on reforms to the Federal Labour

Act on the subject of sexual harassment, amendments to the Social Security Act and corporative nursing.

- A Permanent Campaign for Greater Decency in the Working Conditions of Women and Against the Requirement of Certification of Non-Pregnancy has been launched. It began with the distribution of posters to the offices and institutions of the federal public administration throughout the Republic and the channelling of women towards the competent institutions, principally in cases of dismissal on grounds of pregnancy.
- Dissemination by radio of information on the rights and obligations in labour matters of women workers and of leaflets and posters extolling the value of women's work.
- With regard to training seen from the gender perspective, workshops and conferences have been organized presenting the concept of the new labour culture to the Federal Labour Delegations.

234. Statistical information on the employed population broken down by sex and income level is appended. (Annex 4)



Source: Ministry of Labour and Social Welfare

#### Paragraph 15 (d)

235. The information on incomes collected in the National Employment Survey for the first quarter of 2004 indicates that the distribution of incomes among employees in the public sector is more favourable than in the private sector. In the public sector 81.2% of employees have incomes exceeding twice the minimum wage, whereas only 52.6% of employees in the private sector are in this income group. As regards data on the remuneration of comparable jobs in the public and

private sectors, there are no available sources of information permitting an analysis which would produce elements for comparison.

### **Paragraph 16**

236. The basic legislation covering safety and health matters is to be found in Article 123, sections XV and XXV. (final paragraph), of the Constitution and in articles 132, sections XVI, XVII, XVIII, XXVII AND XXVIII, and articles 509 and 512 of the Federal Labour Act. Mexico has ratified the following ILO Conventions on occupational safety and health matters: the Radiation Protection Convention (No. 115); the Hygiene (Shops and Offices) Convention (No. 120); the Safety and Health of Workers Convention (No. 155), the Occupational Health Services Convention (No. 161), the Safety and Health in the Building Industry Convention (No. 167) and the Chemical Substances Convention (No. 170).

237. Other statutory provisions concerning conditions of health and safety and the working environment are contained in the Federal Regulations concerning Safety, Health and the Working Environment, the General Regulations concerning Inspection and the Punishment of Breaches of Labour Legislation and the 36 Official Mexican Standards in force, which lay down the minimum requirements with which an employer must comply in order to ensure that a worker performs his tasks in conditions which do not adversely affect his life and health.

238. Following the entry into force of the reforms introduced into the Social Insurance Act on 20 December 2001, a system of administration of occupational safety and health is being established in which it is provided that for enterprises which take out accreditation with the STPS a factor of 2.2 will be applied to the premium factor in the calculation of the insurance premium against occupational risks.

239. The STPS ensures compliance with occupational safety and health provisions by means of inspection visits to work centres. During the period January/June 2004, 4,500 inspections were carried out in an identical number of enterprises within the scope of federal competence to ascertain the conditions under which employees were working.

240. It should also be mentioned that in addition to inspections of this type there are voluntary mechanisms, the purpose of which is to ensure compliance with safety and health provisions in work centres, to which employers belong. These include:

- The programme of employers and workers with responsibilities for safety and health matters;
- Verification units – private inspection services operated by physical or moral persons accredited to and approved by the STPS.

241. The regulatory framework in the field of occupational safety and health is applicable in all work centres throughout the country, irrespective of the nature of their activities.

### **Paragraph 17**

242. Today the participation of women in the labour force has increased considerably. The market in the formal economy has changed to such a degree that the recorded participation of women has increased from 17.6% in 1970 to 36.4% in 2000. In some branches of activity in the national

economy the participation of women in the labour force is equal to that of men. The participation of men in labour activity has decreased slightly, from 78.2% in 1995 to 76.8% in 2000.

243. The greater participation of women in productive activity is due, firstly, to the need to complement family incomes, and secondly, to the rapid increase in the levels of education of women, which enables them to enter the labour sphere of their own volition. The higher the level of schooling, the higher the rate of participation in the labour market. According to the National Employment Survey, between 1995 and 2000 the population groups with secondary and higher education reached 73.7% and 74.3% respectively.

244. The participation of married women increased from 29.8% in 1995 to 34.5% in 2000. But that participation is even greater among those women fulfilling the role of head of household. In terms of age, the highest level of women's participation in the labour force is found in the 20-49 age group; between 1995 and 2000 the rate of participation in this group rose from 43.4% to 45.8%.

245. However, the National Institute for Women (a government body which lays down guidelines for public policies towards women) admits that, although the participation of women in the labour market has been steadily changing during recent years and that they have been entering the world of work in ever-increasing numbers, they still encounter serious difficulties, such as occupational segregation, which results in women being concentrated in particular fields or economic activities, such as services (medicine, education, recreation and domestic) or commerce, while men are concentrated in others (usually better paid) such as construction, transport, public administration and defence.

246. The Institute considers that there exists another form of discrimination consisting of attaching a different value to a particular activity depending on who is performing it< for instance, a man is given the title of "sales agent" while a woman is a "saleswoman"; this is alleged to justify paying less. Frequently, too, the positions occupied by women enjoy less social prestige and do not give access to decision-making in managerial positions within the organizations in which they work; or they may be required to furnish proof of non-pregnancy in order to obtain a job or to remain in it. One of the most serious problems, which is frequently encountered in many work centres, is that of sexual harassment; this implies a number of behaviour patterns of a sexual nature on the part of superiors and colleagues which are not desired by the women, offend their dignity and place their jobs at risk.

### **Women**

247. Thirteen agreements have been signed with a number of enterprises, state governments and women's associations in five different States concerning the prohibition of a certificate of non-pregnancy as a requirement for obtaining a job, family responsibilities and corporative breastfeeding. In addition, a coordination agreement has been concluded between the STPS and the government of the State of Yucatán for the generation of actions contributing to the improvement of the working conditions of women. A radio spot entitled "greater dignity in the working conditions of women" has been disseminated, and 105,000 letters stating the rights and obligations of working women and 21,035 posters on the subjects of the certificate of non-pregnancy and the value placed on women's work have been distributed.

248. The "First National Meeting of Working Women: Maternity Protection: For a Trade Union Movement with Gender Equality" was held in coordination with the Mexican Regional Workers' Confederation. At that meeting over 800 women workers from different parts of the Republic

made specific proposals concerning social security, INFONAVIT and family responsibilities. In addition, a forum on sexual harassment and violence at work was organized in coordination with the Women's Institute of the State of Morelos; the subjects discussed included "Gender and Violence", "Violence in the Working Environment" and "Repercussions of Domestic Violence in the Working Environment".

### **Minors**

249. As part of the Disincentives to Child Labour Programme cooperation agreements have been concluded with the governments of the States of Aguascalientes and Oaxaca, and a tripartite committee has been established for follow-up on ILO Convention 182. A meeting and a working group on the prevention and combating of the worst forms of child labour were organized with representatives of employers' and workers' organizations.

- With a view to protecting the rights of minors of employable age, brochures were distributed describing the rights and duties of minors as workers. In addition, a leaflet was designed bearing the message: "Do you know minors? Or do you employ minors? Find out more about their rights and the measures for their protection".
- To commemorate the World Day Against Child Labour a drawing competition was organized on the theme: "What do you think are the worst forms of child labour?" Twenty-seven states participated.
- As part of the Programme of Support for the Prevention and Elimination of the Commercial Sexual Exploitation of Children (ESCI) and the Protection of ESCI Victims in Mexico, training was organized in workshops for trade unions on the prevention and combating of the worst forms of child labour and a training manual for instructors and participants was elaborated.
- In addition, an operational protocol for public officials was drawn up for the identification, protection and care of boy and girl children and adolescents victims of commercial sexual exploitation. A juridical penal study on the commercial sexual exploitation of children was completed. Bases were established for unified action in Mexico (ILO-STPS-National Institute of Penal Sciences (INACIPE)). A system for the identification of sexual exploitation networks (SIREs) was planned, established and brought into operation. Training was given to the members of the Federal Preventive Police.

### **Older persons**

250. The following activities have been promoted by the National Institute for Older Persons in conjunction with different governmental bodies:

- Promotion of self-employment through Second Vocational Guidance seminars. The aim of these seminars is to provide the tools necessary to enable older persons to attain a new perspective on life through a second vocational guidance and to foster training-for-work activities and guidance for self-employment and the creation of micro-enterprises.

- Organization of workshops for entrepreneurs (as part of a second module following on the Second Vocational Guidance seminars); these will be run by the Ministry for the Economy. The aim of these seminars is to provide future heads of micro and small enterprises with the tools which will help them to identify and understand the steps they will take to develop their business plans.
- Promotion of the incorporation of older persons into work. It is sought to disseminate knowledge of the rights and duties at work of older persons in society in general and within the entrepreneurial sector with a view to securing compliance with them.
- Organization of workshops on the subject of “Experience Goes On Bearing Fruit”. The aim here is to promote and develop awareness in the entrepreneurial sector and in society in general to lead them to recognize the skills, abilities and experience of older people in order to enable them to obtain, improve and hold on to jobs and thereby improve their quality of life.
- Organization of courses on “Experience in the Service of the Family in the Spheres of Initial, Pre-School and School Education”. The aim here is to create work opportunities for older persons, enabling them to meet their economic needs, and to develop through the care of children, thus fostering the cohesion and strengthening of the family.
- Promotion of awareness in the entrepreneurial sector of the principle of non-discrimination in employment against older and handicapped persons and persons with HIV/AIDS. The objective is to promote the inclusion in the labour force of older and handicapped persons and persons with HIV/AIDS through motivation and awareness promotion in the entrepreneurial sector.
- Coordination of the Specialized Matching Network for the Incorporation into Employment of Handicapped and Older Persons. It is sought to coordinate the activities of the public, private and civil organizations which make up the Network with the aim of promoting, disseminating, facilitating and expediting the incorporation into work of disabled and older persons by matching persons seeking labour and persons seeking employment.

### **Handicapped persons**

251. The Subcommittee on Integration into Employment is a body coordinating the work of its component institutions on the integration of handicapped persons into employment by means of joint projects. The component institutions make proposals based on the Programme for Integration of Handicapped Persons into Employment 2001-2006. The work of the Subcommittee is carried out in three working groups, respectively entitled Follow-up on Convention 159, Promotion of Self-Employment and Rehabilitation for Employment. In all, 32 meetings have been held by the working groups, with the result that a National Meeting on Rehabilitation for Employment has been held, bringing together specialists to analyse the situation regarding rehabilitation of the handicapped for employment in Mexico with a view to unifying criteria, streamlining procedures and identifying problems and solutions in the short, medium and long terms.

- The Project for the Creation of Integration into Employment Centres for the Handicapped is designed to make use of the infrastructure and staff of the Multiple Care Centres (CAM) which offer vocational training, in order to establish within those centres agencies for integration into employment both for inmates and for non-inmates with handicaps requiring the service. In addition, an occupational social service is being developed within CONALEP to support field work, conducting a census of the opportunities for integration into employment for handicapped persons existing within the community. To that end two training workshops have been organized for the state coordinators and the managers of the Employment CAMs in all the states of the Republic during the National Meeting on Special Education organized by the Ministry of Public Education. Support for the creation of Integration into Employment Centres has been provided in 8 states through the Specialized Matching Network for the Incorporation into Employment of Handicapped and Older Persons.
- Four workshops on non-discrimination were held in the State of Chiapas to promote awareness of the real condition of handicapped persons and persons suffering from HIV/AIDS in order to promote their acceptance and full integration into the work environment and society and to offer theoretical and practical instruments to facilitate a better understanding of the manner in which these human beings live.
- A cooperation agreement has been signed with the Mexican Confederation of Organizations Working for Mentally Handicapped Persons A.C. (CONFE) with the object of combining efforts for the promotion and strengthening of the Specialized Matching Network for the Incorporation into Employment of Handicapped and Older Persons in the different states and extension and advisory services for the integration of disabled persons into employment.

### **The indigenous population**

252. The task here is one of promotion of employment and self-employment among the indigenous population in conditions of equity, without discrimination, to facilitate the realization of its well-being and welfare. To that end measures will be taken such as: a) promotion of employment and self-employment among that population; and b) integration of that population into the labour world.

- Promotion of respect for the labour rights of day labourers and their increased implementation in the work environment. This will be done through: a) promotion of social responsibility among employers vis-à-vis their day labourers (recognition, awareness development) and b) actions to eliminate the unequal conditions facing the indigenous population in the world of work.
- The programmes for the indigenous population include: 1) the Strategic Programme for Self-Employment and Employment for the Indigenous Population 2003; and 2) the Programme for Day Labourers in Agriculture.
- The activities deriving from these programmes are: 1) promotion of linkages through the signature of coordination agreements between the STPS and municipal authorities for the identification of entrepreneurs and support with municipal proceedings concerning productive projects designed to promote formal self-employment; 2)



promotion of linkages through the signature of agreements with the production sectors participating in the State Council for Dialogue; 3) the preparation and distribution of manuals for the formalization and execution of productive projects for self-employment; and 4) distribution of information on labour rights in indigenous languages.

### Paragraph 18

253. The Federal Labour Act stipulates that:

- The employer and the worker are free to fix working hours as best suits their convenience, provided always that the rules on time-frames and daily hours are complied with (8 hours for work during the day; 7 hours for night work; 7 hours 30 minutes for work part day, part night). All workers receive 30 minutes' rest. On the subject of overtime the Act states that if the worker exceeds his normal working hours he is to receive pay in accordance with the extra hours worked: double time for the first 9 hours and treble time for hours in excess of 9. Workers are not obliged to provide their services for longer than the time specified by the Act. If workers are required to work on Sundays or public holidays, they are to receive a 25% bonus in respect of the former and double pay for the latter.
- As regards periodic holidays, the Act provides that after one year's service a worker is entitled to 6 days' rest; two days are added for every five years' service. In all cases without exception he will receive his pay and the holiday bonus due.<sup>13</sup>

254. In principle there are no factors hindering the realization of the rights of workers in the area of working hours, weekly rest days and compulsory rest days as established in the Federal Labour Act, the enjoyment of periodic holidays and payment of overtime, Sunday bonuses where applicable and holiday bonuses.

255. This is so because all these rights can be invoked through the legal mechanisms established to enable a worker to claim their realization.

256. Thus the workers have access to justice through public institutions or bodies for the defence of workers which give the latter free legal advice so that the worker can, even on his own initiative, claim the realization and implementation of the agreed-on benefits; or, if he so wishes, he can empower the institution or body to bring and follow up the claim on his behalf to obtain the realization of his rights.

257. In the majority of cases the rights of the workers are secured, since in addition to being protected by the Constitution and the law they are set down in contracts of employment, both collective and individual. The absence of these documents does not preclude the employer from giving effect to the rights of the workers, since they are laid down in the relevant Act. In the event of failure to realize these rights, a worker has recourse to justice through the labour courts.

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<sup>13</sup> Annex V: Article 58 and 68 of the Federal Labour Act.

258. In addition, the workers have their unions, whose object is to study, improve and defend the rights of the workers; thus they act to achieve the realization of those rights, where necessary by the exercise of the right to strike.

259. One of the difficulties hampering the exercise of the rights of workers is that they do not turn to the competent authorities to report failures to respect their rights or do not have recourse to the remedies offered by the law.

260. As stated earlier, the Political Constitution and the LFT prohibit discrimination on any grounds whatsoever; consequently there are in principle no exclusions. Workers who consider that the rights they hold under the law have been violated have access to legal remedies to secure their enforcement.

261. Since our Magna Carta affirms equality of rights without distinction based on gender, race, age, religious beliefs, social standing, health or sexual preferences, federal laws and international treaties on labour matters to which Mexico has adhered must also comply with that principle.

262. The above is reaffirmed in the provisions of article 3, article 133 (section I) and article 164 of the Federal Labour Act, which read as follows:

“Article 3. Work is a social right and a social duty. It is not an article of trade. It demands respect for freedoms and dignity from those who perform it and must be performed under conditions which will ensure the life, the health and a decent economic level for the worker and his family.”....

263. “No distinction may be made among workers on grounds of race, sex, age, religious beliefs, political convictions or social condition.

264. “Equally, the promotion and supervision of the training and skills development of the workers is a matter of interest to society.”

“Article 133. Employers are forbidden to:

Refuse to engage workers on grounds of age or sex.”

“Article 164. Women shall enjoy the same rights, and have the same obligations, as men.”

265. In the same sense, Article 5 of the Constitution is applicable here; its operative paragraph reads: “No person may be deprived of the product of his labour save by judicial decision.”

266. In addition, article 4 of the Federal Labour Act states that: “No person can be prevented from working or engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful”.

267. However, there are exceptions to this rule and constitutional precept, but solely where they benefit the worker. These are:

- Overtime for persons under age 16. (Article 123 of the Constitution, section XI).

- The prohibition of work by pregnant women in tasks requiring considerable effort and constituting a danger to her health connected to the pregnancy (Federal Labour Act, Article 123, section V: arts. 166 and 170).

268. For further information see reply to question 2(a) in this report.

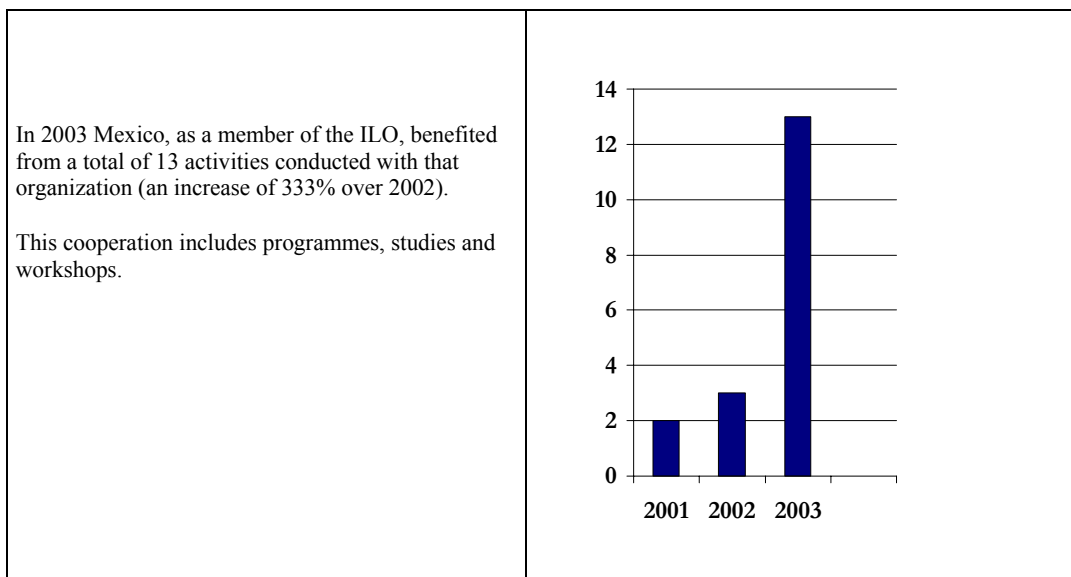
### Paragraph 19

269. There have been no changes.

### Paragraph 20

270. During the period 2001-2003 a number of activities were carried out within the framework of technical cooperation with the ILO; they consisted of programmes, studies and workshops.

**Technical cooperation within the framework of the ILO**



Source: Ministry of Labour and Social Welfare.

## C. ARTICLE 8

### Paragraph 22 of the guidelines

271. Article 9 of the Political Constitution of the United Mexican States stipulates as an individual guarantee that every person has the right to associate freely and peacefully for any lawful purpose.

“Article 9. The right to assemble or associate peaceably for any lawful purpose cannot be restricted; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed meeting has the right to deliberate.

“No meeting or assembly shall be deemed unlawful which has for its object the petitioning of any authority or the presentation of a protest against any act; nor may it be dissolved, provided that no insults be proffered against said authority and that no violence is resorted to or threats used to intimidate or compel such authority to render a favourable decision.”

272. The formation of trade unions is regulated both by the Political Constitution of the United Mexican States and the Federal Labour Act.

273. The Constitution, in Article 123, sections A and B, stipulates the following:

“Article 123. Every person has the right to decent and socially useful work. To that end the creation of jobs and social organization for work shall be promoted in accordance with the law.

274. The Congress of the Union, without contravening the following basic principles, shall formulate labour laws which shall apply to:

A. Workers, day labourers, domestic servants, artisans and in a general way to all employment contracts:

XVI. Both employers and workers shall have the right to organize for the defence of their respective interests, by forming unions, professional associations, etc.

275. The Federal Labour Act confirms freedom of association in articles 357 and 358.

“Article 357. Workers and employers have the right to form unions without need for prior authorization.

“Article 358. Nobody may be compelled to join or not to join a union. Any stipulation providing for an agreed fine in the event of separation from the union or which invalidates in any way the provision contained in the previous paragraph shall be null and void.”

276. The constitutional provision and the legislation to regulate it in the labour sphere complies with the provisions of ILO Convention No. 87 on freedom of association and the protection of the right to organize, adopted by that organization in 1948, which was adhered to and ratified by Mexico and came into force in this country on 4 July 1950.

277. On the subject of freedom to join a union, article 2 of ILO Convention No. 87 provides that:

“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization”.<sup>14</sup>

278. On the subject of membership, the Federal Labour Act contains the following provisions:

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<sup>14</sup> See the website of the International Labour Organization: <http://www.ilo.org/ilolex/spanish/convdisp2.htm>

**For workers' unions**

<i>Substance</i>	<i>Form</i>
<p>To join a union a person must be an active worker in the enterprise.</p> <p>Unions have the right to draw up their statutes and rules, to elect their representatives freely, to organize their administration and their activities and to formulate their programmes of action. (359)</p> <p>The statutes shall contain the union's name, domicile, object, duration, conditions of membership, rights and obligations of members, grounds and procedures for expulsion and disciplinary action, the manner of convening an assembly, the procedure for election of the executive and the number of members, the term of office of the executive, rules for the administration, acquisition and disposal of assets, property of the union, amount and method of payment of membership fees, the date for presentation of the accounts and the rules for the liquidation of union property. (371)</p> <p>No worker under age 16 or foreign worker may form part of the executive (374). In such cases it must be verified that the foreign worker can join the union.</p> <p>A worker in a position of trust may not join a union. (363)</p> <p>Unions represent their members in the defence of individual rights. (375)</p> <p>The union shall be represented by the Secretary-General or another person appointed by the executive save where the statutes provide otherwise. (376)</p> <p>Unions are prohibited from intervening in religious matters and from engaging in trade for profit. (378)</p>	<p>Workers and employers may form unions without need for previous authorization. (357)</p> <p>Membership consists of persons aged 14 or over (362)</p> <p>A union shall be constituted by 20 workers in service or by 3 employers. (364)</p> <p>In areas of federal competence constitution of a union must be reported to the Ministry of Labour and Social Welfare.</p> <p>In areas of local competence, to the Boards of Conciliation and Arbitration.</p> <p>The application for registration must be accompanied by two copies of the proceedings of the constituent assembly, the statutes, the decision of the assembly concerning the election of the executive and a list giving the number, names and addresses of its members and the names and addresses of the employers, enterprises or establishments in which they perform services (365).</p>

**For employers' unions**

<p>A union may be formed by employers in one or more branches of activity and at national level by employers in one or more branches of activity but from different states. (361)</p> <p>Employers' unions may draw up their statutes and rules, elect their representatives freely, organize their administration and their activities and formulate their programmes of action. (359)</p>	<p>Workers and employers may form unions without need for previous authorization. (357)</p>
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279. The Act also adds that a unionized worker may be expelled or leave voluntarily (358); he is also free not to join that union or any other.

280. On the subject of types of unions, article 360 of the Federal Labour Act establishes the following categories:

- I. Based on a trade, i.e., made up of workers in the same profession, occupation or speciality.
- II. Based on an enterprise, i.e., made up of workers employed in the same enterprise.
- III. Based on an industry, i.e., made up of workers employed in two or more enterprises in the same branch of industry, i.e., made up of workers employed in one or more enterprises in the same branch of industry in two or more states of the Federation.
- IV. Based on a nation-wide industry, i.e. made up of workers employed in one or more enterprises in the same industrial branch in two or more federated states; or
- V. Based on several occupations, i.e., made up of workers in a number of occupations. Unions of this kind may be established only when in the municipality concerned the number of workers employed in the same occupation is below 20.

**Paragraph 22 (a)**

281. Under Article 123 of the Political Constitution of the United Mexican States, the right of association is the same for all categories of workers. The legislation regulating labour matters recognizes both the letter and the spirit of this right.

282. However, over time it has been considered by groups of organized workers and different personalities in the academic sphere of civil society that the Federal State Workers Act, giving effect to Part B of Article 123 of the Constitution, which was introduced in Mexico in 1960 and specifically governs the labour relations of workers in the service of the State, constitutes a major restriction on the exercise of the right of freedom of association.

283. It is suggested that this right is restricted by article 68 of that Act, which reads as follows: "A state agency shall have only one trade union. In the event of conflict between several groups of workers claiming this right, the Federal Conciliation and Arbitration Tribunal shall grant recognition to the majority group", and by the prohibition in article 69 on leaving the union: "All workers are entitled to join the trade union in question, but once they have applied and are admitted, they may not leave the trade union unless they are expelled."

**Paragraph 22 (b)**

284. The restrictions on the full exercise of the right of freedom of association contained in the legislation governing the labour relations of workers in the service of the State, specifically set down in articles 68 and 69, which were mentioned in the previous reply, have begun to be superseded as a result of the rulings handed down during 1996 by the Supreme Court of Justice of the Nation (SCJN).

285. The case-law doctrine (tesis de jurisprudencia) No. 1/1996, approved unanimously by 11 votes by the plenary sitting of the SCJN on 15 January 1996, stated that "(...) The relations of decentralized public bodies of a federal nature with their servants shall not be governed by the provisions of Part B of Article 123 of the Constitution". This implied that unions in decentralized public bodies were able to apply for registration to the STyPS and as a consequence to belong to the central trade union organization of their choice and not obligatorily to the Federation of Unions of State Workers (FSTSE).

286. During the same year another decision of great significance was handed down by the SCJN; it related to the restriction in article 68 of the Act to give effect to Part B of Article 123 of the Constitution prohibiting the existence of more than one union in any State agency. In settling the cases involving the Council of the State of Oaxaca and the union of academic staff of the University of Guadalajara, the Supreme Court of Justice declared rules restricting freedom of association unconstitutional, thereby opening the way for genuine competition to win union representation of public servants.

287. In this connection the Supreme Court of Justice has issued ruling No. 43/1999 to the effect that all laws or statutory instruments establishing a single trade union violate the principle of freedom of association laid down in Article 123, Part B, section X, of the Constitution. The Court considered that the rule that there should be only one union of officials in each State agency violated the social guarantee of freedom to join a union in that it restricted the freedom of association of workers for the defence of their interests.

288. It follows from the foregoing that there may be two or more unions existing side by side in a government agency, provided always that it was the wish of the workers to be organized in more than one union and that in addition those unions met the legal requirements concerning the membership and functioning of unions.

289. To that end, and by virtue of the fact that the effects of case-law are not *ergo omnes*, but are binding for implementation purposes only on local and federal courts, then if any group of workers wished to organize in a new union it would have to seek the remedy of *amparo* in order to obtain the benefit of the above-mentioned ruling, on the understanding that both the federal and state administrative authorities would continue to respect the decisions handed down and would give due and full application to them.

**Paragraph 22 (c)**

290. In article 381 of the Federal Labour Act the legislator recognizes the negative aspect of freedom of association, namely the right of the worker not to join a union or to leave a union of which he is a member if he considers it desirable. This power is extended to trade union organizations, namely the right to join, or not to join, more extensive central umbrella organizations such as federations and confederations.

“Article 381. Unions may form federations and confederations; these shall be governed by the provisions of this chapter in so far as they are applicable.”

291. No information is supplied on federations and confederations, since unions have the right to establish them and to leave them at any time even where agreement to the contrary exists; their statutes must contain, essentially, the names and addresses of their members, the conditions for affiliation of new members and the manner in which their members are represented in the executive and at assemblies.

292. Federations and confederations, while they are not granted registration in the terms established for unions, will also be automatically registered as if they were unions.

**Paragraph 22 (d)**

293. As mentioned earlier, freedom of association for workers is general.

294. The Federal Labour Act regulates the establishment, classification and registration of unions, the contents of the statutes and rules laying down rights and obligations of a union nature.

295. With the constitutive resolution the creation of a union is decided upon with the agreement of those who become its members. The possibility of subsequent adhesion by persons who fall within its scope and meet the legal conditions laid down in the statutes is provided for.

296. The legislature stipulates the legal requirements for the establishment of a union, which must have a minimum number of 20 workers in active employment, or of three employers.

297. Thus it is the deed of constitution of the union, once accepted by the requisite number of persons, which has the consequence of conferring legal personality on the union.

298. As regards the restrictions contained in the Act to give effect to Section B of Article 123 of the Constitution, in accordance with which each government agency may have only one union, see the reply to the question under paragraph 8(2)(b).

299. It should be mentioned here, concerning express limitations placed upon the right to function of trade unions contained in labour legislation, the following is found in article 378 of the Federal Labour Act:

“Article 378. Unions are forbidden:

- I. To intervene in religious affairs:
- II. To engage in trade for profit.”

300. The provisions recognizing the freedom of unions to negotiate collective agreements are to be found in articles 386-403 of the Federal Labour Act. These read as follows:

“Article 386. A collective labour agreement is an agreement concluded between one or more workers’ unions and one or more employers, or one or more unions of employers, with a view to establishing the conditions under which work is to be performed in one or more enterprises or establishments.

“Article 387. An employer employing workers who are members of a union is required to conclude a collective agreement with the union if requested to do so.

“If the employer refuses to sign the agreement, the workers may exercise the right to strike provided for in article 450.

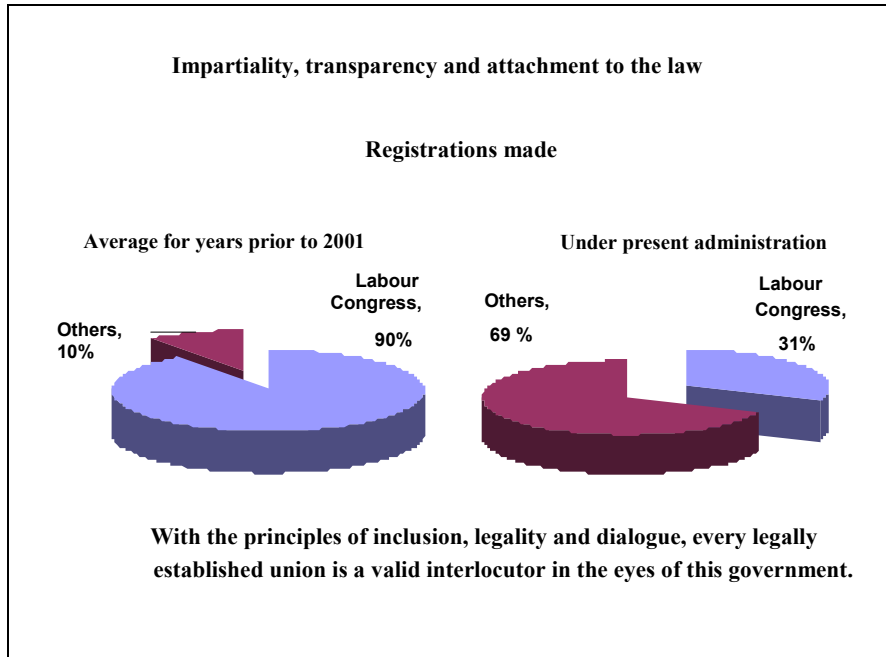
“Article 388. If there are several unions in the same enterprise, the following rules shall apply:

- I. If there are several unions based on an enterprise, on an industry, or both, competing in the same enterprise, the collective agreement shall be concluded with the union with the greatest number of members in the enterprise;
- II. If there are unions based on a trade in competition with one another, the agreement shall be concluded with all the majority unions representing the various trades, provided that they are in agreement among themselves. If that is



not the case, each union shall conclude a collective agreement for its particular trade; and

- III. If there are unions based on a trade and unions based on an enterprise or an industry in competition with one another, the first-mentioned may conclude a collective agreement for its trade provided that the number of its members is greater than the number of workers in the same trade who are members of the union based on an enterprise or an industry.



Source: Ministry of Labour and Social Welfare

**Paragraph 22 (e)**

301. The Federal Labour Act gives effect to Article 9 of the Constitution, the classification and register of unions, the content of their statutes and rules stipulating obligations and prohibitions in the union sphere.

302. With the constitutive resolution the creation of a union is decided upon with the agreement of those who become its members. The possibility of subsequent adhesion by persons who fall within its scope and meet the legal conditions laid down in the statutes is provided for. Additional information will be found in Annex VI, which gives the number and structure of the unions established in Mexico and their composition.<sup>15</sup>

<sup>15</sup> See Annex VI.

**Paragraph 23**

303. Article 123, Part A, sections XVIII-XIX of the Political Constitution of the United Mexican States regulates the right to strike as follows:

- XVII. The laws shall recognize strikes and lockouts as rights of workmen and employers.
- XVIII. Strikes shall be legal when they have as their purpose the attaining of equilibrium among the various factors of production, by harmonizing the rights of labour with those of capital. In public services it shall be obligatory for workers to give notice ten days in advance to the Board of Conciliation and Arbitration as to the date agreed upon for the suspension of work. Strikes shall be considered illegal only when the majority of strikers engage in acts of violence against persons or property or, in the event of war, when the workers belong to establishments or services of the government.
- XIX. Lockouts shall be legal only when an excess of production makes it necessary to suspend work to maintain prices at a level with costs, and with prior approval of the Board of Conciliation and Arbitration.”

304. The Federal Labour Act also deals with and regulates this right, specifying when it is legal and when illegal (when acts of violence are committed, and in the event of war when the strikers are government workers).

Article 440. A strike is a temporary cessation of work brought about by a coalition of workers.

Article 441. For the purposes of this Title, workers' unions are deemed to be permanent coalitions.

Article 442. A strike may affect an entire enterprise or one or more of its establishments.

Article 443. A strike must be limited to the simple act of suspension of work.

Article 444. A strike is legal if it meets the requirements and pursues the objectives set forth in article 450.

Article 445. A strike is illegal:

- I. If the majority of the strikers engage in acts of violence against persons or property,
- II. In the event of war, when the workers belong to establishments or services of the government.

Article 446. A strike is justified if the grounds therefor are attributable to the employer.

Article 447. A strike is a legal cause for suspension of the effects of employment relationships for as long as it lasts.

Article 448. The exercise of the right to strike shall suspend any proceedings concerning a collective dispute of an economic nature before the Board of Conciliation and Arbitration and of petitions submitted to it save where the workers submit the dispute to the Board for decision.

The provisions of the previous paragraph shall not apply where the purpose of the strike is that stated in section VI of article 450.

Article 449. The Board of Conciliation and Arbitration and the civil authorities concerned must enforce respect for the right to strike, giving the workers the necessary guarantees and giving them any assistance they may request for the suspension of work.

Article 450. A strike must have as its purpose:

- I. To attain equilibrium among the various factors of production, by harmonizing the rights of labour with those of capital;
- II. To obtain from the employer or employers the conclusion of a collective labour agreement and to secure its revision at the end of its period of validity, in accordance with the provisions contained in Chapter III of Title VII;
- III. To obtain from the employers the conclusion of a model agreement and to demand its revision at the end of its period of validity, in accordance with the provisions contained in Chapter IV of Title VII;
- IV. To demand compliance with the collective labour agreement or the model agreement in the establishment or establishments in which it has been violated;
- V. To require implementation of the statutory provisions concerning profit-sharing;
- VI. To support a strike which has as its object any of the purposes listed in the preceding sections;
- VII. To demand a review of the contractual wages referred to in articles 399 bis and 419 bis.”

**Paragraph 23 (a)**

305. As mentioned earlier, the Political Constitution of the United Mexican States lays down the following requirements for the exercise of the right to strike:

“Article 123, section XVIII..... In public services it shall be obligatory for workers to give notice ten days in advance to the Board of Conciliation and Arbitration as to the date agreed upon for the suspension of work. Strikes shall be considered illegal only when the majority of the strikers engage in acts of violence against persons or property or, in the event of war, when the workers belong to establishments or services of the government.”

306. In relation to the last sentence of section XVIII of Article 123 of the Constitution, article 925 of the Federal Labour Act specifies what is to be understood by public services.

307. The LFT also specifies the conditions to be met by the use of the right to strike:

“Article 443. A strike must be limited to the simple act of suspension of work.

“Article 444. A strike is legal if it meets the requirements and pursues the objectives set forth in article 450.”

308. A strike is illegal in the following cases:

“Article 445. A strike is illegal:

- I. “If the majority of the strikers engage in acts of violence against persons or property,
- II. “In the event of war, when the workers belong to establishments or services of the government.”

“Article 451. For a suspension of work it is necessary:

- “I. That the strike is called for one or more of the purposes mentioned in the previous article:
- “II. That work is suspended by the majority of the workers in the enterprises or establishment. The determination of the majority referred to in this section may only be used to apply for a declaration that no strike is taking place, in accordance with the provisions of article 460, but in no case may the question be put before the suspension of work begins”;

309. A strike does not exist in the following cases:

“Article 459. A strike does not exist in law in the following cases:

- “I. Work is suspended by a number of workers less than that fixed in article 451, section 2;
- “II. The purpose of the strike is not among those listed in article 450; and
- “III. The requirements listed in article 452 are not met.”

“A strike may not be declared non-existent for any reason other than those listed in the previous sections.”

310. On the subject of the continuation of work after the outbreak of the strike the LFT contains the following provisions:

“Article 466. Striking workers must continue working as follows:

- “I. Ships, aircraft, trains, buses and other transport vehicles in the course of a journey must continue to their destinations;
- “II. In hospitals, sanatoria, clinics and similar establishments care for persons who are in-patients at the time of outbreak of the strike shall continue until they can be transferred to another establishment.”

**Paragraph 23 (b)**

311. The provisions of the LFT are applicable in all work centres; consequently, they are of general application. Notwithstanding this, it also provides that some striking workers must go on working in certain cases.

“Article 466. Striking workers must continue working as follows:

- “I. Ships, aircraft, trains, buses and other transport vehicles in the course of a journey must continue to their destinations;
- “II. In hospitals, sanatoria, clinics and similar establishments care for persons who are in-patients at the time of outbreak of the strike shall continue until they can be transferred to another establishment.”

312. In addition, article 925 contains special provisions regarding enterprises in the sectors of communications and transport, light and electric power, cleaning, water supply and distribution to the public, gas, sanitation, hospitals, cemeteries and staple foodstuffs, providing that if in the last-mentioned case an entire branch of a service is affected the government will intervene to ensure the continuation of the service concerned.

**Paragraph 24**

313. As regards workers in the service of the State, Article 123, Part B, of the Political Constitution of the United Mexican States contains the following provisions.

“B. The branches of the Union, the governments of the Federal District and of the federal Territories and their workers:

- “X. Workers shall have the right to associate together for the protection of their common interests. They may also make use of the right to strike after first complying with requirements prescribed by law, with respect to one or more offices of the public powers, whenever the rights affirmed by this article are generally and systematically violated.
- “XIII. Military and naval personnel and members of the public security corps, and personnel of the foreign service, shall be governed by their own laws.”

314. In conformity with the above, the Federal Act concerning State Workers, giving effect to Part B of Article 123 of the Constitution, reads as follows:

“Article 8. The following are excluded from the scope of this Act: persons in positions of trust referred to in article 5; members of the National Army and Navy (with the exception of civil personnel in the Ministries of Defence and of the Marine); members of the militia and persons who legally join militia groups; members of the Mexican foreign service; surveillance personnel in penitentiary establishments, prisons or galleys; and persons providing their services under civil contracts or subject to the payment of fees.”

315. It is clear from the above that active members of the National Army and Navy, members of the militia and persons who legally join militia groups, surveillance personnel in penitentiary

establishments, prisons or galleys, agents of the Public Prosecutor's Office and members of the police forces are not able to form associations for the defence of their interests. However, the situation is dealt with by specific legal provisions covering each group of workers concerned.

316. It should be noted that the Supreme Court of Justice has issued a number of rulings on the relationship between the armed forces and the police, on the one hand, and the government, on the other. It has established that that relationship is not a labour relationship but an administrative one; this explains why they cannot exercise the right to strike.

#### **Paragraph 25**

317. Not applicable. The information on these guidelines is the same as in the previous report, since there has been no change in the legislation.

### **D. ARTICLE 9**

#### **Paragraph 27 of the guidelines**

318. The Mexican Social Security Institute (IMSS) comprises five branches of insurance:

Sickness and maternity insurance; occupational risks insurance; invalidity and life insurance; retirement, cessation of employment at an advanced age and old-age insurance, and day care and social benefits insurance.

319. The Social Security and Services Institute for State Workers (ISSSTE) provides the following benefits: medical care; sickness, maternity, old age; invalidity; survivors; work accidents and family benefits.

320. The activities of the ISSSTE are conducted through the following insurance schemes, benefits and services: preventive medicine; sickness and maternity insurance; physical and mental rehabilitation services; occupational risks insurance; retirement insurance; retirement and length of service insurance; invalidity insurance; survivors' insurance; insurance against cessation of employment at an advanced age; lump-sum payments; child welfare and development services; comprehensive services for retirees and pensioners; the lease or sale of low-cost housing belonging to the Institute, mortgage loans and housing finance, generally in relation to the procedures for acquisition of land and/or dwellings and the construction, repair, extension and improvement thereof; the payment of liabilities incurred under these heads; short- and medium-term loans; services designed to improve the quality of life of public servants and the persons recognized as family members; tourism services; cultural promotions, technical preparation; promotion of sport and recreation; funeral services and saving for retirement schemes (Act concerning the ISSSTE, article 3).

#### **Paragraph 28**

321. The plans for the different branches of social security in the principal social security institutions in Mexico offer the following forms of insurance and benefits:

### **Mexican Social Security Institute**

- **Sickness and maternity insurance.** This is provided through a programme of health promotion and protection for insured persons. The medical, surgical, pharmaceutical and hospital care necessary for the treatment of the sickness or ailment in question is provided, where appropriate, the financial benefit payable in respect of sickness in general is paid. In the case of maternity the mother is provided with obstetric assistance and benefits in cash and kind during a set period.

Pensioners are entitled to benefit from this scheme under the heading of Medical Expenditure for Pensioners.

- **Occupational risks insurance.** This scheme provides medical care and cash benefits in respect of accidents and illnesses to which workers are exposed in the course of or on account of their work. In addition to protecting the worker, the scheme offers security to affiliated employers, since it covers the obligations incumbent on an employer when one of his workers suffers injury due to an occupational risk.
- **Day-care and social benefits scheme.** The IMSS provides day-care centres for the small children of affiliated women workers and to widows and divorced women who have obtained custody of the children. The coverage of the scheme may be extended to insured men who by court decision are exercising parental authority or custody of a minor provided that they are in possession of their rights vis-à-vis the Institute and cannot provide the care and attention needed by the child. The purpose of the social benefits is to promote health, prevent sicknesses and accidents and contribute to the general improvement of the living standards of the population.
- **Invalidity and life insurance.** This scheme offers protection against the contingencies of invalidity or death of the insured person through payment of temporary or definitive pensions to the person concerned or, in the event of his death, to his family members. Invalidity and life insurance covers two contingencies: non-occupational accidents or diseases and the protection of the family on the death of the insured person. If the accident or disease results in invalidity for the worker, he will be entitled to a life annuity. If a pensioner dies, the beneficiaries will receive a pension by taking out a survivors' insurance policy.
- **Cessation of employment at an advanced age and old-age insurance.** The contingencies covered by this scheme are retirement, cessation of employment at an advanced age and old age and also the death of pensioners in the scheme. The IMSS provides a number of benefits, such as pensions, medical care, family allowances and assistance. The Administrators of the Retirement Fund form part of the social security scheme administered by the IMSS; their responsibility is the administration of the accounts of individual workers, who have a savings fund for their retirement which is administered by financial institutions.
- **Health insurance for the family.** This scheme gives access to the benefits in kind provided by the sickness and maternity scheme. It is open to heads of households and dependents provided that they are not members of any other social security scheme. This scheme offers a great opportunity for Mexican families to obtain access to the health services provided by the IMSS, irrespective of occupation or productive activity.

322. The day-care scheme covers the contingency of inability of working mothers, or widowed or divorced workers who have custody of children by decision of a court of law, to look after their small children during the working day.

323. The coverage of the scheme may be extended to insured men who by court decision are exercising parental authority or custody of a minor provided that they are in possession of their rights vis-à-vis the Institute and cannot provide the care and attention needed by the child.

324. The services of day-care centres are available to children between age 43 days and their fourth birthday.

325. The IMSS conducts activities directed at health promotion, sickness and accident prevention and the improvement of the levels of living of the population. These activities are centred on four fundamental strategies:

- Health promotion;
- Improvement of individual and family economies,
- Education for a better life;
- Environmental education.

326. These strategies are implemented through courses, workshops, campaigns, support and extension activities, sports leagues, indoor theatres and specific activities.

327. The financial benefits provided by the different branches of the insurance schemes are:

- **Lump-sum payments for occupational risks.** This benefit, introduced by the Social Security Act, provides that if the final assessment of disability is less than 25%, the insured person will receive, instead of a pension, a lump-sum equivalent to five annual payments of the pension which would have been payable. Where the degree of disability exceeds 25% while not exceeding 50%, the insured person may choose between a lump-sum payment and a pension.
- **Pension for partial or total incapacity due to occupational risk.** This is the cash benefit awarded in respect of an irreversible partial or total reduction of the abilities or aptitudes of a person for work caused by an occupational hazard. It may be paid provisionally for a two-year period of adjustment or made final. In the event of permanent total incapacity the amount of the pension will be 70% of the person's contribution wage at the time of occurrence of the hazard. In cases of occupational disease the amount will be 50% of the person's average contribution wage during the previous 52 weeks or, if his period of insurance was less, during the weeks actually worked.
- In cases of partial permanent incapacity the pension paid will be a percentage of that payable in respect of permanent total incapacity. The paying agent may be either the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner and receives in return the resources accumulated in the insured person's individual account.



- **Pension in respect of widow(er)hood due to occupational risk.** This is the cash benefit awarded to the widow(er) or concubine financially dependent on an insured person where the death of the latter was due to an occupational hazard or the deceased was receiving a pension in respect of total or partial incapacity for work. The pension is equivalent to 40% of the pension which would have been payable to the insured person in respect of permanent total incapacity, but may not be less than the minimum widow's pension payable under the invalidity and life insurance scheme. The paying agent may be either be the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner (i.e. the widow(er) or concubine) and receives in return the resources accumulated in the insured person's individual account.
- **Orphan's pension in cases of occupational hazard.** This is a cash benefit payable to each of the children of a deceased insured person where the death was due to an occupational hazard, or of a person receiving a pension in respect of permanent partial or total incapacity for work and/or the death of the spouse or concubine for children aged over 16 but under 25 provide that they can furnish proof that they are studying in a training establishment in the State system; or during the lifetime of the orphan if he or she is totally incapacitated due to chronic illness or a physical or mental deficiency or for as long as the incapacity continues. If the orphan has lost father or mother, the amount of the pension will be 20% of the amount which would have been awarded to the insured person in the event of permanent total incapacity, and will be increased to 30% in the event of the death of the other parent. The paying agent may be either be the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically and receives in return the resources accumulated in the insured person's individual account.
- **Pension for ascendants in respect of occupational risks.** This is a cash benefit awarded when there is no widow(er), orphan or concubine. It is payable to each of the ascendants who were financially dependent on an insured person or pensioner whose death was due to occupational risk. The amount payable is 20% of the pension which the insured person was receiving at the time of death or of the amount he would have been awarded in the event of permanent total invalidity. The paying agent may be either be the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner (i.e. the ascendants) and receives in return the resources accumulated in the insured person's individual account.
- **Pension in respect of invalidity payable under the invalidity and life insurance scheme.** This is a cash benefit awarded when an insured person is unable to obtain employment on account of a non-occupational accident or illness; it is awarded temporarily, with possible extensions, where there exists a possibility of recovery for work; if the incapacity is deemed permanent, the award becomes definitive. The paying agent may be either the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner and receives in return the resources accumulated in the insured person's individual account.

- **Widow(er)s pension payable under the invalidity and life insurance scheme.** This is a cash benefit awarded to a widow(er) or concubine financially dependent on either an insured person, or on a person receiving a pension in respect of permanent total or partial incapacity for work, on the death of that person resulting from a non-occupational accident or illness (a widower must also possess an official certificate of invalidity). The pension is equal to 90% of the pension which an insured person would have received in the event of invalidity, or of the amount which the pensioner was receiving under this head. The paying agent may be either be the IMSS (1973 Act) or an insurance institution (1997 Act) under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner (widow(er) or concubine) and receives in return the resources accumulated in the insured person's individual account.
- **Orphans' pension under the invalidity and life insurance scheme.** This is a cash benefit awarded to each of the financially dependent children of an insured person who dies of a non-occupational accident or illness or while receiving a pension in respect of permanent total or partial incapacity for work and/or on the death of the spouse or concubine. The pension is payable in respect of children under age 16 and may be continued up to age 25 on submission of proof that the child is studying in a training school in the State system. It is payable during the lifetime of the orphan if he or she is totally incapacitated on account of chronic illness or physical or mental deficiency or for as long as the condition continues. If the orphan has lost father or mother, the amount of the pension will be 20% of the amount which would have been awarded to the insured person or the pensioner in the event of permanent total incapacity, and will be increased to 30% in the event of the death of the other parent. The paying agent may be either be the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically and receives in return the resources accumulated in the insured person's individual account.
- **Pension for ascendants under the invalidity and life insurance scheme.** This is a cash benefit awarded when there is no widow(er), orphan or concubine. It is payable to each of the ascendants who were financially dependent on an insured person or pensioner whose death was due to a non-occupational accident or illness. The amount payable is 20% of the pension which the insured person was receiving at the time of death or the amount he would have been awarded in the event of invalidity. The paying agent may be either be the IMSS or an insurance institution under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioners (i.e. the ascendants) and receives in return the resources accumulated in the individual account.
- **Pension in respect of cessation of employment at an advanced age under the retirement, cessation of employment at an advanced age and old-age scheme.** This is a cash benefit awarded when an insured person aged 60 or over is without paid employment. The paying agent may be either be the IMSS (1973 Act and 500 contribution weeks) or an insurance institution (1997 Act and 1,250 contribution weeks) under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner and receives in return the resources accumulated in the individual account.

- **Old-age pension under the retirement, cessation of employment at an advanced age and old-age scheme.** This is a cash benefit awarded when an insured person reaches age 65 and has no paid work. The paying agent may be either be the IMSS (1977 Act and 500 contribution weeks) or an insurance institution (1997 Act and 1,250 contribution weeks) under a contract in which the latter undertakes to pay the pension periodically during the lifetime of the pensioner and receives in return the resources accumulated in the individual account.
- **Occupational risk benefit.** This is a cash benefit awarded as a replacement income when an insured person is unable to work on account of an occupational risk. The amount of the benefit is 100% of the earnings of the worker on the date of the incident; payment begins on the first day of incapacity and continues for a maximum of 52 weeks.
- **General sickness benefit.** This is a cash benefit awarded as a replacement income when an insured person is unable to work on account of a non-occupational accident or illness. The amount of the benefit is 60% of the last day's contribution earnings; payment begins on the fourth day following the onset of incapacity and continues for a period not exceeding 52 weeks. On medical advice payment may be continued for a further period not exceeding 26 weeks.
- **Maternity benefit.** This is a cash benefit awarded as a replacement income to an insured woman who cannot continue working on account of pregnancy. The amount payable is 100% of her last contribution day's earnings for the 42 days preceding and the 42 days after giving birth (prenatal and post-natal) during which, on medical advice and by law, the woman must rest. If there are any days not covered between the prenatal period and the birth, they shall be paid for at the rate of 60% of the contribution day's wage.
- **Funeral expenses grant.** This is a cash benefit paid to the person - preferably a relative of the deceased insured person or pensioner - who presents the death certificate and the original bill for the funeral expenses. This consists of twice the monthly (commercial month: 30 days) amount of the general minimum wage in force in the Federal District at the time of the death.
- **Assistance with marriage expenses.** This is a cash benefit equivalent in amount to 30 times the minimum general daily wage in force in the Federal District. It is paid into the individual account of the insured person concerned from the social quota allocated by the Federal Government provided that that person has credited to him at least 150 weeks of contribution into the retirement, cessation of employment at an advanced age and old-age insurance scheme on the date of the celebration of the marriage provided that authentic evidence is produced of the death of the person registered with the Institute as the spouse or, if appropriate, that the certificate of divorce is produced and that the partner has not been previously registered with the Institute as a spouse. This entitlement can only be exercised once, the insured person has no entitlement with regard to subsequent marriages.

