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

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of MEXICO to the list of issues (E/C.12/MEX/Q/4)
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**

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. *Provide information on the training programmes in human rights and “access to justice” conducted by the Institute of the Federal Judiciary, especially relating to the justiciability of the rights set forth in the Covenant.*

2. The Institute of the Federal Judiciary has held the following training courses for judges and magistrates, members of the federal judiciary and candidates for judicial office:¹

(a) Specialized course on the administration of justice in circuit courts, broadly aimed at training highly competent professionals to serve as circuit judges in both the single-judge courts and the collegiate courts of the federal judiciary;

(b) Specialized course on the administration of justice in district courts, aimed at training highly competent professionals to serve as district judges in the federal judiciary;

(c) Specialized course in judicial clerkship, a postgraduate course to train clerks in drafting judicial decisions for cases before the district and circuit courts of the federal judiciary through: updating and consolidation of knowledge of legislation, legal opinion and case law in areas of fundamental importance for a law clerk’s work; development of technical analysis, reasoning and interpretation conducive to the correct assessment of evidence and testimony presented in proceedings with a view to drafting appropriate judicial decisions; and cultivation of a spirit of service and of commitment to the moral values and principles inherent in judicial service;

(d) Course on international human rights law focusing on systems of universal and regional human rights protection and on implementation of the human rights treaties ratified by Mexico. The course deals with the following subjects: the domestic and international hierarchy of treaties; human rights treaties ratified by Mexico; human rights treaties and the administration of justice; and the relationship between national and international courts in the area of human rights;

(e) Course on “Human rights in Mexico (international treaties, national legislation and case law)” for district and circuit court judges, designed to assist them in developing the analytical and critical skills required for improving the administration of justice related to the protection of fundamental rights;

(f) First specialized course on the rights of the child with the aim of: familiarizing the judicial community with the results of the Convention on the Rights of the Child and the Act on the Protection of the Rights of Children and Young Persons and their implementation in Mexico; helping to develop a culture of respect for and fulfilment of the rights of the child in the legal system; and promoting respect for the human rights of children in judicial proceedings;

(g) Specialized course on the application of international treaties in judicial decisions: “A special case: juvenile criminal justice.” The aims of this course were: to train the judiciary in applying the Convention on the Rights of the Child in the day-to-day administration of justice; to familiarize persons working in the judicial system with the content of legal instruments and

their interpretation so that they can defend and apply children's rights, especially those of young people in conflict with the criminal law; to provide the judiciary with learning aids dealing with legal norms applicable to children and women and with useful reference material for dispensing justice and defending the rights of young people in conflict with the criminal law; and to share Latin American legal opinions and experience gained from models of juvenile criminal justice that have already been put into practice;

(h) Seminar on "Indigenous peoples: applicable legal norms and national and international legislation", the purpose of which was to introduce the participants to sociocultural factors and legal techniques that would enable them to perceive and understand the challenges presented by the country's multicultural character;

(i) Diploma course entitled "Legal proceedings, social context and international law", dealing with the socio-political aspects of proceedings, access to justice, procedural law, trials and the internationalization of justice;

(j) "Symposium on social rights", with joint participation by the Supreme Court and the Senate.

3. *Provide information on the reform bill 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 such sanctions more equitable".*

4. On 11 December 2003, the President submitted to Congress for consideration a constitutional and legal reform package concerning the administrative responsibility of public servants. The package consisted of the following initiatives:

(a) Decree amending article 73, clause XXIX-H, of the Political Constitution of the United Mexican States, which will authorize Congress to enact laws establishing administrative courts that will also have jurisdiction to impose sanctions on public servants on grounds of administrative accountability. The initiative was referred for analysis and an opinion to the Joint Committee on Constitutional Issues, Justice and Legislative Studies (First Section), where they are still being studied;

(b) Decree enacting the Federal Act on Administrative Justice for Public Servants and amending the Federal Act on the Administrative Responsibilities of Public Servants, the Federal Public Administration Organization Act, the Federal Act on Public Entities, the Federal Fiscal and Administrative Court Organization Act, the Federal Tax Code and the Federal Public Defenders Act. The purpose of this initiative is to disperse among different authorities the powers to prevent and detect improper conduct on the part of public servants and to impose disciplinary sanctions. The decree was referred for an opinion to the Joint Committee on Justice, Internal Affairs and Legislative Studies, where it is still being studied.

5. *Indicate 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 under the Federal Act on Transparency and Access to Public Government Information*

6. The Federal Government created the Information Request System (SISI) as an operating tool to assist in achieving the aim of the Federal Act on Transparency and Access to Public Government Information, which is to lay the basis for ensuring access by everyone to State information through simple and expeditious procedures in coordination with the Federal Institute for Access to Public Information (IFAI).²

7. Moreover, within a very short time SISI has become an effective mechanism whereby any citizen located anywhere in the country or even in the world can obtain public information from the Internet without having to visit the relevant government offices.

8. Pursuant to article 7 of the Federal Act on Transparency and Access to Public Government Information, public agencies and entities are required to provide statistical data on the results of their substantive activities and information on their organizational structure, remuneration and the agenda of public services on their websites so that any citizen may consult them without having to submit a request for access.

9. To assist users of the system, help desks have been set up in the regional offices of the agencies and entities of the Federal Public Administration, so that citizens can request the information they need from the Government.

Statistics on information requests*

Data as at 26 January 2006

	2003	2004	2005	2006		Cumulative total
				1-26 Jan.	Total	
Electronic requests	22 488	35 055	47 874	3 562	3 562	108 979
Written requests	1 609	2 677	2 253	179	179	6 718
Total requests	24 097	37 732	50 127	3 741	3 741	115 697
Electronic requests	19 831	31 744	42 673	2 605	2 605	96 853
Written requests	1 445	2 369	1 925	102	102	5 841
Total requests	21 276	34 113	44 598	2 707	2 707	102 694
Requests terminated due to failure to respond to requests for additional information	1 156	2 374	3 688	261	261	7 479
Requests terminated due to failure to pay reproduction costs	92	277	418	65	65	852
Total requests terminated due to failure to pay costs or to respond to requests for additional information	1 248	2 651	4 106	326	326	8 331
Applications to IFAI	636	1 431	2 639	197	197	4 903

Source: Federal Institute for Access to Public Information (www.ifai.org.mx).

* Requests per calendar day.

(b) *Fostering greater civic participation in reporting and filing complaints about public servants whose behaviour is improper*

10. In view of the importance attached to the citizen participation policy, the Ministry of the Public Service took steps to increase the powers of decision-makers in the complaints sections of internal oversight bodies and in the Department for Assistance to Citizens itself. These powers were set out in the ministry's rules of procedure published in the *Diario Oficial de la Federación* on 12 December 2003.

11. These activities give rise to preventive programmes involving an open dialogue with citizens and are designed to enhance the public's confidence and trust in the institutions of government through better quality procedures and public services.

12. To this end, three types of citizen participation programme were established:

(a) The Integrated Services Centre is a public-service model that has been established in federal government agencies responsible for formalities and services with a view to improving the procedures involved, anticipating possible complaints and ensuring that the organization gives prime attention to the user. Such centres improve federal procedures and public services in the light of user ratings of their expediency, transparency and efficiency and the quality and decency of the service they provide. Action was taken in 2005 to improve the way the centres are run and to expand their coverage;

(b) In June 2005, the Integrated Services Centre web page was established on the website of the Ministry of the Public Service with a view to publicizing the implementation of this service model and the results achieved in the agencies and entities using it;

(c) Citizens' assessment of service: citizens are given the opportunity to rate the procedures and services offered by government institutions, and the service-providers, in conjunction with the internal oversight body, make continual improvements in response to users' comments;

(d) Citizen's Charter: this is an accessible, simple and clear public document that provides citizens with all the information they need to complete a formality or to request a service and lays down standards of service that the government agency undertakes to meet.

13. As a result of these three programmes, agencies and entities have improved high-impact public procedures and services, gradually developing a new service culture in the Federal Public Administration.

(c) *Increasing the effectiveness of four high-impact social support programmes by enhancing and simplifying their regulation, running and implementation procedures*

14. The Ministry of the Public Service helped to improve some of the country's key social support programmes, reducing response times, internal operating costs and formalities so that the beneficiaries of such programmes are given simple and speedy access to assistance. These activities also seek to curb inequality and corruption by promoting transparency and supporting those most in need.

15. The improved social support programmes include:

(a) The Natural Disasters Fund (FONDEN), whose operating rules were simplified and improved;

(b) The Opportunities programme: application, registration and enrolment procedures for grant-holders were improved, operating rules simplified and improved, internal regulations standardized, procedures decentralized and channels and processes standardized;

(c) The PROCAMPO programme of support for rural areas: its capitalization, alternative registration and continuous support procedures were improved, response times were reduced by 40 per cent, coverage was expanded, new producers were incorporated and a single format for re-enrolment was adopted;

(d) Employment Support Programme (PAE): the Employee Training System (SICAT), support for agricultural workers and the Chambatel hotline and Chambanet website for job-seekers were improved, delays were reduced, the operating rules were improved and procedures were standardized.

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 cooperation and other arrangements with international organizations, in particular with the international financial institutions?

16. The Government of Mexico has cooperation programmes with the United Nations system such as its cooperation agreement with the Office of the United Nations High Commissioner for Human Rights (OHCHR), signed in December 2000, the first phase of which was implemented in 2001. The agreement on the second phase was signed in April 2002. Its priority was the preparation of a survey of the human rights situation in Mexico, which in turn laid the basis for the National Human Rights Programme (PNDH).³

17. Following a visit by an expert mission of the European Commission in March 2002, an agreement was reached with the Commission on a cooperation project under the European Initiative for Democracy and Human Rights. The general aim of the programme is to identify specific activities and policies for the application of international human rights norms and standards in Mexico through the dialogue being conducted in the Commission on Government Policy on Human Rights.

18. In February 2005 two cooperation agreements were signed between the European Commission, the Office of the United Nations High Commissioner for Human Rights and the Ministry of Foreign Affairs on the promotion and protection of human rights in Mexico. The aim of one cooperation project, on the Mexican component of the promotion and protection of the human rights of indigenous peoples, is to implement the recommendations of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, which he made following his visit to Mexico in June 2003.

19. The aim of the second project is to assist in implementing the recommendations drawn up by the OHCHR field presence in Mexico on the basis of the survey of the human rights situation

in Mexico. This project focuses on two specific areas, one being the fight against torture and the other a pilot project on the administration and securing of justice for indigenous people in the state of Oaxaca.

20. On 12 March 2002 an agreement on the development of a programme of human rights activities was signed between the Ministry of Foreign Affairs and the United Nations Educational, Scientific and Cultural Organization (UNESCO), and a cooperation agreement was signed by the Minister for Foreign Affairs, the National Autonomous University of Mexico, the Ibero-American University and UNESCO. The overall objectives of the former agreement are to assist in the production and dissemination of knowledge with a view to improving the human rights situation in Mexico and Latin America.

21. Under this agreement, the third international seminar on “Higher Education in Human Rights in Latin America and the Caribbean” was held from 28 to 30 May 2003 to assist in preparing a critical analysis of the present state of higher-level human rights education and research in the region. The agreement provides for publication of the results of the three seminars.

22. The Mexican Government also has a cooperation agreement with the Inter-American Development Bank. The projects being carried out include:

- (a) Microcredit expansion for low-income women in Mexico’s central region;
- (b) Economic and distributional efficiency of the labour market;
- (c) International migration, remittances and impact on rural communities in Zacatecas;
- (d) Cervical cancer prevention programme for areas of extreme poverty;
- (e) Promoting inclusion in labour market intermediation services;
- (f) Potable water and sanitation in rural areas (II);
- (g) Competency system for popular savings and credit sector;
- (h) Facilitation of access to housing finance for recipients of remittances.

23. A cooperation agreement has also been concluded with the Japan International Cooperation Agency (JICA), which carries out a range of technical cooperation activities in Mexico in areas of key importance for the country’s development such as public health, agriculture, technology education, the environment, natural resources, building the capacity of small and medium-sized enterprises, and training Mexican human resources. The value of technical cooperation amounts to some US\$ 25 million a year. One example of this cooperation is the cervical and uterine cancer prevention project launched in October 2004 in the states of Chiapas, Guerrero, Nayarit, Oaxaca, Puebla, Yucatán and Veracruz.

24. Furthermore, the World Bank carries out cooperation projects with Mexico, including the following:

(a) The School-Based Management Project, which is designed to improve the quality of education as measured by coverage, social participation and educational outcomes. The project has three components: scholarships, monitoring and programme oversight, and policy development;

(b) The Programmatic Environment Development Policy Loan Project, which is designed to balance socio-economic development with environmental protection and improvement. The programme focuses on mainstreaming environmental concerns in the development agendas of key sectors (tourism, energy, forestry and water) and improving the effectiveness and efficiency of local environmental management processes in Mexico.

25. With regard to indigenous matters, it is important to mention the Puebla-Panama Plan, the indigenous component of which is coordinated by the Advisory Group on Indigenous and Ethnic Participation, whose mandate is to propose a strategy for developing regional and national participation and representation arrangements to promote procedures for informing, consulting and involving civil society in the design, implementation, monitoring and assessment of the Puebla-Panama Central American Development Plan.

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.

26. According to the preamble to NAFTA, one of the motives for its conclusion was the parties' aspiration to improve working conditions and living standards in their respective territories. Moreover, the opinion on NAFTA issued by the Senate prior to the adoption of the agreement states that "the goal of Mexican economic reform will lead to an improvement in general well-being based on firm foundations and long-term sustainability".

27. In general terms, the impact of NAFTA is reflected in:

(a) Increased prosperity in North America. Free trade benefits both the private sector and consumers. Producers in the NAFTA region enjoy better access to lower-cost raw materials. NAFTA also provides consumers in the three countries with a better choice of products at competitive prices. Tariff reductions are reflected in lower costs for families and a wider selection of goods and services, which helps to raise living standards;

(b) Strengthening environmental protection. The economic integration promoted by NAFTA has led to an improvement in the environmental situation throughout the region by facilitating the transfer of environmental technology and the identification of market-based solutions to environmental problems and by increasing regional wealth. The partners are promoting the correct enforcement of their environmental laws through the North American Agreement on Environmental Cooperation (NAAEC);

(c) Strengthening respect for labour standards. The partners seek through the North American Agreement on Labour Cooperation (NAALC) to improve working conditions and living standards, and commit themselves to promoting 11 labour principles to protect,

enhance and enforce basic workers' rights. To accomplish these goals, NAALC creates mechanisms for cooperative activities and intergovernmental consultations, as well as for independent assessments and dispute settlement related to the enforcement of labour laws.

28. Enforcement of labour laws in the NAALC countries has been enhanced through a programme of cooperative activities in areas such as occupational health and safety, protection for migrant workers and workforce development. The tripartite participation of trade unions, employers and government officials in the continuing dialogue among the NAALC countries has ensured balance in the policy discussions and programmes.

29. Issues reviewed under NAALC include freedom of association; the right to organize and bargain collectively; the right to strike; child labour; minimum employment standards; employment discrimination; occupational health and safety; and the protection of migrant workers.

30. It is nevertheless recognized that NAFTA's benefits have not been felt in all regions of Mexico and that there are gaps due to structural problems, though not to trade liberalization as such. Hence the need for policies both at home and abroad to ensure that all citizens benefit from the free trade area.

