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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-sixth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 May 2006, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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* No summary record was prepared for the first part (closed) of the meeting.

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS (continued)

(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; E/C.12/MEX/Q/4; E/C.12/MEX/Q/4/Add.1; HRI/CORE/MEX/2005)

1. At the invitation of the Chairperson, Mr. Campuzano, Mr. de Alba, Ms. Gómez Vinales, Ms. González Domínguez, Mr. González Pérez, Mr. Labardini Flores, Mr. Macedo, Mr. Nava, Mr. Palafox, Ms. Roviroso, Ms. Sosa, Mr. Torres Cisneros and Mr. Vélez Fernández-Varela (Mexico) took places at the Committee table.
2. Ms. GONZÁLEZ DOMÍNGUEZ (Mexico) said that the Government of Mexico had taken particular care to solicit the views of civil society organizations before submitting its fourth periodic report (E/C.12/4/Add.16) to the Committee.
3. On the basis of the national human rights survey, which it had carried out with assistance from the Office of the United Nations High Commissioner for Human Rights and the recommendations of the international human rights mechanisms, the Government of Mexico had developed its National Human Rights Programme, which laid the groundwork for a State policy on human rights.
4. In the areas of education and the environment, Mexico had cooperation programmes with the European Commission, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Inter-American Development Bank and the World Bank.
5. The eradication of poverty remained a priority for the Mexican Government, whose Opportunities Programme provided support to 5 million families living in extreme poverty. Between 2000 and 2004, 6.9 per cent of Mexicans (5.6 million persons) had emerged from food poverty.
6. With regard to the right to non-discrimination, Mexico had adopted the Federal Act to Prevent and Eliminate Discrimination in 2003, which had led to the establishment of the National Council for the Prevention of Discrimination. Turning to the question of gender equality, she said that the National Institute for Women, which had been operating since 2001, had developed major programmes in the areas of equal opportunity, non-discrimination, health, education, welfare and employment; it had also put forward major legislative reform initiatives, particularly in the areas of labour and criminal law. In 2004 and 2005, the net participation rate for women in the labour market had risen to 38.9 per cent, its second-highest level ever. Significant progress had also been made in protecting victims of domestic violence, particularly through the establishment of temporary shelters.
7. Mexico had adopted a series of measures for protecting the rights of workers, including legislation on the right of workers to join trade unions, and in 2005 had abolished the requirement of proof of non-pregnancy as a condition for hiring women. The labour rights of disabled persons were promoted through the Recognition of Inclusive Enterprises scheme.

8. Mexico was engaged in a number of development and social assistance programmes. The 2004 Social Assistance Act promoted and coordinated public and private assistance services and special measures to protect and assist children and adolescents, particularly street children; it also provided for national programmes to combat sexual exploitation of children and child labour. Mexico was also taking measures to protect the elderly, for example through the National Institute of the Elderly.
9. As part of its measures to guarantee an adequate standard of living, Mexico had continued its efforts to ensure that marginalized persons had access to housing alternatives, such as through microfinancing, leasing with the option to buy and housing subsidies. Between January and June 2005, more than 200,000 housing loans had been granted.
10. The Programme to Improve Air Quality in the Metropolitan Area of the Mexico Valley 2002-2010 set out policies for preventing and controlling air pollution through joint coordination among the Government of the Federal District, the State Government and the Federal Government.
11. The People's Health Insurance scheme was one of Mexico's greatest achievements in guaranteeing the right to health. Since February 2005, 31 States had been covered under the scheme.
12. In the field of education, the current Administration had been developing programmes to increase the enrolment, retention and graduation rates of young people and adults with lower educational achievement and had fostered education and intercultural education involving indigenous people and immigrants.
13. With regard to indigenous peoples, Mexico had undertaken constitutional reforms, established the National Commission for the Development of Indigenous Peoples in 2003 and adopted the General Act on the Linguistic Rights of Indigenous Peoples in 2003.
14. In order to ensure administrative transparency and combat corruption, in 2002 the Government had enacted the Federal Act on Transparency and Access to Public Government Information, which had led to the establishment of the Federal Institute for Access to Information and the Information Request System. The Ministry of Public Service was conducting a number of programmes that fostered open dialogue with citizens and helped build their confidence in Government institutions.
15. Mr. VÉLEZ FERNÁNDEZ-VARELA (Mexico) said that, as a developing country, Mexico needed to ensure that social rights were accessible to all by adopting strategies that focused on economic efficiency and growth and by making efforts to redistribute public revenue. Mexico had carried out reforms of the financial sector and public housing, and planned to undertake other reforms with a view to allocating additional funds to social programmes.
16. Mexico had implemented an effective social policy. Since the current Administration had taken office, the number of poor people had decreased by 25 per cent; that could be explained by the success of the Human Opportunities Development programme, which involved various measures to promote health and nutrition activities, awarded scholarships and adopted a gender perspective. The programme, which covered all of Mexico's municipalities, had made it

