



**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic reports of States Parties due in 1982

Addendum

MEXICO 1/

[13 April 1982]

1. General comments

In its consideration of Mexico's third periodic report (CERD/C/63/Add.1), as summarized in document A/35/18, the Committee requested clarification regarding some of the articles of the Mexican Constitution and the implementation of some of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. Specifically, the Committee requested clarifications in connection with article 133 of the Constitution; the amparo procedure set forth in the Constitution; and Convention No. 111 of the International Labour Organisation. Although it judged Mexico's third periodic report to be satisfactory in general, it also pinpointed some matters requiring elucidation in terms of articles 4, 5, 6 and 7 of the Convention.

Hence, to allay any remaining doubts, this report will deal with those which emerged on that occasion.

A. The first point raised by the Committee concerns article 133 of the Constitution, which states:

1/ For the previous reports submitted by the Government of Mexico and the summary records of the meetings of the Committee at which they were considered, see:

- (1) Initial report - CERD/C/R.85/Add.2 (CERD/C/SR.303);
- (2) Second periodic report - CERD/C/16/Add.1 (CERD/C/SR.411-412);
- (3) Third periodic report - CERD/C/63/Add.1 (CERD/C/SR.492).

"This Constitution, the laws of Congress enacted thereunder, and all treaties in accordance therewith already entered into or which, in the future, may be entered into by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the entire Union. The judges of every State shall be bound by this Constitution and by these laws and treaties, notwithstanding any conflicting provisions in the Constitutions or laws of any State."

In this connection, paragraph 454 of document A/35/18, referring to article 133 of the political Constitution of the United Mexican States, records that one member of the Committee, "noting that the Convention was ipso facto the law of the land, requested a clarification on whether there was any need to enact legislation specifically to implement the substantive articles of the Convention, or whether they already had force of law in Mexico. Members of the Committee were of the view that even if the Convention was part of the law of the land, further legislation was needed to give effect to the provisions of the Convention, such as legislation declaring acts of racial discrimination punishable by law and imposing the necessary penalties".

As far as Mexico is concerned, it should be noted that, as long ago as 1917, the rights, obligations or provisions contained in the International Convention on the Elimination of All Forms of Racial Discrimination were already covered by the Political Constitution of the United Mexican States and allied laws. Hence it is easy to see that the constitutional provision cited, namely that all treaties in accordance with the Constitution "shall be the Supreme Law of the Union", has been complied with. Fortunately there was no need for Mexican law to adopt any legislation introducing the rights set forth in the Convention, since they were already being observed. However, since Mexico is a Federation of independent States, article 133 of the Constitution also lays down that "The judges of every State shall be bound by this Constitution and by these laws and treaties, notwithstanding any conflicting provisions in the Constitutions or laws of any State". It is logical to infer that if the Convention were not, as the Committee's report says "ipso facto the law of the land", the judges would not be able to apply it and still less if it conflicted with State Constitutions or any law of the Republic.

B. The Committee's report to the General Assembly states specifically in paragraph 456 that a member of the Committee asked "in particular, whether Mexico had acceded to Convention No. 111 of the International Labour Organisation concerning discrimination in respect of employment and occupation".

For the information of the Committee, the Government of Mexico, in its desire to promote social justice at all levels, has in this regard united its efforts with those of other countries in order to improve the life of its people.

In connection with the International Labour Organisation's normative activity Mexico has, since it joined the Organisation in 1931, taken an active part in elaborating the international conventions and, to date, has ratified 56 of them and they have become part of our labour law. In the case in point, Mexico has indeed acceded to ILO Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation.

C. In paragraph 457, referring to article 6 of the Convention, "the hope was expressed ... that information would be provided on specific examples of judicial decisions which would enable the Committee better to understand how amparo proceedings were conducted".

In its third periodic report, the Government of Mexico supplied information on this topic and cited article 107 of the Constitution, which sets forth the requirements for the juridical formalities and procedures involved in amparo proceedings; it also attached a copy of the law regulating articles 103 and 107 of the Constitution, which establish amparo.

The procedure requested by the Committee seems to lie outside the provisions of the Convention. It is not difficult to infer that legal proceedings of any type are regulated throughout by the relevant laws, from the time the charge, complaint or accusation is brought, until the court orders the case closed. Consequently, a special procedure would be required and this might not even be possible if, as a result of legal decisions there is an impediment to national or international publication of documents, records or formalities which may at the time have been deemed by the court to be public or private.

D. The same paragraph also noted that while amparo proceedings "were admissible in respect of decisions taken by the authorities, it was not clear what recourse was available to an individual whose rights had been violated by other individuals, unless the Public Prosecutor's Department brought a criminal action; it was asked what happened if the Public Prosecutor's Department considered that, under the circumstances, it could not succeed in its action, or if it refused to institute such action because the offence had been committed by a State body, and whether any of the provisions of Mexican legislation enabled an individual to institute such action himself".

This doubt covers different cases. What appears to be in mind is a violation by an individual of the rights of another in a criminal matter, since the Public Prosecutor's Department intervenes. In such an instance, the Public Prosecutor's Department, when informed of a charge or complaint, must bring a criminal action in the name of society. But in the other case, namely, if the Public Prosecutor's Department considers that, under the circumstances, it cannot succeed in its action or if it refuses to institute proceedings because the offence has been committed by a State body, a distinction must be drawn between two different situations. Firstly, when the Public Prosecutor's Department considers that the action cannot succeed and it is assumed that the Department makes such a decision arbitrarily, it may therefore be liable for the offence of abuse of authority under articles 213, 214 and 225 of the Penal Code. If an offence committed by a State body has violated a right of the individual, the person can in this case have direct recourse to amparo proceedings.

E. Lastly, in paragraph 457, the Committee raised the question of a law that may be unconstitutional, and observed, "As to the very important role of review of the Supreme Court of Justice, particularly in determining whether a law was unconstitutional, it was asked what happened if the Supreme Court ruled that a particular law was in fact unconstitutional, and whether the law ceased to apply in the specific case in question or whether it was rescinded entirely".

This involves three different matters. First of all, regarding the possibility of the Supreme Court of Justice deciding that a particular law - and here we might add a specific provision of a law - is unconstitutional, it is of course true that either the Supreme Court of Justice sitting in plenary or one of its chambers can declare a legal provision or even an allied law unconstitutional. In such a situation, and if a ruling of this kind was made in the hearing of a particular case - the only occasion on which it could occur - it would be incongruous for the Supreme Court sitting in plenary or for one of its chambers to endeavour to apply a law which it deems unconstitutional.

Should any court or the Supreme Court of Justice itself rule that a law or any provision thereof is unconstitutional and uphold this decision in five consecutive judgements, this would establish what is known in legal theory as case law, which would necessarily have to be taken into account in the decisions of the law courts and the Supreme Court itself in subsequent legal judgements.

Lastly, in the matter of rescinding a provision or law which has been declared unconstitutional, the separation of powers is such that this devolves not on the Judiciary but on the Legislature repeal laws; which may, where deemed appropriate, make use, inter alia, of court judgements in order to repeal a law.

Now that the Committee's questions have been clarified and in order to round out the matters discussed in the earlier reports, the next section will endeavour to explain the links between the International Convention and Mexican law and the uniform aims pursued in seeking to eliminate all forms of racial discrimination.

Since the Committee's report requests additional explanations on articles 3 to 7 of the Convention, the observations of the Mexican Government are set out below.

2. Article 3 of the Convention

The Convention on the Elimination of All Forms of Racial Discrimination establishes an obligation on States Parties to submit periodic reports by stipulating in part II, article 9, that:

"States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties."

Accordingly, the Government of Mexico has, with this report, submitted the four reports required of it since it decided to accede to the Convention, and the present report will include the additional information requested by the Committee on the Elimination of Racial Discrimination in the review of the third periodic report.

Turning now to article 3 of the Convention it specifies:

"States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction".

This article sets forth essentially two obligations. Under the first obligation, the States Parties particularly condemn racial segregation and apartheid and, under the second, undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

With reference to the first obligation, the Government of Mexico not only opposes racial segregation and apartheid, as may be seen from the provisions of the Constitution or of allied laws, but under the terms of the Constitution conventions on the subject form part of the Constitution itself and, both at home and abroad, the Government has repeatedly condemned such practices; at the present time it is a State Party to the following international conventions:

Convention on the Prevention and Punishment of the Crime of Genocide, 1948;

International Convention on the Elimination of All Forms of Racial Discrimination, 1966;

Convention on the Elimination of All Forms of Discrimination against Women, 1979;

International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973;

International Covenants on Human Rights:

International Covenant on Economic, Social and Cultural Rights, 1966;

International Covenant on Civil and Political Rights, 1966;

International Convention No. 111 of the International Labour Organisation (ILO), Concerning Discrimination in Respect of Employment and Occupation, 1958.

The second obligation contained in article 3 concerns the undertaking by States to prevent, prohibit and eradicate all practices involving racial segregation and apartheid in territories under their jurisdiction. Fortunately, for the Government of Mexico the obligation in question merely consists in preventing and prohibiting such practices; for historical reasons, national temperament and the State's political philosophy, the third item, namely the eradication of such practices, does not arise because it is only possible to eradicate something that exists and in Mexico there is no racial segregation, still less apartheid.

