

MEXICO

CESCR E/1990/23

85. The Committee considered the initial report of Mexico concerning the rights covered by articles 10 to 12 of the Covenant (E/1986/3/Add.13) at its 6th, 7th and 9th meetings held on 18 and 19 January 1990 (E/C.12/1989/SR.6, 7 and 9).

86. In her introduction, the representative of the State party drew attention to her country's legislation provisions aimed at promoting and developing economic, social and cultural rights. She explained that, in its efforts to cope with the serious economic crisis being experienced by the country, the Mexican Government had in 1989 adopted a five-year development plan designed to consolidate economic stability, promote investment and modernize the production structure. It has also concluded an agreement with creditor banks that had reconciled the interests of over 500 banks. Mexico had 84 million inhabitants - of whom 47 per cent were under 18 years of age - as well as a rapidly increasing active population. Whence the need to raise levels of living, create jobs and satisfy basic social needs.

87. She mentioned the main provisions of Mexican legislation dealing with the protection of the family and children as well as the administrative measures taken by her Government in assisting the most disadvantaged families, organizing family planning programmes, protecting children and adolescents against economic or social exploitation and abandonment, and assisting the elderly. She noted that, although her Government attached special importance to the right to an adequate standard of living, conditions of extreme poverty still prevailed in certain regions. In order to remedy that situation, a National Solidarity Council had been established to improve the productive capacity of disadvantaged groups. The right to adequate food was one of her Government's main concerns, since food production had not yet reached an adequate level for the country as a whole. Referring to the housing problem, she said that about 40 per cent of Mexican housing units lacked basic amenities and that the housing situation was difficult, particularly in urban areas, owing to a steadily increasing population and the destruction caused by the 1985 earthquake. A massive programme for the reconstruction and rehabilitation of low-cost housing had recently made it possible to rehouse a large number of families. She added that indicators of the health of the Mexican people revealed a very sharp improvement: the mortality rate and in particular the infant mortality rate had declined considerably. Preventive medicine had made headway and measures had been taken to prevent and combat alcoholism, drug and tobacco addiction and AIDS. Lastly, the general ecological equilibrium and environmental protection law that had entered into force in 1988 provided the basis for an integrated environmental policy.

General matters

88. Members of the Committee stated that the report presented an encouraging picture of progress and development in Mexico and thanked the Mexican representative for her introduction and, in particular, for her frank references to the difficulties encountered in the country, especially those relating to the external debt.

89. With reference to the general framework within which the Covenant was implemented, members of the Committee wished to know how the Covenant was incorporated in domestic legislation, what programmes were being carried out for the promotion of the rights covered in the Covenant using ODA or international co-operation by United Nations bodies or regional bodies, what form international co-operation took and what percentage was represented by the assistance received through this co-operation in the development of the country and in the enjoyment of the rights recognized in the Covenant. They wished to know also what was the impact of the external debt of Mexico on the enjoyment of the rights recognized in the Covenant, what were the effects of the Covenant in practice, of what consisted the Economic Solidarity Agreement mentioned in the report, and to what was attributable the decrease in the population growth rate.

90. Furthermore, it was recalled that Mexico had been active in drafting of the Additional Protocol to the American Convention on Human Rights concerning economic, social and cultural rights and it was asked how, in the view of the Mexican Government, that instrument might relate to the Covenant. It was also noted that indigenous peoples constituted 9 per cent of the Mexican population and information was requested on the criteria applied for defining indigenous people as well as on whether a federal department existed in Mexico to promote the welfare of indigenous populations.

91. The representative of ILO informed the Committee of the relevant ILO conventions that had been ratified by Mexico and of the various measures adopted by the Mexican Government with a view to their implementation. He pointed out that a difference remained between Mexican legislation and the ILO Night Work of Young Persons (Industry) Convention (Revised), 1948 (Convention No. 90) as regards the definition of the term "night period".