possible to more than double the number of school graduates, including women, over the past five years. The 2003 Opportunities for Young People programme enabled students to accumulate points that they could trade in for funds towards savings, higher education, home purchases, health insurance for their families, or business projects. The current Administration had also taken measures to assist the elderly: in 2006, a programme to provide pensions for the estimated 1 million adults over the age of 70 had entered into force. A retirement savings mechanism, through which the Federal Government encouraged long-term savings plans for adults between the ages of 30 and 69 by matching savings (up to 50 pesos bimonthly), would come into effect later in 2006. The retirement savings mechanism was an important step towards a national pension scheme.

17. The Ministry of Health and the National Housing Development Commission had implemented a number of programmes, including the 2005 People's Health Insurance scheme, and had made it easier to obtain financing for the purchase or construction of a home. Some 500,000 homes were built in Mexico every year with assistance from the National Housing Development Commission and the recently reformed National Housing Fund for Workers.

18. Ms. GÓMEZ VINALES (Mexico) said that the amendments made to the General Health Act in 2003 ensured that families that were not members of a social security system could receive medical care and were protected from the risk of catastrophic health-related expenses. The reform of the Social Health Protection System guaranteed access to a medical services package that mobilized new funds for subsidizing health-care costs. The People's Health Insurance scheme guaranteed Mexicans equal opportunities in health matters, regardless of their work situation, income, place of residence, ethnic origin, age or gender. The Government hoped that 5 million families would be covered by the People's Health Insurance scheme in 2006, and that universal health-care coverage would be achieved by 2010.

19. Mr. TORRES CISNEROS (Mexico) said that indigenous matters were a priority for the Mexican Government, since there were about 12 million indigenous people in Mexico. The constitutional reform of 2001 had made it possible to focus public policies on such areas as insecurity and injustice, inequality, cultural diversity and regional development. The National Commission for the Development of Indigenous Peoples had cross-cutting public policies and an Advisory Council representing Mexico's 61 indigenous populations; the Commission earmarked budgetary resources for the indigenous population and adopted a gender and equality perspective in all its actions.

20. The Government was currently making efforts to improve relations between the State, indigenous peoples and society. The Government was actively involved in negotiations on the draft United Nations declaration on the rights of indigenous peoples, in which Mexico had stressed that the right to self-determination strengthened friendly relations between States and indigenous peoples rather than constituting a threat to the territorial integrity of States.

21. Improvements for indigenous peoples included increased budget allocations for basic infrastructure and improved nutrition for women and children. However, the Government still needed to increase budget allocations for health and economic development, help to improve reading and math skills and expand health-care coverage. There was also a need for bilingual experts on indigenous rights in the judicial system.

22. Mr. ATANGANA requested additional information on the proposal to amend article 133 of the Constitution to give constitutional status to the rights recognized in international treaties. He would welcome additional information on the composition and competence of the circuit courts, and their position in the judicial system as a whole. He asked whether the Government had evaluated the impact that the many training programmes referred to in the reply to question 1 on the list of issues had had on the implementation of the Covenant.

23. Ms. BARAHONA RIERA wished to know what progress had been made in the area of gender equality since the establishment of the National Institute for Women and the National Human Rights Programme. She asked what was being done to harmonize legislation containing provisions that were discriminatory towards women or other groups.

24. She enquired whether domestic violence and trafficking in persons were criminalized under federal law or whether the relevant provisions were contained only in the legislation of the various States. She wondered whether Mexico planned to draft equal opportunities legislation. She would be interested to hear what was being done to encourage greater participation of women in politics and business.

25. Mr. MALINVERNI asked why Mexico had not ratified a number of important International Labour Organization (ILO) conventions or the UNESCO Convention against Discrimination in Education. He wished to know what measures were being taken to reduce the gaps between rich and poor, north and south, and urban and rural areas.

