

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



CERD

Distr.
GENERAL

CERD/C/146/Add.2
22 October 1986

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

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

Sixth periodic reports of States parties due in 1986

Addendum

MEXICO */

[2 September 1986]

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Annex - List of documents sent by the Government of Mexico with this report

*/ 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:

Initial report - CERD/C/R.85/Add.2 (CERD/C/SR.303);
Second periodic report - CERD/C/16/Add.1 (CERD/C/SR.411-SR.412);
Third periodic report - CERD/C/63/Add.1 (CERD/C/SR.492);
Fourth periodic report - CERD/C/88/Add.1 (CERD/C/SR.582-SR.583);
Fifth periodic report - CERD/C/115/Add.1 and Corr.1 (CERD/C/SR.706 and SR.707)

PART I. GENERAL INFORMATION

1. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in accordance with article 9 thereof, Mexico submits its sixth periodic report to the Committee on the Elimination of Racial Discrimination, for its consideration.
2. Article 133 of the Political Constitution of the United Mexican States stipulates that all treaties entered into by the President of the Republic, with the approval of the Senate, shall, together with the Constitution and the laws of the Congress of the Union, be the Supreme Law of the Union. Since it has been incorporated into national legislation, therefore, the International Convention on the Elimination of All Forms of Racial Discrimination constitutes the directly applicable law on the question and may be used as a basis for any legal action.
3. It should be emphasized that, under this article of the Constitution, the judges of every state of the Republic are required to comply with the provisions of the Convention with which this report is concerned, even if there were a conflict with any provisions to the contrary that might exist in state constitutions or laws.
4. Racial discrimination does not exist in Mexico. The principle of the equality before the law of all inhabitants is guaranteed by the Constitution as a fundamental norm of the Mexican legal system. National legislation comprises the necessary provisions for preventing and averting practices resulting in any form of distinction, exclusion, restriction or preference on grounds of race or for any other reason.
5. The roots of the national culture and identity, in their broadest sense, are interlinked with the profile of a people that is essentially of mixed blood, in which the heritage of the indigenous Meso-American nations and the Spanish legacy have survived to create a new reality.
6. Throughout their history, the people of Mexico have established unshakable principles. As far back as the Revolution for Independence, which began in 1810, the foundations were laid for a political philosophy which gave rise to key principles for community life: self-determination of the nation in the world, self-determination of the society in the nation, and self-determination of the individual in society.
7. Hidalgo abolished the tributes levied on the people, eliminated "caste" distinctions and, for the first time in the Americas, declared slavery to be abolished, by a decree signed in the city of Guadalajara on 29 November 1810.
8. A few days later, the initiator of the struggle for independence enacted the first agrarian measure: the restitution to the indigenous communities of lands which formerly belonged to them.
9. Articles 24-40 (Chapter V) of the Constitutional Decree for the Freedom of Mexican America, ratified at Apatzingán on 22 October 1814, established for the first time in a constitutional document in our country a framework of individual freedoms or human rights.

10. Article 24 stipulated that "the happiness of the people and of each citizen consists of the enjoyment of equality, security, property and freedom. The full preservation of these rights is the purpose of the institution of Governments and the sole purpose of political associations". Similarly, article 27 stated that "the security of the citizen consists of a social guarantee: such a guarantee cannot exist unless the law sets limits on the powers and responsibility of public officials".

11. Articles 25 and 26 of the Constitution of Apatzingán establish the individual's civil right to equality. The introduction of this human right was an authentic and specific social claim, an aspiration which subsequent Mexican constitutions were to stress up to the Constitution of 1857, which gave equality its final form in the chapter on the "rights of man".

12. The Constitution of 1917, the authentic ideological synthesis of the Mexican nation, established safeguards and protection for the dignity and integrity of the individual and, with a clear sense of history, incorporated social rights. It stipulated that "All public authority emanates from the people and is instituted for its benefit." (art. 39), and set forth the democratic ideals to which Mexico aspires, "considering democracy to be not only a legal structure and a political régime, but a way of life based on the continuous improvement of the economic, cultural and social conditions of the people" (art. 3).

13. Racial discrimination is contrary to Mexican history, culture, laws and institutions. Mexico's problems are of a different nature.

