



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights Thirty-sixth session

#### Summary record of the 14th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 May 2006, at 3 p.m.

*Chairperson:* Ms. Bonoan-Dandan

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*Fourth periodic report of Mexico* (continued)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports:**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Fourth periodic report of Mexico* ((E/C.12/4/Add.16); core document (HRI/CORE/MEX/2005); list of issues (E/C.12/MEX/Q/4); written replies to the list of issues from the Mexican Government (E/C.12/MEX/Q/4/Add.1)) *(continued)*

1. *At the invitation of the Chairperson, the Mexican delegation took places at the Committee table.*

*Articles 1 to 5 of the Covenant* *(continued)*

2. **Mr. Fernández-Varela** (Mexico) said that income disparities and unequal wealth distribution were a product neither of the transition to a market economy nor of the land concentration of the nineteenth century but dated from colonial, and in some cases even pre-colonial, times. Although that fact in no way justified the existence of inequalities, which were a cause of concern for the Mexican Government, it was very difficult to secure acceptance among certain social groups for public policies based on the redistribution of wealth, especially since their effects were perceptible in the long term only. The devaluation of the national currency (the Mexican peso) in 1994 had had a far greater impact on the rich, since, as was logical, they had lost most. Income distribution had therefore always been very uneven, and there was no evidence that either the North American Free Trade Agreement (NAFTA) or liberal economic policies were responsible for that situation.

3. NAFTA had undoubtedly been of greater benefit to the north of the country, since the increase in that region's gross domestic product was almost twice the increase in the south of the country. To alleviate those inequalities and the low level of investment — except in places such as Cancún that attracted private capital — the Mexican Government had increased public investment in the south-east of the country. In rural areas per capita income was lower than in urban areas and the number of people living in extreme poverty was far higher. For that reason, activities under the Opportunities Programme to combat poverty had been focused mainly on rural areas. The results of the Programme were encouraging, since the reduction in rural poverty had exceeded the reduction in urban poverty and the percentage of the rural population without access to basic nutrition, health care and education had declined significantly.

4. Although NAFTA had entered into force on 1 January 1994, for social reasons it had been agreed that it would not be applied before 2009 in the case of products with the highest volume of domestic output, such as maize, cereals, milk and meat. Accordingly, any change undergone by those products could not be attributed to NAFTA. Mexico had always imported maize, for example, because domestic production had never been sufficient to meet the country's human and animal food requirements. Small-scale producers, who consumed all their production and had no surplus to market, would in any case have been unaffected by the Agreement, as would producers who lived near urban centres such as Mexico City and used their surplus to make cakes to sell in the city. That trade would never be eliminated as it was based on the proximity between the place of production and the place of consumption. The wealthy farmers in the west of the country, such as those in Sinaloa State, would be perfectly able to continue producing cereals without recourse to the subsidies offered. The fact that cotton and citrus fruits were also cultivated on their land further reduced the threat to their livelihood.

5. The only persons likely to be adversely affected by the Agreement were the small-scale producers who sold their output on local markets, such as the farmers in the La Frailesca region of Chiapas State, and were not able to compete with the high-yield producers of the United States. Rather than blaming the Agreement, it therefore seemed wiser to implement appropriate policies and to extend the subsidies for those producers.

6. The loss of genetic diversity in maize, germplasms and other cereals was also not attributable to NAFTA, but rather to the marketing of agricultural produce and the green revolution. That loss dated back to the 1950s and 1960s, during which years the Ford and Rockefeller Foundations had funded the development of high-yield seeds and hybrid varieties. Therefore, while the problem was undoubtedly a serious one, once again it could not be attributed to the Agreement, and the Mexican Government would make every effort to preserve genetic diversity.

7. On a positive note, NAFTA had brought employment to many, including the Mixtecs of Oaxaca, who had found work harvesting tomatoes and melons, and had enabled them to secure certain social advances, such as the care to which agricultural day labourers were henceforth entitled. It had also opened up the North American market to Mexican farmers, who were exporting fruit and vegetables to the North in unprecedented quantities.