31. In this context, the new guidelines (under the Security and Prosperity Partnership of North America) are designed to enhance the agreement's intangible benefits, such as harmonization of technical standards, easing of border crossings, creation of border infrastructure to facilitate trade, review of rules of origin and improvement of transport.

II. ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT

Article 2, paragraph 1: Obligations of States parties

32. *Please indicate the difficulties that the State party, as an emerging economy, faces in guaranteeing the enjoyment of the rights in the Covenant by all people in the State party.*

33. The Government of Mexico considers the war on poverty and its root causes to be one of its principal challenges. One of the central aspects of its strategies to overcome poverty has been the recognition that poverty is a multidimensional phenomenon of a highly diverse nature which reaches beyond the bounds of the purely material. For this reason, the conquest of poverty will not be achieved solely by the growth of the economy. What is needed is sustained economic growth and a stable environment, and also a better distribution of wealth; all these are necessary conditions for the achievement of better standards of living.

34. Mexico has fixed as its prime objective the guarantee of a decent standard of living for the entire population, creating conditions which will enable every Mexican to play a full part in the productive and social life of the country with equality of opportunities. Consequently the individual is deemed to be the origin and the target of public policies aimed at comprehensive and inclusive development permitting an improvement in the living conditions of its people and thus the elimination of the causes of transmission of poverty from generation to generation.

35. Mexico has made encouraging progress in poverty reduction: the report of the Technical Committee for the Measurement of Poverty,⁴ submitted in June 2005, shows that 6.9 per cent of Mexicans (5.6 million people) emerged from food poverty between 2000 and 2004, 7.3 per cent from skills poverty and 6.7 per cent from financial poverty.

36. For 2005, the Federal Government authorized resources for poverty alleviation in the amount of 129,408 million pesos, a budget 13.8 per cent higher than that of the previous year. Priority was given to social spending, and in particular expenditure on poverty eradication programmes such as the Opportunities programme coordinated by the Ministry of Social Development, on which expenditure rose by 152.7 per cent.

37. The following table shows the three poverty thresholds based on the National Household Income and Expenditure Survey 2000 and updated on the basis of the same survey in 2002 and 2004.

Poverty in Mexico 2000-2004

Threshold category	Area	Number living in poverty (millions)			Reduction in numbers 2000-2004 (millions)	Percentage change 2000-2004
		2000	2002	2004		
Food poverty	National	23.6	20.5	18.0	5.6	23.7
	Rural	16.1	13.3	10.9	5.2	32.2
	Urban	7.5	7.2	7.1	0.4	5.3
Skills poverty	National	31.1	27.8	25.6	5.5	17.6
	Rural	19.1	16.8	14.1	5.0	26.1
	Urban	12.0	11.0	11.5	0.5	4.1
Financial poverty	National	52.4	51.3	48.9	3.5	6.6
	Rural	26.4	25.1	22.5	3.9	14.7
	Urban	26.0	26.2	26.4	-0.4	-1.5

Source: Technical Committee for the Measurement of Poverty.

38. In addition, in the face of growing international competition, Mexico has taken measures to enable producers of goods and services to cut their costs and thus make themselves more competitive; international trade agreements are one such measure.

39. Mexico's strategy with regard to international trade agreements has been (a) to exploit to the full, and further develop, the agreements it has already negotiated and (b) to press on with those negotiations to which it is already committed and which hold out the prospect of tangible benefits for the country.

40. *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.*

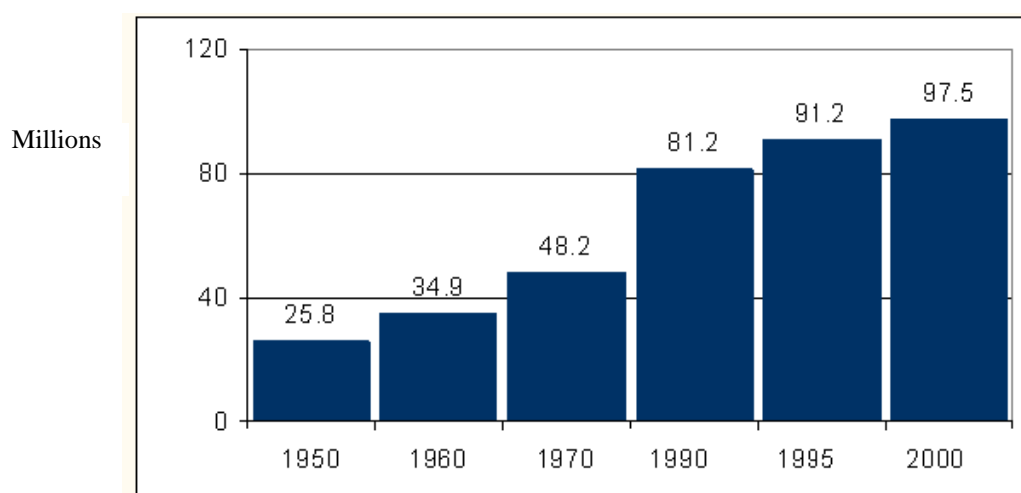
41. The Mexican Government is working on the implementation of the National Statistics and Geographical Information System, which embraces all information-generating government departments and is coordinated by the National Institute of Statistics, Geography and Information Technology (INEGI).

42. The system is intended to provide three levels of information, the first consisting of information that facilitates monitoring of the national, sectoral and regional development plans; the second, of information needed for strategic planning at each level of government; and the third, of data on the work of the various government departments and bodies. In order to meet this demand for information, the system conducts censuses and surveys and draws on administrative records.

43. As well as coordinating the information system, INEGI is also required to compile statistics of national importance based on censuses, surveys and administrative records. To that end, it conducts an economic census every 5 years and agricultural and population and housing censuses every 10 years.

44. The population and housing censuses provide a snapshot of Mexico's people, households and dwellings.

Total population, 1950-2000

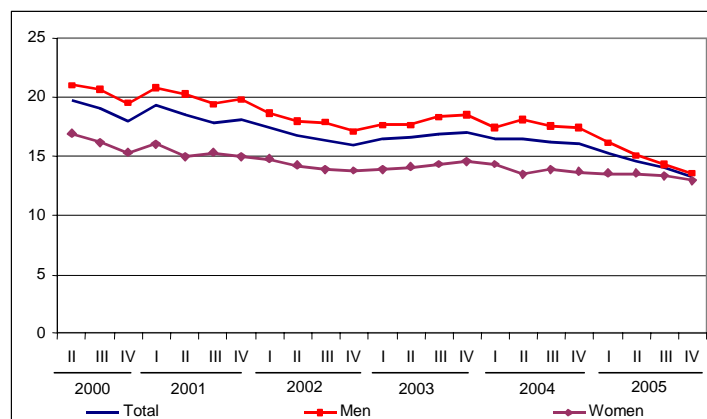


Source: INEGI.

45. Company and household surveys are also conducted to gather information at more frequent intervals. For household surveys there is the Comprehensive Household Survey System, which is divided into a number of subsystems covering areas such as work, occupation and employment; violence; health; demographic change; and household income and expenditure.

46. For the work, occupation and employment subsystem, there is the National Work and Employment Survey, which is conducted on an ongoing basis and contains modules on such matters as child labour, agriculture, the informal sector, training and social security, giving a picture of the country's labour market.

**Seasonally adjusted bimonthly rate of critical employment conditions,
by sex (second quarter of 2000 to fourth quarter of 2005)**



Source: INEGI, Department of National Accounts and Economic Statistics.

Note: The rate of critical employment conditions includes individuals who do not work full working days for reasons beyond their control (less than 35 hours per week), individuals who work full working days but for less than the minimum wage and individuals who earn more than the minimum wage and less than double the minimum wage but work more than a full working day (more than 48 hours per week).

47. The household income and expenditure subsystem uses the National Household Income and Expenditure Survey, which is carried out every two years and reveals the income structure of the population and the main areas of expenditure. Other departments also draw on this data to draw up public policy, measure poverty trends (this is done by a specialist unit) and define the basic shopping basket used in calculating the consumer price index.

**First decile of lowest-income households vs. tenth decile
of highest-income households, 2002 and 2004**

Item	2002		2004	
	1st decile	10th decile	1st decile	10th decile
Share of total income	1.6%	35.6%	1.6%	36.5%
Food	53.5%	20.6%	59.2%	21.7%
Transport	7.9%	22.3%	9.2%	20.5%
Education and leisure	5.0%	21.5%	4.3%	20.6%
Cleaning and equipment	7.5%	8.4%	5.9%	7.4%

Item	2002		2004	
	1st decile	10th decile	1st decile	10th decile
Clothes	5.5%	5.9%	4.6%	5.3%
Housing	8.7%	8.7%	9.2%	7.1%
Health	3.7%	2.9%	3.8%	3.9%
Head of household with no schooling	29.0%	0.9%	28.6%	1.5%
Head of household with higher education	0.2%	43.2%	0.7%	43.4%

Source: INEGI, National Household Income and Expenditure Surveys 2000 and 2004.

Note: Households are arranged in ascending order starting from the household with the lowest income, and in 10 groups of equal numbers of households (deciles). The first decile comprises those with the lowest income and the tenth decile those with the highest income.

48. The data used in calculating the indicators quantifying Mexico's progress in social and economic areas are generated by the National Statistics and Geographical Information System, coordinated by INEGI.

Article 2, paragraph 2: Non-discrimination

49. *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.*

50. The creation of the National Institute for Women, the National Council for the Prevention of Discrimination and the National Commission for the Development of Indigenous Peoples exemplifies the important reforms carried out in Mexico in the area of equality, with a view to eliminating all such discrimination.

51. Established under federal law, these bodies' function is to design and implement State policy on equal opportunities.

52. The principal task of the National Council for the Prevention of Discrimination, for example, which was created in April 2004 as the lead agency of the Mexican State with responsibility for implementing anti-discrimination policy nationwide and ensuring compliance with the Federal Act on the Prevention and Elimination of Discrimination, is to oversee the full range of State strategies to address issues of discrimination, in particular within social groups that have traditionally found themselves in vulnerable situations, such as women, indigenous people, people with disabilities, older people, children and adolescents, refugees, migrants, people of different sexual orientations and people of different faiths.

53. To that end the Council has developed a strategy enabling it to fulfil its mandate under the law; this strategy relies essentially on the spread of a new culture of equality, in conjunction with inter-agency liaison and coordination; the design of specific public policies which include affirmative and remedial action; consideration of allegations of discrimination; and, lastly, the

commissioning and preparation of studies and legal opinions. In this way, it can contribute to comprehensive social and cultural development and thereby guarantee the right to equality of opportunity and treatment.

54. The Council has taken a series of initiatives to tackle discrimination head-on without coming into conflict with other government departments or with the law.⁵

55. One component of affirmative action by the National Commission for the Development of Indigenous Peoples is its own very existence as well as its work as an initiator of public policy. Its mission is to direct, coordinate, promote, support, encourage, monitor and evaluate State programmes, projects, strategies and initiatives for the comprehensive and sustainable development of indigenous peoples and communities. In order to attain these goals, it coordinates or runs the following programmes.

56. The Programme for the Development of Indigenous Peoples and Communities has, as an overall aim of its “Basic infrastructure” component, the promotion of the social and economic development of indigenous peoples, having full regard to the natural resources in their environment, their cultures and their rights, through public works projects implemented under a cross-cutting policy of coordination with federal, state and municipal bodies and which prioritize electrification of villages, rural roads, feeder highways, drinking water supply and distribution, and drains. To be eligible, the beneficiary group must live in an area with a high or very high rate of marginalization, with 29 per cent or more indigenous language-speakers and a population of between 50 and 10,000.

57. The Indigenous School Hostels Programme provides children with board and lodging in school hostels.

58. The Programme to Organize Indigenous Women for Production aims to promote and fund production projects involving indigenous women, by encouraging associative movements and alternative occupations and sources of income that will impact favourably on women’s standard of living and social status.

59. The Programme to Promote and Develop Indigenous Cultures is a means of giving effect to the policy of recognizing Mexico’s multicultural make-up and indigenous peoples’ right to preserve and enrich their languages, knowledge and all components of their culture and identity, and to determine their own ways of living together and establish their own social, economic, political and cultural arrangements.

60. The Programme to Promote Agreements in the Area of Justice aims to channel locally administered financial resources to legally constituted associations belonging to or working for indigenous communities, to improve access to the State justice system through the promotion and defence of indigenous rights and the provision of financial support for the registration and administration of proprietary names.

61. The Regional Indigenous Funds Programme allocates and helps implement technically, economically and socially viable production projects that have a local and/or regional impact and that help increase indigenous communities’ economic resources.

62. The Yucatán Peninsula Maya Communities Development Programme was until 2005 a regional support strategy for improving the standard of living of poor indigenous families and strengthening grass-roots organizations.

63. The Indigenous Skills Reinforcement Programme promotes initiatives, projects and processes aimed at developing the skills of indigenous people so that they can be fully involved in decisions concerning their own development, whether in autonomous processes or in association with institutions and the State, within a framework of the full enjoyment of rights, equity, multiculturalism and sustainability.

64. The National Programme for Equal Opportunities and Non-Discrimination, the flagship policy of the National Institute for Women, includes in its definition of equality policies “affirmative action to rectify existing injustices or exclusionary bias. All such policies aim to empower individuals or groups that for one reason or another have been marginalized”.

65. Conflicts often arise in this context, particularly in the area of unequal opportunities for women and men, partly as a result of the widespread perception that affirmative action illegitimately favours only a given group, and partly owing to a lack of awareness on the part of government institutions, which in their strategic planning and budgeting assume that only earmarked resources can benefit women.

66. One of the main goals of the National Institute for Women, for example, has therefore been to promote a balanced image of women that respects diversity and is free of stereotypes, and it has pushed for a better image of women in the media, holding media workshops on the gender perspective and several meetings with journalists with a view to setting up a national network of journalists to help promote the human rights of women and girls.

67. Within the same framework, an important health initiative is the Women and Health Programme, the aim of which is to enrol more women in the People’s Health Insurance Scheme by asking all families who decide to join to include at least one adult female wherever possible. In addition, women earning low wages are exempt from premium payments.⁶

68. In 2003 a scheme for gender-equity accreditation of health facilities was launched, and the Ministry of Health’s women’s hospital was accordingly accredited for its diagnostic work, its design of programmes incorporating the gender perspective and its pioneering pro-equality measures.

69. In the area of education, scholarships have proved one of the most effective mechanisms for encouraging girls and women to enter and remain in the education system.⁷ With the help of the Opportunities programme, the Ministry of Education increased the number of scholarships available for schoolgirls of limited means by 25 per cent, while the same programme also enables the Ministry of Social Development to provide support to mothers and promote a scholarship programme to rectify girls’ disadvantage in access to education.

70. The Ministry of Education set up a scholarship scheme for young mothers and pregnant young women in September 2004, to help them complete their basic education. A similar programme is the Second Chance programme, which encourages pregnant teenagers to remain in

school. The National Autonomous University of Mexico also runs a scheme similar to maternity leave from work, whereby women can take leave while retaining a grant, so that they do not need to abandon their postgraduate studies if they become pregnant.

71. Since 2003, a special effort has been made under the Gender Equity, Environment and Sustainability Programme of the Ministry of the Environment and Natural Resources grant subsidies to production projects designed to reinforce women's groups' local capacities in the areas of organic farming and management.

