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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 15th MEETING

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

Chairperson: Mr. RIEDEL (Vice-Chairperson)

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The meeting was called to order at 10.05 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 (continued) (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. Nava, Mr. Labardini Flores, Mr. Macedo, Mr. Palafox, Ms. Roviroso, Ms. Sosa, Mr. Torres Cisneros and Mr. Vélez Fernández-Varela (Mexico) took places at the Committee table.
2. Mr. TEXIER asked whether the Government had considered abandoning its plans to construct a hydroelectric dam at La Parota in the light of the strong hostility to the project and the complaints submitted to the Unitary Agrarian Court. He would be interested to hear the Government's position on mega-projects.
3. With regard to the right to health in the disadvantaged State of Chiapas, he asked whether the planned social programmes, such as the Opportunities Programme, would involve the full participation of the communities of Chiapas, and whether the State's political divisions could be overcome.
4. Mr. PILLAY expressed concern that the extreme poverty rate was still 10.5 per cent in rural areas. He wished to know whether economic, social and cultural rights were integrated into Mexico's many poverty reduction strategies. He asked whether the Government had considered adopting legislation that would guarantee the right to food.
5. He wished to know whether the recommendations of the Special Rapporteur on adequate housing had been implemented, whether a national housing programme had been formulated and whether the draft housing law had been adopted. The State party had not provided detailed information on forced evictions, which the Committee had requested in its concluding observations on Mexico's third periodic report. He requested statistics on the number of forced evictions and the extent of homelessness. The integral land tenancy programme was a welcome development and should be extended to other areas.
6. Mr. VÉLEZ FERNÁNDEZ-VARELA (Mexico) said that the Mexican Social Security Institute's pay-as-you-go pension system had proved unsustainable in the 1990s, and an individually funded pension scheme financed by member contributions had been established. Pension fund administrators managed the funds, which were invested in low-risk Government bonds. Although the system had been referred to as having been "privatized", it was in fact a combination of the traditional pay-as-you-go system and the individually funded system, since it was complemented by a minimum guaranteed pension. In 2004, the Social Security Act had been amended to guarantee that the running costs of the Mexican Social Security Institute were

not financed from insurance funds. To that end, the Institute's employment contract had been amended in 2005 in order to ensure that the pension fund was no longer used to finance the retirement pensions of the Institute's employees.

7. There was an urgent need to restructure social security for civil servants. Unfortunately, there were not many alternatives: either contributions or contribution periods must be increased or benefits must be reduced. It was crucial to resolve the situation since, if persons who were covered by social security contributed to systems that were not financially viable, it would be even more difficult to provide social security to the 50 per cent of the population that was not yet covered. Other non-contributory pension schemes were operated by a number of local governments, and the Opportunities Programme included a non-contributory pension for persons over 70 living in extreme poverty and a new subsidized pension savings mechanism under which each peso paid by the individual was matched by a peso from the Government.

8. Mexico's unemployment rate - 3.4 per cent - was significantly lower than in most developed countries, mainly because there were no unemployment benefits and people had to find a job no matter how low the pay; the prevailing wage was the market wage. Low wages, rather than unemployment, were the principal cause of poverty.

9. Official figures showed that, between 2000 and 2004, the proportion of working children between the ages of 12 and 13 had decreased from 12.7 to 8.5 per cent and the rate for working children between the ages of 14 and 17 had decreased from 31 to 23 per cent over the same period. The Ministry of Labour and Social Welfare was conducting an ongoing campaign to prevent the worst forms of child labour; in 2005, as part of an awareness campaign for Government and educational bodies, workers' and employers' associations and civil society, it had distributed leaflets on the labour rights of child workers and on child labour exploitation in domestic work. A number of articles had also been published in the press and media interviews had condemned child labour and highlighted ways of addressing the problem. One of the main obstacles to achieving full respect for children's rights was the poverty of their families. However, poverty among children was decreasing more quickly than poverty among the population as a whole.

10. Turning to the question of social spending, he said that the administrative costs of the Opportunities Programme amounted to only 6 per cent of its total budget of Mex\$ 3 billion.