14. The dialogue and genuine co-operation that have been established between the Government of Mexico and the Committee have given rise to a growing interest on the part of the experts comprising this Committee in learning about various aspects of the situation in Mexico, in particular its social and economic structures and trends in some of its basic development policies.

15. Mexican society has experienced far-reaching changes throughout the current century. The constructive work done by the régime which emerged from the Revolution has encompassed the broadest sectors of the population: in 1930, the life expectancy of the average Mexican was 37 years, whereas today it has risen to 65 years; illiteracy has decreased from 50 per cent to 15 per cent over the same period; social-security services have been extended to nearly half the total population, while primary health care is available to almost the entire population.

16. The Mexican economy has also been transformed, and in this process agrarian reform and industrial development have been fundamental policies. The national economy has experienced continuous growth; the gross domestic product grew at an average annual rate of 6.5 per cent from 1940 to 1980.

17. Notwithstanding the progress made, problems still exist, some of which have not been resolved with economic growth, while others have been created by the development process itself and are currently linked to the difficult circumstances of the world economy.

18. In this context, the Government of Mexico has decided to submit for the Committee's consideration, in the framework of articles 2 and 5 of the Convention, general information and information on policy measures relating to the indigenous populations, trends in migration, agrarian reform, municipal reform, employment and public spending on social development.

19. In addition, we have submitted information relating to article 3 of the Convention and the comments requested by the Committee concerning articles 4 and 6.

PART II. INFORMATION CONCERNING ARTICLES 2 TO 7

Article 2

A. Government policy vis-à-vis the indigenous populations

20. In its second and fifth periodic reports (CERD/C/16/Add.1 and CERD/C/115/Add.1 and Corr.1), the Government of Mexico gave the Committee on the Elimination of Racial Discrimination a full description of the specific practical measures which it has adopted to ensure the protection of indigenous groups and guarantee them, on an equal footing, full enjoyment of human rights and fundamental freedoms.

21. On this occasion, at the Committee's request, we have submitted an outline of the governmental programmes that have been implemented in order to continue attending to the needs of our country's indigenous population.

1. The situation and problems of the ethnic groups

22. Mexico's indigenous population, according to the most recent census (1980), was 5,700,100 or 8.5 per cent of the inhabitants of the country. This population is located in 23 states and is composed of 56 ethnic groups.

23. The situation of the ethnic groups in Mexico varies according to state and region; however, there are certain constant features regarding their geographical, economic, social and cultural problems.

(a) Geographical and economic problems

24. The indigenous population centres are very isolated and widely scattered, existing in more than 950 municipalities and approximately 28,000 localities, over an area of approximately 590,000 km².

25. There are insufficient road networks and means of transportation.

26. Sources of employment are lacking, which leads to migration to the urban centres.

27. Organization for production has not developed sufficiently to permit adequate access to loans for agricultural production.

28. Technical assistance is limited by the difficulties which the various public departments have in including small communities, a large percentage of which have less than 1,000 inhabitants, in their programmes.

29. In commercial activities there is also a system of middlemen, which is unfavourable to the indigenous inhabitants.

(b) Social problems

30. There is no security of land tenure, services (health, education, housing, etc.) are insufficient and the local boss system still exists.

(c) The cultural problem

31. There is growing erosion of indigenous values and traditions (ethnic identity). In addition, the traditional technologies are declining.

2. Basic programmes

32. The National Institute for Indigenous Affairs (INI), a government body responsible for looking after indigenous groups, carries out projects for improving Indian communities and submits to the Federal Executive such measures as it considers relevant for solving the problems of these population groups.

33. INI activities have continued uninterrupted since the Institute's establishment in 1948, and its demographic and geographical coverage has increased steadily, in keeping with the Federal Government's financial possibilities. In carrying out its programmes, INI initially had available 10 Indigenous Affairs Co-ordinating Centres (CCIS) strategically located in those places where their radius of action enabled better attention to be provided for indigenous groups. There are currently 85 co-ordinating centres in existence.