26. He expressed concern that, although the right of indigenous peoples to self-determination had been recognized in a 2001 constitutional reform, its implementation had proved very difficult; moreover, the reform had apparently been carried out without prior consultation with the indigenous peoples, which was contrary to ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. He asked whether it was true that indigenous peoples could elect their own representatives to legislative and executive bodies only at the municipal level and not at the State or federal levels.

27. He asked whether there were any statistics on the small minority of Mexicans of African descent. He expressed concern that, although the law expressly prohibited discrimination against persons with disabilities in the fields of employment and health, the relevant legislation was not implemented in practice. It appeared that discriminatory attitudes towards homosexuals and transsexuals also persisted.

28. He said that policies to develop land that was mostly occupied by indigenous peoples, such as the Puebla-Panama Plan, seemed to have been drawn up without taking account of the needs and wishes of the indigenous peoples and appeared to benefit multinational corporations. He would be interested in hearing the delegation's comments on that matter.

29. Ms. BRAS GOMES asked how equal access to information technology was guaranteed to people living in remote areas, indigenous peoples, or persons with low levels of education.

30. She commended the recent establishment of a national evaluation council to coordinate and assess social programmes, and wished to know whether the council had adequate materials and human resources.

31. According to NGO sources, gender inequality persisted in the civil codes of many States. For example, 25 States did not grant equal responsibilities to both spouses, 8 States required the husband's consent for the wife to work, and all States placed responsibility on women for registering children born out of wedlock. She asked whether the Government planned to take any legislative measures to remedy such inequalities.

32. In the context of the North American Free Trade Agreement (NAFTA), it appeared that the living conditions of maize agricultural workers had deteriorated significantly. She would welcome information on what was being done in that regard.

33. Ms. GHOSE requested the delegation to clarify one of the objectives of the National Development Plan for 2001-2006, namely "growth with quality". She asked whether it would not be preferable to have growth with equity.

34. She would welcome additional information on constitutional provisions relating to the specific rights of indigenous peoples. She would be interested in hearing about any federal or State laws to protect and promote the rights of indigenous peoples. It appeared that programmes for indigenous people were somewhat scattered, and she wondered whether there was any coordinated approach to indigenous issues. She asked how affirmative action was defined in Mexico. She wished to know whether the National Council for the Prevention of Discrimination had judicial powers and what kind of affirmative or remedial action it provided. The delegation should indicate what measures were being taken to implement the Programme for the Development of the Indigenous Peoples and Communities. She asked whether there were any legislative provisions that punished discrimination in the workplace. She wondered whether there were any educational programmes, other than scholarships, that enabled women and indigenous people to compete in the labour market.

35. She doubted whether the decline in self-employment should be considered a positive development, since self-employment was a recognized way of raising the status of women. She expressed concern that the sensitization programmes organized to create a non-discriminatory climate in women's working environments appeared to be designed for women, since it was important to raise awareness among men, particularly employers and officials dealing with women. She asked whether there was a law on sexual harassment and, if so, how it defined that practice and what punishment it established.

36. Mr. MARCHÁN ROMERO welcomed the information contained in the fourth periodic report that addressed the Committee's concluding observations on Mexico's third periodic report. He hoped that Mexico's vast resources would enable it to give effect to all the rights contained in the Covenant. He asked whether there was a mechanism for ensuring the smooth transition, from one administration to the next, of policies, programmes and projects related to the implementation of the Covenant.

37. The constitutional reforms that had been introduced as a result of the San Andrés accords between the Mexican Government and the National Liberation Zapatista Army had not fully addressed the long-standing aspirations of Mexico's 12 million indigenous inhabitants for self-determination. That situation was illustrated by the fact that the Federal Government had received some 300 complaints from indigenous persons, as well as by social tensions, particularly in the States of Chiapas, Guerrero and Oaxaca. According to information he had

received, the Government had proceeded with several major social projects, without consulting the tens of thousands of indigenous people who would be directly affected by them. Such action not only violated Mexico's obligations under the Covenant and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, but also revealed a pervasive problem of discrimination against a considerable segment of Mexico's population.

38. It was not clear what legislative mechanisms had been developed to identify, prosecute and punish perpetrators of corruption. The delegation should provide examples of cases, including the sentences handed down, in which anti-corruption legislation had been used to prosecute offenders.