11. He said that no action had been taken on the La Parota hydroelectric dam project without the consent of the communities. Since more than half the land in Mexico was collective property, an assembly in each of the communities affected must vote on any proposed project. Under the law, if 75 per cent of those voting were in favour the project was approved. However, even if a 10 per cent minority opposed the project, an appeal could be lodged with the agrarian courts. If the court ruled in their favour, the project was suspended and reviewed. The Government had not proceeded with the hydroelectric dam project while such complaints were pending, and there had been no decision to impose the project by force. The State of Guerrero was a particularly complicated case, as it was the third-poorest State in the country and had almost zero population growth. Such projects therefore posed a dilemma: while infrastructure was essential for the State's development, the environmental and social impact must also be considered. Although the Government must be aware of such considerations, it should not be opposed outright to mega-projects.

12. The State of Chiapas had received the most Government funding for social programmes. He noted that the entire State was not in conflict, only one of several zones. Since 1994, the State had invested heavily in poverty reduction strategies, health, education and communications. More than half the population of Chiapas participated in the Opportunities Programme, making it the State with the second highest level of coverage under that Programme. With regard to the question whether social programmes incorporated economic, social and cultural rights, he noted that such programmes adopted a comprehensive approach; for example, the Opportunities Programme had health, nutrition and education components.

13. Housing was one of the current Government's priorities. In 2006, some 700,000 housing units would be built. Statistics showed that 98 per cent of houses had electricity, and 90 per cent had drinking water. Although there had been evictions following the end of the period of frozen rents, they had not been on a large scale, and had been carried out by local governments rather than the Federal Government. Moreover, frozen rents had caused a deterioration in the quality of housing, as landlords had not maintained the houses for the nearly 50 years that the freeze had been in place.

14. The Commission for Land Tenure Regularization, a decentralized body under the Ministry of Social Development, certified and regularized land tenure throughout the country by issuing title deeds. The Commission's work had been relatively successful, and the only drawback was that it might have encouraged people to occupy land illegally so that they could later be granted a title to it. The Commission's objective, however, was to certify land that had not been bought and sold on the black market.

15. Ms. SOSA (Mexico) said that combating domestic violence and violence against women were Government priorities. According to a national household survey, 47 per cent of Mexican women over the age of 15 who were living with a partner had been victims of domestic violence at least once. The National Institute for Women was the main federal mechanism that dealt with the issue. In addition, each State had its own institution to deal with gender-related issues. In 2006, a prosecutor's office specializing in crimes against women had been established. Domestic violence had been included in some State civil codes and constituted grounds for divorce; other States dealt with domestic violence through administrative law. Efforts had been undertaken to harmonize the gender perspective in Mexico's federal and State legislation and to bring its federal legislation into conformity with the provisions of international instruments to which Mexico was a party.

16. Two legislative initiatives had been developed in the area of domestic violence. The first was a General Act on Women's Access to a Life Free from Violence, which was awaiting final adoption by the Senate. The second was a draft decree to issue the General Act establishing the National System for Prevention, Protection, Assistance and Eradication of Violence against Women and Girls. The civil codes of most States contained provisions that defined incest and punished both persons who engaged in that practice. The Government recognized the need to review its legislation concerning the age of sexual consent.

17. Abortion was the fourth leading cause of maternal mortality and represented 8 per cent of all maternal deaths. Girls between the ages of 10 and 19 accounted for 13 per cent of all cases of maternal mortality. In an official circular, the Ministry of Health had requested all relevant institutions to consider the issue of legal abortions.

18. Campaigns had been organized to protest against some employers' requirement for female employees to provide a certificate of non-pregnancy, and legislative proposals had been put forward with a view to prohibiting that requirement. The Federal Act for the Prevention and Elimination of Discrimination had established the condition of pregnancy as one of the distinctions constituting grounds for discrimination. Sexual harassment was criminalized in 18 of the 32 States; punishment ranged from job dismissal to deprivation of liberty.

19. The Government had made efforts to investigate the 379 homicides of women in Ciudad Juárez that had occurred between 1993 and 2006. New forensic techniques had been introduced, registers had been drawn up identify the victims, and some 149 individuals had been convicted of homicide. The State party would submit detailed information on the matter to the Committee at a later date.