In the Political Constitution of the United Mexican States, the guarantee of equality is established in articles 1, 2, 12 and 13.

The Constitution of the Republic states in article 1:

"Everyone in the United Mexican States shall enjoy the guarantees granted by this Constitution which shall not be restricted or suspended, except in such cases and under such conditions as are herein provided".

It follows from this article that all persons, regardless of class, status, race, sex, financial means, religious beliefs, etc., are equal before the law and are entitled to enjoy and exercise the rights afforded by our Constitution.

Article 2 states that:

"Slavery is forbidden in the United Mexican States. Slaves who enter the national territory from abroad shall, ipso facto, gain their freedom and enjoy the protection afforded by the laws".

It will be seen that our country protects all aspects of the freedom of the individual; hence, in keeping with the above provision, the Penal Code, in article 365, section II, deems it a criminal act for a person to draw up a contract with another depriving him of his freedom or imposing on him conditions which constitute a type of servitude, or to take possession of a person and deliver him to another person for the purpose of drawing up such a contract.

In order to avoid differences of a social nature, article 12 of the Constitution states:

"No titles of nobility, prerogatives or hereditary honours shall be granted in the United Mexican States, nor shall any effect be given to those granted by other countries".

Article 13 of the Constitution states:

"No one may be tried by special laws or courts. No person or corporation shall have privileges or enjoy emoluments other than those which are given in payment of public services and are set by law. Military jurisdiction shall be recognized for major or minor offences against military discipline, but the military courts shall in no case have jurisdiction over persons who do not belong to the Army. Whenever a civilian is implicated in a major or minor military offence, the appropriate civil authority shall deal with the case".

A number of guarantees of equality are protected by the above provision, such as:

- (a) No one may be tried by special laws;
- (b) No one may be tried by special courts;
- (c) No person or corporation shall have privileges;
- (d) No person or corporation shall enjoy emoluments other than those which are given in payment of public services and are set by law.

It will be seen that these provisions establish specific guarantees of equality and prevent practices aimed at instituting and maintaining the domination of one group of persons over another. The right to life and freedom of the individual is recognized in respect of all persons in Mexican territory, and in defining the offence of homicide article 302 of the Penal Code places the value of the law on protection of life, without distinctions of any kind.

Article 302 of the Code states:

"Anyone who deprives another of his life commits the offence of homicide".

Again, article 366 of the Penal Code punishes the offence of abduction, thus protecting the freedom of all persons regardless of any further considerations. Conditions likely to cause the physical, moral or mental destruction of any racial group may not be imposed.

This article states:

"A prison sentence of 5 to 40 years and a fine of 1,000 to 20,000 pesos shall be incurred when unlawful deprivation of liberty takes any of the following forms of abduction:

- I. If the intention is to obtain a ransom or to cause injury or harm to the person deprived of liberty or to any other person connected with him;
- II. If serious threats, ill-treatment or torture are used;
- III. If a person is kept as a hostage and threatened with death or injury, either to himself or others, if the authorities do not perform or cease to perform an act of any kind.
- IV. If the detention takes place on a public highway or in a solitary place;
- V. If the persons committing the offence act as a group, and
- VI. If child-stealing is committed in the case of a child under 12 years of age, by a person who is alien to his family and does not have guardianship over the child.

When the offence is committed by a relative of the child who does not possess patria potestas or guardianship, the penalty shall be a sentence of six months to five years' imprisonment.

If the person is freed spontaneously and unharmed, within three days only the penalty for unlawful deprivation of liberty shall be applied under article 364. This benefit does not accrue in the case of section III of this article".

In support of the foregoing, the Penal Code deals with the crime of genocide in article 149 bis and states that:

"Anyone who, with the intention of destroying, whether in whole or in part, one or more national or ethnic groups, or racial or religious groups, perpetrates in any way offences against the lives of members of such groups, or imposes mass sterilization for the purpose of impeding the reproduction of the group, shall be guilty of the crime of genocide.

"The said crime shall be punishable by imprisonment for 20 to 40 years and a fine of 15,000 to 20,000 pesos.

"If, with the same intent, attacks are perpetrated on the bodily integrity or health of members of such communities or if persons under 17 years of age are removed by means of physical or moral violence from such groups to other groups, the penalty shall be imprisonment for 5 to 20 years and a fine of 2,000 to 7,000 pesos.

"The penalties specified in the preceding paragraph shall also apply to anyone who, with the same intent, deliberately subjects the group to living conditions which will inevitably bring about its partial or total physical destruction".

Mexico allows ethnic groups to develop provided that they participate in the country's social, economic and cultural life, as the Constitution indicates in article 9:

"The right to assemble or to associate peacefully for any lawful purpose cannot be restricted; however, only citizens of the Republic may do so, in order to take part in the political affairs of the country. No armed meeting shall have the right to deliberate.

"An assembly or meeting shall not be deemed unlawful and may not be dissolved, if its object is to petition any authority or to lay a protest against any act, unless insults are proffered against the authority or violence is used or threats are made to intimidate or compel the authority to render a favourable decision".

In Mexico all persons have the right to work and education and to freedom of opinion and expression and of association.

The right to education, which will be discussed in full in connection with article 7 of the Convention, is set forth in article 3 of the Constitution and section VI thereof establishes that primary education is compulsory. It should be mentioned that education at any level, including higher education, is open to any person who has the academic requirements, race being no obstacle.

With regard to the right of association in labour matters, the Federal Constitution states in article 123, section XVI, that:

"Both employers and workers shall have the right to organize for the defense of their respective interests, by forming unions, professional associations, etc."

Article 4 of our Constitution establishes that:

"No person can be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful."

Article 11 of the Constitution states that:

"Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without necessity of a letter of security, passport, safe-conduct or any other similar requirement."

Article 6 of the Constitution guarantees freedom of ideas by stipulating that:

"The expression of ideas shall not be subject to any judicial or administrative investigations unless it offends good morals, impairs the rights of third parties, incites to crime or causes a breach of the peace; the right to information shall be guaranteed by the State."

In addition to such freedom of ideas, article 7 of our Constitution establishes the freedom of the press by specifying that:

"The freedom to write and publish writings on any subject is inviolable. No law or authority may establish censorship, require security from authors or printers or restrict freedom of the press, which shall be limited only by the respect for privacy, morality and public order. Under no circumstances may a printing press be seized as the corpus delicti. The basic laws shall lay down whatever provisions are necessary to prevent the imprisonment, under pretext of a complaint regarding press offences, of vendors, newsboys, workmen and other employees of the establishment publishing the work complained of unless their responsibility has been previously established."

Equality in labour matters is embodied in the Constitution. Article 123 of the Constitution is the source of the Federal Labour Law, which governs the labour relations as referred to in that article, which states in part A that no distinction may be made between workers on grounds of race, sex, age, religion, political belief or social status.

Our law stipulates equal pay for equal work, duties, working hours and conditions of efficiency. Working conditions may in no case be inferior to those established by the law. This elaborates on the constitutional principle which guarantees access to vocational training and employment, without distinction as to race, for all the working class; the Workers Employment and Training Co-ordinating Unit was set up for this purpose.

3. Article 4 of the Convention

Article 4 of the Convention on the Elimination of all Forms of Racial Discrimination, which will also be discussed in this report, reads as follows:

"States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination".

With reference to the first paragraph, the first sentence contains a condemnation by the States Parties of all propaganda and all organizations which are based on the superiority of one race or group of persons on the grounds of colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. As a result of this condemnation in the Convention itself, endorsed by the States Parties when they expressed their desire to ratify or accede to the Convention, it is established that they must undertake certain obligations referred to in the article as "immediate and positive measures" designed to eradicate all incitement to discrimination on the one hand or all acts of discrimination on the other.

Furthermore, the same article mentions some of these measures, which, as can be seen from the text, the Convention considers to be serious.

Article 4 (a) establishes that the States shall declare an offence punishable by law:

- (i) All dissemination of ideas based on racial superiority or hatred;
- (ii) Incitement to racial discrimination as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin; and
- (iii) Any assistance to racist activities, including the financing thereof.

With regard to item (i) above concerning the dissemination of ideas based on racial superiority or hatred, it has to be borne in mind that the Mexican political system comprises a Federation of States and their supreme legal system is embodied in the Federal Constitution, which is thus applicable to all the national territory and therefore to all the States in the Republic, which are obliged by law not to enact or apply any law which infringes or contradicts the provisions of the Constitution.

Mexico's third periodic report therefore placed particular emphasis on the provisions of the Constitution, applicable throughout the Republic, and on those of a penal nature, which are similarly binding throughout Mexican territory.

It thus pointed out that article 1 of the Political Constitution of the United Mexican States states that:

"Everyone in the United Mexican States shall enjoy the guarantees granted by this Constitution, which shall not be restricted or suspended, except in such cases and under such conditions as are herein provided".

As can be seen, this article affirms that it is the State which grants the same types of guarantees to all persons in Mexican territory, whether nationals or not, and whatever their belief, race or ethnic origin; in Mexico, therefore, the law makes no distinction between persons who are within the national boundaries at all times or happen to be there by chance.

The second part of the article places a solemn restriction on the public authorities, however represented, by stating that these guarantees cannot be restricted or suspended, except in such cases and under such conditions as the Constitution itself establishes. An example might be an invasion or a serious disturbance of public order or any other situation which places society in great danger or conflict.