8. It was impossible for the Free Trade Agreement to benefit everybody, but overall Mexico could be said to have gained more than it had lost. It was for the Mexican Government to implement a social policy that would compensate the “losers”, for example by offering training and redeployment opportunities. The Agreement was not contrary to the provisions of the International Covenant on Economic, Social and Cultural Rights, since it had created employment, generated income and stimulated production, hence contributing to improved well-being. Mexico faced environmental problems that were not a pernicious side effect of the Agreement. In fact, the most highly polluting industry was sugar refining, which fell outside the scope of environmental protection legislation.

9. Mexico had made significant progress in terms of access to education and health care, but still had much to do to improve quality. The Mexican Government was working to ensure that all children had access to adequate education, nutrition and health care from infancy.

10. In Mexico, 52 per cent of land was collectively owned and there was no evidence of any ongoing process of privatization or concentration of ownership among a few persons, contrary to the concerns expressed prior to the amendment of article 27 of the Constitution regulating land ownership. Fourteen years later, just 29 of Mexico’s 3,000 ejidos (communal landholdings) had been privatized, having been sold to transnational corporations at very high prices. In any case, much of the land was unsuitable for agriculture because of its aridity and lack of water, and was not therefore attractive to investors.

11. Indigenous community land was covered by the San Andrés Accords and was managed democratically by peasant farmers and ejido members, among others. For certain large-scale projects requiring significant investments, all ejido members affected had been consulted and had been invited to vote. They had voted in favour of the hydroelectric development at La Parota in the State of Guerrero, but the project had not yet started because the Mexican Government still faced strong opposition and was waiting for all contentious issues to be cleared up before commencing the work.

12. Programmes existed under which peasant farmers who provided services that helped preserve the environment, such as carbon capture through tree-planting, the production of fresh water or oxygen and the protection of agrarian land, were remunerated for their efforts.

13. Sexual harassment had been a criminal offence since 1991 and offenders received either a fine or a prison sentence of between six months and four years, depending on the seriousness of the case. Rape was punished more severely still. Public officials found guilty of harassment were dismissed from their posts.

14. A number of social measures had been adopted to promote gender equality. For example, under the Opportunities Programme, which provided support for the most disadvantaged, girls following secondary education received grants exceeding those given to boys. Additionally, political parties were required to include a minimum number of women on their electoral lists, and administrative sanctions were applied in the event of discrimination against women.

15. A congressional committee had been established to assist migrants. Programmes benefiting agricultural day labourers had been implemented as part of social development policies and considerable sums had been invested in housing and infrastructure in areas where there were many such workers.

16. **Mr. Torres Cisneros** (Mexico) said that the uprising of the Zapatista National Liberation Army (EZLN) in southern Chiapas in 1994 had served to place the long-disregarded issue of the indigenous population on the agenda, highlighting the legitimacy of their claims and paving the way for the process of constitutional reform.

17. There had been reports of a failure to observe the provisions of the San Andrés Accords, the agreements reached following negotiations between the indigenous population and members of the federal executive, but the real problem lay in the fact that the Accords had not been endorsed by all sections of the executive and that the legislature had not been involved in the process. The team that had come to power in 2001 had campaigned on the issue, undertaking to put an end to the Zapatista conflict and address the indigenous problem. Its first action had been to submit the constitutional reforms relating to indigenous rights and culture proposed by the Committee for Concord and Pacification (COCOPA) to the legislature. The latter had amended the proposed reforms on the ground that certain requests, in its view, could not be accepted by the Mexican Government.

18. The Federal Commission for Indigenous Rights had stressed the importance of reopening the debate on the indigenous issue and acting on the legitimate claims of the indigenous population. The new Mexican Government was convinced that progress could be made in their economic, social and cultural rights. Institutional reforms, for example, should facilitate advances in health care, education and infrastructure, besides leading to recognition of indigenous culture and of indigenous peoples as legal persons under public law, without which they would be unable to exercise their collective rights in relation to intellectual property. It was therefore important to make the various social actors aware that those communities exercised their rights and observed their customs, traditions and culture collectively.