20. Ms. GÓMEZ VINALES (Mexico) said that, according to official statistics, maternal mortality had declined considerably in recent years, from 2,190 cases in 1990 to 1,239 cases in 2004. The main causes of maternal mortality were haemorrhage, infection, pregnancy complications and obstructed labour, all of which were more frequent causes of maternal mortality than abortion. Abortion accounted for 3.47 per cent of all cases of maternal mortality.

21. In a national survey on reproductive health, 27 per cent of the respondents stated that they had had sexual relations before the age of 19; of those, 14.5 per cent had had their first sexual encounter between the ages of 16 and 19. Mothers between the ages of 15 and 19 accounted for 20 per cent of the total number of births registered in 2003.

22. According to various surveys, the method of contraception preferred by young people was the condom. The use of contraceptives by women under the age of 20 had increased from 14.2 per cent in 1976 to 51 per cent in 2003. There had been a 43 per cent decrease in the under-one child mortality rate between 1990 and 2000. Between 2000 and 2006, that rate had declined a further 26 per cent and the under-five child mortality rate had decreased by 19 per cent. The slight increases in under-five child mortality rates in some States could be explained by better record keeping in those States' official registers.

23. According to a national survey on drug consumption, an estimated 215,000 young people between the ages of 12 and 17 had used illegal drugs at least once. Some 25 per cent of the population considered themselves alcohol users and 9 per cent claimed to be smokers. Strategies to curb addiction included education, prevention, treatment, control of advertising, and alcohol and tobacco taxes to discourage consumption.

24. A comprehensive system had been set up at the national level to combat addiction. It dealt with such issues as prevention, treatment, medical and social rehabilitation, control of supply, training, research and evaluation. A free 24-hour telephone hotline operated by 90 health professionals had been set up to assist drug users. In cooperation with many NGOs, an official drug prevention programme had been introduced in schools and youth centres. A bill to decriminalize the personal consumption of certain drugs had been rejected.

25. Access to antiretroviral drugs for HIV/AIDS patients had increased steadily since 2001. In 2003, treatment was universally available to anyone who requested it. In 2005, universal treatment had been combined with coverage under the People's Health Insurance scheme to provide comprehensive medical coverage to such persons. Coverage under that scheme would be extended to 43 per cent of the HIV/AIDS patients, or some 20 million persons, who were not covered by other institutions of the social security system. The People's Health Insurance scheme would be extended to the entire populations of 58 municipalities with the lowest human development indices.

26. Mr. CAMPUZANO (Mexico) said that Government programmes to combat the worst forms of child labour had yielded positive results. Between 2002 and 2004, fewer children had dropped out of school, and the number of children enrolled in secondary education had risen by 34 per cent. Young people between the ages of 12 and 18 had obtained an average of one additional year of schooling.

27. In 2005, the Senate had drafted a bill to prevent and punish trafficking in persons, which was currently under consideration by the Chamber of Deputies. The Ministry of the Interior and the National Institute for Migration worked closely with federal, State and municipal authorities to combat trafficking in persons. Memorandums of understanding, which were intended to provide increased protection for women and children who were potential victims of trafficking, had been signed with the United States of America, Guatemala and El Salvador.

28. Ms. ROVIROSA (Mexico) said that, while Mexico had ratified the greatest number of International Labour Organization (ILO) conventions, it had not ratified ILO Convention No. 2 concerning Unemployment or Convention No. 44 Ensuring Benefit or Allowances to the Involuntarily Unemployed. Although ILO had declared that both conventions were no longer relevant to current labour market conditions, Mexico had implemented several programmes that incorporated many of the provisions of those conventions. For example, Mexico had established the Chambatel and Chambanet matching systems, which enabled jobseekers to obtain information on vacancies by telephone or through the Internet.

29. Although Mexico had not ratified ILO Convention No. 81 concerning Labour Inspection in Industry and Commerce, its legislation made ample provision for labour inspection in various federal and State regulations.