It will be seen from the foregoing that, in Mexico, it would be unconstitutional to seek to disseminate any types of ideas based on racial superiority or hatred, since all persons are equal and it would not be possible, a contrario sensu, for persons to be superior either on the grounds of race or on any other account.

With regard to the dissemination of ideas, article 7 of the Political Constitution of the United Mexican States, which speaks of the freedom of press, states that:

"The freedom to write and publish writings on any subject is inviolable. No law or authority may establish censorship, require security from authors or printers or restrict the freedom of the press, which shall be limited only by the respect for privacy, morality and public order. Under no circumstances may a printing press be seized as the corpus delicti."

"The basic laws shall lay down whatever provisions are necessary to prevent the imprisonment, under pretext of a complaint regarding press offences, of vendors, newsboys, workmen and other employees of the establishment publishing the work complained of, unless their responsibility has been previously established".

The second sentence of the first paragraph, as set down, specifically states that no law or authority may establish censorship, require security from authors or printers or restrict the freedom of the press, but in respect of this obligation on the authorities and the corresponding right of authors or printers an important

restriction is placed on the latter when it affirms that freedom of the press "shall be limited only by the respect for privacy, morality and public order". In other words, no incitement to acts of violence or discrimination contrary to the common good, or to use the terms of the Constitution, "morality and public order", is permitted through any publication or writing, nor can the rights of third parties be attacked, for the obligation is to respect their privacy.

If it is not possible to disseminate ideas based on racial superiority or hatred, incite discrimination, commit acts of violence or incite such acts against any race or group of persons of another colour or ethnic origin, the opportunity of being able to seek assistance for racist activities and financing them in the national territory, is entirely out of the question, since such a situation, were it allowed to exist, would be a breach of the Constitution and would therefore be punishable under the laws of the Republic.

Under article 4 (b) of the Convention, States Parties shall "declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law".

As specified in our third periodic report, the Political Constitution of the United Mexican States embodies the right of association when it states: "The right to assemble or to associate peacefully for any lawful purpose cannot be restricted; however, only citizens of the Republic may do so, in order to take part in the political affairs of the country. No armed meeting shall have the right to deliberate.

An assembly or meeting shall not be deemed unlawful and may not be dissolved if its object is to petition any authority or to lay a protest against any act, unless insults are proffered against the authority or violence is used or threats are made to intimidate or compel the authority to render a favourable decision".

As mentioned earlier, any organization or any propaganda activity seeking to promote or incite racial discrimination would not have "a lawful purpose", as the Constitution puts it, and this measure contained in subparagraph (b) of article 4 of the Convention is therefore covered by the Mexican Constitution.

However, as an additional measure, article 164 of the Penal Code for the Federal District (ordinary jurisdiction) and for the Republic as a whole (federal jurisdiction) may be cited. The article states:

"Anyone who participates in an association or group of three or more persons, organized for the purpose of committing an offence, shall incur a prison sentence of six months to six years and a fine of 50 and 500 pesos by the mere fact of being a member of the association, irrespective of the penalty appropriate to the offence which he might commit or has committed".

Article 164 bis:

"When one or more offences are committed by a gang, those who take part shall incur, in addition to the penalties appropriate to the offence or offences committed, a prison sentence of six months to three years.

"For the purposes of this provision, a gang shall be taken to mean a habitual, occasional or temporary meeting of three or more persons who jointly commit an offence although they are not organized for that purpose".

In keeping with this article and as indicated in our third periodic report, article 209 of the Penal Code relates to the penalty incurred by anyone who publicly instigates the commission of an offence and defends such an offence or other misconduct. It states:

"Anyone publicly instigating the commission of an offence, or defending such offence or other misconduct, shall incur a prison sentence of three days to six months and a fine of 5 to 50 pesos, if the offence has not been committed. If the offence has been committed, the instigator shall incur the appropriate penalty for his participation therein".

Lastly, in respect of the Penal Code, mention should be made of article 364, which establishes a prison sentence of one month to three years and a fine of up to 1,000 pesos for "anyone who in any way whatsoever violates, to the detriment of another, the rights and guarantees established by the General Constitution of the Republic for the benefit of individuals".

It will be seen from this section of the article that deprivation of one person's guarantees by another is an offence, under the Penal Code, throughout the Republic.

In addition, there are other laws which may specifically be applied to anyone who breaks the law and it is established that other penalties therefore become cumulative when an offence is committed. The Press Law, for example, refers in article 1 to acts which constitute attacks on privacy and therefore carry the appropriate penalty when committed. In article 1, section I, the following constitute attacks on privacy:

Section I: "Any malicious manifestation or expression, made either verbally or by signs, in the presence of one or more persons, or in the form of a handwritten or printed paper, drawing, lithograph, photograph or in any other manner which, exhibited or circulating in public, or transmitted by post, telegraph, telephone, radio, or by message or by any other means, exposes a person to hatred, contempt or ridicule, or may be detrimental to his reputation or his interests".

Similarly, section IV of the article protects the dignity and esteem of a person and states that an offence is committed and an attack is made on his privacy:

"When, in a publication expressly prohibited by law, the dignity or esteem of a person is compromised by exposing him to hatred, contempt or ridicule, or his reputation or interests, whether personal or financial, are harmed".

It is worth noting in connection with the Press Law that any breach of public order or the peace will be penalized. The law lays down that:

Article 3. The following constitutes a breach of public order or the peace:

Section IV. "Any publication prohibited by law or by the authorities in the public interest or issued before the law permits its release".

In connection with the above section, two major aspects of the media are regulated by the State on account of their enormous importance. The Federal Radio and Television Law indicates the objective pursued in these activities when it lays down in article 4 that:

"Radio and television are activities in the public interest, and consequently the State must protect them and ensure their social function is duly fulfilled".

The general statement contained in article 4 is reinforced by the subsequent article, i.e., article 5, of the Law, which states:

"Radio and television have the social function of contributing to the strengthening of national integration and the improvement of forms of human co-existence. To that end, through their broadcasts, they shall endeavour: Section I, to promote respect for the principles of social morality, human dignity and family ties".

Article 63 of the same Law is of special importance and relevance to this task; it specifically refers to the prohibition on broadcasting anything degrading or offensive or involving racial discrimination. It reads as follows:

"All broadcasts causing corruption of the language or offending against morality, either through the use of invidious expressions, indecent words or pictures, ambiguous expressions and scenes, or through the defence of violence or crime are prohibited; anything which is in any way degrading or offensive to the memory of national heroes and religious beliefs or involves racial discrimination is also prohibited; the use of low humour and offensive sounds is likewise prohibited".

Lastly, article 101 indicates that the following constitutes a breach of the Law:

Section XII. "Disregard for any of the prohibitions established under article 63 of this Law for correct programming".

Again, in keeping with the foregoing, the Regulations giving effect to the Federal Radio and Television Law and the Cinematograph Industry Law, in referring to programme content, prohibit the inclusion in broadcasts of any direct or indirect acts of discrimination against any race.

Article 36 of the Regulations to the Federal Radio and Television Law and the Cinematograph Industry Law establishes, in connection with programme content, that:

"Concessionaires, official agents, announcers, reporters, commentators, artistes, advertisers, advertising agencies, publicists and others participating in the preparation or broadcasting of programmes and commercial advertising for radio and television are subject to the following prohibitions:

Section II. Anything which is in any way degrading or offensive to the memory of national heroes or religious beliefs and anything which, directly or indirectly, involves discrimination against any race".

Turning now to article 4 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination, it will be seen that the States Parties:

"Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination".

From a perusal of the articles cited above, it will be noted that in the Republic of Mexico the rules governing human conduct are of a general nature, there being no special or exclusive laws, and all persons are subject to them, have the same rights and bear the same obligations.

Acts of discrimination are forbidden both for private persons and those in authority, and when a public authority or institution engages in or incites racial discrimination, in addition to the ordinary remedies, any person injured thereby may institute amparo proceedings in order to put an immediate stop to such violations and return to the lawful situation.

4. Article 5 of the Convention

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law", and specifically says that everyone should enjoy certain rights that are enumerated in the article and set forth in the Universal Declaration of Human Rights. As pointed out in our third report, they are included in the Political Constitution of the United Mexican States, title I, chapter I, under the heading "Individual guarantees", the text of which was annexed to that report.

Article 13 of the Constitution clearly establishes the right to equal treatment before the courts and other bodies administering justice. It states specifically that:

"No one may be tried by special laws or courts. No person or corporation shall have privileges or enjoy emoluments other than those which are given in payment of public services and are set by law. Military jurisdiction shall be recognized for major or minor offences against military discipline, but the military courts shall in no case have jurisdiction over persons who do not belong to the Army. Whenever a civilian is implicated in a major or minor military offence, the appropriate civil authority shall deal with the case".

Article 5 (b) of the Convention provides, in conformity with the obligations established in that international instrument, that States Parties shall guarantee the right to security of person and says:

"(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution".

From this paragraph it is clear that the Convention takes account of the right to security of person against any act of violence or bodily harm committed by government officials or if the acts or deeds are committed by any individual, group or institution.

As to article 5 (b), article 14 of the Constitution sets forth the right to security under the law, since it protects, inter alia, life, liberty, property, position and rights in general; the second paragraph of this provision states that:

"No one shall be deprived of life, liberty, property, possessions or rights, other than through proceedings in a previously established court in which the essential procedural formalities are observed, and in accordance with laws issued before the event".