92. In her reply, the Mexican representative stated that, in accordance with article 133 of the Mexican Constitution, the articles of the Covenant had the force of law. She then indicated which international assistance programmes were being implemented in Mexico and noted that they amounted to a total of about 90 million dollars per year. Mexico's external debt as well as its 1989 budget deficit of \$5 billion were hampering the implementation of social programmes and exerting downward pressure on wages and the standard of living in general. Nevertheless, the authorities were taking steps to ensure that the most disadvantaged segments of the population had access to services and assistance that would enable them to satisfy their basic needs. The effects of the Covenant in practice could not be distinguished from the effects of the social legislation enacted prior to the Covenant's ratification. She explained that the Economic Solidarity Agreement had been concluded between the representatives of the public sector, workers and private enterprises to curb inflation and prevent the deterioration of working conditions. The decline in the population growth rate was due to the introduction of measures aimed at promoting family planning and in particular birth spacing.

93. The representative added that the criterion used by the population censuses to define indigenous peoples was that of language. A draft constitutional amendment was currently being studied to protect, preserve and promote the development of indigenous languages, cultures, customs and specific forms of social organization as well as to ensure effective access to courts by indigenous people. A national Commission of Justice for the Indigenous Peoples of Mexico had been established in 1989 within the framework of the National Indigenous Institute.

Article 10: Protection of the family, mothers and children

94. Members of the Committee wished to receive more information about the treatment of drug addiction in Mexico. They also observed that the wording of the report gave the impression that the right to housing was restricted to persons of Mexican nationality, which would be contrary to the provisions of the Covenant, and they asked for clarification on this point. Clarification was also requested about the sentence in paragraph 120 of the report which stated that minors must not be employed in work outside Mexico. It was asked, in this connection, how Mexican jurisdiction would be applied outside Mexican territory, and, in general, how child labour functioned in Mexico, what the minimum legal age was for employment, what percentage of children worked and how many children under the legal age actually worked. In addition, members of the Committee wished to know what were the recognized rights to persons who had been granted refugee status in Mexico, in what way the indigenous population benefitted from the rights established in article 10, whether there was in Mexico any special regulation for domestic employees and, if so, what the differences were between this regulation and the general regulations. They further asked what efforts were being made to extend maternity and child care benefits to women working in the informal sector of the Mexican economy, to increase hiring of women in the formal sector and to change negative stereotyping of women; how many families benefitted from the National System for Integrated Development of the Family and how many were turned away; what efforts were being made to reduce economic and social exploitation of minors and reduce abandonment, to what extent juvenile crime and drug abuse were a problem in urban areas, and what was being done to reduce these problems.

95. Furthermore, members of the Committee wished to know whether it was possible in Mexico for both parents to continue exercising parental authority over the children, in particular, in the case of dissolution of marriage, and which type of marriage régime was applicable in the absence of a marriage contract. Statistics were requested on the rates of marriages, divorces and free unions. Members of the Committee wondered whether the phenomenon of unmarried couples constituted a tradition or a modern trend in the country. They also asked whether the Economic Solidarity Agreement provided for compensation to pensioners and workers for the effects of inflation on their incomes and whether the right of a working mother to have her job back meant the right to the same job or to an equivalent job. In addition, more information was requested on the imposition of custodial sentences on juvenile delinquents and on the problem of ill-treatment of children. It was asked, in particular, whether the Mexican system of justice made it possible to separate young offenders from adults.

96. In her reply, the Mexican representative provided details concerning the drug addiction problem which, in her country, mainly affected street urchins and was essentially the responsibility of the health sector. A National Council to combat drug addition had been established in 1986 to co-ordinate the activities of the central and local authorities in that sphere. She also explained that the right to housing was not limited to Mexican citizens and that, under article 27 of the Constitution, the Nation could, in the public interest, impose various limitations on private property.