19. The constitutional reforms of 2001 acknowledged the right of all indigenous peoples to self-determination and, accordingly, to autonomy, as well as their right freely to determine their way of life and their own form of economic, social and cultural organization. However, it was the San Luis Potosi reforms, not the 2001 reforms, that had granted indigenous peoples the status of legal persons under public law. Since Mexico was a federal country, the federal states were gradually transposing the constitutional reforms into their own legislation. For example, the Free and Sovereign State of Oaxaca, which had for many years been the most advanced state in the country in terms of the recognition of indigenous peoples, had amended its Constitution in 1995. Oaxaca was also currently the only state that accorded ethnic group status to the Afro-Mestizo population, although it was rather outdated in its use of the expression “ethnic groups” rather than “indigenous

peoples”, the term used in the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).

20. The 2001 constitutional reforms had established a number of principles to facilitate the settlement of internal conflicts and to ensure that individual guarantees, fundamental rights, and the dignity and integrity of women were respected. Because indigenous communities were not free from discrimination, with women and children being the main victims, the development of a legislative framework able to ensure respect for fundamental rights, in particular by guaranteeing that women could be elected to public office on the same terms as men, was essential.

21. The 2001 constitutional reforms had also recognized indigenous peoples’ right to preserve their language, their knowledge and all aspects of their culture and identity, their right to access their land in accordance with the relevant provisions of the Constitution, their right to elect representatives to the local councils in municipalities with indigenous populations, and their right to bring cases before the courts of the State party and to ensure that their customs and specific cultural characteristics were taken into account when they were engaged in legal proceedings, either individually or collectively.

22. A total of 800 municipalities classed as indigenous, which between them were home to 40 per cent of the State party’s indigenous population, had representation at local level. It should not be forgotten that the indigenous population had a history dating back thousands of years, and that many indigenous communities were the product of colonization or evangelization or had been established by religious orders, inter alia. Their cultural and linguistic diversity made the organization of such communities very complex, the multitude of dialects being the greatest difficulty they faced; while 62 indigenous languages were officially recognized in Mexico, the total number was actually far higher, since each language family had a number of subgroups. That situation meant that indigenous communities felt the need to rally round other symbols, such as the Church or a patron saint, and to be inward-looking, with exogamous relationships a rarity. Municipal councils were therefore the only legitimate form of representation available to them. Some autonomous peoples had proposed forming regional associations as a means to achieve autonomy, but not all of them. The specific characteristics of each indigenous region were so complex — some of them being multi-ethnic and others multicultural — and the forms of representation so different from one community to another, that it would be extremely difficult to grant them self-determination.

23. The institutional reforms had provided for the creation of a Commission for Indigenous Rights to formulate policies benefiting indigenous peoples that were better adjusted to their current situation and to coordinate all public policies implemented in that field. The Commission had been endowed with considerable resources, and a budget that increased each year. It had concentrated its work on infrastructure, and had been criticized for that strategy, but the Commission believed that building roads, facilitating access to drinking water, and providing electricity in villages, inter alia, were of vital importance for indigenous communities.

24. The National Institute of Indigenous Languages (INALI) was currently working to identify more accurately the 62 indigenous languages classified as national languages. While some of them were known to have previously existed in written form, as demonstrated by archaeological evidence left by the Mayas, the majority of indigenous languages were oral, and INALI was working to codify them using the Latin alphabet. It was important to note that the San Andrés Accords had been drafted in a number of indigenous languages, including Chol, Chuj, Jacalteco, Lacandón, Mame, Kanjobal, Tzeltal, Tzotzil and Zoque. Because indigenous people had the right to use their mother tongue in court proceedings, there was a need to train sworn bilingual translators, and the Commission for Indigenous Rights and INALI were currently working to that end.

25. **Mr. de Alba** (Mexico) said that the current Government had undertaken to improve protection for migrants in Mexican territory, in particular by refurbishing and modernizing holding centres. The Mexican Government was also working to define minimum standards applicable to the stay of undocumented migrants. All those initiatives required substantial resources. The International Organization for Migration had been involved in the modernization of the Tapachula holding centre, the biggest in Latin America, which was now home to a permanent representative office of the Federal Human Rights Commission. It was a question not just of improving living conditions at the centre but also of ensuring that the treatment of migrants was more appropriate to their situation and gender-related, and finding a solution to the problem of overcrowding.

26. Mexico was a source, destination and transit country for migrants. The majority of emigrants went to live in the United States. Immigrants accounted for around 1.5 per cent of Mexico's total population, although that percentage had been rising for several years.