Moreover, article 16 of our Constitution relates to the guarantee of legality requiring substantiation and justification for the action taken, since it states that "no one shall be subjected to interference with his person, family, domicile, papers or possessions except by virtue of a written order of the competent authority stating the legal grounds and justification for the action taken".

As is readily apparent, no individual, as article 5 (b) of the Convention puts it, or group or institution, may perform any act interfering with an individual, and the authority concerned must be the competent authority and must also conform to the requirements of the law. It is relevant to recall here that article 16, in speaking of orders of arrest or detention, stipulates that they may be issued only by a judicial authority and preceded by: (1) a charge, accusation or complaint; (2) a specific act punishable by imprisonment, and (3) the charge, accusation or complaint must be supported by a statement by a reliable person or by other information indicating the probable guilt of the accused.

Similarly, it may be said that in our country a person can be detained only on grounds expressly established by the law, and in respect of the possible penalties, the third paragraph of article 14 of the Constitution lays down that: "In criminal proceedings no penalty shall be imposed by mere analogy or, a fortiori, any penalty that is not specified in a law exactly applicable to the offence in question". Article 19 of the Constitution states that: "No detention shall exceed three days without substantiation by a detention order, which shall state the offence with which the accused is charged, the substance thereof, the place, time and circumstances under which it was committed, and the facts brought to light in the preliminary investigation; the facts must be sufficient to establish the corpus delicti and the probable guilt of the accused".

Accordingly, if any individual, group or institution inflicts violence or bodily harm on any person, depending on the type of act involved, the offence or offences are covered by the laws, regardless of whether the acts are completed or merely attempted. If government officials perform such acts, they may also be committing an offence classed as such, and if in the course of their duties they unlawfully violate the individual guarantees of any person, amparo proceedings will be initiated, irrespective of the official's rank, as described extensively in the third periodic report by the Government of Mexico.

Article 5 (c) of the Convention stipulates that the States Parties will guarantee the political rights of individuals as follows:

"(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service".

In this regard, article 4 of the Constitution enunciates the equality of men and women by establishing that "men and women are equal before the law" and the latter "shall protect the organization and development of the family".

Political rights, as is well known, are closely bound up with two basic concepts - nationality and citizenship - and for this reason, article 34 of the Political Constitution provides that Mexican citizenship shall be enjoyed by men and women who, having the status of Mexicans, also fulfil the following requirements:

- I. They are at least 18 years of age; and
- II. They have an honest means of livelihood."

Article 35 of the Constitution lays down that:

"The prerogatives of citizens are:

- I. To vote in public elections.
- II. To be eligible for any elective office and be appointed to any other post or commission, if qualified as required by law."

As can be seen from these articles, the citizens of the Republic, whether men or women, can take part in elections, vote and stand for election by universal suffrage. This situation, which previously did not exist in Mexico, has been rectified and at the present time, women have also occupied various posts in the administration, including that of State Governor. These measures adopted by the Mexican State foster national democratic notions and institutions.

Still more, in order to strengthen and give greater impetus to the democratic life of the country, the Federal Executive promoted a far-reaching political reform which has made for effective participation by political parties under the Federal Law on Political Organizations and Electoral Processes, which repealed the earlier electoral law. This Law, usually known as LOPPE, has been in force since 1977 and states in the preamble:

"A political reform is not an act of a point in time but a process which likewise calls for legal reforms and the efforts of all Mexicans to promote development and perfect the democratic institutions we are endeavouring to maintain and improve".

This Law contains no discrimination; on the contrary, it follows the criterion of equal treatment for all citizens.

Articles 11, 12, 13 and 15 of the law state:

"Article 11. Voting is a prerogative and an obligation for citizens. The vote is universal, free, secret and direct for all publicly-elected posts."

"Article 12. In accordance with the provisions of the Constitution, male and female Mexican citizens who are at least 18 years of age are able to exercise their political rights, are registered on the electoral roll and are not subject to any legal impediment, shall have an active vote".

"Article 13. It is the obligation of all citizens:

- I. To be registered on the electoral roll;
- II. To perform as an obligation and without charge any electoral duties that may be required of them. Excuses are only admitted on duly justified grounds or for reasons of force majeure, to be adduced by the person concerned to the nominating body;
- III. To vote in elections at the polling station for their place of domicile, with the exceptions laid down in this Law, and
- IV. To perform the duties of posts to which they have been publicly elected".

"Article 15. Citizens who fulfil the requirements of articles 55 and 58 of the Constitution are eligible under the terms of this Law for the posts of, respectively, Deputy and Senator to the Congress of the Union.

"Citizens who fulfil the requirements of article 82 of the Constitution and the terms of this Law are eligible for the office of President of the United Mexican States".

The LOPPE, in the article quoted above, mentions articles 55, 58 and 82 of the Constitution, which relate to the requirements for deputies, senators and the President of the Republic.

Article 55 of the Constitution reads:

"Article 55. Deputies must fulfil the following requirements:

- I. They must be Mexican citizens by birth and able to exercise their rights;
- II. They must be at least 21 years of age on the day of the election;
- III. They must be from the State in which they are elected or actually resident therein for more than six months preceding the date of the election".

With regard to the requirements for senators, article 58 of the Constitution states:

"Article 58. Senators must fulfil the same requirements as for deputies, with the exception of the requirement regarding age, which must be at least 30 on the day of the election".

Article 82 of our Constitution lays down the requirements for the President of the Republic, which are:

- I. He must be a Mexican citizen by birth, able to exercise his rights, and the son of Mexican parents by birth;
- II. He must be at least 35 years of age at the time of his election;
- III. He must have been resident in the country during the entire year preceding the day of his election;
- IV. He must not belong to any ecclesiastical order or be a minister of any religion;
- V. If he belongs to the Army, he must not have been on active service for six months prior to the day of his election;
- VI. He must not fall under any of the causes of disability laid down in article 83;
- VII. He must not be a Secretary or Under-Secretary of State, Head or Secretary-General of an Administrative Department, Attorney-General of the Republic or Governor of a State, unless he has resigned office six months prior to the day of his election".

Article 83 of the Constitution, as referred to in section VI above, establishes the date on which the President shall take up his duties and the duration of the presidential term of office. It also lays down that "No citizen who has served as the publicly-elected President of the Republic or on a substitute or provisional interim basis can ever, in any event or for any reason whatsoever, again hold that post".

The civil rights set forth in the Convention will be considered in connection with article 5 (d) of the Convention, which gives examples of such rights and mentions, first of all, the right to be able to move and establish residence within the border of national territory. To that end, it establishes:

"(i) The right to freedom of movement and residence within the border of the State".

With regard to this right, the Political Constitution of the United Mexican States guarantees in article 11 that everyone has the right to enter and leave the Republic, to travel through its territory and change his residence without necessity of a letter of security, passport, safe-conduct or any other similar requirement.

In this respect, article 11 of the Constitution goes on to say that the exercise of this right shall be subordinated to the powers of the judiciary, in cases of civil or criminal liability, and to those of the administrative authorities in matters relating to the limitations imposed by the laws on emigration, immigration and public health in the Republic or on undesirable aliens resident in the country.

Article 5 (d) (ii) of the Convention refers to the following guarantee:

"(ii) The right to leave any country, including one's own, and to return to one's country".

It will be observed that article 11 of the Constitution, quoted above, covers the right set forth in article 5 (d) (ii).

Article 5 (d) (iii) reads as follows:

"(iii) The right to nationality".

In this regard, article 30 of the Constitution combines the two traditional principles whereby the State grants and recognizes nationality, i.e., those expressed in the Latin terms jus soli and jus sanguinis.

"Article 30. Mexican nationality is acquired by birth or naturalization.

(a) The following are Mexican by birth:

- I. Those born within the territory of the Republic, irrespective of the nationality of their parents;
- II. Individuals born in foreign countries of Mexican parents; of a Mexican father or a Mexican mother;
- III. Individuals born on board Mexican vessels or aircraft.

(b) The following are Mexican by naturalization:

- I. Aliens who obtain naturalization papers from the Ministry of Foreign Affairs;
- II. Aliens of either sex who marry Mexicans and have or establish domicile within the national territory".

The first and third sections would be a classic example of jus soli, while the second relates directly to jus sanguinis, which could also be a factor in the first and third sections.

This general rule is combined with the criterion of nationality by naturalization, as established in part B of the article, which seeks to obviate in legal terms the occurrence in Mexico of cases of stateless persons.

There is, however, one proviso, for the concept of nationality involves the legal and political link which binds a person to a State, but the person himself may break this link and the State therefore recognizes such a new situation. The Constitution itself establishes in article 37 A how nationality is lost:

"Article 37 A. Mexican nationality shall be lost:

- I. For wilfully acquiring a foreign nationality;
- II. For accepting or using titles of nobility which imply allegiance to a foreign State;
- III. In the case of naturalized Mexicans, for residing for five consecutive years in the country of origin;
- IV. In the case of naturalized Mexicans, for posing as an alien in any public instrument or obtaining and using a foreign passport.

The first two sections relate to Mexicans by birth and the second two to Mexicans by naturalization.

