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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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

**List of issues to be taken up in connection with the consideration of
the fourth periodic report of Mexico concerning the rights referred to in articles
1-15 of the International Covenant on Economic, Social and Cultural Rights
(E/C.12/4/Add.16)**

**I. GENERAL FRAMEWORK WITHIN WHICH
THE COVENANT IS IMPLEMENTED**

1. Please provide information on the State Party's training programmes in human rights and "access to justice" conducted for the federal judiciary by the Federal Institute of Judicature, especially relating to the justiciability of the rights set forth in the Covenant.

2. Please provide information on the new draft enactment to be adopted by the State party on the transfer of power to impose sanctions in corruption cases from the Ministry of the Public Service to a court, "which will streamline the procedure for the imposition of sanctions on public servants, making it more equitable". Please indicate as well what progress has been made regarding the challenges and opportunities referred to by the State party in the context of combating corruption in 2004, in particular in the following areas: (a) consolidating the database for access to data compulsorily established in the Federal Act on Transparency and Access to Government Public Information; (b) fostering greater civic participation in reporting and suing public servants whose behaviour is improper; and (c) increasing the effectiveness of four high civic impact social support programmes by enhancing and simplifying regulation and their operation and functioning processes.

3. Does the State party ensure that its obligations under the Covenant are taken fully into account when it enters into negotiations concerning international assistance, technical co-operation and other arrangements with international organizations, in particular with the international financial institutions?

4. Please provide information on the impact of the North American Free Trade Agreement (NAFTA) on the enjoyment in the State party of the rights recognized in the Covenant.

II. ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Art. 2.1: Obligations of States parties

5. Please indicate the difficulties that the State party, as an emerging economy, faces in order to guarantee the enjoyment of the rights in the Covenant by all people in the State party.

6. Please state whether the State party intends to introduce indicators and benchmarks that would indicate the degree of compliance with its obligations under the Covenant.

Art. 2.2: Non-discrimination

7. Please provide detailed information on the content of affirmative action programmes, their scope and the manner in which they are implemented in practice in relation to women, indigenous persons, persons with disabilities, children and older persons.

8. Please indicate whether all indigenous peoples are guaranteed the right to express themselves in their own languages during legal proceedings in accordance with the Federal Act for the Prevention and Elimination of Discrimination and the General Act on the Linguistic rights of Indigenous Peoples of 13 March 2003. Please provide the Committee with any case law on the use of indigenous languages in legal proceedings.

9. Please indicate which measures the State party has taken to ensure the implementation of development and social welfare programmes in Chiapas with the active involvement of that region, especially with regard to the need of infrastructure of tracks, roads and bridges so as to enable the people of that State to market their agricultural products and communicate with the municipal capitals.

Art. 3: Equality of men and women

10. In the first quarter of 2004, the employment rate in Mexico was 65.2 percent for men and barely 14.5 percent for women. Please indicate what measures the State party has taken or intends to take to correct this disparity in access to the labour market by

female workers, taking into account the fact that, as acknowledged by the report, “substantial numbers of women in employment are in fact under-employed.”

11. Please state the results achieved under the “More and better jobs for women in Mexico” programme, conducted with the technical assistance of the International Labour Organization (ILO), in terms of participation by women in the labour market, the ever-increasing numbers of women working in the informal sector and the situation of women in the *maquiladora* industry, which is marked by various forms of discrimination.

12. Please indicate what measures have been taken by the State party to combat occupational segregation, which results in women being concentrated in lower-paid jobs in comparison to men.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Art. 6: The right to work

13. Please provide information on the status of the draft reforms introduced by the State party with regard to the various provisions of the Constitution on labour rights, the Social Security Act and the Federal Labour Act with respect to preventing employers from requiring women seeking employment to submit certificates of non-pregnancy as a prerequisite for employment.

Art. 7: The right to just and favourable conditions of work

14. Please provide information on measures taken by the State party to apply labour legislation in the *maquiladoras*, especially with regard to unpaid overtime, sexual harassment, discrimination in employment, non-existent health and safety precautions, unfair dismissals and temporary and unwritten contracts imposed on workers.

Art. 8: Trade union rights

15. Mexico has not ratified a number of relevant conventions of the International Labour Organization (ILO), including the Unemployment Convention, 1919 (No. 2), the Labour Inspection Convention, 1947 (No.81), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Employment Policy Convention, 1964 (No.122), the Minimum Age Convention, 1973 (No. 138), and the Prevention of Major Industrial Accidents Convention, 1993 (No.174). Please indicate whether the State party intends to ratify these conventions.