27. His country had also developed a protection programme for Mexicans living abroad, under which 46 consulates had been equipped with mobile units enabling them to assist Mexican nationals in difficulty. Legal aid was provided to Mexicans who had been sentenced to death in foreign countries and whose right to a fair trial had not been respected.

28. The migration issue had become particularly pressing since the terrorist attacks of 11 September 2001, and States should be required to apply certain human rights standards, whether or not they had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In that respect, the Committee had an important role to play in drawing States parties' attention to the need to ratify the Convention, which was the seventh international human rights treaty adopted by the United Nations.

29. **Ms. Sosa** (Mexico) said that the 2001 Constitution outlawed discrimination on the basis of age, sex, disability, social or economic status, health, pregnancy, language, religion, opinion, sexual orientation, civil status or other grounds. Mexico had also adopted a law to prevent and eradicate discrimination, which had resulted in the creation of the National Council for the Prevention of Discrimination (CONAPRED) and the introduction of administrative mechanisms providing members of the population with a channel for reporting incidents of discrimination for the first time in the country's history.

30. The National Institute for Women (INMUJERES) had launched an initiative to bring national legislation into line with international accords and treaties relating to women's fundamental rights, in particular those outlawing gender-based violence. The Institute was currently working to formulate a framework law on domestic violence that would cover criminal, civil and administrative issues.

31. **Mr. Labardini Flores** (Mexico) said that efforts to combat corruption had been intensified in recent years as the Mexican Government had sought to improve the management of public affairs and improve the quality of the services provided to the population. The 2001–2006 national development plan had therefore emphasized transparency, and administrative processes had been simplified and streamlined to limit the possibility of corruption and arbitrary decision-making among public officials.

32. Corruption on the part of public officials had been made an offence. Officials found guilty of such acts were liable to receive warnings and fines, faced the possibility of dismissal, might be barred from holding other public service positions and could be subject to administrative or even criminal proceedings. Offences punishable by the imposition of sanctions ranged from obstructing the course of justice to abuse of power. The 2002 reform of the Criminal Code had incorporated the notion of corruption not only at national level but also at international level, in accordance with the provisions of the Organization for

Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

33. A number of initiatives relating to trafficking in persons had been brought before the Chamber of Deputies and the Senate, which were due to draft a consolidated joint document on that issue. That document was expected to have the benefit of addressing the issue of trafficking from two angles – i.e. both from the legal perspective and from the point of view of the provision of support for victims of trafficking, the latter possibly in association with civil society organizations. In 2005, Mexico had concluded agreements with the United States of America and Guatemala and had developed various specific programmes to combat the problem, which required it to have an in-depth knowledge of the modus operandi of international trafficking networks and to understand how best to assist victims, whose needs varied from one case to another. Victims who had obtained a visa and were living legally in Mexican territory could, for example, obtain a temporary residence permit when their visa expired.

34. From the practical point of view, at least 20 criminal organizations engaged in trafficking in persons had been identified as operating across Mexico's borders. That number included both organizations bringing illegal immigrants into Mexico and organizations transporting migrants through the country. In 2005, 160 persons had been rescued from traffickers.

35. **Ms. González** (Mexico) informed the Committee that treaties formed an integral part of domestic law but could not be directly invoked before the courts. That explained why certain members of the Committee had raised the issue of legislative harmonization in relation to the fundamental rights of women and migrants. The issue of respect for women's rights had been at the centre of debate for more than 20 years, but their rights were still not enshrined in the legislation of all Mexican states.

36. It was difficult to assess levels of knowledge of the rights enshrined in the Covenant among public officials, and decision makers in particular, and whether or not they applied its provisions. However, since 1999 there had been a proliferation in the number of training courses for personnel of the Ministry of Defence and the Army. Virtually all universities in the country gave courses in human rights, and numerous seminars on international humanitarian law had been organized. However, as yet no research had been conducted to gauge the impact of that training on the country's legal culture.

37. The previous Government's efforts to heighten respect for human rights would of course continue.

38. The mandate of the human rights commissions established at individual state level was to settle disputes of a non-judicial nature. That meant that they did not impose penalties but confined themselves to issuing recommendations. They had considerable autonomy in that respect. Each year they also published an annual assessment of the national human rights situation in the press.