328. Cash benefit payments followed the trends indicated below between 1998 and 2003:

**Number of pensioners and lump-sum payments, 1998-2003**

• Pensioners	1,734,945	• Invalidity	325,152
	1,797,016		324,829
	1,861,058		325,708
	1,950,909		330,775
	2,034,188		331,626
	2,133,532		334,551
• Occupational risks	281,781	• Widow(er)hood	390,911
	286,212		409,586
	292,548		427,694
	301,410		449,657
	308,217		470,604
	318,465		494,086
• Permanent incapacity	210,862	• Orphans	103,890
	216,478		97,146
	224,644		88,576
	234,645		82,322
	242,439		78,241
	253,064		79,268
• Widow(er)hood	33,882	• Ascendants	20,700
	34,822		21,691
	35,642		22,644
	36,579		23,884
	37,231		25,051
	37,971		26,975
• Orphans	24,603	• Retirement, cessation of employment at advanced age, old age	612,511
	22,399		657,552
	19,672		703,888
	17,402		762,861
	15,719		820,449
	14,546		880,187

**Number of pensioners and lump-sum payments, 1998-2003**

• Ascendants	12,434	• Cessation of employment	412,847
	12,513		450,550
	12,590		489,991
	12,784		538,855
	12,828		587,457
	12,884		638,298
• Invalidity and life insurance	840,653	• Old age	199,664
	853,622		207,002
	864,622		213,897
	886,638		224,006
	905,522		232,992
	934,880		241,889
		• Lump-sum payments	11,528
			11,101
			11,012
			9,891
			8,830
			8,488

<sup>1</sup> Preliminary figures

Source: IMSS, Coordination of Financial Benefits

**Benefits and assistance, 1998-2003**

<i>Benefits</i>		<i>General sickness</i>	
• Cases	4,878,095	• Cases	3,343,264
	5,053,676		3,526,981
	5,189,053		3,647,148
	4,867,280		3,343,908
	4,620,463		3,173,069
	4,417,884		3,084,419
• Days	49,375,781	• Days	26,021,467
	51,529,182		27,624,119
	53,763,012		28,734,539
	51,690,738		26,742,878

**Benefits and assistance, 1998-2003**

	49,779,141		25,569,474
	47,004,950		23,967,663
Occupational risks		Maternity	
• Cases	1,148,263	• Cases	386,568
	1,121,241		405,454
	1,107,599		434,306
	1,077,063		446,309
	1,006,389		441,005
	899,499		433,966
• Days	9,387,341	• Days	13,966,973
	9,240,694		14,664,369
	9,109,674		15,918,799
	8,571,204		16,376,656
	7,872,416		16,337,251
	6,976,973		16,060,315
Assistance with funeral expenses		Assistance with marriage expenses	
	46,798		75
	48,226		53,579
	50,166		60,073
	51,066		64,191
	49,226		58,505
	55,322		64,203

<sup>1</sup> Preliminary figures

Source: IMSS, Coordination of Financial Benefits

329. Following the reforms and additions in the Social Security Act published in the Official Gazette of the Federation on 21 November 1996 and 20 December 2001, the following increases in pensions have been awarded under the Act:

- Increase in and adaptation of the parameter for the updating of pensions awarded under the Act in force until 30 June 1997 to that of the Act now in force, i.e., approval of the parameter for pension increases in both regimes so that all pensions will be updated in line with the national consumer price index.
- An increase in the minimum pensions payable under both regimes, i.e., that fixed in the 1973 Act and that in the Act currently in force, for the least-favoured groups of pensioners in both regimes, such as persons over age 70, widows with children aged 18 or less, full orphans or orphans with disabilities entitling them to a pension.

- An increase in all widows' pensions amounting to less than twice the minimum wage from 90% to 100% (all at the expense of the Federal Government) in response to an urgent demand from society.

330. On the subject of the day-care centres mentioned earlier, the child-care services include cleanliness, food, health care, education and recreation for the children.

331. Day care can be provided for morning and evening shifts; the child of a woman working at night can be admitted to either of these shifts. The amendments made to the Social Security Act in 2001 offer workers on night shift increased opportunities for taking up their right to use day-care centres.

332. Special installations for the provision of day-care services have been set up in areas conveniently close to work centres and residential zones and in places where the compulsory scheme is in force.

333. Between 2000 and 2003 the number of day-care centres was increased by 420 units and the installed capacity by 78,673 places – increases of 47% and 76% respectively.

**Number of IMSS day-care centres and installed capacity, 2000-2003**

<i>Year</i>	<i>Item</i>	<i>Number</i>
2000	Units	899
	Installed capacity (places)	103.299
2001	Units	1.175
	Installed capacity (places)	140.761
2002	Units	1.163
	Installed capacity (places)	140.270
2003	Units	1.319
	Installed capacity (places)	181.972
Difference 2000-2003		420
		78.673

*Source:* IMSS, Day-Care Centre Coordinating Agency, 2004.

334. Day-care centres are financed from premiums for use of centres of this kind and from social benefits; these are paid entirely by employers, whether or not they employ workers entitled to use the centres.

335. The amount of the premium for this scheme is 1% of basic contribution wages as set by the Mexican Social Security Institute. Of this premium, 80% is allocated to day-care centres.

336. As regards the source of financing of social benefits, it may be up to 20% of the premium for the day-care centres scheme.

337. Some of the courses offered deserve special attention on account of the high level of demand for them within the user groups. These are. first aid, improvement of diet, sexual and reproductive health among adolescents, Cachibol, Tai-chi-chuan, aerobics for maintenance of physical condition, ballroom dancing, beauty and personal hygiene and tailoring and dressmaking.

338. In the workshops particular attention is given to nutritional guidance, prevention of addictions, exercise for health and accident and disease prevention. The campaigns focus particularly on vaccination and personal hygiene.

339. Among the support and extension activities mention may be made of the national social welfare week, the national culture week, the national sports and physical training week, health holidays and health breaks.

340. These measures are directed at all the different groups and have a cover during the last six months, as can be seen from the indicators in the following table:

**Numbers of persons benefiting from education in care of personal health, 1998-2003**

<i>Indicators</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003<sup>1</sup></i>
Nos. of persons receiving social benefits (000s)	635.4	662.2	721.1	746.8	610.4	436.1
Nos. of persons educated in personal health care (000s)	246.2	359.7	487.2	511.4	406.4	302.6
Percentage of persons educated in personal health care	38.8	54.3	67.6	68.5	66.6	69.4

<sup>1</sup> Preliminary figures

Source: IMSS, Coordination of Financial Benefits, 2004.

341. As part of the social benefits measures have been taken on behalf of the adolescent population with a focus on addiction prevention and sex and reproductive health education. The measures taken include courses, talks, campaigns and support and extension activities. Among these, particular mention should be made of the “Care for the Adolescent” modules set up in various operational units of the IMSS; they offer advisory services and organize workshops for adolescents.

342. There is also the “Sex and Reproduction Education for Adolescents Marathon”. This activity has won widespread acceptance within that group, as it takes place in the manner of a competition, arouses interest and imparts a significant body of knowledge to the participants..

343. During the period 2001-2003, 1,217,565 persons were recorded as attending activities conducted for the benefit of the adolescent population.

344. Activities are also conducted for the benefit of older people, pensioners and retirees. These activities seek to develop their cognitive, psychoaffective, motor and sociocultural functions by means of courses, talks, campaigns and support and extension activities. Of particular note is the interest shown by this group in ballroom dancing, aerobics as a means of maintaining physical condition, toy-making and decoration, therapeutic physical activity and diet improvement.



345. During the period 2001-2003 an average annual attendance of 354,778 persons at activities benefiting older persons was recorded.

346. The principal objective of care for the handicapped is to introduce a culture of prevention and comprehensive concern with the problem of disability in all groups through a three-pronged campaign: *institutional awareness development, education for prevention; and integration of the disabled into social and productive life.*

347. The implementation of the different aspects of the strategy of *institutional awareness development* comprises activities such as for a, courses, lectures, talks, invitations and recreational and support activities. In the sphere of *education for prevention* mention should be made of the early detection of the different types of disability, information talks and agreements regarding accessibility; and under the head of *integration of the disabled into social and productive life* particular mention should be made of the provision of prosthetic and orthopaedic appliances.

- To date, 3,894 disabled children have been admitted to IMSS day-care centres.
- As regards the provision of prosthetic and similar appliances, 1,858 prosthetic appliances have been provided.

348. It should be mentioned that on 5 August 2004 a Social Security Act was passed designed to bring into balance expenditure on the National Retirement Pension Scheme for Workers in the Mexican Social Security Institute; the new Act came into force on 12 August 2004.

349. Under this reform all the acquired rights of workers still in employment in the IMSS are respected; and at the same time a restriction was introduced to ensure that resources which should be used for the provision of social security benefits to Mexicans in general should not be committed for payment of the retirement pensions of future employees of the Institute. The Institute will administer and manage a fund entitled "Fund for the Discharge of Labour Obligations of a Legal or Contractual Character" in order to ensure that its employees would on retirement enjoy pensions based on their own savings.

#### **Safety and Social Services Institute for State Workers**

- Preventive medicine is concerned with the control of diseases preventable by vaccination; the control of transmissible diseases; timely detection of chronic and degenerative diseases; health education; family planning; care of mother and child; dental health; diet, mental health; hygiene for health; and other preventive medical activities as required.
- Sickness and maternity insurance: workers and pensioners are titled to benefits in cash and in kind such as: medical diagnosis and dental, surgical, hospital and pharmaceutical treatment and rehabilitation for up to 52 weeks for the same illness; alternatively, in cases of ambulant patients and pensioners, the treatment will continue until a cure is achieved.

In cases of incapacity due to illness the worker is granted sick leave on full or half pay in accordance with article 111 of the Federal Act on State Workers. If the incapacity continues beyond 52 weeks the worker is allowed leave without pay for an

additional 52 weeks, during which period the ISSSTE will pay him an allowance equivalent to 50% of basic pay. The dependents of the worker or pensioner will also remain entitled to medical care services.

The contributions payable to the sickness, maternity and preventive medicine scheme are: 4% payable by ISSSTE on the pension received by the pensioner and 4% of the same pension payable by the entity or body concerned.

- Occupational risk insurance. Occupational risks are the accidents or diseases to which workers are exposed in the course of or on account of their work. These include injuries to organs or functional disturbances, immediate or delayed, or sudden death during the performance or caused by work. Accidents occurring between the home and the place of work and illnesses due to work also come under this head.
- Insurance scheme covering retirement on grounds of age or length of service, cessation of work due to invalidity, death or cessation of employment at an advanced age and lump-sum grants. The ISSSTE is required to award pensions within 90 days of receipt of the application together with the necessary documentation. In the event of failing to do so the Institute must pay 100% of the pension which would probably be due to the applicant.

If a worker is entitled both to a retirement pension on grounds of age or length of service and an invalidity pension due to circumstances unconnected with work, he will be awarded the one or the other at his choice.

The total amount of pensions paid, with the exception of those awarded in respect of occupational risks, may not exceed 100% of the basic wage.

The amounts of pensions shall be increased annually in line with the increase in the national consumer price index for the previous year.

Retirees and pensioners are entitled to an annual bonus equivalent to the number of days of bonus granted to workers in service, based on the daily amount of the pension.

A male worker who has completed 30 years or more of service, and a female worker who has completed 25 years or more of service, and who have contributed to the Institute for the same number of years, are entitled to a retirement pension, regardless of age. Early retirement\*\* pensions based on age or length of service are awarded to workers who have reached age 55 and have completed 15 years' service and paid contributions to the Institute for the same period. The amount of the pension will depend on the number of years of service, which will vary between 15 and 29; and will itself vary between 50% and 95% of a full pension.

Workers who have incurred physical or mental disabilities due to causes unconnected with their jobs or employment are entitled to an invalidity pension if they have paid contributions to the Institute for at least 15 years. The amount of the pension will be equal to that of an early retirement pension on grounds of age or length of service.

The concubines, orphans or parents of a deceased person will also be entitled to pensions. Entitlement arises if the death of the worker is due to a cause unrelated to service and regardless of age, provided that he or she paid contributions to the Institute for more than 15 years, or if the worker had reached age 60 at the time of death and had paid contributions for a minimum of 10 years. The foregoing also applies to persons taking normal retirement, persons taking early retirement on grounds of age or length of service, persons becoming unemployed at an advanced age and invalids.

The recognized dependents of a worker or pensioner who dies are entitled to a pension equivalent to 100% of basic pay.

A worker aged 60 or over who retires voluntarily or finds himself unemployed and who has contributed to the Institute for a minimum of 10 years is entitled to a pension in respect of cessation of employment at an advanced age. The pension is calculated as a percentage of the basic wage varying between 40 and 50% with 10 years' service and is payable between ages 60 and 65.

Workers not entitled to a pension in respect of statutory retirement, early retirement on grounds of age or length of service, unemployment at an advanced age or invalidity or who cease work permanently are entitled to a lump-sum payment. The amount is made up of the entirety of the contribution paid by the worker to the Institute, plus 45 days' final basic pay if he has completed 5-9 years' service, or the total amount of his contribution plus 90 days' final basic pay if he has completed 9-14 years' service. This lump sum will be paid to the beneficiaries of the worker if he dies without having entitlement to the pensions mentioned.

- Care services for child welfare and development. In the child welfare and development centres it is sought to provide services for children of working mothers and fathers (or widows or divorcees with parental authority) between ages 60 days and 6 years in premises designated by the ISSSTE. In these centres the harmonious and complete development of boys and girls is pursued through health, psychological, social work, nutritional and supportive education services. These services enable working women to develop in their careers and increase the family income.
- Comprehensive services for retirees and pensioners: the services and benefits which retired workers will continue to enjoy under the Act concerning the ISSSTE are: (a) pension, (b) medical services; (c) annual bonuses; (d) shops; (e) dispensaries; (f) social and cultural services, (g) multiple social insurance; (h) sports; (i) short- and medium-term credits; (j) funeral expenses (120 x the daily amount of the pension); (k) payment in respect of adjustment of the yearly calendar (5 or 6 days); discounted prices at TURISSSTE), and (m) artistic activities.
- Rental or sale of low-cost housing belonging to the Institute; housing is put out for rent with an option of purchase; credits are available up to a maximum of 85% of the value of the dwelling as set by a banking institution; unless the purchaser offers the Institute other additional guarantees sufficient to cover the excess.

- Mortgage loans and housing finance generally; the ISSSTE, through its housing fund (FOVISSSTE), operates a financing system which enables workers to obtain cheap credit in sufficient quantity for the purchase, construction, repair, extension or improvement of their dwellings or for the payment of the transfer taxes, notarial expenses and other debts incurred in this connection.
- Medium-term loans: workers and pensioners affiliated to the ISSSTE can obtain credits to purchase durable consumer goods on sale at the shopping centres and shops of the ISSSTE, up to an amount of 4,702.90 pesos (approximately US\$ 400), for a maximum of 120 fortnightly periods, at a rate of interest of 9% on the balance due.
- Short-term loans: credit is available to enable workers and pensioners to purchase durable consumer goods on sale at the shopping centres and shops of the ISSSTE, up to an amount of 4,702.90 pesos (approximately US\$ 400), for a maximum of 120 fortnightly periods, at a rate of interest of 9% on the balance due. These loans are renewable provided that there is no outstanding balance; thus no new loans of this type are granted until previous loans have been paid off.
- Services contributing to the improvement of the quality of life of public servants and their dependent family members. The Institute meets the basic needs of the worker and his family by the provision of services contributing to domestic support\*\*, the protection of the purchasing power of wages through its 389 sales units (264 shops and 125 pharmacies). And services permitting orientation towards more rational and healthier dietary patterns, such as the sale of staple foods, consumer goods for the home, economical and balanced nutrition, tourism centres, funeral services, etc.
- Tourism services: comprise advice, information, sale of accommodation, transport, international tourism services and excursions; entrance to parks and swimming pools individually or in groups. Tourist credit is also available, depending on the length of service of the worker concerned; it may be used for the purchase of accommodation, land, sea and air transport, national and international passenger ships.
- Cultural promotions, involving technical training, sports promotions and recreation; the Institute offers activities in this field with the aim of facilitating social and family integration for a healthier life. The ISSSTE organizes the following activities. Yoga, walks, athletics, gymnastics, tae kwon do, karate, chess, mountaineering, volley-ball, association football, table football, basketball, cachibol, tai chi quan, dominoes, aerobics, indoor recreational activities, explorations, sports for the disabled, physical training in Child Welfare and Development Centres and medical care directed at sports.

Other creative and productive activities are available to retirees and pensioners in workshops, such as joinery, cutting out and clothes making, repair of electrical domestic appliances, manufacture of floor mops and floorcloths\*\*;also open-air dances, literary soirees and, within the overall CONVIVE project, weekly recreation, cultural and sports days, free transportation services, accommodation, meals and excursions.

- Funeral services:: with a view to easing the financial burden on the survivors, quality funeral services, such as transportation of the body, embalming, chapel services, cremation, burial, the sale of grave plots, urns or coffins, hearses and cars for mourners.
- Saving for Retirement Scheme (SAR): All offices and agencies are obliged to pay into ISSSTE appropriate contributions to the Saving for Retirement Scheme by constituting cash deposits in favour of each worker. The purpose of this scheme is to increase the resources available to the worker at the moment of his retirement by the establishment of a personal bank account opened in his name. This is a benefit additional to those awarded under the Act on the ISSSTE. The contributions are to be paid in every two months; the amount of the contributions is 2% of the worker's basic contribution wage.

### **Paragraph 29**

350. During the period Jan.-July 2004 the IMSS and the ISSSTE recorded programmable social security expenditure totalling 136,320.6 million pesos – 8.6% more in real terms than over the same period during the previous year.

351. Of this total, 76.8%, or 104,771.6 million pesos, was expenditure incurred by the IMSS: 0.3% more in real terms than during the corresponding period in the previous year

352. During the period Jan.-July 2004 the programmable expenditure of the ISSSTE amounted to 31,549 million pesos – 1.3% in real terms more than during the corresponding period in the previous year.

353. In comparative terms per year, the expenditure of the IMSS decreased from 132,584.9 million pesos to 104,771.6 million, reaching a peak for the present decade in 2003 (177,512.5 million). Four years ago the ISSSTE, for its part, spent 39,626.7 million pesos; expenditure reached a peak in 2003 (58,043.3 million ) but fell back to 31,549 million this year.

### **Paragraph 30**

354. As mentioned, the IMSS undertakes to furnish social security. To that end, on the basis of a reform of the Social Security Act introduced in 1997, the Institute agreed with the private employers that a Saving for Retirement Scheme for workers.

355. The Saving for Retirement Scheme consists of the opening of a personal account which receives contributions from three sources: the Mexican Government, the worker and the employer.

356. This measure has been introduced with the aim of promoting saving for retirement and of ensuring a pension for the worker at the time of his retirement.

### **Paragraph 31**

357. The ISSSTE is promoting, through the Prevention and Health Care Programme, the admission of indigenous women to the entire range of health services in order to reduce mortality levels by preventive and care measures. Particular attention has been directed to the “Pull

together in life” programme in the regional offices in Oaxaca, Chiapas, San Luis Potosí, Guanajuato and Puebla, with particular emphasis on the detection of maternal risks and prenatal controls. Care of women’s health constitutes a central element in this strategy. The target population is the group of women aged between 20 and 59, to whom comprehensive care is provided. The issue, with information, of health cards for women and of health-care guides are considered of great importance, since they bring the population closer together by inculcating a feeling of joint responsibility with regard to health care.

358. All the groups in formal employment receive social security benefits.

359. The Mexican Social Security Institute is providing cover for 40% of the population of the country.

### **Paragraph 32**

360. An earlier report was in fact submitted. There have only been two changes affecting the right to social security. The first is the extension of medical coverage in the event of sickness to the dependent spouse of a woman worker (amendment of Art. 24(1) of the Act concerning the ISSSTE, introduced on 12 May 2000). This is a success for working women, since previously only the dependent wife of a male worker had that right. The second relates to the amounts of pensions; hitherto they were fixed annually on the basis of movements in the general minimum wage, whereas henceforth they will be based on the movement during the calendar year of the national consumer price index. However, if the price for the consumer falls below the basic wage of workers in employment, the amounts of pensions shall be increased in line with the latter. (Amendment to article 57, published in the Official Gazette of the Federation, 1 June 2001.)

### **Paragraph 33**

361. The ISSSTE is a member of the International Social Security Organization (ISSA), of the Inter-American Conference on Social Security (CISS) and the Ibero-American Social Security Organization (OISS) and as such benefits from the programmes, investigations, publications, electronic data and academic studies offered by those organizations. It has also signed 32 social security agreements with institutions in 15 countries (Austria, Costa Rica, Cuba, Dominican Republic, Ecuador, France, Germany, Guatemala, Honduras, Nicaragua, Paraguay, Russia, Spain, Switzerland, United States of America) laying emphasis on scientific and technical cooperation in the fields of health and medicine.

## **E. ARTICLE 10**

### **Paragraph 35 of the guidelines**

362. A family is a group of persons linked together by relationships based on parentage, by consanguinity, affinity or law, derived from birth, marriage or adoption recognized by law. Its object is solidarity and mutual aid among its members to achieve the common good. It is the basic domestic unit, which takes its origin from the bonds between man and woman, and which is characterized by an intimate, lasting and mutually supportive relationship among its members ascendant or descendant, natural or political, all of who share usages, customs and values in a stable manner. The foundations of society and the State have their roots in the family, since it is within the bosom of the family that the individual finds his or her origin and achieves the highest level of development.

**Paragraph 36**

363. In Mexico a child attains majority at age 18.

**Paragraph 37**

364. To enter into marriage both parties must have attained their majority.

365. Article 148 of the Civil Code provides that a man may enter into marriage at age 16 and a woman at age 14, subject to the consent of their parents; that consent is not required once the parties attain their majority, which in Mexico is attained at age 18.

366. It should be pointed out that civil law is of a local nature; consequently each of the federated states fixes itself the ages at which minors may marry, subject to parental consent. For example, in the Federal District both parties must be 16 years of age.

367. The Civil Registrar's office draws attention to and gives advice on the above to men and women wishing to enter into marriage.

368. There is no discrimination based on the receipt by families of institutional benefits from governmental or non-governmental sources. The extended family, in both the ascending and descending lines, is recognized.

369. The National System for Integral Development of the Family (SNDIF) is the national institution which directs public social assistance policies seeking to promote the integral development of the family and the community in coordination with state and municipal systems and public and private bodies. The DIF system consists of a central body, which coordinates activities in this area, and 32 state systems and approximately 1,500 municipal systems in the 2,414 municipalities existing in the country.

370. The SNDIF operates a number of programmes to achieve this end. One of these is the Temporary Protection Programme, which intervenes to prevent abandonment and/or ill-treatment of girls, boys and adolescents whose families are in a precarious financial situation on account of lack of employment, lack of housing or family support, which prevents them from looking after their children adequately. Under this programme the child is admitted as a resident into a SNDIF centre and receives comprehensive care there. Coexistence with the mother, the father or the family is programmed in the light of the requirements of the centre concerned and the family members.

371. The programmes providing schooling for children, home care for old people, day care and out-patient care for the elderly are conducted with the aim of strengthening family relations with older people generally. These community measures promote the self-esteem of older people, improve the care given them within their families and prevent the rejection and abandonment of the aged.

**Paragraph 38 (a) (i)**

372. The Social Security Institute for State Workers (ISSSTE) provides obstetric assistance, assistance with breastfeeding, extra food and a maternity basket to women workers and pensioners, to the spouses of male workers or pensioners and, as appropriate, to the concubines of

either. These benefits are also extended to the daughter of a male worker or pensioner if she is unmarried, under age 18 and financially dependent on her father.

373. All women dependents covered by the IMSS are protected and receive care in the event of maternity in accordance with the provisions of chapter IV of the Sickness and Maternity Branch in the social insurance legislation in force.

**Paragraph 38 (a)(ii)**

374. Article 123, Part A, section IV, of the Constitution states that pregnant women shall not perform work requiring considerable effort and constituting a danger to their health. They are also required to take six weeks' rest before the approximately estimated date of the birth, and six weeks following that date, with full pay and the maintenance of their jobs and the rights they had acquired in the employment relationship. During the breastfeeding period they shall have two special 30-minute rest periods each day to nurse their children.

375. The Federal Labour Act, in line with the constitutional provision, stipulates in article 170 that during pregnancy women may not perform work requiring considerable effort and representing a danger to their health in relation to the pregnancy. They are allowed six weeks' leave before the birth and six weeks after. During the breastfeeding period they will be allowed two 30-minute breaks each day to feed their children. Article 166 of the same Act provides that if the health of the woman or the child is endangered, either during pregnancy or during the breastfeeding period, she may not be employed in unhealthy or dangerous work, night work in industry, in commercial or service establishments after 10 p.m. or on overtime work, without, however, any loss of pay, benefits or rights.

376. The ISSSTE grants women workers when pregnant sick leave on grounds of maternity for a period of 90 calendar days, 30 of which are intended to protect the mother and the child prior to the approximate date of birth, the remaining 60 days being destined for maternal care.

377. The situation under the IMMS regime is set out in article 101 of the Social Security Act as follows: "An insured woman shall be entitled during the pregnancy and the post-partum period to a money grant equal to one hundred per cent of the last daily contribution wage and shall receive it for forty-two days preceding the birth and the forty-two days following."

**Paragraph 38 (a) (iii)**

378. The IMSS awards a maternity subsidy, namely a cash benefit which is payable to an insured woman who is rendered unable to work by pregnancy as a replacement wage. The amount is 100% of the last daily contribution wage; it is paid in respect of the 42 days preceding the birth and the 42 days following (prenatal and post-partum), i.e., the period during which on medical grounds and by law she is required to rest. If any days elapse between the end of the prenatal period and the actual delivery, these are paid for at the rate of 60% of the daily contribution wage. She also receives the following benefits:

- Obstetric assistance;
- Assistance in kind with breastfeeding for six months;
- On the birth of the child, a layette of a value to be determined by the Technical Committee of the IMSS.



379. The ISSSTE, for its part, promotes breastfeeding and joint accommodation in its medical units. Assistance with breastfeeding is given in the medical units on medical advice when the woman is unable, for physical or work-related reasons, to nurse her child, or if she is absent. The assistance consists of the provision of industrially processed milk for a period of 6 months from the date of the birth..

380. The ISSTE also provides, through its branch offices or medical units, a layette consisting of clothing and accessories for the new-born child. A certificate is also issued in the name of the child confirming its rights to medical care.

381. There are also residential facilities for child welfare and development.

**Paragraph 38 (a) (iv)**

382. There has been no change over time in these benefits, which are awarded in accordance with the law.

**Paragraph 38 (b)**

383. The ISSSTE and the IMSS cover dependents. However, in sectoral programmes the entire population is included in coordination with non-governmental organizations; the health needs of the population in situations of extreme poverty, and particularly the most vulnerable (such as girls and women who are pregnant or breastfeeding) are met, with special emphasis on education for health designed to inculcate a preventive attitude and personal health care within families and the community, covering elements of nutrition, health and hygiene. The country's health agencies and the DIF also cooperate.

384. The Mexican Social Security Institute looks after the 9.5% of the population who are marginalized and without entitlements situated in rural areas, including women, as follows:

385. Section Four of the Social Security Act currently in force, provides that: "Solidarity services or benefits comprise community health activities, medical, pharmaceutical and where necessary hospital care, in the manner and under the conditions laid down in articles 215-217" (of the same Act). Particular mention should be made of the stipulations of article 215, the first paragraph of which reads as follows: "The Institute shall organize, establish and operate medical units to provide social solidarity services, which shall be provided exclusively for the benefit of those population groups which, on account of their particular state of development within the country, constitute poles of extreme marginalization in rural, suburban and urban areas and are designated as subjects for social solidarity by the Federal Executive ..."

386. Article 216-A must also be borne in mind; it reads: "The Institute must care for the population without entitlements in the following cases: ... III. In support of programmes to combat marginalization and poverty, where so required by the Federal Executive..."; in such cases the Federal Government will provide the necessary credits.

**Paragraph 39 (a)**

387. The Federal Labour Act prohibits the engagement of minors under age 14 and regulates the work of minors over that age who provide their services personally and subordinate to an employer. Article 154 of the Federal Regulations on Safety, Hygiene and the Working

Environment specifies the dangerous and unhealthy tasks in which no young person between ages 14 and 16 may be employed.

**Paragraph 39 (b)**

388. Mexican legislation prohibits child labour. The Constitution and the Federal Labour Act protect minors between ages 14 and 16 from employment on dangerous work.

389. Even so, the financial situation of families compels minors to enter the labour market. The National Institute of Statistics, Geography and Information Technology (INEGI) and the Ministry of Labour and Social Welfare (STPS) have carried out a National Employment Survey, which revealed information on the labour force participation of boys and girls aged 12 and 13 and of adolescents aged 14-17.

390. The results of the survey indicate that during the last 10 years the rate of participation of boys and girls aged 12 or 13 has shown a downward trend. In 1995 the overall rate was 17.1%; by 2003 it had fallen to 8.2%. The change observed for girls was from 9.9% to 5.3% and that for boys from 24.4% to 11.1%.

**Paragraph 39 (c)**

391. In many countries - and Mexico is one of them - child labour is encountered on a larger scale in rural areas. When considering child labour in agriculture, in addition to low remuneration levels and an exploitative situation, one has also to consider the phenomenon of migration within the country and trans-frontier migration and the risks inherent in contact with pesticides and other substances used in agricultural production. In rural areas, while in some cases boys and girls are engaged in precarious productive activities contributing to the subsistence of the family, in many other cases they are involved in productive tasks in the competitive sectors of commercial farming for export. The great majority of these children come from poor rural families.

392. A characteristic feature of child labour in domestic service, as with many other tasks performed by children, is its apparent "invisibility"; but in addition it contains elements of vulnerability which combine with gender differences. There are many more girls than boys engaged in domestic work; this is a relevant factor, since activities of this type tend to be more arduous and time-consuming than others and, what is more important, detract from the time devoted to education.<sup>16</sup>

**Paragraph 39 (d)**

393. In Mexico there are several legal instruments affording protection to minors. These include:

- Political Constitution of the United Mexican States, article 18, paragraph 4: "The Federal Government and the State governments shall establish special institutions for the treatment of juveniles in this group adoption is an alternative whereby a boy or girl who has been abandoned can become absorbed into a family in a position to meet his or her needs, which the institution is unable to meet in their entirety.

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<sup>16</sup> "Hacia una Política de Erradicación del Trabajo Infantil en México", DIF-UNICEF.

- **Street children.** The state and municipal agencies of the DIF have stepped up in number and coverage the measures for the provision of care to boys and girls on the streets, facilitating their access to a basic package of health care and recreational services, legal and psychological advice and channelling towards specialized care, and also offering bursaries to enable them to remain in school or receive training in particular jobs or skills.
- In 2001, as part of its policy of citizen participation and integration, the DIF, in coordination with the principal organizations of civil society providing care for girls, boys and adolescents on the streets, organized the programme entitled “Prevention and Care for Girls, Boys and Adolescents on the Streets: ‘From the Streets to Life’”.
- The objective of this programme is to promote the interlinking and coordination of measures taken in the public, private and social sectors to prevent the phenomenon of street children and their families with a view to providing comprehensive care and eradicating the problem in the medium and long term.
- During 2002 the SNDIF strengthened and consolidated the operation of this programme, in which it was sought to arrive at a joint outcome of the efforts of institutions and of civil society. Thus support was given to 82 organizations in civil society under 5 investigation protocols, to 46 projects and to 46 schemes for the distribution of bursaries; in all, 15,241 girls, boys and adolescents benefited.
- The measures taken under the programme comprise prevention, care, the securing of justice and investigation. In the field of prevention strategies are being envisaged directed to strengthening of families, the prevention of addiction and of early pregnancies and strengthening of skills development among girls and boys from an early age as well as the provision of bursaries for study and training.
- In 2002, 39,954 girls, boys and adolescents benefited. In 2003 the activities forming part of the operations of the programme were further developed.

**Paragraph 39 (e)**

394. The aim of the “From the Streets to Life” programme is to combine the efforts of government and of civil society in the development of measures to permit the rescue and comprehensive care of minors and young people on the streets who on account of their vulnerable condition are beset by problems which adversely affect their integrity and negate the exercise of their rights.

There are also the National Follow-up and Evaluation Committee and the State Committees existing in eight of the constituent states in which the programme is being conducted. The principal aim of this committee is establish machinery for interinstitutional concertation and coordination among the public, social and private sectors in the field of social assistance for preventive measures and care for girls, boys and young people on the streets.

**Paragraph 39 (f)**

396. Since 1990 Mexico has made significant advances in the prevention and gradual eradication of child labour. Various institutional studies and investigations have been carried out; among

these, particular mention should be made of a study on girls, boys and adolescents at work in 100 towns, prepared in 1997; an executive report on the second study on girls, boys and adolescents at work in 100 towns in 2002-2003 (both documents prepared by the DIF and UNICEF); the national employment surveys carried out by the STPS in coordination with INEGI; and the national survey of migrant day labourers carried out between 1998 and 1999 by the National Programme for Day-Labourers in Agriculture under the responsibility of the Ministry of Social Development.

397. In 1999 the DIF, with the support of UNICEF, developed a Model of Non-Formal Education for Working Minors, which was introduced as a pilot project in 9 cities in the country. The results subsequently facilitated the introduction of an improved model in 31 other cities.

398. As regards the regulation and implementation of measures of legal protection, The STPS has implemented a number of programmes aimed at preventing and combating the employment of boys and girls under age 14 and at eradicating the worst forms of labour among minors under age 18. These programmes are also designed to prepare, supervise and protect workers between ages 14 and 16 whom the law allows to engage in economic activity subject to certain conditions and restrictions.<sup>17</sup>

399. In order to supervise the working conditions of working minors, between December 2002 and August 2003 the STPS carried out 20,940 control inspections, gave guidance to 3,444 minors and issued 2,506 work permits to minors between ages 14 and 16.

400. In the international sphere Mexico has subscribed to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratifying it on 30 June 2000 (the Convention entered into force on 30 June 2001).

401. As regards preventive measures to deal with the child labour situation, in 2001 the STPS organized and held six *Regional Seminars on Child Labour in Mexico and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* in coordination with the National System for the Integral Development of the Family, the United Nations Children's Fund, the International Labour Organization and the Mexican Youth Institute in the cities of Jalapa (Veracruz), Guanajuato, Oaxaca, Aguascalientes, Tijuana, Baja California and Saltillo (Coahuila).

402. In 2003, in addition to the campaign for the prevention and combating of child labour, the STPS organized a "First Forum on Child Labour in Mexico. Report on the Results of the Follow-up to ILO Convention No. 182", during which reports were made on the situation regarding child labour in Mexico, the measures taken by the government and its experiences. In addition, proposals were made concerning the prevention, treatment and eradication of child labour. The forum was attended by representatives of government institutions and of the different areas and branch offices of the STPS, employers' and workers' organizations, universities, the Congress of the Union, international organizations and organizations of civil society.

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<sup>17</sup> The Federal Labour Act prohibits the use of the work of minors under age 14 and also of minors between ages 14 and 16 who have not completed their compulsory education, save exceptions to be approved by the competent authority (art. 22).

## F. ARTICLE 11

### Paragraph 42 (a) of the guidelines

403. In Mexico in recent years the living conditions and well-being of the population have made significant progress. Our country has been shifting from a very young population to an older population, which has given rise to a new challenge, namely that of ensuring that the growing proportion of elderly people should reach retirement age with a decent quality of life and appropriate social security cover. It is no use constantly increasing the life expectancy of the population; it must also be ensured that all Mexican citizens enjoy a better standard of living.

404. To achieve this, a considerable effort is being made nationwide to foster social and human development, so as to enable the population to increase its capacities, thereby broadening its access to more and better development opportunities and enhanced well-being.

405. Since one of the major problems our country has always had to face is poverty, one of its main challenges has been combating poverty and the structural causes that underlie it. One of the key aspects of the strategies deployed to overcome poverty has been the recognition that it is a multidimensional and very diverse phenomenon which extends beyond purely material considerations. This is why overcoming poverty will never be achieved through economic growth alone. What is needed is sustained economic growth and a stable environment, as well as a more even distribution of wealth, which are necessary conditions for achieving a higher standard of living.

406. In this respect, the results recorded for the country as a whole have been particularly encouraging in recent years, as shown by the following figures:

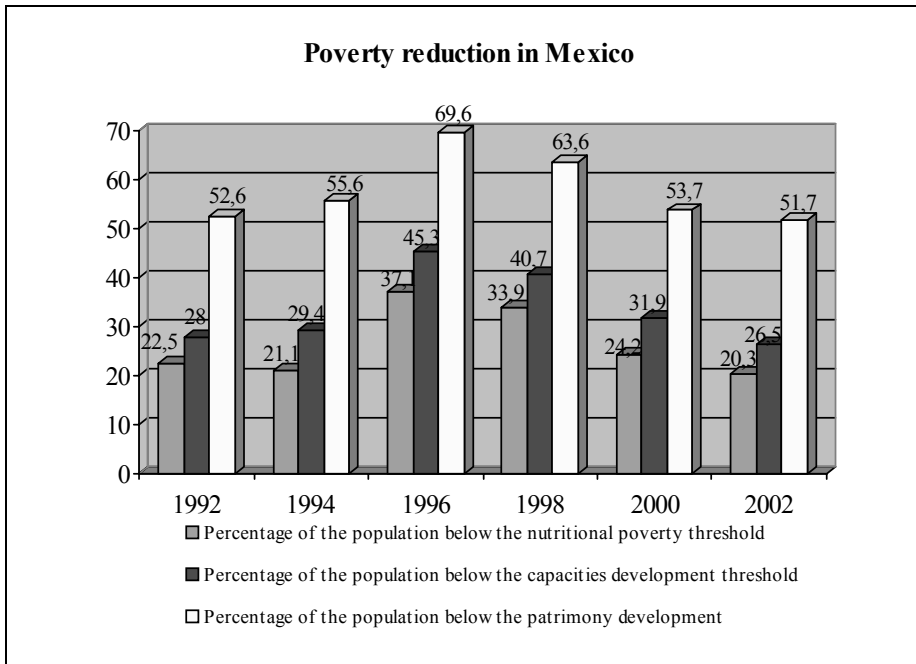
- The proportion of the country's total population affected by nutritional poverty has fallen from 24.2 to 20.3 per cent between 2000 and 2002.
- The proportion of the population below the capacities development threshold fell from 31.9 to 26.5 per cent between 2000 and 2002.
- The proportion of the population below the patrimony development threshold fell from 53.7 to 51.7 per cent between 2000 and 2002.<sup>18</sup>

407. These figures signify that 3.4 million people crossed the threshold of food poverty, that is to say, that between 2000 and 2002 they reached a situation which enabled them to invest, however modestly, in education and health.

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<sup>18</sup> An explanation of these thresholds is given further on.

### Recent poverty trends in Mexico



Source: SEDESOL, figures based on Household Income and Expenditure surveys for 1992-2002, INEGI.

408. Despite the poverty reduction mentioned above, it must be admitted that the proportion of the population still affected continues to be high in relation to the country's level of development and wealth. Nevertheless, the progress achieved in the period 2000-2002 may be seen as a positive trend, which if it is maintained will lead to a considerable improvement in the well-being of the most disadvantaged population.

409. In addition to the advances made with respect to poverty reduction, our country has recorded a series of significant advances in a set of social indicators, which reflect the emphasis placed by the Government of Mexico on improving the standards of living and well-being of its population:

- Average life expectancy at birth is 74.9 years.
- The rate of illiteracy in the country stands at 8.5 per cent.
- Enrolment in primary education is almost 100 per cent for the given age group.
- Drinking water is available to 89.2 per cent of the population.
- Access to sewage disposal system is available to 76.9 per cent of the population.
- The country has achieved the eradication of poliomyelitis since 1990 and diphtheria since 1991, and has started the epidemiological control of measles, whooping cough and tetanus.
- Mexico has the most complete vaccination system in all Latin America.

**Paragraph 42 (b)**

410. Not applicable.

**Paragraph 42 (c)**

411. With regard to current poverty thresholds in our country, it is worth noting that earlier there was no official definition or quantification of “poverty lines” in Mexico. In 2001 the Ministry of Social Development (SEDESOL) brought together a group of recognized independent national experts to form the Technical Committee for the Measurement of Poverty in Mexico.

412. The Committee proposed that the National Survey of Household Incomes and Expenditure (ENIGH), prepared by the National Institute of Statistics, Geography and Information Technology (INEGI), be used as the primary source of information for the estimation of poverty on the basis of the agreed methodology. The Committee also used the after-tax per capita income figures obtained in the surveys as a measure of well-being.

413. The Ministry of Social Development adopted the methodology proposed by the Committee and as a result, following the Committee’s criteria and using the 2000 ENIGH survey, defined three benchmarks for the classification of the population by level of income:

1. **Nutritional poverty threshold:** households with a per capita income less than what was considered necessary to cover nutritional requirements.
2. **Capacities development threshold:** households with a per capita income less than the amount needed to meet nutritional requirements (defined as for the previous group) plus the amount required to cover education and health expenditure.
3. **Patrimony development threshold:** households with a per capita income less than the amount needed to meet nutritional requirements plus basic expenditure on health, education, clothing, footwear, housing and public transport.

414. The following table shows the three poverty thresholds, calculated initially from the ENIGH 2000 survey and updated on the basis of ENIGH 2002.

**Poverty lines 2000-2002**

Type of poverty	Sector	2000	2002	2000*	2002**
		(Monthly)		(Daily)	
Nutritional	Urban	626.00	672.25	20.87	22.41
	Rural	462.96	494.77	15.43	16.49
Capacities	Urban	768.10	792.29	25.60	26.41
	Rural	548.53	587.57	18.28	19.59
Patrimony development	Urban	1,254.51	1,366.85	41.82	45.56
	Rural	843.28	946.94	28.11	31.56

Source: SEDESOL, based on INEGI data.

\* August 2000 prices.

\*\* August 2000 prices.

**Paragraph 42 (d)**

415. In 75 years, life expectancy at birth in Mexico has been doubled: in 1930 life expectancy was 36 years for men and 37 for women; by 2004 these figures had risen to 72 and 77.6 respectively.

416. The mortality rate in general in 2003 was 4.5 deaths per thousand inhabitants. With regard to child mortality, the declining trend has been maintained, with confirmation that it fell by approximately 4 per cent annually from 2000 to 2003. Maternal mortality has also been falling. For 2004, it is estimated that it has declined to less than 1 per cent.

**Paragraph 43 (a)**

417. In compliance with the provisions of Article 4 of the Political Constitution, the Federal Government has undertaken several programmes to guarantee the nutritional standards of the population, especially its most vulnerable members. With its “Contigo” (“with you”) strategy, it has made a special effort to extend capacities, to create new earnings opportunities in order to build up assets, and to provide protection against any circumstances which might negatively affect the population’s capacities and accumulated wealth.

418. In July 2004, the World Bank issued a report entitled “Poverty in Mexico: An assessment of conditions, trends and government strategy”. The report notes that our country has achieved significant progress in terms of overcoming poverty, as shown by the fact that extreme poverty was reduced by some 16 per cent between 2000 and 2002, which means that 3.1 million inhabitants managed to rise above that condition. In 2003, the Economic Commission for Latin America and the Caribbean (ECLAC) issued a document entitled “Social Panorama of Latin America 2002-2003” giving information on the trends in poverty levels in the countries of the region. In the case of Mexico, the same general tendency is observed as in the World Bank report, although the actual figures are different as a result of using a different method of measurement.

419. Also in July 2003, the United Nations Development Programme (UNDP) published its Human Development Report, which shows that Mexico reached a Human Development Index (HDI) of 0.800, higher than the 0.791 index for 2000. According to the 2004 Human Development Report, the country rose two places in the rankings, thanks to achieving an HDI of 0.802, coming 53rd out of 177 countries.

420. These trends are consistent with the official results based on the 2002 National Survey of Household Incomes and Expenditure, which shows, amongst other indicators, that between 2000 and 2002 the percentage of persons in conditions of nutritional poverty fell from 24.2 to 20.3 per cent.

**Paragraph 43 (b) (i)**

421. In all countries and population groups, sources of nutritional energy are related to income. As income increases, consumption patterns tend to evolve along fairly predictable lines.

422. The lack of income is one of the main causes preventing the population from achieving an adequate diet. According to information taken from the National Survey of Household Incomes and Expenditure (ENIGH), prepared by the National Institute of Statistics, Geography and



Information Technology (INEGI), the nutritional intake in the poorest households is limited to a few types of food.

423. According to available statistics, the figures for the distribution of total available expenditure in households of the mobile decile (the sector of the population living in critical conditions, with a total available income close to the cost of a basic food basket designed to satisfy minimum nutritional requirements) in urban and rural areas show that the worst shortages appear in the areas of food, education, leisure and housing: households belonging to the mobile decile in rural areas devote approximately 45 per cent of their total available expenditure to food and drink within and outside the household (compared with 40.8 per cent spent by families of the urban mobile decile).

424. On the other hand, for the population group of households possessing few assets – with enough financial resources to meet the cost of the basic food basket, but not that of other goods and services considered to be essential – more than 40 per cent of total available expenditure (41.7%) is also devoted to food and drink for members of the group, while most of the remaining resources are spent on items such as education and housing.

425. The type of household expenditure, whether in terms of cash or otherwise, is another of the indicators analysed in the survey, because of the importance of the fact that domestic groups either depend on cash resources for their daily sustenance or else rely on other sources to meet the cost of the basic food basket.

426. The above statistics show that among households affected by either nutritional or patrimony development poverty the amount of non-cash expenditure on food, drink and health care accounts for a significant proportion of total available expenditure. In the case of households affected by food poverty, non-cash expenditure on food and drink accounts for almost 23 per cent of total expenditure under this heading, while eight per cent of the amount comes from gifts received by the household. This means that among households whose total available expenditure is not sufficient to purchase the goods included in the recommended basic food basket, a significant proportion of the food and drink which they eventually consume is the result of gifts received from persons outside the domestic group.

427. With regard to the structure of the expenditure of households classified as poor in terms of patrimony development, it may be said that a little more than 80 per cent of the resources devoted to food and drink for consumption within and outside the household is derived from cash sources and a little under a fifth from non-cash sources. Gifts account for a significant proportion within this category, although the relative amount is less than in the case of households in the food poverty category.

428. Households that belong to the mobile decile show some differences in the distribution of available expenditure compared to that of all households or to the expenditure of households in urban and rural areas. Although in all cases the amount of expenditure devoted to food, education and leisure is significant, the proportions vary in different sectors of the population; the mobile decile spends a little more than 40 per cent of total available expenditure on food, almost 15 percentage points above the proportion spent on average for this purpose by all households in the country. This means that in households in the mobile decile food, education and leisure account for more than half of all their available resources (51.6%).

**Paragraph 43 (b) (ii)**

429. The effects of poverty tend to differ according to prevailing inequalities between men and women. For example, the fact that a high proportion of married women are in a position of dependence in relation to the head of the household means that their economic autonomy and power of decision are restricted.

430. In recent years women have been playing an increasing part in economic, political and social activities. But despite these improvements, inequality still persists, as well as attitudes which systematically discriminate against women.

**Paragraph 43 (b) (iii)**

431. In order to ensure that the population disposes of a sufficient set of capacities to gain full access to the opportunities offered by education, health and satisfactory nutrition, the Federal Government has launched a number of programmes, including the Opportunities Programme, which has been one of the Government's main instruments for overcoming extreme poverty, in both rural and urban areas.

432. The National System for Integral Development of the Family (SNDIF), under the Comprehensive Strategy for Social Food Aid, contributes to a national food aid project aimed at meeting the specific requirements of each component of the Federation. These measures have helped to optimize food programmes which are of direct benefit to the vulnerable population.

**Paragraph 43 (c)**

433. During the reporting period, there have been no changes in national policies, laws and practices negatively affecting the access to adequate food by the worse-off groups or regions.

**Paragraph 43 (d)**

434. In 2003, the SNDIF launched the Comprehensive Strategy for Social Food Aid as part of a national food aid drive aimed at meeting the specific requirements of all components of the Federation. It includes four programmes: school meals, care for under-five children at risk; neglected families and food aid for vulnerable persons.

435. This strategy was launched in mid-2003 and its implementation has led to the provision of training and guidance to state and municipal family development systems, internal restructuring, a redefinition of the supply of food aid to each state of the Republic and a better focusing of programmes so as to ensure that their benefits reach the poorest sectors of the population.

436. The measures so far undertaken have helped to optimize food programmes, by benefiting the vulnerable population directly, improving programme focus, maintaining constant coverage in municipalities of low or very low marginalization while giving priority to the population living in areas of high or very high marginalization and in indigenous areas, and improving the nutritional input and coverage of new programmes.

**Paragraph 43 (e)**

437. Among the strategies deployed by the Government of Mexico to ensure the distribution and supply of basic products in order to assist the realization of the right to adequate food, it is worth noting the Rural Supply Programme, which offers basic and supplementary products at reasonable prices, under conditions of efficiency, opportunity, sufficiency, quality and high nutritional value, to the rural population located in areas of high or very high marginalization.

438. This programme also endeavours to include additional services that benefit rural populations affected by food poverty by encouraging communities to participate.

439. At present the Rural Supply Programme runs approximately 22,000 community shops, which assist 29 million Mexican citizens affected by poverty. The products offered in the shops are selected on the basis of studies concerning the requirements of communities and the criteria of satisfactory food standards. The products are offered at discounted prices enabling consumers to save approximately 5.5 per cent of the full price.

440. Mexico also has a Social Milk Supply Programme run by LICONSA, which aims to distribute high-quality milk, fortified with iron, zinc, folic acid, and vitamins B2, B12, A, C and D, at below market price, to the populations of excluded urban, semi-urban and rural areas in the country.

441. The Social Milk Supply Programme pursues two objectives: the first, following a productive approach, consists in providing families with children under age 12 living in conditions of poverty with an income transfer in the form of an entitlement to milk of high nutritional quality for less than market price, as a form of nutritional improvement to assist the training and development of human capital; the second, which emphasizes support for groups in a position to benefit from more milk consumption, aims to provide an income transfer to adults above age 60, to sick or incapacitated persons above age 12 and to pregnant women in a situation of poverty in the form of milk of high nutritional quality for a subsidized price.

**Paragraph 43 (f)**

442. In order to ensure that the knowledge and benefits related to good nutrition and to the value and qualities of foods conducive to an active and healthy lifestyle are widely disseminated, the Government of Mexico runs a number of programmes offering talks on nutritional education to the members of families in need.

443. The general objective of the human development-oriented Opportunities Programme is to provide support for families living in conditions of extreme poverty, with a view to improving the capacities of their members and extending their opportunities for achieving higher levels of well-being, through an improvement in educational, health and nutritional facilities. The members of the families concerned are given educational sessions with regard to health, nutrition and hygiene in order to help them look after their own health needs.

444. The Opportunities Programme develops the responsibility and active participation of parents and all members of the family in order to improve their standards of education, health and nutrition. At the same time it recognizes that satisfactory standards of nutrition in the population are fundamental for its development and the exercise of its learning capacities.

445. In addition, as a form of support for the nutritional requirements of family members, food supplements are distributed to all boys and girls between the ages of four months and two years, to all undernourished children between the ages of two and five and to all pregnant or nursing women.

446. Our country also runs a Food Aid Programme, whose aims and objectives include providing support for the families concerned through nutritional and health education. The benefits provided by the programme include educational courses on nutrition, hygiene and health, which are coordinated and supervised by specialized personnel.

447. As a way of assuming joint responsibility for the programme, the heads of assisted households and any other members of the household who are interested must attend the talks which are provided on nutrition, hygiene and health.

448. The basic objective of the programme is to improve the nutritional standards of households living in poverty, living in marginal rural areas, which are not receiving the benefits of other food programmes of the Federal Government. It aims to achieve synergies and complementarity through other social development programmes.

**Paragraph 43 (g)**

449. The objective of the Ministry of Agrarian Reform (SRA) is to fulfil the provisions of Article 27 of the Constitution, which governs the regulation of land ownership and the creation of new agricultural population centres as a basis for the development of rural areas in Mexico, by ensuring the legal protection of rural property for the generation of profitable, income-generating, productive activities and thereby guaranteeing access to adequate nutrition for the whole population.

450. These objectives are pursued on the basis of the following programmes and laws:

- **National Development Plan 2001-2006**, published in the *Official Journal of the Federation* of 30 May 2001.
- **Sustainable Rural Development Act**, published in the *Official Journal of the Federation* of 7 December 2001.
- **Sectoral Agrarian Programme, 2001-2006**, published in the *Official Journal of the Federation* of 4 February 2002. It is worth noting that programme measures include support for the organization of agricultural workers with a view to initiating new productive projects, with the aim of using the effects of such organization in order to provide training for active workers able to break away from their marginal status and become agricultural agents of rural development.
- **National Agreement for Rural Areas**, published in the *Official Journal of the Federation* of 28 April 2003. Starting from the recognition that food sovereignty and security are fundamental, the purpose of this agreement is to elaborate legal reforms leading eventually to a Federal Act on Agricultural Planning and Food Sovereignty and Security. This would include suitable measures for planning, programming and medium-term budgeting in order to provide security and protection for producers on the basis of the concept of food sovereignty and security. The objectives of the reforms include the possibility of establishing the right to nutrition; as well as

recognition of the principle of parity between urban and rural areas, expressed in the form of constitutional reforms, secondary laws, public policies, institutions, programmes and actions. The new Act should establish explicit criteria for programmable expenditure with specific agricultural, forestry, water, fishing and rural objectives covering at least the following aspects: a) productive and social structural investments in backward states and regions; b) a target income system for products which are considered basic and strategic in the Sustainable Rural Development Act differentiated according to regions; and c) strategic projects.

- **Federal Expenditure Budget for the Fiscal Year 2004**, published in the *Official Journal of the Federation* of 31 December 2003.

451. All existing laws in this area will also be applied.

452. Since the promulgation of the Agrarian Act, published in the Official Journal of the Federation of 14 February 1992, all measures introduced to regulate land tenure have complied with our legal system and in turn have served to regulate the programmes adopted for the development of rural areas in Mexico.

453. In accordance with the provisions of the Sustainable Rural Development Act, food sovereignty and security are recognized as the fundamental basis of the National Agreement for Rural Areas. It is hoped through this policy to ensure that rural areas, rural society, peasant and indigenous farming practices and their accumulated wealth should constitute a national priority and be considered as indispensable elements for the present and future of the nation, in order to ensure the country's food sovereignty and security, its long-term development and viability, as well as its free determination with regard to food production, supply and access for the whole population, based on national production and the timely, adequate satisfaction of the population's requirements, including food.

454. For information concerning the targets achieved by the Programme for the Certification of Ejido and Land Ownership Titles (PROCEDE, a programme used by the Ministry of Agrarian Reform (SRA) for the purpose of legalizing social property rights in agricultural settlements) between 1993 and March 2004, the 2001-2003 activities report, the application of the budget, the formalities, targets and objectives of administrative units, the Original Timetable of Programme Targets and Indicators, and the powers of the Agrarian Reform Department, the following Internet page may be consulted: [www.sra.gob.mx](http://www.sra.gob.mx).

455. With regard to government organizations, the Internal Audit Office is responsible for monitoring each organization's fulfilment of its obligations, objectives and targets and provides support as necessary for the proper discharge of its functions. It programs, orders and implements all types of audits, investigations, inspections or visits.

#### **Paragraph 44 (a)<sup>19</sup>**

456. In December 2003 the national, state and municipal housing departments reported a total of 627,694 loans taken out, of which 72.2 per cent were for the purchase of housing and 27.8 per

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<sup>19</sup> A CD on "Housing Statistics from 1997 to 2002" and "Housing Statistics for 2001 and 2002" is annexed herewith.

cent for the improvement of accommodation and other types of financing. Loans totalled 118,828 million pesos.