72. The Generosity Project, run by the National Institute for Women with World Bank funding, applies the Gender Equity Model, a management system for use in organizations as a means of fostering equal opportunities for women and men and reducing labour discrimination against women in the public and private bodies participating in the programme, through affirmative action to correct existing inequalities, promote a satisfactory work environment and improve staff motivation.

73. Also of interest in this regard is a scheme called Recognition of Inclusive Enterprises for a New Labour Culture, which promotes the participation of enterprises in the creation of job opportunities for persons with disabilities.

74. The Special Loans Programme of the Housing Fund of the Institute of Social Security and Social Services for State Employees includes a special scheme for middle-income workers whereby 10 per cent of its loans are earmarked for single mothers.

75. For women in rural areas there have been various initiatives to fund production projects and credit arrangements. The Programme for Women in the Agricultural Sector seeks to promote the integration of women from the agricultural sector into the economy and productive work by providing support to production projects, ensuring that organizational and comprehensive training needs are met, encouraging the creation of productive employment and fostering improvements in the quality of life of the women's families and communities.

76. The Rural Women's Microfinance Fund sets up microcredit arrangements, through intermediary organizations, for women in highly marginalized rural communities, in order to encourage investment in production, a culture of savings and the capitalization of the sector. A similar scheme, the Women's Production Campaign, is operated by the National Fund for the Support of Social Enterprises to promote policies and initiatives in support of women running social enterprises.

77. In the area of care for older people, the National Institute for Older Persons (INAPAM) is responsible for directing State policy on care for the over-60s, applying a comprehensive human development approach in each of its areas of competence.

78. The institute provides protection, care, support and guidance for older people, as well as help with medical care, legal advice and employment opportunities. It also offers a range of services: membership benefits, community social development, training for work and leisure, health education, legal advice, the *Tercera Llamada* scheme, employment and "INAPAM in your neighbourhood".

79. In addition, in April 2002 the Mexican Government promulgated the Older Persons' Rights Act in order to safeguard the rights of all members of this social group.

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 on the Prevention and Elimination of Discrimination and the 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.

80. Following the constitutional reform concerning indigenous rights and culture, various laws giving effect to provisions of the Constitution have been amended to guarantee the right of indigenous peoples to use their mother tongue in all legal proceedings. The regulations provide for the assistance of an interpreter or translator at all stages of proceedings involving an indigenous person, and of a defence counsel who speaks that person's language and knows their culture. Such provision is made in articles 15, 18, 124 bis, 128, section IV, 154 and 159 of the Code of Criminal Procedure; and in articles 107, 180 and 271 of the Code of Civil Procedure. Special guarantees are contained in articles 3, 21, section VI, 32, section IV, and 36, section IV, of the Treatment of Young Offenders Act. Under the Social Rehabilitation of Convicts (Minimum Standards) Act, article 13, paragraph 2, every indigenous prisoner must be provided with a booklet giving details of their rights and obligations and of the institution's overall regime, translated into their own language.

81. There are also provisions in this regard in the local constitutions and in special legislation on indigenous matters in 11 states (Campeche, Chiapas, Chihuahua, Durango, Jalisco, Mexico, Nayarit, Oaxaca, Puebla, San Luis Potosí and Tabasco), and article 7 of the Constitution of Campeche allows legal proceedings to be conducted in the relevant indigenous language, if preferred.

82. The legislation relating to the right of members of indigenous communities to use their own languages in legal proceedings is annexed herewith.⁸

83. The National Commission for the Development of Indigenous Peoples has worked with various bodies in implementing initiatives and promoting strategies to allow indigenous people to use their own language in court proceedings. For example:

(a) It works with the National Institute for Indigenous Languages in the certification of indigenous-language interpreters and translators through the interpreting and translating training programme;

(b) It is working with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on a technical cooperation project to implement the recommendations contained in the OHCHR survey of human rights in Mexico, and specifically on the component on the administration of justice for the indigenous peoples of the State of Oaxaca, where it is suggested that strategies should be devised for government action on the administration of criminal justice for indigenous people, one of the concerns in that regard being the exercise and application of the right to use their own language;

(c) It is working with the European Union-Mexico cooperation programme, through the Attorney-General's Office, on a project to strengthen and modernize the administration of justice, with a view to improving the operation of prosecutors' offices and the judiciary at both the federal and the state levels, and of various auxiliary bodies, most notably the expert and public defender services, through the bilingual (Spanish/indigenous languages) lawyers training programme;

(d) One of the most effective ways of ensuring that the courts take due account of cultural diversity in judicial proceedings involving indigenous people is to provide training for judges, officials from public prosecutors' offices and court-appointed defence counsel, and the National Commission has taken part in various initiatives to raise awareness of indigenous rights among such justice officials. It is too early to tell what impact these have had, but it is known that in eight cases, officials of the public prosecutor's office have argued against taking criminal action, on grounds of cultural differences and on the basis of recommendations from the Special Indigenous Affairs Unit of the Attorney-General's Office.

84. The Special Indigenous Affairs Unit is part of the Office of the Assistant Attorney-General for Human Rights, Victim Care and Community Services, and its functions are established in Attorney-General's decision No. A/67/3, published in the *Diario Oficial de la Federación* on 24 July 2003. One of those functions is to arrange for the assistance of translators during criminal proceedings if requested by indigenous people.

85. At the federal level, in order to comply - to the extent that human and material resources permit - with the legal requirement to assign to members of indigenous groups public defenders familiar with their language and culture, the Federal Institute of the Public Defender has drawn up a national register of 84 lawyers, of whom 49 are duly certified as skilled in these areas and 17 are legally qualified to serve as public defenders.

86. In addition, the Council of the Federal Judiciary, through the Federal Institute of the Public Defender, has authorized the appointment of federal public defenders familiar with the Tzotzil, Tzeltal, Isthmus Zapotec and Rarámuri indigenous languages, and from 1 December 2004 these were assigned to the second federal criminal court of the State of Chiapas, in Cintalapa de Figueroa; the sixth district court of the State of Oaxaca, in Salina Cruz; and the Chihuahua state office of the Federal Institute of the Public Defender. On 16 December 2005 a federal public defender was appointed to the institute's office in Tuxtla Gutiérrez, Chiapas, to defend Tzotzil- and Tzeltal-speaking indigenous people.

87. At the same time, with the aim of preparing future public defenders, the Federal Institute of the Public Defender is working with the Department of National and International Relations of the Council of the Federal Judiciary on a training programme for bilingual public defenders, attended by 17 law students from around the country who know the culture and speak the following indigenous languages: Mixtec (2), Tzeltal (1), Nahuatl (6), Tlapanec (1), Purepecha (3), Trique (1), Tenek (1), Yaqui (1) and Chontal (1). These are the first batch from this project, and a further 210 suitably qualified students are registered.

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 for an infrastructure of highways, roads and bridges so as to enable the people of that state to market their agricultural products and communicate with the municipal capitals.

88. In the draft federal budget for financial year 2006, the resources proposed for the State of Chiapas in section 33 (federal allocations to states and municipalities) amount to 16,287.1 million pesos, a nominal increase of 666.5 million pesos over the 2005 budget allocation, and an increase in real terms, at 2006 prices, of 0.8 per cent over the 2005 allocation.⁹

89. The Mexican Government also has a microregional strategy¹⁰ involving 14 federal government departments, coordinated by the Ministry of Social Development. This approach relies on a pooling of resources between the three branches of government and civil society in order to rectify deficiencies in areas of chronic marginalization, with the active and proactive involvement of those communities in their own development.

90. The emphasis in the microregional strategy is on efforts to boost those regions with the highest rates of marginalization through the comprehensive, sustainable development of their communities. To date, 8,411 initiatives, symbolized by white flags, have been set up in 2,966 strategically selected areas in the 1,340 municipalities with the highest marginalization rates in the country.

91. There are now 1,063 white flags in Chiapas, located in the 359 strategic communities that have been identified in the 109 municipalities (out of a total of 118) with the highest marginalization rates; this has resulted in improved living standards for a target population of some 1.7 million in this south-eastern state.

92. Road projects account for 157 of the white flags now in place in Chiapas; these have permitted the construction or repair of roads into and out of the communities, the main feature of which is that they are now usable all year round.

93. As to the indigenous population of Chiapas, nine departments of the federal administration reported total investments of 1,536.63 million pesos in 2005, delivered through 38 programmes. The Commission for the Development of Indigenous Peoples spent 328.22 million pesos on initiatives in Chiapas.

(a) Development and welfare programmes:

- (i) The Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food invested 386.85 million pesos in two programmes;
- (ii) The Ministry of the Economy carried out six programmes at a cost of 163.96 million pesos;
- (iii) The Ministry of Social Development carried out 12 programmes and invested 624.87 million pesos;

- (iv) The Ministry of the Environment and Natural Resources invested 25.9 million pesos on the implementation of nine programmes;
 - (v) The Ministry of Education allocated 24.83 million pesos to three programmes;
 - (vi) The Ministry of Health invested 141.62 million pesos in three programmes;
 - (vii) The Commission for the Development of Indigenous Peoples, via the Programme to Organize Indigenous Women for Production, ran various projects in Chiapas at a cost of 20.3 million pesos; and 479 production projects were financed in Chiapas under the Indigenous Regional Funds Programme, at a cost of 56.2 million pesos and to the benefit of 10,310 people;
 - (viii) With a budget of 180 million pesos, the Government of the State of Chiapas, in cooperation with the Commission for the Development of Indigenous Peoples and the Federal Electricity Commission, brought electricity to 146 communities (more than 38,000 people) around the state between 2004 and 2005. Over the past three years, electricity has been provided to the area bounded by the municipalities of Benemérito de las Américas and Marqués de Comillas in the Selva region;
 - (ix) In addition, to meet the demand for drinking water and drainage, the Government of the State of Chiapas invested 151.8 million pesos in hydraulic infrastructure, of which 63 per cent went to drinking water and 37 per cent to drains and sewerage. Rural communities were allocated 85 per cent of this investment and urban communities 15 per cent.
- (b) Highway, road and bridge infrastructure programmes and projects:
- (i) The Ministry of Communications and Transport invested 168.62 million pesos in three programmes. The sum of 129.82 million pesos went towards the construction of 75.4 km of rural roads;
 - (ii) Between January and June 2005, the Basic Infrastructure Programme for Indigenous Peoples, of the Commission for the Development of Indigenous Peoples, invested 173.14 million pesos in feeder highways for Chiapas, thereby benefiting 158,832 people. The programme also invested 488,341 pesos in rural roads, to the benefit of 3,328 people.

Article 3: Equality of men and women

94. *In the first quarter of 2004, the employment rate in Mexico was 65.2 per cent for men and barely 14.5 per cent 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”.*

95. In the first quarter of 2005 Mexico conducted the new National Survey of Work and Employment for the first time.¹¹ Coordinated by the Ministry of Labour and Social Security and the National Institute of Statistics, Geography and Information Technology (INEGI), it revealed a continuing upward trend in paid work and a decline in self-employment and unwaged work, which indicates a moderate strengthening of the labour market.

96. Women accounted for 38.9 per cent of the economically active population in the first quarter of 2005. Net participation rates decrease as the level of urbanization declines. Such differences are in part a reflection of the fact that conditions in the bigger cities are more attractive to female labour, partly owing to cultural patterns and partly because there are real job opportunities, as well as services which make it possible for women to work, such as child care.

97. Participation rates by age reveal marked differences between the sexes. Men account for a high proportion of early entrants to the labour force. Economically active women, by contrast, account for 21.5 per cent of that segment, a proportion that increases to 43.8 per cent in the 20-24 age group, rising to 52 per cent in the 40-44 age group. This implies that women's level of activity increases as their children get older and they are free to enter the labour market, albeit rather late. That said, their participation shows a steady decline from the age of 50-54 onwards.

98. The net participation rate for women showed an upward trend throughout 2004-2005, reaching its second-highest level ever, 38.9 per cent; this reflected not only women's growing concern to become more self-sufficient and apply their skills in the workplace, but also the need to boost the household income in order to cope with the problems brought on by economic stagnation. Men's participation rate, by contrast, declined to 78.2 per cent in the first quarter of 2005.

Unemployment rate by level of urbanization and by sex

(percentages)

	Total	High urbanization (population 100,000+)	Medium urbanization (population 15,000-99,999)	Low urbanization (population 2,500-14,999)	Rural areas (population <2,500)
Total	3.88	4.88	3.53	3.09	2.13
Men	3.62	4.59	3.48	3.00	1.97
Women	4.36	5.32	3.62	3.26	2.55

99. *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, figures (if any) on the 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.*

100. The programme initially targeted two specific groups of women: 2,214 maquiladora workers in the State of Coahuila and 428 women working in the informal sector in the State of Guerrero.

101. On the basis of the results obtained, the Ministry of Labour and Social Security and the International Labour Organization decided it was worth conducting a second phase, from January 2003 to October 2005, in four other states (Chiapas, Chihuahua, Veracruz and Yucatán) in order to allow more women to benefit and to extend the experiment further.

102. The programme was launched in Chihuahua with the aim of providing maquiladora workers with comprehensive training to enhance their capacity for management within their companies, their awareness of their labour rights and their productivity. This was done through outreach workers who:

- (a) Can have a humanizing effect on the production line, by listening to other workers' family and personal problems and directing them to agencies that can help;
- (b) Can play a preventive role by absorbing their workmates' feelings of dissatisfaction;
- (c) Embody the positive effects of training and foster a climate receptive to training in general.

Project outcomes

State where programme has been implemented	Women beneficiaries	No. of projects run
Chiapas	271	9
Veracruz	219	16
Yucatán	334	16
Total	824	41

103. *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.*

104. The Ministry of Labour and Social Security runs awareness-raising and publicity campaigns to promote respect for and defence of labour rights for women workers.

105. As part of the "Fair Legislation" campaign run in coordination with the National Institute for Women, a radio commercial on equal opportunities at work and equal pay, and against the certification of non-pregnancy, was prepared and broadcast nationwide. The national newspapers published in the Federal District also carried a written version in April and May.

106. The National Commission on Minimum Wages continued setting wages without regard to sex, in accordance with Mexican law, the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100) and general recommendation No. 13 of the Committee on the Elimination of Discrimination against Women.

107. As part of the drive to enhance the dignity and esteem in which women's work is held, a number of sensitization and information forums, conferences and workshops have been organized to raise awareness and create a non-discriminatory climate in women's working environments in several of Mexico's public and private agencies. The following topics were

addressed: the challenge of being a woman; challenges for women in the world of work; women's role in the twenty-first century; the human rights of the working woman; harassment and bullying; the world of work in equity and gender; gender and the gender perspective; workplace violence; reconciling working life and family life; gender in the new labour culture; sexual harassment; the pregnant woman and work; and the work-life balance.

108. Workshops have been held on gender in the new labour culture, which have examined the problems facing today's women in the working environment; the workshops have proved an effective tool with the potential to help eliminate discrimination against women. Topics dealt with include women, leadership and politics, and women and work, and are aimed chiefly at disseminating the gender perspective in the new labour culture, for use as an analytical tool to facilitate action to promote male-female equity in career development.

109. Meanwhile, from 2002 to September 2005, the Federal Office for the Defence of Workers offered free legal advice, conciliation services in labour disputes and legal representation for 140,470 female clients.