39. Economic, social and cultural rights — specifically, the right to health, land, employment and housing, the rights of the child, and the right to equality between men and women — were enshrined in various articles of the Mexican Constitution, but there was no specific section entitled "Human Rights". Provisions relating to the administration of justice were contained in the section entitled "Individual Guarantees".

40. She noted that, in response to the murder of 51 journalists between October 2005 and March 2006, the Government had established an Office of the Special Prosecutor to investigate and combat that phenomenon. In addition, the remit of the Office of the Special Prosecutor to investigate the murders of women in Ciudad Juárez had been broadened, and it was now responsible for investigating all female homicide cases throughout the country.

41. **Mr. Atangana** requested additional information on Mexico's itinerant courts.
42. **Mr. Marchán Romero** asked how the State party guaranteed the right of indigenous persons to be elected to municipal councils, given that it did not systematically recognize the "*juntas de buen gobierno*" (good government boards) that the Zapatista National Liberation Army had established in pursuance of the principle of the right to self-determination, and whether the Mexican Government intended to re-establish dialogue with the Zapatista National Liberation Army in Chiapas.
43. **Ms. Ghose** asked the Mexican delegation to provide more detail on the measures the State party had introduced to benefit minority groups.
44. **Mr. Torres Cisneros** (Mexico) said that the Mexican Government was willing to resume dialogue with the Zapatista National Liberation Army, but that the latter was refusing on the grounds that the 2001 reforms had not progressed as it would have liked. The issue of recognition of the "good government boards" was a complex one. Established by the Zapatistas in August 2003 in the Caracoles, the boards gave indigenous communities that did not identify with political parties and therefore felt that they were not represented on the political stage the opportunity to take part in decision-making at municipal level. The electoral redistribution of 2005 had benefited the indigenous peoples, who were henceforth better represented in Congress.
45. **Mr. Labardini Flores** (Mexico) said that the positive measures introduced as part of the National Programme for Equality of Opportunities and Non-discrimination against Women, 2001–2006 (PROEQUIDAD) implemented by the National Institute for Women (INMUJERES) were designed to repair past injustices or prejudices likely to exclude members of a given community who, for whatever reason, had been victims of segregation. Article 5 of the Federal Act on the Prevention and Elimination of Discrimination adopted in 2003 stipulated that legislative, educational or other public-policy measures designed to promote real equality of opportunity should not be considered discriminatory. Chapter III of that same Act underscored the need for public bodies and federal authorities to apply such measures, and to encourage the enrolment of girls at all levels of education, to counter the school dropout rate and to provide women with comprehensive information on a range of health-care issues, including contraception.

*Articles 6 to 9 of the Covenant*

46. **Ms. Bras Gomes**, noting that a parallel report submitted to the Committee by a non-governmental organization stated that the Mexican Government intended to privatize the social security retirement pension system and the pension scheme of the Institute of Social Security and Social Services for State Employees (ISSSTE), asked whether it was the good results, if any, of the privatization of pension funds that had led the State party to advance further along the path of privatization. In her opinion, a privatized system could be prejudicial to disadvantaged groups, such as the unemployed, low-wage earners and those working in the informal sector, particularly women, who did not generally have the means to subscribe to a private pension fund. She asked the Mexican delegation to clarify whether it was indeed the case that only 38 per cent of the active population were contributors to the social security pension fund, and whether the rest of the population had any kind of pension provision.
47. Noting that pension funds appeared to favour risky investments as a means to maximize capital, she also enquired whether those funds had a plan of action for dealing with adverse movements on the financial markets and thus ensuring that they were able to continue paying pensions to the beneficiaries.
48. It would be useful to know what the State party was doing to ensure that employers made the right level of social security contributions for the number of hours worked by



each employee, and in particular if it had established a monitoring system to prevent fraud in that area.

49. She expressed concern that women were given priority over men in access to day-care services, considering that practice discriminatory. She asked whether the State party had introduced paternity leave for fathers who wished to take care of their children.