457. The following table gives housing requirements for every component of the Federation.

**Housing requirements by component**

<i>Component</i>	<i>2004</i>		
	<i>New housing</i>	<i>Housing improvements</i>	<i>Total</i>
National	707,273	380,941	1,088,214
Aguascalientes	8,387	3,324	11,711
Baja California	48,021	10,245	58,266
Baja California Sur	6,874	1,556	8,430
Campeche	7,879	2,852	10,731
Coahuila de Zaragoza	14,820	9,518	24,338
Colima	3,393	1,814	5,207
Chiapas	34,612	15,445	50,057
Chihuahua	31,040	14,226	45,266
Distrito Federal	37,179	45,040	82,219
Durango	824	2,578	3,402
Guanajuato	21,681	16,596	38,277
Guerrero	5,099	8,257	13,356
Hidalgo	11,753	8,821	20,574
Jalisco	46,723	25,585	72,308
México	148,777	46,193	194,970
Michoacán de Ocampo	2,650	6,301	8,951
Morelos	13,211	6,248	19,459
Nayarit	2,788	3,607	6,395
Nuevo León	30,752	15,873	46,625
Oaxaca	14,864	13,883	28,747
Puebla	35,063	19,926	54,989
Queretaro de Arteaga	12,375	5,028	17,403
Quintana Roo	19,953	3,007	22,960
San Luis Potosí	11,177	9,068	20,245
Sinaloa	10,919	9,964	20,883

<i>Component</i>	<i>2004</i>		
	<i>New housing</i>	<i>Housing improvements</i>	<i>Total</i>
Sonora	18,753	9,867	28,620
Tabasco	14,667	7,485	22,152
Tamaulipas	23,253	12,881	36,134
Tlaxcala	8,411	3,777	12,188
Veracruz-Llave	49,336	32,823	82,159
Yucatán	11,489	7,106	18,595
Zacatecas	550	2,047	2,597

*Source:* CONAFOVI.

**Paragraph 44 (b) (i)**

458. According to 2000 figures, the housing deficit amounts to 4,000,291 requirements, including: 1,811,000 new dwellings and 2,480,000 units that need to be rehabilitated, maintained or extended.

**Paragraph 44 (b) (ii)**

459. With regard to the availability of basic amenities, the housing inventory has significantly improved in the last 20 years. In 1980, only 71 per cent of dwellings had drinking water, 51 per cent drainage and 75 per cent electricity. In 2000, thanks to improvements in these basic amenities, 89 per cent of housing is equipped with drinking water, 78 per cent with drainage and 95 per cent with electricity.

460. Nevertheless, the sector as a whole is still deficient as far as equipping new housing with these inputs, particularly on account of the lack of sewage systems, although the percentage of inhabited private dwellings without this amenity has been reduced by half over the last 20 years, falling from 42.8 per cent in 1980 to 20.9 per cent by 2000. Over the same period, the shortage of piped water was reduced from 28.4 to 10 per cent, while the absence of electricity fell even more markedly from 21.8 to 4.5 per cent.

461. This improvement in housing did not occur uniformly and homogeneously throughout the country, and considerable differences appeared between regions and localities. Growth has been more apparent in the central region and less marked towards the southeast of the country. At the same time, non-urban sites (localities with less than 5,000 inhabitants) remained relatively below the national averages.

**Paragraph 44 (b) (iii)**

462. The availability of land for housing construction significantly affects the supply of housing. This fact has been and still is a considerable obstacle as far as the development of the sector is concerned, since the shortage of housing supply at competitive prices becomes a direct cause of the illegal occupation of land. This in turn generates an uncontrolled urban spread, very often towards high risk or environmentally protected areas, for which urbanization and the provision of amenities entails very high costs and often irreversible ecological damage.

**Paragraph 44 (b) (iv)**

463. Land with the necessary infrastructure and amenities for building represents the main input for housing. The problem with urban land is that the supply had been insufficient and inadequate for existing demand. Urban expansion has to a large extent taken place at the expense of the invasion of land of ejido or common origin and, to a lesser extent, of private lands or the land assets of the three powers of government, which are often inappropriate for urban use owing to their physiographic characteristics.

464. A further problem is that a high percentage of operations on the country's property market take place outside current legal requirements, to the detriment of the lowest income sector of the population.

465. The two main causes of the high cost of urban land have been the hoarding of buildings and property speculation. Moreover, *ejidos* or common land continue to provide the main supply of land for urban growth and it has not been possible so far to establish a land supply system which would regularly allow the orderly and legal supply of urban land for cities.

**Paragraph 44 (b) (v)**

466. Despite the significant degree of occupational and wage mobility in the country, almost 70 per cent of the working population live on an income of less than three minimum wages (23,152,506) and still do not have sufficient purchasing power to obtain a dwelling in the housing market with their own means, through a bank loan, since they are not a priori considered to be suitable clients for mortgages. Nevertheless, this group, which statistically represents 68.6 per cent of the working population, is the sector generating most housing demand.

**Paragraph 44 (b) (vi)**

467. For the Habitat Programme, marginalized urban areas are considered eligible if they fulfil most of the following conditions, amongst others: if they experience major deficiencies in the provision of drinking water, drainage, electricity, public lighting and paving; if they have higher population densities and include at least 500 households; if they face a greater degree of vulnerability and risk from natural causes; if they have participated in previous years in any of the schemes of the Habitat Programme; or if they are located in closer proximity to municipal infrastructure grids.

468. It should be pointed out that national housing agencies issue loans according to their own operating rules, using different or flexible systems.

**Paragraph 44 (b) (vii)**

469. Out of the existing approximately 21.9 million private housing units, 85.3 per cent are free-standing houses, 5.8 per cent are apartments and the remainder are made up of communal dwellings, roof-top accommodation, premises not built to be lived in, mobile dwellings and other. The current trend is towards an increase in the size of housing units, as measured in terms of the number of rooms built, not including kitchens. Twenty years ago only 30 per cent of housing had three or more rooms, while currently in 2000, 52 per cent of available housing is up to that standard.



**Paragraph 44 (c)**

470. Among the most important laws governing housing in our country, the following may be mentioned, in descending order of importance:

**Federal Legislation**

471. Among the most important federal, state and municipal laws governing housing in our country, the following may be mentioned, in descending order of importance:

**Federal Legislation**

472. Political Constitution of the United Mexican States. In article 4 the Constitution establishes the right to housing by stating that "Every family has the right to enjoy proper, decent housing".

Federal Housing Act. This Act introduces regulations pursuant to article 4 of the Constitution and outlines the criteria and mechanisms of national housing policy in greater detail.

Planning Act.

General Act on Human Settlements.

General Act on Ecological Equilibrium and Environmental Protection.

General Act on Social Development.

**State Legislation**

State Planning Act.

State Housing Act or equivalent.

State Act on Human Settlements or equivalent.

State Land Division Act or equivalent.

State Revenues Act.

State Economy Act.

State Civil Code.

State Code of Civil Procedures.

Condominium Property Act.

State Land Registry Act.

State Notarial Act.

State Act on Drinking Water and Sewage Disposal or equivalent.

### **Municipal Legislation**

Municipal Economy Act.

Municipal Revenues Act.

Basic Act on Municipal Public Administration.

Building Regulations.

473. In accordance with the provisions of article 4 of the Mexican Constitution, the right to housing must not be discriminatory, since “Every family has the right to enjoy proper, decent housing”.

474. The national housing agencies (ONAVIS) may not include any clause in their rules and conditions governing the issue of loans which would restrict the right to housing.

475. It may be added that, according to the Constitution, no law can be opposed to the realization of the right to housing.

#### **Paragraph 44 (d) (i)**

476. In 2003 the Mexican Government launched the Habitat Programme through the Ministry of Social Development, with the aim of meeting the challenges of poverty and urban development through the introduction of a set of measures combining, amongst other aspects, the improvement of basic infrastructures, the provision of amenities to marginalized urban areas and the prevention of disasters with the supply of social services and community development activities in such areas.

477. The Government aims to supplement federal subsidies with contributions from state and municipal resources and, where possible, from the beneficiaries themselves and/or organizations of civil society, in order to assist urban development and the inclusion of marginal urban areas within city limits, as part of a general policy of encouraging community participation and planning. In this programme, local governments have to make available counterpart resources, either from their own funds or with the help of the state or municipality concerned, as appropriate.

478. The Habitat Programme also establishes coordination bodies and mechanisms to work with other programmes of the Ministry of Social Development, appropriate local bodies and with offices and agencies of the Federal Public Administration, in order to ensure that the activities undertaken are complementary.

#### **Paragraph 44 (d) (ii)**

479. Through the Ministry of Social Development the Federal Government has introduced the Habitat Programme in order to assist the poor sector of the population living in towns and metropolitan areas through the joint implementation of social programmes and urban development.

480. The Habitat Programme combines measures aimed at improving the infrastructure and amenities of marginal urban areas as well as disaster prevention with the provision of services

and community development. As in the case of providing land for social housing and urban development, its activities are part of the general effort to improve urban and territorial planning.

**Paragraph 44 (d) (iii)**

481. The Habitat Programme is designed to combat urban poverty, to improve low-income housing and to make towns and their neighbourhoods orderly, safe and habitable. To achieve this, it undertakes activities such as: reducing the vulnerability of built-up areas to threats of natural origin, through disaster prevention and environmental improvement; helping states and municipalities to acquire land and to build up land reserves as a means of achieving orderly urban development; and seeking low-cost alternatives for family housing.

**Paragraph 44 (d) (iv)**

482. Through the Ministry of Social Development the Federal Government coordinates the National Social Housing Fund (FONHAPO) and the National Housing Development Commission (CONAFOVI), among other programmes.

483. In 2003, the Government set up the National Fund providing Economic Support for Housing within the FONHAPO trust fund, as a single body centralizing the administration, monitoring and evaluation of federal programmes responsible for issuing subsidies for the construction, improvement and purchase of low-income family housing. In the course of the financial year 2003, a total of 32,182 subsidies were supplied for rural housing. The original target for this programme in 2004 was to provide 50,928 subsidies in order to assist the low-income sector of the population with funds for new housing and for the improvement of existing housing.

484. For the fiscal year 2004, the resources authorized for programmes providing housing subsidies amounted to 1,867 million pesos; out of this sum, 1,607 million went to the “Tu Casa” (Your house) Programme and 260 million to “Vivienda Rural” (Rural housing). In addition, FONHAPO was authorized to contribute 822.3 million pesos of its own resources to provide loans to the “Vivienda Terminada” (Finished Housing) Programme.

**Paragraph 44 (d) (v)**

485. Mexico maintains relations of technical and financial cooperation. Extending its cooperation links has brought it in contact with other types of experience.

486. Entitled beneficiaries consist of households in situations of accumulated wealth poverty situated in selected towns and/or urban areas. Among these beneficiaries, particular attention is given to groups in disadvantaged or vulnerable situations, such as persons with diminished capacities, elderly persons and residents of high-risk buildings or areas.

487. In each of the selected towns, depending on the availability of funds, there is the possibility of identifying and selecting one or more areas for priority attention where programmes can be implemented.

**Paragraph 44 (d) (vi)**

488. The above-mentioned Habitat Programme includes as one of its components the project known as “Urban Planning and Habitat Development Agencies”, which provides support for the improvement of urban planning and administration and for the training of civil authorities responsible for encouraging local development initiatives and practices, with a view to improving the urban environment and achieving the construction of townships which are orderly, safe, sustainable, welcoming and competitive.

**Paragraph 44 (d) (vii)**

489. The Habitat Programme offers benefits to people in a situation of poverty in order to help remove them from that category, by implementing activities such as: improving the habitat of urban neighbourhoods and areas where poverty is concentrated with the participation of local communities; encouraging urban planning and management practices and local development, in order to promote the coordination of different forms of public, private and social associations; and strengthening the identity, settlement and self-esteem of the population through actions aimed at preserving and protecting historical centres.

**Paragraph 44 (e)**

490. During the reporting period there have been no changes in national policies, laws and practices negatively affecting the right to adequate housing.

**Paragraph 45**

491. This question has been answered all along this document.

**Paragraph 46**

492. The Government of Mexico is making a considerable effort to introduce programmes that will ensure the full realization of the rights enshrined in article 11, using national resources. International cooperation is complementary to those efforts, particularly insofar as it brings an awareness of different sorts of experience.

**G. ARTICLE 12**

**Paragraph 47 of the guidelines**

493. In its Social and Human Development section, the National Development Plan (PND) proposes ways of improving the well-being and capacities of the population, by increasing equity and equality of opportunities, by strengthening social cohesion and capital and by enlarging the Government’s response capacity, with the launch of sectoral, special, institutional and regional programmes, designed to facilitate interaction between states, regions and the Federation. The National Development Plan establishes three basic priorities: improving equity and equality of opportunities for the population and improving its capacities.

494. In conformity with the National Development Plan, the National Health Programme 2001-2006 starts from the notion that economic development, social well-being, political stability and national security all depend on the satisfactory state of health of the population. It puts forward four basic premises:

- Good health is one of the objectives of development and an indispensable condition for achieving genuine equality of opportunities.
- Alongside education, health is the key component of human capital, which is the most important form of capital for individuals and for nations. Improving the standard of health and guaranteeing education means strengthening the ability of both the individual and society to improve their living standards.
- In view of its intrinsic value and its strategic potential, health must no longer be seen as a separate sector of public administration and should now be considered also as a social objective which can and should be pursued by all sectors; this means that health policies must be accompanied by healthy policies.
- The protection of health is a value which is shared by practically all societies, all ideological systems and all political organizations. Good health is therefore a value which can strengthen the fabric of our society.

495. The National Health Programme 2001-2006 (PNS) was designed to meet the challenges facing the Mexican health system, namely equity, quality and financial protection. To achieve this specific policies have been designed which are closely related to five basic objectives: 1) to improve the state of health of all Mexicans; 2) to combat inequalities with regard to health; 3) to improve the response capacity of public and private services; 4) to ensure that justice prevails where the financing of health is concerned; and 5) to strengthen the health system, especially the public institutions involved.

496. These objectives are to be implemented through ten strategies:

- Linking health to economic and social development;
- Reducing health deficiencies affecting the poor;
- Facing emerging problems through an explicit definition of priorities;
- Launching a crusade for quality of service;
- Offering financial protection to everyone with regard to health;
- Building cooperative federalism in health matters;
- Strengthening the guiding role of the Ministry of Health;
- Establishing a model of comprehensive health care;
- Extending the participation of all citizens;
- Strengthening the development of human resources, research and health care infrastructure.

497. The National Health Programme also deals with the problems of mental health, and is engaged in combating tobacco, alcohol and drug addiction. Mental health is a problem because at

least one fifth of the Mexican population experience some kind of mental disorder at some stage of their lives: four million adults suffer from depression; half a million from schizophrenia; one million persons are affected by epilepsy, while 10 per cent of elderly persons over age 65 suffer from dementia. If the rising trend in these disorders continues, over the next ten years the demand for mental health services in Mexico will constitute one of the main branches of the health system.

498. Among the 15 main causes of the loss of healthy life years (HLY) in our country we find psychiatric and neurological diseases; six of them are related either to this type of disorder or to addictions, including homicide and violence, motor vehicle accidents, cerebro-vascular diseases, cirrhosis of the liver, dementia, alcohol consumption and depressive disorders, which account for almost 18 per cent of all loss of HLY.

499. It may be remembered that the World Health Organization (WHO) has considered mental health as an integral part of the general definition of health, which was defined as: "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". The Government of Mexico recognizes that the psycho-social component has not been given the same weight in the policies of health institutions as in other branches, although little by little the necessary public policies are being implemented in order to change these attitudes.

500. The General Assembly of the United Nations and some of its agencies (WHO, UNESCO, UNICEF and ILO), as well as the Organization of American States (OAS), have called on their member countries to strengthen their mental health programmes and to reconsider the prevailing policy of treating incapacitated psychiatric patients exclusively in hospital institutions, by devoting more primary health care to mental health and by promoting more participation by society, on the part both of individuals and of organized groups and associations.

501. Improving standards of living in most countries has almost invariably led to a marked improvement in health indicators. Nevertheless, it has been observed that in emerging economies, such as that of Mexico, diseases due to deficiencies in health services tend to coincide with those due to accelerated urbanization, like the chronic degenerative diseases, among which neurological and psychiatric pathologies are included, many of them associated with the epidemiological changes observed in recent years.

502. National policies dealing with mental health problems must involve not only healthcare institutions, but also the participation of the education, labour, development and social integration sectors and society in general, at federal, state and municipal level. The National Health Programme introduced strategies to favour the development of healthy communities, with the aim of ensuring that the people within those communities should be able to take care of their own development, as well as strategies aimed at extending the coverage of health services by investing in information technologies which can be used to bring health benefits to more isolated communities.

503. At the same time, an effort has been made to further the processes of federalization and decentralization in order to achieve a more equitable distribution of existing resources and thus build up a comprehensive healthcare model.

504. The activities planned as part of the Mental Healthcare Programme 2001-2006 will provide assistance in this period to the 15 million Mexicans who suffer from some kind of mental disease

and to their families. For more information concerning the Mental Healthcare Programme, visit the Ministry of Health's website at <http://www.salud.gob.mx>.

#### **Paragraph 48**

505. It is stated in article 4, paragraph 4, of the Mexican Constitution that "Every person is entitled to health protection". The law must introduce the necessary rules to ensure access to health services and must establish the joint participation of the Federation and federated authorities in all issues concerning public health, in accordance with the provisions of Article 73, section XVI, of the Constitution:

- The implementation of the National Development Plan 2001-2006 must rest on a number of activities designed to ensure for all Mexican citizens proper access to health services and dignified treatment at no cost to their accumulated wealth.
- Guidelines for the health system are clearly set out in the National Health Programme 2001-2006; this was prepared on the basis of broad public consultation, which successfully led to intensive participation by all sectors of the population in the form of more than 23,000 proposals.
- The National Health Programme 2001-2006 seeks to establish a universal, equitable, solidary, plural, efficient, high-quality, forward-looking, decentralized, participative and development-related health system. Its ultimate goal is to ensure that by the year 2025 every Mexican man and woman should have access to health protection, with special attention being given to the more vulnerable groups through the implementation of a health system closely linked to other related sectors such as: social development, education, environment and security, with the supportive and receptive participation of society as a whole.
- Strengthening the National Health System requires the recognition of the advances achieved in recent decades, as well as an acceptance of the country's deficiencies and the new problems which have to be faced, arising from the transformation not only of the country itself but also of the international scene in general.
- To achieve this, three basic goals have been established in the Programme, which should help to bring about change in the country and improve the state of health of all Mexicans, to reduce inequalities in terms of health and to guarantee proper treatment, avoiding any excessive expenditure affecting the population while at the same time strengthening public institutions. Those goals are: equity, quality and financial protection.

506. In order to achieve those goals, the Ministry of Health relies on a number of strategies for promoting health, involving a series of formal and informal, intra-sectoral and inter-sectoral activities. A number of strategies have been implemented by the Ministry to achieve these objectives:

- Education for health;
- Social participation;

- Educational communication;
- Training.

507. The Ministry of Health is currently running the two following action programmes:

- The Healthy Communities Programme deals with the design and implementation of public policies based on standards ensuring respect for non-smokers, conservation of the environment, safety at work, and functional special designs for disabled persons, amongst others.
- The Inter-Sectoral Healthy Education Programme is the outcome of an agreement between the Ministry of Education and the Ministry of Health. It recommends that school programmes should include activities that encourage the adoption of healthy lifestyles and avoid high-risk behaviour, such as the consumption of tobacco or alcoholic beverages, the abuse of addictive substances and unprotected sexual relations. Information is also provided concerning the biological, physical and chemical risks inherent in the general and working environment, as well as ways of dealing with them. It endeavours to combat health deficiencies by encouraging protective action against the instability of infectious and immuno-preventable diseases and those related to sexual and reproductive functions. Its main objective is to improve the health standards of school children, with special attention for indigenous and low-income rural and urban groups, as part of a comprehensive strategy for achieving high-quality education, through inter-sectoral coordination and with the support of other public and private organizations and social participation.

508. There is also a strategy known as Lifetime Health Prevention and Promotion that covers all forms of treatment received by any person in healthcare centres run by the Ministry of Health, regardless of the reason leading to the consultation, with the aim of anticipating future health problems, subject to the strict application of existing rules and technical guidelines. It is hoped in this way to improve the state of health of all Mexican men and women and to reduce inequalities in health standards. An effort will be made to stimulate public participation in the process of self-care, through activities focused on supplying appropriate information and promoting healthy lifestyles.

509. The National Health Card System is a strategy aimed at health prevention and promotion, by encouraging people to adopt habits, customs, attitudes and practices conducive to the protection and conservation of health throughout their lives, that is, from birth to old age.

510. The system is designed to ensure effective health care for certain groups, which implies, in addition to providing treatment, devising and applying educational and health-promoting contents.

#### **Paragraph 49**

511. In 2002, Mexico devoted 5.8 per cent of its gross domestic product (GDP) to health care. This figure includes both public expenditure (42.1%) and private expenditure (57.9%). In 1997 health expenditure amounted to 5.5 per cent of GDP, with private expenditure accounting for 54.7 per cent of the total and public expenditure 45.3 per cent. About 23 per cent of total public expenditure on health is devoted to primary health care (primary care for both insured and uninsured individuals).



**Paragraph 50 (a)**

**Deaths of infant boys and girls aged less than one year according to state of residence, 2001 and 2002**

<i>State</i>	<i>2001</i>				<i>2002</i>			
	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Not specified</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Not specified</i>
Total	35,911	20,302	15,487	122	36,567	20,734	15,690	143
Aguascalientes	342	186	154	2	383	227	155	1
Baja California	1,064	639	423	2	976	555	419	2
Baja California Sur	171	106	65	0	147	89	58	0
Campeche	174	92	82	0	188	116	72	0
Coahuila de Zaragoza	589	331	255	3	551	320	228	3
Colima	154	88	66	0	120	70	50	0
Chiapas	1,599	900	694	5	1,549	850	691	8
Chihuahua	1,271	716	543	12	1,284	707	563	14
Distrito Federal	2,894	1,627	1,254	13	2,858	1,592	1,257	9
Durango	132	74	57	1	370	237	130	3
Guanajuato	2,046	1,152	892	2	2,208	1,276	931	1
Guerrero	496	285	210	1	601	354	245	2
Hidalgo	752	425	323	4	833	495	337	1
Jalisco	2,224	1,294	926	4	2,156	1,191	957	8
México	6,824	3,881	2,923	20	6,697	3,747	2,918	32
Michoacán de Ocampo	1,127	650	473	4	1,174	676	489	9
Morelos	408	224	180	4	505	285	215	5
Nayarit	188	107	81	0	168	96	72	0
Nuevo León	1,036	580	450	6	977	569	406	2
Oaxaca	1,208	665	534	9	1,356	776	577	3
Puebla	3,376	1,930	1,439	7	3,492	2,037	1,452	3
Querétaro de Arteaga	644	348	296	0	650	355	293	2
Quintana Roo	331	197	132	2	347	197	148	2
San Luis Potosí	782	449	331	2	833	470	356	7
Sinaloa	254	132	121	1	379	225	146	8
Sonora	747	418	325	4	719	411	308	0

State	2001				2002			
	Total	Male	Female	Not specified	Total	Male	Female	Not specified
Tabasco	778	435	342	1	688	379	306	3
Tamaulipas	603	342	257	4	558	300	255	3
Tlaxcala	573	328	243	2	567	325	242	0
Veracruz de Ignacio de la Llave	2,103	1,148	954	1	2,196	1,250	945	1
Yucatán	562	296	263	3	508	284	223	1
Zacatecas	437	244	190	3	508	259	239	10
Abroad	22	13	9	0	21	14	7	0

Source: INEGI. Mortality statistics.

**Deaths of children between ages 1 and 4 according to State of habitual residence and sex, 2001 and 2002**

State	2001				2002			
	Total	Men	Women	Not specified	Total	Men	Women	Not specified
Total	6,620	3,613	2,996	11	6,831	3,758	3,067	6
Aguascalientes	58	36	22	0	79	42	37	0
Baja California	162	85	77	0	158	95	63	0
Baja California Sur	34	24	10	0	28	14	14	0
Campeche	31	17	14	0	30	16	14	0
Coahuila de Zaragoza	95	51	44	0	98	57	41	0
Colima	32	13	19	0	35	23	12	0
Chiapas	466	242	222	2	495	265	227	3
Chihuahua	229	126	103	0	189	105	82	2
Distrito Federal	384	196	188	0	368	212	156	0
Durango	47	29	18	0	57	31	26	0
Guanajuato	330	179	151	0	378	211	167	0
Guerrero	177	87	90	0	213	117	96	0
Hidalgo	119	61	58	0	125	68	57	0
Jalisco	440	221	219	0	379	208	171	0
México	880	502	375	3	937	513	424	0

<i>State</i>	<i>2001</i>				<i>2002</i>			
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Not specified</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Not specified</i>
Michoacán de Ocampo	283	160	123	0	244	138	106	0
Morelos	83	46	37	0	95	57	38	0
Nayarit	71	36	34	1	77	53	24	0
Nuevo León	151	85	66	0	130	69	61	0
Oaxaca	410	233	175	2	466	239	227	0
Puebla	523	287	236	0	639	324	315	0
Querétaro de Arteaga	90	45	45	0	93	47	46	0
Quintana Roo	50	30	20	0	50	26	24	0
San Luis Potosí	173	85	88	0	199	105	93	1
Sinaloa	110	57	52	1	107	64	43	0
Sonora	137	82	55	0	133	66	67	0
Tabasco	133	81	52	0	124	86	38	0
Tamaulipas	110	57	53	0	132	70	62	0
Tlaxcala	84	59	25	0	64	34	30	0
Veracruz de Ignacio de la Llave	500	284	216	0	495	282	213	0
Yucatán	117	62	55	0	92	56	36	0
Zacatecas	97	48	47	2	100	54	46	0
Abroad	14	7	7	0	22	11	11	0

*Source: INEGI. Mortality statistics.*

**Paragraph 50 (e)**

<i>Indicator</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>
Total population	81,249,645	91,158,290	97,483,412
Life expectancy	70.8	73.6	75.3

**Paragraph 50 (f)**

<i>Sex Age groups</i>	<i>Total</i>	<i>Beneficiary</i>	<i>Non beneficiary</i>	<i>Not specified</i>
Men	47,258,265	96.0	3.0	1.0
0 a 4 years	5,485,973	95.8	2.0	2.2
6 a 14 years	11,268,967	96.7	2.4	0.9
15 a 64 years	28,105,440	95.8	3.4	0.8
65 and older	2,246,999	95.2	4.0	0.8
Not specified	150,886	86.1	6.7	7.2
Women	49,756,602	96.7	2.3	1.0
0 a 4 years	5,305,420	95.8	2.0	2.2
6 a 14 years	10,989,851	96.8	2.3	0.9
15 a 64 years	30,721,961	97.0	2.3	0.7
65 and older	2,598,697	96.1	3.2	0.7
Not specified	140,673	88.5	5.8	5.7

*Source:* INEGI. 12th General Population and Housing Census, 2000. Census sample database.

**Percentage distribution of beneficiaries of health services according to type of service,  
sex and age group, 2000**

<i>Sex Age group</i>	<i>Beneficiaries</i>	<i>Social Security<sup>a</sup></i>	<i>Private medical services<sup>b</sup></i>	<i>Public services</i>
Men	45,352,031	38.5	34.7	26.8
0 a 4 years	5,256,931	35.6	32.6	31.8
6 a 14 years	10,898,810	35.4	31.2	33.4
15 a 64 years	26,925,920	39.6	36.7	23.7
65 and older	2,140,382	46.5	32.7	20.8
Not specified	129,988	31.3	36.9	31.8
Women	48,119,229	39.4	33.7	26.9
0 a 4 years	5,080,100	35.5	32.6	31.9
6 a 14 years	10,632,394	35.1	31.5	33.4
15 a 64 years	29,785,096	41.0	34.6	24.4
65 and older	2,497,122	45.8	34.5	19.7
Not specific	124,517	32.4	37.3	30.3

*Source:* INEGI. 12th General Population and Housing Census, 2000. Census sample database.

<sup>a</sup> Including social security services of state governments.

<sup>b</sup> Including persons treated by private physicians.

**Percentage distribution of beneficiaries of health services according to sex  
and state of the Federation, 2000**

<i>State or federation</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
United Mexican States	100.0	48.5	51.5
Aguascalientes	100.0	47.8	52.2
Baja California	100.0	50.0	50.0
Baja California Sur	100.0	50.8	49.2
Campeche	100.0	49.7	50.3
Coahuila de Zaragoza	100.0	49.3	50.7
Colima	100.0	48.9	51.1
Chiapas	100.0	49.3	50.7
Chihuahua	100.0	49.7	50.3
Distrito Federal	100.0	47.3	52.7
Durango	100.0	48.4	51.6
Guanajuato	100.0	47.7	52.3
Guerrero	100.0	48.2	51.8
Hidalgo	100.0	48.3	51.7
Jalisco	100.0	48.2	51.8
México	100.0	48.7	51.3
Michoacán de Ocampo	100.0	47.7	52.3
Morelos	100.0	48.0	52.0
Nayarit	100.0	49.4	50.6
Nuevo León	100.0	49.5	50.5
Oaxaca	100.0	47.8	52.2
Puebla	100.0	48.0	52.0
Querétaro de Arteaga	100.0	48.4	51.6
Quintana Roo	100.0	50.9	49.1
San Luis Potosí	100.0	48.5	51.5
Sinaloa	100.0	49.2	50.8
Sonora	100.0	49.6	50.4
Tabasco	100.0	49.1	50.9
Tamaulipas	100.0	49.2	50.8
Tlaxcala	100.0	48.8	51.2
Veracruz de Ignacio de la Llave	100.0	48.2	51.8
Yucatán	100.0	49.2	50.8
Zacatecas	100.0	48.1	51.9

Source: INEGI. 12th General Population and Housing Census, 2000. Census sample database.

<sup>a</sup> The total percentages for each state are included in the national total.

<sup>b</sup> The percentage for each sex refers to the total for the corresponding state.

**Paragraph 50 (g)**

**Percentage of general deaths by sex and by main causes, 1990-2002**

<i>Sexo/Causa</i>	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Heart diseases	12.5	13.2	13.6	14.0	14.5	14.8	15.0	15.4	15.4	15.6	15.7	15.9	16.2
Malignant tumours	9.7	10.2	10.7	10.8	11.1	11.2	11.4	11.6	11.8	12.1	12.6	12.7	12.7
Diabetes mellitus	6.1	6.6	6.9	7.1	7.2	7.7	8.0	8.2	9.4	10.3	10.7	11.3	11.9
Accidents	9.3	9.5	9.3	8.9	8.9	8.3	8.0	8.1	8.0	8.0	8.1	8.0	7.8
Liver diseases <sup>a</sup>	4.2	4.5	4.7	4.9	5.0	4.9	5.0	5.2	6.1	6.1	6.3	6.3	6.2
Cerebrovascular diseases <sup>b</sup>	4.7	5.1	5.2	5.2	5.4	5.4	5.6	5.6	5.6	5.8	5.8	5.8	5.8
Affections originating in the perinatal period	5.5	5.4	5.3	5.0	4.9	4.8	4.5	4.5	4.5	4.3	4.4	4.1	4.0
Chronic obstructive pulmonary diseases <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA	2.5	2.5	2.5	2.6
Influenza and pneumonia <sup>d</sup>	5.3	4.7	4.6	4.5	4.6	4.6	4.7	4.5	3.4	3.2	2.8	2.6	2.5
Assaults (homicides) <sup>e</sup>	3.4	3.7	4.0	3.9	3.8	3.6	3.3	3.1	3.1	2.8	2.5	2.3	2.2
Infectious intestinal diseases	5.2	4.6	3.5	3.2	2.4	NA	NA	NA	NA	NA	NA	NA	NA
Malnutrition and other nutritional deficiencies <sup>f</sup>	NA	NA	NA	NA	NA	2.4	NA	NA	2.4	NA	NA	NA	NA
Acute nephritic syndrome and rapidly progressive nephritic syndrome <sup>g</sup>	NA	NA	NA	NA	NA	NA	2.4	2.3	NA	NA	NA	NA	NA
Other causes	34.1	32.5	32.2	32.5	32.2	32.3	32.1	31.5	30.3	29.3	28.6	28.5	28.1
<b>Men</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Heart diseases	11.1	11.7	12.1	12.5	12.8	13.2	13.5	13.9	13.9	14.1	14.1	14.6	14.9
Malignant tumours	8.1	8.5	8.8	9.0	9.3	9.5	9.6	9.9	10.1	10.4	10.8	11.0	11.2
Accidents	12.7	12.9	12.8	12.2	12.2	11.3	11.2	11.2	11.0	11.1	11.2	11.0	10.6
Diabetes mellitus	4.7	5.1	5.4	5.5	5.6	6.1	6.3	6.4	7.5	8.2	8.5	9.1	9.9
Liver diseases	5.9	6.3	6.4	6.7	6.8	6.7	6.7	7.0	8.2	8.2	8.5	8.5	8.3
Cerebrovascular diseases <sup>b</sup>	3.8	4.2	4.3	4.3	4.4	4.5	4.6	4.7	4.7	4.9	4.9	4.9	4.9
Affections originating in the perinatal period	5.6	5.6	5.5	5.2	5.1	5.0	4.8	4.7	4.6	4.5	4.6	4.3	4.2
Assaults (homicides) <sup>e</sup>	5.4	5.8	6.4	6.1	6.0	5.8	5.3	4.9	4.9	4.4	3.9	3.7	3.4
Chronic obstructive pulmonary diseases <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	NA	2.3	2.6	2.5	2.5	2.6
Influenza and pneumonia <sup>d</sup>	5.0	4.4	4.3	4.2	4.4	4.4	4.5	4.3	3.2	3.0	2.7	2.5	2.4
Infectious intestinal diseases	4.9	4.2	3.2	2.9	2.2	NA	NA	NA	NA	NA	NA	NA	NA
Congenital malformations, deformities and chromosome anomalies <sup>h</sup>	NA	NA	NA	NA	NA	2.1	NA	NA	NA	NA	NA	NA	NA
Acute nephritic syndrome and rapidly	NA	NA	NA	NA	NA	NA	2.1	2.1	NA	NA	NA	NA	NA

<i>Sexo/Causa</i>	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
progressive nephritic syndrome <sup>g</sup>													
Other causes	32.8	31.3	30.8	31.4	31.2	31.4	31.4	30.9	29.6	28.6	28.3	27.9	27.6
<b>Women</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Heart diseases	14.4	15.1	15.6	16.1	16.7	16.9	17.0	17.4	17.4	17.5	17.7	17.6	17.8
Malignant tumours	11.9	12.6	13.2	13.2	13.4	13.4	13.8	13.9	14.1	14.3	14.8	14.8	14.7
Diabetes mellitus	8.0	8.6	9.0	9.3	9.4	9.9	10.1	10.4	11.9	12.9	13.3	14.0	14.6
Cerebrovascular diseases <sup>b</sup>	5.8	6.3	6.5	6.3	6.7	6.7	6.8	6.8	6.8	7.0	6.9	7.0	6.9
Accidents	4.9	5.0	4.7	4.6	4.6	4.3	4.0	4.3	4.1	4.2	4.1	4.3	4.2
Affections originating in the perinatal period	5.2	5.2	5.0	4.8	4.6	4.5	4.2	4.2	4.3	4.1	4.2	3.9	3.8
Liver diseases <sup>a</sup>	NA	NA	NA	NA	NA	2.7	2.8	2.8	3.4	3.4	3.5	3.5	3.5
Influenza and pneumonia <sup>d</sup>	5.6	5.1	4.9	4.9	4.9	4.9	5.0	4.8	3.7	3.4	2.9	2.6	2.7
Chronic obstructive pulmonary diseases <sup>c</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA	2.5	2.4	2.5	2.6
Malnutrition and other nutritional deficiencies <sup>f</sup>	3.1	3.1	3.0	2.7	2.7	2.8	2.7	2.7	2.8	2.6	NA	NA	2.3
Kidney deficiency	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2.3	NA
Infectious intestinal diseases	5.7	5.1	3.8	3.5	2.7	NA	NA	NA	NA	NA	NA	NA	NA
Chronic or unspecified bronchitis, emphysema and asthma <sup>i</sup>	2.4	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Acute nephritic syndrome and rapidly progressive nephritic syndrome <sup>g</sup>	NA	2.4	2.6	2.7	2.6	2.7	2.6	2.6	NA	NA	NA	NA	NA
Congenital malformations, deformities and chromosome anomalies <sup>h</sup>	NA	NA	NA	NA	NA	NA	NA	NA	2.5	NA	2.4	NA	NA
Other causes	33.0	31.5	31.7	31.9	31.7	31.2	31.0	30.1	29.0	28.1	27.8	27.5	26.9

Source: INEGI. *Mortality Statistics*.

Note: For each year the ten principal causes of death are considered. From 1990 to 1997 the methodology of the International Classification of Diseases ICD-9 was used and for the years 1998 to 2002 the International Classification of Diseases C.

<sup>a</sup> From 1990 to 1997 this was referred to as cirrhosis and other chronic liver diseases. For 1998 the term used was alcoholic illness and other chronic liver diseases.

<sup>b</sup> Until 1997 referred to as cerebrovascular disease.

<sup>c</sup> Until 1997 referred to as other chronic obstructive pulmonary diseases.

<sup>d</sup> Until 1997 referred to as pneumonia and influenza.

<sup>e</sup> Until 1997 referred to as homicide and injuries intentionally inflicted by another person.

<sup>f</sup> Until 1997 referred to as nutritional deficiencies.

<sup>g</sup> Until 1997 referred to as nephritis, nephritic syndrome and nephrosis.

<sup>h</sup> Until 1997 referred to as congenital anomalies.

<sup>i</sup> In 1998 referred to as chronic or unspecified bronchitis and emphysema.

NA = Not available.

**Paragraph 50 (g)**

<i>Sex Age group</i>	<i>Beneficiaries</i>	<i>Social Security<sup>a</sup></i>	<i>Private medical services<sup>b</sup></i>	<i>Public services</i>
Men	45,352,031	38.5	34.7	26.8
0 a 4 years	5,256,931	35.6	32.6	31.8
6 a 14 years	10,898,810	35.4	31.2	33.4
15 a 64 years	26,925,920	39.6	36.7	23.7
65 and older	2,140,382	46.5	32.7	20.8
Not specified	129,988	31.3	36.9	31.8
Women	48,119,229	39.4	33.7	26.9
0 a 4 years	5,080,100	35.5	32.6	31.9
6 a 14 years	10,632,394	35.1	31.5	33.4
15 a 64 years	29,785,096	41.0	34.6	24.4
65 and older	2,497,122	45.8	34.5	19.7
Not specified	124,517	32.4	37.3	30.3

*Source:* INEGI. 12th General Population and Housing Census, 2000. Census sample database.

<sup>a</sup> Including social security services of state governments.

<sup>b</sup> Including persons treated by private physicians.

**Paragraph 51 (a)**

512. In 2003, the structural reform of the National Health System was completed with a view to correcting the five financial imbalances of the Mexican health system. Its main aim is to fulfil the fourth objective of the National Health Programme 2001-2006, which consists in ensuring equitable healthcare funding in order to meet the requirement of financial protection.

513. The reform also includes useful means of meeting the other four objectives and of dealing with the problems of improving the equity and quality of services. The reform is designed to generate a new health system, better suited to meet health requirements arising from demographic and epidemiological changes and to respond to the opportunities offered by political, economic and social development in Mexico.

**Paragraph 51 (b)**

514. The problems related to the mental health situation in Mexico are described in this report under article 12.1.

515. In order to foster a satisfactory standard of health among the Mexican population, the Ministry of Health introduced the Programme of Exercises for Better Health (PROESA), which is currently operated in 5,535 health centres with the support of advice from 13,058 active groups. There are a further 202 active PROESA modules belonging to other institutions.



516. In 2003, 125,000 education for health sessions were held, attended by 2.4 million people; almost 12,000 PROESA instructors were trained through 1,183 courses. A further 1,004 training courses attended by 10,000 people were offered to institutional staff.

517. In 2003, a total of 1.1 million people received 387,460 informative leaflets.

**Paragraph 51 (c)**

518. Since it was first launched in 1943 the Mexican health system has been divided into formal sector workers and their families, who have access to social security, on the one hand, and the rest of the population, which is not covered by any public insurance scheme, on the other. Despite the improvements in the state of health of the Mexican population over six decades and three generations of health system reforms, it has not yet been possible to overcome the financial imbalances or unequal access to health care.

519. The structural reform of the health system was approved in April 2003 and on 1 January 2004 a universal social security scheme, known as the Social Health Protection System, came into force. The aim of this system is to offer equal opportunities to all Mexicans with respect to participation in public health insurance.

520. The purpose of the reform was to make the health system more democratic, in accordance with the principle that health care must be guaranteed for all citizens and residents of the country regardless of income, place of residence, ethnic origin or employment situation. The reform therefore meets the objectives of reducing the proportion of out-of-pocket expenses of Mexican households, reducing the occurrence of catastrophic expenses on health and increasing the coverage of health insurance.

521. The reform is based on five basic standards: equal opportunities, social inclusion, financial justice, shared liability and personal autonomy. In accordance with these standards, the reform undertakes to transform the health system by groups.

522. The aim is to build a horizontally integrated system on the basis of equitable financing and universal social protection for the population, while ensuring that each institution performs one of the three basic functions of the health system as a whole, namely administration, financing and the supply of services, thus ensuring the coverage of all the social groups that make up the population of Mexico.

523. The reform is also intended to remedy the five major financial imbalances which affect the current health system: a) the low level of general expenditure; b) dependence on expenditure by the patient a source of financing; c) unequal distribution of resources between those who are insured and those who are not, as well as between States; d) unequal financial effort by the different entities; and e) falling proportion of expenditure devoted to investment.

524. The general level of expenditure will be increased in order to meet the health needs of a population undergoing a complex process of epidemiological transition and ageing. The system of funding health care will be changed, replacing the current dependence on payments by the patient made at the time services are received with a system of prepayment based on federal taxes and family contributions subsidized in accordance with levels of income. Furthermore, the financing of health care will be fairly distributed between those who are insured and those who are not, and it will be based on health needs rather than on the ability to pay. In addition, the

distribution of resources between states will no longer depend on passive budgeting and will be based henceforth on the number of families insured and on a transparent formula designed gradually to remedy inequalities. The contributions made by States will be less uneven and instead of being discretionary will also be based on the number of insured families. Lastly, running and investment expenditure will have to comply with a Master Infrastructure Plan.

525. In order to achieve its objectives, the reform will introduce 12 new features:

- Protection for the financing of public health activities;
- Coverage ensured for a comprehensive set of services including those which give rise to catastrophic expenses;
- A method of allocating resources which reduces inequalities between States;
- Democratic budgeting based on the number of families insured;
- Emphasis on the micro- and macroeconomic benefits of a functional health system;
- Incentives for sufficient and efficient investment in infrastructure;
- Register of insured families;
- Use of facts and information as a basis for the design and introduction of the reform;
- Strict monitoring and evaluation;
- Increased effective participation by non-profit-making and private sectors;
- Use of incentives to encourage the satisfactory performance of service providers; and
- Emphasis on consensus between policy makers and health service providers and users.

526. The People's Health Insurance scheme constitutes the operating arm of the system and offers all uninsured Mexican citizens access to public health insurance covering personal health care. By the end of a transition period of seven years, the scheme must provide coverage for all those who are not already covered by any of the social security institutions. This means that by 2010 Mexico's health system will have achieved universal financial protection.

527. The financing of the People's Health Insurance scheme is tripartite, based on resources provided by the Federal Government, state governments and insured families. In this way, the sources of financing will be coordinated between the IMSS, the ISSSTE and National Insurance.

528. Instead of being passive and bureaucratic, the approach to general financing will be democratic and will shift from an emphasis on supply to the subsidizing of demand, through a transfer of federal resources to the states based on the number of insured families. Federal support resources will be allocated according to a system designed to reduce inequalities between states and social groups, using health needs, health deficiencies and performance as the key criteria. The voluntary nature of membership will help to balance demand and supply in the health system

by creating incentives for satisfactory performance by service suppliers, especially at state level, since the allocation of resources will depend on the numbers of those insured.

529. It is worth pointing out that the first people to have access to this new health system will be the most underprivileged groups in the country and that gradually coverage will be extended to the remainder of the population which does not currently belong to any other health system.

**Paragraph 51 (d)**

530. The reform also includes a set of new features aimed at encouraging personal mobility and autonomy, for which information and facts will constitute basic ingredients. The mechanisms used to generate facts will include, for instance, the pilot stage of the National Health Insurance scheme, which was introduced in 2001.

531. At the end of 2003, a total of 622,819 families were registered with the scheme in 24 of the 32 states of the Federation. Thanks to the duration and scope of the pilot stage, it was possible, with the participation of beneficiaries and service suppliers, to develop many of the new features designed for the reform. Since the reform places the citizen at the heart of the democratic process, support for insured families is vital to its success and sustainability. For this reason the Ministry of Health will operate a membership information system which can be used to apply a method of pre-budgeting, by identifying the amounts of individual family contributions and ensuring transparency in the allocation of resources. The emphasis will also be placed on informing and empowering the beneficiaries of the scheme.

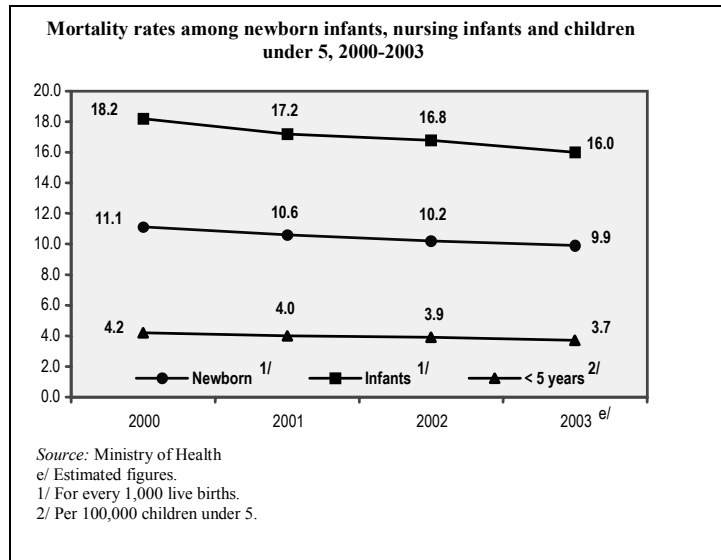
532. The reform will also serve to strengthen monitoring, vetting and evaluation activities. Annual reports will be produced, for example, which will include performance indicators in individual states. In addition, the 2001 National Crusade for the quality of health services is endeavouring to improve the technical and interpersonal quality of health services, by setting out a list of entitlements for beneficiaries of the services, a system of complaints and suggestions and formal procedures for the approval of service suppliers.

**Paragraph 51 (e)**

533. The Children's Health Care Programme includes measures for the benefit of newborn infants, nursing and pre-school children and school children up to the age of nine. Between 2000 and 2003, mortality rates for newborn infants, nursing infants and children up to the age of five fell by 10.8, 12.1 and 11.9 per cent respectively, thanks amongst others to the following policies and measures of the Mexican Government:

- Reduction of deaths by acute respiratory infections;
- Reduction of deaths due to acute diarrhoeal complaints;
- Mexico has the most comprehensive vaccination scheme in Latin America, with high rates of coverage;
- Maintenance of the eradication, elimination and control of diseases preventable by vaccination (poliomyelitis, diphtheria, neonatal tetanus and measles);
- Extensive distribution of packs of oral rehydration salts (ORS);

- Training of mothers to detect warning signs of acute respiratory diseases (ARD); and acute diarrhoeal diseases (ADD);
- Administration of vitamin A and deparasitization (albendazol) in more marginal areas.



Source: Ministry of Health, 2004.

534. The reduction in mortality by ARDs gained pace with the introduction, in 1999, of the pentavalent combination vaccine (DTP + HB + Hib), which brought the rate down from 38.8 deaths among children under 5 to 30.7 between 2000 and 2003.<sup>20</sup>

535. Between 2000 and 2003, ADD mortality fell by 27.1 per cent, from 22.9 to 16.7 deaths per 100,000 children under the age of 5.

536. The Equal Start in Life Programme is aimed at ensuring a healthy pregnancy, safe delivery and puerperium free of complications for all Mexican women, as well as equal opportunities of growth and development for all very young children, from birth until the age of 2.

537. Under this programme, various measures were taken in 500 municipalities, through 251 units known as “Sí Mujer” (for women), of which 149 operate in clinics and 102 in hospitals. The measures benefited a little over 1 million persons, of which 39 per cent were pregnant women and 61 per cent children under the age of 2.

538. Neonatal screen tests were applied to 877,000 newborn children, 18.8 per cent more than were carried out in the previous period, including the filter paper and rapid strip tests for early detection of congenital hypothyroidism for use in marginal areas of the country.

<sup>20</sup> This reduction was based on a sample population of 100,000 children under the age of 5.

539. During the Second National Health Week, carried out in May 2003, 55,000 flasks of folic acid and micronutrients were distributed to women of childbearing age.

540. Altogether, 2.3 million prenatal checks were carried out. On average, every pregnant woman is given 3.8 checks during her pregnancy. This figure reflects an increase of 6.4 per cent compared with 2002.

**Equal Start in Life Programme, 2002-2003**

<i>Description</i>	<i>Annual figures</i>		<i>Annual change (percentage)</i>
	<i>2002</i>	<i>2003<sup>e</sup></i>	
Coverage			
Beneficiary states	17	32	88.2
Beneficiary municipalities	330	500	51.1
Human resources <sup>1</sup>			
Physicians	12,729	17,576	
Nurses	16,642	29,101	
Paramedical staff	3,544	4,979	
Medical care			
Institutional delivery care coverage (percentage)	77.52	79.80	2.9
Prenatal consultations for pregnant women (number)	3.58	3.81	6.42

*Source:* Ministry of Health, 2004.

<sup>e</sup> Estimated figures.

<sup>1</sup> Human resources include all staff of the State Ministry of Health, not only those taking a direct part in the programme's activities.

541. With this programme, it is hoped to achieve the following objectives for 2006:

- Saving at least 420 maternal deaths;
- Saving 4,000 deaths of newborn infants;
- Saving 12,000 deaths among children under the age of 2.

**Paragraph 51 (f)**

**Water**

542. In order to make the disinfection of drinking water more efficient, the National Water Board (CNA) has started a programme for the reimbursement of dues for municipalities to invest in improving the efficiency of chlorination and in drinking water and sewage disposal infrastructures.

543. Joint actions have been undertaken by the Ministry of Health and the National Water Board, such as the preparation of a handbook on the sampling and determination of residual free chlorine, the development of guidelines and an information system on efficient water disinfection, and the establishment of coordination agreements at state level with a view to promoting and implementing measures to protect the health of the population from sanitary risks arising from exposure to physical, chemical and biological agents present in water and to prevent water-borne diseases.

544. In 2003, 4,170,340 chlorine checks were carried out in individual dwellings.

545. Access to water of microbiological quality is ensured for 83.39 per cent of the population.

546. In 2004 a campaign will be conducted for the cleansing of water tanks and cisterns.

547. In 2004, a survey is to be carried out on supply systems, densely populated areas and areas receiving intermittent supplies; special emphasis will be placed on high-risk spots, such as bus stations, markets, etc.

548. Since arsenic and fluorine are the main and most researched chemical water contaminants affecting large areas of the country, the Federal Commission for Protection Against Sanitation Risks (COFEPRIS) will be undertaking priority projects, in cooperation with the Mexican Institute of Water Technology (IMTA) and the National Water Board, the results of which will serve as a guide for future projects in other states that have to deal with the same problems.

549. In addition, COFEPRIS prepared a plan for 2003-2004 to improve training and the minimum equipment in laboratories in the light of current state and regional priorities and requirements, in order to determine fluorine and arsenic content and other physical and chemical parameters and in order to carry out a complete diagnosis of the quality of water for human use and consumption in the country.

550. From 1998 to 2001, the importation of pesticides of light toxicity (grade IV) (from 64 to 70%), presenting a lesser health risk, was increased, with a corresponding reduction in the imports of extremely toxic pesticides (from 5 to 3%). The use of DDT for malaria control has also been completely suspended.

551. As part of the activities conducted within the international framework of the Commission for Environmental Cooperation (CEC), consideration is being given to withdrawing lindane-based products from the market for the use of pediculosis control and technical lindane for agricultural use.

### **Air**

552. In coordination with the Metropolitan Environment Commission and as part of the Air Quality Improvement Programme (PROAIRE), COFEPRIS will undertake a personal monitoring survey among school-age children and adults over the age of 65 in the metropolitan area of the valley of Mexico, with the assistance of a highly skilled technical team. Simultaneous monitoring will be carried out of atmospheric pollutants including ozone, PM10, PM2.5, nitrogen dioxide and organic and elemental carbon.

553. A Health Impact Monitoring System is to be introduced in relation to exposure to these pollutants, with a view to ensuring continuous monitoring of health symptoms in order to detect any possible relation with an increase in exposure to the above-listed pollutants.

554. It is estimated that approximately 17 per cent of all housing in rural and semi-urban areas use biomass as a fuel. This generates air contamination in enclosed spaces, thereby increasing the risk of respiratory disorders, which affect children, women and elderly people in particular. In 2004, in coordination with the National Public Health Institute, a study is to be carried out on the possible use of alternative stoves in indigenous rural areas in order to reduce exposure in households.

555. COFEPRIS takes samples on 218 beaches at 33 tourist resorts in order to monitor the quality of sea water.

556. Local Beach Committees were set up in coordination with the National Water Board in order to undertake joint actions to keep tourist resorts clean.

557. Three epidemiological studies were conducted at beaches where the highest rates of contamination by fecal enterococci were recorded, in order to measure the levels of such pollutants and to avoid any risk to health. The studies confirmed that, according to the international criteria established by the WHO, the risk is in fact only minimal.

558. An epidemiological study was conducted in 2004 in an area of high risk on account of the use of raw residual waters for the irrigation of agricultural products, especially vegetable gardens, with a view to implementing risk management actions.