It can be seen from the foregoing that, in Mexican law, all persons have the right to a nationality and even have the option of acquiring Mexican nationality by fulfilling certain requirements, either because they have lost their original nationality or because they wish to acquire the nationality afforded under Mexico's laws.

Article 5 (d) (iv) of the Convention includes among civil rights the right to marriage and choice of spouse.

In this regard, the Civil Code for the Federal District, which is binding on all inhabitants of the Republic, says in article 97 that persons desiring to contract marriage must present a document in writing to the official of the civil registry of the domicile of either person, stating, inter alia, "that it is their wish to be united in marriage" as specified in section III of the article.

In other words, the consent of the future spouses is required for the act of marriage.

Furthermore, under article 148 of the Civil Code, the man must be at least sixteen years of age and the woman at least fourteen in order to contract marriage. If they do not fulfil the age requirement laid down by the law, the consent of the father and the mother is required, if both are alive, or the consent of the survivor. The mother has this right when she has married again, if the son or daughter lives with her. In the absence or impediment of the parents, the consent of the paternal grandparents is required if both are alive, or the consent of the survivor; in the absence or impediment of the paternal grandparents, the consent of the maternal grandparents is required if both are alive, or of the consent of the survivor.

Article 150 of the Code states that if neither the parents nor grandparents are available, the consent of the guardians is required; and in the absence of the guardians, the judge of family affairs of the place of residence of the minor shall supply the consent, where appropriate.

Article 151 of the Code provides that when the family or guardians refuse their consent or revoke the consent they have previously given, the interested parties may apply to the authorities, that is to say, the Chief of the Department of the Federal District, or representatives, as the case may be, who shall or shall not supply the consent.

Article 5 (d) of the Convention includes the following right:

"(v) The right to own property alone as well as in association with others".

In this connection, the first paragraph of article 27 of the Constitution lays down, inter alia, that the ownership of lands and waters comprised within the boundaries of the national territory is vested originally in the nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property

It is important to note from this paragraph that the Mexican State allows individuals to own property which is regarded as immovable, such as the lands and waters to which the provision in question refers.

Without making an exhaustive analysis of article 27 of the Constitution, it should be pointed out that the nation, to quote that same article, "shall at all times have the right to subject private property to such provisions as the public interest may demand, as well as the right to regulate, for the benefit of society, the utilization of natural resources which are susceptible to appropriation, in order to conserve them and ensure an equitable distribution of public wealth, achieve a balanced development of the country and improve the living conditions of the rural and urban population".

Earlier in this report, mention was made, in connection with legal guarantees, of article 14 of the Constitution, and the relevant paragraph was quoted. This paragraph states: "No one shall be deprived of life, liberty, property, possessions or rights other than through proceedings in a previously established court in which the essential procedural formalities are observed, and in accordance with laws issued before the event".

But the Constitution deals not only with the loss or deprivation of the life, liberty, property, possessions or rights of individuals. It also guarantees, according to article 16, which has already been commented upon, that "No one shall be subjected to interference with his person, family, domicile, papers or possessions except

by virtue of a written order of the competent authority stating the legal grounds and justification for the action taken".

It is clear from what has been quoted so far that not only do the Mexican laws allow individuals to own property, but that such ownership, whether of movable or immovable property, is protected under the Constitution.

Secondary legislation, in particular, the Civil Code for the Federal District, which is applicable throughout the Republic in matters of Federal jurisdiction, lays down on the subject of property in general that "All items not excluded from commerce may be the object of appropriation" (art. 747). As is known, items may be outside commerce either by their nature or by provision of the law; those outside by their nature are the items which cannot be possessed by an individual exclusively, while those outside by provision of the law are the items which the law declares cannot be reduced to private ownership.

The Code classifies property as immovable or movable, the latter also by reason of its nature or by provision of the law.

Property which is classified as movable by reason of its nature is property which can be transferred from one place to another, whether it moves by itself or by the effects of an external force, while obligations, rights, shares, etc., which are recognized as movable property in Mexican legislation are listed.

Article 830 of the Civil Code stipulates: "The owner of an object may enjoy and dispose of it within the limits and in the manner laid down by law", while article 938 defines co-ownership as follows: "Co-ownership exists when an object or a right belongs to several persons without being divided".

The foregoing, in our view, affords sufficient proof of the recognition, in Mexican law, of the right to own property alone or in association with others, as provided for in paragraph 5 (d)(v) of the Convention.

The civil rights recognized by the Convention include "the right to inherit" (art. 5 (d) (vi)).

Inheritance is defined in the Civil Code as "succession to all the property of the deceased and to all rights and obligations of his which are not extinguished by death". If the inheritance is disposed of by the will of the testator, it is called testamentary inheritance, and if by provision of the law, legal inheritance.

As for wills, article 1295 of the Code defines a will as an absolutely personal act which is revocable and free, by which a competent person disposes of his property and rights and declares or complies with duties taking effect after his death.

Lastly, article 1313 of the Code states that all persons "of whatever age they may be, are capacitated to inherit and cannot be absolutely deprived thereof; but with respect to certain persons and specific property they may lose such capacity" for any of a number of reasons which it proceeds to list, e.g. lack of legal personality of persons who are not conceived at the time of the death of the author of the inheritance, or those conceived who cannot live; persons who have committed a crime against the author of the inheritance or attempted to kill him; the spouse who has been declared guilty of adultery; the father and the mother with respect to the child

abandoned by them, etc.; presumption of influence against the liberty of the testator or the reality or integrity of the will; lack of international reciprocity; public utility; or renunciation of or removal from some office conferred by the will.

Other civil rights contained in the Convention include the ones covered in article 5 (d) (vii), which provides for:

"(vii) The right to freedom of thought, conscience and religion".

It has already been pointed out elsewhere in this report that the Political Constitution of the United Mexican States recognizes freedom of thought, in article 6:

"The expression of ideas shall not be subject to any judicial or administrative investigations, unless it offends good morals, impairs the rights of third parties, incites to crime or causes a breach of the peace; the right to information shall be guaranteed by the State".

As may be seen, freedom of thought, whatever form it may take, is guaranteed by the Constitution, without any restrictions or limitations so long as it is not prejudicial to the rights of individuals or to society itself.

Freedom to write and to publish writings has also been dealt with in this report, reference being made to the Press Law and the Law governing radio and television activities. Suffice it, therefore, in this context, to draw attention to article 7 of the Constitution, which provides as follows:

"The freedom to write and publish writings on any subject is inviolable. No law or authority may establish censorship, require security from authors or printers or restrict freedom of the press, which shall be limited only by the respect for privacy, morality and public order. Under no circumstances may a printing press be seized as the corpus delicti."

With regard to another right included in article 5 (d) (vii) - freedom of conscience and religion - it is pertinent to quote article 24 of the Constitution, which states:

"Everyone is free to profess the religious belief of his choice, and to practise the ceremonies, devotions or observances of his respective creed, in places of public worship or at home, provided they do not constitute an offence or contravention punishable by law".

"Every religious act of public worship must be performed strictly inside places of public worship, which shall at all times be under the supervision of the authorities".

Article 5 (d) (viii) of the Convention refers to the right to freedom of opinion and expression, which has already been mentioned in connection with article 5 (d) (vii). This freedom can only be realized through the expression of ideas, in oral or written form, or using modern telecommunication systems such as radio, television or the cinema. These forms of expressing ideas have already been covered and will therefore not be discussed again here.

Finally, article 5 (d) (ix) of the Convention includes as a civil right the right to freedom of peaceful assembly and association.

In connection with this right, article 9 of the Constitution lays down:

"The right to assemble or to associate peacefully for any lawful purpose cannot be restricted; however, only citizens of the Republic may do so, in order to take part in the political affairs of the country. No armed meeting shall have the right to deliberate.

An assembly or meeting shall not be deemed unlawful, and may not be dissolved if its object is to petition any authority or to lay a protest against any act, unless insults are proffered against the authority or violence is used or threats are made to intimidate or compel the authority to render a favourable decision."

As may be seen, the right of peaceful assembly and association is safeguarded by the Constitution.

Article 5 (e) of the Convention lists a series of economic, social and cultural rights to be enjoyed by persons within the jurisdiction of the States Parties to that international instrument. Subparagraph (i) reads:

"(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration".

Labour laws were included historically, for the first time, in the present Constitution, which has been in force in the United Mexican States since 1917.

Article 123, which forms part of the so-called social guarantees, was amended on 6 September 1929 and originally read:

"The Congress of the Union and the State Legislatures shall issue labour laws, based on the needs of each region, without contravening the following basic principles, which shall apply to the employment of workers, day labourers, non-manual workers, domestic servants and artisans, and in general to all work contracts".

As is known, the State Legislatures, which had expressly reserved their right to legislate on this subject, were nevertheless obliged not to contravene the General Constitution of the Republic on the matter; but in view of the importance of the subject, its legal significance and the philosophy which involved the Constitution, the State Legislatures waived the right to legislate separately on this Federal matter, which was left to the Congress of the Union, as may be seen from the Decree of 6 September 1929, which excludes the said Legislatures and stipulates:

"Article 123. The Congress of the Union, without contravening the following basic principles, shall issue labour laws, which shall apply to workers, day labourers, non-manual workers, domestic servants and artisans and in general to all work contracts".