39. He requested additional information on the reported negative effects of NAFTA, including the loss of 1.78 million jobs in rural areas, the daily migration of an average of 600 workers to the cities, the significant increase in poverty, and the abuse of natural resources.

40. Mr. SADI said that the delegation should indicate the extent to which policymakers were aware of Mexico's obligations under the Covenant and whether or not they implemented those obligations. He asked whether the Government had taken the provisions of the Covenant into consideration when it had established the Commission on Human Rights of the Federal District. He wished to know whether Mexico was in favour of the proposed optional protocol to the Covenant.

41. He enquired whether corruption had declined as a result of efforts taken by the Government. The institutions that had been established to ensure the principle of non-discrimination should be based on the relevant treaties to which Mexico was a party. He wished to know the impact of the human rights training courses for members of the judiciary, and to what extent the training courses were based on the human rights treaties ratified by Mexico. He wondered whether programmes had been introduced in schools and universities to educate the public about the provisions of the Covenant.

42. Mr. TIRADO MEJÍA asked what measures the Government had taken to prevent Central and Latin American migrant workers in transit through Mexico to the United States of America or to Canada from being subjected to discrimination, extortion and other forms of abuse. The delegation should comment on the long delays in the procedure for expelling immigrants from Mexico.

43. He wished to know whether Mexico intended to withdraw its reservation to article 22, paragraph 4, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; its reservation to article 13 of the International Covenant on Civil and Political Rights; and its reservation to article 32 of the Convention relating to the Status of Refugees. In her report on her visit to Mexico, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants had expressed concern that those reservations, all of which dealt with the expulsion of immigrants, left a margin of discretion that could give rise to arbitrary acts jeopardizing migrants' full exercise of their human rights.

44. He enquired about the status of the migration regularization programme that had been organized by the National Institute for Migration, under which some 10,000 migrants - almost all from Central America - would be granted amnesty. He asked whether the Government had formulated any other regularization programmes or policies. He requested information regarding the extent to which implementation of NAFTA had affected Mexico's ability to fulfil its obligations under the Covenant.

45. Mr. SHEN Yongxiang said that the reporting State should indicate whether there was a strategic plan to reduce the gap between rich and poor and, if so, what its main components were. He enquired whether the Government took the need to reduce that gap into account when formulating policy on economic, social and cultural rights.

46. He requested additional information on indigenous languages. In particular, he asked whether all 62 indigenous languages were recognized by law as national languages, and if they all had a writing system. He wished to know whether official recognition of those languages had resulted in their wider use. The reporting State should explain whether all legislation was translated into national languages, and whether other official documents were published in those languages in areas where many speakers of national languages lived. He enquired whether indigenous populations could use their languages in the courts and, if so, who was responsible for providing translation and interpretation services.

47. Mr. KERDOUN asked to what extent the National Commission on Human Rights and other local human rights bodies were independent and whether individuals could apply to the Commission directly. He wished to know what measures the Commission was taking to implement economic, social and cultural rights. He asked whether the Government planned to amend the Constitution to include the rights to housing, health, food and work.

48. The State party should indicate what measures had been taken to reduce environmental pollution, particularly greenhouse gases and water pollution.

49. He enquired whether the reporting State considered itself a country of immigration or of emigration. He asked whether NAFTA included a provision on the free movement of all Mexican and foreign workers across Mexico's northern and southern borders.

50. Mr. RIEDEL asked whether the State party would consider withdrawing the interpretative statement it had made when ratifying the Covenant. He pointed out that interpretative statements could be withdrawn, since they were not equivalent to reservations.

51. Mr. RZEPLIŃSKI asked what measures had been taken to protect the basic rights of Mexican migrants working legally or illegally in Canada and the United States of America.

52. He wished to know what budget allocations had been made to protect women's right to equal access to justice in domestic courts, particularly in cases involving family disputes.

53. The reporting State should indicate what measures the Government had taken to address the problem of trafficking in persons. In particular, he asked how many trafficking cases had been brought before the courts in 2005. Further information should be provided on policies to prevent trafficking in persons and forced labour of minors in the agricultural and construction sectors.

54. The State party should indicate how many journalists had been killed in 2004 and 2005. He wished to know whether the Government had taken steps to prevent that phenomenon.

55. He requested additional information on measures to protect lawyers who defended the rights of indigenous people on a pro bono basis. The delegation should provide updated information on the cases of Rodolfo Montiel and Teodoro Cabrera.

The meeting rose at 1 p.m.