559. Lead-glazed crockery constitutes one of the main sources of exposure in our country, and in order to estimate the magnitude of the problem COFEPRIS has undertaken a Project for the Elimination of Exposure to Lead Oxide among persons engaged in manufacturing or using glazed crockery for the preparation, consumption or storage of food and drink, with the aim of reducing blood concentrations of lead among the population. A pilot project is currently being run in the State of Mexico and will be extended subsequently to other pottery-manufacturing states of the Republic.

#### **Paragraph 51 (g)**

560. In order to improve the state of health of the Mexican population by supporting and coordinating the monitoring, prevention and control of the most frequent, recurring and new diseases affecting the various groups of society, the Ministry of Health has included activities in its programmes for the purpose of preventing, treating and controlling these diseases.

#### **Dengue**

561. Classical and haemorrhagic dengue fever are kept under epidemiological control in the country's areas at risk. Although some outbreaks have been observed, these were mainly related to the simultaneous circulation of two serotypes within the same region. At the same time, the increase in tropical storms and hurricanes along the country's coasts have given rise to new outbreaks in areas which where the disease was already under control.

562. In 2003, the morbidity rate for classical dengue fell by some 28.3 per cent. The number of cases fell by 60 per cent compared with the previous year. In the period 2001-2003, classical dengue morbidity remained below the target established in the National Health Programme, which is 20 cases per 100,000 inhabitants.

563. Haemorrhagic dengue mortality has remained below 2 per cent, a level which has been maintained for the last three years.

<i>Rate</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003*</i>
Classical dengue morbidity <sup>1</sup>	1.7	4.6	12.9	4.8
Haemorrhagic dengue mortality <sup>2</sup>	0	0.3	0.4	0.8

*Source:* Ministry of Health.

\* Preliminary figures.

<sup>1</sup> Rate per 100,000 inhabitants and among population according to CONAPO (National Population Council).

<sup>2</sup> Rate per 100 cases of haemorrhagic dengue.

## **Malaria**

564. In 2003, the lowest ever figure was recorded for malaria, with a fall of 21.7 per cent compared with the previous year. Starting from the year 2000, there has been a decrease of 51 per cent over three years.

565. The use of DDT has been eliminated and new cost-effective and environmentally sound strategies have been introduced involving community participation, as part of the Programme for the elimination of habitats and breeding grounds of the anopheles mosquito (EHCA).

566. The epidemiological alert has been maintained with almost 1.5 million blood samples taken. The sickness is being contained, with a reduction of 12.5 per cent in the number of localities where anopheles are present compared with 2002.

567. The Focused Treatment strategy has been consolidated in the four states with unstable transmission and in a further 11 states where it is planned to initiate the process of eliminating the disease.

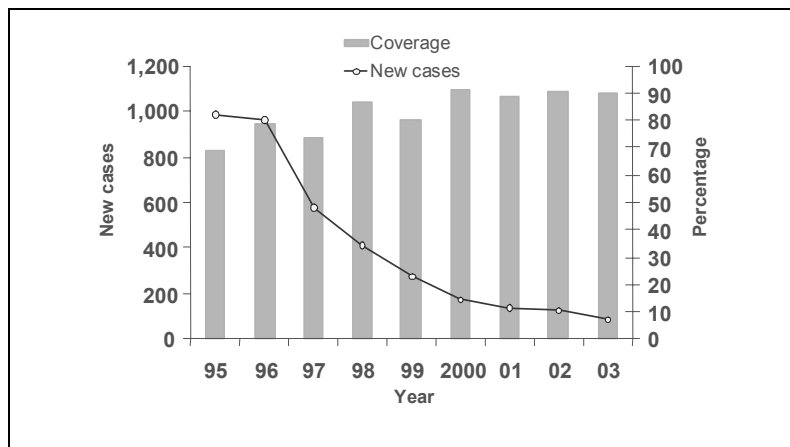
<i>Activity</i>	<i>Year</i>					
	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
No. of cases	25,023	13,450	7,390	4,996	4,624	3,621
EHCA localities	0	254	678	1,200	2,083	3,024

*Source:* Ministry of Health.



### *Onchocerciasis*

568. Onchocerciasis occurs in two states of Mexico (Chiapas and Oaxaca), in mountainous areas where geographical conditions make it difficult to bring the disease under control. It chiefly affects the indigenous population, so that it constitutes a public health problem for highly marginalized population groups. Despite this there has been no active spread of foci from these two states. On an annual basis, the number of new cases in the southern focus of Chiapas has been reduced by 38.1 per cent. The coverage of Mectizan treatment of the eligible population has been maintained above 85 per cent for the last three years.



Source: Ministry of Health

### *Tuberculosis*

569. Pulmonary tuberculosis constitutes a major public health problem and health priority in Mexico. It can affect any population group, but is concentrated more frequently among the population of working age, with no difference between men and women. Morbidity due to pulmonary tuberculosis has maintained a stationary trend for the last five years, oscillating around 20 cases per 100,000 inhabitants in adults over the age of 15.

570. Mortality due to pulmonary tuberculosis fell by 0.04 per cent in 2001 compared with 2000. The cure rate is at present 83 per cent (target 90 per cent). The quality treatment of drug-resistant cases has been increased by some 50 per cent.

571. More than 600,000 bacilloscopies were carried out for the timely diagnosis and detection of new cases. Epidemiological studies were also made on 95 per cent of patients' contacts in order to avoid possible contagion.

572. A Mexican Tuberculosis Nursing Network was set up with the participation of the 32 states employing more than 250 nurses and professional staff. In addition, World Tuberculosis Day was celebrated nationally with more than 25,000 talks, attended by over 380,000 persons, the distribution of more than 488,000 educational leaflets, and the broadcast of 6,300 messages by radio, television and newspapers. Many activities took place on national, state, district and local levels, with social and academic events and participation of national and international

organizations, in the course of which all healthcare staff were urged to make every effort in order to achieve “Mexico Free of Tuberculosis”.

573. Bilateral cooperation has been instituted with the United States in order to strengthen the binational patient referral and case management information system, with the introduction of a Binational Health Card for tuberculosis to be used by migrants suffering from tuberculosis in order to ensure continuity of treatment, in support of the programme “Leave Healthy, Return Healthy”.

574. Mexico represents America on the World Health Organization’s Stop TB global initiative.

### ***HIV/AIDS***

575. In the last three years, the number of AIDS cases has increased at an average annual rate of 3% in the country. Although the total number of AIDS cases diagnosed in 2003 is higher than that of previous years, the rate has remained relatively constant, at 4.8% for both 2002 and 2003.

576. In order to provide medical care for patients affected by HIV/AIDS, the Federation allocated more than 300 million pesos for the purchase of antiretroviral medicines for the least-protected population not covered by social security. These funds are used to ensure continuity of treatment for more than 3,000 patients and for the admission of a further 3,400 new patients. The state governments will look after a further 2,961 patients.

**Aids trend indicators, 2000-2003**

<i>Description</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>		
				<i>Observed</i>	<i>Percentage variation compared with</i>	
					<i>2000</i>	<i>2003</i>
Total number of cases <sup>e</sup>	4,596	4,696	4,916	5,020	9.2	2.1
Men	3,981	4,086	4,214	4,303	8.1	2.1
Women	615	610	702	717	16.6	2.1
Number of new cases detected <sup>1</sup>	1,114	1,172	1,574	2,033	82.5	29.2
Annual rate of incidence <sup>2</sup>	4.2	4.3	4.48	4.5	7.1	0.44

*Source:* Ministry of Health, 2004.

<sup>e</sup> Figures estimated according to the delay in the notification of AIDS cases. This corresponds to new cases estimated for each year of diagnosis.

<sup>1</sup> AIDS cases notified in the course of the year.

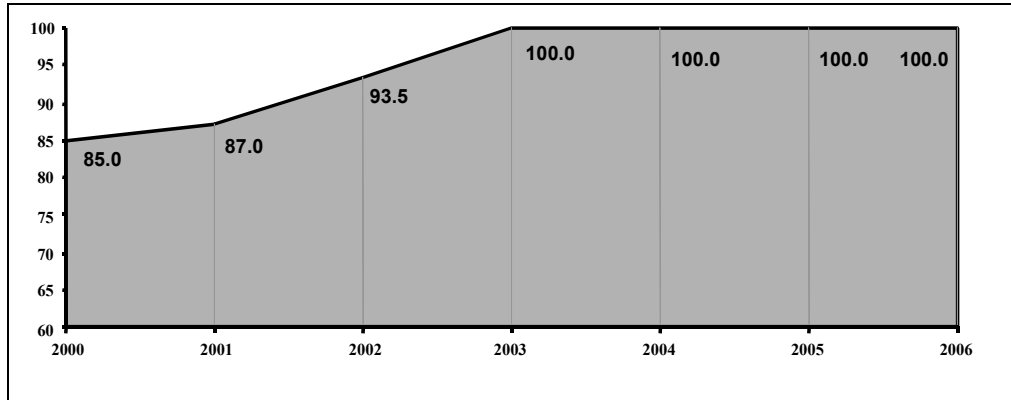
<sup>2</sup> The annual incidence rate is calculated on the basis of the estimated total of new cases per year of diagnosis.

577. In terms of advances in combating HIV/AIDS in Mexico, it is worth mentioning:

- The allocation of 20 million dollars for HIV prevention projects among high-risk and highly vulnerable populations, through 400 educational projects throughout the country.

- Increase from 84 to 100 per cent in the coverage of free antiretroviral treatment for living AIDS patients registered by health sector institutions.

**Percentage of HIV/AIDS patients receiving antiretroviral medication**



Source: Ministry of Health.

578. By the end of 2003, as part of the ongoing programme to promote correct use of the condom among populations exposed to risky behaviour and generally more vulnerable to the disease and other sexually transmitted diseases, 16,500,000 condoms were distributed through civil organizations, educational centres and different levels of the public administration.

579. From 2001 to 2004, the annual cost of treatment per patient was reduced from 73,000 to 51,000 pesos. In June 2002, negotiations were finalized to reduce the prices of first-line antiretroviral therapy, which is most commonly used for persons living with HIV. The prices for this therapy, which in 2001 varied between 1,000 and 5,000 dollars, now lie in the range of 350 to 690 dollars.

580. The number of HIV screening tests was increased by 10.5 per cent, from 448,825 in 2002 to 495,993 tests in 2003.

581. In 2003, 408,000 consultations were given for the treatment of sexually transmitted diseases, compared with 360,000 the previous year, which means a rise of 13.3 per cent.

582. In order to provide adequate care for persons without social security affected by HIV/AIDS, the Specialized Care Services in Ministry of Health units were increased from 76 in 2002 to 94 in 2003, a rise of 23 per cent. These new services were set up in states that have the highest number of persons affected by HIV/AIDS and where access to medical care is rendered more difficult by the great distances involved.

### **Chronic degenerative diseases**

583. The period of epidemiological transition in Mexico has been marked by a predominance of non-transmissible diseases, which include diabetes mellitus and arterial hypertension, due to the ageing of the population and the increase in risks resulting from industrialization and urbanization.

### ***Diabetes Mellitus***

584. Under the heading of diabetes, activities have included the promotion of healthy lifestyles; the early detection of persons suffering from diabetes; the training of medical staff and the population through participation in Mutual Aid Groups, with a view to assisting metabolic control of the disease in persons affected and through the ongoing implementation of Social and Educational Communication Campaigns.

585. In coordination with the Pan American Health Organization (PAHO), Mexico is pursuing the project “improving the quality of care for diabetic patients” with a view to improving the ability of health service providers to diagnose and control diabetes and to introduce strategies for ensuring the quality of care in diabetes cases.

586. In 2002, more than 6.1 million screening tests were made, a figure which rose to 6.5 million for 2003, an increase of 7 per cent.

587. A total of 7,413 Mutual Aid Groups operate within health sector institutions with the participation of around 132,000 persons suffering from diabetes, systemic arterial hypertension and obesity.

#### **Chronic degenerative diseases – Diabetes Mellitus**

<i>Action</i>	<i>2002</i>	<i>2003</i>
Detection	6,107,822	6,539,322
Cases treated	321,857	369,606
Cases monitored	108,731	131,770
Mutual Aid Groups	4,085	7,413

*Source:* Ministry of Health, 2004.

### ***Arterial hypertension***

588. Cardiovascular diseases constitute a public health problem insofar as they are ranked number one in the general mortality tables in Mexico. Among them, heart diseases constitute the first cause of death.

589. The steady increase in exposure to certain risk factors such as poor diet, a sedentary lifestyle, obesity, disorders in the metabolism of carbohydrates, lipids and proteins, smoking, alcoholism and actual arterial hypertension encourage the onset of these diseases, to such an extent that cardiovascular diseases now constitute a major challenge for the country.

590. Activities conducted to combat arterial hypertension include the promotion of healthy lifestyles, the early detection of persons suffering from arterial hypertension, and the training of healthcare staff and the population through participation in Mutual Aid Groups.

591. In 2002, 8.5 million screening tests were carried out, a figure which increased to over 8.6 million in 2003.

592. The Plan for the Reduction of Arterial Hypertension in Persons Over Age Sixty covers more than 117,000 adults of that age suffering from arterial hypertension, as a result of which the figures for arterial tension were brought under control in 44.5 per cent of patients; this is likely to help prevent about 20 per cent of the risk of contracting a cerebrovascular disease.

593. Arterial tension figures were brought under control for 45.8 per cent of all patients undergoing treatment and 44.5 per cent of persons over the age of 60 suffering from hypertension. Self-help groups are available in 42.0 per cent of medical units, which is two percentage points better than in 2002. The figure for the prevalence of arterial hypertension was 36.3 per cent. The mortality rate for ischemic heart diseases was 44.97 per cent and the corresponding rate for cerebrovascular diseases was 25.4 per cent per 100,000 inhabitants.

**Paragraph 51 (h)**

594. The answer to this question is described in article 12, C.5.

**Paragraph 51 (i)**

595. Introducing the reform has given rise to a series of challenges. In the first place, additional public resources are required to replace personal expenditure and to meet all the unsatisfied health needs of the population. The funding of public and community health services also requires substantial reorganization in order to ensure a balance between investment in prevention and investment in personal remedial services. Another challenge is that of setting up an organizational culture within the system with a better capacity for response and more user-oriented. The population must begin to trust the public services in order to be convinced of the usefulness of contributing in advance to health care and to rejoin the National Health Insurance scheme. A further challenge consists in developing a competitive environment on the supply side. There is a need during the transition phase to shift the emphasis of incentives more in favour of demand while improving supply. Achieving this against a background of rapid organizational and systemic changes requires substantial re-engineering based on suitable change management strategies.

596. Compensation mechanisms will also have to be introduced between states and suppliers, while greater geographical and institutional portability in the public insurance system, more competition between suppliers and a wider range of choice for users. More attention should be given to encouraging greater and more rational participation by the private and non-profit-making sectors.

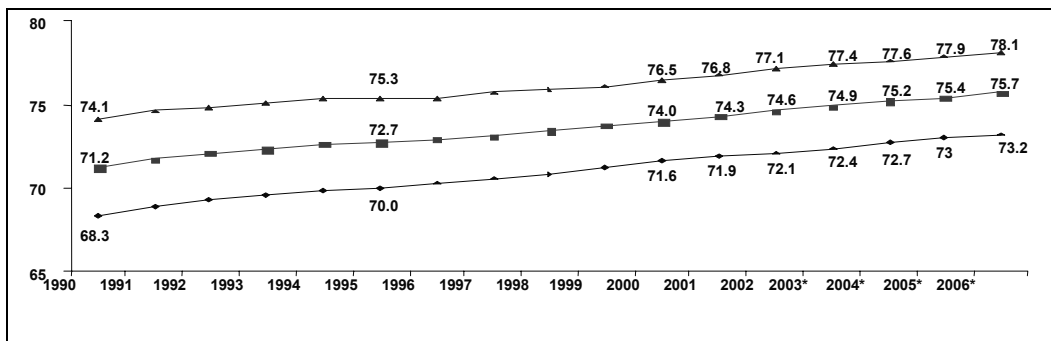
597. The Mexican reform also provides an interesting example of how it is possible to act simultaneously on ethical, technical and political components of reform. Lastly, the Mexican reform provides a model of the virtuous circle arising from the generation of information and data at national and international levels.

**Paragraph 52**

598. The changes occurring in the population pyramid have brought about a demographic transition which has impacted the epidemiological profile, with increasing demand for the treatment of diseases such as diabetes and hypertension, which are more complex and costly and which mainly affect the adult population.

599. As a result of the increasing proportion of elderly people in the population, due to prevention measures taken in previous years which have had a significant effect in terms of increasing life expectancy, the National Health System has had to put more effort into programmes benefiting a sector of the population for whom a dignified lifestyle must be guaranteed. In this respect, most programmes contain objectives and actions specially intended for this population sector, with the active participation of all three levels of government, federal, state and municipal. Examples include adult vaccination campaigns such as PREVER-DIS (prevention and rehabilitation of disabilities), accident control and specialized medical care.

600. Over the last eight years life expectancy has increased by almost two years.



Source: Ministry of Health, 2004.

### Paragraph 53

601. The Healthy Communities Programme involves the participation of municipalities and communities in coordination with the health authorities.

602. The main health-care measures being undertaken are as follows:

- Awareness, guidance, encouragement, strengthening and recognition of local authority participation;
- Information, education and training of the public;
- Development of educational communication instruments;
- Management of measures and commitments through local municipal committees;
- Technical and financial support for the implementation of projects.

603. The system at present covers 71.22 per cent of all municipalities in the country, which are equipped with a Municipal Health Committee. A diagnosis of the general situation has been established in conjunction with the health authorities; it has been further discussed at a prioritization and planning workshop, from which a work programme should emerge.

604. It is worth mentioning that 59.27 per cent of indigenous municipalities have already been incorporated in the system, 10.88 per cent more than in 2002.

605. Between 2000 and 2003, the state networks of healthy municipalities were increased from 25 to 30.

606. So far, 1,742 municipalities from all parts of the country have been incorporated in the programme:

- One of the aims of the programme is to provide financial support for municipal health projects; in 2002, resources worth 76 million pesos were devoted to supporting 371 municipal projects;
- In the current financial year, 428 projects were received, of which 176 were selected for support, fewer than in 2002 owing to the fact that the budget for the programme was reduced to 28,600,000 pesos, subject to an additional municipal contribution for these projects of 59,500,000 pesos.

607. With regard to community healthcare measures intended to certify healthy communities, 20,995 local health committees have been set up, of which 16,515 have been provided with a work programme and diagnosis, 8,154 have conducted information campaigns with the public on basic self-care topics and activities, and 155 have been certified as healthy.

#### **Paragraph 54**

608. The Intersectoral Programme on Health Education was launched in August 2001 on the basis of coordination agreements signed between the Ministry of Education and the Ministry of Health:

- In August 2003 the programme covered 7,187 schools, of which 1,271 were certified as healthy and safe: 215 at the pre-school level, 944 primary schools and 112 secondary schools;
- In the course of the 2001-2002 and 2002-2003 school cycles, a total of 4,291,000 school children were examined, of whom 1,628,000 were referred to their health unit;
- The educational contents of free textbooks issued in primary schools (from first to sixth grade) concerning health were revised and updated.

609. The Ministry of Health launched its Programme of Exercises for Better Health (PROESA) in order to encourage Mexican citizens to achieve a better state of health.

610. The PROESA programme is operated through 2,777 health centres, with the guidance of 6,130 groups. A further 94 active PROESA modules are run by other institutions.

611. In 2003, a total of 125,909 educational sessions devoted to health were held with the help of 2,400,000 assistants. Altogether, 3,672 PROESA instructors were trained through 1,189 courses. For institutional staff, 1,006 training courses were given, with 10,027 assistants.

612. In 2003, a total of 389,021 informative leaflets were distributed to 1,106,661 persons.

## **Paragraph 55**

613. There are two major aspects to the role of international assistance in the full realization of the rights enshrined in article 12 of the Covenant.

### **(a) Multilateral aspects**

614. For National Health Insurance, which is the main government scheme aimed at ensuring that the whole population is guaranteed access to medical services, support has been received from international bodies, including the World Bank (WB), the Inter-American Development Bank (IDB) and the World Health Organization (WHO), through the dissemination of experience acquired by other countries in terms of social protection; direct support for visits by officials of the Social Health Protection System to countries running successful projects in the area of health care; and institutional financing and support for the organization of international events in Mexico designed to provide a forum for the discussion and analysis of experience gained in the area of health financing.

### **(b) Bilateral and regional aspects**

615. Bilateral international assistance provided either by governments or by regional public health institutions has allowed the exchange of experience and the training of Mexican officials on different aspects of public health care.

616. Under the scholarship scheme offered by the Government of Japan through the JICA (Japan International Cooperation Agency), five scholarships were provided in the course of the last year (four of which were for Mexican officials) on the theme of the quality of local health services and one concerning reproductive health.

617. Officials of the Pan American Health Organization (PAHO) have carried out several missions in Mexico in order to strengthen technical cooperation in the areas of immunization, the health of indigenous peoples, public health, infectious diseases and non-transmissible diseases, amongst others. In addition, Mexican officials have attended a number of events organized by the PAHO, on topics including public health, immunization and emerging diseases.

618. Regarding the exchange of experiences, PAHO/WHO, in coordination with the Ministry of Health of Mexico and the bilateral counterpart offices, has developed the following four programmes of technical cooperation between countries:

- Project for Mexico-Belize Technical Cooperation on rabies surveillance and prevention, the purpose of which is to strengthen a surveillance system that includes community participation to reduce risks of transmission in vulnerable segments of the population.
- Project for Mexico-Guatemala Technical Cooperation on the reduction of risks of transmission of canine rabies in the border area between the two countries. This project is being reviewed by the PAHO Central Office for possible approval.
- Project for Mexico-Brazil Technical Cooperation on the promotion of civic participation in health, with the aim of consolidating both countries' mechanisms for the population's participation in improving the quality of services and devising health



policies for the two countries. This proposal is being reviewed by the Ministry of Health of Mexico.

- Project for Mexico-Costa Rica Technical Cooperation in health, specifically the exchange of successful experiences in the area of medical arbitration, registration of cancer data, congenital malformations and mother and child mortality, and health surveillance.

*Note:* It should be pointed out, with regard to article 12, paragraph (a), that the Ministry of Health has thus far received no international assistance.

## H. ARTICLE 13

### Paragraph 56 (a)

619. As already reported to the Committee, Article 3 of the Constitution provides that every individual has the right to receive an education. It also stipulates the State's obligation to provide pre-school, primary and secondary education free of charge. At the same time, the Government has federal programmes, such as free textbooks, that provide printed material for all primary-school pupils in the country. At the state governments' initiative, it establishes the basic infrastructure for schools providing primary education; and lastly, through the development of compensatory programmes and integrated courses for isolated and dispersed population groups and for immigrant children.

### Paragraph 56 (b)

620. Secondary education has been compulsory since 1993. Starting in 1997, impetus was given to a programme of large-scale purchase of textbooks from private publishing houses, previously approved and authorized by the Ministry of Public Education. These textbooks are loaned to pupils in schools for use by three generations of students.

### Paragraph 56 (c)

621. The education policies generated in the past few years attest to the enormous effort deployed to increase opportunities of access to higher education.

<i>School enrolment 2000-2001</i>	<i>School enrolment 2000-2001</i>
2,197,702	2,522,276

*Source:* SEP, International Affairs Unit, 2004

622. During the 2003-2004 school cycle, 2,522,276 students registered, nearly 325,000 more than in the 2000-2001 school cycle, and 990,000 more students than in the 1995-1996 year (first school cycle of the previous six-year period). These numbers represent an increase of 14.77 and 64.5 per cent respectively in the higher education system.

623. Federal spending per student in 2004 has been estimated at 43,800 pesos.

624. The higher education subsystem benefits 12 times as many students from families in the bottom three income deciles than those from families in the top three, which shows that to make higher education free would deepen inequality of access. For this reason, the current administration has established the National Higher Education Scholarship Programme (PRONABES). These scholarships are not reimbursable and are paid on a monthly basis to students with financial difficulties so that they can begin or continue their university studies.

Comment [BM9]: Google

#### Paragraph 56 (d)

625. The National Adult Education Institute (INEA) has endeavoured to seek educational alternatives for the young and adult population aged 15 years or over, who, for one reason or another, have not begun or not completed basic education. In other words, it caters to the population requiring literacy training and primary or secondary education. It also caters to young people aged 10-14 not enrolled in the school system.

Comment [BM10]: checked

626. The potential demand for basic adult education currently stands at 32.5 million persons throughout the country and includes priority sectors such as women, monolingual and bilingual indigenous persons, 18-year-olds performing national military service, the elderly, persons with disabilities, migrant agricultural day-labourers, and Mexicans living in the United States of America who have either not begun or not completed their basic education.

627. Systematic learning opportunities have been heterogeneously expanded to basic education in recent decades, with the elderly predominating in literacy rates, while youths and young adults predominate in secondary education.

628. In the 1990s, INEA began introducing important institutional changes, in keeping with thinking in various international forums such as the 1990 Jomtien Conference, at which it was stressed that basic education was a basic right of all persons.

629. The various INEA models for basic education for young people and adults is based on open, flexible educational formulae with a view to matching them to the nature of the population groups at which they are aimed and the time available to them.

630. One of them, the Education for Life and Work (MEVyT) model, was started in 2000 and by the end of 2002 it had already been consolidated in 21 states catering to over 650,000 youths and adults. During that year, 63,000 persons completed secondary education, 34,000 primary education and 40,500 initial literacy training.

631. Considerable progress was made during the period 2002-2003 on the design and elaboration of new modules for responding to the needs of various segments of the population, especially youth and women.

632. Another model is the New Approach to Basic Primary Education for Children aged 10-14 (NEEBA 10-14), a strategy for reducing the causes of educational backwardness among the 10-14 age group, who, for one reason or another, either never started or did not continue primary education and are reluctant to return to the primary-school system. This programme has been within INEA's purview since 1990, since when enormous efforts have been made to increase its quality and relevance.

Comment [BM11]: Google:  
Mexico

633. The education programme is organized by subject to provide more flexible and pertinent primary-education coverage. Each phase is linked to the various levels of primary education<sup>21</sup> and the materials it uses include free SEP textbooks.

634. The creation and installation of a new operational strategy known as “community places” was initiated in 2002; it combines learning opportunities with multimedia and IT services.

635. The “community places” project provides educational opportunities to the entire community and offers, as a matter of priority, educational programmes and services for young people and adults who have not completed their basic education. The aims of the “community places” are as follows:

- To offer programmes and services geared to education, training, examinations in series, and links to other public and social programmes that empower backward young people and adults and the communities in which they live.
- To use technology to support education programmes and services, learning needed for life and work, and encourage the functional use of language.
- To facilitate learning and the practice of computer skills that would make people more employable and trainable.
- To ensure that they provide multifaceted education and training, with diversified resources, whereby the potential of each resource is used to best advantage, either separately or integrated with the others, and in which linkage with other important public programmes or actions is encouraged.

#### **Education geared to specific segments of the population**

636. This project includes the provision of integrated education for the young and adult indigenous population, approaching basic literacy and technological training from an intercultural viewpoint with bilingual strategies in order to respond to cultural and linguistic diversity. It also makes it possible to generate different avenues of learning in keeping with the targets’ communication skills and their facility with the written language in specific contexts. All of the above is intended to guarantee the continuity of the population’s education.

637. In 2002, there were 13 million<sup>22</sup> people who belonged to one of the 62 ethnic groups identified on Mexican territory. Based on a cultural criterion of belonging, which is broader than the language criterion, the National Institute for Indigenous Peoples (INI), in collaboration with the National Population Council (CONAPO), has put the number of indigenous people in the country at 12,707,000; in other words, 13 per cent of the total national population. This figure includes two major groups that account for 10,253,627 indigenous persons:

Comment [BM12]: checked

Comment [BM13]: checked

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<sup>21</sup> Primary Education Programme 10-14. General guidelines. Department of Contents, Methods and Materials. INEA 1995, pp. 3-6.

<sup>22</sup> Data including speakers and non-speakers of any indigenous language, including persons who speak no indigenous language but claim to belong to an indigenous group. INI/UNDP/CONAPO: Estimates of the indigenous population based on data of the XII General Population and Housing Census 2000, INEGI, with socio-economic indicators of the indigenous population of Mexico, 2002. INI/UNDP/CONAPO, p. 47.

- (a) the 6,044,547 inhabitants, aged five years and over, who speak an indigenous language (HLI);
- (b) another 4,209,080 persons who, although they do not speak an indigenous language, are considered to be indigenous.<sup>23</sup>

638. The national indigenous population lives in a situation of extreme marginalization; that is to say, they are excluded from the average conditions in which citizens live and reproduce. These include drainage, drinking water, electricity, roads and quality health services.

639. INEA is implementing a specific literacy project for indigenous groups, the purpose of which is to enable the young and adult population to develop basic skills in mathematics, reading, and writing in their mother tongue and Spanish, so that they can cope with different situations and interact in different contexts; this will be reflected in improved living conditions. The programme is in operation in 14 states and focuses on indigenous youths and adults in rural areas; it contains specific language and dialect material, both for mother-tongue literacy and for learning Spanish as a second language (material in 53 languages and dialects). During May 2003, 23,094 persons attended classes under the mother-tongue literacy project, and 12,793 attended classes in Spanish as a second language.

640. Moreover, for that segment of the population there is also a pilot project entitled “Bridges to the future”, which includes a basic and technological literacy component with a focus on intercultural and linguistic strengthening, linked to other educational options for life and work. The learning materials used in this project are developed locally - with support from central offices – so as to incorporate the culture of the ethnic groups.

#### **Programmes for migrant agricultural day-labourers**

641. This programme caters to the particular needs of persons living in conditions of intensive mobility in search of work, which relegates them to a situation of extreme marginalization from the formal education system. Consequently, this segment of the population is calling for the design and establishment of strategies that would facilitate their participation in educational processes that enable them to develop their basic communication skills, reasoning capacity, problem-solving and participation so that they could exercise their rights and enhance their living and working conditions. The programme was operational in 16 states in 2003: in camps, hostels, informal settlements, and communities originating in the villages whose inhabitants migrate to other regions. During that year, an average of 4,000 persons benefited per month, 562 of them through the literacy programme. One sector of the programme is devoted to developing an intersectoral pilot project in six states, with the participation of 16 departments of the health, education and social sectors. The programme includes new educational strategies targeting the indigenous migrant population for the use of Spanish as a second language. The number of inhabitants reached by the pilot project per month was also 4,000 in 2003. One of the programme’s fundamental characteristics is its flexibility, functioning as it does in accordance with the length of the migrants’ stay.

642. As of 2002, within the framework of an inter-agency project financed by the Joint Mexico-Spain Cooperation Fund, “Promote and improve intercultural education for migrants”, an

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<sup>23</sup> INI/UNDP/CONAPO, 2002. op. cit.

education project was formulated for Nayarit and Oaxaca, which includes five lines of action, combining activities shared with other institutions: diagnosis of the educational needs and the capacity and quality of attention given to the target population, design of an intercultural cross-cutting approach, the proposed methodology for learning Spanish as a second language, and the training of educational agents.

#### **Attention to Mexican communities abroad**

643. INEA, in coordination with other departments, offers services of literacy training and primary and secondary education through a system of traditional open learning and the “community places” project in some areas of the United States of America. The purpose of the programme is to help Mexican citizens living abroad to adapt by learning Spanish as a bridge towards mastering the English language.

#### **Gender**

644. INEA has carried out activities that affirm the presence of the gender issue in connection with the incorporation of educational contents and materials into the Education for Life and Work model.

645. Since 2002, INEA has been reviewing its educational modules and materials for the purpose of updating data, incorporating of the gender perspective where it does not exist, eliminating gender stereotypes and promoting reflection on and reassessment of the roles traditionally assigned to men and women.

#### **Attention to young conscripts on National Military Service SEDENA-SEP-INEA**

646. Since 1997, INEA has been implementing, in conjunction with the Ministry of National Defence and the Ministry of Public Education, a programme for young men performing national military service. The SEDEBA-SEP-INEA programme provides these youngsters with basic education as well as a project entitled Education for Life, which seeks to extend the scope of formal education so that these young people could – openly and without academic requirements – adapt to the various aspects of their immediate situation, share their experience, be able to take informed decisions concerning their personal lives and avoid individual or collective behaviour that puts them at risk.

647. This programme aims at helping conscripts who have either not started or did not complete their basic education to participate in the educational process, and those who have completed such education to serve as advisers.

648. The benefits of this programme are extended to the population at large who are helped by the conscripts serving as advisers.

649. One of this programme’s results in 2003 was the achievement of literacy by 587 conscripts, while education was provided through a literacy programme to 9,154 young persons and older adults in the wider population.

### **Older adults**

650. With this programme, the Government is endeavouring to establish the aims, lines of action and strategies for developing educational activities aimed at fostering and developing a culture that addresses ageing in different contexts, gender and groups.

651. The Government of Mexico, through the Automated Follow-up and Accreditation System, has set up databases for producing timely and reliable information on the status of these services throughout the national territory; in addition to obtaining indicators relating to young people and adults in the system, those catered to, drop-outs, certificates awarded, accredited experience and prior knowledge, requested modules, accredited modules, profiles of young people and adults, profiles of advisers, accreditation ratios, adult performance, adviser performance, and other indicators for purposes of follow-up and quantitative evaluation.

### **Dissemination and exchanges**

652. Mention should be made of the development in 2002 of the project “Literacy as a process of civic participation” aimed at educators, researchers and the public concerned in Latin America and the Caribbean. This project promotes a forum for reflection on the implications of a broad vision of literacy, including analysis of new concepts relating to the written culture, recent contributions in the area of mathematics learning, the possibilities for creating a sustained development project based on the use of information and communication technologies as a teaching tool in support of the process of acquiring the written language, and recognition of theoretical reference points that link education for democracy and human rights to literacy projects.

### **Promotion of educational research, evaluation and innovation**

653. All objectives, activities, strategies and new projects are designed to achieve equal opportunities for access to education, its relevance and quality, always bearing in mind the heterogeneity of the target population and their needs. In this connection, research on new technologies is being supported through strategic partnerships with research centres and renowned researchers in this area.

654. A project entitled “Zero backwardness” is being implemented with the participation of society, especially students, in five states of the Republic, in order to prevent young people without secondary education from straggling behind.

655. The purpose of a research study, “Context factors 2003”, was to obtain qualitative and quantitative data on context factors affecting young peoples’ and adults’ attendance, continuation and completion of basic education. One important conclusion was that one in three adults studying at INEA encountered obstacles to study, mainly because they worked long and exhausting hours.

656. It was found that women who devoted themselves to the home found their chores to be an obstacle to continuing their studies.

657. Education services tend to increase at the secondary level. Statistics show that in 2003 this level reached 51.6 per cent of the target population, while literacy training and primary education reached 25.5 per cent and 22.9 per cent respectively.

658. It should be noted that the project entitled “Greater attention, incorporation and retention of young persons and adults” for 2003 generated an impetus which led to a total enrolment of 1,239,046 persons, exceeding the target figure of one million by something over 150,000.

659. It is expected that the consolidation of new education programmes for specific population groups and progress on operational strategies would help increase the services provided.

660. Of the total beneficiary population, as of 2000 the completion rate has been 45 per cent or more, in stark contrast to the 1998 figure of 35 per cent. It must be remembered that the Institute caters to those not enrolled in open systems, which is why the rates cannot be compared with those for compulsory education.

**Persons reached who complete literacy training  
and (primary and secondary) education**

<i>INEA</i>	<i>1998</i>	<i>%</i>	<i>1999</i>	<i>%</i>	<i>2000</i>	<i>%</i>	<i>2001</i>	<i>%</i>	<i>2002</i>	<i>%</i>	<i>2003</i>	<i>%</i>
Total numbers reached	1,925,371	100	1,783,970	100	1,102,140	100	1,037,653	100	1,087,549	100	1,239,046	100
Total numbers completing	678,850	35	737,573	41	622,264	56	585,477	56	526,055	48	555,427	45

*Source: SASA.*

661. The number of persons completing this level was 536,310 in 2003. Of that total, 39 per cent were men and 61 per cent women: twice as many women as men.

662. Along the same lines, the 15-19 age group were the best attendees (123,483) accounting for 23 per cent of the total, while the worst attendees were the 10-14 age group with 1,899 young people. What is most interesting is that for every man that completes the level, a woman also does so.

**Paragraph 58**

663. The National Education System is carrying out a number of activities to cater to the educational and basic learning needs of the school-age indigenous population. During the 2002-2003 school cycle, primary education reached 837,296 indigenous boys and girls, 9.6 per cent more than for the 1998-1999 school cycle; that is, an increase of more than 73,000 indigenous boys and girls; this means that this educational method expanded more than other primary-education methods.

**Enrolment in indigenous primary education**

<i>School cycle</i>	<i>Pupils</i>	<i>Teachers</i>	<i>Schools</i>
1998/99	763,543	30,738	8,429
1999/00	778,561	31,432	8,962
2000/01	792,530	32,006	9,065
2001/02	818,355	33,089	9,307
2002/03	837,296	34,062	9,470

*Source:* SEP, International Affairs Unit, 2004

664. Also, 86.9 per cent of primary schools have six grades; however, not all schools have a teacher for each school grade, since 73.8 per cent are taught by anything from one to five teachers; the remaining 26.2 per cent of schools cater to the six grades.

665. The development of various initiatives aimed at equity and quality of education has helped improve primary school performance.

**Main educational indicators in indigenous primary education**

<i>School cycle</i>	<i>Graduating rate</i>	<i>Drop-out rate</i>	<i>Pass rate</i>	<i>Failure rate</i>
1998/99	65.9	4.8	86.4	13.6
1999/00	67.7	4.5	86.8	13.2
2000/01	73.5	3.8	87.5	12.5
2001/02	75.7	3.0	88.0	12.0
2002/03	78.9	3.0	88.8	11.2

*Source:* SEP, International Affairs Unit, 2004

666. It is estimated that the failure rate will have dropped by 0.1 per cent - to 11.9 per cent - by the end of the 2003-2004 cycle, compared with the 2002-2003 cycle, and the drop-out rate is expected to fall to two per cent.

667. At the same time, the graduating rate rose from 65.9 per cent for the 1998-1999 cycle to 78.9 per cent during the 2002-2003 period.

668. According to the 2000 census results, the population aged 15 and over is 62.8 million, of whom 32.6 million Mexicans; that is, 52 per cent of that population group, are educationally backward, meaning that they have either not begun or not completed basic education. Of these stragglers, 52.5 per cent (17.7 million) are women and 45.5 per cent (14.8 million) are men. Also, 16.2 million Mexican men and women, approximately 50 per cent of that population group, are under 40.



**Educationally backward population aged 15 and over, by sex  
and five-year age groups, 2000**

<i>Five-year age groups</i>	<i>Population aged 15 and over</i>	<i>Educational backwardness</i>		<i>Educational backwardness men</i>		<i>Educational backwardness women</i>	
Total	62,842,638	32,557,461	52%	14,825,157	45.5%	17,732,304	54.5%
15 to 19 years	9,992,135	3,360,089	34%	1,633,665	33%	1,726,424	34%
20 to 24 years	9,071,134	3,371,929	37%	1,566,300	36%	1,805,629	38%
25 to 29 years	8,157,743	3,171,431	39%	1,455,584	38%	1,715,847	40%
30 to 34 years	7,136,523	3,043,908	43%	1,353,600	40%	1,690,308	45%
35 to 39 years	6,352,538	3,217,912	51%	1,403,300	46%	1,814,612	55%
40 to 44 years	5,194,833	3,075,386	59%	1,348,003	54%	1,727,383	64%
45 to 49 years	4,072,091	2,733,831	67%	1,215,056	62%	1,518,775	72%
50 to 54 years	3,357,953	2,465,517	73%	1,121,358	69%	1,344,159	78%
55 to 59 years	2,559,231	2,049,346	80%	944,644	77%	1,104,702	83%
60 to 64 years	2,198,146	1,857,272	84%	858,208	82%	999,064	87%
65 and over	4,750,311	4,210,840	89%	1,925,439	87%	2,285,401	90%

Source: XII General Population and Housing Census, 2000, INEGI

669. Approximately two thirds of the educationally backward (65 per cent) are to be found in urban areas, with 35 per cent in the countryside. The following details have been noted in relation to educational backwardness:

- Women's education levels are lower than men's.
- Women account for 62 per cent of illiterates, and men 47 per cent.
- Of the educationally backward, 30 per cent were under 30, and 50 per cent under 40; the levels are higher among the older adults, with 81 per cent for the 55-59 age group and 88 per cent among the 60-64 age group, while the rate is 35.3 per cent among the under-25 age group.
- It has also been noted that while the over-40s account for two thirds of illiterates, 65 per cent of adults who have not completed secondary education are aged under 40.

**Educationally backward population by location and education level**

<i>Sex and five-year group</i>	<i>Illiterates</i>		<i>Illiterates without completed primary</i>		<i>Without completed secondary</i>		<i>Educational backwardness</i>	
United Mexican States	5.942.091	100%	11.716.715	100%	14.898.655	100%	32.557.461	100%
Rural	3.023.567	51%	4.535.621	39%	3.717.536	25%	11.276.724	35%
Urban	2.918.524	49%	7.181.094	61%	11.181.119	75%	21.280.737	65%

Source: XII General Population and Housing Census, 2000, INEGI

## Paragraph 59

### Percentage of budget allocated to education

670. The proportion of the federal budget allocated to education in 2003 was 25.4 per cent.

### Description of the school system

#### *Organization*

671. As stated in the General Education Act, there are *three* types of education: basic, upper secondary and higher.

- *Basic* education comprises three levels: *pre-school, primary and secondary*. So far, pre-school education has not been a prerequisite for access to the primary level; it consists of three grades, the first for three-year-olds, the second for four-year-olds, and the third for five-year-olds. Primary education is imparted in six grades for children and adolescents aged 6-15; its completion, which is officially certified, is an essential requirement for access to the upper secondary level. There are three levels of secondary education, and its completion, officially certified, is a requirement for entry to upper secondary education. The three levels of basic education are provided through services adapted to the linguistic and cultural needs of the country's indigenous groups, inhabitants of remote rural areas, and migrant groups.
- *Upper secondary* education includes a *baccalaureate* level and *technical vocational* education. The baccalaureate normally covers three years, although there are isolated cases with two-year and four-year syllabuses; a certificate at this level is a prerequisite for entry to higher education. Technical vocational education has three grades, although there are also two-year and five-year syllabuses; its main aim is training for technical work, so that the syllabuses lead to a leaving certificate, although there are establishments with syllabuses that enable students to obtain the baccalaureate certificate through accreditation of additional subjects.
- *Higher* education starts after the baccalaureate and comprises three levels: *higher technical*, also known as associate vocational, the *bachelor's degree* and *postgraduate*. Higher technical, covered by a two-year syllabuses, at the end of which a certificate is awarded, trains technically skilled professionals with a measure of specialization, but falls short of the bachelor's degree level. The bachelor's degree is awarded in technological, university and teacher-training establishments. It is a course leading to a degree and trains professionals in various areas of knowledge with syllabuses of four years or more. Access to the postgraduate level requires a bachelor's degree and is divided into specialist studies, master's degree and doctorate. It provides professional training with a high degree of specialization, for which an academic degree or specialist diploma is awarded.

672. In addition to those three types of education, the education system includes initial education, special education and adult education. Initial education caters to children aged 45 days to three years and is intended to stimulate their physical, cognitive, affective and social development, and includes guidance for parents and guardians in educating their children or wards. Special education is geared to individuals with temporary or permanent disabilities or with

outstanding skills, including guidance for parents and guardians. Adult education is designed for persons aged 15 and over who have not followed or completed a course of basic education and includes literacy training, primary and secondary education and vocational training.

673. Depending on the teaching method, the education system consists of two *modalities*: *enrolment* and *non-enrolment*. The former provides the broader coverage and requires full or part-time attendance, since the pupil must attend an establishment in order to complete a syllabus with an official set timetable.

674. The *non-enrolment* modality covers open or distance education, requires neither full-time nor part-time attendance and is adapted to the users' needs and operates with the support of advisers.

### ***Administration***

675. Public education services are provided and regulated by the Ministry of Public Education in the case of the Federation, and, in the case of the states, by the bodies responsible for education in each federated entity.

676. In accordance with the General Education Act, the Federation plays a standard-setting role in basic and normal education and draws up guidelines, plans and programmes, in cooperation with the local education authorities; sets the syllabuses and prepares and produces free textbooks and undertakes national planning and evaluation. The local education authorities are responsible for initial, basic and special education and teacher training, as well as further training, upgrading and refresher courses for basic-education teachers. The municipalities may promote and provide educational services of any type or modality. In the case of the Federal District, basic education and teacher training are provided by SEP.

677. In this way, educational services are provided by the Federation (SEP and other executive ministries), by state and municipal governments, by independent institutions and by private individuals.

678. In addition to the federalization of basic education, SEP has devolved other services to the local authorities, such as the technical vocational education services (intermediate secondary education) of the National College of Technical and Vocational Education (CONALEP) and those of the baccalaureate of the College of Bachelors, decentralized SEP bodies. For that purpose, a legal framework was created to which these services, known as state government decentralized bodies (ODES), were attached; they operate with federal and state financing. Vocational and higher education services were also transferred to/within that framework.

Comment [BM14]: report p. 79

Comment [BM15]:

679. The expansion of these services is carried out through coordination between the local authorities and the Federation.

680. Basic education services, as well as federalized upper-secondary and vocational education, have been added to the services catering for the same levels previously existing in the states themselves. The idea behind this strategy is to strengthen state systems and consolidate the guidance function of the Ministry of Public Education, while maintaining respect for its standard-setting function, the compensatory function that promotes equitable growth of the national education system, which is a very important activity in view of the diversity and contrasts in educational progress among the 32 federated entities that make up the national territory.

**Activity in the construction of new schools. Proximity of schools, especially in rural areas**

681. There is a planning tool for building new schools which makes it possible to analyse microregions for determining the location of new schools in such a way as to meet the demand in the particular catchment area. In rural areas there is a community education service that caters to villages of fewer than 500 inhabitants.

682. Primary-school construction is financed from federal and state resources. For upper-secondary and higher education and vocational training, the construction of new schools is financed in equal proportion the federal and state governments through the “peso for peso” scheme, thereby encouraging states to contribute and thus double the amount of resources.

**School lists**

683. Before the start of each school cycle, lists of school materials and equipment to be used by basic-education pupils in public schools are drawn up. School materials and equipment included in the list for each educational level are required for the performance of activities during the school cycle; however, the teacher may request other school materials as the syllabus progresses.

**Paragraph 60 (a)**

684. Coverage by gender shows no marked distinction between men and women in the various types of education. The 2003-2004 school cycle showed practically no differences in coverage indicators in relation to basic and tertiary education. In the case of upper-secondary education, the trend has been reversed since the mid-1990s and the current ratio favours women by 3.5 per cent.

**Paragraph 60 (b)**

685. The Ministry of Public Education is encouraging the development of equitable, high-quality bilingual intercultural education that meets the educational and basic learning needs of indigenous girls, boys and youths and fosters the construction of a society in which opportunities for individual and social growth are a common aim for all.

**Multigrade project**

686. The rural population of small communities faces the challenge of acquiring quality education that caters to their needs and helps improve their educational performance.

687. One of the major issues is achieving basic, lasting and sound literacy that enable pupils to study independently.

688. In that regard, the multigrade project is intended to devise an educational plan and curricular adjustments that focus on developing aptitudes and skills for continuing education, collaboration and mutual assistance, play as an educational resource and the teaching pupils to read.

689. The educational proposal is being applied on an experimental basis in a small number of schools in 14 entities (February-June). During the 2004-2005 school cycle it will be applied in

approximately 20 per cent of these entities. During the 2005-2006 school cycle the proposal will be extended to include all the country's multigrade schools, as follows:

- Multigrade schools (excluding community courses): 38,951
- Single-teacher schools: 10,982
- Two-teacher schools: 12,645
- Three-teacher schools: 8,454
- Four-teacher schools: 3,932
- Five-teacher schools: 2,938

#### **Primary Education Programme for Migrant Girls and Boys**

690. The Primary Education Programme for Migrant Girls and Boys is aimed at the migrant child population staying in camps for short periods (from three to five or six months), with a reduced timetable as well. Because they are working children they also enjoy special conditions.

691. These conditions call for an alternative form of education in which pupils develop basic learning skills and aptitudes. To this end, the Primary Education Programme for Migrant Girls and Boys is designing a school map geared to pupils' needs. One of its basic elements is teaching pupils to read so that they can become capable of independent study.

692. One of the main challenges is coverage, since SEP and CONAFE reach approximately 10 per cent of the some 300,000 pupils in need of the service.

693. This need calls for greater resources so that the educational services to this population can be broadened.

#### **National Programme for the Strengthening of Special Education and Educational Integration**

694. The National Programme for the Strengthening of Special Education and Educational Integration, developed by the Department of Basic Education and Teacher Training of the Ministry of Public Education, is the Federal Government's response to the citizens' educational demands and proposals; it determines the direction that society should take in order to achieve the educational, social and labour integration of persons with special educational needs, whether or not these include disability.

695. This Programme recognizes diversity and seeks to inculcate in society an inclusive culture that respects and values that diversity, offering every individual access to the same opportunities to live in dignity. This challenge involves the national teaching force, parents, civil society organizations and society as a whole.

696. Regarding the current status of special education and the process of educational integration, the state special education authorities supplied the following information for the beginning of the 2001-2002 school cycle.

697. There are currently 4,097 special education services throughout the country. During the 2001-2002 school cycle these services reached 525,232 students needing special education and the various forms of initial and basic education.

698. The following is a table showing the population served by the various special education services.

**Population reached by the main special education services. Approximate figures**

Service	Total	Pupils with special educational needs	Pupils with special educational needs	Approximate percentage by incapacity				
				Hearing impaired	Visually impaired	Motor impaired	Intellectually impaired	Autism
USAER	319,843	287,859	31,984	14%	7%	11%	51%	17%
CAM	101,776	30,523	71,253	13%	2.7%	15%	69%	0.4%
CAPEP	99,500	92,535	6,965	16%	6%	31%	47%	-
Other service	4,113	2,585	1,528	-	-	-	-	-
Total	525,232	413,502	111,730	-	-	-	-	-

Source: SEP, International Affairs Unit, 2004

USAER Ordinary Education Support Services Unit

CAM Multiple Attention Centre

CAPEP Pre-school Education Centre for Psycho-pedagogical Support

## Paragraph 60 (c)

### Compensatory programmes

699. The Federal Government, heedful of the need to intensify its efforts to eliminate disparities in catering to educational demand and in order to enhance opportunities of access to and continued enjoyment of the education system provided for boys and girls in rural and indigenous schools, isolated villages and places of difficult access and marginalized urban areas, has implemented compensatory policies whereby specific resources are used to support the governments of federated entities, focusing attention on the most backward areas, generating comprehensive and flexible activities adapted to local issues and demands and encouraging active social participation to establish close links between school and community.

700. The compensatory activities target the structural factors of educational backwardness; in other words, they concentrate on habits that underscore and link the strengths and weaknesses of current practices in teaching, school management and the administration of educational services, based on two substantial components: the first, institutional, relates to institutional management, and the second to the quality of education, on the premise that quality education calls for efficient administration.

### Indigenous education

701. The Mexican Government is taking educational action that simultaneously promotes enhancement of the living conditions of the indigenous peoples and their access to the benefits of

national development, boosts the observance and defence of human rights, especially those of women and children, and fully respects the special cultural and linguistic characteristics of each ethnic group.

702. In this connection, the aim of its education policy is to ensure that the education on offer to indigenous girls and boys is intercultural and bilingual. Recognition of their cultural and linguistic characteristics can help meet their educational and basic learning needs in an equitable and pertinent manner.

### **Community education**

703. Basic community services are used to provide basic education for children living in the country's most isolated and scattered areas.

704. The regulations establish that community services must be installed in villages of no more than 500 inhabitants, a task that poses great difficulties since the country has over 200,000 small localities, 75 per cent of them with a population of under 100.

### **Scholarships**

705. In order to eliminate the disparities in educational services affecting the most vulnerable groups, such as adolescents and young people who, for lack of resources, are unable to continue school, the Mexican Government has undertaken to provide scholarships to strengthen programmes and support for those groups.

706. Altogether, during the 2003-2004 school cycle a total of 5.2 million grants were made to children and young people needing education ranging from primary to postgraduate. Special attention is drawn to the Human Development Opportunities Programme, which awarded 4.6 million scholarships to children and young people for basic and secondary education.

707. The different activities described have given children and young people from vulnerable groups greater opportunities of access to education.

### **Paragraph 60 (d)**

708. The main activities designed to encourage bilingual intercultural education, with academic and operational characteristics, include preparation of educational materials, encouragement of basic and professional training for bilingual teachers, the development of education projects, and encouragement of the use and teaching of indigenous languages in educational processes.

709. The educational materials are intended to stimulate educational practices that meet the schooling needs of indigenous children and help satisfy their basic learning needs with a bilingual intercultural approach.

710. The basic and professional training of bilingual teachers is viewed as an integrated, systematic and ongoing process that takes practical form in the continuing and progressive nature of the initial training of teachers, refresher courses for serving teachers, academic upgrading and professional improvement so as to strengthen teacher training in the workplace and encourage collegial work among teaching staff and generate conditions for pedagogical exchanges among principals and teachers, adopting a bilingual intercultural approach.

711. Encouragement for the development of indigenous languages calls for research, definition of methodology, training, and preparation of educational materials that ensure that pupils learn to read and write in both the indigenous language and Spanish.

**Paragraph 61**

712. In basic education, teachers' salaries vary according to the federated entity for which they work, whether they are registered as career teachers, their career status, and the various benefits they receive for seniority and in the form of meal vouchers.

713. In upper-secondary education there are a variety of public establishments with different salary scales, depending on whether they come under the federal system, are decentralized or come under state universities, each of which sets its own criteria. A similar situation prevails with regard to higher education.

714. The salaries of other public servants also vary, depending on whether they work for a state government or the Federal Government or other institution, all of which have different salary scales.

715. Consequently, it is not possible to make an overall comparison of the way in which the salaries of teachers and other public servants have developed over time.

716. Likewise, the measures that can be adopted to improve the living conditions of teachers depend on each institution's economic resources and specific conditions, and on the state governments and the Federal Government.