110. The National Council for the Prevention of Discrimination has designed, and is about to launch, a "Culture of Non-Discrimination" award, to be awarded to State bodies and private companies which, in accordance with article 85 of the Federal Act on the Prevention and Elimination of Discrimination, distinguish themselves by implementing programmes and measures to prevent discrimination in their practices, budgeting and organizational arrangements. The award is honorary in nature and is granted for a year; it may qualify the recipient for any benefits the State may introduce under applicable law. The award will be inaugurated at the end of the first quarter of 2006.

111. The National Institute for Women, the Ministry of Labour and Social Security and the Ministry of the Interior have also been working steadily on labour legislation for women, introducing four draft amendments to the Constitution; four draft amendments to the Federal Labour Act, proposed by the Senate; 20 draft amendments to the same Act, proposed by the Chamber of Deputies; and a draft amendment to the Income Tax Act.

112. On 25 November 2002, the Ministry of the Interior, on behalf of the Ministry of Labour and Social Security, submitted to the Chamber of Deputies a proposal for the reform and modernization of the Federal Labour Act put forward by the majority representatives of the workers' and employers' sectors on the Central Decision-making Board.¹²

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

Article 6: The right to work

113. *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.*

114. On 12 December 2002 the Senate formulated and adopted a reform of article 133 (I) of the Federal Labour Act, which expressly prohibits employers from “refusing to accept workers on the basis of age or sex, and from demanding or requesting that women present a medical certificate of non-pregnancy as an indispensable condition of employment”. The draft was forwarded to the Chamber of Deputies, but was not adopted.

115. On 30 March 2004, the plenary of the Chamber of Deputies referred the proposal for amendments and additions to various provisions of the Federal Labour Act to its Labour and Social Welfare Committee for study, with the aim of prohibiting discrimination against women in employment, including the obligation to submit certificates of non-pregnancy as a prerequisite for obtaining and/or retaining employment. This proposal is still being studied by the committee.

116. In respect of the proposal to amend articles 102, 103 and 107 of the Social Security Act governing obligations with regard to maternity benefits, the Senate considered that such an amendment was inadvisable owing to the cost of the proposed changes.¹³ It would involve fiscal expenditure by the federal Government through the Mexican Social Security Institute (IMSS) and would have a detrimental effect on public finances.

117. Under the National Human Rights Programme, the Ministry of Labour and Social Security is called upon to ensure that women who would like to take up employment are not required to submit to a pregnancy test. In the report on the implementation of the programme, the Ministry reported 100 per cent compliance in 2005.

Article 7: The right to just and favourable conditions of work

118. *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.*

119. In the period from January to December 2005, the Ministry of Labour and Social Security carried out a total of 26,122 inspections in 13,403 enterprises employing a total of 947,612 workers, including 245,275 women workers, that were within the competence of the federal authorities. It uncovered violations relating to occupational health and safety and the working environment. As regards the maquiladora industry, in the last quarter of 2005, 80 maquiladora companies were subject to special occupational health and safety inspections.

Article 8: Trade union rights

120. *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.*

121. The Mexican Government is not currently considering ratifying these international instruments, for the following reasons:

(a) The Unemployment Convention, 1919 (No. 2). The reports issued by the Ministry of Labour and Social Security on 2 March 1951 and 21 October 1965 indicated that the Mexican Government would have some difficulty insuring foreign workers and respecting the treaty's reciprocity with other States, considering that foreign exchange rates were mostly unfavourable to Mexico. This instrument could be ratified with a reservation to article 3 to allow for the Social Insurance Act, but because ILO does not accept reservations in practice, it has not been possible to ratify it;

(b) The Labour Inspection Convention, 1947 (No. 81). The reports issued by the Ministry of Labour and Social Security on 29 October 1965, 8 May 1974 and 15 November 1976 indicated that there were discrepancies between national legislation (the Federal Labour Act and the State Employees Statute) and articles 3, 6 and 12 of the Convention. Such discrepancies stemmed from the nature of "trusted employees" (*empleados de confianza*) and their precarious position.

122. In Mexico, federal labour inspectors are trusted employees, not regular employees. Under the Federal Labour Act (art. 9), trusted employees are so defined by the nature of their functions, and not by their post descriptions.¹⁴ In the light of the above, obviously, the worker's security of employment - a requirement of the Convention - is subordinated to the trust placed in the worker by the employer. Furthermore, in chapter II, title 6, of the Federal Labour Act, article 185 sets out the premises for termination of the employment contract when there are reasonable grounds for claiming loss of trust, even when they do not correspond to just cause for dismissal (art. 47 of the Act).

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The reports issued by the Ministry of Labour and Social Security on 20 April 1956, 26 April 1957, 5 November 1959, 20 August 1976, 24 October 1979 and 21 July 1998 approved the ratification of this instrument. However, the Senate drew up a reservation, indicating that the provisions of article 123 of the Mexican Constitution and the Federal Labour Act should take precedence in respect of those trade union rights that are not subject to the limitations contained in the instrument in question.

123. As, in practice, ILO does not accept reservations, Mexico has not ratified the Convention.

(a) The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117). On 2 April 1963, the Ministry of Labour and Social Security issued a report citing the following three main obstacles to ratification of this convention:

- (i) "Articles that are incompatible with those in the national legislation, such as article 4 (b) and article 14 (1), which contains a provision that is at odds with Mexican legislation;
- (ii) "Articles that would require amendments or additions to national legislation. This is the case for article 11 (1) and (7); article 12 (2); and article 16 (1);

- (iii) “Articles that, once ratified, would make it necessary to take practical measures that our country, with its level of economic and social development, is not yet in a position to implement. This applies to the following: article 3 (2) (c); article 7; article 9; and article 14 (3).”

(b) The Employment Policy Convention, 1964 (No. 122). The report issued by the Ministry of Labour and Social Security on 15 March 1965 recommended that this convention not be ratified, as “article 1, paragraph 2 (c), which sets out the obligation to guarantee that the employment policy is applied irrespective of national extraction, is at variance with the provisions of articles 9, 111 (1) and 175 of the Federal Labour Act as it then stood, corresponding to the current articles 7, 154 and 246 of the Act, and with article 9 of the Federal Labour Act, which stipulates that regular workers shall be of Mexican nationality”.

124. The Minimum Age Convention, 1973 (No. 138). On 26 March 1975, the Ministry of Labour and Social Security indicated in its report that it was inappropriate to ratify the Convention because “it contains certain provisions incompatible or difficult to reconcile with national legislation, including articles 1, 2 (3), 3 (1), 4 and 5 (3)”. That notwithstanding, the objectives set out by the convention coincide with the frequently repeated goal of the Mexican Government to effectively abolish child labour and to progressively raise the minimum age for admission to employment. In 2001, the Ministry drew up a new report advising against ratification, concluding that “there are still provisions in our legislation that are incompatible with ILO Convention No. 138 and that accordingly prevent its ratification”. Every year, ILO invites the Mexican Government to reconsider ratifying Convention No. 138, as that instrument is considered, along with Convention No. 98, to be a core convention that sets out fundamental workers’ rights. Following the adoption of the ILO Declaration on Fundamental Principles and Rights at Work, compliance with that instrument is obligatory.

The Prevention of Major Industrial Accidents Convention, 1993 (No. 174). The Ministry of Labour and Social Security issued a report advising against ratification in 1994, noting as reasons for non-ratification the fact that the provisions called for by the convention did not coincide with the standards applicable in Mexico, and that their application would lead to conflicts of interpretation.

125. It should be added that, under article 19 of the ILO Constitution, Mexico submits follow-up reports on unratified Conventions, describing action taken to give effect to the international instrument in question.

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.

126. When the Mexican Government acceded to the International Covenant on Economic, Social and Cultural Rights on 12 May 1981, it issued the following interpretative statement:

“The Government of Mexico accedes to the International Covenant on Economic, Social and Cultural Rights with the understanding that article 8 of the Covenant shall be applied in the Mexican Republic under the conditions and in conformity with the

procedure established in the applicable provisions of the Political Constitution of the United Mexican States and the relevant implementing legislation.”

127. In United Nations practice, it is understood that interpretative statements, which are not legally binding, cannot be withdrawn.

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.

128. Article 9 of the Mexican Constitution stipulates that “the right to assemble or associate peaceably for any lawful purpose cannot be restricted”. Similarly, article 123 (A) (XVI) of the Constitution establishes that “both employers and workers shall have the right to organize for the defence of their respective interests, by forming unions and professional associations”. Article 354 of the Federal Labour Act establishes that freedom of association of workers and employers is a recognized right.

129. Furthermore, should workers and trade unions consider that their rights and guarantees have not been respected, they can bring their cases before the competent courts to assert their rights or settle disputes.

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 freedom of association and the recognition of the right to collective bargaining.

130. As part of the Mexican Government’s “new labour culture”, work is under way on labour-law reform to help promote the training, participation and fair remuneration of workers. To that end, the Central Decision-making Board for the Reform of the Federal Labour Act was created. Mexican workers’ and employers’ organizations, with the Government acting as facilitator, subsequently produced a draft of reforms to the Federal Labour Act that addresses, among other topics, that of trade union freedom and the effective recognition of the right to collective bargaining.

131. This draft was put forward as a legislative proposal on 12 December 2002. Congress is currently discussing various proposals for the reform of the Federal Labour Act, including this one.

Article. 9: The right to social security

132. *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.*

133. The People’s Health Insurance Scheme¹⁵ was introduced to provide health insurance for people who had no insurance coverage. As well as attempting to finance health services for these people, the scheme seeks to afford them a degree of financial protection. It is estimated that every year some 1.5 million families join the ranks of the poor in Mexico because of health-related expenses.

134. Following negotiations between the Ministry of Health, Congress and the governments of the federal states, 31 states had joined the scheme by February 2005. Each state may add elements to the package as it sees fit, if it can afford to do so.

135. Another innovative element of the scheme is the allocation to the federal states of new federal funds. The strategy consists of mobilizing federal funds to subsidize premiums and requiring each family to pay a fixed amount in accordance with its income. Thus, the population pays a portion of the premium in accordance with its income, with the rest financed from public funds.

136. The scheme is a public and voluntary medical insurance programme that promotes timely health care while protecting families' finances. It also provides medical care, tests and medicines free of charge at the point of delivery. It ensures access to a package of health services covering 249 ailments and to the medicines used for their treatment. The ailments are classified in nine clusters, or service groups:

- (a) Detection and prevention of diseases for the entire family;
- (b) Outpatient medicine;
- (c) Dental care;
- (d) Reproductive health;
- (e) Pregnancy, childbirth and newborn health;
- (f) Rehabilitation;
- (g) Hospitalization;
- (h) Emergency care;
- (i) Surgery.

137. This service package will gradually be expanded. In January 2006 the "List of Essential Health Services" was replaced with the "Universal List of Essential Health Services" (CAUSES), bringing the number of medical interventions or ailments covered by the health insurance scheme from 154 to 249.

138. The scheme has a network of hospitals in each state, which basically correspond to the health centres run by the state health ministries. It currently covers more than 3.5 million families in 1,584 municipalities; it is expected gradually to extend its coverage to the whole country.

139. The implementation and operation of the scheme is funded from three sources:

- (a) The federal Government, through the Ministry of Health. A social-welfare contribution equivalent to 15 per cent of the minimum wage in the Federal District is made annually for each beneficiary family. The resulting amount is updated quarterly, in accordance

with the national consumer price index. In addition, the Government provides a further contribution amounting overall to at least one and a half times as much as the social-welfare contribution mentioned above, through the Health Service Contributions Fund;

(b) Governments of the federal states and the Federal District. They contribute the equivalent of half of the federal Government's social-welfare contribution;

(c) Member families. Family fees are paid in advance, and are set annually according to a progressive scale, depending on the families' social and economic situation; they may be paid quarterly. The basis for determining family fees is the family's level of income; some families are exempted. Families in the first and second income deciles pay no fees.

Article 10: Protection of the family, mothers and children

140. *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.*

141. The following table provides information on the amounts granted to agencies and institutions for specific population groups. Every year, each institution defines the programmes and projects that will benefit from such amounts.

Agency	2006
National System for the Comprehensive Development of the Family	1 232 046 933
National Institute for Women	216 586 159
National Human Rights Commission (for cases involving women, children and the family)	1 301 794

142. On 26 January 2006, an additional section XIV bis of article 6 of the Act establishing the Human Rights Commission was published in the *Diario Oficial de la Federación*, requiring that body to observe the follow-up, assessment and monitoring of gender equality. This addition came into force on 27 January 2006, prompting the Office of the Second Inspector-General to set up the Programme for Equality between Men and Women.

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

143. There are various administrative,¹⁶ criminal¹⁷ and civil¹⁸ laws governing domestic violence in the Mexican legal system. Public and private institutions are called upon to provide their members with protection so as to enable them to develop their potential to the full.

144. In this respect, the role of the new Social Welfare Act is worthy of mention. Published in the *Diario Oficial de la Federación* on 2 September 2004, the Act establishes the basis for the promotion of a national social welfare system to foster and coordinate the provision of public and private social welfare and to encourage the public to become involved in this area.

145. Of the 32 constituent parts of the Mexican Federation, only Chihuahua, Hidalgo and Nuevo León do not have a special law devoted to this subject. All the rest have some kind of regulations governing the prevention of domestic violence, care for victims and correctional measures.