Table 1

Territorial and demographic coverage of the 85 Indigenous Affairs Co-ordinating Centres (national total)

Number of municipalities:	951
Number of localities:	27 809
Total population:	13 443 309
Indigenous population	4 559 072
Non-indigenous population	8 884 237

34. When he met the members of the National Council for Indigenous Peoples in December 1983, the President of the Republic described the basic features of current indigenous policy:

1. Democratic planning to be used in order to formulate and organize policy with the indigenous inhabitants and not just for them;
2. Indigenous cultures and traditions to be preserved;
3. The process of reduction of indigenous territories to be checked through full conservation and exploitation of their existing resources;
4. Training, production and employment programmes to be adapted to the nature of the resources and traditions of the community;
5. Basic services coverage to be broadened in the most disadvantaged areas. Provision of these services is to be speeded up in the indigenous communities, despite the austerity made necessary by the crisis; the social orientation of the budget will make it possible to support this proposal;

6. Middlemen to be combated. Excessive middleman activity prevents indigenous inhabitants from fully participating in the overall development process, frustrates democratization efforts, depresses incomes and jeopardizes well-being;

7. The individual guarantees and social rights guaranteed to all Mexicans by the Constitution to be made truly effective for the indigenous groups.

35. In order to give effect to these features of indigenous affairs policy, INI has established action strategies aimed at improving the living conditions of the Indian communities, strengthening their culture and stimulating their participation in decisions affecting them. These strategies are as follows:

(a) Participation by the Indian community is to be stimulated, so that the community is directly associated with development planning. To this end, community planning committees are being established at the community level. These committees are the basic unit for indigenous action, and are made up of civil and traditional authorities and representatives of the various community groups. They define projects to be carried out and evaluate activities undertaken by INI with the communities;

(b) Community organizations to be strengthened and developed as a means of improving living conditions and achieving a more balanced relationship with the rest of society;

(c) The communities to be helped to make better use of their own resources, on the basis of the specific ways in which they respond to their needs;

(d) Assistance to be given in developing community capacities to enable them to become less and less dependent on institutional support in solving their problems;

(e) Indigenous action to be organized and given priority in terms of basic problems and their location in specific geographical areas;

(f) Conditions to be established for technical team work, so as to facilitate integrated community activities.

36. In order to make these strategies operational, in 1985 progress was made in setting up a new form of work with the indigenous communities. With the aim of increasing the effectiveness of indigenous action, the zones covered by the Institute were divided into three categories: intensive-work areas, consolidation areas and management areas.

37. The intensive-work areas, chosen on the basis of a regional diagnostic report and in accordance with the established priorities, are the areas where work and investment are concentrated, with the aim of revitalizing economies at the micro-regional level and setting an example over the broadest possible geographical area.

38. In these areas, work has been done in conjunction with the communities in preparing their integral programmes. These programmes consist of project proposals prepared on the basis of diagnostic studies, carried out in consultation with the communities, on their problems and the best ways of solving them. Thus, projects have been defined at the community, micro-regional and regional levels, and have been interlinked for the purpose of creating more dynamic economic zones.

39. Through community work, the foundations have been laid for the establishment of the community planning committees; in 1985, nearly 800 such committees were set up in as many localities. These committees have made integral development proposals for the three-year period 1986-1988.

40. To strengthen the committees' capacity for action and to guarantee continuity in the process of integral programming in the intensive-work areas, in January 1986 the INI executive approved and put into operation the "Community funds for indigenous community production projects". These funds will be formalized in each community through an agreement with the community committee and will be derived from the resources accruing from the production projects. It is hoped that this will produce a multiplier effect on the original investment, and strengthen community self-management and self-sufficiency on a permanent financial basis.

41. As regards training and organization, production, processing and marketing activities in indigenous communities are given continuing encouragement, in keeping with the conditions and characteristics of each region.

42. Together with the work being done by INI, redoubled efforts have been made to strengthen participation by the state governments and other federal agencies in indigenous activities, thus broadening the resources set aside for this population. To this end, special ethnic development sub-committees have been set up within the development planning committees in several states. These sub-committees are the state branches of the national democratic planning system. To date, agreements have been signed for the establishment of sub-committees in eight states: Chiapas, Nayarit, Oaxaca, Guerrero, Puebla, Quintana Roo, Tabasco and Querétaro.

43. As indicated in Mexico's previous report, INI activities are carried out within the framework of four programme areas:

- (a) Development and promotion of production;
- (b) Social welfare;
- (c) Training and counselling of indigenous groups;
- (d) Promotion of the cultural heritage.