**Paragraph 62**

717. The proportion of schools not established by the Government nor administered by it stands at 12.6 per cent.

718. Individuals wishing to set up private schools have no difficulty in so doing, except that they must abide by the established rules and regulations. With regard to access, upper-secondary and higher education institutions usually hold selection examinations before accepting pupils into the first year.

**Paragraph 63**

719. During the reporting period, there have been no changes in national policies, laws or practices negatively affecting the right enshrined in article 13.

**Paragraph 64**

720. The World Bank has financially supported programmes aimed at equity and at improving and modernizing technical education and training.



## I. ARTICLE 14

### Paragraph 65

721. Article 3 of the Constitution establishes that pre-school, primary and secondary education are compulsory. It also stipulates that education offered by the State shall be secular and free of charge.

## J. ARTICLE 15

### Paragraph 66

722. The National Programme of Culture, 2001-2006 is the instrument that gives effect to the strategies contained in the National Development Plan for the same period and is intended to enable the cultural sector's work to contribute to social development with a human face, in which the affirmation of social diversity, responsiveness and guaranteed access to cultural opportunities and services, and respect for freedom of expression and creation are constant and central components of its structure. Its main areas of endeavour are research and conservation of the cultural heritage; popular and indigenous cultures; heritage, development and tourism; encouragement for artistic creation; education and research in arts and culture; cultural expression; reading and books; audiovisual media; cultural linkage and international cooperation.

723. In addition to the National Programme of Culture, the following legal instruments form a legislative structure for the protection and preservation of Mexico's cultural heritage and to ensure that each and everyone participates in our country's cultural life: the Federal Act governing archaeological, artistic and historic monuments and sites; the Act creating the National Institute of Fine Arts; the Organic Law governing the National Anthropology and History Institute; the General Libraries Act; the General National Property Act; the Federal Radio and Television Act and the Federal Cinematography Act.

Comment [BM16]: checked

724. In this connection, the Mexican Government also has the following institutions for supporting the creation, promotion and dissemination of the national film industry: IMCINE, FOPROCINE and FIDECINE.

Comment [BM17]: checked  
previous report

725. The Mexican Institute of Cinematography (IMCINE) was founded in 1983 to ensure that the various bodies concerned with cinematographic activity belonging to the Federal Executive functioned in an integrated manner. It is currently the government body responsible for fostering the development of the national film industry, with emphasis on film production and the production and dissemination of Mexican artistic cinema by proposing, generating and adapting programmes and strategies appropriate to the current context.

Comment [BM18]: checked

726. The Fund for Quality Cinematographic Production (FOPROCINE) was created at the President's initiative in December 1997 in order to reactivate a high-quality cinema industry (original works, script proposals and experimental films). On 29 December 1992, the Chamber of Deputies approved the publication of the Federal Cinematography Act in the Official Journal of the Federation with a view to promoting the production, distribution, sale and screening of films, as well as rescuing and preserving them.

727. However, that document did not address all the elements required by the industry to resolve the issues then existing. Following a series of meetings and agreements with the sectors involved,

the Decree reforming the Federal Cinematography Act, currently in force, was published on 5 January 1999. The Regulations governing the Federal Cinematography Act were published in the *Official Journal of the Federation* on 29 March 2001 and made possible the creation of the Film Investment and Promotion Fund (FIDECINE), the purpose of which is to promote quality commercial films.

**Paragraph 66 (a)**

728. In 2003 the total budget allocated for the fiscal period to the National Council for Culture and the Arts (CONACULTA) was 5,799,848,630 Mexican pesos, in accordance with the Federation's Budget of expenditure for 2003.

729. The following paragraphs deal with the economic resources of various CONACULTA bodies and the way they are spent.

730. The National Fund for Culture and the Arts (FONCA), as the financial arm of the National Council for Culture and the Arts, has during the period 1998-2003 channelled resources towards stimulating artistic creation and cultural development in the country amounting to 843.3 million pesos (approximately US \$85 million). These resources were used to address cultural needs and proposals raised by the nation's artistic and cultural community, through the implementation of just over 20 cultural programmes.

Comment [BM19]: checked

731. In this connection, the support the Mexican State gives to creation, through FONCA, has enabled quality artistic and cultural production to enhance the society's interpretation of development in a framework of absolute respect for freedom of expression and creation.

732. At the same time, the specific budget of the National Anthropology and History Institute designed to promote cultural development and popular participation in cultural life has been as follows:

Comment [BM20]: checked

**Budget allocated: pesos thousands**

1998	1999	2000	2001	2002	2003
814,545.0	1,382,396.2	1,459,723.7	1,450,832.3	1,825,450.7	2,017,997.5

Source: CONACULTA

733. The Department of Cultural Linkage and Civic Participation (DGVCC) is responsible for cultural linkage between the states of the Mexican Republic and the Federation through programmes of collaboration among the federal, state and municipal governments, with the organized participation of society in its design and orchestration. It manages the 31 State Funds for Culture and the Arts covering the entire country, through which artists are offered, in their places of origin, funding opportunities for conducting and disseminating various cultural projects and are assessed and judged by artists and intellectuals from their own local communities. During 2003, a favourable judgment was received by 1,399 projects.

734. The Department of Popular and Indigenous Culture (DGCPI) permanently allocates funds for cultural development through the application of various programmes with the participation of different sectors involved in our country's popular and indigenous culture. DGCPI, which has been in existence for 26 years, is represented in all the states of the Republic through regional offices that look after programmes such as the one on the Integral Development of Indigenous Cultures, which encourages artistic and literary creation and historical and ethnographical research on the indigenous peoples.

735. The National Programme of Popular Art, which conducts training and technical assistance activities for popular craftsmen and women and male and female artists, as well as activities for the protection of traditional knowledge and crafts, and the legacy of objects, images and pictographic art of Mexico. Likewise, the Programme of Support to Municipal and Community Cultures (PACMyC) also aims to support state bodies working on behalf of our country's indigenous and popular cultures, advising them on project development and providing them with supplementary economic resources for financing projects.

736. Regarding the film industry, the Fund for Quality Cinematographic Production (FOPROCINE) received an initial and sole contribution of 135 million pesos from the Federal Government, which it used to start operations in January 1998. Between its creation and 2003, it supported the production of 47 feature-length films (50 per cent of the total national production), 40 of which were shown, and their participation in film festivals and exhibitions has been highly satisfactory, with the award of 86 international and 137 national prizes.

737. The Film Investment and Promotion Fund (FIDECINE) received a Federal Government contribution of 70 million pesos in 2001 and a further 70 million in 2003. Between its creation and 2003 FIDECINE has authorized resources for the production of 16 feature-length films - making for its substantial participation in total national film production - of which four have been screened. Under article 34, section II, of the Federal Cinematography Act, the Ministry of Finance is obliged to earmark resources in the Federation's Budget of Expenditure each year with an annual provision assigned to FIDECINE. The National Culture Programme 2001-2006 is an instrument for implementing the strategies contained in the National Development Plan for the same period and ensures that the culture sector contributes to social development with a human dimension, with the affirmation of cultural diversity, openness and guarantee of access to cultural opportunities and services, and respect for freedom of expression and creation as central, permanent components of its structure. The main areas of activity are research and preservation of the cultural heritage; popular and indigenous cultures; heritage, development and tourism; stimulation of artistic creation; education and research in arts and culture; cultural dissemination; reading and books; audiovisual media; cultural linkage and civic participation, and international cooperation.

**Paragraph 66 (b)**

738. CONACULTA, through the National Fund for Culture and the Arts (FONCA), is carrying out a number of projects to contribute to the development and consolidation of the country's cultural infrastructure and for promoting grassroots participation in culture. The projects are as follows:

- Theatres for the Theatre Community. In this connection, between 1998 and 2003, a little over 10,000 shows were staged, with the production and first performance of over 1,200 works, catering to some two million people.

- Support to the Professional Artistic Groups of Scenic Arts is the latest FONCA initiative, its first broadcast having been made in October 2003. The Programme aims to provide a minimum of 30 artistic groups across the country with support amounting to one million pesos each.
- Programme of Access to Digital Services in Public Libraries. The purpose of this programme is to help improve the quality of life of persons in low-income communities, providing them with access to information and communication technologies (computers, websites, printers, Internet, etc.). FONCA also serves as the financial arm of CONACULTA, in managing the Bill and Melinda Gates Foundation's contribution for the purchase of equipment and the operation of the programme, which is developed by the CONACULTA Libraries Department together with a number of the Federal Government's departments. In 2003, computer equipment was purchased for 657 public libraries.
- Construction of the "José Vasconcelos" Library of Mexico. The project was implemented through an international competition, for which there were 592 entries from 32 countries. On 3 October 2002, an international jury announced an initial project submitted by a group of Mexican architects as the winner.
- The programme of support for arts and crafts design. In coordination with the Department of Popular and Indigenous Culture, FONCA is conducting the programme of support for the development of arts and crafts (PROADA) which aims to develop support and training for groups and communities devoted to generating and producing Mexican arts and crafts.

739. CONACULTA, through its various bodies, has the following infrastructure:

- The National Anthropology and History Institute (INAH) has 112 museums, 173 archaeological sites, 79 immovable historic monuments, 51 libraries and 12 photo libraries open to the public. Comment [BM21]: checked
- The National Institute of Fine Arts (INBA) has 15 museums. In the field of arts education, it has a system of 29 schools ranging from basic to higher education. Research, documentation and information on the arts are conducted at four national centres specializing in music, dance, theatre and the plastic arts.
- Five educational establishments make up the National Centre for the Arts (CENART): the School of Theatrical Arts, the Cinematographic Training Centre, the National School of Classical and Contemporary Dance, the National Conservatory of Music and the "La Esmeralda" National School of Painting, Sculpture and Engraving, as well as four research centres for theatre, plastic arts, music and dance, in addition to the Library of the Arts and the Multimedia Centre, as well as a series of galleries, theatres, exhibition halls, and forums for exhibitions, cinema and other artistic and cultural events from Mexico and other countries. Comment [BM22]: checked  
Comment [BM23]: checked  
Comment [BM24]: both checked
- The Hellenic Cultural Centre has two theatres and two areas for various uses: the Hellenic Theatre is a space in which large-scale shows are staged, with actors and directors of artistic renown. It seats 460 and is suitable for works and shows aimed at Comment [BM25]: checked

broad sectors of the public. The Grotto is the space where all types of dramatic works are put on, mostly by young artistes and groups seeking to establish their own style. It can accommodate between 80 and 100 spectators. The Gothic Chapel is a building in the Spanish sixteenth-century Gothic style that seats 200 spectators and is a venue mainly for classical music concerts, book presentations, and productions that do not undermine the conditions for the building's preservation. The Cloister is an open-air space that can accommodate works for children, concerts and classical theatre, and seats 200. An average of 15 works per week are put on at those four spaces; over 50 different shows per year and over 700 functions are held; some 80,000 spectators these shows each year.

740. Where cinemas are concerned, Mexico has an infrastructure of 3,054 privately-owned commercial cinemas. Furthermore, in most of the higher education establishments and cultural centres in the country there are also spaces that serve as venues for cultural films, including those of the National Film Library and the UNAM Film Library.

741. At the same time, the Libraries Department (DGB) is responsible for coordinating the National Public Libraries Network, comprising 6,412 libraries scattered across Mexican territory and operated with the participation of the federal, state and municipal governments. They have a total stock of nearly 32 million volumes and an annual consultation rate of around 80 million. The public libraries contain basic works, reference works, periodicals and children's books. The services offered to the public are free: on-site lending, take-out lending, reference and guidance, while some libraries have recently acquired Internet access.

742. The main purpose of the Department of Publications (DGP) is to help promote reading in Mexico. To that end, it provides bibliographical material to the National Public Libraries Network and organizes reading rooms of which there are currently over 3,800 in the Mexican Republic and in a few states of the United States of America with a representative Mexican population. EDUCAL is the body responsible for the distribution and marketing of the publications and cultural products of the various areas of CONACULTA, as well as works published by the Federal Government, the state and municipal governments and other public-sector departments. It has 19 bookshops in Mexico City and 37 in the interior of the country.

743. The Department of Indigenous Popular Culture (DGCPI) has responsibility for the National Museum of Popular Culture located in Mexico City. The gradually deteriorating infrastructure of the old house in which it has been located for 23 years cannot be repaired, owing to the huge number of visitors: at weekends, depending on the exhibitions, it attracts between 5,000 and 25,000 visitors, not including permanent year-round guided visits for students. It is vital for the halls and infrastructures to be extended so that expressions of popular culture can be freely exhibited. The Information and Documentation Centre, which has 160,000 items, promotes awareness of the various exhibitions and events that have taken place in this area. At the same time, since 2001, DGCPI has been collaborating on the project for the creation of the Museum of Popular Art in Mexico City.

744. The Department of Cultural Linkage and Civic Responsibility manages the states' Cultural Infrastructure Support Programme, which contributes to the recovery and optimum use of cultural spaces owned by states and municipalities. Also, the states' Creative Artists Programme promotes contacts between prominent individuals who form part of the National System of Creative Artists and the communities of artists and cultural promoters of various bodies within the country. The

National Network of Artistic and Cultural Festivals was created with a view to strengthening ties of collaboration and contributing to the development of artistic expression. Mention should be made of the System for Training and Upgrading Cultural Promoters and Managers, which helps professionalize cultural promotion in the country through seminars, courses, workshops and diploma courses.

**Paragraph 66 (c)**

745. During this period, INAH put on a total of 3,857 national and international exhibitions as follows:

Exhibitions held					
1998	1999	2000	2001	2002	2003
827	723	722	604	627	354

*Source:* CONACULTA.

746. The most outstanding of these exhibitions were: Aztecs, Dressing like gods, Gold and civilization, Road to Aztlán, and the Twilight of the Maya.

747. With a view to fulfilling the objectives enshrined in the National Programme of Culture 2001-2006, the National Institute of Fine Arts has focused mainly on researching, preserving, inventorying and disseminating the movable and immovable artistic heritage dating from the twentieth century. Mexico has supported students and young creators, making maximum use of schools and cultural centres. The following national figures were attained in 2003 alone: (a) events for the general public, 15,588; (b) numbers at public events, 3,283,363; (c) exhibitions held, 406; (d) number attending exhibitions, 3,326,178; (e) pupils receiving artistic education, 8,570; (f) artistic works restored, 755. It also strengthens specialist participation in international festivals, prizes, competitions, courses and seminars, which are disseminated through the various media. Under the Students Abroad Programme, 129 persons have received economic support in recent years so that they could study abroad. This dynamic cultural exchange and the ongoing contribution of Mexicans abroad is on the upswing, since the Institute focused on developing sustained and dynamic cultural cooperation for those making innovative proposals.

748. As part of the process of promoting cultural identity, FONCA is implementing the Young Creators programme, which is geared to generating favourable conditions for the creative process of young Mexican artists aged between 20 and 35. Since its creation, this programme has awarded a total of 1,298 grants. Of those, 618 (47.6 per cent) were awarded during the period 1998-2003.

749. In that connection, the programme of support for interpreters and performers was devised to establish conditions favourable to the professionalization, promotion and curricular updating of interpreters and for the propagation and dissemination of working artists' and creators' artistic knowledge and technical skills. This programme has awarded a total of 760 grants since its creation in 1989. Of those, 406 were awarded during the period 1998-2003.

750. One of FONCA's most recent cultural initiatives, which meets the criteria of mutual appreciation among individuals, groups, nations and regions, is called "Mexico: Gateway to the Americas"; its basic purpose is to foster the emergence of new ways of executing and

implementing cultural proposals, artistic and economic relationships to create new publics, and dissemination and circulation of cultural products.

751. "Mexico: Gateway to the Americas" organized the Scenic Arts Encounter in June 2003 in Mexico City to promote the establishment of a cultural space for promoting job creation, investment, knowledge, generation of proposals and relationships of national and international organization and cooperation, with a view to expanding the contribution made by culture and the arts to the formation of social wealth.

752. The Encounter was attended by creators and artistes of dance, music and theatre in order to establish contact with Latin American organizations and with promoters, artistic and scenic directors and cultural entrepreneurs from all corners of the world. It comprised three types of activity: the Symposium of Scenic Arts; the Market of Scenic Arts, and the First Scenic Exhibition of the Americas.

753. "Gateway to the Americas" is a medium-term project moving in two directions: (1) the construction of a domestic market for the development of scenic arts, especially a labour market that affords wider distribution of its benefits, and (2) the strengthening of Latin America as an area of reproduction and realization of development perspectives.

754. DGCPI, for its part, through its various programmes and activities, stimulates the promotion of the various events and expressions of indigenous popular culture that reflect Mexico's cultural identity. It promotes free artistic creation through the Programme of Support for Municipal and Community Cultures, encounters, forums and workshops on self-creation and artistic expression within and outside the districts, villages and communities and generates dissemination campaigns supported by the various media within its reach. However, there is still work to be done in order to get to know them well, make programme implementation more efficient and adequately enhance its world-view.

755. In this connection, during 2003 and 2004 training was provided for an average of 313 cultural promoters from municipal agencies, houses of culture, units and offices of popular and indigenous culture, and a smaller number of independent cultural promoters and/or representatives of associations, in the following seven entities of the Republic:

<b>2003-2004</b>	
<i>Entity</i>	<i>Participants</i>
Morelos	17
SLP	24
Guanajuato	28
Puebla	18
Zacatecas	25
Tabasco	24
Quintana Roo	23
Distrito Federal	153
<b>Total: 8 locations</b>	<b>313</b>

*Source:* CONACULTA.

756. The Department of Cultural Linkage and Civic Participation (DGVCC) is carrying out a Programme for Municipal Cultural Development aimed at establishing financial funds and installing municipal Civic Councils for Culture, which will plan, implement and administer the programme resources. As of 2003, 280 municipalities had joined and 185 councils had been officially established.

757. The Libraries Department conducted a number of reading support programmes, including the “My vacation in the library” project held each summer and aimed mainly at children and young people.

758. One of the main interests of the Hellenic Cultural Centre (CCH) is to promote cultural identity. To that end, it has developed a variety of projects concerned with drama and national productions. It includes a cycle entitled “Young Creators” aimed at launching young play-writers and directors just out of the academy and who have very personal inputs to offer the theatre.

759. The “National Young Playwrights’ Prize” is a competition for unpublished Mexican playwright. The finalists’ works are included in the volume “Grotto Theatre”, and the winning play is staged at the same theatre in the “Young Creators” cycle. Another outstanding event is the “International Week of Contemporary Plays”, in which seven days are devoted to drama, including round tables, dramatized readings, and sometimes workshops, as well as activities focusing on exchanges of ideas among national and foreign participants. This event contributes to the dissemination of theatre in Mexico.

760. In addition, IMCINE, one of whose main objectives is *to strengthen Mexican cinema as one of our cultural manifestations with greatest presence and influence in Mexico and the greatest recognition internationally*, carries out national promotional and dissemination activities, participates in the country’s best-known film events and promotes new cultural films. It is also represented at the main international film festivals and markets, at which it annually distributes a General Production Catalogue, including films sponsored by the State and private producers.

761. The national production of Channel 22, the cultural television channel, currently accounts for 49 per cent of all programming, with a potential million signal receivers in the Valle de México and in 332 towns in the Mexican Republic, through cable, SKY and Direct TV networks. This has increased the number of Channel 22 viewers by 66 per cent in the 10 most popular time-slots during 2002-2003. National productions are given priority at peak times; the programming chart has been reshuffled to enable viewers better to identify with the various genres broadcast.

762. History and science programmes; profiles, travel and nature; musicals, opera and dance; documentaries and current affairs; cinema cycles and special features are all covered by Channel 22, including national productions and programmes from the world’s best television catalogues. An important place is given to television material deriving from agreements and collaboration with national and international educational and cultural institutions.

763. One of Channel 22’s most ambitious projects is its beaming of a signal to the United States. The range of this signal, which already serves as a new Channel 22 International, airing programmes different from those shown nationally, reaches nine states and the 50 towns with the largest Spanish-speaking population in the United States, such as the states of Illinois, New Mexico, Texas, Nevada, California, Florida, Arizona, New York and Colorado.



764. In association with EDUCAL, Channel 22 is launching a series of DVDs, establishing the Channel collection at the CONACULTA Universal Video Library. The standard of the channel's programming will be of high quality and variety owing to agreements with the following institutions: Fundación Televisa, Mexico Festival at the Historic Centre, Julio Cortázar Chair, International Cervantes Festival, Puebla Instrumenta Summer Festival, Guadalajara International Book Fair, Mexican and Ibero-American Film Event, Channel 22 Chair of Cultural Television at the Ibero-American University.

765. The International Cervantes Festival, run by CONACULTA, aims to promote and disseminate culture and the arts. The festival has been held in Guanajuato for 31 consecutive years, and this year's will be its 32nd. It is financed from both the federal and state budgets. Private initiative has become a strong promoter of the festival through participation mechanisms that not only enhance the quality of the representative artists, but, more particularly, bring technological improvements to the communication systems.

766. During the present administration, in addition to the building-up of an international programme with the participation of the five continents, a detailed look has been taken at particular cultural processes via the modality of *continents, countries and states* as "honoured guests".

767. The purpose of the festival is to afford access to cultural goods. In pursuit of this principle, the artistic programme is implemented not only in traditional spaces such as theatres and churches, but also in public squares and streets. An accessibility programme has been established for artists and students from the various artistic disciplines, and an academic syllabus serves to strengthen and enrich talented locals' creative processes. The festival fits in with the National Programme of Culture, providing as it does access to cultural goods and services, freedom of expression, promotion of the dissemination of the arts and the management and generation of cultural products.

**Paragraph 66 (d)**

768. The Oaxaca Museum of Cultures project marked a change in the approach to the country's ethnographic exhibition rooms. Hitherto, the Indian peoples were considered as a separate paragraph in history and were displayed in separate exhibitions. In the new approach, the indigenous communities are seen as protagonists of history, in which their role in the social processes that have united the state of Oaxaca and the country since the conquest has been restored to them. At the same time, a space has been set aside so that the communities can express their current vision of their social, political, economic and cultural organization.

769. Likewise, the rooms were restructured at the National Museum of Anthropology: Indian peoples, Nayar, Purépecha, Otomi, Nahuatl, northern groups and Huasteco and Totonaca. In this new presentation, both the academic and museum science scripts have been updated to include earlier investigations and have enriched the store of ethnographical collections. The National Museum of History, following the model of the Oaxaca Museum of Cultures, has linked national events to the participation of the Indian communities of Mexico. Documents and artefacts attesting to the communities' place in the development of national history have been displayed all along the trajectory. Adopting a new approach, the Huasteco Regional Museum, located in Tampico, Tamaulipas, takes a different approach to that normally found in archaeological and ethnographical museums, by doing away with the traditional separation of the two subjects.

770. The reform of Article 2 of the Constitution, approved in 2001 by the Congress of the Union, expresses a new way of looking at and understanding the indigenous peoples' place in Mexican society. It is in that connection that DGCPI, through the Programme for the Comprehensive Development of Indigenous Cultures, is taking action to improve the social conditions of Mexico's original peoples.

771. The Nezahualcōyotl Prize for Literature in Indigenous Languages was created to recognize and stimulate literary creativity among Mexico's indigenous writers. At the same time, since 2002, in recognition of the role of indigenous women in the development of their cultures and their peoples, cultural projects devised by women have been helping to strengthen women's various organizational endeavours. The Programme of Indigenous Women in Cultural Development aims to contribute to the recognition of the role of indigenous women in the preservation of their peoples' cultures and of their creative potential in generating responses to the social, economic and cultural problems confronting those peoples; it also helps build equitable relationships between men and women, as well as generating space for the dissemination of the creative work of indigenous women, where the cultural diversity of the indigenous peoples in the different cultural fields in which they are active and which strengthen their identity can find expression.

772. In this context, the project "Creators of dreams and reality: indigenous women in popular art" brings together creative indigenous women from Mexico's various cultures. Two events have been held thus far: the first in March 2002 in Mexico City, and the second in March 2003 in Puebla. Both events were attended by over 50 women creators in various areas of literature, music, arts and crafts and graphic arts.

773. The First Continental Symposium, "Indigenous music", was held in 2003 at the National Museum of Anthropology in Mexico City and presented various characteristics, issues and perspectives. "Sounds of America" was also presented at the National Auditorium. The First Indigenous Musical Show of the Americas was organized by the CONACULTA National Commission for the Development of Indigenous Peoples, Popular and Indigenous Cultures" and the TAC Group, and the Ibero-American Congress on Cultural Heritage, Development and Tourism, held in Morella, Michoacán, was organized by the CONACULTA Popular and Indigenous Cultures/Michoacán/state government/SECTUR.

774. The America Heartland Symposium enabled indigenous leaders to discuss their development issues and objectives, exploring what they have in common and the options for initiating dialogue with other sectors of society.

775. A book containing international and national documents explaining the commemoration of International Mother Language Day established by UNESCO (21 February) was published by the Office of the Representative for the development of indigenous peoples, Chamber of Deputies. Writers in Indigenous Languages, A.C. and Popular and Indigenous Cultures of CONACULTA.

Comment [BM26]: checked

776. FONCA, for its part, has been conducting the Programme of Writers in Indigenous Languages since 1992. This activity has encouraged the development of the literary forms specific to those languages, their revival, writing and transmission, with due regard to their traditions and customs. The programme has benefited 173 writers in 30 indigenous languages. Of those fellowships, 96 were awarded in the period 1996-2003.

777. An equally important area in the field of traditional culture covers musical composition and performance. While the development and notation of this musical expression has benefited from the support from various groups interested in its preservation, there has been no permanent financing scheme to help strengthen the inventory of work and offer real support to creation in this field.

778. In 2001, FONCA issued its first advertisement of fellowships for Mexican traditional musicians. The target population consists of composers and performers of traditional music, as well as groups interpreting music with traditional instruments, and anyone upholding and/or recovering the sonority and structure of traditional music. Its purpose is to contribute to the preservation of sounds and the consolidation of types of musical composition that favour their development and their incorporation into national and global musical references. It aims both at preservation and at encouraging musical language. In its three broadcasts, the programme awarded fellowships to musicians and composers of traditional music from different regions of the country.

**Paragraph 66 (e)**

779. CONACULTA, through its various bodies, promotes as far as possible, through the media, participation in cultural life. In this connection, it recently initiated the broadcast of television “spots” encouraging reading and books.

780. Also, one of the most important lines of action of INAH, an eminently academic institution, is the dissemination of knowledge. In that connection, the Media Department – barely 10 years after its creation – has become of the Institute’s major channels of communication for transmitting research findings to Mexican society through its daily contact with the media.

781. In the past five years INAH has received firm support for socializing the knowledge generated by its researchers in various fields: archaeology, historic monuments, anthropology, history and museums, thus opening itself to society. It is essential to acknowledge the great importance of the mass media as a vital support in transmitting cultural messages. But it is also an area increasingly lacking in the economic resources needed for this information to reach Mexican society.

782. The Hellenic Cultural Centre (CCH) organizes monthly press conferences to which the cultural correspondents of the country’s various newspapers are invited. This constitutes an enormous effort and challenge on the part of the Centre, which has only a small budget, to ensure active participation in the promotion of events that contribute to cultural life.

783. FONCA uses various media for promoting the work it undertakes in its programmes: the national press, television, radio and the international Internet system. Through these media, it keeps the cultural community and the public as a whole informed of its support activities, fellowships and cultural initiatives. It also transmits the results of its advertisements and the programming and scheduling of the events and exhibitions it organizes.

784. In parallel with the progress of democracy in our country, the media have given over more space to the dissemination of the country’s various cultural manifestations. In particular, they have given wider coverage to cultural topics concerning the indigenous peoples.

785. The media that have most promoted participation in cultural life are the State media: Channel 11, Channel 22 and Radio Education.

786. Popular culture, in most of its forms of expression, does not occupy a significant place in the media, perhaps because prejudices are still prevalent or because there is less knowledge of popular art than there is of cultivated art. “Folklore” in its pejorative sense is a concept loaded with marginalization, which includes the ceremonies and ancient rituals still vibrantly alive in our country’s religious and cultural life. The various expressions of popular and indigenous cultures are seen, at first view, as a tourist attraction, a receptacle replete with mysterious attractions, rather than as a product of different thinking and philosophies, of holistic aesthetics, of important know-how and knowledge.

787. In the Mexican Government’s cultural policies set forth in the National Culture Programme 2001-2006, the chapter devoted to the audiovisual media states the general objective: “... to contribute, through the production and dissemination of audiovisual materials, to greater and better dissemination of national culture and of more outstanding manifestations of world culture among increasingly broad segments of the population, on the premise that knowledge, appreciation and enjoyment of culture are essential factors for enhancing Mexicans’ quality of life.”

788. The foregoing is evident in the screening of State-sponsored films in commercial cinemas. Once their commercial screening has ended, they are disseminated in video format and on free and pay-for-view television programmes. They are also shown on the National Cultural Film Network.

#### **Paragraph 66 (f)**

789. The National Culture Programme 2001-2006 assigns priority to the cultural field of research and conservation of the cultural heritage, whose general purpose is to study and preserve the tangible and intangible heritage which constitutes Mexico’s cultural wealth, so that it is known, protected and disseminated for the enjoyment of present and future generations

790. Mexico is one the six nations with the most Heritage of Mankind sites and the first on the American continent; research and conservation activities are conducted at all those sites. One INAH action to avert the effects of a natural disaster on historic monuments and archaeological sites was to start implementation of the Cultural Heritage Disaster Prevention Programme. This programme, based on an agreement with the National Centre for Disaster Prevention, comprises a number of mechanisms for prevention and action to address the constant threats posed by natural phenomena, such as earthquakes and hurricanes.

791. The Day of the Dead celebrations won UNESCO recognition in the Second Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity. Likewise, in 2003 Mexico voted to adopt the International Convention for the Safeguarding of the Intangible Cultural Heritage. Through area 6 of the National Science and Arts Prize, covering Arts and Traditions, DGCPI recognizes and, consequently, supports persons working in favour of the country’s traditions.

Comment [BM27]: checked

Comment [BM28]: checked

Comment [BM29]: checked

792. Although the CONACULTA departments responsible for this cultural area are INAH, INBA and the Department of Sites and Monuments, FONCA participates under two operational headings: the archaeological subfunds and those of the “Adopt a work of art” programme and the programme for acquisition of works. The archaeological subfunds have been progressively liquidated as progress continues on the adjustments of archaeological areas, sites and other spaces.

793. Only three currently exist: Protection and Conservation of the Teotihuacán Archaeological Site, Recovery of the Altavista Chaichihuites Archaeological Site in Zacatecas and of Yaxchilán in Chiapas. In the “Adopt a work of art” programme resources amounting to over 13 million pesos were earmarked in 2003 for the conservation, restoration and maintenance of various works located in 20 states of the Republic through the operation of 40 cultural subfunds.

794. The National Film Archive, coordinated by IMCINE, is the institution responsible for the recovery, classification, conservation, restoration, preservation and dissemination of State-sponsored cinematographic works.

#### **Paragraph 66 (g)**

795. The fundamental principles of cultural policy include respect for freedom of expression and creation; IMCINE therefore guarantees and promotes freedom of expression in all its programmes and activities. This is manifest in the invitations for participation in the grants the Government of Mexico awards to persons involved in scriptwriting, development of cinematographic projects and the making of short documentaries; it is also manifest in the regulations for the operation and evaluation of support programmes for the film industry and it may also be observed in the commercial screening of all films supported by the State.

796. The Federal Copyright Act, which gives effect to Article 28 of the Constitution, safeguards and promotes the cultural property of the Nation; protection of the rights of authors, artistes and performers, as well as publishers, producers and broadcasting corporations, with regard to literary and artistic works in all their forms, interpretations and performances, their publication, their phonograms or videograms, their broadcasts, and all other intellectual property rights.

Comment [BM30]: checked

797. At the same time, it should be noted that the fundamental principles of cultural policy include respect for freedom of expression and creation; IMCINE therefore guarantees and promotes freedom of expression in all its programmes and activities. This is manifest in the invitations for participation in the support given by the Government of Mexico to persons involved in scriptwriting, development of cinematographic projects and in the making of short documentaries. It is also evident in the regulations for the operation and evaluation of support to the film industry. It can also be observed in the commercial screening of all films supported by the State.

#### **Paragraph 66 (h)**

798. INAH has the National School of Anthropology and History located in Mexico City and Chihuahua, and the National School of Restoration and Museum Sciences, which award degrees in social anthropology, physical anthropology, archaeology, history, ethnic history, linguistics, ethnology, and restoration of movable property. Its master's degrees are in social anthropology, physical anthropology, archaeology, linguistics, history, ethnic history, architecture and museum sciences. It awards doctorates in anthropology, language sciences, and history and ethnic history.

799. These schools have an average enrolment rate of 2,500 pupils. Also, on 11 February 2002 the new headquarters of the Guillermo Bonfil Batalla Library of the National School of Anthropology and History was inaugurated. Its modernization and computerization guarantees improved services and generates better links between the Institute and the scientific community. At the same time, the Occidente School of Conservation and Restoration (ECRO) was founded with support from INAH and the Adopt a Work of Art Association and joint collaboration of the

federal and state governments and opened its doors on 25 September 2000; it is the country's first centre for specialist restoration training.

800. In the field of artistic creation, INBA has a network of 29 schools in the country, which offer courses ranging from basic to higher education. Research, documentation and information concerning the arts are based in four national centres specializing in music, dance, theatre and the plastic arts.

801. FONCA implements the Support Programme for Study Abroad, initiated in 1993 to meet the demand of artists and artistes for developing their professional and academic levels abroad. This programme has become the single most important national support for artists wishing to follow a course of postgraduate or upgrading study in any country in the world in subjects not offered by Mexican higher education institutions.

802. During the past 10 years, 1,589 applications were received in 11 artistic disciplines (with their respective specialities); of these 880 grants were made and statistically benefited talented children, as well as young people and adults, accounting for 55.38 per cent of the total and an expenditure of 59 million pesos. Of those grants, 574, or 65.22 per cent, were awarded during the period 1998-2003. In addition, and as a function of the grants awarded under this programme, the country as a whole benefits from the beneficiaries' offers of professional and academic services once they have completed their studies.

803. Without that programme, the State would not be in a position to address the processes of professional and academic consolidation. Thus the programme permits the country to maintain contact with the artistic and cultural movements existing worldwide and prevents the closure of frontiers to the diversity and plurality of the knowledge students may acquire and later transform into a benefit for the nation's social, artistic and cultural development.

804. DGCPI also encourages the establishment of mobile schools of arts and crafts design and offers upgrading training for professionalizing cultural promotion, while DGVCC implements the following through its Cultural Upgrading System: the Continuing Programme of Training for Cultural Administrators and Managers; the Programme of Modular Distance Degrees for Cultural Promoters and Managers; the Distance Seminars Awareness Programme for "Culture on the Table" for Promoters and Managers; and the Subsystem of Professional Training Programmes implemented in cooperation with various universities: the open degree in cultural administration from the Independent University of San Luis Potosí; the degree in cultural development from the Independent University of Nayarit; the master's degree in cultural development and management from the University of Guadalajara, and the master's degree in cultural promotion and development from the Independent University of Coahuila.

805. The Hellenic Cultural Centre coordinates workshops on the organization of courses and workshops designed to enrich the knowledge, resources and techniques of theatre professionals and students.

806. IMCINE coordinates, with the Centre for Cinematographic Training, the training of top-level film directors in the technical and artistic fields of film photography, production, sound, editing, scripting and direction, as part of a comprehensive conception of film know-how and language. During the period 1983-2001, workshops were held to inculcate in scriptwriters an enriched structure and content of activities and to strengthen writers' professional training. "Shorts" are also an activity that enables young film directors to embark on professional

activities. In this connection, a new public advertisement is launched each year and the projects to be produced by IMCINE are selected by an interdisciplinary jury.

**Paragraph 66 (i)**

807. Regarding the identification, inventorying, cataloguing and recording of the cultural heritage, in 1998 INAH catalogued 68,079 registered archaeological sites and immovable historic monuments, while in 2003 the figure was 112,662, of which 34,110 are archaeological sites and 78,562 are historic monuments.

808. Publications that receive INAH's editorial imprimatur, and the periodicals that disseminate research undertaken in accordance with INAH researchers' various specialities have attained the following levels

<b>Publications</b>					
<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
80	87	88	67	86	71
<b>Number of copies</b>					
112,500	136,900	102,100	81,600	95,600	72,300

*Source:* CONACULTA.

<b>Periodicals (magazines)</b>					
<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
46	50	64	54	30	43
<b>Number of copies</b>					
467,158	499,500	432,500	360,000	84,500	139,200

*Source:* CONACULTA.

809. Also, regarding the conservation, development and dissemination of culture, INAH has conducted an average of 1,000 specific projects per year, in particular the ethnography of the indigenous regions of Mexico in the new millennium, which comprises 114 researchers from different disciplines and various academic institutions, 48 of them working full-time at INAH. The most outstanding project in this area in recent decades, it reflects the effective projection of a noteworthy academic exercise and demonstrates the intellectual liveliness and capacity for thinking on national problems, making it particularly productive. In 2003, 17 books were published while another four were at the printing stage.

810. Another is the archaeological atlas of natural underground reservoirs and submerged caves on the Yucatán peninsula, which now provides new osteological and carbonic evidence connected with Pleistocene fauna and the peninsula's first inhabitants, who used the caves, dry at the time, for shelter and water supply. These contributions complement studies on Mexico's prehistory in this region.

811. Another project whose scope is of vital importance for knowledge of the peopling and cultures of the entire American continent is that which analyses the earliest beginnings of the

peopling of America seen from the island of Espíritu Santo in Baja California Sur. Carbon-dating of 14 samples of various species of marine shells deposited in certainly man-made piles proved them to be some 40,000 years old.

812. The importance of the discovery lies in the fact that corroboration of these shells' association with stones found in the area would give us the earliest evidence of human occupation in Mexico, one of the oldest on the entire American continent. The restoration of the former Convent of Santo Domingo de Guzmán in Oaxaca was completed in 1998, as was development of the collection at the Museum of Cultures in Oaxaca.

813. After three years of work, the National Museum of History was completely restored and on 17 November 2003 its facilities were opened to the public, accompanied by new historiographical and museographical descriptions in the 16 rooms devoted to Mexican history and the three rooms for temporary exhibitions, which comprise the National Museum of History. Along the same lines, the Museum of Huasteca History, devoted to regional identity, was reopened in 2003. On 10 July 2003, the Maya Room of the National Museum of Anthropology was reopened. It houses over 700 objects, 160 of them the product of the INAH's latest finds being exhibited for the first time.

814. Also, on 29 August 2000 new rooms were opened in the El Carmen Museum, offering visual evidence of the daily lives of a seventeenth century new-Hispanic family; the retrieval of these rooms in the museum was made possible through the joint labours of CONACULTA, through INAH, the Government of Mexico City, the Franz Mayer Museum and civil society associations. In addition, June 2002 saw the holding of the Fourth Round Table of Palenque on the subject of the Funerary Culture of Mayan Society, an event that also marked the fiftieth anniversary of the discovery of Pakal's tomb. The Third Round Table of Monte Albán was held in June 2002 on the general theme of political structures in ancient Oaxaca and provided many worthwhile contributions towards an understanding of the social behaviour patterns of that time. The Third Round Table of Teotihuacán, held in September 2002, addressed the theme of architecture and town planning, at which 44 papers were presented.

815. Regarding the preservation and conservation of the movable artistic heritage, INBA has an important specialized Conservation Centre whose cataloguing and preservation work is fundamental for the country's cultural history. Also, the Department of Architecture is responsible for protecting and disseminating information on the immovable artistic heritage.

816. As everyone is aware, Mexico signed and voted in favour of the International Convention for the Safeguarding of the Intangible Cultural Heritage. In this connection, DGCPI is providing protection for 160,000 objects at a centre for information and documentation on popular and indigenous culture and is promoting the creation of similar information in the states. The Support Programme for Indigenous Creators supports and stimulates individual and collective indigenous artistic creation in its various manifestations. It disseminates indigenous art so as to provide it with new scenarios and target populations at home and abroad and reinforces proposals for the recovery and development of an aesthetic vision of indigenous cultures and their world-view through artistic creation. To that end, several works have been published, including the collection of the Nexahualcóyotl Prize for Literature in Indigenous Languages, following the results of the "Amanece" collection: writing by children and indigenous inhabitants", whose purpose is, inter alia, to enable material written by children in their own languages to reach indigenous communities. These publications have benefited from the collaboration of various federal and state institutions and of indigenous individuals and organizations working to promote those cultures.

Comment [BM31]: checked



817. FONCA is also implementing international projects to promote and disseminate national culture in other countries. These programmes are as follows:

- Programme of translation of Mexican works into other languages (ProTrad).
- Programme of exchange of arts residencies.
- Cultural contact, Mexico-United States Trust for Culture.

Comment [BM32]: report p.  
104

818. The Programme of translation of Mexican works into other languages (ProTrad) looks after support for foreign publishing houses to translate and publish high-quality works by Mexican authors. Possible subjects are: Mexican art, culture, literature, science, philosophy, social sciences and history. Over 60 works were evaluated between 1999 and 2003 and funds allocated for the translation of 35. The authors selected include Octavio Paz, Silvia Molina, Jorge Ibargüengoitia, Juan Villoro and Jaime Sabines, to name but a few. The languages into which national works were translated include German, English, French, Arabic, Japanese and Romanian.

819. The Programme of exchange of arts residencies, developed by FONCA, looks after agreements and memoranda of understanding with various countries, including Canada, Colombia, France, United States and Venezuela. Its aim is to offer national artists a space in which to develop a specific project in another country over a fixed period of time; it fosters enhancement of their work through contact with artists sharing a discipline in different regions. These disciplines are visual arts, dance, literature, audiovisual media, music and theatre. Since its creation in 1992, the programme has rendered assistance to a little over 300 artists, 230 of them during the period 1998-2003.

820. In its constant endeavour to stimulate international cooperation, CONACULTA has, through FONCA, generated mechanisms promoting shared cultural development. In order to generate more in-depth knowledge and a broader relationship between Mexico and the United States, FONCA has collaborated closely with like institutions in the United States on the establishment and development of programmes for enhancing cultural exchange.

821. Thus, in 1992, the Mexico-United States Trust Fund for Culture (currently Cultural Contact) was established with the participation of the Rockefeller Foundation and the Bancomer Cultural Foundation; its purpose is to strengthen artistic exchanges and cultural collaboration between the two countries through its support for solidly bi-national projects of excellence that reflect the artistic and cultural diversity of Mexico and the United States and are capable of promoting a close and lasting relationship among kindred artistic researchers, independent groups and similar cultural institutions in the two countries in a variety of artistic disciplines. Between 1998 and 2003, the trust supported 275 bi-national projects that brought together creators and cultural institutions from the two countries. This has redounded in favour of wider and more objective knowledge of their lives and cultures and the ties that bind the two nations together.

822. FONCA is involved in other cultural initiatives that also influence cultural development and promotion; these programmes involve: encouragement of literary translation and support for the publication of independent reviews. The former aims at encouraging and promoting literary translation so as to make known the works of foreign-language authors in our country. In conjunction with the Department of Publications (DGP), it invites publishing houses and translators to compete for an award of up to eight individual financial grants for translating

foreign literary works into Spanish for an amount of 63,000 Mexican pesos each; they are awarded in four administrations, depending on the authorized work schedule. From 1998 to 2003, it granted 49 awards for translation of high-quality literary works; the languages from which they were translated are Bulgarian, English, French, German, Italian, Korean, Latin, Polish, Russian and Swedish.

823. In order to encourage the dissemination of Mexican literature and art, CONACULTA, through FONCA, is coordinating the “Tierra Adentro” Cultural Programme and INBA invites publishers of independent reviews to compete for one of 19 grants for their publication. The programme design for the call for applications takes account of three groups of reviews published in the country which must meet the following requirements:

- Literary reviews published in the states of the Republic, of which at least two issues have been published or that have been in existence for at least one year and whose aims preferably include literary promotion and dissemination, especially works by young people. Eight reviews are selected and, depending on the type of publication, may receive an annual grant of up to 71,000 pesos.
- Literary reviews published in the Federal District with a minimum of two issues, whose objectives include promotion and dissemination of Mexican literature. Six reviews are selected and depending on the type of publication, may receive an annual grant of up to 71,000 pesos.
- Art reviews, published either in the Federal District or the states of the Republic, with a minimum of three issues, and that have been in existence for at least one year and whose objectives include the promotion and dissemination of Mexican art with a specialist or interdisciplinary focus (architecture, visual arts, dance, literature, audiovisual media, music and theatre). Five reviews are selected and, depending on the type of publication, may receive an annual grant of up to 114,000 pesos.

824. During the period 1998-2003, grants were awarded to 65 reviews published both in the interior of the country and in the Federal District.

825. IMCINE’s main activities include the promotion and dissemination of cinematographic culture at home and abroad; to that end, it supports and organizes a number of cultural cinematographic events that bring it closer to the population.

### **Positive effects and difficulties**

826. Recent years have witnessed an increase in government cultural programmes that focus on underscoring Mexico’s multiculturalism, assigning special priority to the cultural manifestations of indigenous villages and communities. This is attested to by the increasingly broad participation in the Nezahualcóyotl Prize for Literature in Indigenous Languages, the annual commemoration of International Day of the World’s Indigenous Peoples, the annual meeting of creative indigenous women, and the publication of collections of literature by indigenous women and the research projects on a number of indigenous topics.

Comment [BM33]: checked

827. The most outstanding positive effects are the enactment of laws that protect the culture of indigenous peoples, as well as the creation of new institutions and the strengthening of existing ones working on their behalf. More particularly, in 2001 Article 2 of the Constitution was

amended to recognize and guarantee the right of indigenous communities to preserve and enrich their languages, knowledge, and all components of their culture and identity. In 2003, the Act establishing the National Commission for the Development of Indigenous Peoples was approved and the Department of Popular Cultures became the Department of Popular and Indigenous Cultures.

828. In this connection and as mentioned above, the Department of Cultural Linkage and Civic Participation (DGVCC) is conducting a special programme catering to groups with different disabilities and in disadvantaged situations in hospitals, prisons, social rehabilitation centres, asylums, etc.

829. The difficulties reside in the scant budgets available for implementing more options for groups to participate and for involving them in the various projects; there are also problems of isolation of the communities themselves and of unfinished processes and lack of coordination among the various institutions concerned with this sector of society.

**Paragraph 67 (a)**

830. The Science and Technology Act, published in the Official Journal of the Federation in June 2002, makes reference to the right of the Mexican population to share in the benefits that accrue from scientific and technological progress. In that connection, this right is expressed in the following terms in article 2, sections I and II:

831. The following are established as the bases of a State policy that sustains the integration of the national science and technology system:

- To increase scientific and technological capacity and researcher training so as to resolve basic national problems and contribute to the country's development and enhance all aspects of the population's well-being.
- To promote the development and linkage of basic scientific and technological innovation associated with updating and improving the quality of education and the expansion of the frontiers of knowledge, as well as making science and technology a fundamental element of society's general culture.

832. At the same time, the National Council of Science and Technology (CONACyT) coordinates a set of 27 research centres in the various areas of knowledge, seeking to respond to issues of a society as complex as Mexico's. Accordingly, it has a network of research centres scattered across the national territory, aiming to identify regional and local problems relating to science and technology and endeavours to find solutions to those problems. An attempt is made, through this network of centres, to interact with higher education institutions, local governments, private initiative and society as a whole.

**Paragraph 67 (b)**

833. Regarding the dissemination of information on scientific progress, CONACyT has devised the Social Communication Programme, whose guidelines are set out in the Special Science and Technology Programme (PECyT) 2001-2006. The purpose of this programme is to enhance Mexican society's scientific and technological culture through a variety of actions, it being vital

for the society to be convinced of the strategic importance of science and technology, both of which directly affect their quality of life, as well as productivity and competitiveness.

834. In this way, various actions have been undertaken to sensitize the population, mainly young people, to the importance of science and technology in the world today. They include the following:

- National Science and Technology Week. The purpose of this event is to promote science and technology among young people and children at all educational levels, parents, teachers, researchers, academics and entrepreneurs and to project them as the basic pillar of our country's economic, cultural and social development. This aim is shared by educational institutions, scientific associations, enterprises, research centres, science museums and state governments. It is estimated that 11,000 people across the country have participated.
- Radio ConScience is a CONACyT radio programme of half-hour broadcasts that seeks to disseminate, simply and clearly, topics relating to science and technology, using the voices of renowned Mexican specialists.

835. Other organizations have also initiated the following activities:

- The "Science in your school" programme is an academic programme devised, coordinated and implemented in 2002 by a group of Mexican scientists, members of the Mexican Academy of Sciences. Its aim is to improve the attitude of basic- and secondary-education teachers to mathematics and science and to update knowledge of those subjects.
- This programme's aim is to present a project that brings scientists and teachers together and thus raise the level of science and mathematics teaching in primary and secondary education, in an effort to give them not only a proper and clear understanding of the mathematical and scientific concepts to be imparted, but also to show them the type of teaching required by the pedagogical principles whereby pupils build up their own knowledge on the basis of their specific activity.
- The "Science Atlas" programme. In 2002, the Mexican Academy of Sciences initiated the development of a database, available on website of the Mexican Academy of Sciences (<http://www.amc.unam.mx>), which aims to record national scientific activity by the location of researchers, infrastructure, study areas, scientific careers and students, among other data. The site will be updated constantly and is expected to provide total national coverage in five years.

#### **Paragraph 67 (c)**

836. Measures taken to prevent scientific and technological progress from affecting individuals' dignity or fundamental rights include the review and adoption by the Congress of the Union of several regulations relating to genome medicine, and its approval on 30 April 2004 of the creation of the National Institute of Genome Medicine, which will enable our country to conduct therapeutic stem-cell and embryo research, abiding strictly by ethical principles.

837. Also being discussed by that same legislative body are provisions that should regulate matters relating to cloning and genetically modified organisms; however, given the complex views on this issue and the possible scientific and ethical complications, it is hoped that the coming months will see new agreements that would make for modern, inclusive laws that also protect the rights of individuals and of society as a whole.

**Paragraph 68**

838. The Federal Copyright Act establishes in its article 11 that copyright comprises the recognition the State gives to any creator of literary and artistic works referred to in Article 13 of the Act, whereby it grants authors protection for the enjoyment of prerogatives and exclusive personal and patrimonial privileges. The former are known as a moral right, and the second as a patrimonial right.

839. The Act in question was amended on 23 July 2003 to give creators of literary and artistic works broader protection than they had previously enjoyed. It changes the validity for enjoyment of their patrimonial rights during their lifetime and 75 years after their death to 100 years after their death.

840. Regarding the protection of culture, DGCPI has initiated, through lectures and workshops, the study of relevant laws and orientation mechanisms within its different work programmes. In parallel, it provides basic guidance, mainly for creators, writers and researchers, on how a copyright certificate may be obtained.

841. Attention should be drawn to the seminar on “Copyright, a strategic asset for the future”, held in 2003 at the National Anthropology Museum, with the participation of the World Intellectual Property Organization (WIPO).

842. In the area of indigenous culture, the main issue is that, in terms of rights, as a general rule no resources have been allocated for carrying out specific programmes that include both information on existing laws and guidance programmes for the defence of rights. For instance, in the field of arts and crafts creation there are currently a considerable number of designs that have been plagiarized for profit, mainly by Chinese entrepreneurs.

843. Regarding the rights of protection of moral and material interests emanating from any scientific work, Mexico has developed a complex institutional framework that promotes the protection of intellectual property over scientific and technological progress, through the Mexican Industrial Property Institute (IMPI).

844. IMPI is a decentralized body of the Federal Government that legally protects industrial property through the patents awards, brand registration and other legal aspects and deals with trade infringements and the promotion and dissemination of the system, providing guidance and advice to private individuals in order to promote the country’s technological, commercial and industrial development. The Institute is thus the body responsible for verifying compliance with the Industrial Property Act and other national and international norms.

**Paragraph 69 (a)**

845. There have been no constitutional amendments, but declaratory rulings representing the supreme legal instrument currently in existence for the protection of the cultural heritage have

been published in the Official Journal of the Federation and constitute a useful tool in planning and development policies for state and municipal governments. There are 15 such rulings for historic monument sites and 27 for archaeological monument sites.

846. Also, CONACULTA, as part of the National Culture Programme 2001-2006 and through the Department of Publications, launched a programme entitled "Towards a country of readers", with the following main objectives:

- To make reading and books fundamental elements of the population's overall education, greater cultural opportunities, and the formation of critical awareness.
- To devise and implement, jointly with other public bodies and civil society associations, programmes and strategies for training readers.
- To promote contemporary Mexican authors at home and abroad.

847. The programme develops the following strategies to that end:

- Radio and television "spots" in which texts likely to attract public attention are read out.
- Radio and television "spots" inviting the public to use books, libraries and bookshops.
- Joint publication of new wider-circulation, low-priced book collections with large, small and medium-sized private firms on various artistic and cultural subjects, geared to readers of different age groups, particularly children and young people.
- Establishment of state training teams incorporated into a national network comprising very high quality skills and supported by the National Reading-Rooms Programme, so as to increase the number of installed reading rooms and bring their organization and stocks into line with local needs.
- Installation, jointly with the Department of University Linkage, of reading rooms in higher education institutions and, with the Department of Cultural Linkage and Civic Participation, for people with special needs, such as children in crèches and orphanages, old people in homes, prisoners, hospital patients and so on.
- In coordination with the Ministry of Foreign Affairs and with local citizens' organizations, courses on installing more reading rooms for Mexican communities and people of Mexican origin abroad.
- Strengthening of state funds for promoting reading as a mechanism for the financing of training courses and the acquisition of books for reading rooms.
- Evaluation of the results of book fairs held in the country so as to make improvements and expand and improve that public service.
- Launch of new nationwide advertisements in order to encourage young writers and the dissemination of their work.
- Participation in the publication of recorded books and compact discs.

848. Regarding the measures taken to ensure the preservation, development and dissemination of science, the laws have been updated and various papers have been prepared in order to promote scientific and technological activities in our country.

849. In 2002, the Science and Technology Act (LCyT), currently in force, was unanimously approved. It defined new mechanisms for supporting the development of the country's scientific and technological activities.