50. **Mr. Rzepliński**, referring to various articles of the Federal Labour Act and other legislative texts relating to trade union membership, which stipulated, inter alia, that the membership of a same trade union could not include public-sector employees working in different public-sector bodies, that the same trade union could group together employees of the same public-sector department, and that union members could not disaffiliate themselves, expressed the view that those various measures meant that public-sector employees' unions could be easily manipulated. He added that, according to the national human rights survey produced by the Office of the United Nations High Commissioner for Human Rights in Mexico, freedom of association was systematically undermined, the authorities inhibited exercise of workers' right to strike and exercised strict control over trade unions, union officials were not elected by secret ballot and, worst of all, in some cases voters were required to sign their ballot papers. He would welcome the Mexican delegation's comments on that issue.

51. He would also like to know in what respect certain provisions of the ILO Conventions concerning Minimum Age for Admission to Employment (No. 138) and the Prevention of Major Industrial Accidents (No. 174) were "incompatible or difficult to reconcile with national legislation". Referring to paragraph 129 of the Mexican Government's written replies to the list of issues in which it was stated that, should workers and trade unions consider that their rights and guarantees had not been respected, they could bring their cases before the competent courts to assert their rights or settle disputes, he asked the delegation to provide the Committee with details of the case law evidencing the legal protection of workers and trade unions.

52. Lastly, he was concerned that the establishment of more than one trade union was prohibited in the maquiladoras, as it was in the public sector, even though the maquiladora industries were privately owned. That situation was in contravention of article 8 of the Covenant.

53. **Mr. Texier**, noting the steady increase in the declared unemployment rate, the high number of unemployed people living in especially difficult circumstances (3.3 million persons) and also the large number of street vendors (1,203,000), requested details of any specific steps taken by the State party to counter that trend, especially since the figures released by the National Institute of Statistics, Geography and Information Technology (INEGI) were even more alarming than those contained in the report under consideration. He would also like to know whether the prevalence of informal labour, which carried no right to social protection of any kind, was rising, and whether the Mexican Government had established a programme to combat that phenomenon.

54. It would be interesting to know how closely and by what mechanism the State party monitored application of the new law prohibiting prospective employers from asking women whether they were pregnant during the interview process, especially in sectors where social protection for employees was limited, i.e. in the maquiladoras and export processing zones where social rights were often non-existent. Additional information would also be useful on working conditions in the maquiladoras and indigenous areas, where children aged 12 or even younger were employed, as well as day workers from other regions who earned as little as 48 to 50 pesos per day, when the national minimum wage was 60 pesos per day, which was already very low.

55. The Committee would also welcome comments on the figures from the Federal Labour Protection Office, which had reported processing 106 complaints of sexual harassment, 370 cases of redundancy during pregnancy, 107 cases of workplace violence and 371 cases of unfair dismissal. The State party's comments on the issue of gender inequality in wages would also be appreciated, given that, for equal work, women's wages were between 15 and 30 per cent lower than men's.

56. He was concerned that, under the Mexican Constitution, neither the human rights commissions established at individual state level nor the Federal Human Rights Commission were empowered to intervene when fundamental rights were violated in the workplace, which meant that trade union rights were effectively stripped of their status as fundamental rights. Concerned, also, by the numerous restrictions on the right to form and to join trade unions, he wished to know whether the State party planned to abolish those restrictions on freedom of association and to withdraw its reservation to article 8 of the Covenant.

57. Finally, it would be useful if the Mexican delegation could explain why the State party had not ratified the ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98).

58. **Mr. Abdel Moneim** asked how the indigenous communities had reacted to the measures adopted by the State party to eliminate child exploitation and improve protection for minors in work.

59. **Mr. Marchán Romero** said he wished to know the exact number of minors who were in work and what the State party was doing to protect them from exploitation.

*Articles 10 to 12 of the Covenant*

60. **Mr. Atangana** asked the Mexican delegation to provide details of the steps the State party had taken to encourage parents to register their children with the Civil Registrar's Office, and of the repercussions of the legislative measures adopted to combat all forms of domestic violence that were described in the Mexican Government's written reply to question No. 21 of the list of issues.

61. **Ms. Barahona Riera** said she was disappointed that Mexico's fourth periodic report did not include more information on equality of the sexes and the advances made by the State party in that area. She was also concerned that the legislative initiatives to criminalize violence against women were still in the draft stage, stressing the urgency of adopting a framework law on domestic violence. She would also like to know whether, once adopted, the law would apply directly in all states or would need to be transposed into the individual legislation of each.