Although this amendment showed the importance which the Government of Mexico attaches to labour, it is essential to point out that the recent addition to this article, published on 19 December 1978, grants the right to work constitutional status.

In the second amendment, the importance attached by the State to labour law was incontestable; with the latest amendment, it is beyond all doubt that the Mexican State not only guarantees labour law, but also safeguards the right to work. The relevant addition to article 123 reads:

"Everyone has the right to dignified and socially useful work, and efforts shall be made to promote the creation of jobs and to organize work in accordance with the law".

The above considerations may be adduced as proof that the Mexican Government includes the right to work among the economic and social rights it guarantees.

Another right included in subparagraph (i) is the right to free choice of employment.

On this subject, among the individual guarantees given under the Constitution is the one in the first paragraph of article 5, relating specifically to this right:

"No one shall be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful. The exercise of this freedom shall be forbidden only by judicial decision, when the rights of third parties are infringed, or by administrative order, issued in the manner provided for by law, when the rights of society are violated. No one shall be deprived of the fruits of his labour except by judicial decision".

This paragraph makes it very clear that in Mexico persons are free to engage in the activity of their choice and to avail themselves of the right in question.

Another right covered by this subparagraph is the one relating to just and favourable conditions of work.

This right will ultimately be related, inter alia, to the length of the working day - which in our country is eight hours and seven hours for nightwork - and to income from work. The Constitution and the law establish what are known as minimum wages in order to guarantee the worker a just and favourable wage.

Furthermore, a provision of the Constitution entitles workers to share in company profits. Sections VI to VIII of article 123 of the Constitution outline the requirements to be met by the minimum wage in the following terms:

"VI. The minimum wages to be received by workers shall be general or according to occupation. The former shall apply in one or more economic areas; the latter shall be applicable to specified branches of industry or commerce or to particular occupations, trades or work.

The general minimum wage must be sufficient to meet the normal material, social and cultural needs of a head of family and to provide for the compulsory education of his children. The occupational minimum wage shall be fixed by also taking into consideration the conditions of different industrial and commercial activities.

Farm workers shall be entitled to a minimum wage adequate to their needs.

The minimum wage shall be fixed by regional committees, composed of representatives of the workers, the employers and the Government, and shall be subject to approval by a national committee, composed in the same manner as the regional committees.

VII. Equal wages shall be paid for equal work, regardless of sex or nationality.

VIII. The minimum wage shall be exempt from attachment, compensation, or deduction."

The final part of this same subparagraph proclaims the right to "equal pay for equal work" and to "just and favourable remuneration".

This right may be considered to have been covered by the information given above. Nevertheless, for further amplification, it may be pointed out that the Federal Labour Law devotes chapters V to VII of Title 3 to regulating wages and the minimum wage, as well as to safeguards and preferential claims in respect of wages.

It is important to note that the minimum wage is the least that the worker can receive in cash for services rendered in a working day. It must be sufficient to meet the material, social and cultural needs of a head of family and to provide for the compulsory education of his children.

Safeguards and preferential claims in respect of wages include immunity from seizure and priority of payment, even before the Government.

It now remains to analyse the part of this subparagraph dealing with protection against unemployment.

Protection against unemployment is principally afforded by three legal instruments: the Political Constitution of the United Mexican States, the Federal Labour Law and the Social Security Law.

In Mexico, social security is the responsibility of a decentralized public body with its own legal personality and assets - the Mexican Social Security Institute (IMSS); it is a national public service, without prejudice to schemes instituted by other laws or regulations. The General Constitution of the Republic itself states in article 123, section XXIX:

"Enactment of a Social Security Law is in the public interest, and the Law shall include insurance in respect of disability, old age, life, involuntary separation from service, sickness and accidents, day nursery services and any other service designed to protect the welfare of rural workers, non-wage-earners and other social sectors and members of their families".

As regards the compulsory aspect of social security, the Social Security Law provides in article 11 that the compulsory insurance scheme provides coverage for:

- I. Occupational hazards;
- II. Sickness and maternity;
- III. Disability, old age, separation from service at an advanced age, and death;
- IV. Day nursery services for children of insured women.

From a perusal of the foregoing article, it may be gathered that Mexico does not yet have any unemployment insurance. But while this matter is not regulated in the Social Security Law, section XXIX of article 123 of the Constitution could support the conclusion that it might possibly be regulated in the future, since the section in question refers to insurance against "involuntary separation from service".

Although in developing countries coverage of this risk would undoubtedly involve the State and social security sectors in enormous expenditure, it is also true that in Mexico a worker who has been terminated is not left unprotected and that such protection is provided both in the Constitution and in its enabling law, that is to say, the Federal Labour Law.

Article 123, section XX, of the Political Constitution of Mexico lays down the general rule that differences or disputes between capital and labour are subject to the decision of a Conciliation and Arbitration Board, consisting of an equal number of representatives of workers and employers, with one representative from the Government, Sections XXI and XXII read as follows:

"XXI. If an employer refuses to submit his differences to arbitration or to accept the decision rendered by the Board, the work contract shall be considered terminated and he shall be obliged to pay the worker three months' wages in compensation and shall also incur any liability resulting from the dispute. This provision shall not be applicable in the case of actions covered by the following section. If it is the worker who refuses, the work contract shall be considered terminated.

XXII. An employer who dismisses a worker without justification, or for having joined an association or union or taken part in a lawful strike, shall be obliged, at the worker's choosing, to fulfil the contract or to pay him three months' wages in compensation. The law shall specify the cases in which the employer may be exempted from the obligation to fulfil the contract by payment of compensation. The employer shall also be obliged to pay a worker three months' wages in compensation if the latter leaves his employment due to dishonesty on the part of the employer or because he or his spouse, parents, children, or brothers and sisters are ill-treated by the employer. An employer may not exonerate himself from this responsibility if the ill-treatment is attributable to his subordinates or to members of his family acting with his consent or connivance".

The Federal Labour Law, in referring to the severance of work relationships, deals specifically in chapter 4 with matters connected with the responsibilities of the employer and the relevant compensation payments, and refers to additional payments either for time worked or by reason of the type of work contract.

Another economic and social right guaranteed in article 5 (e) of the Convention is the right to form and join trade unions, on which subject the Political Constitution of the United Mexican States declares in article 123, part A, section XVI:

"XVI. Both employers and workers shall have the right to organize for the defence of their respective interests, by forming unions, professional associations, etc."

Protection of the interests of workers, on the one hand, and of employers, on the other, entails two different rights, the right to strike for workers and the right of lockout for employers, as enunciated in section XVII of article 123 of the Constitution, which states:

"XVII. The laws shall recognize strikes and lockouts as rights of workers and employers".

Sections XVIII and XIX refer to the lawfulness of strikes and lockouts, in the following terms:

"XVIII. Strikes shall be lawful when their purpose is to attain a balance between the various factors of production, by harmonizing the rights of labour with those of capital. In public services it shall be obligatory for workers to give 10 days' prior notice to the Conciliation and Arbitration Board of the date appointed for the suspension of work".

"XIX. Lockouts shall be lawful only when a production surplus makes it necessary to suspend work in order to maintain prices at a level with costs, subject to the approval of the Conciliation and Arbitration Board".

The Federal Labour Law reproduces the foregoing sections and indicates the procedures to be followed for exercising the above rights.

Another right provided for is the right to housing, referred to in article 5 (e) (iii) of the Convention.

Article 123, part A, section XXX, of the Constitution lays down:

"Likewise, co-operative societies established for the construction of sanitary low-cost housing to be purchased on instalment by workers shall be considered of social utility".

Whereas this section of article 123 of the Constitution refers to labour relations in the Mexican Republic between workers and employers in general, part B of the article deals with labour relations between "authorities of the Union, the Government of the Federal District and their workers", that is to say, cases in which the Government acts as the employer. Section XI (f) of part B lays down:

"Workers shall be provided with low-cost housing for rent or sale, in accordance with previously approved programmes. Furthermore, the State, through its contributions, shall establish a national housing fund so as to create deposits in favour of the said workers and establish a system of financing enabling them to be granted sufficient cheap credit to purchase comfortable and sanitary dwellings, or to build, repair or improve such dwellings, or pay off debts incurred for these purposes.

Contributions to the said fund shall be remitted to the body responsible for social security, the form and method of administering the said fund and of granting and awarding the respective loans being regulated in its Law and in other relevant laws."

The economic and social rights mentioned in article 5 (e) (iv) of the Convention include the following:

"(iv) The right to public health, medical care, social security and social services".

Although the first three rights might have some things in common, particularly as regards medical science, it is possible to distinguish between the various functions and the different interests and aims that the State may pursue or adopt in these three individual areas.

One of the powers and duties of the Federal Executive, which in our country is vested in the President of the Republic, is that of appointing and dismissing at will Ministers, one of whom is the Minister for Public Health and Social Welfare on whom devolve some of the matters referred to in the subparagraph in question.