44. The following is a description of the activities carried out during the past two years under these programmes.

(a) Development and promotion of production

45. In 1985 1,250 production projects of various kinds were carried out: suspension bridges, handicrafts workshops, wall repair, small irrigation works, honey and coffee processing, stock-raising units, soil regeneration,

planting of fruit trees, small agro-industries, marketing support, creation of fishponds, reforestation, pisciculture, genetic improvement, agricultural mechanization. It should be mentioned that INI also provides technical assistance for all these projects.

(b) Social welfare

46. INI activities in this area are designed to improve primary health care, by giving priority to combining the contributions of university-trained medical personnel and traditional medical personnel (indigenous doctors who have handed down their knowledge of medicinal plants from father to son over the generations and are known as curanderos, or healers).

47. The university-trained doctors are given training in how to deal with Indians, methods of healing and the use of medicinal plants. At the same time, the traditional doctors are given the necessary knowledge for using basic allopathic treatment and applying basic hygiene. This work is carried out in co-operation with the health sector and, in particular, with the Mexican Social Security Institute (IMSS).

48. To care for the indigenous population INI has 150 medical posts, in addition to the programmes carried out by IMSS in the indigenous areas themselves; IMSS has 1,855 rural medical units, in addition to 8 mobile units, with 85 consulting rooms (each set up in an INI co-ordinating centre), 1 central hospital and 1 central consulting room.

49. The foregoing represents approximately 2,000 doctors and 4,500 medical auxiliaries working full time in this field. In addition, there are, on average, 2 traditional doctors per community; it may therefore be considered that full medical attention is provided, approximately 162,000 medical consultations and 85,000 dental consultations having been undertaken during the past year.

50. In support of medical attention, work is being done on environmental and housing improvement, and educational lectures and demonstrations on health and nutrition are being given.

51. Work has been done in conjunction with the United Nations Children's Fund (UNICEF) on formulating a model for community primary health care, with the aim of bringing a pilot plan into operation in the States of Guerrero and Veracruz this year and then extending it throughout the country.

Table 2

Indigenous Affairs Co-ordinating Centres (CCIs), medical posts
and rural medical units, according to their location in the
States of the Republic (1985)

State	No. of CCIs	No. of medical posts (INI)	No. of rural medical units (IMSS)
Baja California	1	-	10
Campeche	2	3	17
Chiapas	11	15	322
Chihuahua	4	12	38
Durango	1	1	19
Guanajuato	1	-	26
Guerrero	5	14	143
Hidalgo	2	2	94
Jalisco	1	3	14
México	1	-	85
Michoacán	3	1	64
Navarro	1	2	73
Oaxaca	20	57	335
Puebla	7	14	210
Querétaro	2	-	32
Quintana Roo	1	6	16
San Luis Potosí	3	4	49
Sinaloa	1	1	25
Sonora	5	5	31
Tabasco	1	-	69
Veracruz	7	10	153
Yucatán	5	-	30
Total:	85	150	1 855

(c) Training and counselling of indigenous groups

52. INI has 1,251 hostels, in which 63,900 children live. In co-operation with the Directorate-General for Indigenous Education of the Department of Public Education (SEP), efforts are made to give the children a complete education by providing the proper conditions for them to be able to study, appreciate their culture, work their plots, participate in sports activities and acquire better nutritional habits. Nearly one third of the INI budget is allocated to the support of indigenous students living in hostels. This programme is considered to be the most viable choice for bringing primary education to the remote and poor areas where indigenous children live.

53. In the field of secondary education INI has awarded scholarships to a total of 33,000 young people, with the aim of stimulating and activating the training of technicians to supplement the development efforts being made by the communities themselves.