Aguascalientes	Law on this subject and reform of its civil and criminal codes
Baja California	Incorporated domestic violence into its Criminal Code and has a law on this subject
Baja California Sur	Law on this subject
Campeche	Law on this subject
Coahuila	Law on this subject; Criminal Code
Colima	Law on this subject and reforms of its Civil and Criminal Codes
Chiapas	Special law and reform of its Criminal Code
Chihuahua	Reform of its civil and criminal codes
Durango	Law on this subject and reform of its Civil Code and Code of Civil Procedure
Federal District	Special law, regulations and reform of its civil and criminal codes
Guanajuato	Special law and reform of its civil and criminal codes
Guerrero	Law on this subject and reform of the Criminal Code
Hidalgo	Reform of the Criminal Code and the Code of Criminal Procedure
Jalisco	Social Welfare Code, Book VI, and Criminal Code
Mexico	Law on this subject; civil and criminal codes
Michoacán	Civil and criminal codes and a new law on this subject
Morelos	Special law
Nayarit	Special law
Nuevo León	Reform of the Civil Code, the Code of Civil Procedure, the Criminal Code and the State Social Welfare Act, as well as of the Act establishing the Office for the Defence of Children, Women and the Family
Oaxaca	Law on this subject; civil and criminal codes
Puebla	Special law and regulations and reform of the Civil Code
Querétaro	Special law
Quintana Roo	Law on this subject and reform of the Civil Code
San Luis Potosí	Special law and reform of the civil and criminal codes
Sinaloa	Law on this subject and reform of the Civil Code
Sonora	Special law with regulations, and reform of the civil and criminal codes
Tabasco	Law on this subject and reform of the civil and criminal codes
Tamaulipas	Special law and reform of the Civil Code
Tlaxcala	Law on this subject
Veracruz	Special law and reform of the civil and criminal codes
Yucatán	Law on this subject and reform of the Criminal Code
Zacatecas	Special law and Criminal Code

146. As far as legislation is concerned, the fifty-ninth Congress (Chamber of Deputies and Senate) has considered the following proposals:

- (a) Draft decree to issue the General Act establishing the National System for Prevention, Protection, Assistance and Eradication of Violence against Women and Girls;¹⁹
- (b) Act on Women's Access to a Life Free from Violence;²⁰
- (c) Draft reform of the Federal Act on the Prevention and Elimination of Discrimination;²¹
- (d) Draft decree to amend article 343 bis of the Federal Criminal Code;²²
- (e) Draft decree to amend the Federal Civil Code in respect of domestic violence;²³
- (f) Draft decree to amend articles 265 bis, 289 and 343 of the Federal Criminal Code;²⁴
- (g) Draft decree to amend sections X, XII, XIII and XVIII of article 7 of the Act on the National Institute for Women with regard to policies for treating and protecting the rights of women who are victims of any type of violence;²⁵
- (h) Draft additions to articles 5 and 10 of the Federal Radio and Television Act;²⁶
- (i) Draft adding a third paragraph to article 1916 of the Federal Civil Code, making mandatory the provision of compensation for the material and moral harm caused by domestic violence;²⁷
- (j) Draft amendments to various provisions of the laws on the protection of the rights of children, education, social welfare and health, so as to prohibit, punish and eliminate domestic violence;²⁸
- (k) Draft amendments to various articles of the Social Welfare Act;²⁹
- (l) Draft amendment to article 20 of the Constitution;³⁰
- (m) Draft amendment to article 323, paragraph 3, of the Federal Civil Code, governing domestic violence;³¹
- (n) Draft amendment to article 343, paragraph 4, of the Federal Criminal Code, governing domestic violence;³²
- (o) Draft amendment to article 4 of the Social Welfare Act;³³
- (p) Amendment to article 8 of the General Education Act;³⁴
- (q) Additional provisions and amendments to the Federal Civil Code relating to civil registration, alimony and domestic violence.³⁵

147. In addition, a network of temporary shelters has been established for victims of domestic violence, and a programme has been launched to upgrade these shelters to ensure they provide a professional service. The health ministry's programme for victims of domestic violence, sexual violence and violence against women is in itself a special measure aimed at improving de facto gender equality in respect of the right to have access to health and human development. But more than that, one of its key strategies is to support projects for especially vulnerable groups, working with the various social actors. As a result, specialized services to deal with such violence have been developed in the health sector, and the national network of shelters for women and their children who are victims of violence has been consolidated.

148. Similarly, the National Institute for Women is implementing the National Programme for a Life without Violence 2002-2006, which is the result of work done by the Institutional Panel to Coordinate Preventive Action and Attention to Domestic Violence and Violence against Women³⁶ with a view to establishing a comprehensive, interdisciplinary, inter-institutional and coordinated system that can work in close cooperation with organized civil society to reduce domestic violence.

149. The programme seeks to establish a national system of public policies for prevention, treatment, information and evaluation that incorporates a gender-based approach, with eight main strategies: prevention; care; detection; standards; communication and liaison between institutions; coordination and liaison with civil society; information and evaluation; and monitoring of the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará). For each main strategy there are specific objectives, policies and defined tasks for those taking part in the Institutional Panel.

150. With regard to care, protection and redress, the Ministry of Health has a project to help strengthen the network of temporary shelters providing care for victims of domestic violence, which supports the operation and upgrading of 22 shelters in 18 states. It publicizes the national network of shelters for victims of violence and promotes the establishment of new shelters that provide psychological and medical care and legal assistance; it also runs a programme called Health Centres for Indigenous Women in the states of Puebla, Chihuahua, Oaxaca, Chiapas and Guerrero; the programme is culturally adapted to the needs of indigenous women.

151. The Ministry of Health has also drawn up a comprehensive model of care for victims of domestic violence, sexual violence and violence against women, which offers legal assistance along with therapy and guidance for victims. It is being implemented at state level and includes online interstate workshops. In 2003 the budget for activities against domestic violence, sexual violence and violence against women was earmarked to strengthen health services in the 13 states taking part in the pilot project (Coahuila, Monterrey, the Federal District, Michoacán, Morelos, Zacatecas, Baja California Sur, Hidalgo, Chihuahua, Tlaxcala, Oaxaca and Chiapas). In 2004 the number of participants increased to 21, extending coverage to 12,646 health professionals.

152. The Ministry of Social Development has supported, through two calls for tenders, 26 civil society projects to improve shelters for women and their children who are victims of violence.

153. The United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP) have held six international conferences to support harmonization of local legislation with international women's rights instruments. The idea was to have international experts explain the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the statute of its follow-up mechanism, in addition to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as they related to criminal, health and social welfare legislation. The conclusions of these events served as a basis for the above-mentioned proposals to reform the legislation of all the federal states, as well as federal legislation.

154. Along the same lines, 33 harmonization workshops were held in the States and the Federal District to carry out a comparative analysis of the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention of Belém do Pará and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and also to draw up proposals for the reform of criminal, health and social welfare legislation.

155. Proposals for the reform of the 99 sets of criminal, health and social welfare legislation in Mexico were submitted in January 2006 to all local legislatures, to the Legislative Assembly of the Federal District and to the national Congress for study, analysis and possible adoption.

156. The National Institute for Women supports and promotes the strengthening of the national network of shelters for women victims of extreme violence (RENARAC). By October 2004 the number of shelters reached 34, located in 24 of the 32 states. Civil society organizations operate 25 shelters, and the 9 others are run by state administrations. It also published a handbook for shelters and centres that provide care for women and their children who are victims of domestic and sexual violence, a handbook on things to consider when establishing shelters for women and children who are victims of domestic violence and, in cooperation with the University of the Caribbean in Quintana Roo, a handbook on operating standards and comprehensive care models for victims of violence.

157. Since January 2003, the National Institute for Women has operated a telephone hotline called "For a Life without Violence", which makes it possible to constantly monitor the population's needs. It provides professional care through a national support network, offering immediate and direct access to guidance and referral resources in a single service. It also evaluates the impact of campaigns aimed at preventing violence and the impact of social policy.

158. In 2004 it received 11,396 calls: 6,764 reporting psychological or emotional violence, 4,031 for physical violence, 1,704 relating to financial problems, 1,574 on sexual violence, 722 for work-related problems and 285 concerning problems with institutions. The monthly average for 2005, up to October, was 1,176 calls. When the National Institute for Women began a campaign to combat violence against women in November 2005, the number of calls rose by some 540 per cent.

159. The National Institute for Women also has a "social management module" which serves as a clearing house for people seeking information and support related to psychological, legal, work-related and health assistance for women and girls, and which channels requests to the appropriate bodies.

160. The Office of the Attorney-General of the Republic operates a telephone hotline (01 800 MUJERTEL-PGR) which provides psychological support, legal advice, referral services and follow-up in cases of women and girls who are victims of violence.

161. At the state level, telephone hotlines for women who are victims of violence exist in Aguascalientes, Coahuila, Colima, Chihuahua, Jalisco, Nuevo León, Puebla and San Luis Potosí.

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.

162. Cooperation between the Commission on the Prevention and Eradication of Violence against Women in Ciudad Juárez and Chihuahua and the state administration has resulted in some major initiatives, including the following:

(a) Preventive work: radio and television campaigns against domestic violence; strengthening of the national round-the-clock telephone guidance and referral service for victims of violence; establishment of four shelters and comprehensive care centres for women;

(b) Social development: inauguration of at least 22 work projects for women, amounting to over 6,000 million pesos; 32 individual work projects for mothers of victims; implementation of the Habitat Programme to improve security in districts and neighbourhoods of Ciudad Juárez; and the launch of the Town Irrigation Project, the aim of which is to create a swathe of parkland across the city, benefiting over 10,000 people;

(c) Public safety: strengthening the comprehensive programme to coordinate action by the federal Government, the state authorities and the municipality in the field of public safety. This includes Operation Daybreak, which monitors areas where women are at risk, the drawing up of an urban, social and crime survey of Ciudad Juárez and human-rights training for community police patrols.

163. Regarding the disappearances of women in this state, it has been found that 47 in fact disappeared (various organizations had reported up to 4,000 missing). Of these, after two years of investigations, 13 have been located: 1 had died, 10 were found alive, and 2 human remains were identified; 34 women are still missing.

164. The state attorney-general's office has continued its investigation and has, when necessary, re-opened cases that had not been taken to trial. With the support of the Office of the Attorney-General of the Republic and the state and municipal departments of public safety, it is making progress in processing the information uncovered and in finding and arresting the suspected murderers of the women.

165. When the investigation has identified a suspect and a judge has issued an arrest warrant, the state attorney-general's office has sought to locate the suspect. In order to focus on finding the probable killers, a special anti-fugitive squad was set up, which has exclusive responsibility for executing the 23 arrest warrants issued so far for the killing of women. So far, 10 persons who had been on the run have been apprehended.

166. At the same time, a special prosecutor's office for crimes related to violent acts against women in Mexico was established within the Office of the Attorney-General of the Republic, and, in the framework of the Commission on Government Policy on Human Rights,³⁷ a subcommission was established to ensure coordination and liaison in order to prevent and eradicate violence against women in Ciudad Juárez.

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.

167. Street children: For this group, the National Institute for Social Development (INDESOL) launched the "Matlapa Strategy", which consists in a model of care for girls, boys and teenagers who either are, or are at risk of becoming, street children. The Matlapa centres, coordinated and run by civil society organizations, are located and work in areas where there is a strong presence of street children and where such organizations have carried out community integration work and inter-institutional activities in this field.

168. The objective of the centres is to provide street children with an alternative that will allow them to develop as persons and rejoin society, thus enabling them to escape from a situation of vulnerability. The centres provide specialized attention in the fields of health and education, along with work opportunities and training in human rights. They thus offer a new vision and a new institutional framework within which street children can find new ways to survive and develop.

169. The "National Care and Prevention Programme for Girls, Boys and Young People: From the Streets to Life" is generally aimed at promoting the interlinkage and coordination of measures taken in the public, private and social sectors to prevent the phenomenon of street children and to assist their families with a view to providing comprehensive care and eradicating the problem in the medium and long term.

170. Initially, the programme was established in the states that had the most serious problems with street children. It was later extended to:

- (a) Cities with the largest populations in Mexico;
- (b) Cities with the largest child populations; and
- (c) Cities with the largest numbers of girls, boys and young people at risk.

171. Thanks to these measures, it was possible to estimate the number of street children at 128,819, of whom 114,497 were in the 31 states and 14,322 were in the Federal District. For 2002, with the updating of the second study on child and young workers, it was determined that 94,795 girls, boys and young people were in this situation.

172. Commercial sexual exploitation of children: A national plan of action to prevent, address and eradicate the commercial sexual exploitation of children has been drawn up and implemented; it provides care for victims and their families, with specific inter-institutional activities ranging from revising and adapting legislation to designing and running model programmes for intervention at the individual, family and social levels.

173. This national plan of action is being implemented through the National Commission for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children, which coordinates the activities carried out by the various government bodies in their particular fields of competence. Various activities have been undertaken in this framework, including:

(a) Identification and dismantling of child pornography rings and of websites that engage in the distribution of child pornography (Federal Preventive Police);

(b) The production of statistics on: the behaviour of paedophiles who distribute images over the Internet; average ages of girls, boys and youngsters shown in such images; places where such activities occur; and the racial groups of the children in question (Federal Preventive Police);

(c) Campaigns to raise awareness and encourage reporting (National System for the Comprehensive Development of the Family, Office of the Attorney-General of the Republic, United Nations Children's Fund (UNICEF), National Institute for Women);

(d) Publication and distribution of the NOTIESCI information bulletin on the commercial sexual exploitation of children;

(e) Drafting of a training manual for tourism professionals on the prevention of commercial sexual exploitation of children and the protection of boys, girls and young people (Ministry of Labour and Social Security, ILO, Infancia Foundation);

(f) An operational protocol for the identification, protection and care of children and young people who are victims of commercial sexual exploitation (Ministry of Labour and Social Security, National System for the Comprehensive Development of the Family, Office of the Attorney-General of the Republic, ILO);

(g) Proposed reform of and additions to the Federal Criminal Code, the Code of Criminal Procedure, the Federal Act to Combat Organized Crime and the Act on the Protection of the Rights of Children and Young Persons, with a view to remedying lacunae in the criminal legislation and to establishing an obligation for the media to publish information on the laws and programmes aimed at the prevention of offences violating the rights of children, and at raising public awareness of measures to prevent such offences and their after-effects.

174. Child labour involving children from deprived urban areas: The National System for the Comprehensive Development of the Family has a programme for the prevention, monitoring, discouragement and eradication of child labour involving children from deprived urban areas, the objective of which is, with the participation of the three levels of government, international

bodies and civil society, to prevent and address this kind of labour by promoting community networks, strengthening the capacities of families and individuals and emphasizing the importance of schooling in providing skills.

175. Among its main achievements in 2005 were the following:

- (a) Assistance provided to 45,468 child workers;
- (b) Assistance provided to 70,423 children at risk;
- (c) Assistance provided to 52,106 families;
- (d) 59 help centres for children and teens at risk;
- (e) Activities in 518 municipalities;
- (f) 92 municipalities using the informal education model;
- (g) 14,911 education and training grants awarded.

176. *It is stated in the State party's 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.*

177. According to article 3 of the Mexican Constitution, every individual is entitled to receive preschool, primary and secondary education, which together constitute compulsory basic education.

178. With regard to the permissible age for work, article 22 of the Federal Labour Act establishes that it is forbidden to employ children under the age of 14 and those over that age but under 16 who have not completed their compulsory schooling, save in exceptional cases approved by the relevant authority who decides that the studies and work are compatible.

179. The above does not mean that children are exempted from compulsory education, but that they may take some remunerated work, provided it is not incompatible with their studies and it complies with the restrictions established by law.

180. Furthermore, the programme for the prevention, monitoring, discouragement and eradication of child labour involving children from deprived urban areas emphasizes the strengthening of the family and schooling. Care for child workers is considered a priority, with the accent placed on education. It is a fundamental strategy to keep children in school or to bring child workers back into some form of education. To this end, compensatory support is provided to 6- to 18-year-old child workers from deprived urban areas, which allows them to complete their basic education and, once it is completed, to train and contribute to the expansion of production in Mexico.

Article 11: The right to an adequate standard of living

181. *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 the minimum wage in order to enable workers to enjoy the rights protected under the Covenant.*

182. The purpose of the National Commission on Minimum Wages (CNSM) is to ensure full implementation of the exercise of constitutional rights and guarantees, and in particular article 123 (A) (VI) of the Mexican Constitution, which requires minimum wages to be set by the commission and sets out the criteria for minimum wages. Furthermore, articles 90 and 94 of the Federal Labour Act reaffirm this constitutional requirement and establish that the level of minimum wages should be adjusted periodically to ensure that constitutional rights are enjoyed.

183. Articles 570 and 574 of the Federal Labour Act establish that minimum wages shall be set annually, and shall enter into force on 1 January of the following year. To this end, workers and employers may submit to the commission, by the end of November of each year, any economic studies they believe the Council of Representatives³⁸ needs to take into consideration.

184. For its part, the Technical Directorate of the National Commission on Minimum Wages is required to submit, by the end of November of each year, for the consideration of the Council of Representatives a report presenting price fluctuations and their repercussions on the purchasing power of minimum wages, as well as the most relevant data on the national economy.³⁹ It must also draw up a report on the research and analysis submitted by workers and employers.