16. Please provide information as to whether the State party intends to withdraw its reservation to article 8 of the Covenant in accordance with the earlier concluding observations of the Committee.

17. Please provide information on the measures taken by the State party to protect the right of workers to form trade unions and to join the trade union of their choice.

18. Please indicate whether the State party intends to proceed with the reform of the Federal Labour Act (draft law of 12 December 2002), especially since it has been reported that such a reform, as it stands, would undermine the freedom of association and the recognition of the right to collective bargaining.

Art. 9: The right to social security

19. Please provide information as to the scope and extent of the current insurance scheme, “The People’s Health Insurance Scheme”, in the State party, which will be universally applicable by 2010.

Art. 10: Protection of the family, mothers and children

20. Please indicate what financial resources are available in the State party for the Programme on the Affairs of Women, Children and the Family, and the National Institute for Women, in relation to the implementation of activities aimed at creating and promoting a culture of equality which is also free from violence and discrimination.

21. Please provide information on measures, legislative or otherwise, that the State party has taken to provide victims of domestic violence with support and protection.

22. Please provide information on the measures the State party has taken to investigate, prosecute and punish the perpetrators of the multiple disappearances and murders of women in Ciudad Juárez which are reportedly manifestations of patterns of gender-based violence and discrimination.

23. Please provide updated information and statistical data on the problem of street children as well as the measures taken by the State party to deal with this problem. Please provide additional information on the progress achieved by the “National Care and Prevention Programme for Girls, Boys and Young People, from the streets to life”, for the rehabilitation and protection of children from violence, sexual exploitation, trafficking in children, child labour and other abuses.

24. It is stated in the State party report that minors under the age of 16 are in certain cases exempted from compulsory education and thus enter the labour market. Please indicate whether the State party intends to abolish these exceptions in order to combat child labour which is to the detriment of children’s education and development.

Art. 11: The right to an adequate standard of living

25. Please indicate what measures, legislative or otherwise, the State party has taken to raise the minimum wage on a periodic basis in order for workers to enjoy an adequate standard of living. Please provide information on the current mechanism for reviewing minimum wage in order to enable workers to enjoy the rights protected under the Covenant.

26. Please provide statistical information, disaggregated by geographical, economic and social sector, on the extent of poverty in the State party, especially among indigenous people in the states of Chiapas, Guerrero, Veracruz and Oaxaca, and among indigenous migrants, older persons and other disadvantaged and marginalized groups. In this connection, please provide detailed information on the Opportunities Programme and the Joint Social Investment Programme, designed, respectively, to provide support for families living in conditions of extreme poverty.

27. Please provide information on the implementation of the *Contigo* “social strategy” which is designed to reduce poverty, and on the results achieved so far. Please also provide information on the budgetary allocation for the implementation of this strategy.

28. Please indicate what measures the State party has taken regarding the problems of housing, in particular homelessness and forced evictions, in accordance with the Committee’s General Comments 4 and 7. Please provide any case-law relating to forced evictions.

29. Please indicate whether the State party has adopted and implemented any social housing programmes, especially for the lower-income and the disadvantaged and marginalized groups.

Art. 12: The right to the highest attainable standard of physical and mental health

30. Please provide information on the measures adopted and implemented by the State party to ensure a healthy environment for its population, particularly in Mexico City.

Arts. 13 and 14: The right to education

31. Please provide information on the measures adopted and implemented by the State party to reduce the high rate of illiteracy, especially among adults. Please also provide information on the specific programmes and measures adopted and implemented by the State party to provide primary and secondary education to the various ethnic groups.

32. Please provide information on the education levels covered by the programmes and strategies designed by the State party to ensure the right to education for migrant agricultural workers in 16 states and, in particular, for indigenous migrant workers who leave their communities in search of employment.

33. Please provide information on the measures the State party has taken to ensure that female teachers are adequately represented at all levels of education. Please also indicate whether, in this regard, the State party has taken into consideration the Committee's General Comments 11 and 13 when implementing those measures.

34. Please explain the reasons for the reportedly sharp reduction by the State party of the budgetary allocation in respect of bilingual and bicultural education.

Art. 15: Cultural rights

35. Please indicate whether the Federal Copyright Act also provides for the protection and promotion of ancestral rights and indigenous knowledge, and if so, in what manner and to what extent.