850. That Act regulates the grants that the Government must award in order to stimulate, strengthen and develop scientific and technological research as a whole in the country. The aims of LCyT are to:

- Regulate the grants the Federal Government must award in order to stimulate, strengthen and develop scientific and technological research as a whole in the country.
- Identify the instruments the Government will use to fulfil its obligation to support scientific and technological research.
- Establish the mechanisms for coordinating activities with the departments and units of the Federal Public Administration and other institutions that help devise policies and programmes for scientific and technological development or which themselves conduct such activities.
- Create the bodies and mechanisms for coordination with the governments of the federated states and for linkage and participation of the scientific and academic community of higher education institutions, the public and the social and private sectors for generating and framing policies for the promotion, development and application of science and technology, as well as for the training of science and technology professionals.
- Link scientific and technological research to education.
- Support the capacity and strengthening of teams engaged in scientific and technological research in public higher education establishments, the outcome of which conforms to the principles, plans, programmes and internal rules contained in their specific regulations.
- Determine the bases for the recognition of parastatal bodies' scientific and technological research as public research centres, and
- Regulate the use made of those centres' self-generated resources and those supplied by third parties for the funding of technological research and development.

851. On 27 April 2004, article 9 *bis* was added to the LCyT and states the Federal Government's intention to attain one per cent of GDP as total investment (public and private) in research and development in Mexico, a target long recommended by UNESCO for an economy such as ours.

852. In addition, that same year witnessed the approval of the Organic Act on CONACyT, which makes various adjustments to the functioning of CONACyT, enabling it efficiently to attain the LCyT's proposed goals. To that end, the Organic Act proposes the following:

- That CONACyT should become a non-sectoral entity reporting directly to the President of the Republic, placing it outside its previous context, when it was responsible to the Ministry of Public Education.
- Establishment of a General Council for Scientific Research and Technological Development, a policy and coordination body chaired by the President of the Republic and composed of several ministers, CONACyT representatives and prominent individuals from our country's science and technology civil society.
- Establishment and operation of the Interministerial Committee for the Integration of the Federal Science and Technology Budget.
- Creation of budget branch 38 for CONACyT and its 28 public research centres.
- Establishment of the Science and Technology Advisory Committee as an independent and standing body to be consulted by the Executive, the General Council and the CONACyT governing board.
- Establishment of the National Science and Technology Conference with the participation of the 32 federated entities that make up our country.
- Creation of sectoral funds, with the participation of the ministers and the Federal Government bodies and the Joint Funds, with funds provided jointly by the state and municipal governments.
- Promotion of private investment in research and technological development (IDE) through tax incentives to businesses that accept the challenge of participating in those activities (30 per cent tax credit on their annual expenditure on IDE).

853. The Special Science and Technology Programme 2001-2006 (PECyT) is the document that contains the basic elements defining the broad lines for the development of science, technology and innovation in Mexico. It establishes the three guiding strategic objectives described below:

1. To have a State science and technology policy.
2. To increase the country's science and technology capacity.
3. To increase businesses' competitiveness and innovation.

854. Moreover, CONACyT's various substantive programmes seek to improve the performance of Mexico's science and technology system through the training of high-level qualified human resources (Postgraduate Fellowship Programme), the development of scientific research (Research Funding Programme) and support for industrial competitiveness (Programme of Tax Incentives for IDE).



**Paragraph 69 (b)**

855. INAH, as stated earlier, is responsible for identifying, inventorying, cataloguing and registering cultural property, as well as publishing books and reviews and holding symposiums and round tables to discuss and disseminate research on the subject.

856. DGCPI, for its part, permanently organizes forums, meetings, symposiums and workshops, as well as programmes, competitions and advertisements aimed at tightening the links between creators, researchers, organizations, communities, villages and neighbourhoods so as to recover, upgrade and promote the country's cultural diversity, making the tools they need available to them. Book publication is one of the most important media used.

857. Noteworthy measures have been taken to ensure the conservation, development and dissemination of science: updating of the legislation, and various activities for promoting our country's scientific and technological activities.

858. In 2002, the Science and Technology Act (LCyT), currently in force, was unanimously approved and defines new mechanisms for supporting the development of the country's scientific and technological activities.

859. That Act regulates the grants that the Government is obliged to make in order to stimulate, strengthen and develop scientific and technological research as a whole in the country. The aims of the LCyT are to:

- Regulate the grants the Federal Government is obliged to make in order to stimulate, strengthen and develop scientific and technological as a whole in the county.
- Identify the instruments the Government will use to fulfil its obligation to support scientific and technological research.
- Establish the mechanisms for coordinating activities with the departments and units of the Federal Public Administration and other institutions that contribute to devising policies and programmes for scientific and technological development or which directly themselves conduct such activities.
- Create the bodies and mechanisms for coordination with the governments of the federative states and for linkage and participation of the scientific and academic community of higher education institutions, the public, social and private sectors, for generating and framing policies for the promotion, development and application of science and technology, as well as for the training of science and technology professionals.
- Link scientific and technological research to education.
- Support the capacity and strengthening of the teams engaged in scientific and technological research in public higher education establishments, the outcome of which conforms to the principles, plans, programmes and internal rules contained in their specific regulations.

- Determine the bases for the recognition of the parastatal bodies' scientific and technological research as public research centres, and
- Regulate the use made of those centres' self-generated resources and those supplied by third parties for the funding of technological research and development.

860. On 27 April 2004, article 9 *bis* was added to the LCyT and states the Federal Government's intention to attain one per cent of GDP as total investment (public and private) in research and development in Mexico, a target long recommended by UNESCO for an economy such as ours.

861. In addition, that same year saw the approval of the Organic Act on CONACyT, which makes various adjustments to the functioning of CONACyT, enabling it efficiently the LCyT's proposed goals. To that end, the Organic Law established that CONACyT should become a non-sectoral entity reporting directly to the President of the Republic, which places it outside its previous context when it was responsible to the Ministry of Public Education and endows it with the following powers:

- Establishment of a General Council for Scientific Research and Technological Development, a policy and coordination body chaired by the President of the Republic and composed of several ministers, CONACyT representatives and prominent individuals from our country's scientific and technological civil society.
- Establishment and operation of the Interministerial Committee for the Integration of the Federal Science and Technology Budget.
- Creation of budget branch 38 for CONACyT and its 28 public research centres.
- Establishment of the Science and Technology Advisory Committee as an independent and standing body to be consulted by the Executive, the General Council and the CONACyT governing board.
- Establishment of the National Science and Technology Conference with the participation of the 32 federative entities that make up our country.
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- Promotion of private investment in research and technological development (IDE) through tax incentives to businesses that accept the challenge of participating in those activities (30 per cent tax credit on their annual expenditure on IDE).

862. The Special Science and Technology Programme (PECyT) 2001-2006 is the document that contains the basic elements defining the broad lines for the development of science, technology and innovation in Mexico.

863. Moreover, CONACyT's various substantive programmes seek to improve the performance of Mexico's science and technology system through the training of high-level qualified human resources (Postgraduate Fellowship Programme), the development of scientific research

(Research Funding Programme) and support for industrial competitiveness (Programme of Tax Incentives for IDE).

**Paragraph 70 (a)**

864. As stated earlier, the National Culture Programme 2001-2006 seeks to make the cultural sector's work contribute to the social development with a human dimension, in which the affirmation of cultural diversity, openness and guaranteed access to cultural opportunities and services, and respect for freedom of expression and creation are always central components of its structure.

865. The Mexican State has acted as the main guarantor of the protection of Mexican archaeological, historical, artistic and palaeontological property, for which purpose our country has the following constitutional and legal framework:

- The Political Constitution of the United Mexican States establishes that the Congress of the Union has exclusive power of legislation on the archaeological, historical, artistic and palaeontological heritage of national interest.
- The Act creating the National Institute of Fine Arts and Literature, which promotes and encourages the creation of and research on fine arts in the areas of music, plastic arts, dramatic arts and dance, literature in all its genres, and architecture.
- The Organic Act of the National Institute of Anthropology and History. The National Institute of Anthropology and History is the body responsible for research into and conservation and dissemination of the national archaeological, historical and anthropological heritage and for the training of professionals responsible for the safeguarding and dissemination of that heritage. In accordance with the Organic Act of the National Institute of Anthropology and History, it is responsible for scientific research on anthropology and history mainly concerned with the country's population and with the conservation and restoration of the archaeological, historical and palaeontological heritage; the protection, conservation, restoration and recovery of that heritage, and the promotion and dissemination of aspects and activities that fall within its sphere of competence.
- The Federal Act on archaeological, artistic and historic monuments and sites, in existence since May 1972, and its Regulations govern research into and the conservation, protection and restoration of the cultural heritage of social and national interest, comprising the archaeological, artistic and historic monuments and the monument complexes belonging to each one. The legal regulations specific to the protection of the cultural heritage in our country have been developed on the basis of criteria linked to the defence of archaeological and historic monument sites on the one hand, and to works of art on the other. These norms have generated a system of protection and dissemination of that cultural heritage, which is structured around the functioning of highly specialized organs: the National Institute of Anthropology and History and the National Institute of Fine Arts and Literature, both dependent on the Federal Government.

- The General Libraries Act discharges its educational and cultural function through the establishment, maintenance and organization of public libraries which are the basis for the National Public Libraries Network, technically and normatively coordinated by CONACULTA, through the Libraries Department, establishing and distributing stocks of bibliographical works, promoting reading, training library staff and promoting the development of library infrastructures so as to contribute to equal and unrestricted access to knowledge by all persons.
- The General Act on National Property provides that the national heritage comprises property in the public and private domain. Property in the public domain includes federally owned movable and immovable historic or artistic monuments and movable or immovable archaeological monuments; federal movable property which, by its nature, is normally irreplaceable, such as documents and office files; manuscripts, incunabula, publications, books, documents, periodicals, maps, plans, important or rare bulletins and recordings, and collections of such articles; ethnological and palaeontological objects; specimens of flora and fauna; scientific or technological collections, and weapons, coin and stamp collections; archives of sound recordings, films, photographs, tapes and any other object containing images and sounds, and the art or historical objects kept in museums.
- The purpose of the Federal Cinematography Act is to promote the production, distribution, sales and screening of films, as well as their recovery and preservation, always with a view to studying and addressing matters relating to the integration, promotion and development of the national film industry.
- The Federal Radio and Television Act determines that the social function of radio and television is to help reinforce national integration and improvement of forms of human cohabitation. To that end, through their broadcasts they will attempt to affirm respect for the principles of social morality, human dignity and family ties; avoid harmful or disturbing influences on the harmonious development of children and young people; contribute to raising the people's cultural level and preserve national characteristics, the country's customs and traditions, and peoples' own languages and extol the values of Mexican nationality; and reinforce democratic beliefs, national unity and international friendship and cooperation.

866. In that connection and as part of CONACULTA's objectives and lines of action, the new headquarters of the National School of Conservation, Restoration and Museum Sciences (ENCRyM) was inaugurated in December 2003. With this new space of over 10,000 square metres, the members of the academic community and ENCRyM acquired new lecture-rooms and workshops, as well as equipped laboratories, auditoriums and a library in a building suitable for developing teaching and research in restoration.

867. Also inaugurated was the master's degree in social anthropology at the National School of Anthropology and History (ENAH), Chihuahua. It is the first course at that level to be offered in the north of Mexico in the field of anthropology, and was devised in a format linking the experience and support of two institutions: INAH and CIESAS.

868. Regarding scientific research, the Political Constitution of the United Mexican States establishes, in Article 3, section V, that the State shall support scientific and technological research.

869. Various criteria and approaches have been used for the functioning of the Mexican science and technology system, since the 1970 creation of the National Council of Science and Technology (CONACyT). However, three decades had to elapse before the formal establishment of a legal framework that laid the bases for a main line of action by the Federal Government for the promotion, strengthening and development of scientific and technological research. The Act on Promotion of Scientific and Technological Research (LFICYT), promulgated in May 1999, as part of the framework of the Agreement between the Advisory Science Council (CCC), the Mexican Academy of Sciences (AMC) and CONACyT, combines the viewpoints of the various actors in the system and establishes mechanisms for maintaining a permanent flow of opinion that underpins the formulation of activities for promoting scientific and technological development. The Act's six most important features are as follows:

- (i) The Special Science and Technology Programme.
- (ii) The Permanent Science and Technology Forum.
- (iii) The CONACyT Funds and the Funds for Scientific Research and Technological Development.
- (iv) The integrated system of information for scientific and technological research.
- (v) The National Registry of Scientific and Technological Institutions and Businesses.
- (vi) The public research centres.

870. The science and technology programme was formulated during the period 1995-2000. It addressed, inter alia, the decentralization of the country's scientific and technological research.

871. This programme was implemented with limited success; however, during that period the Specialized Science and Technology Cabinet was formed, as a result of the Act on Promotion of Scientific and Technological Research.

**The Science and Technology Act** is intended to:

- I. Regulate the grants the Federal Government must award in order to stimulate, strengthen and develop scientific and technological as a whole in the country.
- II. Identify the instruments the Government will use to fulfil its obligation to support scientific and technological research.
- III. Establish the mechanisms for coordinating activities with the Federal Public Administration's departments and units and other institutions that help devise policies and programmes for scientific and technological development or themselves conduct such activities.
- IV. Create the bodies and mechanisms for coordination with the governments of the federated states and for linkage and participation of the academic scientific

community of higher education institutions and the public, social and private sectors for generating and framing policies for the promotion, dissemination, development and application of science and technology and for the training of science and technology professionals.

- V. Link scientific and technological research to education.
- VI. Support the capacity and strengthening of the teams engaged in scientific and technological research in public higher education establishments, the outcome of which must conform to the principles, plans, programmes and internal norms contained in their specific regulations.
- VII. Determine the bases for the recognition of the parastatal bodies' scientific and technological research as public research centres, and
- VIII. Regulate the use made of the public scientific research centres' self-generated resources and those supplied by third parties for funding technological research and development.

872. The Act establishes the following as the bases underlying State policy for the integration of the national science and technology system:

- I. Increasing scientific and technological capacity and training of researchers in order to solve basic national problems and enable them to contribute to the country's development and the enhancement of all aspects of the population's well-being.
- II. Promoting the development and linkage of basic scientific and technological innovation associated with the updating and enhancement of the quality of education and the expansion of the frontiers of knowledge, and transforming science and technology into a fundamental feature of the general culture of society.
- III. Incorporating technological development and innovation into productive processes in order to increase the productivity and competitiveness required by the national productive apparatus.
- IV. Integrating efforts by the various sectors, both generators and consumers of scientific and technological knowledge, in order to stimulate strategic areas of knowledge for the country's development.
- V. Strengthening regional development through integral policies for the decentralization of scientific and technological activities.
- VI. Promoting the processes that afford the Federal Government's participatory definition of priorities, allocation and optimization of resources for science and technology.

#### **Organic Act creating the National Council of Science and Technology**

873. The National Council of Science and Technology (CONACyT) was created in December 1970 by Act of the Congress of the Union, published in the *Official Journal of the Federation*

on 29 December of that year and amended by Decree issued on 27 December 1974. The amendment essentially altered 10 articles concerning the integration and functioning of the institution's governing board.

874. CONACyT's mission is to promote and reinforce scientific development and technological modernization in Mexico through the training of high-level human resources, the promotion and maintenance of specific research projects and the dissemination of scientific and technological information.

875. The policies, actions and criteria whereby CONACyT promotes scientific research and technological development are contained in the National Programme of Science and Technology 2000-2006.

876. The goal is to consolidate a National Science and Technology System that meets the country's priority requirements, find solutions to specific problems and needs and help raise the population's standard of living and well-being involves:

- Determining State policy on the subject.
- Increasing the country's scientific and technological capacity.
- Raising the quality, competitiveness and innovation of businesses.

877. VISION 2025

**2002**

- Creation of the Special Science and Technology Programme, the outcome of an intensive process of national consultation in which scientists, technology experts, entrepreneurs, academics and governors helped prepare this vital instrument for Mexico's scientific and technological development.

**2006**

- Mexico will participate actively in the generation, acquisition and dissemination of knowledge at the international level, attempting to spend as much as one per cent of gross domestic product on science and technology.
- Mexicans' scientific and technological culture will have increased considerably and technological research and development will be more successful.
- The use of science and technology in production processes will gradually contribute to the country's economic growth.

**2025**

- Mexico will invest over two per cent of GDP in research and development activities.
- Thanks to the efforts of everyone, the Mexican economy will be one of the ten most important in the world.

- Mexico will become one of the 20 countries most developed in science and technology.

**Paragraph 70 (b)**

878. INAH has developed an intensive academic activity in the 11 permanent seminars, including those relating to Afro-Mexican studies: iconography, word formation, grammar of the indigenous languages, linguistic anthropology, myth and religion in anthropology and psychoanalysis, inter-ethnic studies, and anthropological and historical studies in the State of Guerrero.

879. The permanent seminar on “chicano” studies and frontiers led to workshops for analysis and discussion of globalization and its effects on economics and culture and the main theoretical trends in international migration. There are also the permanent seminar on children and adolescents and the diploma course on the anthropology of violence, aimed at combating that social problem and controlling its occurrence; the First Health Congress – Disease in the southeast of Mexico – which addressed the extent to which archaeology and physical anthropology affected health and disease in pre-Hispanic times, as well as health conditions from the colonial era to the present. The diploma course in anthropology and sexology, through the exchange of academic experiences, updated the approach to themes and phenomena neglected for years and which often impede the understanding of individuals, groups and others. Its researchers have also participated in many international academic forums.

880. DGCPI has used meetings, seminars and other events to facilitate exchanges among various creators of popular and indigenous culture. The fruits of this creative reciprocity are evident when an author or creator completes a project or work and formally acknowledges others.

**Paragraph 70 (c)**

881. CONACULTA, through INAH, supported the creation of the Mexican Academy of Anthropological Sciences, which was formally established on 22 January 2003. It is the first of its kind in Latin America and is chaired by Dr. Beatriz Barba Ahuatzin, a researcher at the Institute. The Academy is composed of 42 persons eminent in the field of national and international anthropology and is supported by INAH, UNAM and the Mexican Academy of Sciences, the Hispano-American Academy of Sciences, Arts and Letters and the Mexican Academy of History. One of its functions is to promote and disseminate anthropological sciences in Mexico and publicize the progress made by Mexican researchers abroad.

882. DGCPI has set up a number of funds for helping creators, including the Programme of Support to Municipal and Community Cultures (PACMyC) and the National Programme of Popular Art. It has also provided legal guidance and general advice on the formation of cultural associations in several fields: literature, arts and crafts, theatre, music, etc.

883. For its part, the National Copyright Institute authorizes the formation and operation of collectively managed societies formed to protect national and foreign authors and holders of related rights, ensuring that they operate in conformity with the stipulations of the Federal Copyright Act and its Regulations. There are currently 12 collectively managed societies on copyright and related rights.



884. The Special Science and Technology Programme 2001-2006 has managed to establish and expand the capacity of scientific and technological research through specialized teacher- and researcher-training for men and women. An institutional system was simultaneously established and links the various research centres operating in the departments and entities of the Federal Public Administration, the State universities and higher education institutions, and in the research centres of various private firms and universities.

885. Despite the development of these institutions, the pace of scientific and technological progress worldwide is creating the need to establish in our country more defined and modern bases for promoting the development of scientific and technological research and to allocating more resources to those activities. Not only are the frontiers of scientific knowledge and technological development dynamic, they are also increasingly specialized and diverse.

886. The Special Science and Technology Programme (PECyT) is the Federal Government's basic planning tool in this area. Its objective is to integrate and coordinate national efforts to promote the country's scientific and technological activities. It was created with the goal of ensuring that national investment in experimental research and development (IDE) attains one per cent of gross domestic product (GDP) by 2006, on the understanding that the Federal Government would invest 60 per cent of that amount and the private sector 40 per cent. Assuming an annual average rate of five per cent growth in GDP, this goal represents a 22 per cent annual growth rate for IDE investment.

887. The programme also proposes strategies, lines of action and sectoral programmes for science and technology that makes for the efficient achievement of each expenditure target and for high-quality training of science and technology postgraduate researchers. There are also indicators for checking the progress and implementation of the programme during the period 2001-2006.

888. Although emphasis is placed on the goal of increasing investment in scientific and technological activities, the programme establishes a definite structural change in the efficient and effective use of resources.

889. This task can be achieved only through joint efforts on the part of society, the academic sector, the productive sector, state governments and the Federal Government. These key actors must be convinced of the high social and private returns on investment in science and technology. By 2006 Mexico must substantially increase its staff devoted to research and technological development, as well as its investment in infrastructure and laboratories. Only by so doing can it expect to be successful in the so-called "new economy" which calls for both competitiveness and openness and determined scientific and technological endeavour.

890. PECyT helps the departments and entities of the Federal Public Administration invest more efficiently and effectively in science and technology, avoid duplication and take advantage of synergies. PECyT also represents the efforts of the productive and public sectors to incorporate technological development into the productive processes of national firms and in training the human resources increasingly needed by the productive and educational apparatus. Collaboration between the Federal Government and the state governments is reflected in joint actions designed to address and meet needs.

### **Difficulties**

891. The attainment of these goals calls on:

1. The Government to provide the resources for the sectoral, joint and institutional funds for boosting federal investment in experimental research and development (IDE).
2. The private productive sector to increase its investment in experimental research and development to an annual rate of 33 per cent, which means that the major firms must invest at least one per cent of their turnover in those activities.

892. More resources are needed if the support requirements of the organizations and institutions engaged in research are to be duly addressed.

### **Paragraph 71 (a)**

893. The National Council for Culture and the Arts has participated actively in the bilateral meetings with countries with cultural cooperation programmes, from which the cooperation activities are derived. It has also been represented at multilateral and regional international forums, at which it has presented our country's position on, inter alia, the major themes of cultural diversity and the protection and conservation of the tangible and intangible cultural heritage.

894. International cooperation has been a tool of Mexican foreign policy, incorporated in 1998 into Article 89 of our Constitution. It is considered to be a key instrument for strengthening international solidarity and a complement to national development efforts. In that connection, CONACULTA has signed approximately 130 inter-agency cooperation instruments on archaeology, anthropology, cultural heritage, arts residencies, radio, television and cinematography with various countries.

895. It has also been involved in the following:

- In connection with the XV Meeting of the Mexico-United States Binational Commission held in Washington D.C. on 10 and 11 June 1998, a collaboration agreement was signed between INAH and the United States National Parks Service with a view to the exchange of specialists and the holding of cultural events.
- In 2001, an agreement was signed in order to set up a Trust among the government of the State of San Luis Potosí, Banamex Cultural Promotion and CONACULTA, through INAH, to develop research on the Tamtok archaeological site.
- In order to prevent the theft of movable goods on federal property in Church custody, in 2001 an agreement was signed by the government of the State of Tlaxcala, its Archbishopric and INAH to carry out joint activities for combating such criminal activities.
- Also, in 2002 a collaboration agreement was signed with the government of the State of Tlaxcala, the first federal agreement of its kind. It involves strategies for the registration and cataloguing of movable property located in religious precincts, as well as joint activities for preventing alienation, damage, robbery or illicit trafficking of that heritage.

- In that same connection, a collaboration agreement was signed in 2001 with the State of Puebla and the Archbishopric of Puebla to guarantee the protection of religious art through the training of ecclesiastical authorities and state government personnel to inventory and catalogue movable property in chapels and churches.

896. For its part, the National Copyright Institute has found itself a strategic niche in the international sphere in order to represent the views and interests of the community of Mexican writers by participating in the framing Mexico's policies and the stance it takes in international forums and organizations, including:

- The World Intellectual Property Organization (WIPO),
- The Free Trade Area of the Americas (FTAA),
- The Asia-Pacific Economic Cooperation (APEC) forum.

897. It has also participated actively in the negotiation of various free-trade treaties that include an industrial property section.

898. The term "international cooperation" refers to the set of actions that derive from the exchange flows produced between discrete national societies in the quest for shared benefits in the fields of economic development and social welfare, or from flow activities carried out both by the international organizations of the United Nations system and the regional, intergovernmental and non-governmental organizations, in favour of specially defined international interests. Thus interpreted, international cooperation is the mobilization of financial, human, technical and technological resources for the promotion of international development.

899. It is currently possible to distinguish among the various fields in which international cooperation for development occurs: they include science, techniques, technology, education, culture, transport, energy, finance and trade. Of special interest here is technical and scientific cooperation, which contributes to the country's incorporation into the dynamic of the international process characterized by the dizzy advance of scientific knowledge and technological change and the consequent transformation of production technologies.

900. Technical and scientific cooperation involves the flow of resources, knowledge, expertise, technologies and experience that make it possible to link national capabilities to international capabilities in the most diverse of areas; it brings together mechanisms for developing and extending the frontier of scientific knowledge and facilitates joint development of technological products.

901. For Mexico, international cooperation is a fundamental tool of its foreign policy and a mechanism for action through which the country's exchanges with the rest of the world destined to foster social development are promoted, increased, strengthened and boosted. The truth of this assertion is evident in the fact that international cooperation is enshrined as one of the standard-setting principles that, according to Article 89, section X, of the Political Constitution of the United Mexican States, by which the Executive branch must abide in the conduct of its foreign policy.

902. The aim of Mexico's international technical cooperation and scientific policy is to contribute to the consolidation of national capacities by implementing projects that favour

comprehensive and sustainable social development and by promoting balanced development of foreign relations.

903. The Department of Technical and Scientific Cooperation (DGCTyC), which comes under the Economic Relations and International Cooperation Unit, coordinates Mexico's participation in the various branches of technical, scientific and technological cooperation with the industrialized countries, semi-developed countries and developing countries, as well as with multilateral organizations and international forums.

904. Mexico's international cooperation strategy is based on the fact that, through the exchange of experiences, capacities and human resources, countries benefit mutually and improve their links, reducing the costs of implementing comprehensive human development projects.

905. DGCTyC has four areas devoted to bilateral, regional and multilateral technical, scientific and technological cooperation. Technical, scientific and technological cooperation is carried out as follows:

- A. The cooperation that Mexico receives from industrialized countries takes the forms of joint participation, co-financing and self-sustainability. The cooperation projects are implemented mainly in the priority sectors identified in the National Development Plan. Cooperation activities seek to promote social participation, incorporate techniques, assimilate cutting-edge technology and contribute to the social development of the most vulnerable regions and groups.
- B. It also attempts to promote joint participation of various federal, state and academic institutions and authorities, technological development and private-sector centres for promotion of greater participation of women in civil society.
- C. Many Mexican institutions are conducting technical cooperation, scientific and technological activities and projects with semi-developed and developing countries. The criteria for that type of project are complementarity of structural capacities, suitability, relevance and viability, and mutually beneficial co-financing.
- D. Mexico is promoting and implementing cooperation programmes with relatively less developed countries, especially those in Central America and the Caribbean, to enable them to benefit from national experiences and capacities and find solutions to development problems.
- E. In the area of multilateral cooperation, a boost is also given to cooperation with organizations of the United Nations system and other regional organizations and international forums in terms of joint participation, co-financing and self-sustainability. The activities carried out under this heading have a dual purpose: benefit of national public- and private-sector units and bodies, and shared multilateral benefits.

906. It is currently possible to distinguish among the various fields in which international cooperation for development is produced: they include science, techniques, technology, education, culture, transport, energy, finance and trade. Of special interest here is technical and scientific cooperation, which contributes to the country's incorporation into the dynamic of the

international process characterized by the dizzy advance of scientific knowledge and technological change and the consequent transformation of production technologies.

907. Technical and scientific cooperation involves the flow of resources, knowledge, expertise, technologies and experience that makes it possible to link national capabilities to international capabilities in the most diverse of areas; it brings together mechanisms for developing and extending the frontier of scientific knowledge.

908. The Government Agreement on Scientific and Technological Cooperation is the fundamental legal instrument for the negotiation and implementation of cooperation programmes. Mexico has 83 cooperation agreements in force.

909. Our country adopts the following approaches in its cooperation activities in order to make more efficient use of resources for international cooperation:

- **Complementarity:** cooperation is a complementary support to the national effort and creation of dependencies must be avoided.
- **Self-sustainability:** cooperation is justified when an initiated development process can later be maintained with its own resources.
- **Joint financing:** the parties must jointly contribute the financial resources required for project development. These are not assistance schemes.
- **Approaches to cooperation**

910. On the **reception** side, Mexico receives technical cooperation from industrialized countries and international organizations for execution of national projects to strengthen domestic capacities, incorporate leading-edge technology and boost the social development of the most vulnerable regions and groups.

911. On the **supply** side, the Mexican Government carries out numerous bilateral and regional programmes in favour of less-developed nations, particularly in Central America and the Caribbean, with which they have shared interests.

- **Horizontal cooperation.** In this case, cooperation projects are carried out with counterparts in developing countries with which we share problems and interests, especially in South America and South-East Asia. Project execution is encouraged in priority sectors, offering technological collaboration and promoting human-resource training initiatives.
- **Triangular or trilateral cooperation.** This type of cooperation functions with the participation of three parties: the first is the requesting country; another which provides the bulk of the financial resources; and Mexico, which preferably provides knowledge and experience through Mexican specialists or training schemes. Programmes of this type are currently under way, mostly with the Government of Japan.

912. International cooperation is normally provided through the following modalities:

- Exchanges of experts;
- Short stays and technical courses;
- Exchange of information, documentation and materials;
- Pre-feasibility and feasibility studies;
- Prospecting and diagnosis missions;
- Meetings and seminar-workshops;
- Human-resource training;
- Equipment and material for project implementation (small quantities), and
- Scientific research.

913. In connection with those approaches and through the modalities listed in the preceding paragraph, the Government of Mexico has signed 83 technical and scientific cooperation projects, enabling it to harmonize its relations with countries and international organizations.

914. These 83 agreements cover a total of 2,294 individual activities or projects, the former accounting for 635 and the latter for 1,659. Of that total 732 are under way and 259 were completed in 2004.

**1. Cooperation agreements by region**  
*(at October 2004)*

Africa and the Middle East	6
Asia-Pacific	8
Central America and Caribbean	31
Eastern and Central Europe	10
Industrialized countries	14
International organizations	4
South America	10
<b>Total</b>	<b>83</b>

**2. Cooperation projects by situation and context**  
(at October 2004)

<b>Projects</b>	
Preliminary project	377
Approved	169
<b>Execution</b>	<b>621</b>
Completed	259
Cancelled	233
<b>Total</b>	<b>1,659</b>
<b>Individual activities</b>	
Preliminary projects	137
Approved	92
<b>Execution</b>	<b>111</b>
Completed	166
Cancelled	129
<b>Total</b>	<b>635</b>
<b>Projects or individual activities</b>	
Preliminary projects	514
Approved	261
<b>Execution</b>	<b>732</b>
Completed	425
Cancelled	362
<b>Total</b>	<b>2,294</b>
<b>Projects or individual activities by context</b>	
Bilateral	508
Multilateral	133
Regional	84
Trilateral	7
<b>Total</b>	<b>732</b>

**3. Cooperation projects implemented by country/organization/forum**  
(at October 2004)

<b>Europe</b>	
European Union	23
Finland	1
France	16
Germany	41
Great Britain	1
Italy	24
Portugal	2
Spain	15
Sweden	0
<b>Subtotal</b>	<b>123</b>
<b>Central and Eastern Europe</b>	
Czech Republic	3
Hungary	7
Poland	3
Russian Federation	3
<b>Subtotal</b>	<b>16</b>
<b>Asia-Pacific</b>	
Australia	1
China	1
India	5
Japan	44
Korea	3
New Zealand	1
<b>Subtotal</b>	<b>55</b>
<b>North America</b>	
Canada	10
Mexico	1
United States of America	28
<b>Subtotal</b>	<b>39</b>



<b>Africa and the Middle East</b>	
Iran	1
Israel	1
<b>Subtotal</b>	<b>2</b>
<b>International organizations and forums</b>	
ALCUE	15
CRECTEALC	3
FAO	14
G-3	6
GEF	8
IAEA	26
Ibero-American Summit	20
IFAD	2
ILCE	2
IMO	1
OAS	8
UNDP	43
UNFPA	6
UNICEF	14
UNIDO	4
WHO/PAHO	11
WMO	1
WTO	1
<b>Subtotal</b>	<b>185</b>

**4. Cooperation projects implemented by country/organization/forum**  
*(at October 2004)*

<b>Central America</b>	
RCA	7
Belize	9
Costa Rica	35
CA3	0
CA8	1

CA7	19
El Salvador	17
Guatemala	25
Honduras	22
Nicaragua	39
Panama	17
<b>Subtotal</b>	<b>191</b>
<b>Caribbean</b>	
Bahamas	2
Caribbean Regional	0
CARICOM	4
Cuba	66
Dominican Republic	5
Haiti	0
Jamaica	16
Trinidad and Tobago	0
<b>Subtotal</b>	<b>93</b>
<b>South America</b>	
Argentina	2
Bolivia	0
Brazil	3
Chile	2
Colombia	2
Paraguay	4
Peru	12
Uruguay	2
Venezuela	1
Undefined	0
<b>Subtotal</b>	<b>28</b>
<b>Total</b>	<b>732</b>

**5. Cooperation projects implemented by sector**  
*(at October 2004)*

<b>Sectors</b>	
Administrative development	13
Agriculture	52
Communications	4
Culture and arts	50
Disaster prevention and relief	12
Domestic policy	14
Education	146
Energy	35
Environment	73
Finance and treasury	1
Fisheries	19
Foreign policy	8
Health	65
Industry	20
Labour	4
Livestock breeding	10
Mining	1
Natural resources	21
Science	75
Social development	53
Social welfare	2
Statistics, geography and IT	9
Technology	32
Tourism	1
Trade	4
Transports	7
Undefined	1
<b>Total</b>	<b>732</b>

### Paragraph 71 (b)

915. CONACyT has signed bilateral cooperation agreements with governmental agencies and research and development centres in many countries and maintains a permanent negotiation strategy for expanding and diversifying existing agreements, the areas they cover and the institutions.

916. In the area of integral development, OAS is promoting and contributing to scientific and technological development by financing research and technological innovation projects, favouring human-resource training, reinforcement of institutions' physical infrastructure and boosting linkage and exchange of specialized human resources.

- The Ibero-American Programme of Science and Technology for Development (CYTED) is an Ibero-American multilateral programme, established in 1984 through an inter-agency framework agreement among the 21 Ibero-American countries. It also benefits from the participation of observer international organizations such as IDB, ECLAC, OAS and UNESCO. Its aims are to promote scientific and technological cooperation among research teams at universities, research and development centres and innovative businesses in the quest for results that can be transferred to the production systems and social policies of the Ibero-American countries.
- The Latin-American Physics Centre (CLAF) is a regional international organization to which 22 Latin American, Central American and Caribbean countries belong. The sub-headquarters (CLAFM) was set up in Mexico in 1993. Its goal is to promote the development of physics in Latin America. Comment [BM34]: checked
- The International Development Research Centre (IDRC) is an autonomous public corporation created by the Canadian Parliament to motivate and support research for the benefit of the developing countries. Its objective is to support cooperation among different research teams in all sectors: academic, governmental and private. Comment [BM35]: checked
- The Latin American Network of Biological Sciences (RELAB) is a Latin American regional organization devoted to promoting the biological sciences. Its aims are as follows:
  - To speed up the scientific and technological development of the participating countries in the field of basic biological sciences.
  - To promote scientific research into biological problems relating to the development and well-being of the peoples of the region.
  - To stimulate scientific and technological cooperation among participating countries through the biologists' collaboration in their research and training activities.
- The International Science Foundation (ISF) is a non-governmental organization headquartered in Sweden and offers financial support to young scientists from developing countries for research projects. It offers grants of up to US \$12,000 per year, which can be renewed twice. Comment [BM37]: checked

- The International Centre of Genetic and Engineering and Biotechnology (ICGEB) is an independent multilateral organization established in 1982 and joined by 24 developing countries. It has its headquarters in Italy. Its purpose is to promote its member countries' development through cooperation relating to genetic engineering and biotechnology on the basis of the Centre's modalities.
- The Third World Academy of Sciences (TWAS) and the Third World Network of Scientific Organizations (TWNSO) are financed by the Italian Government and by member countries. Their headquarters are located in Italy. Their purpose is to promote scientific cooperation among developing countries using various modalities and in different areas of scientific knowledge.

Comment [BM38]: checked

917. In the cultural sphere, the reply is the same as that given in subparagraph (i) of point 1 and subparagraph (b) of point 5.

918. For its part, the National Copyright Institute constantly promotes the holding of events that encourage creativity and development on the part of the artistic community; well-known national and international personalities participate in these events.

#### **Difficulties**

919. More resources are called for if the support requirements of CONACULTA and CONACyT researchers for attending conferences, presenting papers and attending symposiums, seminars and various international academic and scientific forums are to be duly addressed.

#### **Paragraph 72**

920. CONACULTA and CONACyT state that there have been no changes for the worse.

#### **Paragraph 73**

921. Mexico has signed three conventions on the subject, which have either not entered into force or are in the process of ratification, for which reason no report has been submitted.

#### **Paragraph 74**

922. Although Mexico is working on the subject, it still has no precise methodology for creating cultural indicators, for which it needs technical assistance.

923. At the same time, CONACULTA also took part in the meetings for the preparation of the Convention on the Safeguarding of the Intangible Cultural Heritage of the United Nations Educational, Scientific and Cultural Organization (UNESCO) signed in Paris, France, on 17 October 2003. That instrument is in course of ratification by the Government of Mexico.

Comment [BM39]: checked

924. It should also be pointed out that CONACULTA, through INAH, actively participated in the preparatory work on the Convention on the Protection of the Underwater Cultural Heritage, adopted in Paris, France, on 2 November 2001 during the thirty-first session of the UNESCO General Conference, held from 15 October to 3 November 2001. This instrument is also in course of ratification by Mexico.

Comment [BM40]: checked

925. We can also add that the UNESCO Convention on Cultural Diversity, last discussed at the thirty-second session of the UNESCO General Conference held from 29 September to 7 October 2003, is also being prepared.

926. With a view to the elaboration of the draft Convention, the UNESCO Culture Sector organized, from 17 to 21 December 2003, a meeting of 15 experts from Argentina, Australia, Barbados, Canada, Egypt, France, Germany, Ghana, Hungary, India, Japan, Lebanon, the Russian Federation, Senegal and the United States. CONACULTA is closely following the process that should conclude with the adoption of that Convention and has submitted comments on the report.

927. Likewise, several CONACULTA units have been represented at multilateral international forums and bodies, which are the ideal tools for promoting and consolidating Mexico's cultural presence in the world. It has therefore assigned priority to such participation, especially, as stated above, in UNESCO, as well as the European Union, the International Council on Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

Comment [BM41]: checked

Comment [BM42]: checked

928. At the same time, in connection with bilateral cooperation, during the period 1998-2003 CONACULTA units constantly provided the necessary support for the optimum performance of delegations representing Mexico at regular joint committee meetings, and efforts were made to establish and/or tighten links of collaboration with similar or academic bodies in the countries with which those meetings are held, through the formulation of specific proposals to be included in the respective educational and cultural cooperation programmes.

929. Special mention should be made of the cooperation that CONACULTA has given to the countries of Central America and the Caribbean through Mexican experts who directly assisted in work relating to the preservation and restoration of the cultural and artistic heritage, using the following modalities: technical advisory services, seminars, conferences, courses, workshops and supervised work periods for the training of specialists from those countries in areas including cultural promotion, popular and indigenous cultures, rupestrian art, museum science, art education and arts and crafts techniques.

930. Regarding academic and research cooperation, between 1998 and 2003 programmes of postgraduate fellowships and partial grants offered by foreign governments and institutions and various international organizations were disseminated on a permanent basis.

931. In particular, a project entitled "Indigenous profiles of Mexico" was initiated in June 1997 through the Mexico department of the World Bank (WB) and the Government of Mexico. Its main objectives included providing a basic body of information for managers of World Bank projects and governmental agencies and, hence, to reducing investment in individual social evaluations. It also sought to place statistical and analytical data at the disposal of various actors, including non-governmental organizations (NGOs), researchers, academics and indigenous communities. In addition to the regional and national profiles, a team of geographers from UNAM and the then INI (National Institute for Indigenous Peoples) produced a data bank of geographical references that included demographic, socio-economic, cultural and ecological data on the indigenous peoples. A governmental working group (GWG) that included several agencies was formed.

932. Also, CONACULTA, through the Department of Popular and Indigenous Cultures, and UNESCO signed a technical cooperation agreement for implementing a project entitled "Cultural

regeneration”, currently being executed by the indigenous communities of Chiapas, Guerrero and Oaxaca, to strengthen and enrich their own culture. With a view to the implementation of this project, 360 community promoters were trained in 2003 to prepare their communities’ cultural diagnosis and devise transformation initiatives for cultural regeneration. Further participants (approximately 100 technical personnel or associated organizations) joined the programme and, although they did not attend the basic workshops, they acquired skills for promoting and stimulating their communities.

933. In connection with the establishment of International Mother Language Day, declared in order to strengthen the international initiative to promote the protection of languages, stemming from the Universal Declaration of Linguistic Rights issued by UNESCO in 1996, on 18 November 1999 the resolution recognizing the importance of safeguarding the linguistic and cultural heritage of mankind was approved, recommending that Member States should create conditions conducive to an international social, intellectual and communication environment that favours multilingualism. In that connection, in 1980, in the context of the Regional Technical Meeting on Bilingual and Bicultural Education convened by the Inter-American Indian Institute, UNESCO and the Regional Centre for Adult Education and Functional Literacy for Latin America (CREFAL), the Declaration of Pátzcuaro on the right to language was signed. In 2000, the Organization of Writers in Indigenous Languages issued a declaration on Mexico’s ethnic, linguistic and cultural diversity.

Comment [BM43]: checked

Comment [BM44]: checked

Comment [BM45]: checked

934. The Federal Executive, in response to the claims of the indigenous peoples, recently decreed very important decisions and projects for maintaining and developing their languages. At the national level, the most important were the creation of the project on General Coordination of Bilingual Intercultural Education and the project for the National Institute of Indigenous Languages in 2001.

### III. REPLIES TO CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

935. In accordance with the concluding observations approved by the Committee on Economic, Social and Cultural Rights on the third periodic report (E/C.12/1/Add.41), the following section was prepared in order to inform the Committee of the attention the Government of Mexico has paid to its observations and recommendations.

***15. The Committee expresses concern about the insufficient efforts taken by the State party to comply with the concluding observations and specific recommendations adopted after the examination of its previous report***

936. The Mexican State affirms that it does its utmost to comply with its international commitments, especially those relating to the recognition, promotion and protection of human rights, as contained in the International Covenant on Economic, Social and Cultural Rights, on the basis of which the Committee makes its recommendations. The presentation of the current report and the actions and legislative, institutional and administrative measures and its day-to-day practices testify to that fact.

**16. The Committee is concerned that very little progress has been achieved by the State party during the period under review, despite its efforts to reduce poverty. It is disturbed by the increase in the number of persons living in poverty and extreme poverty. The Committee considers that unless the structural causes of poverty are properly addressed, a more equitable distribution of wealth between the various sectors of society, between states and between rural and urban areas will not be achieved.**

937. The reply to this concern may be found in the reply to the recommendation contained in paragraph 30 of the observations.

**17. The Committee is also concerned about the unbalanced approach of the State party to addressing various regional economic and social problems that prevail in the neglected and vulnerable sectors of Mexican society (para. 17).**

938. The resources earmarked by the Federal Government for social spending has always given priority to the budget for social development. This is evident in the fact that the share of spending for functions of social development relating to programmed expenditure has increased over recent years; the share of programmed expenditure on social development was 600.583 million pesos in 1998 and 681.955 million pesos in 2003, equivalent respectively to 57.86 per cent and 61.6 per cent of total programmed expenditure.

**18. The Committee is concerned about the persisting plight of indigenous populations, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, inter alia, health services, education, work, adequate nutrition and housing.**

939. For attention to these and other indigenous areas of the country, the Federal Government is implementing a number of programmes, including the Opportunities Programme, aimed generally at supporting families living in extreme poverty in order to improve their members' skills and increase their options for attaining higher levels of well-being; the Social Conversion Programme, which is designed to stimulate joint responsibility among the three levels of Government and with other responsible agents in order to promote the comprehensive social development of the segments of the population living in situations of, inter alia, poverty, exclusion, marginalization, gender inequality or social vulnerability.

**19. The Committee considers that the problem of corruption also has negative effects on the full implementation of economic, social and cultural rights. The Committee is therefore not satisfied with the information provided by the State party on the measures taken to combat the effects of this serious problem with regard to the rights protected by the Covenant**

940. The Mexican Government is aware that democratic change can be consolidated only through the construction of a civic culture that stresses the values of integrity, respect for laws, accountability and legality.

941. One of the main costs of corruption is citizens' mistrust of the institutions and their leaders.

942. The transparency of the Government's activities, the responsibilities of governments for public administration and the participation of civil society in the fight against corruption assume special importance as fundamental components of the exercise of democracy, political stability and economic growth.



943. In its efforts to fight corruption, Mexico has improved the Government's effectiveness and the quality of its services, as well as comprehensively promoting and strengthening transparency in all areas and sectors of Mexican society.

944. The Federal Act on Transparency and Access to Government Public Information entered into force in 2003 and changed the relationship between society and Government. Information generated by the Government had previously been disseminated only at the discretion of the public servant.

945. The Act provides that all government information shall be public, obliging the State to render clear accounts of its actions to the citizens, who monitor its performance; public servants will therefore be constrained to act more responsibly.

946. These regulations improve the conditions for productive activities and for investments; although it reduces capacity in trade transactions, it facilitates the flow of information on business opportunities, government purchases and support programmes for the production sector. It also favours social evaluation of the Government's achievements and capacities without the interference of other actors and makes a decisive contribution to the consolidation of democracy.

947. Mention should be made of a new draft Act to transfer the power to impose sanctions from the Ministry of the Public Service to an administrative court, which will streamline the procedure for the imposition of sanctions on public servants, making it more equitable.

948. Mexico's National Programme against Corruption and for Transparency and Administrative Development has involved society in the fight against corruption, as well as building a culture of transparency and integrity. Tools have been designed for alerting citizens to the costs of corruption and stressing the need to prevent and combat it.

Comment [BM46]: CITC website

949. The Government has launched various campaigns for promoting integrity programmes based on the dissemination of codes of conduct with messages of ethics and honesty in the country's higher education system.

950. Values awareness and education campaigns have been launched and disseminated through the production of television and cinema documentaries, radio "spots" against corruption, and campaigns in the print and other media.

951. At the same time, competitions have been organized for children, young people and university students in an effort to encourage reflection on corruption and propose solutions to the phenomenon.

952. The Government has been stimulated, through independent bodies, to design indices for the perception of corruption in the different sectors in order to diagnose critical areas and concentrate on elements that support proper decision-making and the implementation of corrective measures.

953. On 4 December 2000, the Agreement for the Creation of the Inter-Ministerial Committee for Transparency and the Fight against Corruption (CITCC) was published in the *Official Journal of the Federation*. Its purpose is to coordinate policies and actions for preventing and combating corruption and promoting the transparency of governmental institutions. By the end of 2003 this Committee had issued 20 agreements for its implementation by the units and entities of the federal public administration:

- Establishment of an integrity recognition programme for public servants;
- Dissemination of public information on the Internet in anticipation of the Act on transparency and access to governmental public information;
- Installation of a programme for improving internal regulations;
- Establishment of a simulated-user strategy;
- Preparation and dissemination of a code of conduct;
- Establishment of a values-training programme;
- Implementation of rigorous personnel-selection mechanisms;
- Incorporation of a set of values in the personnel-selection system;
- Review of salaries in critical areas;
- Dissemination of the results of the PNCTDA;
- External participation in the review of pre-bidding criteria;
- Dissemination of pre-bidding criteria;
- Electronic bidding.
- Evaluation of users of critical processes.
- Organization of “commitments to transparency”.
- Improvement of standards of service and attention to citizens.
- Electronic processing and services.
- Creation of the Subcommittee on access to government public information.
- Creation of the subcommittee on improved corruption-perception and good-governance indices.
- Implementation of the measures necessary for implementing recommendations concerning the OECD-sponsored Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Comment [BM47]: checked

Comment [BM48]: checked

954. On the subject of ethical values, the 161 federal public administration institutions that participate in the operational programmes for transparency and combating corruption (POTCC) are working on developing instruments for strengthening public servants' ethics and values. Of these,

Comment [BM49]: checked

- Seventy per cent of institutions have rigorous personnel-selection procedures;

- Sixty-five per cent have a code of conduct;
- Thirty-eight per cent have values-training programmes, and
- Twenty-eight per cent have developed integrity recognition programmes.

955. These results show the reliability of the human capital and allow progress towards changes in behaviour, in accordance with the values that the citizens expect from their public servants.

956. In 2003, the POTCC evaluation was based on the transparency monitoring indicator (IST) which seeks to make a comprehensive assessment of the institutions' efforts to achieve transparency and combat corruption. This indicator has made it possible to establish presidential goals for a "Transparent and Honest Government" strategy.

Comment [BM50]: CITCC

957. Efforts under this strategy have focused on:

- Improving public processes and services.
- Training public servants.
- Setting up better monitoring systems.
- Penalizing irregular conduct.
- Endowing the public service with quality and transparency.
- Generating agreements with society and promoting a new social culture of anti-corruption.

958. During the period September 2002 to August 2003, 845 legal instruments were issued and 134 bills, regulations, decrees, agreements and circulars were studied and prepared, as well as nine legal studies, the most important of which are described below.

959. The Act on public sector procurements, leases and services. Separate international invitations to tender of various types (85 per cent of purchases for national firms); establishment of specific evaluation criteria.

960. Public Works Act. Compulsory Internet publication of preconditions for works contracts.

961. Federal Transparency Act. On 16 October 2003, the APF departments and entities received a total of 18,762 requests for information, 15,703 of which were answered.

962. At the same time, the Career Professional Service Act became one of the major advances in the fight against corruption and a fundamental tool for improving the capacities and efficiency of the Government and its civil servants. This Act affords continuity of government programmes and will make it possible to guarantee that suitable persons enter government service, also guaranteeing that equal opportunity and merit are selection criteria for entering and remaining in the service.

963. To that end, the conceptual model of the Career Professional Service (SPC) was designed and became a key element for identifying and performing priority tasks and devising strategies. It helped harmonize the organizational interpretation of the project through a strategic, systemic and, above all, common language,

964. A capacities model was devised to regulate the Career Professional Service as a basis for all subsystems covered by the Act, and the internal regulations of the Ministry of the Public Service was issued on 12 December 2003 and gave birth to the Profession and Human Resources Unit of the Federal Public Administration. The latter will direct the installation of the Career Professional Service, in coordination with the decentralized units and bodies.

965. Likewise, the Regulations to implement the Act on Career Professional Service in the Federal Public Administration, published in the *Official Journal of the Federation* on 2 April 2004, launched the Career Professional Service. Since the publication of the regulations, no person may accede to certain posts (from liaison posts to directors-general) of the public administration except by participation in public and open competition, in which those with the necessary requirements will be evaluated for recruitment to the post in question.

966. There are currently 83 technical professional career and selection committees in the decentralized departments and organs of the federal public administration.

967. In addition, the @ Campus concept was designed as an instrument or tool that will facilitate the training of public servants and made room for the participation of the country's universities and educational institutions.

968. From January to December 2003, 5,784 enhancement activities were established, an increase of 81.6 per cent over the same period for the previous year; also, 3,341 monitoring reviews were carried out, increasing from 13 per cent to 33 per cent the workforce of the internal oversight organs (OIC) involved in such activities.

969. At the same time, 11 guidebooks were designed, published and updated, containing methodologies and better practices in the area in order to contribute to the implementation of the OIC's improvement and prevention activities. Such guides did not exist previously.

970. From the fourth quarter of 2003 work began on designing the structure of the Integral Model for Operations of Oversight and Control Organs (MIDO), which will be implemented starting in 2004. MIDO will be the comprehensive mechanism for aligning and evaluating the performance of over 200 internal oversight organs and of the public commissioners and delegates, steering them towards achievement of results in five major areas to be evaluated on the basis of the following five indices

- Corruption-risk reduction;
- Opacity-risk reduction;
- Institutional performance;
- Operational performance;
- Rate of perception of performance of the departments and units with regard to the internal oversight organs.

971. This model will help align and evaluate the performance of the oversight and control organs with the policies, objectives and goals of the Ministry of the Public Service (SFP), based on the normative and institutional changes of recent years, which regulate their direction in order to make for transparent, honest and effective institutions. During 2004, MIDO will serve to make biannual evaluations, thus aligning the organs' work with the objectives described.

972. In 2003, the Federal Government's OIC held 4,452 audits in high-risk areas (mainly those with responsibility for procurement and public works) in 296 departments and entities of the federal public administration, 98.6 per cent of the year's planned target, although it was 23.9 per cent less than those held in 2002. This drop is explained by the IOC's preventive and collaborative approach to its audits, stressing analysis and improvement of internal oversight activities of the public departments and entities, as a complement to the control function, and by the reduction in posts therein owing to the budgetary restriction applied by the SHCP and the voluntary retirement programme.

973. In 2002, internal control activities cost approximately 3,231.3 million pesos and led to the recovery of 5,328.6 million pesos, obtaining a ratio of 1.6:1, higher than the 1.1:1 achieved in 2001. In 2003, it recovered 5,288.1 million pesos and incurred a cost of 3,528.5 million pesos, giving a ratio of 1.5:1, similar to the 2002 figure.

974. During 2003, 19,434 observations were resolved, that is 68.3 per cent of problems left pending at the close of the year 2002 exercise and 46.8 per cent of those identified in 2003.

975. During the period July-December 2003, 53 audits were carried out, an increase of 41.5 per cent over the same period in the previous year. These audits led to 236 observations concerning an approximate total of 4,232 million pesos. There was therefore a drop in the indicator of the average amount involved for each observation made, which fell from 19.37 million pesos in the year 2000 to 17.93 per cent million pesos in the second half of 2003.

976. The direct audits held in the second half of 2003 gave rise to five cases of presumed responsibility for irregularities totalling 56 million pesos, compared with the 592 million pesos found in 47 cases of presumed responsibility during the period July-December 2002, a drop of over 10 times. Of the total resources identified as irregularities, 19 million were for damage and 37 for prejudice.

977. *Clarification:* as a result of the audit follow-up and review, the corresponding observations and the cases of presumed responsibility, concerning the first half of 2003, there was found to be a difference of 7,334 million pesos in the amount of the observations made and 557 million pesos in the amount of the cases reported.