97. As regards the rights of persons enjoying asylum in Mexico and the recognized rights of refugees, she explained that, although the general law relating to the population did not as yet grant immigrant status to refugees, its amendment was being considered. The Mexican Government's

refugee policy provided for various forms of assistance which were incorporated in international aid measures, and it was making every effort to find jobs for refugees. She added that Mexico's 56 ethnic minorities, which accounted for 9 per cent of the country's population, were entitled to the same social benefits as other citizens, and that articles 331-343 of the Federal Labour Law specified employment conditions for domestic employees. Women working in the unstructured sector were entitled to the benefits available under the national health system. Although inequalities as regards the access of women to political and social activities still persisted, measures to promote the integration of women into the national development process had been taken by the Mexican Government in its 1989-1994 national development plan. Generally speaking, all families from the disadvantaged classes or the marginal zones of the country benefitted from the activities of the National System for Integrated Development of the Family which covered various fields, including control over the employment of minors and the treatment of juvenile delinquents. The protection of minors seeking work abroad against exploitation was also the responsibility of the External Affairs Secretariat.

98. Furthermore, the representative stated that cohabitation was a widespread means of forming a family in Mexico, in particular, among the working classes. Accordingly, the law afforded protection to natural children and common law spouses and recognized the legal implications of cohabitation. Information was also provided with regard to marriages in Mexico in 1985 and the legal procedures concerning the exercise of parental authority in the case of dissolution of marriage. The representative further pointed out that the primary aim of the Economic Solidarity Agreement was to reduce inflation and thus help those who had low incomes. In addition, she indicated that mothers who had been on maternity leave recovered their job with all their rights, even though women who had not possessed a fixed contract might meet difficulties. Special institutions existed in Mexico for the treatment of juvenile delinquents. In accordance with the Act establishing Tutelary Councils for Juvenile Delinquents, minors brought before a judicial authority were to be immediately transferred to observation centres and they were placed in detention in institutions different from those for adults.

Article 11: Right to an adequate standard of living

99. Members of the Committee asked for explanation about "trade union shops" mentioned in paragraph 150 of the report. They also asked for the definition, within the context of Mexican legislation, of the communes (ejidos) and communities. Furthermore, they wished to know what difficulties Mexico was confronting with regard to the housing problem, what percentage of the population lived in inadequate dwellings, how the housing problem was being dealt with in rural areas and what the standard of the dwellings of the indigenous population was as compared with that for the non-indigenous population. They wished to know also the reasons why, during 1987, the Fondo Nacional de Habitaciones Populares (FONHAPO) was responsible for 23 per cent of the total investment, while 91 per cent of the whole investment was going to 62 per cent of families attended by other institutions like INFONAVIT, FOVISSSTE and FOVIBANKS. They wondered whether the Government saw a problem of just distribution in this regard.

100. Members of the Committee inquired about the difficulties encountered by Mexico in ensuring just distribution of housing investment. They noted that the Mexican Constitution recognized the right to housing as a family right, not as an individual human right, and they asked what happened

to the 2.5 million persons who did not live as part of a “family” in the sense of the Mexican Constitution and who would demand housing accommodation within the next decade. With regard to evictions, they asked what was the solution offered to the families recently evicted from Lomas del Seminario in Mexico City.

101. Members of the Committee wished to know what rights were granted to refugees in the context of article 11, and in this connection, what percentage of refugees had been adequately dealt with, how many had returned to their countries, in particular Guatemala, and how many had been granted Mexican nationality. It was also asked what the situation was with regard to the right to clothing in Mexico, what efforts had been made to protect workers from reduced purchasing power, whether the tripartite solidarity pact was still examining the inflation problem and whether any other efforts had been made to include labour unions in the decision-making process. In addition, it was asked what tangible progress was being made to alleviate the overcrowding, poverty and pollution in Mexico City, how population growth rates for Mexico City and other major cities compared with historic growth figures, how many people currently lived in the major metropolitan areas, whether the destruction resulting from the 1985 earthquake had been repaired and how structures had been developed to better withstand earthquakes and natural disasters.