Also, it should be pointed out that article 73 of the Constitution, which deals with the powers of Congress, states in section XVI that Congress is empowered to enact laws on public health in the Republic. Congress has the power:

"(xvi) To enact laws on nationality, the legal status of aliens, citizenship, naturalization, settlement, emigration and immigration, and public health in the Republic:

1. The Board of Public Health shall report directly to the President of the Republic, without going through any Secretariat of State, and its general rulings shall be mandatory in the country.
2. In the event of a serious epidemic or the danger of exotic diseases invading the country, the Department of Public Health shall be required to order immediately the necessary preventive measures, subject to their subsequent approval by the President of the Republic.
3. The health authorities shall have executive powers, and their rulings shall be obeyed by the administrative authorities of the country.
4. Any measures implemented by the Board of Health in the campaign against alcoholism and against the sale of substances which poison the individual or lead to the degeneration of the human race, likewise any adopted to prevent and combat environmental pollution, shall be subsequently reviewed by the Congress of the Union in the cases over which it has jurisdiction".

Among the specific powers of the Secretariat of Public Health and Social Welfare which are mentioned in the Organic Law of the Federal Public Administration is the dispatch of the following business:

- (a) Setting up and administering health, public welfare and social therapy establishments at any place in the national territory;
- (b) Administering assets and funds earmarked by the Federal Government for the benefit of public welfare services;
- (c) Providing medical and social assistance to mothers and children and supervising the assistance provided by public and private institutions;
- (d) Regulating social preventive care for children up to the age of six, and exercising over them the guardianship which devolves on the State;
- (e) Organizing and administering health services throughout the Republic;
- (f) Studying, adopting and implementing the necessary measures for combating communicable diseases, social scourges which are detrimental to health, alcoholism, drug addiction and other social vices, and begging;
- (g) Implementing measures to preserve the health and life of rural and urban workers, and in the field of occupational health, except as regards social welfare at the place of work.

As we have seen, public health in the Republic is a Federal matter and the law drawn up by Congress, i.e. the Public Health Code of the United Mexican States now in force, was issued on 1 March 1955.

The question of social security has already been dealt with in connection with article 5 (e) (i) of the Convention, when it was mentioned that social security in Mexico is the responsibility of a decentralized public body called the Mexican Social Security Institute, whose Law is subject to general observance throughout the Republic; nevertheless, that Law itself admits of other social security schemes such as those covering State employees or providing general protection for certain special branches of industry, for instance the Petróleos Mexicanos.

The Federal Executive, through the social security service, has extended social security coverage in Mexico to the inhabitants of the Republic working in the countryside or living in so-called marginal zones. The system, which is based on contributions by employers, workers and the State, often proves impracticable either because of the casual work relationship, or because there is no fixed employer, or for some other reason, and in that case, the social security authorities, in a gesture of solidarity, have extended social security benefits as far as economic and social conditions allow, and without the beneficiaries being insured.

As regards social services, there are a great many public institutions, some covering specific sectors of the population, which provide such services to the community - for instance, institutions which are dedicated to the physical and mental care of children and the elderly and others which provide recreation centres for workers, etc.

Another right, mentioned in article 5 (e) (v) of the Convention, is the right to education and training.

On this subject, article 3 of the Constitution, included in the chapter on individual guarantees, states as follows:

"I. Freedom of belief being guaranteed by article 24, the approach governing such education shall be completely detached from any religious doctrine and, based on the results of scientific progress, shall combat ignorance and its effects, oppression, fanaticism and prejudice. Furthermore:

(a) It shall be democratic, democracy being regarded not only as a juridical structure and a political system but as a way of life based on the steady improvement of the economic, social and cultural conditions of the people."

Subparagraph (c) of this article states:

"(c) It shall serve to improve human relations, not only by its contribution to instilling in the pupil, together with an appreciation of personal dignity and family integrity, an awareness of the general interest of society, but also by careful promotion of the ideals of the brotherhood and equality of rights of all men, to the exclusion of privileges for any particular race, sect, group, sex or individual."

Education in Mexico will be commented on specifically later on in this report, in connection with article 7 of the Convention. In referring to this subparagraph, we merely wished to demonstrate, by quoting the relevant part of article 3 of the Constitution, that the State guarantees the right to education.

The same comment might be made with regard to the training mentioned in that subparagraph. The occupations are academically linked to the teaching imparted by the universities, which in law are independent of the State, to enable students to acquire adequate knowledge without any ideological obstacles and without the State itself interfering in the professional orientation of students. Nevertheless, even when there can be no question of an occupation in the classic sense, the State has also been at pains to train those individuals who in the labour field represent the Republic's work force; in this context, article 123 of the Constitution lays down:

"XIII. Enterprises, whatever their activity may be, shall be required to provide their workers with occupational training. The enabling law shall stipulate the systems, methods and procedures whereby employers are to discharge this obligation".

The last of the economic, social and cultural rights listed under article 5 (e) of the Convention is:

"(vi) The right to equal participation in cultural activities".

The purpose of this subparagraph is to prevent anyone from being discriminated against as regards participation in cultural activities. Without going into the question of what is to be understood by cultural activities, it may be affirmed that, as shown in this report, all persons are equal in the Mexican Republic, whether nationals or aliens, and that all enjoy equal rights, including the right to education, culture and work.

Participation in cultural activities may be permanent or temporary. Support by the Government of Mexico is essentially provided through offices of the Executive or official agencies for promoting the development of this form of human activity. But whether temporary or permanent, and since there is no discrimination whatsoever, anyone in the Mexican Republic may participate in cultural activities on an equal footing and if, through some abuse of authority, he should not be allowed to do so, he would be justified in instituting amparo proceedings.

Article 5 (f) of the Convention proclaims the "right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks".

This subparagraph mentions the right of access to any place or service intended for use by the general public. In this connection, it is necessary to draw a distinction between places intended for use by the general public, and those intended for the use of public services. Furthermore, the last part of the subparagraph gives examples, though perhaps not exhaustive, of the places referred to in the first part, since these could include beaches, lakes etc., while postal services, light, water, telegraph services, etc. might be included under public services.

Having made this remark, in Mexico, pursuant to a provision of the Civil Code applicable in this field throughout the Republic, property in general "is of public or of private ownership" (article 764).

Article 765 of the Civil Code, given the internal political structure of Mexico, establishes: "Property of public ownership is that which belongs to the Federation, the States or the Municipalities".

Article 772 of the Civil Code states that private property comprises "all articles whose ownership legally belongs to private persons and which no one may enjoy without the consent of the owner or authorization by law".

Article 767 of the same Code lays down that "property of public ownership is divided into property of common use, property destined for a public service, and Government property of a private nature".

Property of common use, under the terms of article 768, "is inalienable and not subject to prescription. All inhabitants may make use thereof, subject to the restrictions established by law; but for the special enjoyment thereof a concession is needed, granted subject to the requirements set forth in the relevant laws".

Article 769 provides that "anyone who obstructs the enjoyment of property of common use shall be subject to the corresponding penalties, to payment of any damages arising and to the loss of any works he may have executed".

Lastly, article 770 specifies that "property destined for a public service and Government property of a private nature belong in full ownership to the Federation and States or Municipalities, but the former is inalienable and imprescriptible, so long as it is not detached from the public service for which it is destined".

In analysing article 6 of the Convention an attempt will be made to deal separately with the various rights embodied therein. The article reads as follows:

"States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination".

The first part of this article affirms that "States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions"; as regards this part, it has already been repeatedly stated that in the Mexican Republic all persons are equal before the law and that law is general in nature and applicable to all. Thus it applies equally to nationals and aliens, and nationals and aliens alike enjoy the protection and ordinary remedies it provides. But they can also avail themselves of the supreme legal remedy in Mexico - a full-fledged legal proceeding known as amparo, which may be instituted against laws or acts of the authorities which violate individual guarantees, as laid down in the first part of article 103 of the Constitution.

Having established that everyone in the Mexican Republic shall enjoy effective protection and remedies, through the competent national tribunals and other State institutions, we will now turn to the next part of article 6 of the Convention which goes on to state that such protection and remedies shall be afforded "against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention".

In addition to what has been said in the foregoing paragraph with regard to remedies and amparo proceedings, it should be pointed out that article 8 of the Constitution likewise refers to the right of petition of all individuals in Mexico: "Public officials and employees shall respect the exercise of the right of petition, provided that the petition is made in writing and in a peaceful and respectful manner; but in political matters this right may only be exercised by citizens of the Republic. Every petition shall be replied to in writing by the authority to whom it is addressed, and the said authority is required promptly to inform the petitioner of the decision taken".

It is pertinent to note that amparo proceedings may also be instituted against any public official or employee who fails to reply to such a petition.

Reverting to article 6 of the Convention, it may be affirmed that the protection and remedies guaranteed by Mexican legislation go further than what is envisaged in the Convention itself, for whereas the latter requires that there shall be effective protection and remedies against any acts of racial discrimination which violate a person's human rights and fundamental freedoms contrary to the Convention, in Mexico, protection and remedies are available whenever such rights or freedoms are violated, in other words, whenever injury is caused to the individual, whether or not this is due to discrimination. If an authority, through abuse of its power or ignorance of the facts, or for any other reason not involving discrimination, violates a human right or a fundamental freedom, Mexican law provides for a corresponding remedy or proceeding.

Finally, the last part of article 6 of the Convention grants everyone who has suffered discrimination in this manner the right to seek from national tribunals "just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination". It should be pointed out that acts of discrimination which violate human rights and fundamental freedoms might be performed either by individuals or by the corresponding authorities; in either case, they might amount to the commission of an offence punishable by the laws and these themselves provide, above all, for the restoration of such violated rights and freedoms, as well as the means of securing effective and just reparation.