185. In December, by the last working day of the year, the Council of Representatives, having studied the information submitted, issues a decision fixing general and occupational minimum wages and the adjustments for municipalities in the different geographical areas for the purposes of the application of those wages. The decision must explain the basis on which the new minimum wages have been set.

186. In addition to the legal procedures mentioned above and in order to raise workers' living standards, the Federal Labour Act also includes a mechanism for reviewing the minimum wage. It establishes that the applicable minimum wages may be reviewed at any time, if justified by economic circumstances.

187. In accordance with the main aims of the National Labour Policy Programme and the National Development Plan, the National Commission on Minimum Wages has undertaken two basic commitments. One is to improve the real purchasing power of minimum wages. To meet this objective, the commission's Council of Representatives has attempted to establish wage increments above the expected inflation rate, taking into consideration inter alia economic conditions, the international context and the specific conditions of enterprises.

188. During the current administration, the purchasing power of the minimum wage has risen by 0.88 per cent, a progression unequalled by the previous four administrations.

Presidential administration	Change in the minimum wage (%)
José López Protillo (1976-1982)	-21.31
Miguel de la Madrid Hurtado (1982-1988)	-30.31
Carlos Salinas de Gortari (1988-1994)	-22.83
Ernesto Zedillo Ponce de León (1994-2000)	-24.81
Vicente Fox Quesada (2000-2006)	+0.88

189. The commission's second commitment is to move toward a narrowing of the gap between the minimum wages in the three regions, with the aim of allowing minimum-wage workers in regions B and C to receive incomes similar to those in region A so they cover the cost of living, which is increasingly similar. One of the main challenges facing the commission is to continue bringing wages into line, with a view to having a single minimum wage for the entire country. With this in mind, the wage disparities between the country's regions are gradually being reduced. During the six-year term of President Fox, the progress in this field was as follows:

Wage differences 2000-2005				
Year	Wage differences (in percentage points)			
	End-of-year situation		Cumulative narrowing of gap	
	Wages in A/wages in B	Wages in A/wages in C	A compared to B	A compared to C
2000	7.98	15.9		
2001	6.32	12.55	1.653	3.35
2002	5.11	10.05	2.865	5.85
2003	4.3	8.31	3.676	7.589
2004	3.45	7.43	4.524	8.469
2005	3.2	6.24	4.78	9.659

190. *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.*

191. The National Commission for the Development of Indigenous Peoples (CDI) has built an information and indicators system (SII) on indigenous peoples, the main objective of which is to provide a snapshot and a qualitative description of the living conditions in the various types of settlements where they live.

192. The system is founded on the premise that information on ethnic, linguistic and cultural diversity must be based on a gender perspective, which is why a book entitled *Indicadores con Perspectiva de Género para la Población Indígena* ("Indicators from a gender perspective for indigenous peoples") was published jointly with the National Institute for Women; disaggregated information is now being collected for children and the elderly.

193. The basic information sheets on indigenous populations in the states of Chiapas, Guerrero, Veracruz and Oaxaca are annexed to this document.⁴⁰

194. The objective of the Opportunities programme is to support families living in extreme poverty, with the aim of developing the potential of their members and increasing their chances of attaining higher levels of well-being through improvements in their education, health and nutrition. It also aims to bring them into contact with new services and development programmes which can help improve their socio-economic situation and their quality of life.

195. The Opportunities programme has demonstrated its effectiveness in the campaign against poverty and marginalization and has incorporated new measures to benefit the poor among the population. In addition, it has continued to grow steadily in terms of the numbers of towns and families covered and the size of its budget allocation.

196. The Opportunities programme assists some 5 million families, which means that approximately 25 million Mexicans receive support from it.

Beneficiaries of the Opportunities programme

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Families (thousands)	300.7	1 596.5	2 306.3	2 476.4	3 237.7	4 240.0	4 240.0	5 000.0	5 000.0
Rural areas	300.7	1 596.5	2 306.3	2 129.8	2 524.5	3 090.8	3 010.6	3 452.5	3 452.5
Semi-urban areas				341.6	599.4	616.1	747.4	870.2	870.2
Urban areas				5.0	113.8	533.1	428.0	677.3	677.3
Municipalities	456	1 473	2 155	2 166	2 117	2 354	2 360	2 429	2 435
Towns	10 769	40 906	53 055	53 232	67 737	70 520	70 436	82 973	82 993

197. The Joint Social Investment Programme seeks to foster joint responsibility among the different actors in society for the promotion of the comprehensive social development of the population groups in situations of poverty, exclusion, marginalization or inequality based on gender or vulnerability, by means of joint investment in projects.

198. The Joint Social Investment Programme provides federal funding for actors in society to develop projects through public calls for tenders issued by the National Institute for Social Development or by the state offices of the Ministry of Social Development.

199. The programme includes the following categories of activities: human and social development; institution-building and professionalization; and research for social development.

Projects supported, by category

Category	Number of projects	%
Human and social development	759	72
Institution-building and professionalization	227	22
Research for social development	64	6
Total, authorized projects	1 050	100

200. *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.*

201. The federal Government implemented the Contigo strategy, which successfully developed government and social initiatives to overcome conditions of poverty, marginalization and inequality through a scheme with shared responsibilities and a social policy that is based on subsidiarity and is not assistance-based.

202. This strategy promotes greater coordination between the three levels of government and fosters a new relationship between government and citizens to achieve greater efficiency in the activities of the public and private sectors in the field of social policy.

203. The Contigo strategy consists of four intertwined strands together making up a comprehensive social policy to overcome poverty and guarantee a continual improvement in the standard of living of the entire population:

- (a) Capacity-building;
- (b) Generation of options for earning income;
- (c) Wealth creation;
- (d) Provision of social protection for all.

204. Contigo adjusts these four strands to the specific needs and characteristics of individuals, families and communities in order to achieve greater equity and equality:

(a) In the first half of 2005, spending on human and social development amounted to 414,926.7 million pesos - in real terms, some 7.9 per cent more than in the same period in 2004;

(b) As a proportion of gross domestic product (GDP), at the close of the current fiscal year overall spending on social development will have increased by two-tenths of a percentage point, from 10.1 per cent in 2004 to 10.3 per cent in 2005;

(c) In addition, in the light of demographic change, per capita social spending is expected to increase by 0.5 per cent as compared with spending in 2004;

(d) Of this amount, 45.5 per cent went to education; 21.5 per cent to social security; 18.4 per cent to health; and the remaining 14.6 per cent to urbanization, housing and regional development, clean water and sewage systems, and social welfare.

Programmable spending on social development, 2004-2005
(in millions of pesos)

Area	Annual data		January-June		
	2004 result	2005 target	2004	2005	Real annual variation (%)
Total ¹	771 735.9	815 443.1	368 223.8	414 926.7	7.9
Education	305 561.6	313 240.0	164 729.4	188 836.3	9.7
Health	157 398.9	207 352.1	67 523.0	76 455.9	8.4
Social security	175 566.3	175 058.9	83 467.3	89 364.2	2.5
Urbanization, housing and regional development	107 206.8	86 376.2	42 588.7	41 961.6	-5.7
Clean water and sewage systems	5 572.0	8 970.9	1 945.2	8 258.9	306.5
Social welfare	20 430.3	24 445.0	7 970.2	10 049.8	20.7

Source: Reports on the economic situation, public finances and the public debt for the fourth quarter of 2004 and the second quarters of 2004 and 2005 (amounts disbursed). For 2005 targets, Budget of Expenditure of the Federation.

¹ Excludes subsidies and transfers to direct budget oversight bodies and contributions to the Institute of Social Security and Social Services for State Employees and that institute's Housing Fund.

205. *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.*

206. By law, evictions can take place only when the contract in question has been broken. It is only when there are considerable arrears in home loan payments that, in accordance with the signed contracts, financial intermediaries can apply to the courts to have the property that serves as a mortgage security handed over to them.

207. Such action is within the jurisdiction of the federal judiciary, not the federal executive branch. Thus, the only evictions allowed derive from a failure to abide by the contract in question and are a legal matter.

208. The National Housing Development Commission, within its sphere of competence, considers its action on this question to be preventive, as it designs and implements a national housing policy to promote more affordable housing programmes commensurate with people's

needs and wage levels, especially for lower-income groups. This helps ensure that families have opportunities and options to buy and keep their homes, as they receive timely and complete information on loan conditions.

209. *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.*

210. The Mexican Government is constantly trying to diversify the housing options available to lower-income and marginalized groups, as demonstrated by the recent announcements of plans for microfinancing, leases with an option to buy, and housing subsidies for those who cannot afford social security. In concrete terms, all families that have a home are qualified to apply for microfinancing for home improvements and to register for the subsidy programmes that the Government makes available to the population through the FONHAPO⁴¹-FONAEVI⁴² trust fund.

211. Investments made and loans granted by housing bodies:

(a) Between January and June 2005, 222,998 home loans were granted, with investment of over 57.8 billion pesos. Of these, 209,857 loans and grants were for the purchase of a home and 13,141 for home improvements or other types of loan;

(b) In 2004 the Institute of the National Housing Fund for Workers (INFONAVIT) funded 57 per cent of the home purchase loans issued by the national mortgage sector (300,812 loans). In the first six months of 2005, this institute issued 134,906 loans for the purchase of homes;

(c) As for loans issued in 2005 by the Housing Fund of the Institute of Social Security and Social Services for State Employees (FOVISSSTE), following lotteries held in all federal states, 63,750 loans were issued in various forms; 11,781 loans had been granted in June;

(d) In June 2005, FONHAPO issued 2,931 loans and grants for the purchase of as many homes.

212. New financing schemes. In recent years, new financing options have been set up, such as the INFONAVIT support programme, under which loans are issued by a bank or by a mortgage company (a "Sofol"), with guaranteed monthly payments from the balance in the housing sub-account of each beneficiary. Another means of financing is a co-financed mortgage known as Cofinavit, under which part of the loan is granted by the Institute, taking the balance of the sub-account as the initial payment, and the rest is issued by a bank or a Sofol.

(a) As part of the Ahorrasif Programme and with the participation of the Sofols, 510 people had registered through April 2005 with the aim of securing down payments for their homes and thus ensuring access to a loan;

(b) The consolidation and diversification of the Federal Mortgage Company (SHF) now provides a series of new products which are ever more adapted to applicants and their purchasing power. People can now choose not only to purchase homes at different prices and

with different kinds of credit, but also to rent with an option to buy, with a much lower down payment, and over five years to save up the money required to become the owners of their homes;

(c) With the INFONAVIT support programme, the money saved by the worker in the housing sub-account serves as a guarantee for the payment, and makes preferential conditions possible, as the operation involves less risk; between January and June 2005, 4,258 loans were issued;

(d) In June 2004 a co-financing programme (involving INFONAVIT and any financial institution) was launched. By 30 June 2005, the Institute, working with 5 banks and 13 Sofols, had issued a total of 10,496 loans under this scheme;

(e) With the joint participation of the National Housing Development Commission, working directly with three Sofols, and the Institute for Mexicans Living Abroad of the Ministry of Foreign Affairs and the National Savings and Financial Services Bank, a mortgage credit programme was launched in 2004 for migrants; it is funded by the Federal Mortgage Company. Its aim is to enable migrants to use remittances to purchase new or old housing in Mexico for a family member who has remained in the country and who shares responsibility for the mortgage. The Sofols have opened offices in various cities in the United States of America with high concentrations of Mexican migrants, and have set up mechanisms which, through April 2005, had issued 372 loans.

**Article 12: The right to the highest attainable standard
of physical and mental health**

213. *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.*

214. Mexico City is a part of the Mexico Valley metropolitan area, where air pollution results from various types of emissions, control of which is the responsibility of the local and federal government environmental authorities.

215. Since the 1980s, air pollution has been one of the most serious environmental challenges facing the inhabitants of the Mexico Valley metropolitan area. By the end of that decade, two programmes had been established which gave rise to major emission-control efforts, the most notable of which were the replacement in thermoelectric power stations of high-sulphur heating oil by natural gas, and the reduction of lead content in petrol.

216. The 1990s saw the implementation of the Comprehensive Programme against Air Pollution in the Mexico Valley and the 1995-2000 Programme to Improve Air Quality in the Mexico Valley. Some of the most important achievements were the introduction of two-way catalytic converters in new vehicles beginning with 1991 models and the simultaneous introduction of unleaded petrol. Also, the amount of reactive and toxic compounds in petrol was reduced, and in 1993 a low-sulphur (0.05 per cent by weight) diesel fuel was marketed; also, vehicle standards were established that encouraged the introduction of three-way catalytic converters in new petrol-powered vehicles.

217. At the same time, in 1992 the conversion from heating oil to natural gas of thermoelectric power plants and major industries in the Mexico Valley was completed, and measures were implemented to control evaporative petrol emissions at the pump. One of the most important measures was the definitive closure of the “18 March” refinery in Azcapotzalco.

218. Since then, efforts have continued with the completion and implementation of the 2002-2010 Programme to Improve Air Quality in the Metropolitan Area of the Mexico Valley, which includes 89 measures, divided among 7 strategies, in line with the air-pollution control and prevention policy drawn up in a coordinated manner by the authorities of the Federal District, the state of Mexico and the federal Government.

219. The measures that have been implemented include the successful modernization of the vehicle inspection programme and the Comprehensive Programme to Reduce Pollution Emissions; the review and application of vehicle restrictions under the “No Drive Day” programme; and the increase in the number of self-regulating diesel vehicles. As for public transport, the taxi and minibus fleets are being renewed, and this year the renovation of the Federal District’s bus fleet will be completed, as will the establishment of the Metrobus line along Insurgentes Avenue.

220. An air pollution alarm system is now in place, and the air quality is reported hourly on the Internet, at www.sma.df.gob.mx and on the IMECATEL telephone hotline (52789931), under the heading “Metropolitan Air Quality Index” (IMECA).

Articles 13 and 14: The right to education

221. *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.*

222. There has been progress at the national level in education, as demonstrated by indicators of basic, middle and higher education coverage, the reduction of illiteracy and the quality of the education offered in particular. Nationally, the average period of enrolment has reached 7.9 years, the illiteracy rate has declined by over half a percentage point, and by 9 per cent among persons over 15, and enrolment has increased for all levels, in particular for preschool, middle and higher education. There are currently around 6 million illiterates.

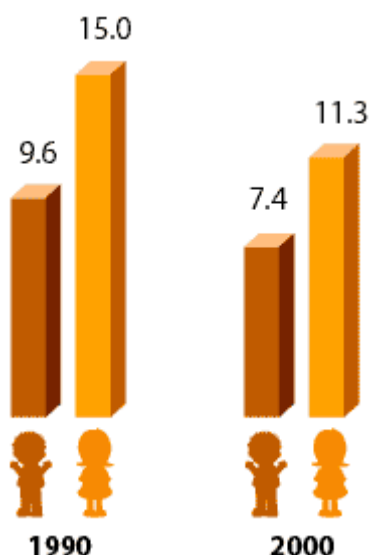
223. In 2004, the potential demand for adult basic education stood at 34.9 million persons,⁴³ including priority sectors such as women, monolingual and bilingual indigenous persons, 18-year-olds performing national military service, the elderly, persons with disabilities, migrant agricultural day-labourers, and Mexicans living in the United States of America who have either not begun or not completed their basic education.