102. Members of the Committee also wished to know what efforts had been made to regulate prices of basic products so as to make them affordable to workers with reduced purchasing power, whether special programmes were available to help the unemployed and underemployed, what projects were being pursued to increase urban reorganization and expand access to basic services in Mexico City, and what efforts had been made to modernize, to encourage and strengthen development of the social sector of the economy. Members of the Committee noted that production of staples in Mexico was insufficient to meet the needs of the expanding population; they also wished to know how it could be ensured that adequate nutrition was being distributed to the poorest sectors of the economy.

103. More information was requested on what measures had been taken by the Mexican Government to ensure a minimum income to people living in extreme poverty and to solve the problems of migrants returning to Mexico from the United States of America, as well as the problems of Guatemalan refugees. It was also asked whether the right to housing was understood in Mexico as a general principle that the Government bore in mind or as a right that an individual could invoke before a court or an administrative agency on the basis of constitutional provisions, whether the Mexican Government had a concept of a “poverty line”, how many persons lived in extreme poverty, what the current status was of attempts to ensure that malnutrition did not become a major problem in Mexico and whether any conditions were attached to the loan from the World Bank for housing purposes with respect to type of housing. In addition, members of the Committee asked what measures had been taken in Mexico to guarantee the rights contained in article 11 to unemployed people, what basic products it had been found necessary to import and how their distribution was organized, whether any measures had been taken with regard to the conditions of departure of migrant workers and whether indigenous persons had been consulted with regard to the implementation of the integrated agrarian reform.

104. In her reply, the Mexican representative explained that trade union shops were commercial establishments set up by the trade unions to provide their members with quality products at reasonable prices. She also provided clarification of the three types of land ownership referred to

in article 27 of the Mexican Constitution, namely, public property, private property and social property, the latter being managed collectively by the communities concerned. She added that legislation on the right to housing accorded priority to families, although it did not exclude individuals from the benefits thereof. The housing problem in Mexico was above all of a qualitative nature and was aggravated, among other things, by population growth and the exodus from rural areas to the major urban centres. Increased assistance had been envisaged for the rural and indigenous population with a view to solving their housing difficulties. The authorities were endeavoring to satisfy the needs of various population groups by providing them with housing and by financing housing construction, and she provided detailed statistics on the subject. She explained that the Lomas del Seminario families had settled in an area where property developers had put up housing illegally; however, they had been rehoused elsewhere, mostly in housing that they already owned. As for the right to clothing, she said that, among its other activities, the National Company for the Supply of Popular Necessities sold clothing at reduced prices to very low-income and marginal groups. She then enumerated some of the measures that would be taken to improve living conditions in the capital of Mexico with a view to solving overpopulation and pollution problems and rebuilding what had been destroyed or damaged by the 1985 earthquake. She noted that, as a result of reconstruction programmes, about 90,000 families which had been housed in wretched conditions had been able to move into small apartments. Steps had also been taken to improve seismographic monitoring. Moreover, measures had been drawn up under the National Solidarity Programme that would, among other things, provide persons living in extreme poverty with sufficient food.

105. The representative pointed out that problems encountered with regard to Guatemalan refugees in Mexico in 1982 or 1983 had been attributable to the tense political situation in Guatemala. However, Guatemalans formed, at present, an integral part of the communities in which they lived. She stated that Mexican law stipulated the conditions under which Mexicans were hired to work abroad, but no sanctions had been adopted in respect of undocumented migrant workers. With regard to returning migrants, including undocumented migrants, the sole purpose of the relevant legislation was to afford them the necessary assistance and protection. No agreement existed between Mexico and the United States of America relating to Mexican migrants.