Table 3

School hostels and secondary education scholarships,
by States of the Republic (1985)

State	No. of hostels	No. of hostel scholarships	No. of secondary education scholarships
Baja California			
Norte	5	250	35
Campeche	14	700	772
Chiapas	182	9 050	3 865
Chihuahua	106	5 450	340
Durango	19	950	50
Guanajuato	-	-	50
Guerrero	96	5 200	2 460
Hidalgo	102	5 100	1 899
Jalisco	14	800	70
México	8	350	849
Michoacán	21	1 050	1 065
Nayarit	40	2 350	425
Oaxaca	291	14 725	8 298
Puebla	93	4 725	3 301
Querétaro	10	500	435
Quintana Roo	10	500	350
San Luis Potosi	35	1 750	1 816
Sinaloa	14	700	450
Sonora	20	1 100	785
Tabasco	14	700	245
Veracruz	108	5 500	3 622
Yucatán	49	2 450	1 818
Total:	1 261	63 900	33 000

54. In addition, the SEP's Directorate-General for Indigenous Education has various educational programmes. In 1985, it had 168,179 children enrolled in pre-school education, 470,319 in primary education in the bilingual-bicultural system, and 4,135 studying in the social integration centres, where young Indians are trained in technical and production activities.

55. With regard to legal counselling, it may be stated that the provision of justice for the Indians is becoming increasingly effective. In 1985, the criminal defence programme enabled 1,013 prisoners who lacked the means to undertake their own legal defence to be released.

56. INI has also pressed the Department of Agrarian Reform to solve the Indians' problems concerning their rights to their land, thus helping to avoid the reduction of their communal lands.

Table 4

Land tenure régime and land use in municipalities in which
INI is providing support for the indigenous population

Municipalities:	951
Localities:	27 809
Population:	13 443 309
Territorial area:	589 654 km ²
Hectares (ha) surveyed:	39 527 737
Land-tenure régime (ha):	
<u>Ejidos</u> (agricultural collectives) and communities:	25 801 116
Small farms:	13 726 626
Land use:	
Agriculture (ha):	
Rain-fed:	5 564 889
Humidity-fed:	427 761
Irrigated:	1 179 494
- Total farm land:	7 172 144
Forests (ha):	
Containing useful timber:	4 987 716
Not containing useful timber:	4 860 563
With natural pastures (ha):	
Hills:	10 108 732
Plains:	4 277 154

(d) Promotion of the cultural heritage

57. During 1985, many activities were carried out in support of the Indian communities to reclaim and preserve their culture and its artistic manifestations, and to make Mexicans aware of the importance of Indian values and customs in the formation of the national identity.

58. The following activities have been carried out to consolidate the work of preserving and developing indigenous cultures and their multifaceted ethnic and cultural nature:

(i) Revival of indigenous languages

59. To help preserve the various indigenous languages, procedures have been designed for monitoring and recording the languages to detect Spanish words and expressions which have needlessly replaced indigenous expressions; an attempt is being made to revive the authentic linguistic symbols and foster their use, chiefly through publications and radio broadcasts. To date work has been done on nine languages: Maya, Purepecha, Chontal, Mixteco, Nahuatl, Taramara, Tepehuano, Tlapaneco and Triqui.

(ii) Reclaiming traditional raw materials

60. Cultural heritage development projects require not only encouragement for the manifestations of the culture, but the maintenance of all the elements which support those manifestations and make them possible. To this end, projects such as the protection and reclamation of certain raw materials, such as indigo, cochineal and purple dye, form part of a movement to preserve traditions on the basis of the essential raw material. These projects are being undertaken within the framework of the programme of popular handicrafts and cultures (PACUP), which is co-ordinated by the SEP's Under-Secretariat for Culture.

(iii) First annual indigenous handicrafts fair in Oaxaca

61. As part of the traditional Guelaguetza celebrations, on 19 July 1985 the first annual indigenous handicrafts fair in Oaxaca began and continued for a period of two weeks. This event, made possible by the decisive support of the Government of the state of Oaxaca, enabled indigenous artisans from the various regions of the state to sell their products directly.

(iv) Social communication

62. The INI communication project aims basically at offering Indians opportunities for expression and dialogue with Mexican society and instilling in the latter greater respect for Mexican Indian expressions through better knowledge of our cultural plurality.

63. Programming of INI's six radio stations has been altered to reflect the needs of the Indian communities and hence the Institution's task. The typical range of programming has been brought into line with the specific features of each region. For the second time, the President's report was broadcast in 11 Indian languages.

(v) First Latin American Indigenous Peoples Film Festival

64. In early September 1985, the First Latin American Indigenous Peoples Film Festival was held in Mexico City, with some events in the provinces. The Festival was sponsored by the Inter-American Institute for Indigenous Studies and INI, with the co-operation of the SEP's Under-Secretariat for Culture, the National Institute of Anthropology and History, and the Autonomous National University of Mexico. More than 100 films were shown, depicting the problems, traditions and desires of the Indian peoples of Latin America.