978. The foregoing data were taken from reports of audits held and concluded during the years 2002 and 2003 by the Government Audit Unit and are contained in the report of 1 October 2003.

979. Regarding the external audit programme for 2003, a new selection procedure was introduced for the appointment of external audit offices authorized to determine the financial position of the decentralized entities and organs of the federal public administration, based on pre-selection by invitation to three firms for each entity to be audited. This new procedure made the hiring of external audit firms more transparent, the appointments having been made directly during previous exercises.

980. As part of the 2003 activities, 278 reports on financial positions in the financial year 2002 were analysed; 180 (84.5 per cent) were given a favourable opinion, 63 (23 per cent) with reservations, 1 (0.5 per cent) a negative opinion, and on 34 (12 per cent) no opinion was given.

981. Of the 22 reports relating to audits of projects and programmes financed by international financial organizations received and studied during the same period, 100 per cent were declared free of irregularities. One report from the Ministry of Labour and Social Welfare has not yet been received.

982. It should be said that 2,012 observations were made during that audit exercise, and explanations were required concerning 16.364 million pesos, according to the internal oversight organs of the Unit of Control and Evaluation of the Public Administration of that Ministry, in the Periodic Information System.

983. At the same time, during 2003, 929 verifications were made by the SFP and 1,524 by other public departments; in the former case, there was an increase of 26.27 per cent, and in the latter of 2.69 per cent, over those conducted in 2002.

984. During the same period, 22 major operations were carried out, a figure 24.14 per cent lower than that of the previous year, in connection with which 25 administrative measures and 10 criminal charges against presumed violators were made; this made it possible to apply the administrative procedure of responsibility to 15 public servants and a criminal charge to 17.

985. During 2003, 4,155 administrative sanctions were imposed on public servants guilty of irregularities. Financial penalties imposed were 846 in number and amounted to 860.08 million pesos, with a total amount of 15.39 million pesos recovered for the State through tax credits.

986. During that same period, nine complaints were made to the Office of Procurator-General of the Republic (PGR) concerning acts that probably constitute offences; 27 public servants and six private individuals were involved.

987. In coordination with investigating authority for the development of 91 criminal proceedings, during 2003 the exercise led to criminal action against 33 persons; 18 arrest warrants were issued; and 23 alleged violators were formally imprisoned. Judges and magistrates imposed sentences on three persons found guilty of offences. The total amount paid to the State in fines was 41,968 pesos, together with 2,658 million pesos as compensation for prejudice suffered.

988. During 2002, the total number of offenders sanctioned under the Acts relating to public service procurement, leases and services, public works and related services and the General Act on National Property was 83; in 2003 a total of 56 administrative decisions were issued, that is, 32.53 per cent fewer than in 2002. Fines imposed under that heading amounted to 3.739 million pesos.

989. At 31 December 2003, the APF departments and entities had received a total of 24,740 requests for information, of which 21,530 (87.03 per cent) were met; in 266 cases the response was negative. In addition, 636 appeals on the ground of lack of conformity were lodged with the Institute.

990. According to the figures of the Comprehensive Information Request System (SISI), published on the IFAI web page, as of 31 December 2003, 39 public departments had received more than 100 requests each, while 41 other institutions received between 50 and 100 requests, 134 dealt with between 10 and 50 requests, and 18 departments and entities received under 10.

991. During 2003, several actions were carried out, and in particular the receipt on the Citizen Assistance Electronic System of 69,326 citizen requests, in addition to the internal oversight organs, the regional supervision offices, central offices and the Citizen Assistance Telephone System (SACTEL). Of those, 36,355 received direct attention, 21.83 per cent more than in 2002.

992. Likewise, the Irregularities Electronic System reported that it had been notified of 3,587 irregularities, 24.77 per cent more than the previous year. During 2003, 284,534 notifications were received, 2.19 per cent fewer than the previous year.

993. Under the coordination agreements existing between the Federation and the governments of the federated entities, during the period January-December 2003, 421 verifications were carried out on the use of federal public resources, representing 165 per cent of the 255 interventions during all of the previous year.

994. During the period January-December 2003, 20 reviews were conducted on specific federal programmes; 63,824 programmes of a total value of 9,700 million pesos were reviewed. As a result of those actions, during the year 2003 a total of 108.9 million pesos were recovered and returned to the Treasury of the Federation.

995. These actions promoted citizen participation through the strengthening and/or adoption of the Comprehensive Social Monitoring System in the three levels of Government. Within this framework, coordination and cooperation between the Federal Government and the states was reinforced with the signing of 31 work programmes with the monitoring offices of the federated states and entities. Agreements and work plans were also established with departments responsible for seven social programmes.

996. In that same year, with the incorporation of the states of Nayarit and Michoacán and a delegation of the Federal District, the "Municipalities for Transparency" project held two workshops for developing and improving activities for transparency, social monitoring and citizen participation, in which public servants from 247 municipalities participated. This made for a coverage of 13 participating federated entities and 344 municipalities representing 14 per cent of the national total.

997. Within the actions for strengthening the normative framework applicable to federal resources in states and municipalities, the analysis was made and a proposal for updating five state legal framework put forward; advice and technical assistance was given for the incorporation of 22 criminal charges and 70 were followed up. Visits were made to the PGR branch offices in the states of Chiapas, Coahuila, Suanajuato, Hidalgo, Nayarit, Puebla, Sonora and Yucatán to have matters of common concern transferred from their joint jurisdictions to federal jurisdiction; in addition, 294 complaints brought before their common jurisdiction concerning wrongful use of federal resources were identified and their transfer to federal jurisdiction is being promoted; these, together with 114 complaints brought directly before the federal jurisdiction, make a total of 404 complaints in course of investigation.

998. The SFP, in coordination with the PGR and the National Institute of Criminal Sciences (INACIPE), designed a course on “Updating the origin, management and use of federal resources”, which in 2003 took the form of four regional events providing training for 192 public servants from the States of Baja California, Baja California Sur, Campeche, Chiapas, Durango, Guanajuato, Jalisco, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tabasco, Yucatán and Zacatecas. Each course lasted 40 hours and introduced the “Manual on filing criminal charges” in order to make the elements necessary for their proper incorporation more easily accessible to public servants involved in that activity.

999. At the end of the 2003 exercise, IDB 1161/CC/OC-ME external credit audit was coordinated. It helped partially to finance the Project on Sustainability of Water Supply and Sanitation Services in Rural Communities, and was given a favourable opinion by the external auditors.

1000. In addition, under the SFP, the publication “Rules of operation of federal programmes” and its extracts were redesigned to include information relating to formats, consultation agreements, outlines and invitations to tender connected with the programmes and considered of general interest.

1001. With a view to addressing the training needs of the state monitoring organs, during the year 2003, 24 courses were attended by 923 public servants; the topics included: The Act on Public Sector Procurement, Leasing and Services and the Act on Public Works and Techniques of Statistical Samplings as applied to Audits.

1002. In 2003, 35 cooperation agreements were signed with various social and private organizations in order to give permanent and systematic encouragement to the study, analysis and discussion of corruption, and the use of tools and programmes to promote integrity and transparency. The signing of these agreements achieved the 100 per cent coverage set as the 2003 target.

1003. As part of the collaboration agreement with the National Independent University of Mexico, a boost was given to the creation of the Laboratory for Studies on Analysis and Documentation of Corruption, with the support of the World Bank Institutional Development Fund, which will support, among other projects, the preparation of a procurement index in order to illustrate best practices among the APF departments and entities.

1004. With the National Association of Universities and Institutions of Higher Education (ANUIES) and the Ministry of Public Education, a book entitled “Ethics, Social Responsibility and Transparency” was prepared and distributed from January 2003 to the 138 higher education institutions that belong to the association and the various secondary and higher education institutions in order to encourage them to incorporate them into their academic plans.

1005. In order to raise citizens’ awareness of the problem of corruption, the Mexican Institute of Cinematography and the National Council for Culture and the Arts prepared four documentaries under the title “Cineminutos contra la Corrupción” (Cine-minutes against corruption).

1006. In compliance with the objectives of the Convention against Corruption of the Organization of American States (OAS), collaboration and technical assistance agreements on prevention of corruption and promotion of transparency were signed with Paraguay, Argentina and Canada.



1007. The Network of Government Institutions for the Public Ethics of the Americas was created jointly with Argentina, Canada, Chile, Puerto Rico, the United States of America, and Uruguay.

1008. In the framework of the Convention on Combating Bribery of Foreign Public Servants in International Business Transactions of the Organization for Economic Cooperation and Development, Mexico will undergo the second phase of the evaluation of its fight against corruption at the beginning of 2004.

1009. It should be pointed out that during the past two years a long process of negotiation was held on the United Nations Convention against Corruption.

1010. The Senate of the Republic approved the ratification of the instrument in April 2004 and the Minister of Foreign Affairs deposited the corresponding instrument on 20 July last at United Nations Headquarters in New York. The Convention will enter into force when it has been ratified by 30 countries. So far, it has been signed by 111 countries, six of which have ratified it.

1011. In September 2002, the Ministry of the Public Service launched an Internet site called Normateca which brings together in one place the legal and administrative provisions regulating the operation and functioning of the departments and entities of the federal public administration. At December 2003 over 247,000 searches had been made on that website.

1012. March 2003 saw the start-up of the development and installation of internal "normatecas" in 44 departments and entities of the Federal Government, with which agreements on the subject were signed.

1013. At 31 December a little over 86 per cent of the signatory institutions of the agreements had satisfactorily fulfilled their commitment.

1014. Regarding the committees for improved internal regulation (COMERIs), at 31 December 2003, 32 APF institutions had installed and were using administrative streamlining tools, and some 250 decisions had been issued through the COMERI transmitting criteria for transparency and administrative improvements.

1015. The COMPRANET system has made it possible to standardize the contracting process of more than 4,000 procurement and public works units both of the federal public administration and the state and municipal governments.

1016. During the current administration, great importance has been assigned to strengthening the electronic bidding mechanism, given its importance for making bidding transparent and preventing corruption. Efforts have therefore been concentrated on training procurement and public works units, which are responsible for the bulk of bidding processes.

1017. The governmental electronic procurement system (COMPRANET) has become the tool for transparency and accounting that unquestionably supports the consolidation of democracy.

1018. At present, more than 40,000 firms are using COMPRANET to consult data, access bidding bases and generate bank-payment formats.

1019. According to available information, these firms use COMPRANET mainly to access over 8,000 bidding bases per month. Many suppliers also use the page to access information and other documents, in addition to the average 20,200 consultations per day.

1020. The number of suppliers and contractors qualified to participate in electronic bidding has gradually increased.

1021. In January 2002 the Governmental Electronic Processing System (TRAMINET) went into operation with a view to converting any computer into a government window. Citizens may currently access the requirements, offices and times of all federal unit procedures and carry out more than 40 of them electronically.

1022. At present information on over 5,674 processes may be accessed on the TRAMINET web page. Since April 2004, 67 electronic procedures have been in operation.

1023. The processes with the greatest impact are the accessing and printing of single population register key (CURP) and notices of affiliation to IMSS with 5,996,425 affiliations.

1024. Despite the complexity of the DECLARANET project owing to the heterogeneous infrastructure of computer equipment in the departments and entities of the Federal Public Administration and the technological culture of public servants, since its compulsory start-up in May 2002 over 95 per cent of public servants have declared their assets by Internet using the electronic signature. Between May 2002 and April 2004, 560,505 declarations were received by Internet.

1025. The figure for May 2003 was 210,520 declarations of ownership. Although that figure is similar to the 2002 figure, in the current year five new services have been incorporated: recovery of the file of the previous declaration, recovery of the previous certificate, revoking of certificates and consultation of received conditions of use formats, with which transactions were duplicated.

1026. Since the start-up of the operation, the data request system (SISI) web page has logged over 30,000 consultations, and is well accepted by citizens using the system as a main mechanism for dispatching data requests.

1027. The portal Ciudadano [www.gob.mx](http://www.gob.mx) supports the Federal Act on Transparency and Access to Government Public Information, which serves as a link between the public administration and the citizens, issuing information concerning the departments via a public medium such as, precisely, an Internet site. It is the place where the processes and services of the Government are centralized serves as a facilitator of access to the information produced by the Federal Public Administration and generates greater civic participation in public decision-making for addressing problems, claims and proposals by citizens, consisting as it does of forums, chat-rooms and on-line polls.

1028. Challenges and opportunities for 2004:

**General**

- To consolidate the databases for access to data compulsorily established in the Federal Act on Transparency and Access to Government Public Information.

- To complete the development and initiate the operation of the Career Professional Service System, in accordance with the terms and deadlines set forth in the Act on Career Professional Service in the Federal Public Administration.
- To continue the training of OIC personnel in order to consolidate the New Approach of these monitoring bodies.
- To foster greater civic participation in reporting and suing public servants whose behaviour is irregular.
- As part of the Administrative Deregulation and Simplification Programme, to identify and eliminate useless aspects of government management at the federal, regional, state and municipal levels.
- To amend the Rules for the Administration and Disposal of Movable Goods of the Departments of the APF in accordance with the General Act on National Property, which should be approved in due course, in order to give greater clarity to the pertinent regulations and simplify disposal of useless movable property in the departments.
- To issue the new regulations of the laws on public sector procurement, leasing and services and related services to bring them more into line with legal reforms.
- To encourage the departments and entities to conduct programmes for insuring heritage property without calling on outside evaluators, by issuing the relevant guidelines.
- To continue to enforce, with transparency and legality, the Irregularities System with regard to procurement, hiring of services and public works, improving the processing and resolution of irregularities.
- To introduce in all areas of the Department of Liabilities and Assets a quality control system and, with it, certification under regulation ISO 9000 in order to make our resources more effective and substantially improve our services.
- In order to take our place successfully in these integration processes, we must be alert to the challenges of globalization and face up to the task of making the changes needed for resolving the problem of corruption in the continent and undertake a joint commitment with integrity and transparency.

#### **Professional government**

- Thought has been given to the preparation and publication of the Special Programme for the Career Public Service 2004-2006 for installing and operating the Career Professional Civil Service, in order to harmonize the efforts of the various departments and provide a guide for the introduction of the SPC.
- Following the publication of the Regulations, the departments and decentralized organs subject to the Act must guarantee that all their vacant posts subject to the SPC

are filled by means of public and open competition. To that end, the entry subsystem must be in operation by 2004.

- Considerable efforts must be made in updating and managing the post register and in establishing mechanisms for evaluation, monitoring and transparency of the Career Professional Service. In that connection, the conceptual model of the performance evaluation subsystem will go hand in hand with the establishment of institutional goals.
- The separation subsystem must be such as to address any controversy that candidates might raise against the entry process and, where applicable, irregularities among career professional civil servants.
- By 2005 the maturity of the system must focus on a series of minimum characteristics; for example, in the field of human resource planning the RUSP and the post register, including post descriptions and profiles should be 100 per cent operational.
- Lastly, it is planned that by 2006 all subsystems shall be, or be ready to become, 100 per cent operational.

#### **Quality government with administrative improvement**

- This programme aims at the streamlining, improvement and possible elimination of Processes and Services of High Civic Impact (TySAICs), as well as those processes within the Federal Government that slow down firms' and citizens' productivity. There are plans to operate administrative quality in 172 processes in various areas of application.
- There are also plans to increase the effectiveness of four high civic impact social support programmes by enhancing and simplifying regulation and their operation and functioning processes.

#### **Digital government**

- The purpose of this programme is to equip a total of 280 procurement or public works units to conduct bidding procedures, certifying a total of 1,500 suppliers or contractors to participate in electronic bidding.

***20. The Committee regrets that despite the positive growth of macroeconomic indicators in Mexico, especially the sharp decrease in the level of inflation, the National Minimum Wage Commission has not adjusted the minimum wage level upwards. At present, about five minimum wages are needed to obtain the officially set basic food basket (canasta básica constitucional), in violation of article 7 (a) (ii) of the Covenant and as reflected in national legislation (article 123.VI of the Constitution).***

1029. Minimum wages have recovered in real terms by 4.7 per cent despite the fact that economic growth fell short of expectations and of what is needed for sustained reactivation of the country's economy. The following was its distribution by geographical area:

<i>Geographical area</i>	<i>Actual variation over the six-year period (%)</i>	<i>Wage-earners on minimum incomes (percentage structure)</i>
“A”	1.3	37.7
“B”	5.8	13.3
“C”	9.3	49.0

1030. As can be appreciated, the economy’s performance has been extremely modest. Nevertheless, inflation has continued to fall, and the present administration has been able to achieve a gradual recovery of the purchasing power of minimum wages, following four governments that failed to do so for similar periods.

1031. It should also be pointed out that the National Minimum Wage Commission has adopted measures for reducing wage disparities in the country in order to increase workers’ available income. In that connection, the Commission’s Council of Representatives has granted different increments for the three geographical areas into which the Mexican Republic is divided for purposes of the application of minimum wages.

1032. As a result of those increments, and for the purpose of continuing with the process of gradual convergence towards a single general minimum wage for the entire country, the Council of Representatives decided to reduce the disparities between the minimum wages in force in geographical areas “A” and “B” from 4.3 to 3.45 per cent, and that of areas “A” and “C” from 8.31 to 7.43 per cent.

1033. Through this process it has been possible during the current administration to reduce the disparities between geographical areas “A” and “C” by 8.47 percentage points, from 15.9 per cent in 2000 to 7.43 per cent in 2004; while the disparity between areas “A” and “B” decreased by 4.52 percentage points, since in 2000 it was 7.98 per cent and fell to 3.45 per cent in 2004.

***21. The Committee is deeply concerned about the situation of women workers in the maquiladoras, some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.***

1034. In labour matters the Ministry of Labour and Social Welfare (STPS) is running a permanent campaign to eliminate discrimination against women in the workplace and for gender-perspective training. The following are some aspects of this affirmative action:

- (1) signing of 13 agreements on the prohibition of non-pregnancy certificates for access to employment, family responsibilities and breast-feeding at work, with various firms, state governments and women’s associations;
- (2) dissemination of women’s labour rights through radio spots, posters, charters of rights and obligations, etc.; and
- (3) holding of two events: *First National Encounter of Working Women, Maternity Protection: for trade unionism with gender equity and against sexual harassment and violence in the workplace.*

1035. At the same time, reforms to various articles of the Political Constitution of the United Mexican States concerning labour are awaiting approval, as are the reforms to the Social Insurance Act and the Federal Labour Act in order to prevent employers or bosses from requiring women to provide a non-pregnancy certificate as a precondition of recruitment.

***22. The Committee regrets the State party's lack of commitment to increase the minimum working age of children from 14 to 16, since the age of 16 is when basic education is normally concluded.***

1036. In 2000 article 4 of the Constitution was reformed to maintain in the Mexican Constitution respect for and protection of the rights of the child. The reform establishes that "it is the duty of parents to preserve the rights of minors to cater to their needs and physical and mental health. The law shall determine the supports for the protection of minors in the charge of public institutions."

1037. The Federal Labour Act prohibits the recruitment of children under 14 and, at the same time, regulates the work done by persons above that age who render personal services subordinated to a boss. The Federal Regulations on Work Safety, Hygiene and Environment list in article 154 dangerous and unhealthy jobs for which the labour of children in the 14-16 age group may not be used.

1038. Article 22 of the Federal Labour Act clearly establishes that the use of the labour of minors under 14 and of those over 14 but under 16 who have not completed their compulsory education is prohibited, save in exceptional cases approved by the relevant authority on the grounds of compatibility between studies and work.

***23. The Committee also regrets the absence of plans to withdraw the State party's reservation to article 8 of the Covenant, although the right to form trade unions and the right to strike are enshrined in the Mexican Constitution and in the corresponding regulatory laws. The Committee regrets in particular the fact that trade unionism in the public sector is not pluralistic, and that trade union officials are not elected by direct vote.***

1039. Mexico acceded to the Covenant on the understanding that article 8 would apply in the Mexican Republic with the modalities and in accordance with the procedures established in the applicable provisions of the Political Constitution and its implementing laws.

1040. Article 8 of the Covenant declares that States party are committed, inter alia, to the right of everyone to found trade unions and to join the union of his choice, and that no restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.

1041. The principle of freedom of membership of trade unions of workers in the service of the State is enshrined in the Political Constitution of the United Mexican States. In this spirit and given the restrictions imposed by the Federal Act concerning State Workers, which implements Part B of Article 123 of the Constitution, the Supreme Court of Justice issued case-law doctrine No. 43/1999 in which it upholds the principle that the legal provision requiring that government departments must have a single trade union of officials (article 68 of the aforementioned Act) violates the social guarantee of free trade unionism enshrined in article 123, Part B, section X of the Constitution.

1042. The courts and the responsible administrative authorities are obliged to apply the criterion established in case-law doctrine No. 43/1999 of the Supreme Court of Justice of the Nation, in accordance with Article 94 of the Political Constitution of the United Mexican States and article 192 of the law of *amparo*. In fulfilment of that criterion, the competent authorities have permitted the registration of trade unions of departments where there is more than one union, as follows:

1. Union of Workers of the Tax Administration Service.
2. Union of National Unity of Workers in Aquaculture and Fisheries of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food.
3. Single Union of Democratic Workers of the Ministry of the Environment and Natural Resources.
4. Union of Transport and Highway System Workers (Government of the Federal District).
5. Democratic Union of the Office of the Procurator-General of Justice of the Federal District.
6. Union of Workers of CORENA “Grand Circle of Free Workers” (Government of the Federal District).
7. National Single Union of Workers of the National Institute of Statistics, Geography and Information Technology.
8. National Union for the Dignification of Workers in the Office of the Attorney-General of the Republic.

1043. As part of the Mexican Government’s “New Labour Culture”, work is ongoing on labour-law reform to help promote the training, participation and fair remuneration of workers.

1044. To that end, the Central Decision-Making Board for the Reform of the Federal Labour Act was created. There, Mexican workers’ and employers’ organizations, with the Government acting as facilitator, after many sessions of hard work, hammered out a project for reforms to the Federal Labour Act that addresses, among other topics, that of trade union freedom and the effective recognition of the right to collective bargaining.

1045. This project was converted into a draft law on 12 December 2002. The draft was submitted by the legislators of Mexico’s three main political parties (the Institutional Revolutionary Party (PRI), the National Action Party (PAN) and the Green Ecological Party of Mexico (PVEM)).

1046. With regard to trade union freedom and effective recognition of the right to collective bargaining, the draft proposes to reform the Federal Labour Act in order to establish that the procedure for the election of trade union executives and the numbers of their members could be carried out by secret ballot or direct vote, more in accordance with the democratic conditions prevailing in the country today.

1047. The draft reforms of the Federal Labour Act will be considered by the Mexican Legislature for its subsequent approval.

**24. *The Committee is concerned about the privatization of the social security system, which may exclude from certain benefits those not in a position to contribute to an individual pension account, such as the unemployed, underemployed, lower-paid workers and those employed in the informal sector.***

1048. The reforms which have been introduced in the retirement and pensions system during the last 10 years in the Mexican Social Security Institute, the final element of which, concerning the retirement and other pensions of persons who in the future will work in the IMSS, was recently approved in August of this year, and those planned in respect of the Social Security and Services Institute for State Workers, do not contemplate any move towards privatization and are not oriented in that direction.

1049. This is the position expressed both in the proposals for reform of the law and in the discussions and approvals given by the legislators who make up the Chambers of the Congress of the Union. The same position has been expressed by the government authorities, the trade unions in the IMSS and the ISSSTE and the central and other trade union organizations in the country.

1050. As mentioned earlier, the People's Health Insurance scheme will permit access to the protection of the State for persons in situations of poverty and extreme poverty.

1051. There are other governmental bodies, such as the DIF and other agencies of the National Health System, which provide support to the population without having to form part of any specific social security system.

**25. *The Committee is concerned about the presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region, and in particular about the allegations made by civil society organizations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance, and about the lack of consultations with the communities concerned.***

1052. There are no paramilitary groups in Mexico. It should be pointed out that during the period 1998-2003 the Mexican Army collaborated in national territory in parallel with social development programmes implemented by the Federal Government which benefited 12,082,092 persons.

1053. For further information reference may be made to the reply to observation 44 made by the Committee.

**26. *The Committee is alarmed about the high rate of domestic violence, and in particular domestic violence against women. The Committee is also deeply concerned about the growth in the number of street children despite the efforts of the Government to tackle the problem.***

1054. The National Commission on Human Rights is operating the Programme on the Affairs of Women, Children and the Family in order to take effective action on complaints of violations of the human rights of women and children. At the same time it seeks to promote advances, both in



the legislature and the administrative courts, of a nature to eradicate all forms of discrimination and violence against them.

1055. In addition, the National Institute for Women was established in 2001 with the aim of creating and developing a culture of equality and equity free from violence and discrimination and with the capacity to promote the complete development of all Mexican women and enable men and women fully to enjoy all their rights.

1056. The National System for Integrated Development of the Family, through the Programme of Care and for the Prevention of Domestic Violence and the Ill-Treatment of Children, is promoting educational and training activities for personnel responsible for the care of minors in schools, day nurseries, hospital centres and other institutions with a view to developing awareness of aspects of domestic violence as well as with groups of parents in communities in order to improve the quality of care, education and training for minors.

1057. In fulfilment of the commitment to the care of boys, girls and young people on the streets accepted by the Government of Mexico, a national care and prevention programme for girls, boys and young people known as “From the Streets to Life” is being designed and put into effect with the aim of fostering linking and coordination of the efforts of the public, private and social sectors concerned in a preventive or care capacity with the problem of street children with a view to finding a solution and providing comprehensive care to deal with this problem in the medium and long term.

1058. The programme is active in 8 states and 136 municipalities and has the participation of 83 organizations in civil society; in 2003, 36,992 girls, boys and young persons on the streets benefited from the scheme within the framework of 129 specific projects, 11 surveys and 140 bursary schemes.

***27. The Committee regrets the lack of a satisfactory response to its previous concluding observations, as well as to the written and oral questions put to the delegation, concerning forced evictions. The Committee to date has not received a satisfactory answer to its queries about the extent of the problem and the measures taken by the Government to protect all citizens against forced evictions. Moreover, the Committee remains concerned about the housing shortage and the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.***

1059. The reply will be found under heading article 3,B, VI.

***28. The Committee is concerned about the persisting malnutrition, especially in rural areas and among children under five years of age. The Committee is also alarmed to learn that malnutrition-related illnesses are among the chief causes of mortality in Mexico.***

1060. Beginning with administrative deconcentration and decentralization, the continuing concern of the national DIF is the consolidation of its guiding and standard-setting role. Among other things, this strategy has permitted the understanding, dissemination and strengthening of alternative models of care; in the present case the new programme structure serves to regulate and evaluate the nutrition schemes from the gender, cultural plurality, ethnic and generational perspectives.

1061. The School Breakfasts Programme covers 5.1 million girls and boys with some degree of under-nourishment and at risk who are attending public pre-school and primary education establishments, preference going to those located in indigenous, rural and marginalized urban areas. Human development is promoted as part of a comprehensive social policy comprising aspects such as health, education and dietary guidance. The aim of the school breakfasts programme in Mexico is both the improvement of the state of nutrition of girls and boys in the country and to develop correct eating habits.

1062. Under the programme “Care for Minors under Age 5 at Risk”, which was launched for the first time in Mexico in 2003, care is provided to 87,000 minors under age 5 who are not attending school, who suffer from some degree of under-nourishment and are at risk. The children concerned live in indigenous, rural and marginalized urban areas and do not receive aid from any other programme. The total amount invested is 197 million pesos. This programme conducts dietary guidance activities directed at parents, making for changes in dietary and health habits.

1063. The National Height Censuses currently available are those of 1994 and 1999. They offer a data base by state and municipality, statistical tables and digitalized charts giving the indicator of height deficit for given ages and permitting comparisons over time and from place to place. It is extremely useful, since it permits evaluation of the impact of programmes on health, nutrition and social well-being. This year a new census will be taken with which a comparative analysis can be made and the progress in the area of nutrition associated with height measured.

***29. The Committee is also concerned to learn that the fourth highest cause of death among women in Mexico is illegal abortion.***

1064. At the outset it should be pointed out that the statement that illicit abortions are the fourth highest cause of death among women is incorrect. In Mexico the first 10 causes of death among women in 2001 were: diabetes mellitus, ischaemic diseases of the heart, cerebro-vascular disease, certain affections occurring during the perinatal period, chronic obstructive pulmonary disease, cirrhosis and other chronic diseases of the liver, acute diseases of the lower respiratory tract, diseases arising from high blood pressure, nephritis, nephrosis and malignant tumours of the cervix.

1065. Deaths associated with pregnancy, parturition and post-partum – a category which includes deaths associated with abortions of any kind – do not appear among the 20 principal causes of death among women in Mexico. Moreover, they do not appear among the 10 principal causes of death among women of productive age (15-64); the 5 principal causes of death among women in this group are diabetes mellitus, ischaemic diseases of the heart, malignant tumours, cerebro-vascular diseases and chronic obstructive pulmonary disease.

1066. As regards maternal mortality in Mexico, the fourth cause of death is complications arising from abortion; this category includes not only induced abortions but all types, including spontaneous abortions. It is impossible to calculate exactly the numbers of abortions which are illegal, since no register of these exists.

1067. The health programmes and activities designed to prevent abortions in Mexico have focussed on the prevention of unplanned pregnancies, the extension of sex education for the young, education and communication campaigns disseminating the benefits of responsible, informed and self-determined family planning and, principally, more extensive access by the population to family planning services, prenatal care services and professional care during births, with early detection of risks and complications.

**30. The Committee recommends that the State party identify benchmarks to assist it in monitoring the progress made in combating poverty. The Committee would appreciate an evaluation by the State party, in its fourth periodic report, of the progress made in improving the enjoyment of economic, social and cultural rights by the Mexican population, using the identified benchmarks as reference points, complemented by statistical information.**

1068. The Government of Mexico has taken as one of its principal challenges the war on poverty and the structural causes which give rise to it. One of the central aspects of the strategies to overcome poverty has been the recognition that it is a multidimensional phenomenon of a highly diverse nature which reaches beyond the bounds of the purely material. For this reason the conquest of poverty will not be achieved solely by the growth of the economy. Sustained economic growth and a stable environment are necessary, and also a better distribution of wealth; all these are necessary conditions for the achievement of better levels of living. A conjunction of these factors will permit the creation of genuine opportunities for employment and better incomes for those who have least.

1069. With this aim in view Mexico has fixed as its prime objective the guarantee of a decent level of living for the entire population, creating conditions which will enable every Mexican to take an integral part in the productive and social activities of the country with equality of opportunities. Consequently the individual is deemed to be the origin and the target of public policies aimed at comprehensive and inclusive development which will permit an improvement in the living conditions of its inhabitants and thus root out the causes of the transmission of poverty from generation to generation.

1070. In addition to the efforts being made throughout the country, the Ministry of Social Development (SEDESOL) has been seeking to obtain official measurements of poverty which could serve as a reference point for orientation of the planning of social policy, the design of its programmes and the evaluation of their effectiveness.

1071. Since Mexico did not have a widely accepted official definition, in 2001 SEDESOL convened a group of recognized independent national experts to form part of the Technical Committee for the Measurement of Poverty in Mexico.

1072. The Committee proposed that the National Survey of Household Incomes and Expenditure (ENIGH), prepared by the National Institute of Statistics, Geography and Information Technology (INEGI), be used as the primary source of information for the estimation of poverty on the basis of the agreed methodology. The Committee also used as a measure of well-being the income per person (after taxes) revealed in the surveys.

1073. SEDESOL adopted the methodology proposed by the Committee and in this way, following the criteria of the Committee and using ENIGH 2000, defined three benchmarks for the classification of the population by level of income:

1. *A nutritional poverty threshold*: households in which income per person was less than that considered necessary to cover nutritional requirements were classified as falling below this threshold;

2. *A capacities development threshold* served to classify households in which income per person was less than that necessary to meet nutritional requirements (defined in the same manner as for the previous group) plus the income required to cover education and health expenditure;
3. *A patrimony development threshold* served to classify households in which income per person was less than that necessary to meet nutritional requirements and basic consumption in the areas of health, education, clothing, footwear, housing and public transport.

1074. The following table shows the three thresholds of poverty, initially calculated from ENIGH 2000 and updated on the basis of ENIGH 2002.

**Poverty thresholds 2000-2002**

Type of poverty	Sector	2000	2002	2000 *	2002 **
		(Monthly)		(Daily)	
Nutrition	Urban	626.00	672.25	20.87	22.41
	Rural	462.96	494.77	15.43	16.49
Capacities	Urban	768.10	792.29	25.60	26.41
	Rural	548.53	587.57	18.28	19.59
Patrimony	Urban	1.254.51	1.366.85	41.82	45.56
	Rural	843.28	946.94	28.11	31.56

Source: ENIGH 2000 and ENIGH 2002

\* August 2000 prices.

\*\* August 2002 prices.

1075. Historically, administrations have tended to confuse measures taken with results obtained. Traditionally, what was reported consisted of measures taken; however, with this system of measurement, which now offers for the first time a benchmark for comparison, we have measurements of actual results.

1076. Thanks to the comparability of ENIGH 2000 and 2002, it is now possible to measure trends in the proportion of the population below each of the three reference thresholds. To make this comparison the official methodology suggested by the Technical Committee for the Measurement of Poverty was updated and applied to the data obtained from the 2002 National Survey of Household Incomes and Expenditure.

**Percentages of poor households and individuals in 2002**

Type of poverty		Urban		Rural		National	
		2000	2002	2000	2002	2000	2002
Nutritional	Households	9.8	8.5	34.1	28.5	18.6	15.8
	Individuals	12.6	11.4	42.4	34.8	24.2	20.3
Capacities	Households	16.2	12.2	41.4	36.5	25.3	21.1
	Individuals	20.2	16.0	50.0	43.8	31.9	26.5
Patrimony	Households	37.4	35.4	60.7	59.4	45.9	44.1
	Individuals	43.8	42.0	69.3	67.5	53.7	51.7

Source: ENIGH 2000 and ENIGH 2002.

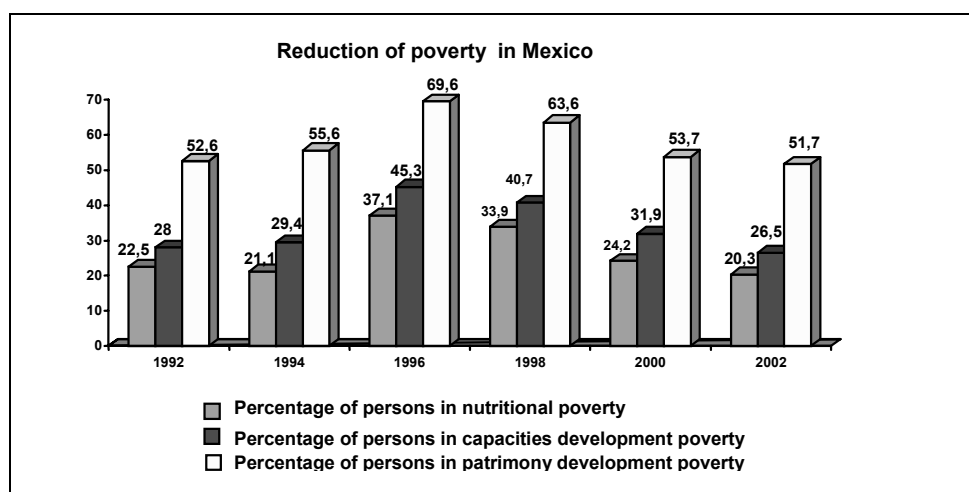
1077. The results indicate that:

- The proportion of the population in situations of nutritional poverty at national level fell from 24.2% to 20.3% between 2000 and 2002;
- The proportion of the population below the capacities development threshold fell from 31.9% to 26.5% between 2000 and 2002;
- The proportion of the population below the patrimony development threshold fell from 53.7% to 51.7% between 2000 and 2002.

1078. The foregoing implies that 3.2 million persons moved to above the nutritional poverty threshold, i.e., between 2000 and 2002 they progressed into a situation in which they could cover their nutritional needs and were able to make modest investments in education and health.

1079. If this favourable trend were to continue, Mexico would be in a position to meet the Millennium Development Objectives ahead of time. Chart 1 reveals that during the period 2000-2002 the proportion of the population in situations of nutritional poverty fell by some 16% to reach a level of 20.3%.

**Recent trends in poverty in Mexico**



Source: calculations by SEDESOL effected on the basis of the INEGI surveys of household incomes and expenditure, 1992-2002.

1080. Although the proportion of the population below each of these thresholds decreased during the period 2000-2002, it must be recognized that the persisting proportions are still high for Mexico's level of development and wealth. However, the advances recorded during the reference period may be interpreted as showing a positive trend which, if maintained, can bring about a considerable improvement in the well-being of the neediest elements of the population.

1081. In addition to the advances achieved in the field of poverty reduction, Mexico has recorded a number of significant advances against a set of social indicators which demonstrate the emphasis laid by the Government of Mexico on the improvement of the levels of living and the well-being of its population.

1082. Today the average life expectancy at birth is 74.9 years, whereas in Latin America this indicator stands at 70 years. The rate of adult illiteracy stands at only 8.5%. Registration in primary education is almost 100% in the age group concerned. In addition, 89.2% of the population has access to drinking water and 76.9% to sewage disposal services.

1083. In addition, poliomyelitis has been eradicated since 1990 and diphtheria since 1991, while measles, whooping cough and tetanus have been brought under epidemiological control. Furthermore, Mexico has the most comprehensive vaccination service in Latin America.

***31. The Committee urges the State party to address the structural causes of poverty in Mexico and to adjust the social programmes accordingly. Furthermore, the Committee invites the State party to involve closely the civil society in general, and the target groups in particular, in the planning, implementation and evaluation of these programmes.***

1084. The Government of Mexico seeks to meet the basic needs, promote the well-being and improve the individual capacities of every Mexican. To permit attainment of this objective the different institutions and agencies of the Federal Government responsible for providing basic social services such as education, health, social security, vocational training and housing are reforming their structures with a view to achieving better performance in order to provide more efficient service to the population and carry out its tasks effectively and without duplication.

1085. To this end, and within the framework of the measures which the current administration has taken at national level to reduce poverty, particular mention must be made of the social policy strategy known as Contigo, which seeks to provide essential benefits to all Mexicans and to operate levers of a nature to stimulate human development and serve as locomotives for economic growth.

1086. This strategy promotes greater coordination between the three levels of government: federal, state and municipal, and fosters a new relationship between government and citizens to achieve greater efficiency in the activities of the public and private sectors in the field of social policy. It is sought to strengthen the union of the different groups in society and to expand the mechanisms to promote initiatives by communities and organizations in society directed to overcoming poverty and marginalization.

1087. This endeavour to secure the participation of all Mexicans is based on recognition of the fact that government action is not sufficient by itself to bring about social development and that it is essential to foster joint action based on joint social responsibility. This approach seeks to guarantee that economic progress will find its way into the pocket of every Mexican. Contigo consists of four intertwined strands together making up a comprehensive social policy to

overcome poverty and guarantee a continual improvement in the living levels of the entire population:

1. An expansion of abilities, to give every Mexican the opportunity to gain access to quality education and adequate health services and levels of nutrition which will enable them to participate fully in society.
2. The generation of options for earning income to capitalize those abilities. Opportunities to hold down jobs and to initiate productive projects are essential to enable abilities to find concrete expression in higher levels of welfare and incomes which will permit satisfaction of the needs of every family.
3. The formation of a safe and secure patrimony to encourage adults and their families to become solvent, to apply their abilities, to exploit opportunities to earn incomes, to be less at risk in face of short-term adverse situations, to undertake new activities, to promote the advancement of their children and to ensure a decent old age.
4. To provide protection for all in order to guarantee that the development of abilities and the generation of opportunities to earn income are accompanied by security against individual and collective risks. This will help families to plan their futures and have the ability to maintain their levels of living in the face of unexpected and catastrophic events within the family.

1088. Contigo adjusts these four strands to the specific needs and characteristics of individuals, families and communities in order to achieve greater equity and equality.

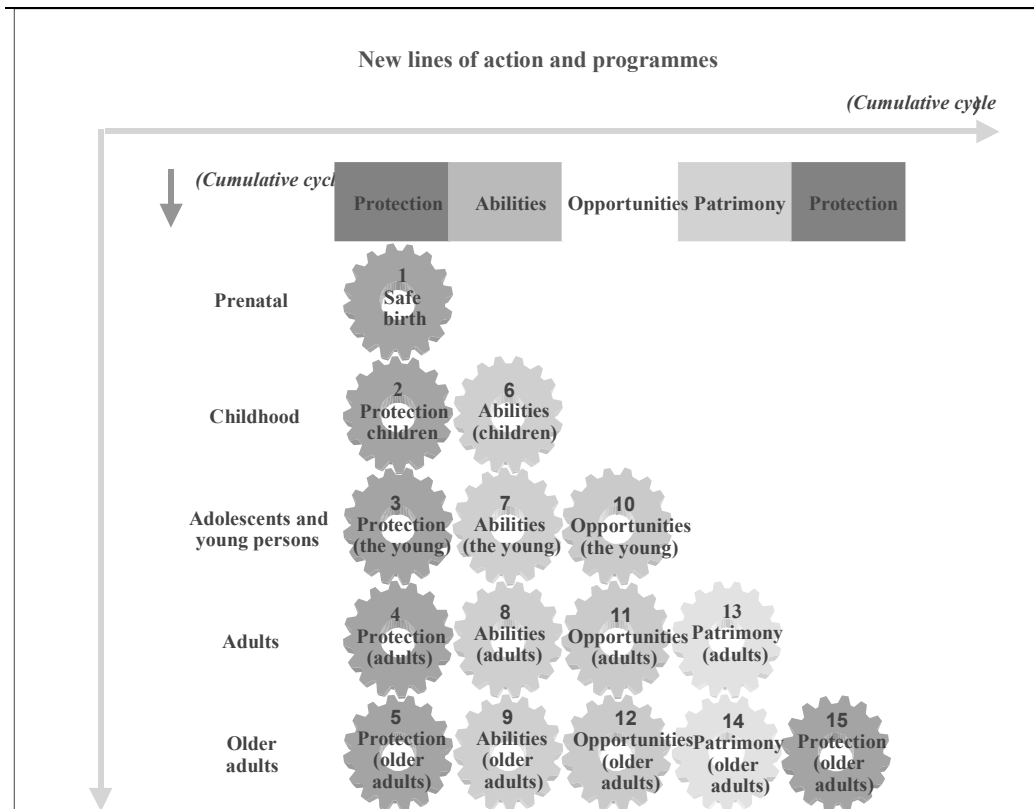
**Strands of the Contigo Strategy**

<i>Strand</i>	<i>Fields of action</i>
<b>I. Expansion of abilities</b>	<b>1. Education</b>
	<b>2. Health and nutrition services</b>
	<b>3. Training</b>
<b>II. Generation of opportunities for earning income</b>	<b>4. Local development and access to credit</b>
	<b>5. Job creation</b>
<b>III. Formation of patrimony</b>	<b>6. Housing</b>
	<b>7. Savings</b>
	<b>8. Property ownership rights</b>
<b>IV. Provision of social protection</b>	<b>9. Insurance</b>
	<b>10. Social security</b>
	<b>11. Protection against collective risks</b>

Source: SEDESOL.

1089. The Contigo programme operates in accordance with the principles of joint responsibility, equity and comprehensiveness and considers individuals, families and the life-cycle as the focal points of its actions.

**Comprehensiveness: the life-cycle and the strategies are conjoined**



Source: SEDESOL.

**Programmes**

1090. The *Contigo* strategy coordinates the work of all ministries and agencies in the social field at federal level. In this way all the strategies are interlinked, existing programmes are modified or strengthened, programmes which do not contribute to the strategy are abolished and new programmes are created in areas not yet covered. The scope of the social programmes is maximized in order to avoid duplications and to promote synergies.

1091. Contigo comprises a large number of programmes. A description of some of the SEDESOL programmes which form part of the *Contigo* strategy follows. These programmes incorporate and promote the participation of civil society.

**Opportunities**

1092. Within the Contigo strategy SEDESOL coordinates the Human Development: Opportunities programme, which has links to two strands of the strategy: *increasing abilities and*



*the opening of options for families.* The general objective of the Opportunities programme is to bring support to families living in extreme poverty with the aim of developing the abilities of their members and broadening their range of opportunities of attaining higher levels of well-being through improvements in options in education, health and nutrition, and in addition of bringing them into contact with new services and development programmes which can foster the improvement of their socio-economic situation and their quality of life.

1093. The Opportunities programme includes the following orientations:

- It contributes to human development through comprehensive measures.
- It stimulates the development of the abilities of individuals.
- It targets families in extreme poverty.
- It focuses on the family and promotes the social and community webs.
- It operates transparently and accounts for its actions.
- It has a gender focus and promotes leadership among women.
- It fosters joint responsibility.
- It involves society as a whole in tasks related to the vanquishing of extreme poverty.
- It is based on inter-institutional and intersectoral coordination.
- It promotes linkages with other social programmes.
- It exercises continuous follow-up on its operations and evaluates their impact.

1094. The types of support offered by Opportunities are:

- Education bursaries for boys, girls and young people in beneficiary families attending school between the third grade in primary education and the final grade in upper secondary education.
- Financial assistance with the purchase of school utensils.
- An essential package of health services free of charge for all the family members.
- Educational sessions on health, nutrition and hygiene matters to promote personal health-care.
- Food supplements for baby boys and girls between ages 4 months and 2 years, undernourished boys and girls between ages 2 and 5 years and pregnant or breastfeeding women.
- Financial assistance to complement the incomes of families and to promote better eating habits.

1095. The Opportunities programme has demonstrated its effectiveness in the campaign against poverty and marginalization and has incorporated new measures to benefits the poor among the population. In addition, it has continued to grow steadily as regards the numbers of localities and families covered and the size of its budget allocation. At the end of 2003 the programme had 4,240,000 families in 70,520 localities on its books. The total number of beneficiaries in the families covered was 22 million, and the programme was reaching 4 out of every 5 families suffering from nutritional poverty and 2 out of every 3 families with an insufficiency of abilities.

1096. The task of SEDESOL for the year 2004 is to extend the coverage of the Opportunities Programme to reach 5 million families; it will thus be able to reach almost 100% of families living in nutritional poverty.

1097. The favourable results obtained by this programme since it came into operation in 1997 can be seen from the following table.

**Coverage of the Opportunities Programme**

<i>Item</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003*</i>
<b>Beneficiaries</b>							
Families (thousands)	300.7	1,595.6	2,306.3	2,476.4	3,237.7	4,240.0	4,240.0
Rural areas	300.7	1,595.6	2,306.3	2,129.8	2,524.5	3,090.8	3,090.8
Semi-urban areas				341.6	599.4	616.1	616.1
Urban areas				5.0	113.8	533.1	533.1
Municipalities	456	1,743	2,155	2,166	2,317	2,354	2,354
Localities	10,769	40,906	53,055	53,232	67,737	70,520	70,520
States	13	30	31	31	31	31	31
<b>Components</b>							
<i>Education</i>							
Bursaries awarded (thousands)	101.1	1,299.0	2,192.6	2,485.3	3,315.5	4,355.9	4,492.1
Packages of school utensils distributed (thousands)	72.6	684.9	1,314.5	1,281.6	1,504.7	1,761.6	1,820.4
<i>Health</i>							
Average number of consultations per month (thousands)		435.0	1,359.8	1,624.4	1,836.4	2,295.8	2,758.0
Training courses given on health, nutrition and hygiene matters (thousands)		1,637.1	2,867.5	2,004.4	2,088.7	2,266.9	2,604.0
<i>Nutrition</i>							
Food supplements distributed (thousands of doses):	5.0	254.1	543.8	555.7	665.3	566.4	601.4
– to children under age 5	2.7	153.1	372.8	386.7	494.5	4106	436.6
– to pregnant and breastfeeding	2.3	101.0	171.0	169.0	170.8	155.8	164.8

<i>Item</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003*</i>
women							
Children under age 5 registered:				1,468.4	1,656.8	2,008.5	2,078.8
– Under supervision for undernourishment				1,274.3	1,525.7	1,910.2	1,976.6
– Undernourished				318.3	333.0	404.2	416.0
Pregnant and breastfeeding women registered				304.4	317.9	358.9	362.8
Under supervision				282.6	298.8	348.9	356.1

*Source:* Federal Executive: Third Report of the Government.

\* Estimates.

1098. In addition, Mexico has a set of social programmes administered by SEDESOL which are designed to support the low-income population groups.. Among these, principal mention should be made of those supplying staple products at more accessible prices.

### **The Social Milk Supply Programme**

1099. The purpose of this programme is to supply high-quality milk at subsidized prices to the population of marginalized urban, semi-urban and rural areas of the country. There are two aspects to this programme. The first, which has a productive focus, consists of a transfer of income to families with children under age 12 and living in poverty by supplying them with milk of a high nutritional standard at subsidized prices. This serves as a means of improving their diet for purposes of formation and development of human capital. The second, which is of an assistance character, seeks to effect transfers of income to adults over age 60, sick and/or disabled persons over age 12 and pregnant women living in poverty by supplying them with milk of a high nutritional standard at subsidized prices.

1100. This programme is operated by Leche Industrializada Conasupo S.A. de C.V. (LICONSA), an autonomous organ of SEDESOL, which distributes fortified milk at prices below market prices. LICONSA is continually endeavouring to bring the benefit of its milk to the greatest possible number of financially disadvantaged persons. In August 2003 the total number of registered beneficiaries of the programme reached 4.9 million, or 98.2% of the target of 5 million. This means that there were 248,200 more persons benefiting than at the same time in the previous year.

1101. During the first 8 months of 2003, 3.3 million litres of milk were distributed every day. For that purpose, during the same period, 668 million litres of high nutritional and hygienic standards, within the parameters of the official Mexican standards on the subject, were processed.

1102. It should be mentioned that of the total number of persons registered 90.6% are children under age 12; the remaining 9.4% are pregnant mothers, chronically sick and/or disabled persons over age 12 and adults over age 60.

**Principal results of the Social Milk Supply Programme during the period 1997-2003**

<i>Item</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003*</i>
Milk produced by LICONSA (million litres)	1,077	1,022	923	920	941	972	997
Daily distribution (000 litres)	3,589	3,440	3,171	3,105	3,102	3,206	3,359
Beneficiaries (000s)	5,317	4,687	4,185	4,185	4,549	4,834	5,000
Child beneficiaries (000s)	5,081	4,489	3,969	3,944	4,236	4,452	4,532
Sales points	11,076	8,315	6,610	6,647	7,607	8,477	9,250
Beneficiary municipalities	1,907	1,848	1,731	1,938	1,816	1,837	1,845

*Sources:* Federal Executive, Report of the Government for 2001, and Ministry of Finance and Public Credit, Report on Federal Public Finance 2001. For the 2000-2003 figures see Ministry of Social Development, Third Report on Activity.

\* End-of-year estimate

**The Rural Supply Programme**

1103. The activities conducted by this programme are designed to guarantee the supply of staple and complementary commodities at prices appropriate to local market conditions with efficiency, timeliness, sufficiency, quality and high nutritional value, and to assist with the introduction of additional services for the benefit of rural population groups situated in highly and very highly marginalized areas and living in nutritional poverty through the promotion of mutually responsible social participation.

1104. The programme is run by Distribuidora Conasupo, S.A. de C.V. (DICONSA), a company with a majority State shareholding coordinated by SEDESOL; it forms part of the social policy instruments of the Federal Government. Its general objective is to ensure supplies of staple and complementary commodities for the benefit of rural population groups situated in highly and very highly marginalized areas and living in nutritional poverty at prices below those prevailing in local markets.

1105. Currently DICONSA has a nation-wide infrastructure consisting of some 22,079 shops. Of these, 6,326 are situated in indigenous municipalities and 18,764 in localities in which the Opportunities programme is also active. It has 31 central stores, 271 rural stores and a vehicle fleet of 1,967 trucks and 1,480 supervision and support vehicles.

1106. The total value of the staple commodities distributed was 3,574 million pesos (approximately US\$ 310 million); the total was made up of 283,545 metric tons of maize, 12,950 tons of frijoles, 15,038 tons of rice, 41,791 tons of sugar, 80,959 tons of maize flour and 6,856 tons of powdered milk; in addition, groceries and general merchandise of a total value of 1,968 million pesos (approximately US\$ 180 million) were sold.

1107. The Rural Supply Programme gives direct support to the economy of the population whose members acquire their staple commodities through the DICONSA sales network. Every purchase of staple commodities in these shops brings the population a saving of 6.06%.

**Principal results of the Rural Supply Programme during the period 1997-2003**

<i>Item</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003*</i>
Total number of rural and urban shops and stores	23,734	24,230	23,628	22,777	22,861	22,516	22,079

*Source:* Federal Executive, Report of the Government; Ministry of Finance and Public Credit, Report on Federal Public Finance 2001; and Ministry of Social Development.

**The State Incentives Programme**

1108. This is a programme of recent creation. It promotes, as fundamental elements for the effectiveness of policies for social and human development, efforts by the State, the joint responsibility of states and transparency and accountability with regard to social development measures in which the states participate. It also promotes the innovation and development by state authorities of better instruments for overcoming poverty. The programme establishes two support modalities directed to that end.

1109. The first modality consists of the grant of resources to the states which have performed best in the fields of state efforts, joint responsibility and transparency and accountability. The resources can be used for the support of state social development projects and programmes.

1110. The second modality is the offer of support, based on an open competition, for eligible state projects and programmes which demonstrate a high potential for becoming effective instruments for the promotion of the social and human development of population groups living in conditions of poverty or marginalization.

**The Joint Social Investment Programme**

1111. This programme is designed to foster joint responsibility among the three levels of government and the agents sharing responsibility for the promotion of the comprehensive social development of the population groups in situations of poverty, exclusion, marginalization or inequality based on gender or vulnerability by means of joint investment in projects or measures and the design of strategies promoting equitable sharing of resources, opportunities and the benefits of the programme between men and women.

1112. Its objectives are the reduction of extreme poverty, the attainment of equality of opportunities for the poorest and most vulnerable groups; the reduction of inequalities between men and women; support for the development of the abilities of people living in poverty; strengthening of the social tissue; promotion of community participation and development; and generating knowledge among the different agents sharing responsibility in order to improve public social policy measures.