106. The representative added that Mexican law established the right to housing but did not lay down norms or procedures for making that right effective. She also provided details about conditions attached to the loan agreed between the Mexican Government and the World Bank for housing purposes and stated that no programme existed in Mexico for guaranteeing the most vulnerable groups a minimum income since the status of the national economy did not permit it. Measures to relieve extreme poverty were taken, within the framework of the National Development Plan 1989-1994, by the National Solidarity Programme which also provided help to unemployed persons and indigenous peoples. Persons living in extreme poverty were defined as those lacking income equal to the minimum wage and living in places lacking services. Approximately 15 million persons were in that situation in Mexico. Agricultural food imports made it possible to cover the national consumption deficit. Measures to struggle against malnutrition were taken by the Department of Health, and the National Consumers' Institute disseminated information to help the public improve its nutrition at the least possible cost. The National System for the Integrated Development of the family helped to improve the nutrition levels of high-risk groups through its food assistance programmes. As regards the right to land of the indigenous population within the

framework of the federal agrarian reform, the representative stated that there was no specific protection for the indigenous communities as the law could not discriminate between indigenous and non-indigenous people. However, the indigenous population received legal advice from the National Indigenous Institute.

Article 12: Right to physical and mental health

107. Members of the Committee wished to know in what way the social security programme of Mexico was being extended to the indigenous population and refugees, whether there were any differences between domestic employees and other employees as regards social security, how many doctors there were in Mexico for every 1,000 inhabitants, whether there was any governmental policy for making medicines affordable to the economically least affluent sectors, what measures had been adopted to prevent AIDS, whether the table on health reproduced in the report could be expanded to reflect the impact of population growth, and what difficulties Mexico was confronting with respect to birth control.

108. Members of the Committee further asked what environmental-pollution problems Mexico was confronting in urban and rural areas, what measures had been adopted to limit the effects of environmental deterioration, how development was reconciled with environmental protection in Mexico, what efforts had been made to extend health and sanitation services and drinking-water supplies in urban and rural areas, and what differences existed in this connection between the two areas. Members of the Committee noted that, according to the relevant statistics, there was in Mexico a very close relationship between infant mortality, life expectancy and the existence of infectious/contagious diseases. They asked for further elaboration of this point and an indication of the efforts being made by the State to reduce its effects.

109. In addition, information was requested on any qualitative or quantitative difference between the care provided by the three types of health services existing in Mexico and on the practice of traditional medicine and the use of medicinal plants in the country.

110. In her reply, the Mexican representative explained that the indigenous population as well as refugees in Mexico benefitted in the same way as the rest of the population from the social security system. A National Committee for the Prevention of AIDS had been functioning in Mexico since 1986. Medicaments were available to the destitute at very low prices or free of charge. She explained that the seriousness of pollution problems was due above all to the development of industries, the poor quality of fuels and the increase in the number of vehicles, and that people in urban areas were encouraged to use filters so as to reduce pollution.

111. As regards health services in Mexico, the representative stated that there was no qualitative difference in the three types of medical care provided, although there might be some differences in facilities between private and public institutions. In addition, she provided figures and detailed information concerning the distribution of medical care by sector. She also pointed out that the National Indigenous Institute and the Mexican Social Security Institute provided information and training concerning traditional medicine and medicinal plants.

Concluding observations

112. The Committee expressed the view that the initial report of Mexico was generally satisfactory and had presented a broad picture with respect to the implementation of articles 10 to 12 of the Covenant in the country very effectively. In addition, the replies given by the representative of Mexico to the numerous questions raised in the course of the discussion represented a valuable complement to the report. It was felt, however, that the information provided had remained very general on issues such as the programmes for indigenous peoples and had not enabled the Committee to ascertain the precise situation of the most vulnerable and disadvantaged groups in Mexico. The wish was therefore expressed to receive from the Mexican Government written replies providing further information on issues which the Committee had identified as needing further elaboration as well as information on some questions which had remained unanswered.

CESCR E/1994/23

226. The Committee considered the second periodic report of Mexico on articles 1-15 of the Covenant (E/1990/6/Add.4) at its 32nd, 33rd, 34th and 35th meetings on 29 and 30 November 1993 and, at its 49th meeting, on 10 December, adopted the following concluding observations.