(vi) Ethnographic Archives

65. During 1985, the Institute's Ethnographic Archives promoted various activities, including the seminar on indigenous music, the indigenous cinema week at the national film archives, the indigenous music and musicians encounter (with the participation of seven institutions), the publication of the 1986 indigenous calendar and the production of the following films: Kikapoos, Lacandonos, De Bandas, Vidas y Otros Zones (Zapotecos y Paquimé).

(vii) Handicraft exhibitions

66. There are 10 museums permanently exhibiting the handicrafts of the various ethnic groups in Mexico.

B. Trends in migration and situation of migrant workers

67. In response to the Committee's request, information is provided below on migration trends in Mexico, and the situation of Mexican migrant workers.

68. Of the Mexican population, which is over 78 million, 25 million live in rural areas. Of the 22 million Mexicans making up the work force, 33 per cent work in the countryside. Agricultural day labourers, with and without land, are currently estimated at 4.8 million. Thus two thirds of the rural work force are made up of the poorest social group in the Mexican countryside and are deeply affected by recessive adjustments in the economy, inflation, unemployment and underemployment.

Table 5

Breakdown of day labourers in the Mexican countryside (1984)

Type of day labourer	Thousands	%
Permanent <u>a/</u>	300	6
Farmers <u>b/</u>	2 100	44
Regional <u>c/</u>	1 500	31
Itinerant <u>d/</u>	900	19

a/ Permanent day labourers are persons who have a stable job with the same employer in the agricultural sector; they are frequently members of trade unions and have access to social services and benefits.

b/ Farmer day labourers are small farmers working independently or on ejidos or in communities. In addition to doing their own farming, they are also day labourers outside their place of origin. They represent the majority group.

c/ Regional day labourers live permanently in a region where they work for several different employers.

d/ Itinerant day labourers have neither land nor a fixed place of residence.

69. Migratory trends originate with the peasants, who, in order to supplement their income and/or find employment, have to leave their land or locality either temporarily or permanently.

1. Internal migration

70. Internal migration is greater in magnitude and complexity than the problem of emigration. The mobility of migrant workers within the country is a result of living conditions in the countryside.

71. Despite the efforts made and progress achieved through policies of agrarian reform and development of agricultural production, some problems have not been resolved, while economic changes, which have involved industrial and urban development, have created new difficulties and challenges for rural Mexico today.

72. The predominant features of the internal migrant worker are the following.

73. The number of agricultural workers who migrate as day labourers in Mexico is 4.8 million. The majority are men, although there has recently been an increase in the proportion of women, particularly for crops such as vine-growing, strawberries and vegetables.

74. Migrants tend to work in modern agricultural operations and come from the least-developed rural areas of the states of Oaxaca, Chiapas, Guanajuato, Guerrero, Michoacán and Zacatecas, areas where they generally do not find enough work to make them self-sufficient.

75. They have attended school for less than five years, and functional illiteracy is high. The productive working life of an agricultural day labourer is calculated to be somewhere around 35 years. Conditions of work, housing and transport are frequently poor. The migrant day labourer is at the lowest end of the scale of Mexican wage-earners.

76. The National Federation of Agricultural Day Labourers, a non-governmental organization attached to the National Peasant Federation, carries out labour organization work to enable these workers to form a mechanism for using legal and political channels to secure their legitimate rights.

2. Immigration from the south

77. It has been traditional for workers, and particularly Guatemalans, to immigrate into south-eastern Mexico during the harvesting of certain tropical products.

78. The immigrant workers who arrive in Mexico to do agricultural work move with their families to farms which they have contacted in advance and return to their own land when the period of work is over.

79. Approximately 80,000 Guatemalan workers cross the frontier every year to work on the coffee plantations of the Sierra del Soconusco and on the banana and sugar-cane farms on the coast of Chiapas.

80. In recent years there has been another wave of immigrants as a result of the political situation in the Central American region; this has led to an inflow of persons from those countries seeking protection and security. In these circumstances, Mexico has confirmed its traditional policy of asylum in order to preserve respect for, and protection of, human life.