Estimate of educational disadvantage**31 December 2004**

Total population	105 909 000
Population over the age of 15	73 722 231
Illiterates	6 072 520
No primary education	11 654 700
No secondary education	17 225 050
Total educationally disadvantaged	34 952 270

224. According to the 2000 census, 7 per cent of men and 11 per cent of women do not know how to read and write.

**Percentage of the population aged 15 or over that is illiterate, by sex
(1990 and 2000)**



Source: National Institute of Statistics, Geography and Information Technology, “Women and Men in Mexico, 2005”.

225. In the past 10 years, illiteracy among women has dropped from 15 per cent to 11 per cent; among males, it has decreased from 9 per cent to 7 per cent.

226. The National Adult Education Institute (INEA) promotes the “None Left Behind in Education” programme, which is designed to increase enrolment, attendance and graduation among under-educated young people and adults. The programme is innovative insofar as it concentrates efforts on young people and adults aged between 15 and 34 who have not completed their secondary education, and mainly on those who have already begun it, or are very near to completing it, as they require less effort to complete that level. The programme encourages members of the public to offer one-to-one support to persuade the youngsters and adults to enrol, remain in and complete their secondary education.

227. Education for indigenous people is provided under the Education for Life and Work Model (MEVyT), which has an intercultural focus and includes bilingual teaching and linguistic strategies appropriate for the various levels of basic education. The MEVyT bilingual model offers two options for indigenous people: an integrated bilingual option called MIBI, and a bilingual one with Spanish as a second language, known as MIBES. The main difference between them resides in the approach used at the beginning of primary education. In 2004 a monthly average of 22,973 people attended, including 15,637 for literacy in the mother tongue and the rest with Spanish as a second language. The young people and adults covered by this programme speak 23 indigenous languages and live in 14 different states.

228. During this period, six modules for the initial level were developed for both the MIBI and the MIBES options in the states of: Chihuahua, for the Rarámuri language; San Luis Potosí, for the Pame group; Puebla, for the Nahuatl group in Cuetzalán; Oaxaca, for the Mixe people; Yucatán, for the Maya language; and Chiapas, for the Tzeltal group. In addition, MEVyT's "Let's Live Better" module was adapted for use with the Nahuatl language used in southern Veracruz and for Mazahua and Otomi, in the state of Mexico.

229. The drafting of the educational material was accompanied by a follow-up mechanism. Training workshops were held for the technical teams, offering continuous educational counselling and linguistic assistance with the aim of ensuring that the material corresponded with the world view and culture of each ethnic group; subjects, problems, activities and experiences specific to the groups were integrated, as were images familiar to them; and specific communication situations were addressed.

230. The national education system is carrying out a number of activities to cater to the educational and basic learning needs of the school-age indigenous population. During the 2003/04 school year, primary education reached 851,171 indigenous children, 11.5 per cent more than in 1998/99; that is, an increase of more than 87,000 indigenous children; this means that this type of education expanded more than others.

School year	Pupils	Teachers	Schools
1998/99	763 543	30 738	8 429
1999/2000	778 561	31 432	8 962
2000/01	792 530	32 006	9 065
2001/02	818 355	33 089	9 307
2002/03	837 296	34 062	9 470
2003/04	840 910	34 664	9 620
2004/05	851 171	34 869	9 733

231. Also, 86.1 per cent of primary schools have six grades, but not all schools have a teacher for each grade: 74.4 per cent have from one to five teachers; the remaining 25.6 per cent of schools have teachers for all six grades. Thanks to various initiatives aimed at ensuring equity and quality of education, primary school performance has improved.

232. The Ministry of Education caters for 1,109,932 indigenous preschool or primary school children, and the Indigenous Education Programme (PAEPI) of the National Council for the Promotion of Education (CONAFE) covers approximately 30,000.

233. A quarter of primary schools have a single teacher who simultaneously teaches children in the various grades. To support bilingual education, free textbooks are provided in 33 indigenous languages, with some 1.2 million copies of 189 books addressing the educational needs of the speakers of 55 dialects.⁴⁴

234. The Indigenous Education Programme is designed to operate in marginalized communities with fewer than 100 inhabitants for primary schools and with under 500 for preschool. It operates in 16 Mexican states. At the end of the 1998/99 school year, the communities served by the programme covered 64 languages, with groups at various levels.

235. The State has concentrated its efforts in the field of bilingual education at the initial, preschool and primary levels, leaving aside secondary, upper-secondary and higher education. The indigenous peoples have called for intercultural bilingual education to be made available at all educational levels.

236. Although education is the sphere in which the greatest attention has been paid to Mexico's linguistic diversity, and despite the arguments favouring bilingual education for the indigenous population, most of the education services on offer have followed a model in which the indigenous language is used as a tool to help children adapt to school, without being used to teach children how to read and write in their own language. This hinders indigenous children's progress in school and weakens their use of these languages; this situation is made worse by the fact that, for some reason, bilingual teachers are often assigned to communities where the language they master is not spoken. The quality of bilingual intercultural education thus has problems and shortcomings.

237. The evaluations carried out by the National Educational Evaluation Institute (INEE) since 2003 have demonstrated how primary indigenous education has progressed since 2000. According to these evaluations, primary indigenous schools progressed more than any others except private schools. In 2000, 51 per cent of their pupils had low performance levels, and only 8 per cent had high levels. In five years significant progress has been made, with the share of pupils with low performance at 29 per cent, while the share with high performance has reached 13 per cent.

238. The Department of Higher Education for Education Professionals (DGESPE) of the Office of the Under-Secretary for Higher Education and the Department for Indigenous Education have introduced intercultural elements into the curriculum for the primary school teacher's degree, adding to it specific training in bilingual education. This is the first time in our country's history that indigenous people have had this choice.

239. *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.*

240. There is a programme for migrant agricultural day-labourers that caters for the particular needs of persons who have to move around extensively in search of work, which leaves them

highly marginalized from the formal education system. Consequently, this segment of the population is calling for the design and establishment of strategies that would facilitate their participation in an educational process that would enable them to develop their basic communication skills, reasoning capacity and problem-solving and participatory skills so that they could exercise their rights and enhance their living and working conditions.

241. In 2004, this programme was operational in a number of states, in camps, hostels, informal settlements and communities of origin in areas that export migrant labour. That year, 4,267 active students were registered, consisting of 2,638 at the initial level, 954 at the intermediate level and 675 at the advanced level.

242. The Project to Promote and Improve Intercultural Education for Migrants (FOMEIM) produced the following in 2004: an analysis of the demand for education and indigenous monolingualism at the initial level; a report on the courses on offer under educational programmes and institutional arrangements for migrants; a proposal for conceptual frameworks for an intercultural approach in education and a handbook on how to deal with migrants; a proposed methodology for running recreational areas for migrant groups and for a fun approach to working with migrants in the classroom; and a handbook for teaching Spanish as a second language and consolidating the indigenous person's mother tongue.

243. For its part, through the Intercultural Education Service for Migrant Children, the National Council for the Promotion of Education offers basic education (initial, preschool, primary and secondary) for the population of day-labourers who migrate to the country's interior and who require services in areas where they find work, as well as in their communities of origin, at different times of the year.

244. The work of the Intercultural Education Service is based on the need to provide for children who do not have the opportunity to attend school because of their lifestyle. Its importance resides in the fact that it covers all the variables required to provide for children in their communities of origin and in farming camps when they are in one location or another. Services are provided for school groups at different times, with a good deal of variation in the way the school year is broken up and in various regions of each state.

245. In a single school year, school attendance by children in agricultural areas is also erratic because during the harvesting season their families are hired in different agricultural areas - the areas where there is a demand for labour - and the families also work in the fields in their communities of origin. In 2002, the highest number of pupils catered for in the 19 states concerned was 12,356, and the lowest was 2,416.

246. Behind these figures lies an intensive effort to organize and contact migrant families, other government bodies and agricultural producers so as to make education possible despite the various difficulties. Without this effort, migrant children would have no opportunity to exercise their right to education.

247. In the years that the National Council for the Promotion of Education has catered for migrant children, the operational strategy and curriculum have had to change. The results of the changes, especially regarding the curriculum, have been satisfactory; in the first years of operation, the average number of pupils was only 5,000.

248. The Intercultural Education Service for Migrant Children coordinates with those responsible for the National Agricultural Day Labourers' Programme of the Ministry of Social Development to ensure the greatest possible support for education work in farming camps, in the form of grocery stores, classroom space and facilities for teachers. This contact also facilitates communication with those in charge of the camps and with the farmers.

249. To make it possible to extend the service to ever more children, the National Council for the Promotion of Education has adopted a strategy of supplying furniture, school and teaching materials, community libraries and free textbooks. Where necessary because no appropriate space is available, mobile classrooms are set up in the farming camps.

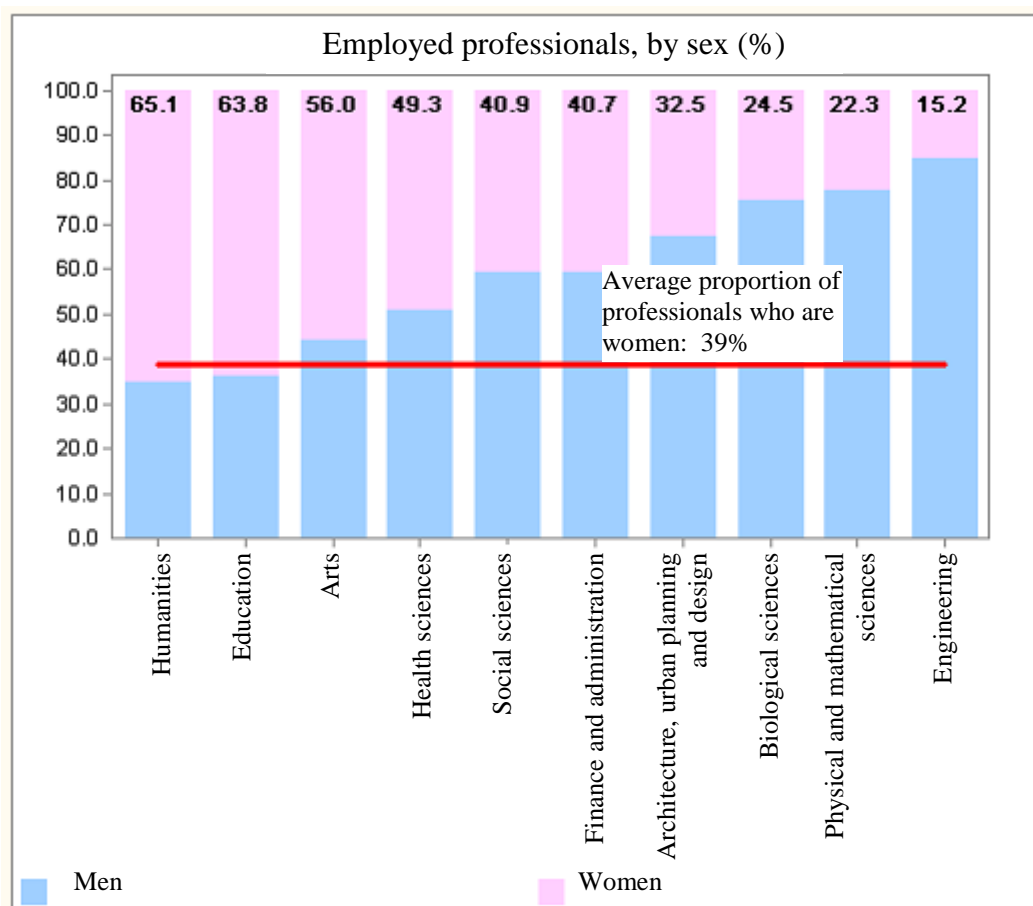
250. With the aim of providing better quality teaching to migrant children, in 1996 the National Council began work on curriculum review, experimentation and design so as to provide schooling that corresponds specifically to the needs and characteristics of this population group, and to make it possible to deal with the variety of time periods and surroundings in which the children receive their schooling.

251. *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.*

252. The annualized figures for the third quarter of 2005 issued by the National Occupation and Employment Survey (ENOE) indicated that in the sectors of education,⁴⁵ health sciences, architecture, urban planning and design, the arts, physical and mathematical sciences, and the humanities, the proportion of people working in occupations related to their studies is over 70 per cent.

253. The courses with the highest rapport between area of study and occupation are medicine, therapy and optometry, teacher training in special education and teacher training for preschool and primary education. Eight out of every 10 professionals who studied these subjects went on to hold jobs in related activities.

254. In the third quarter of 2005 the average income of the country's professionals was 9,123 pesos. The highest incomes are in the field of the physical and mathematical sciences; however, few people are employed in that sector. The next highest incomes are in the engineering field, with a large number of people employed, followed by architecture, urban planning and design.



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

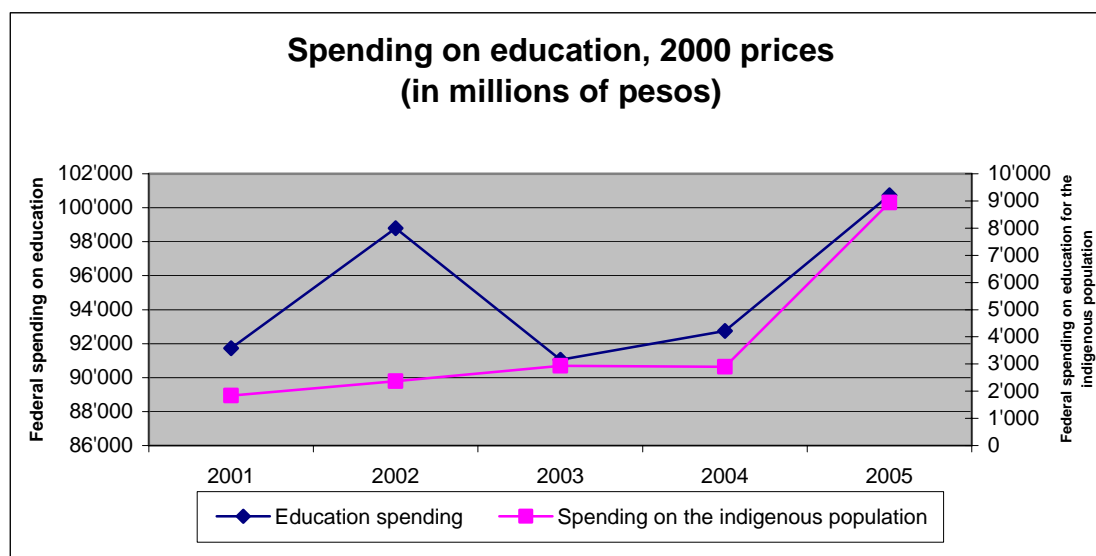
256. The reduction in the budget allocated to the General Coordination of Bilingual Intercultural Education, a programme run by the Ministry of Education, was as follows:

	Percentage reduction from previous year
2002-2003	27.82%
2003-2004	36.23%
2004-2005	6.29%
2005-2006	0.00%

257. However, outlays for indigenous education cover more than 10 programmes, notably Basic Preschool and Primary Indigenous Education, the Opportunities programme, Distance Secondary Learning (*Telesecundarias*), Indigenous Education, and General Coordination of Bilingual Intercultural Education.