Article 7 of the Convention provides: "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention".

The educational principles which the United Nations has promoted through various international instruments with a view to achieving better understanding among all the peoples of the world seek the satisfaction of a set of social demands aimed at ensuring the dignity and free development of the personality of all human beings.

The right of everyone to education was enshrined in article 26 of the Universal Declaration of Human Rights and reiterated, inter alia, in article 13 of the International Covenant on Economic, Social and Cultural Rights.

Prior to the promulgation of these instruments, and guided by the precepts contained in the Political Constitution of the United Mexican States, the Mexican State pursued an educational policy focusing on human development. The Mexican State regards education as the foremost service due to society.

Our country, aware of the major responsibility involved in implementing the right to education as a fundamental right of Mexican society, assigns a profoundly human and social content to the educational function, since it is designed to satisfy permanent social needs.

The educational precepts contained in the Political Constitution of the United Mexican States coincide to a significant degree with the principles promulgated by the international community and reflect the educational philosophy of the Mexican State:

"Article 3. The education to be imparted by the State - Federation, States or Municipalities - shall serve to develop harmoniously all the abilities of the individual and at the same time shall foster in him a love of his country and an awareness of international solidarity, in a spirit of independence and justice:

I. Freedom of belief being guaranteed by article 24, the approach governing such education shall be completely detached from any religious doctrine and, based on the results of scientific progress, shall combat ignorance and its effects, oppression, fanaticism and prejudice. Furthermore:

(a) It shall be democratic, democracy being regarded not only as a juridical structure and a political system, but as a way of life based on the steady improvement of the economic, social and cultural conditions of the people.

(b) It shall be national in so far as - without hostility or exclusivism - it shall strive for an understanding of our problems, the utilization of our resources, the defence of our political independence, the assurance of our economic independence and the continuity and growth of our culture; and

(c) It shall serve to improve human relations, not only by its contribution to instilling in the pupil, together with an appreciation of personal dignity and family integrity, an awareness of the general interest of society, but also by careful promotion of the ideals of the brotherhood and equality of rights of all men, to the exclusion of privileges for any particular race, sect, group, sex or individual.

VI. Primary education shall be compulsory;

VII. All State education shall be free".

As will be seen, the most significant principles laid down in article 3 of the Constitution are that education shall be free and compulsory and that it shall be aimed at instilling in pupils the ideals of the brotherhood and equality of rights of all men, to the exclusion of privileges for any particular race, sect, group, sex or individual.

A brief description will now be given of the conceptual framework within which the Mexican State is endeavouring to provide education - primary, secondary and higher - for all its inhabitants, including the methods it is using to promote literacy among adults and the indigenous populations.

Under article 3 of the Constitution, and in keeping with it, the State has put into operation the National Education Plan; this includes the "Education for All" Programme, which gives priority to providing primary education for all children of school age, since compulsory and free basic education are provided for in the Constitution.

However, the "Education for All" Programme envisages higher objectives than the primary education of children of school age; for it does not limit itself to the school room, but involves the entire community, on a broader basis. True, the classrooms continue to play the central role in imparting knowledge, but special importance is also coming to be attached - in view of the national realities - to out-of-school education as a means of integrating in the national culture all those adults who are still not only illiterate, but also ignorant of Spanish, as the official language.

At the beginning of the 1970s, the need was felt to introduce an instrument which would deal specifically with the problem of the educational backwardness of certain sectors of the population, with the social aim of re-distributing education. To that end, the National Adult Education Law was enacted on 31 December 1975 by Presidential Decree.

This Law provides opportunities for apprenticeship and special learning facilities to ensure that all illiterate adults who want to learn may do so without difficulty, since it offers them the possibility of studying without neglecting their normal occupations. At present, they can study at home, at the office or workshop, and in the town or the country. Accordingly, the Law introduces appropriate measures to ensure that all adults wishing to learn may do so. Permanent services are in existence for promoting and advising on adult primary education, and workers and their families are provided with the necessary study facilities.

An important role is played in adult education by the Education Social Service instituted by the aforementioned Law to assist the State in its efforts to promote integration by extending educational opportunities to marginal sectors of the country.

The promotion and organization of adult education is provided for by the said Law in the following terms:

"Article 21. The offices of the Federal Executive ... the decentralized bodies and enterprises which are partly State-owned shall organize permanent services for promoting and advising on basic general education for adults.

Article 22. The Federal primary education institutions ... shall establish permanent advisory centres for adult education.

Article 25. Educational establishments may help in adult education by organizing courses, lectures and other activities for the counselling and guidance of study group advisers.

Article 27. Employees, commissaries of ejidos (common land) and of communal property, trade unions, associations and other organizations may:

Encourage the establishment of centres and services for promoting and advising on adult education.

Grant their workers and members study facilities and make basic general education for adults a living reality, and

Extend adult education services to members of the families of their workers and members".

The right to adult education is established in article 26, which lays down:

"Persons over the age of 15, men and women from urban or rural areas, shall have equal opportunities for acquiring a basic general education ...".

The "Education for All" Programme is aimed at eradicating illiteracy in Mexico within the next few years, for which purpose realistic targets have been set.

To attain this goal, the Mexican State proposes to carry out the following programme activities:

1. Guaranteeing a primary education for all Mexican children;
2. Encouraging the teaching of Spanish to persons who have no knowledge of the language;
3. Broadening adult education considerably, not only by means of an extensive literacy campaign, but by endeavouring to ensure that those who are learning to read and write engage in additional studies and are integrated in cultural or training activities, or in productive occupations in which they apply their literacy.

Following the guidelines mapped out in the Constitution and allied laws, basic secondary education in Mexico has acquired great importance, due to the fact that a high percentage of the national population is composed of young people able to attend institutions for basic secondary education, which are of three types: Federal, State and private. Federal establishments are the responsibility of Federal authorities; State establishments, those responsible to the Federal entities which make up the Mexican Republic; and private establishments, those which are incorporated in or attached to the Secretariat for Public Education itself and subsist either through private initiative or through fellowships of the pupils themselves.

Secondary education in general has the dual purpose of improving ways of life and sustaining national development, in the light of the education policy decided upon by the Mexican State: to guarantee everyone basic education, particularly children and young people.

Secondary education performs a vital role, since it continues the training of the individual at the adolescent stage, shapes in the young pupil a decision with regard to his future occupation and can reaffirm a number of abstract values and

concepts such as those of nation, fatherland, justice, solidarity, freedom, understanding, tolerance and friendship among nations, and equal rights for all men, taking particular care to prevent the inculcation of ideas which are alien to the political and social philosophy of our country as regards privileges for a particular race, sect, group, sex or individual.

In the world context, higher education is assuming ever-greater importance within educational systems and in the life of nations. It satisfies the multiple requirements arising from rapid changes in society and the legitimate aspiration of individuals for economic, cultural and intellectual advancement.

In our country, higher education seeks to ensure that all Mexicans improve the quality of their life through their own efforts, by strengthening the critical faculties and individual and social awareness needed to build a freer and more just fatherland.

To that end, higher education policy in Mexico takes account of three fundamental aims which are closely bound up with the Universal Declaration of Human Rights and the International Covenants on Human Rights of the United Nations, namely:

1. Ensuring the harmonious development of higher education throughout the country, by rationalizing the use of resources earmarked for that purpose with a view to providing the population with greater opportunities for acceding to higher levels of instruction and ensuring that its education corresponds qualitatively and quantitatively to national requirements;
2. Promoting vocational training at the higher secondary level, so as to strike a balance, in the light of the country's labour structure, between the number of graduate professionals, and the number of technicians at the higher secondary level, thereby putting into effect the universal principle of access to higher education on the basis of ability and merit; and
3. Improving the professional skills of teachers, by providing training, retraining and further training for teaching staff on a continuous and permanent basis, as an essential element in the progress and efficiency of our education system.

The main contributions to be expected from higher education in order to improve the quality of life are: the strengthening of democracy, social equality and justice, and the integration of marginal groups in national development.

To prevent unbalanced growth from causing a shortage of services in regions remote from the large cities, thereby creating situations of marginality and educational backwardness, the National Higher Education System has instituted an educational reform aimed at achieving a fairer distribution of higher education so as to achieve the rapid incorporation of underprivileged sectors of the population and offer more opportunities for academic improvement.

Culture and information are two of the prerequisites mentioned in article 7 of the Convention for combating prejudices which may lead to racial discrimination; at the same time they serve to promote understanding, tolerance and friendship among nations and racial or ethnic groups as well as taking account of the relevant international instruments mentioned in that article.

Our country possesses an important cultural heritage, by which is meant the sum total of the physical and intellectual assets which go to make up the legacy of a people. The fundamental aim of the State's cultural policy is closely linked to the safeguarding, development and diffusion of these assets, which it has made available to all Mexicans as common property and to the international community, to be enjoyed as part of the national identity.

The democratic nature of Mexico's cultural policy is consistent with the provision of the Universal Declaration of Human Rights to the effect that "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits".

These general ideas on teaching, education, culture and information and the detailed study made in this report of the legal precepts and philosophical principles underlying Mexican legislation demonstrate beyond doubt that the Mexican State does not permit or tolerate racial discrimination and that, consequently, teaching, education, culture and information are adequate for preventing the emergence on the national scene of prejudices which might conceivably presage some form of racial discrimination.