81. Efforts by the federal Government through the Mexican Refugee Assistance Commission (COMAR), to provide refugees with security and organized and systematic assistance have received the firm support of the Office of the United Nations High Commissioner for Refugees.

82. There is an ethnic, cultural and class affinity between the Guatemalan immigrant workers and refugees and the Mexican mestizo and Indian peasants of the region. There is no racial discrimination vis-à-vis this population. The Government of Mexico seeks, simply and realistically, to promote respect for the rights enjoyed both by immigrant workers and by refugees from our neighbour to the south.

3. Emigration to the United States of America

83. Migrant labour flows across our northern frontier are a result of the proximity and economic imbalance of Mexico and the United States. The situation results from labour supply on the Mexican side and demand coming basically from the United States labour market. The phenomenon is bi-national in origin.

84. International bodies have recognized the important contribution made by migrant workers to the economic growth and socio-cultural development of the countries receiving them. However, problems persist with regard to the protection of their human, social and labour rights, which are of particular concern in the case of migrants without identity papers (undocumented migrants).

85. The situation on the frontier between Mexico and the United States is characterized by the following features.

86. Firstly, the extent of migration, both legal and undocumented, is less than commonly believed. Secondly, it may be stated as a general rule that migrant workers are not unemployed and do not lack occupational and educational qualifications.

87. The migratory flow towards the south-western United States began at the beginning of the century with the building of the railroads and the development of mining and agriculture. The relatively cheap labour force represented by the Mexican workers was used to advantage.

88. Recent censuses indicate that the number of undocumented Mexican workers habitually resident in the United States is approximately 1.6 million. The flow of Mexicans who cross the frontier to work but remain habitually resident in Mexico varies between 500,000 and 1.5 million workers a year, the flow increasing during harvest seasons.

89. The average age of migrant workers varies between 18 and 35 years. They have had more than five years' schooling. They come chiefly from the states of central Mexico and, to a lesser extent, from the frontier states. Eighty per cent of migrants go to California and Texas.

90. Most migrant workers are single (70 per cent), and they rarely take their families with them. Their average stay abroad varies from four to six months and they live in a wide range of localities, both rural and urban. Most send money home to their families in Mexico, the average monthly amount being approximately \$US 170.

91. There is a stable demand for Mexican labour in rural activities, and a growing demand particularly in services, manufactures, construction and assembly work in the electronics industry. In the case of undocumented workers, 25 per cent engage in agricultural work, 62 per cent in the tertiary sector at low-paid levels, and 13 per cent in work of an industrial nature. Mexican labour in the United States produces a favourable balance for capital formation in that country.

92. A problem for Mexico deriving from undocumented emigration is the fact that United States employers who hire undocumented Mexican workers are not committing an offence, whereas the lack of identity papers prevents the worker from exercising his labour and human rights in the United States. It may also be stated that the Mexican migrant worker is normally a regular taxpayer, whereas he usually lacks legal protection and security while working abroad.

4. Policy criteria

93. The Government of Mexico is continuing and increasing its efforts in the area of consular protection of Mexican nationals and, in the multilateral area, it supports and co-operates with the United Nations Working Group on the Drafting of an International Convention on the Protection of the Rights of all Migrant Workers and their Families.

94. The Government of Mexico will continue striving to ensure respect for the human rights of all migrants, whether they be foreign workers or refugees from Guatemala or other countries who come to Mexico, or Mexicans working in the United States.

95. Internal migration processes are marked by the development model that has been followed in Mexico since the 1950s. The industrialization process, the growth of infrastructure, the extension of communications, the new employment opportunities, and access to urban services, education and health have created important differences between the regions and altered the employment structure.

96. In view of this situation, the National Development Plan has established the policy objectives of decentralization of the major cities and reorientation of the migratory and regional development processes.

97. The overall thrust of Mexican policy in this area is essentially in keeping with the recommendations of the World Population Conferences held by the United Nations in Bucharest (1974) and Mexico City (1984).

98. The basic activities undertaken in this respect over the past three years have included integral rural development, decentralization of production activities, and social welfare.

99. In the first area, the Plan connects the impact of the primary sector, in the general context, with the generation of the migratory flows.