260. There was an upward trend in spending on education for the indigenous population from 2001 to 2006; in 2000 terms, spending rose from 1.4 per cent in 2000 to 2.9 per cent in 2004 and 8.9 per cent in 2005. The increase from 2004 to 2005 was greater as a result of better

identification of spending on the indigenous population, which began in 2004 with an agreement by the offices of the governing body of the National Commission for the Development of Indigenous Peoples to include programmes under the Ministry of Education's budget section 33, "Basic preschool and primary indigenous education", for which the budget was 8,267.9 million pesos in 2004 and 9,482.7 million pesos in 2005. Spending for indigenous peoples under the *Telesecundarias* distance-learning programme rose to 1.3 billion pesos in 2004 and to 1.407 billion pesos in 2005.



261. While from 2004 to 2005 the budget for the general coordination of bilingual intercultural education went from actual expenditure of 38.2 million pesos to planned expenditure of 36.9 million pesos, in 2005 four new items were included in the budget: the comprehensive community baccalaureate in Oaxaca; the pre-university indigenous school in Nayarit; the Intercultural Bilingual Indigenous University in Mexico state; and the Intercultural Bilingual University in Chiapas, which together represent a budget of 31.8 million pesos.

Article 15: Cultural rights

262. 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.

263. The Federal Copyright Act, together with its regulations, recognizes and protects the rights of popular cultures from the point of view of copyright. Without expressly mentioning "ancestral rights and indigenous knowledge", which would have a broader meaning than "copyright", Mexican legislation does protect and promote expressions of indigenous culture, known as "popular cultures".

264. In this respect, chapter III of the Federal Copyright Act is dedicated to such expressions. One of its main provisions reads as follows:

Article 157. This Act protects works of literature, art, popular art or crafts, as well as all original manifestations in their own languages, and the practices, customs and traditions of the multicultural entity which constitutes the Mexican State and which have no identifiable author.

265. The article also stipulates that: “Works of literature, art, popular art and crafts that are executed and perpetuated in a community or ethnic group whose origins or roots are in the Mexican Republic shall be protected by this Act against distortion aimed at discrediting or damaging the reputation or image of the community or ethnic group to which such works belong.”

266. Title VI, article 48, of the regulations implementing the Act lists the expressions of popular art or crafts whose authors cannot be identified, many of which may be considered as cultural expressions specific to indigenous communities, as demonstrated by the following:

(a) Article 48. Literary or artistic works of popular art or of crafts whose author cannot be identified may include:

- (i) Verbal expressions, such as popular stories, legends, traditions, popular poetry and other similar expressions;
- (ii) Musical expressions, such as songs, rhythms and popular instrumental music;
- (iii) Bodily expressions, such as dances and rituals;
- (iv) Tangible expressions, such as:
 - Works of popular art or traditional crafts, whether they are pictorial works or drawings, wood carvings, sculptures, pottery, terracotta, mosaics, furniture, wrought metalwork, jewellery, baskets, glass, stonework, metalwork and saddlery, as well as typical clothing, spun yarns, textiles, needlework, carpets and other similar works;
 - Popular or traditional musical instruments; and
 - The distinctive architecture of each ethnic group or community; and

(b) Any native expression that constitutes a literary or artistic work or a work of popular art or craft that can be attributed to a community or ethnic group whose origins or roots are in the Mexican Republic.

267. It is thus clear that our legislation recognizes and provides protection for cultural expressions that are generally specific to indigenous communities, and that also may be considered a very important part of “ancestral rights and indigenous knowledge”, even if copyright rules, because of their legal nature, do not refer to them in such terms.

268. The provisions of this law do not cover the protection of all the traditional knowledge of indigenous peoples and communities. However, in accordance with the provisions of article 2 (A) (IV) of the Mexican Constitution, the State must guarantee the right of indigenous peoples to preserve and enrich their languages, knowledge and all components of their culture and identity.

269. Similarly, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) establishes in articles 2 and 4 that the governments bound by the Convention, such as that of Mexico, which ratified the Convention on 5 September 1990, are responsible for taking action and implementing measures to protect the cultural rights of indigenous people and preserve indigenous cultures, while article 15 of that instrument stipulates that indigenous peoples have the right “to participate in the use, management and conservation of these resources”.

270. For its part, article 8 (j) of the Convention on Biological Diversity stipulates that each contracting Party shall, “subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices”.

271. There are already a number of legislative proposals before the federal Congress relating to the protection of traditional knowledge:

- (a) Proposal to amend various provisions of the Industrial Property Act;
- (b) General Act on the Protection of Traditional Knowledge of Indigenous Peoples;
- (c) General Act on the Protection of Traditional Knowledge.

272. Regarding these proposals, the National Commission for the Development of Indigenous Peoples agrees that it is necessary to discuss the subject of traditional knowledge in all its aspects and to determine its scope. There should be more discussion on the subject between the various federal government institutions involved, and also between them and the legislative branch. The discussion should cover the following points:

- (a) Identifying the bearer of the protected right;
- (b) Protection of traditional knowledge in general;
- (c) Recognition that this relates to a collective right;
- (d) Regulation of bioprospecting activities;
- (e) Sanctions for legal and civil liability in order to ensure compensation;
- (f) The effects of registering traditional knowledge;
- (g) Fair sharing of benefits.

Notes

- ¹ See annex I for the content of the courses.
- ² For more information on updated statistics from SISI and the database of the 243 federal public administration liaison units coming under the Act, see the IFAI website: www.ifai.org.mx.
- ³ See annex II for policies under the National Human Rights Programme related to issues raised by the Committee on Economic, Social and Cultural Rights regarding violence in Ciudad Juárez, the right to adequate housing and the right to a healthy environment.
- ⁴ The Technical Committee for the Measurement of Poverty comprises academics from the Colegio de México, the Ibero-American University, the Monterrey Institute of Advanced Technological Studies, the Economic Research and Teaching Centre and the Independent Metropolitan University, and its report concurs with data from international surveys, which show a decline in poverty in Mexico from 2000 onwards.
- ⁵ See annex III on the work of the National Council for the Prevention of Discrimination, and article 5 of the Federal Act on the Prevention and Elimination of Discrimination, which describe those behaviours that are considered discriminatory, and those that are not.
- ⁶ Launched in 2002, by June 2005 the programme covered more than 2 million families, of which 73 per cent were headed by women.
- ⁷ Note that, although educational deficiencies are steadily diminishing among both women and men, there are still wide gaps between the rural and urban populations, with women in rural areas the most disadvantaged.
- ⁸ See annex IV.
- ⁹ The draft federal budget for 2006 (decentralized federal expenditure for the State of Chiapas) is annexed herewith (annex V).
- ¹⁰ The State of Chiapas is divided into 24 microregions.
- ¹¹ National Survey of Work and Employment, 2005.
- ¹² See annex VI, which gives a list of the draft amendments to the Constitution, the Federal Labour Act and other proposals in that area.
- ¹³ The proposal would lower the employer's contribution from 70 to 40 per cent, while the federal Government's contribution would rise from 5 to 45 per cent and the employee's contribution would remain the same. This would mean a cost to the State of somewhat more than 2,668 million pesos for the maternity sector, which in fact would represent a transfer of resources from the federal Government to employers, who would bear less of a burden. Given the current economic and financial circumstances of the Mexican Social Security Institute, this would be impossible to implement.

¹⁴ The functions that a trusted employee may fulfil include general management, inspection, supervision and monitoring, and those related to the personal work of the chief within an enterprise or establishment.

¹⁵ Statistical information on the scheme can be found in annex VII.

¹⁶ Mexican Official Standard NOM-190-SSA1-1999 on domestic violence, published on 8 March 2000.

¹⁷ New Criminal Code for the Federal District (arts. 200, 201 and 202).

¹⁸ Civil Code for the Federal District (arts. 138 ter, 138 quater, 138 quinquies, 138 sexies, 267-XVII, 323 ter, 323 quater, 323 quinquies, 323 sexies and 444).

¹⁹ This proposal establishes that women and girls are vulnerable to violence and are thus subjected to consequences such as insecurity, physical and psychological illnesses, depression, anxiety, social isolation, disabilities and intellectual and physical impairment, sometimes even leading to death. It therefore establishes the National System for Prevention, Protection, Assistance and Eradication of Violence against Women and Girls, which will consist of: the Ministry of Public Security, the Office of the Attorney-General of the Republic, the National Institute for Women, the Ministry of Education, the Ministry of Health and departments or agencies of the state- and municipal-level entities working to protect women and girls.

The proposal envisages the establishment of a comprehensive programme of assistance, protection and eradication of violence against women and girls to carry out actions and implement strategies to change the behaviour patterns of men and women and train public servants in the justice system.

²⁰ With a draft decree to amend the Organization Act of the Office of the Attorney-General and the Federal Judiciary Organization Act. The aim of the proposal is to bring the Organization Act of the Office of the Attorney-General into line with the international instruments signed by Mexico that are aimed at eradicating violence against women.

In view of this, the law in question was amended, making it possible to establish a permanent body known as the Office of the Special Prosecutor for Violent Offences against Women, which was officially presented on 16 February 2006. The office has been given the powers and authority required to enable the federal Public Prosecutor's Office to declare itself competent both during the investigatory phase and in the course of criminal proceedings when there is a persistent pattern of grave and systematic violations of women's rights.

²¹ The proposal is aimed at ensuring that public bodies and the federal authorities run information campaigns in the media, within their areas of competence, to condemn any form of discrimination and violence against women, and that they establish a policy to prevent, punish and eradicate it. It is therefore proposed to add a section V to chapter 3, article 10, of the Federal Act on the Prevention and Elimination of Discrimination.

²² The proposal is aimed at preventing domestic violence, which is considered to be the repeated use of physical or psychological force, or a serious failure to take action to stop it, by one family member against another, with consequences for their physical, psychological, emotional or sexual integrity, regardless of whether it produces lesions. It punishes this offence with six months to four years of imprisonment and the loss of alimony rights. In addition, the offender must undergo specialized psychological treatment and comprehensive rehabilitation.

²³ The purpose of this proposal is to include in the Federal Civil Code the right of all families to lead lives rooted in the principles of mental, physical and psychological health, so as to avoid domestic violence. It is therefore proposed to modify articles 323 bis, ter and quarter of the law in question.

²⁴ The purpose of this proposal is to combat impunity for certain offences which, out of fear of reprisals, are generally not reported and go unpunished. It is therefore proposed that offences involving rape, bodily harm or domestic violence should be prosecuted automatically.

²⁵ The proposal is aimed at providing legal security for women. It is proposed to empower the National Institute for Women to intervene in cases involving domestic violence or violence against women.

²⁶ The objective of the proposal is to regulate the use and portrayal of women in the media, so as to prevent discrimination and the creation of stereotypes that encourage violence against or contempt for women.

²⁷ Under this proposal, domestic violence is considered to be a problem to be solved by society as a whole. In order to make progress in protecting individual, family and social rights, the proposal suggests that family members responsible for domestic violence against other family members should be obliged by law to pay compensation for the material and moral harm suffered.

²⁸ The proposal calls for closer cooperation between the federal and local authorities so as to harmonize criminal laws on domestic violence. It states that violence against pregnant women, girls, boys and disabled teenagers shall be considered an aggravating circumstance in sentencing for such behaviour.

²⁹ The proposal is aimed at recognizing women as victims of domestic violence. It is based on the premise that domestic violence is an obstacle to women's integration in working life in various fields of development, as it limits their independence and is detrimental to their dignity.

³⁰ The proposal seeks to give constitutional status to a precept allowing for the implementation of protective measures to prevent violence against children and domestic violence. It establishes that the federal, state and Federal District authorities or bodies may, in their respective fields of competence, enact secondary legislation to determine the cases, forms and conditions in which public welfare institutions such as the National System for the Comprehensive Development of the Family may intervene immediately to ensure the safety and integrity of victims or other injured parties.

³¹ The proposal sets out legal measures to eradicate family violence and promote a new culture rejecting violence and discrimination. It suggests that domestic violence should be defined as actions which harm, mistreat or injure a person to whom the aggressor is responsible for providing custody, guardianship, protection, education, training or care, provided both live in the same home, temporarily or permanently.

³² The proposal seeks to establish legal mechanisms to guarantee the protection of women and children who are victims of domestic violence. It establishes preventive measures to avoid reprisals by the accused, and provides for the accused spouse to be ordered to leave the family home. In addition, it prohibits the accused from approaching the victims, thus protecting their physical and mental integrity, and restricts access of the aggressor to the matrimonial home, their place of residence or their place of work or study.

³³ The proposal is aimed at filling a legal void for beneficiaries of social welfare in situations of abuse. It thus seeks to provide a definition, in law, of the following concepts: domestic violence, physical abuse, psychological and emotional abuse, and family member.

³⁴ The proposal seeks to strengthen legal mechanisms for preventing domestic violence and protecting minors. It suggests that, in addition to combating ignorance and addressing the causes and effects of domestic violence, state schools should do all they can to combat domestic violence and all forms of exploitation of minors.

³⁵ The purpose of this proposal is to establish legal instruments that strengthen, in civil matters, the rights of persons requiring alimony, disabled persons, the elderly and people under restraining orders, by bringing federal and local standards into line. It thus establishes that in cases involving the dissolution of a marriage, the relevant benefits should continue to be provided; it also takes into consideration cases of hospitalization and the reluctance of debtors or companies to meet their obligations under court order.

³⁶ Established in November 2001, and coordinated by the National Institute for Women, it consists of the ministries of the interior, public security, education, health, and labour and social security, the Office of the Attorney-General of the Republic, the National System for the Comprehensive Development of the Family, the Senate Committee on Equality and Gender, state authorities, federal and local judicial authorities, the Supreme Court, the Council of the Federal Judiciary, the National Human Rights Commission and non-governmental organizations (the Mexican Association for the Prevention of Violence against Women and Alternativas Pacíficas, now the National Shelters Network). Later, the following joined: the Ministry of Foreign Affairs, the Ministry of Social Development, the National Institute for Social Development, the National Youth Institute, the National Institute of Statistics, Geography and Information Technology and the National Commission for the Development of Indigenous Peoples.

³⁷ The commission's objective is to coordinate human rights activities implemented nationally and internationally by the various departments and bodies of the federal Government, with the aim of strengthening and promoting the defence of such rights.

³⁸ A tripartite body with a membership made up of titular and alternate representatives of unionized workers and of employers in equal numbers (not less than 5 and not more than 15), who are appointed every four years, and a representative of the Government (who chairs the commission), as specified in article 554 of the Federal Labour Act.

³⁹ Article 562 (V) of the Federal Labour Act.

⁴⁰ Annexes VIII to XXIII.

⁴¹ National Social Housing Fund.

⁴² National Financial Support for Housing Fund.

⁴³ Estimate based on the Twelfth General Population and Housing Census 2000; population forecasts from the National Population Council (CONAPO), January 2003; Basic Statistics on the National Education System and Achievements, from the National Adult Education Institute (INEA).

⁴⁴ Languages include various dialect variants. Sometimes, because it is sufficiently distinct, a variant may be considered a language. This is the case inter alia for the Zapotec, Mixtec and Mayan languages.

⁴⁵ The education sector includes the following: teaching and education sciences; teacher training for basic education; teacher training for intermediate education; teacher training for special education; instruction in music, dance and song; and physical education and sports.

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