A. Introduction

227. The Committee thanks Mexico for its report, prepared in accordance with its guidelines, and notes with appreciation that the State party engaged in a fruitful dialogue with the Committee. It welcomes the written information provided by the Government in reply to the questions set out in the list of issues (E/C.12/1993/WP.16) which were communicated to it before the session. The supplementary information provided by the representatives of the State party and their knowledge of matters connected with the Covenant made it possible to engage in an open, frank and constructive dialogue between the State party and the Committee.

B. Positive aspects

228. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social or cultural problems being encountered by the Country. It notes the many activities being carried out by the Mexican Human Rights Commission

229. The Committee notes the Adoption of the National development Plan 1989-1994 (NDP) which aims, *inter alia*, at facilitating progress in the solution of the country's unemployment problem, as well as the Solidarity Programme (PRONASOL), the objective of which is to enhance the opportunities of the socially deprived for earning a livelihood. The Committee also welcomes the statement of the Government that efforts are being made, with the assistance of the Agricultural Attorney's Office, to help agricultural workers to organize.

C. Factors and difficulties impeding the implementation of the Covenant

230. The Committee notes that the Government should continue to tackle the economic and social difficulties ingrained in the country and characterized by considerable foreign indebtedness, the inadequacy of budgetary resources earmarked for essential social services and the unequal distribution of national wealth. These difficulties severely affect the most vulnerable segments of society, and in particular children, persons living below the poverty threshold and those belonging to minority groups, such as the many indigenous peoples; they are relevant to the departure of many Mexican migrant workers abroad.

D. Principal subjects of concern

231. The Committee finds it disturbing that a particularly large number of persons live in extreme poverty. In this connection it notes with concern the decline in the purchasing power of the minimum wage during recent years, it being no longer adequate to enable people to live above the poverty line.

232. Another source of concern is the situation of many children, namely abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very big percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

233. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in preserving their culture and in teaching their language. It notes that, although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

234. The Committee is concerned about the fact that a large segment of the population of Mexico has to endure inadequate living and housing conditions, without access to basic services such as sanitation and potable water.

235. The Committee is also concerned about the prevalence of forced eviction in both urban and rural areas of Mexico. Of particular concern to the Committee is the large number of people already evicted or threatened with eviction owing to the lack of adequate protection.

E. Suggestions and recommendations

236. The Committee recommends that efforts should be made to curb the decline in the purchasing power of the minimum wage and to redeploy certain budgetary resources to benefit the most vulnerable segments of society, and particularly children and persons living below the poverty line. Resources should be made available for indigenous groups to enable them to preserve their language, culture and traditional way of life, and at the same time to promote the economic, social and cultural rights provided for in the Covenant. The Committee recommends in particular that the State party should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement (NAFTA) might have on the enjoyment of the rights set out in the Covenant.

237. The Committee recommends that the Mexican Human Rights Commission should, in the future, devote greater attention to economic, social and cultural rights.

238. The Committee recommends that steps should be taken urgently to overcome the grave housing crisis in the country. It further recommends the speedy adoption of policies and measures designed to ensure adequate civic services, security of tenure and the availability of resources to facilitate access by low-income communities to affordable housing. The Committee also recommends the increased construction of rental housing, as well as the adoption of other measures to enable Mexico to comply fully with its obligations under article 11 of the Covenant, as dealt with in General Comment No. 4 of the Committee.

239. The Committee urges the State party to desist from policy measures that lead to large-scale

evictions. It recalls General Comment No. 4 in which it noted that “the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”

240. The Committee also recommends that the State party should take vigorous steps in the spheres of education and culture and recalls in this connection that, under article 13 of the Covenant, primary education should be compulsory and available free to all.

241. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection and which are generously enshrined in the Constitution of Mexico.

CESCR E/2000/22

363. The Committee considered the third periodic report of Mexico concerning the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.18) at its 44th to 46th meetings, held on 25 and 26 November 1999, and adopted, at its 54th meeting, held on 2 December 1999, the following concluding observations.

A. Introduction

364. The Committee welcomes the third periodic report submitted by Mexico and the written replies to the Committee's list of issues. The Committee notes with appreciation the presence of the delegation from the capital and the constructive dialogue that took place during the session.