62. She trusted that the newly installed Government would continue to support the reform and adoption of legislation criminalizing domestic violence and to formulate policies to that end. She also hoped that the State party would ensure that incest was made a criminal offence in the very near future, that the requirement to demonstrate that the victim was bona fide was eliminated from the numerous legislative texts and other codes citing such requirement, and that the age of sexual consent was raised to at least 15 years.

63. On the issue of sexual and reproductive health, she was pleased that the State party showed a readiness to legalize abortion in the case of rape, but stressed the need to amend the provisions of the Code of Criminal Procedure and to establish the health services necessary to ensure that risk-free abortions were available to rape victims. The Federal Health Act must also be approved.

64. She asked the delegation to clarify whether the rise in health-care expenditure had been accompanied by a parallel rise in the budgets of departments working to improve

quality and standards of living. In particular, she would appreciate information on any social programmes in the area of housing, education and aid for families and the elderly.

65. **Ms. Ghose** asked about the scale of the domestic violence problem and to what extent the National Institute for Women (INMUJERES) was permitted to intervene in family incidents. She was disappointed that the shelters provided for the victims of such acts were only temporary and asked whether it would not be possible to offer women who had the courage to leave a violent partner accommodation in which they could set up a permanent home.

66. Recalling that early pregnancies totalled 500,000 each year and that unsafe abortions were the fourth most common cause of maternal mortality, she asked whether the State party acknowledged that, since abortion was illegal, young girls who became pregnant had no option but to turn to unlicensed clinics that performed the procedure. She further asked whether it was true that, while the Code of Criminal Procedure permitted clandestine abortions for victims of rape, many states did not allow girls to exercise that right, and whether police officers received specific training in how to treat women reporting cases of rape, so as to ensure that their statements were not called into question and were taken seriously.

67. **Mr. Sadi** asked whether or not NAFTA had exacerbated the particularly alarming situation of women and children, which was reflected, in particular, in the large numbers of street children, estimated at 11,000 in Mexico as a whole and several thousands in the capital alone.

68. He found it unacceptable that, contrary to the provisions of the Convention on the Rights of the Child, children were permitted to work in agriculture from the age of 6, the age of marital consent was 14 for girls and 16 for boys, the age of sexual consent was as low as 12 in certain states, and large numbers of children fell victim to trafficking, prostitution and rape. He wished to know whether or not the State party had taken any remedial action in that regard.

69. **Mr. Tirado Mejía** recalled that access to water was a vital issue in Mexico that had led to violent clashes between certain communities in Chiapas, Oaxaca and Guerrero, inter alia. He highlighted that around 13 million Mexicans were affected by a scarcity of water and that around 10 per cent of the urban population did not have access to running water. He asked the delegation what action it had taken to improve that situation.

70. Because Mexico was a drug-producing country as well as a transit country for illegal substances, drug-related violence was a widespread, nationwide problem. The Committee would appreciate information on the scale of drug use nationwide and on measures adopted by the State party to reduce consumption. It would also like to know whether or not the law decriminalizing personal drug use had been approved by the Senate and, lastly, the extent to which the State party intended to support the international campaign to combat drug trafficking.

71. **Mr. Riedel**, referring to the table on page 113 of the report under consideration showing the change in the mortality rate for infants under 1 year old between 2001 and 2002, asked why, contrary to the overall trend, the rate had risen in certain states, including Morelos, Durango, Oaxaca, Puebla and Guerrero, and what Mexico was doing to correct that situation.

72. Praising the good results of the anti-HIV/AIDS campaign and the fact that the number of diagnosed cases had remained stable between 2000 and 2002, he asked what the trend since 2002 had been, and whether it was true that since 2003 all HIV-positive persons had been receiving antiretroviral therapy.

73. Finally, the Committee would like to know why the population's reproductive health was less good in Chiapas, Guerrero and Oaxaca than in the other federal states, and why, in 2004, the rate of maternal mortality among indigenous women had been twice as high as among the rest of the female population. Information on Government measures to improve that situation, and the effects of such measures in practice, was also needed.

*The meeting rose at 5.55 p.m.*