30. Mexico had ratified ILO Convention No. 102 concerning Minimum Standards of Social Security, which contained many provisions similar to those in ILO Convention No. 128 concerning Invalidity, Old-Age and Survivors' Benefits. The relevant difference for Mexico was that in Convention No. 102, periodical payments to standard beneficiaries (parts IX and X on invalidity and survivors) amounted to 40 per cent rather than 45 per cent.

31. Ratification of ILO Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively was still under consideration. It had not been ratified in the past because the Senate had made a reservation indicating that, under the relevant provisions of the Constitution and the Federal Labour Act, those rights were not subject to the limitations contained in ILO Convention No. 98. However, under the 1998 Declaration on Fundamental Principles and Rights at Work, Mexico submitted annual reports to ILO on the rights to organize and to collective bargaining.

32. Mexico had not ratified ILO Convention No. 138 concerning Minimum Age for Admission to Employment because several provisions of domestic legislation were incompatible with it. The Government planned to abolish child labour and to raise the minimum age of entry into the workforce, which was currently 14. Mexico had ratified several other ILO conventions that specified the minimum age at which certain types of work could be undertaken.

33. Mr. SADI asked whether children who worked did so outside of school hours. He requested statistical data on family violence, sexual harassment and trafficking in persons and information on measures to prevent those phenomena. In particular, he wished to know how many people had been found guilty of trafficking in persons. The State party should indicate what steps had been taken to promote gender equality. He asked whether the Government aimed to reach a level of investment in health similar to that in other States members of the Organization for Economic Cooperation and Development. Additional information should be provided on campaigns to reduce the incidence of cardiovascular disease and diabetes, and on the results of those campaigns.

34. Ms. BARAHONA RIERA said that fundamental legislative reforms were still required in such areas as the age of sexual consent, the minimum marriageable age, domestic violence, trafficking in persons and incest. In its fifth periodic report, the State party should describe the progress that had been made in those areas. She requested additional information on the budget of the National Institute for Women. The delegation should comment on the Institute's impact in raising awareness of discrimination against women and promoting women's rights.

35. Ms. GONZÁLEZ DOMÍNGUEZ (Mexico) said that 32 regional bodies supported the work of the National Institute for Women. Efforts were currently under way to raise awareness of the need to prevent domestic violence.

36. Mr. MARCHÁN ROMERO asked why there had been a dramatic decrease in budget allocations to intercultural and bilingual education. He wished to know how the Government planned to increase indigenous people's access to quality education. He asked how the Government planned to address the shortage of teachers.

37. He wished to know why the Federal Copyright Act did not recognize indigenous peoples' rights and traditional knowledge and their right to land ownership, particularly since the Constitution recognized their right to preserve and enrich their languages, knowledge, culture and identity.

38. Mr. TORRES CISNEROS (Mexico) said that, between 2001 and 2006, the budget for indigenous education had increased 31 per cent. Spending on intercultural and bilingual education between 2001 and 2005 had almost doubled; only administrative costs had fallen. Intercultural and bilingual education was one of the Government's priorities and, by the end of 2006, over 10 bilingual universities would have been established.

39. While indigenous communities owned land through the ejido system and through communal property regimes, the State did not acknowledge indigenous territories as such. The indigenous communities had control over their lands and natural resources. One weakness

of the 2001 indigenous reform had been that indigenous peoples had not been recognized as a subject of public law, and their traditional knowledge could therefore not be recognized. Efforts were being made to amend domestic legislation to recognize collective rights and collective property of traditional knowledge.

40. Mr. FERNÁNDEZ-VARELA (Mexico) said that the shortage of teachers was largely a result of the widely dispersed rural population. Many small schools had classes of fewer than 10 children. Efforts had been made to set up boarding facilities so that children could travel further to attend larger schools.

41. Mr. CAMPUZANO (Mexico) said that Mexico supported the draft optional protocol to the Covenant and was organizing a regional seminar on that issue at the end of May 2006 for countries of Latin America and the Caribbean.

42. The CHAIRPERSON thanked the delegation of Mexico for its report and for its open and constructive dialogue with the Committee.

The discussion covered in the summary record ended at 12.20 p.m.