B. Positive aspects

365. The Committee takes note of the State party's improved macroeconomic performance, particularly the reduction of foreign debt, the decrease in inflation and the growth of export capacity, all of which create an environment conducive to a more effective implementation of the rights under the Covenant.

366. The Committee welcomes the establishment of an inter-ministerial national committee to follow up on recommendations adopted by international human rights treaty bodies.

367. The Committee notes with satisfaction the increase in social expenditure, which now stands at 8.9 per cent of GDP, and takes note of the numerous programmes, such as the Programme for Education, Health and Nutrition, established to improve the enjoyment of economic, social and cultural rights by the most marginalized segments of society.

368. The Committee appreciates the measures taken by the State party to alleviate any negative effects that the implementation of the North American Free Trade Agreement might have on certain vulnerable sectors of the population.

369. The Committee welcomes the accession of Mexico to the anti-corruption conventions of the OECD and the OAS.

370. The Committee appreciates the establishment of a national programme for women, which has a surveillance council to monitor and assist victims of intra-familial violence.

371. The Committee welcomes the establishment of the Procuraduría Federal de la Defensa del Trabajo, a special governmental body, to provide free legal assistance to workers.

372. The Committee also welcomes the recent conclusion of a memorandum of understanding, by which the Office of the United Nations High Commissioner for Human Rights will provide agreed technical assistance to the State party.

373. The Committee welcomes the positive attitude the Government of Mexico demonstrates with regard to a future adoption of an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

374. The Committee notes that the economic crisis experienced by Mexico in 1995 has had negative effects on the enjoyment of economic, social and cultural rights by its population, in particular the most vulnerable sectors. These effects are still being experienced in Mexico, as a significant amount of public funds is being invested in overcoming the effects of the crisis.

375. The Committee also takes note of the natural disasters experienced by Mexico and acknowledges the limitations they impose on the Government in guaranteeing the implementation of economic, social and cultural rights to its population at all times.

376. The Committee notes the prevalence of certain traditions, customs and cultural practices in Mexico which continue to impede the full enjoyment by women of their rights under the Covenant.

D. Principal subjects of concern

377. 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 second periodic report.¹

378. 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.

379. 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.

380. 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.

381. 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.

382. The Committee regrets that despite the positive growth of macroeconomic indicators in

¹ See E/1994/23, paras. 236 to 241.

Mexico, especially the sharp decrease in the level of inflation, the National Minimum Wages 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, in violation of article 7, paragraph (a) (ii) of the Covenant and as reflected in national legislation (art. 123, Title VI of the Constitution).

383. The Committee is deeply concerned about the situation of women workers in the *maquiladoras* (assembly plants), some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

384. 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.

385. 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.

386. 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.

387. The Committee is also 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. The Committee is also concerned about the lack of consultations with the communities concerned.

388. 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.

389. 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.

390. 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.

391. The Committee is also concerned to learn that the fourth highest cause of death among women in Mexico is illegal abortion.

E. Suggestions and recommendations

392. 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.

393. 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.

394. 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.

395. 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.

396. 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 or integration into the global free market economy to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.

397. The Committee recommends that the State party continue to strengthen its efforts to alleviate any negative effects that the implementation of the North American Free Trade Agreement might have on certain vulnerable sectors of the population.

398. The Committee calls upon the State party to adopt effective measures to guarantee compliance with article 7, paragraph (a) (ii) of the Covenant, which is reflected in article 123, Title VI of the Mexican Constitution, in relation to the officially set basic food basket.

399. 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.

400. The Committee recommends that the State party consider ratifying ILC Convention No. 138 (1973) concerning the Minimum Age for Admission to Employment.

401. 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.

402. 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.

403. 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.

404. The Committee also 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.

405. 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.

406. 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.

407. The Committee requests the State party to address in a separate section of its fourth periodic report the implementation of the present concluding observations.

408. 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.

409. The Committee requests the State party to ensure dissemination of these concluding observations.