1113. The projects supported through this programme are directly linked to one of the following categories of action:

- Social: assistance, human promotion and community development projects which contribute to social capital formation;

- Economic: productive and marketing projects and, in general, projects which promote economic benefits, employment and sustainability and build up the patrimony of the target population;
- Institution strengthening: projects designed to improve the abilities of the participants to provide services and also linkages among the three levels of government;
- Skills development: training and skills development projects which generate or strengthen skills, knowledge and citizen participation values;
- Research: projects or studies which result in instruments, proposals and recommendations for the strengthening of social development policies.

1114. Up to June 2003 support had been given to 286 projects proposed and executed by organizations of civil society, higher education and research institutions and municipal governments, which are referred to as agents sharing responsibility.

### **The Citizen Initiative 3X1 Programme**

1115. The Citizen Initiative 3X1 Programme seeks to support and strengthen initiatives by citizens to put into execution projects which contribute to improving the quality of life of the inhabitants with the combined assistance of resources from the Federation and state and municipal authorities. At the same time it seeks to promote bonds of identity between Mexicans who have settled abroad and their communities of origin.

1116. It is important to emphasize that the projects to be financed spring from initiatives taken by organizations of migrants and enjoy the unanimously favourable opinions of the communities and the three levels of government.

1117. In addition, the primary objective of the programme is to ensure that the projects to be financed help to remedy shortcomings in the basic infrastructure of services and/or to generate sources of employment and incomes for the population. The fundamental principles of the programme are those of transparency and accountability, since the resources invested are audited by the citizens themselves.

### **External evaluations of social programmes**

1118. As regards the recommendation made to Mexico relating to the evaluation of social programmes, it is important to point out that the Ministry of Social Development, in compliance with the rules laid down in the Decree concerning the Expenditure Budget of the Federation, has discharged, both in time and in form, the commitments accepted, submitting to the Chamber of Deputies and to the Ministries of Finance and of the Public Service the results of the external evaluations of the social programmes subject to the operating rules both of SEDESOL and of the sectoral organizations forming part of it.

1119. The studies described contain, inter alia, an analysis of the relevance of each programme, the compliance of each with its operating rules, verification of the coverage and focus of the programmes, a description of the benefits derived from them, an analysis of their effectiveness and efficiency in meeting targets and, wherever possible, an analysis of the cost-effectiveness of the programme analysed. These studies have provided SEDESOL with elements which have

enabled it to revise the operating rules so as to avoid duplications in the activities undertaken; this has contributed to the more efficient utilization of resources.

1120. The following are the programmes which SEDESOL manages directly:

- Saving and Subsidies for Progressive Housing
- Care of Day-Labourers in Agriculture
- Development of Indigenous Peoples and Communities
- Temporary Employment
- State Action on Demand
- Legal Identity
- Citizen Initiative 3X1
- National Social Development Institute (INDESOL)
- Training for the Strengthening of Civil Society and Social Participation
- Joint Social Investment
- Research for Local Development
- Institutional Strengthening for Social Management at Municipal Level
- Youth for Mexico
- Micro-regions
- Women Heads of Households
- Production Opportunities
- Regional Measures for Highly Marginalized and Indigenous Zones
- Conquering Urban Poverty
- Sectoral Entities
- National Committee for Arid Zones
- Human Opportunities Development
- DICONSA
- Rural Supply
- National Fund for Promotion of Artisan Crafts
- National Institute for the Elderly
- Experts in Action
- National Indigenous Institute
- Social Well-Being
- Economic and Productive Development of Indigenous Peoples
- Management of School Hostels
- Promotion of Indigenous Cultures

Promotion and Securing of Justice  
Repair and Equipment of School Hostels  
LICONSA  
Social Milk Supply  
Tortilla

1121. The programmes directly managed by SEDESOL in 2003 were:

Care of Day-Labourers in Agriculture  
Temporary Employment  
Citizen Initiative 3X1  
Youth for Mexico  
Local Development (Micro-regions)  
Productive Options

#### **Internal evaluations of social programmes**

1122. In addition, as part of the internal evaluation strategy, SEDESOL has conducted evaluations of the regional development programmes in Branch 20 with the aim of measuring efficiency in terms of management of expenditure, the beneficiary population and the attainment of targets. The proceeding also included an analysis of the evaluation and management indicators, the identification of operational problems and alternative recommendations for their solution which would contribute to the improvement of performance and of the benefits received by the people living in poverty.

1123. With all these measures the Ministry of Social Development is introducing transparency into the use of resources and is rendering account to society on the use of the funds allocated for the execution of programmes and the impact of those programmes on the part of the population living in poverty.

1124. With the view to achieving a better relationship with society, SEDESOL is making use of the Citizens' Advisory Council on Social Development, a body designed to promote continuing dialogue between the public, social and private sectors in the search for approaches which will help to make the campaign against poverty a comprehensive exercise based on shared responsibility.

1125. This Council began its work in 1998. Among its principal objectives, the following deserve particular mention:

- To express views and formulate proposals on the implementation, orientation and evaluation of national social development policy;
- To encourage the participation of citizens and social organizations in the monitoring, operation and evaluation of national social development policy;
- To promote continuing dialogue between the public, social and private sectors in the search for approaches which will help to improve the direction of institutions and of civil society in efforts to overcome poverty.



1126. Since its establishment the Advisory Council has made substantial progress, particularly in the areas of expansion of participation by society, accountability and the construction of a State Social Policy which strengthens democracy.

1127. In order to improve the design of social policy it is necessary to perceive how the poor themselves view their problems and the kinds of solutions they envisage; it is even important to know their views on poverty. To that end SEDESOL conducted the survey entitled “What the poor have to say”.

1128. This survey, which sought to record what the poor are saying and thinking in contemporary Mexico, was carried out in July 2003. It was designed by SEDESOL, and to carry it out 3,000 households in situations of nutritional, capacities and patrimonial poverty, according to the official definitions, were interviewed. The survey was representative of the nation as a whole; urban and rural areas were considered separately, as were three regions – North, Central and South – in the country.

1129. The aims of the survey were:

- To obtain information on the general characteristics of the population groups in situations of poverty;
- To ascertain the views of that population on subjects such as well-being and social justice;
- To obtain information on the perception of vulnerability and discrimination by the population groups in situations of poverty;
- To ascertain the opinions of the population groups in situations of poverty of the activities of the institutions and their assessment of social supports.

1130. The findings of the “What the poor have to say” survey constitute a valuable body of information which will serve to improve the design and implementation of the programmes being executed by SEDESOL and thus to achieve a greater impact from them for the beneficiaries.

***32. The Committee recommends that the State party take effective measures to intensify its efforts to combat corruption, since this problem negatively affects the full implementation of the rights protected by the Covenant, including legal action against those responsible for acts of corruption.***

1131. See reply to observation 19.

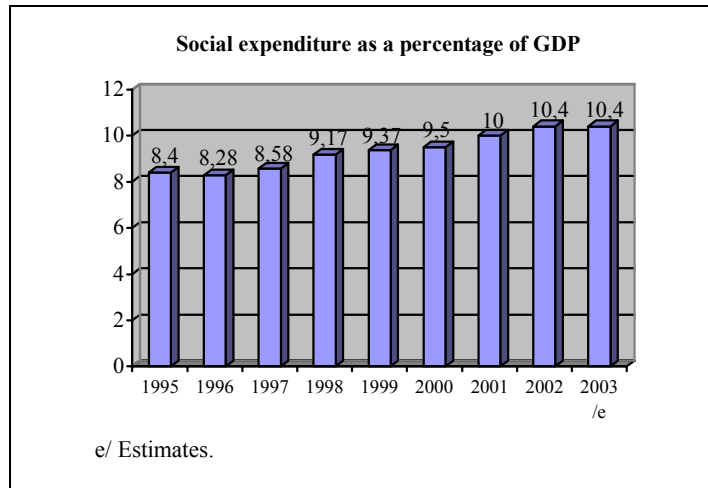
***33. The Committee recommends that the allocation of development resources by the State party be conducted in an equitable manner, irrespective of geographic location and the populations concerned.***

1132. With regard to the resources which the Federal Government devotes to social expenditure, Mexico has always given favourable consideration to budget orientation towards human and social development. This is demonstrated by the fact that expenditure on social development functions, expressed as a proportion of programmable expenditure, has increased in recent years. In 1998, 600,583 million pesos of programmable expenditure was allocated to social

development functions, or 57.86% of programmable expenditure; the corresponding amount in 2003 was 681,955.6 million pesos, or 61.6% of programmable expenditure.

1133. Likewise, expenditure on social development functions, expressed as a proportion of gross domestic product (GDP), increased during the period 1998-2003 from 9.17% to 10.4% of GDP.

**Trends in social expenditure in Mexico**



Sources: Ministry of Finance and Public Credit, Draft Budget of Expenditure of the Federation, various years; Office of the President of the Republic, Third Report of the Government.

**34. The Committee calls upon the State party, when negotiating with international financial institutions and implementing structural adjustment programmes and macroeconomic policies affecting foreign debt servicing, integration into the global free market economy, etc., to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.**

1134. The Government of Mexico gives priority to the creation of economic conditions which will permit the securing of resources to combat poverty, reduce regional differences and improve the competitiveness of Mexico in the current international context. The State has undertaken responsibly to follow an economic policy which will permit permanent improvement in the living standards and quality of life of the population, not only in terms of food, health, education and housing, but also in those cultural and recreational aspects which together permit complete and equitable development of the individual.

1135. Economic policy is orientated towards the fostering of a macroeconomic environment which encourages and gives certainty to investment decisions by private agents. Prudence and discipline in the handling of public finances constitute an effective instrument for the attainment of this objective, since they help to keep down inflation, reduce pressures in financial markets, prevent the cost of borrowing from rising and facilitate projections of profitability of investments. Equally, a reduction in interest rates frees up space in the budget for increases in social expenditure.

1136. Fiscal policy reflects the commitment gradually to reduce public deficits to arrive at a budget in balance. The expenditure budgets of the Federation have contemplated prudential measures to be applied with the aim of achieving budgetary equilibrium through mechanisms for the adjustment of expenditure in the event that the trend in public revenue should be different from that foreseen. These mechanisms have shown their effectiveness for the attainment of fiscal targets while at the same time maintaining priority expenditure in areas which are strategic for national development such as education, health, equality of opportunities, rural development and infrastructure.

1137. The policy on expenditure gives priority to expenditure items directly benefiting the citizens: social development expenditure is being increased, particularly that on education, health and social security, and resources for the programmes to overcome poverty are being increased. Thus the functions of government are being fully discharged.

1138. It is also sought to increase expenditure destined for the federated states and municipalities and for underdeveloped groups, strengthening federalism by better allocation of resources and responsibilities between the Federation, the states and the municipalities; preference is given to rural development, including the fulfilment of the commitments made by the Federal Government to the producers' organizations in the National Agreement for Rural Areas.

1139. A sound public borrowing policy is fundamental for a sound fiscal stance and for the consolidation of the stability of the macroeconomic environment in the medium term. To that end we shall continue to take advantage of the favourable financing terms and conditions offered by the international financial organizations, giving priority to the promotion of investment projects and programmes of reforms which will stimulate the economic and social development of the country.

***35. The Committee recommends that the State party continue to strengthen its efforts to alleviate any negative effects that the implementation of NAFTA might have on certain vulnerable sectors of the population.***

1140. As is well known, notwithstanding the economic growth which has been observed following the entry into force of the North American Free Trade Agreement (NAFTA), there are still some inequalities between zones. NAFTA has succeeded in creating major poles of development, principally in border zones and in the centre of the country; but other regions have remained marginalized from this growth. With a view to countering the negative effects of the free trade agreement, which in some regions of the country have become aggravated, the Government of Mexico has taken measures consisting of the framing of comprehensive territorial development policies focussing on the combat against poverty and inequality.

1141. The Government of Mexico has reaffirmed its interest and its commitment to placing regional development and territorial policies at the head of the political agenda. This effort can be observed in the inclusion of the subject of regional development in the National Development Plan 2001-2006 and in the creation of the Office of Strategic Planning and Regional Development in the Office of the President of the Republic. This office plays a primary role in the promotion of regional development, since its principal objective is to promote the design of long-term territorial policies and the evaluation, coordination and implementation of policies and programmes fostering regional development. It also facilitates coordination between state and

municipal governments with a view to promoting comprehensive regional development which will give impetus to equitable economic growth throughout the country.

1142. There are also other territorial development initiatives seeking to stimulate regional development. One of these is the Puebla-Panama Plan, which has the aim of stimulating development and connectivity in the Southern and South-Eastern regions of the country. Another such is the National Urban Development and Territorial Planning Programme, the primary objective of which is to promote orderly growth throughout the territory and thus to reduce disparities between regions.

**36. The Committee calls upon the State party to adopt effective measures to guarantee compliance with article 7 (a) (ii) of the International Covenant on Economic, Social and Cultural Rights, which is reflected in article 123.VI of the Mexican Constitution, in relation to the officially set basic food basket.**

1143. See the reply to observation 20.

**37. The Committee also urges the State party to adopt immediate steps towards the protection of women workers in the maquiladoras, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.**

1144. In the labour field the Ministry of Labour and Social Welfare is conducting a continuous campaign to eliminate discrimination against women in labour matters and promote training with a gender perspective. Among the different affirmative measures taken the following should be particularly mentioned: (1) the signature of 13 agreements with various enterprises, state governments and women's associations establishing a prohibition of the production of a certificate of non-pregnancy as a requirement to obtain employment; family responsibilities; and breastfeeding; (2) dissemination of knowledge of labour rights among women by means of radio spots, posters, letters stating rights and obligations, etc.; and (3) the organization of two events: the First National Meeting of Working Women: Maternity Protection: For a Trade Union Movement with Gender Equality and Sexual Harassment and Violence at Work.

1145. In addition, amendments to a number of articles in the Political Constitution of the United Mexican States relating to labour matters, the Social Security Act and the Federal Labour Act are awaiting approval; these amendments are designed to prevent employers from requiring certificates of non-pregnancy from women as an essential condition for engagement.

**38. The Committee recommends that the State party consider ratifying the Minimum Age Convention, 1973 (Convention No. 138) of the International Labour Organization.**

1146. The Ministry of Labour and Social Security has promoted discussion of the subject among the production sectors; this is a fundamental step for proposals to make changes in domestic regulations.

1147. There are provisions in national legislation which are incompatible with the text of the Minimum Age Convention No. 138 and which would impede ratification thereof.

**39. The Committee calls upon the State party to comply with its obligations under article 8 of the Covenant and to withdraw its reservation made under that article.**

1148. See reply to observation 23.

**40. The Committee urges the State party to take more effective measures to combat domestic violence, in particular domestic violence against women, and the serious problem of street children. The Committee also urges the State party to remedy the root causes of these problems.**

1149. The National Commission on Human Rights administers the Programme for the Affairs of Women, Children and the Family to ensure effective attention for complaints submitted concerning violations of the human rights of women and children. At the same time it seeks to promote improvements in existing measures, both legislative and administrative, seeking to eradicate all forms of discrimination and violence against women and children.

1150. In addition, in 2001 the National Institute for Women was established with the aim of creating and developing a culture of equality and equity free of violence and discrimination, capable of fostering the complete development of all Mexican women and of enabling men and women fully to exercise all their rights.

1151. The National System for Integrated Development of the Family (DIF), through the Programme of Care and Prevention of Domestic Violence and Ill-Treatment of Children, promotes education and training activities for personnel responsible for looking after minors in schools, crèches, hospitals and other institutions with a view to developing their awareness of aspects of domestic violence, and also for groups of parents in communities in order to improve the quality of the care, education and training of minors.

1152. In fulfilment of the commitment of the Government of Mexico to the provision of care for boys, girls and young people on the streets, a national programme of prevention and care for these groups known as "From the Streets to Life" has been established with the aim of "promoting the linkage and coordination of the efforts of the public, private and social sectors to exercise prevention and provide care for street children with a view to providing comprehensive care and solutions to this problem over the medium and long term".

1153. The programme is active in 8 states and 136 municipalities; 83 organizations in civil society are participating; and in 2003, 36,992 boys, girls and young persons on the streets benefited from the programme within 129 specific projects, 11 investigations and 140 bursary schemes.

**41. The Committee urges the State party to increase its efforts to provide adequate housing at affordable prices, particularly to the poorest segments of society. The Committee wishes to receive more detailed information on the number of forced evictions and the manner in which these are carried out. The Committee recommends that the State party establish mechanisms that record evictions and their follow-up, take immediate remedial action against forced evictions, and report back on this issue to the Committee in its fourth periodic report.**

1154. In relation to this recommendation we must point out that the housing policy being promoted by the Federal Government is directed to consolidating the conditions under which

more households really have the right to enjoy dignified and decent lives. It is also endeavouring to establish bases to enable all housing finance organizations to advance more credits and to create the possibility of eliminating the housing shortage.

1155. The United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination, Mr. Miloon Kothari, recommended that Mexico should form a task force on eviction issues at the national and local levels, with the participation of civil society, to monitor and collect information on evictions and to discuss options for solving the problem.

1156. To give effect to this recommendation, on 7 May 2004 the Subcommission on Economic, Social and Cultural Rights of the Commission on Government Policy with Regard to Human Rights, decided to establish a task force to deal with the different questions relating to the right to housing and specifically the question of forced evictions.

1157. Hitherto the task force has made progress with the conceptualization of the term “forced eviction” on the basis of the general comments made by the Committee on Economic, Social and Cultural Rights and with the identification of the authorities responsible for each of the different forms that forced eviction takes. To that end the force envisages the participation of the federal judiciary in its meetings in order to enrich its analysis with that body’s experience and to discuss the ways in which respect of the right to housing can be guaranteed by judicial means.

1158. In addition, through the “formation of patrimony” strand of the Contigo comprehensive development strategy, attempts are being made to support the population through housing construction and improvement of existing housing programmes in order to consolidate family patrimony and promote mobility in the housing field.

1159. It should also be mentioned that 26 July 2001 saw the establishment of the National Commission on Housing Promotion (CONAFOVI), a decentralized agency of the Ministry of Social Development with technical autonomy. Its purpose is to design, coordinate, promote and implement the housing policies and programmes of the Federal Government, and also to encourage other bodies, such as the Housing Fund of the Social Security and Services Institute for State Workers (FOVISSSTE), the Operations and Banking Finance for Housing Fund (FOVI) and the Institute of the National Housing Fund for Workers (INFONAVIT), to contribute to the objectives of the sectoral housing programme.

1160. Subsequently, in August of the same year the National Housing Council (CONAVI) was set up as a forum for consultation and advice in which the principal actors in the production and financial aspects of housing and other participants in housing construction interact with a view to ordering and optimizing the construction and financing of housing.

1161. Furthermore, the present administration has drawn up a series of strategies and guidelines for the direction of national housing policy. These are:

- Linking-up of institutions and strengthening of the housing sector;
- Increases in and consolidation of public and private housing finance;
- Social support for the neediest population groups for the acquisition of housing, the improvement of rural and urban housing and consolidation of legal certainty of ownership of patrimony;

- Tax reductions and deregulation on housing and of housing standards;
- Provision of ground suitable for housing and the development of infrastructure and services for housing;
- Technical development, competition for supplies of materials, standardization and certification of housing in order to increase production.

1162. The Federal Government is aware of the challenges facing it in the housing sphere, which derive principally from population growth, and has recognized the need to bring together the financial resources required to subsidize the different federal programmes for the support and promotion of housing into a single programme to be managed by the National Trusteeship Fund for People's Housing (FONHAPO), a decentralized body of SEDESOL.

1163. With a view to meeting needs and reducing housing shortages the Saving, Subsidy and Credit Programme for Progressive Housing (known as Tu Casa") has been established in coordination with, and on a basis of shared responsibility among, the different levels of government and sectors of society in order to meet the needs of the low-income population groups needing new housing or to improve or enlarge the housing they have; to this end the savings of the beneficiary are augmented by direct subsidies, credit and contributions from other sources. This programme is described below.

1164. Since 2002, under an agreement with SEDESOL, FONHAPO has been managing the Saving, Subsidy and Credit Programme for Progressive Housing, which in 2003 became the "Tu Casa" programme.

1165. The Saving, Subsidy and Credit Programme for Progressive Housing meets the housing needs of population groups living in extreme poverty by generating supplies of housing of the progressive type with basic services of drainage, drinking water and electricity under a scheme combining saving and direct subsidies, at the same time promoting the sharing of responsibilities between the Federal and state and municipal governments and the beneficiaries themselves:

- During the fiscal year 2002 a total of 897.9 million pesos was spent on the provision of 121,168 subsidies granted to an equal number of families; the outlay represented 93.8% of the authorized budget (957.5 million pesos).
- During the period September 2002-August 2003, 172,693 subsidies were granted, 39,904 for progressive housing and 132,789 for improvements. The total amount invested was 1,799.9 million pesos, of which 1,305.3 million went to the Progressive Housing subprogramme, while 494.6 million pesos were spent on improvements.

1166. In addition, at federal level, and with a view to achieving greater efficiency in the national bodies serving as financing agencies, changes to extend the coverage of the services provided have been encouraged by changes in their operating rules and restructuring of the areas in which they operate in order to create a basic launch structure which will permit an increase in housing construction and ensure that those increases continue steadily:

- At the end of 2002 all the national, state and municipal housing bodies, the commercial banks, the development bank and the other bodies granting mortgage loans as a benefit for their workers, taken together, had allocated a total of 624,928

loans and subsidies. Of the total, 63.2% were granted for the acquisition of housing and the remaining 36.8% were for improvements and other lines of credit. The above involved a total investment of some 82.5 billion pesos.

1167. In December 2003 the housing agencies reported preliminary figures of 692,607 loans and subsidies of various kinds; 72.2% were for the acquisition of housing and 27.8% for housing improvements and other forms of financing. The total amount advanced exceeded 111 billion pesos.

***42. The Committee urges the State party to continue taking more effective measures to ensure access to basic health-care services for all children and to combat malnutrition, especially among children belonging to indigenous groups living in rural and remote areas.***

1168. In April 2003 the Congress of the Union approved amendments to the General Health Act establishing the Social Health Protection System. This will permit the correction of inequalities in health matters and protect families which are not members of a social security system.

1169. The operative arm of this system is the People's Health Insurance scheme, which began operations in five pilot states. In 2002 it extended its coverage to 20 states and to four more in 2003; thus today 24 states have signed coordination agreements for the implementation of the programme. At the end of 2003, approximately 622,819 families were recorded as being affiliated in those 24 states.

1170. During the same year 1.4 million external primary-level consultations and over 266,000 specialist consultations were given. By September 2003 there were 938 health centres and 111 general and comprehensive hospitals within the People's Health Insurance scheme (SPS).

1171. The SPS provides support for the families with the smallest resources. 98 per cent of all the affiliated families are in the first four income deciles.

1172. As part of the activities of the Health and Nutrition Programme for Indigenous Peoples multivitamins and minerals were administered to 400,641 children between ages 6 months and 2 years and to 217,492 pregnant and breastfeeding women in the indigenous populations in 594 municipalities in 21 federated states.

1173. In 2003 impetus was given to the provision of multivitamin supplements for children between ages 6 months and 2 years; the taste was improved to ensure their acceptance.

1174. An external evaluation of the progress made in rural areas by the health component of the Health and Nutrition Programme for Indigenous Peoples has shown that between 1997 and 2002 the number of consultations on nutrition given concerning children under age 5 increased by 49%.

1175. The DIF, for its part, has implemented the following measures:

1176. In 2003, 390.3 million doses of food supplements were purchased for children under age 5. These supplements, to be consumed daily, contain 100% of daily micronutrient requirements and 20% of calorie requirements.



1177. An evaluation of impact conducted between 1998 and 1999 established that the height of children between ages 12 and 36 months had increased by 16% and that the incidence of illnesses among children under age 5 had fallen by 12%.

1178. The new policy of the DIF seeks, before extending coverage, to improve focus under the criteria of increasing services and guaranteeing their quality, thus providing care for priority individuals, families and communities, with particular emphasis on children undernourished, at risk or abandoned and indigenous communities and peoples.

1179. In the process of identification of entitled persons new targeting techniques are being used based on the social vulnerability index, an instrument which permits the geographical identification of population groups with high concentrations of vulnerable persons.

1180. The DIF is known as an institution fostering the complete development of individuals, families and communities. For the achievement of this goal proposals have been made for the unification of operational criteria and to decide on coordination mechanisms at the different levels of government (national, state and municipal). Working committees have been set up; one of these is the Nutritional Guidance Commission; this body developed the National Food Guidance Strategy, which has been evaluated, agreed on by consensus and accepted by the 32 state agencies of the DIF. The National Food Guidance Strategy (ENOA) is the innovative response to the DIF's new policy, which contemplates sustainable measures within the framework of social food assistance; in other words, the targeted population should not only receive food support but should also have available to it the tools necessary to enable it to exploit the resources available locally, thus improving its quality of life. Its principal aims are the improvement of the eating habits of the population by means of a revival of regional dietary cultures and the acquisition of the capacities needed to decide on and choose correct eating habits.

1181. The SNDIF and the National Centre for Child and Adolescent Health (CNSIA), which is an agency of the Ministry of Health, have concluded a "collaboration agreement" designed to permit joint action to strengthen the Strategic Programme for Nutrition Supervision for the benefit of the child population groups covered. The agreement establishes the bases and procedures for the supervision of the nutrition of boys, girls and adolescents, by means of the national vaccination card, which will serve as a tool for the evaluation of the situation regarding the nutrition of the population groups covered by the social assistance and preventive health care services; at the same time it promotes the use of the national vaccination card by the state and municipal branches of the DIF.

1182. Work is currently in progress on a distinctive quality mark with the National Service for Agriculture and Food Health, Harmlessness and Quality (SENASICA), an agency of the Ministry of Agriculture, Stock-Rearing, Rural Development, Fisheries and Food, with the aim of promoting and supporting a guarantee of the quality of milk on the basis of official Mexican standards. Whole cow's milk must contain a minimum of 30g/L of original protein, 30g/L of butterfat and 21g/L of casein.

1183. The project is under examination by the legal departments of the two organizations.

**43. The Committee calls upon the State party to monitor closely the female mortality rate and to take steps to reduce the incidence of death caused by illegal abortion. In particular, the Committee recommends that the State party intensify its educational campaign regarding women's sexual and reproductive health, and include such subjects in school curricula.**

1184. Beginning in 2004, by decision of the National Commission for an Equal Start in Life, an epidemiological monitoring mechanism was established to monitor all deaths associated with maternity and committing the individual states to taking independent action to reduce the numbers of such deaths - not only those caused by spontaneous or induced abortion.

1185. The recommendation to intensify educational campaigns regarding sexual health is met in Mexican Official Standard 005-SSA2-1993 concerning family planning services, an amendment to which was published in the Official Gazette of the Federation dated 21 January 2004.

1186. As regards the inclusion of the subjects of women's sexual and reproductive health in school curricula, these subjects have been included in the curricula of the 5th and 6th cycles of elementary education, seen from a gender perspective, since 1998 and in the secondary education curricula at least since the end of the 1980s.

**44. The Committee recommends that in the State of Chiapas and other states in the region, the State party supervise and regulate the role of military or paramilitary forces in order to guarantee that development and social assistance programmes are implemented with the active participation of the populations concerned and without the interference of armed forces.**

1187. As mentioned in the reply to observation 25, there are no paramilitary forces in Mexico.

1188. Since December 2000 there has been a Coordinator for Dialogue and Negotiation in Chiapas (CDNCH), whose task it is to seek ways of opening dialogue with the Zapatista National Liberation Army (EZLN) as the focal point of continuing communication with the different actors in Chiapas. Attempts are also being made to secure attention for the economic, social and community demands which have given rise to the conflict with the EZLN.

1189. The work of the CDNCH has in principle been the confirmation of the signals sent out by the Mexican Government as a demonstration of its clear wish to resume the peace process with the EZLN. Within this scenario the Coordinator has since 7 December 2000 been meeting with the legislators in the Committee for Concord and Pacification (COCOPA) and with the Ministry of the Interior to continue with actions of a nature to promote a climate propitious for dialogue and peace with justice in Chiapas.

1190. During the same month the Coordinator took part in the release of prisoners (17 in all) from the Cerro Hueco jail at Tuxtla Gutiérrez. This was a step towards meeting the three demands made by the EZLN as a precondition for the resumption of peace talks, namely: (a) withdrawal of the Mexican Army from seven positions in Chiapas, (b) the release of prisoners; and (c) approval of the Constitutional Reform on Indigenous Rights and Culture proposed by the COCOPA.

1191. At the beginning of 2001 the Coordinator for Dialogue took part in a number of meetings with the Minister of the Interior, members of the COCOPA and the representative of the EZLN in

order to verify the withdrawal of troops from seven positions close to Zapatista enclaves, namely Amador Hernández, Joinachoj, Cuxuljá, Roberto Barrios, La Garrucha, Río Euseba and Guadalupe Tepeyac. The troops were withdrawn from the last-mentioned two on 20 April 2001, thus completing compliance with the relevant Zapatista demand.

1192. The COCOPA also helped to promote the conditions for the safety and respect of the individual guarantees given to the members of the Zapatista delegation which at the end of February 2001 began a journey from Chiapas to the Federal District. In addition to being without precedent in political life in Mexico, this event enabled the Zapatista leaders to express their viewpoints before the highest forum in the country – the Congress of the Union – in order to set out their arguments in favour of the approval of the COCOPA proposals concerning indigenous rights and culture.

1193. During 2002 the Coordinator for Dialogue stepped up discussions with the actors concerned and with experts on the Chiapas problem, and also with the Governor of Chiapas, representatives of the Committee of the International Red Cross, members of the Chiapas legislature and the bishops of San Cristóbal de las Casas. During the second half of the year an exchange of views was begun with the presidents of municipalities in the Selva, Norte and Altos area to obtain their impressions on the situation in the conflict zone.

1194. With the establishment of a liaison office in San Cristóbal de las Casas in the middle of 2002, COCOPA directed its activities to travel within the zone with three fundamental aims in view: (1) dialogue with the communities, (2) to ascertain the views of the sectors affected by the impasse in the dialogue, namely the municipal authorities, the production sectors and the non-Zapatista groups, and (3) promoting the elimination of the socially and economically marginalized situation of the indigenous communities in the zone and dealing with the factors which had given rise to the conflict.

1195. The people express their petitions for attention in the economic and social fields through meetings with the presidents of municipalities and the indigenous communities; they point out that the continuing conflict has not only impeded the will to take initiatives in the spheres of production and development but has also directly affected their way of life on account of the increase in insecurity, principally when land is overrun and where there is conflict between and within communities.

1196. During the frequent travels among the communities undertaken by the Coordinator for Dialogue, the latter has continually and emphatically demonstrated the utter determination of the Federal Government to achieve peace, its readiness for dialogue with the actors concerned in the conflict and the transparency of its activity, explaining that it is seeking above all to open dialogue with the communities most directly affected by the irregularities which are developing on account of the absence of peace talks.

1197. This field work has permitted the accumulation of first-hand knowledge of the state of social and economic abandonment in which the communities live and also receipt of their petitions for transmission to the appropriate agencies of government. Every day during his travels the Coordinator encounters marginalization. For that reason he has committed himself to continue his working travels through the zone and to press for socio-economic remedial measures with a view to bringing the Federal Government to meeting its obligations as a State towards all Mexicans.

1198. In 2002 and 2003 the Coordinator for Dialogue visited a number of municipalities and received 409 petitions from the communities. The municipality which described most needs was that of Ocosingo, from the communities in which 136 petitions were received.

1199. An analysis of the petitions submitted indicates that the majority of the communities, including those in the Selva Lacandona and the Cañadas region, need an infrastructure of tracks, roads and bridges so as to be able to market their agricultural produce and communicate with the municipal capitals.

***46. The Committee recommends to the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, among all sectors of society, particularly among the judiciary and administrative authorities.***

1200. The Ministry of Public Education administers the Human Rights Education Programme. Its principal activities include the dissemination of knowledge, skills and attitudes relating to the exercise of human rights in the educational programmes and materials for teachers and pupils in basic education and the promotion of conditions and practices in schools which will foster a culture of defence of and respect for human rights.

1201. Since the 1993 reform human rights education within basic education has been planned in the curriculum within a threefold approach to the subject. The first element in this approach is handled in courses which deal with human rights as an explicit subject. The second is to be found in the reflections on human rights which occur in the other courses in the curriculum. There is a third element, which is promoted in initial training and skills development for teachers in service; it involves illustration of the forms in which human rights find daily expression in coexistence in the school and the classroom.

1202. In 1997 the Ministry of Public Education began to make changes in the study plans for the initial training of primary and secondary school teachers. The changes have made the subject of human rights an essential part of the contents of courses such as ethical and civic training in grades I and II in primary schools; the principles of legality and individual guarantees; and human rights and social rights.

1203. Annex VII contains a list of the printed and audiovisual materials published by the SEP containing material relating to human rights. In each case the type of distribution of the material concerned is indicated.

1204. In accordance with the actions planned in the National Education Programme 2001-2006, the Ministry of Public Education has begun to develop the programmes which constitute elements in the promotion of a human rights culture. The programmes in question are: the Comprehensive Reform of Secondary Education and the Programme of Citizenship Training and the Culture of Legality. The principal features of these programmes, their relationship with the training in human rights of pupils in basic education and the progress made in their introduction are described below.

### **The Comprehensive Reform of Secondary Education**

1205. With a view to guaranteeing linkages between the different levels forming part of basic education, the reform of secondary education introduces radical changes in this specific level as

regards curriculum, organization and teacher training. In the curricular field it is planned to make changes in the ethics and civic training course with a view to leading the pupils to reflect on their condition as adolescents and the rights they acquire at that age, develop the skills necessary for healthy personal and social development based on compromises between their personal dignity and living with others in a democracy, and learn of the legal and institutional remedies existing in Mexico today to ensure respect of human rights.

1206. It is also planned that all the courses forming part of the overall study plan will contribute through the training they impart to the development of an understanding of and commitment to human rights in the different spheres of human activity – the relationship with the natural and social environment, sustainable development, gender equity, respect for diversity, the prevention of corruption and crime, etc.

1207. In the organizational sphere, an analysis is currently taking place of the conditions in secondary schools which require change to promote a culture of democracy and respect for human rights in daily communal life in schools. In that connection it is argued that the relationships which develop between pupils, teachers, school authorities and parents should echo the apprenticeships which the students are undergoing in the ethical and civic training course and the other courses in the curriculum with a bearing on human rights. It is also planned that pupils in a secondary school should recognize the institution's potential as an apprenticeship community guaranteeing that its pupils will be able fully to exercise the right to education.

1208. Work is at present in progress on the design of the course programmes; they are to be published in 2004.

#### **The Programme of Citizenship Training and the Culture of Legality.**

1209. Under this programme, in primary education it is planned to introduce educational practices in the classroom and the school as a whole which will contribute to the creation of an educational environment which will foster the best conditions enabling pupils to live together in school on a basis of respect for human rights and values such as respect, tolerance, equality and justice. In addition, the civic education programmes currently in use will be reformed and superseded by the ethical and civic education programmes from the first to the sixth grade.

1210. In both spheres (school environment and course content) the possibility is being examined of strengthening the live experience of democracy through experiences and interactions in which the pupils appreciate that they are respected as individuals, that common standards exist to guarantee the rights of everyone in the school, and that it is possible to apply procedures such as dialogue and negotiation to overcoming problems and settling disputes.

1211. Consideration has been given to organizing civic and ethical training in three branches: training in ethics, which seeks to promote in the pupils the development of a personal code of ethics the reference points of which are principles of a universal nature; training for life, which is concerned with the development of the capacities necessary to face the challenges of everyday life in a clear and assertive manner in order constructively to influence the conditions making for full and free development; and training for citizenship, which emphasizes the attitudes, values, principles and standards of democratic coexistence. In addition, the skills for informed, deliberate and legitimate participation in affairs of common interest are fostered. The relationship of these three branches with human rights is a continuing one, since reference is made to the ethical principles underlying them; they are based on the self-knowledge and self-esteem of the pupils

and call for a clear understanding of their exercise in daily life and of the bodies which guarantee compliance with them.

1212. During the school year 2003-2004 a pilot phase was introduced designed to promote actions influencing the school environment in a sample of schools in 14 federated states. An initial proposal concerning ethical and civic programmes, to be introduced in all schools in the 2005-2006 school year, is currently at the drafting stage.

### General refresher courses

1213. The National Refresher and Skills Development Programme for Teachers in Service in Basic Education (ProNAP) consists of a number of actions designed to improve the quality of education by means of a programme of continuous improvement of the work of teachers and the renewal of their knowledge and their teaching skills. The study modalities available to teachers in the country include the General Refresher Courses and the State Refresher Courses, within which themes relating to the Human Rights Education Programme are examined.

1214. The study programmes in question have been designed by the different departments of the Ministry of Public Education and other government agencies.

1215. Their principal aims are:

- To give teachers tools for the development of the educational programmes and projects which the Federal Government is introducing in the different levels and modalities of basic education;
- To include in the teacher refresher agenda important educational themes which have not received sufficient attention and are of national interest and those deriving from the reforms of the study plans and programmes of basic education.

1216. The general courses have been incorporated into the National Bank of Refresher Courses and may be requested by state educational authorities to be made available to teachers in basic education in the state concerned.

<i>Institution</i>	<i>Course</i>	<i>No. of agencies requesting it</i>
National Institute for Women	Constructing gender equality in primary schools	15
National Council for Educational Promotion	Transition to secondary school. Actions in support of access to secondary education in a gender equality perspective	2
Federal Electoral Institute	Development of civic and ethical skills in pre-school education. Democratic participation	5
	The kindergarten: a space for the development of skills for democratic participation	4
	Elements for the development of civic and ethical skills among students in primary education	6

<i>Institution</i>	<i>Course</i>	<i>No. of agencies requesting it</i>
General Coordination Agency for Bilingual Intercultural Education	Educating in and for diversity at pre-school	11
	The importance of technical-pedagogical teams in education for diversity	4
	Educating in and for diversity	3
	The directing function in education for diversity	5
Directorate-General for Educational Research	Refresher course on educational integration for teachers in special and regular education	15
Veracruz <sup>24</sup>	Basic aspects and support strategies for work with parents of children with special educational needs within the kindergarten phase	19

Source: SEP

### State refresher courses

1217. These courses are one of the possible updating opportunities designed for teachers in basic education in Mexico and offer an important space for contributing to the improvement of their occupational skills.

1218. The State Refresher Courses (CEAs) are study programmes designed, organized and imparted by the education authorities of the individual federated states. To guarantee the academic quality of these proposals the Ministry of Public Education has laid down general guidelines for their preparation and verifies compliance by a process of assessment.

1219. These courses are imparted in a direct or attendance-based manner. They are based on the use of a descriptive document, a guide for the facilitator and various materials for the participants such as notebooks, anthologies, card indices and study guides.

1220. The average duration is 30-40 hours; they normally take place between November and May. There is a formal evaluation procedure based on the tasks performed by each participant during the sessions.

<i>State</i>	<i>Course</i>
Aguascalientes	Gender equality as a factor in coexistence with mutual obligations in basic education
Campeche	Suggestions for educational treatment of indigenous children with special educational needs
Federal District	Sexual rights and diversity
Guerrero	The search for a treasure: towards an educational process focused on the formation of values

<sup>24</sup> The course on “Basic aspects and support strategies for work with parents of children with special educational needs within the kindergarten phase” was designed in the State of Veracruz, but forms part of the National Bank of Courses.

<i>State</i>	<i>Course</i>
Hidalgo	Gender equality: an indispensable element in teaching practice in primary and secondary schools
	The classroom: an exceptionally propitious space for promoting appreciation of the value of diversity and respect for it
Nuevo León	Gender equality in basic education
Oaxaca	Educating in a gender perspective. Equality of opportunity between boys and girls in practice in schools
Sinaloa	Basic elements for the development of the programme: contents and activities comprised in civic and ethics training
Tlaxcala	Changes in attitudes and values of teachers in basic education for the fostering of good relations with the pupils
Yucatán	Sex education in a context of gender equality at initial and pre-school levels

1221. Within the framework of the Judiciary of the Federation, the Federal Institute of Judicature, an auxiliary body of the Federal Council of the Judiciary concerned with research, training, upgrading training and refresher courses for members of the federal judiciary and candidates for posts therein, has included in its study, training and refresher course programmes the subject of human rights as part of the training and apprenticeship process. Details follow:

- In the specialized course on Administration of Justice in District Courts the subject is approached in a cross-cutting manner in four of the six modules in the course (ethical and legal principles in the jurisdictional function; international jurisdiction and human rights; access to justice; and administration of judicial establishments) and indirectly in the other two (analysis of amparo and suspension).
- In the specialized course on Study and Accounts Secretariat the subject is treated as a central element in the themes “Judicial Ethics” and “Penal Procedures and Human Rights” and indirectly in the themes relating to *amparo*.
- In the specialized course on “Administration of Justice in Circuit Courts” human rights are studied under the heading of “Access to Justice”.
- The courses on judicial training and judicial specialization include material on “Problems of globalization and human rights” and “Constitutional law and individual guarantees”.

1222. In addition, in the context of courses on recent changes in the law, seminars, lectures, diploma courses, conferences and presentations of books the subject of human rights has been disseminated either directly or indirectly at the following events:

- International law course: human rights (2000); first specialized course on the rights of the child (2001), specialized course on the rights of the child (2002); justice and linguistic policy in Mexico (2003); specialized course on the application of international treaties in judicial decisions: a special case: juvenile penal justice (2003).



- Seminars entitled “The indigenous peoples: standard-setting systems, national and international legislation” (2001); Current problems of constitutional law (2002).
- Diploma course on indigenous law (2002), diploma course on “Legal process, the social context and international law” (2003), modules III. Legal process and the internationalization of justice, and IV. Legal process and human rights; diploma course on “Constitutional law and *amparo*” (2001): module II. Individual guarantees and human rights.
- Workshop on human rights in Mexico (2000).
- Conference on individual guarantees and due process (2001)
- Presentations of books on: “Collective amparo: the protector of the right to the environment and other rights” by Dr. Lucio Cabrera (2001); “Human Rights in the Constitution and in international treaties”, by Counsellor Enrique Sánchez Bringas (2001), “Constitutional guarantees in judgements on indirect *amparo* in criminal cases”, by Judge Ricardo Guzmán Wolfer (2002); “Individual guarantees in Mexico. Their interpretation by the Federal Judiciary”, by Judge Ariel Rojas Caballero (2002); “Law, gender and childhood. Women, boys, girls and adolescents in penal codes in Latin America and the Spanish-speaking Caribbean”, by Laura Salinas Berinstáin (2003).
- Other events: a compact disc entitled “Manual of human rights” by Dr. Alfredo Islas Colín (2001) and Meeting between the Federal Judiciary and the traditional Maya Judiciary (2002).

1223. In addition to the efforts being made by the Ministry of Public Education and the Federal Institute of Judicature within the scope of their functions, the National Commission on Human Rights (CNDH) is promoting the study, teaching and dissemination of human rights at national and international levels. To that end it has established a training programme for federal officials responsible for the administration of justice, public security, migration services, health services and the armed forces; in particular, it provides courses for teachers in basic education. During the year 2000, 145 events were organized for persons in the education sector. They were attended by 9,011 persons and were distributed as follows:

	<i>Events</i>	<i>Participants</i>
Higher education	68	4,970
Basic education	60	2,671
Secondary education	17	1,370
Total	145	9,011

1224. In 2001, with the aim of providing training in the principles and values of human rights from the earliest years of life onwards, 90 activities were organized in the field of basic

education; they were attended by 5,540 persons, including head teachers, teachers, fathers and mothers and also pupils.

1225. Upper secondary education is an excellent level at which to demonstrate what human rights are and the manner in which they are protected. With this in mind, 52 activities have been organized, attended by 3,982 persons. In addition, a number of diploma and other courses, workshops, seminars and meetings have been organized (44 in all); they were attended by 3,014 persons.

1226. During 2002, 36 activities were organized in the field of basic education; they were attended by 1,567 persons.

1227. Particular mention should be made of the preparation, in coordination with the Ministry of Public Education and the Latin-American Institute for Educational Communication, of six videos forming part of the “Programme of Training in Human Rights for Basic Education” designed for the training of basic-level teachers throughout the Republic of Mexico.

1228. At the secondary education level 20 activities have been organized, attended by 1,759 persons; and at the higher education level 47 activities have been organized, attended by 3,225 persons. Among these activities, particular mention should be made of the following:

1229. The “First Regional Forum on Human Rights”, organized in May by the National Commission and the Marist University of Mérida, which was attended by university students from the states of Quintana Roo, Campeche and Yucatán.

1230. A series of lectures on “Human Rights Come to the University” convened by the National Commission and the Office of the Coordinator-General of Human Rights in the Executive of the State of Oaxaca, took place on the premises of the Regional Universities of the South-East, A.C.; Mesoamericana, A.C.; José Vasconcelos, A.C.; and the Benito Juárez Autonomous University of Oaxaca, during the months of May and June.

1231. A diploma course on human rights, organized by the National Commission, the Government of the State of Zacatecas, the Zacatecas State Commission on Human Rights and the Autonomous University of Zacatecas, was held from 19 April to 15 June in the city of Zacatecas (Zacatecas State).

1232. A diploma course on human rights, organized by the National Commission, the Mexican Youth Institute, the Sports and Youth Institute of the Government of the State of Chiapas and the Autonomous University of Chiapas, was held on 24 May – 31 August 2002 in the city of Tuxtla Gutiérrez (Chiapas State).

1233. In 2003, on the occasion of the signature of the cooperation agreements with the state governments of Querétaro, Tamaulipas and Tabasco for the introduction of the Human Rights Training Programme for Basic Education (CNDH, SEP and ILCE), 52 activities were organized, attended by 2,014 teachers in the basic education sector. Fourteen activities were organized for the secondary education sector; 1,010 pupils and teachers in secondary education attended.

1234. In the higher education sector 44 activities were organized; in all they were attended by 3,913 persons. Special mention may be made of the following:

- A diploma course on victimology and human rights in Mexico City, convened by the CNDH. It opened during the commencing days of this year and ended on 1 March 2003.
- A diploma course on human rights, convened by the CNDH, the Commission on Human Rights of the State of Coahuila and the Autonomous University of Coahuila, held in the city of Torreón (Coahuila State) on 14 February-8 May of the period covered by the report.
- A diploma course on human rights, convened by the CNDH, the Autonomous University of Nayarit and the Committee for the Defence of Human Rights in the State of Nayarit, held on 14 February-8 May 2003 in the city of Tepic (Nayarit State).
- A diploma course on human rights, convened by the CNDH, the Autonomous University of Yucatán and the Commission on Human Rights of the State of Yucatán, held on 4 April-27 June of the period covered by the report in the city of Mérida (Yucatán State).
- A diploma course on human rights, organized by the CNDH, the Mexican Youth Institute, the Sports and Youth Institute and the Juvenile Participation Office and Causa Joven of Chiapas, held on 27 March-2 August in the city of Tapachula (Chiapas State).
- A diploma course on human rights, convened by the CNDH, the Commission on Human Rights of the State of Quintana Roo and the University of Quintana Roo, held on 15 August-18 October of the period covered by the report in the city of Chetumal (Quintana Roo State).
- A diploma course on human rights, organized by the CNDH, the Mexican Youth Institute, the Sports and Youth Institute and the Juvenile Participation Office and Causa Joven of Chiapas, held on 28 August-6 December in the city of Tuxtla Gutiérrez (Chiapas State).
- A diploma course on human rights, convened by the CNDH, the Commission on Human Rights of the State of Puebla and the Free Law School of Puebla, held on 3 October-6 December of the period covered by the report in the city of Puebla (Puebla State).

1235. A total of 300 persons were awarded diplomas in the above-mentioned courses.

1236. In order to build up knowledge in the field of human rights the CNDH has prepared and published a significant number of books, brochures, leaflets, booklets and posters targeting the different sectors of society.

1237. CONACULTA has also made efforts to carry out programmes relating to human rights; in this connection it organized a diploma course on 15 August-5 December 2003 on women in prison.

1238. The object of this course was to analyse the living conditions of women in prison and to design, from an interdisciplinary standpoint, strategies and possible ways of improving the quality of the attention to and respect for the human rights of collectivities of this kind, and in this way develop awareness among the security and custodial staff in women's detention centres of the treatment and the rights which each of the detainees and their children should enjoy.

### **Comments of civil society**

1239. The Government of Mexico wishes to point out that during the preparation of this report the views of civil society were sought and that a number of meetings, including those of the Subcommission on Economic, Social and Cultural Rights, the necessary opportunities were provided for the comments of civil society organizations in order to obtain feedback on the contents of the report.

1240. Written observations were received from the following social and civil organizations in the group for the Promotion of the Second Alternative Report on Economic, Social and Cultural Rights:

Casa y Ciudad A.C. in the Mexico Housing Coalition  
UNESCO Professorship on Human Rights in the UNAM  
Centro de Derechos Humanos Económicos, Sociales y Culturales (CeDHESCu)  
Centro de Derechos Humanos "Fray Francisco de Vitoria O.P", A.C.  
Centro de Derechos Humanos "Miguel Agustín Pro Juárez", A.C. (PRODH)  
Centro de Estudios Sociales y Culturales Antonio de Montesinos A.C. (CAM)  
Centro de Estudios Ecuménicos A.C. (CEE)  
Centro de Estudios para el Desarrollo Rural A.C. (CESDER)  
Centro de Formación y Investigación Municipal A.C.(CEFIMAC)  
Centro "Fray Julián Garcés" de Derechos Humanos y Desarrollo Rural A.C.  
Centro Mexicano de Derecho Ambiental (CEMDA)  
Centro de Reflexión y Acción Laboral (CEREAL) de Fomento Cultural y Educativo  
Centro Nacional de Comunicación Social A.C.(CENCOS)  
Comité de Superación de Jóvenes de Tabasco  
Convergencia de Organismos Civiles por la Democracia A.C.  
Coodinadora Comunitaria Miravalle (COCOMI)  
DECA Equipo Pueblo A.C.  
Defensoría del Derecho a la Salud  
Enlace, Comunicación y Capacitación (Enlace)  
FIAN, Mexico Section  
Foro para el Desarrollo Sustentable A.C.  
FUNDAR Centro de Análisis y Investigación A.C.  
Iniciativas para la Identidad y la Inclusión A.C. (Inicia)  
Instituto Mexicano para el Desarrollo Comunitario A.C.

Liga Mexicana para la Defensa de los Derechos Humanos (Limeddh)  
Movimiento Ciudadano para la Democracia A.C. (MCD)  
Latin American Regional Office of Habitat International Coalition  
Human Rights Programme of the Ibero-American University  
Promoción y Capacitación en los Derechos Económicos y Sociales de las Mujeres A.C.  
(PROCADESC)  
Red de Jóvenes por los Derechos Sexuales y Reproductivos (Elige)  
Red Mexicana de Investigadores S.C. (REMISOC)  
Red por los Derechos de la Infancia en México  
Salud Integral para la Mujer (SIPAM)  
Servicios para una Educación Alternativa A.C. (Educa)  
Servicios y Solidaridad en México A.C.

1241. In addition, the observations made by the Organizations of the Group for the Promotion of the Preparation of the Second Alternative Report on ESCRs on the first draft of this report have been considered and included. They are:

- There are a number of substantive gaps in the draft which renders it impossible to obtain a global picture of the work of the government in the field of economic, social and cultural rights.
- The report is lacking in perspective on human rights. It only gives information, reproduces various laws and describes the framework of numerous programmes without providing any indication of the degree of fulfilment of the obligations of the State under the Covenant, interpreting in a restricted fashion the guidelines set by the United Nations Committee on ESCRs.
- In this connection another matter of concern is the absence of discussion of aspects which are important in a comprehensive view of economic, social and cultural rights, and in particular freedom of determination and the environment.
- The insufficient identification of existing problems and of obstacles to access to and enjoyment of the different rights and, as a consequence, of measures taken to deal with them is particularly serious.
- Among the statistical indicators provided quantitative elements take precedence over qualitative ones; moreover, those indicators do not adequately support the information relevant to the reporting period.
- In the absence of descriptive elements in the approach to the programmes, problems with their design and implementation do not appear clearly; this is even more the case with regard to results and the product of evaluations of impact.
- We note that some of the sources are not properly referenced.

1242. The Government of Mexico wishes to state that it shares some of the views expressed by the organizations of civil society, both orally during the meetings and submitted in writing. They are reproduced here, and all of them have been taken into account in the preparation of this report.

#### IV. CONCLUSIONS

1243. The preparation of this report has offered an important opportunity for the Government of Mexico to bring together in a single document all the efforts and actions it has undertaken to give effect to the rights enshrined in the International Covenant on Economic, Social and Cultural Rights.

1244. Mexico is convinced of the obligation on States to create conditions which will enable everyone to enjoy their economic, social and cultural rights as well as their civil and political rights, since only in this way can humans enjoy genuine freedom.

1245. Although the Government of Mexico considers that it has made substantial advances in the progressive introduction of these rights, it is aware that there still remains much to be done to ensure that all Mexican men and women without exception really enjoy those rights.

1246. In Mexico there are some 40 million poor people. Consequently one of the primary commitments of the government, and one of the principal challenges facing it, is the eradication of poverty, which can only be achieved by giving the entire population access to these rights. Consequently substantial resources are being devoted to the drawing up and implementation of programmes and public policies which will allow real and ever more comprehensive progress in the field of economic, social and cultural rights.

1247. The true achievement of economic, social and cultural rights depends to a considerable degree on the economies and the resources of the different countries. Mexico, as an emerging economy, faces major obstacles which have urgently to be surmounted in order to guarantee the access of the entire population to its rights. However, this is not an easy task, and it is one which cannot be carried out in isolation.

1248. In parallel with, and as a result of, the democratic transition which Mexico is experiencing, the political situation has entered a delicate and complex phase in which the degree of progress towards decisions for the benefit of the country has been hampered by various obstacles. However, the cost of a transition of this type will eventually be absorbed, and it will become possible to achieve a better and more balanced discussion which will finally result in decisions fostering progressive achievement of these rights.

1249. In the course of the preparation of this report civil society was invited to submit its comments. These were received and have been incorporated in this report by the Government of Mexico.

1250. Notwithstanding the shortcomings which remain and which must be overcome for the full attainment of ESCRs, the Government of Mexico confirms in this report its political will to bring about the enjoyment and exercise of these and all the rights of its people and will continue to work determinedly to complete that task.

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