100. In order to correct the disparities between agricultural activities and the rest of the economy, we are trying to promote more equitable terms of trade between the various sectors of the economy, in order to bring about capital formation in the countryside. Measures have also been adopted to broaden and strengthen the production of basic foodstuffs for every day consumption, priority being given to the storm zones.

101. As regards the second activity, the Plan is intended to influence the rural-urban relationship as a starting point for achieving regional development, complementing economic activities more appropriately, making better use of natural resources and expanding local markets.

102. It is felt that policy measures in this respect do not require the execution of large-scale projects, but the careful allocation of available resources in order to meet the specific characteristics of each region and to stimulate those branches of agriculture and industry which have a direct beneficial effect on regional markets and promote local economies.

103. This effort also includes a large proportion of public spending to be utilized in medium-sized cities and geographical locations determined by the state governments, which, among other objectives, are endeavouring to develop employment opportunities according to the potential of the various states and to improve health and education services and basic infrastructure.

104. In addition, there are legal and administrative instruments such as the National Employment Service and the Regional Employment Programmes, which are linked to migration policy and the problem of labour markets.

105. For further information on the points described above, the experts of the Committee may consult the information provided by the Government of Mexico on article 5 of the Convention. This information refers to agrarian reform, municipal reform, employment and public spending on social development.

Article 3

106. The Government of Mexico maintains no political relationship with the Government of South Africa.

107. In accordance with its foreign-policy principles and pursuant to the relevant United Nations resolutions, Mexico has closed its consulate in South Africa and the Mexican authorities do not grant visas of any type to South African nationals.

108. Similarly, tourism and cultural, educational and sporting exchanges have been suspended. Our country does not have economic, financial, trade or any other relations with South Africa.

109. The Government of Mexico has respected the arms and oil embargoes decided upon by the United Nations against South Africa.

110. Mexico was a member of the Group of Experts appointed by the Special Committee against Apartheid on the Supply of Oil and Oil Products to South Africa, established pursuant to General Assembly resolution 37/69 J. The purpose of the Group, which was made up of representatives of the countries that have imposed an oil embargo on South Africa, was to study appropriate measures for increasing the effectiveness of this measure, which Mexico has scrupulously executed.

111. With regard to the arms embargo against South Africa, in 1981 Mexico chaired the Special Committee of the Security Council established under Council resolution 421 (1977) to study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Security Council. In Mexico's view, the embargo must be total and, particularly in the field of nuclear co-operation, the measures adopted by the United Nations must be strictly complied with.

112. Mexico has been a member of the United Nations Council for Namibia since 1972. In this forum the Mexican Government has defended the Namibian people's right to self-determination and has condemned the South Africa régime for its persistent refusal to comply with United Nations resolutions aimed at achieving the independence of Namibia. Our country has also made a financial contribution to the United Nations Fund for Namibia every year since 1978.

113. In March 1980, the Government of Mexico acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. From 1982 to 1985 Mexico was a member of the Group of three members of the Commission on Human Rights to consider reports submitted by States parties in accordance with article VII of that Convention.

114. On 16 May 1986, the Government of Mexico signed, ad referendum, the International Convention against Apartheid in Sports, adopted by the United Nations General Assembly through resolution 40/64 G.

115. Mexico, as a State member of the Commission on Human Rights, has supported resolutions of that body concerning the grave situation of fundamental rights and freedoms in South Africa, as documented by the Ad Hoc Working Group of Experts on southern Africa.

116. During the World Conference on Sanctions against Racist South Africa, held in Paris (France) in 1986, the Government of Mexico reaffirmed the need to adopt all measures consistent with international law to force the Government in Pretoria to comply with the resolutions of the United Nations Security Council and General Assembly, in order to eliminate the inhuman system of apartheid.

Article 4

117. The exchange of opinions between the Government of Mexico and the Committee on the Elimination of Racial Discrimination has led to the conclusion that Mexican legislation, in particular articles 1, 3, 4, 6 and 7

of the Constitution and articles 164, 164 bis and 364 of the Penal Code, provide a framework for the prevention of any practice favourable to racial discrimination.

118. The Committee's careful examination of the information in Mexico's reports on our country's legal framework, which is designed to prevent and impede discrimination on grounds of race or for any other reason, led it to conclude that "it was clear ... that racial discrimination and unequal treatment were inconsistent with the Mexican legal system" (A/37/18, para. 363).

119. However, the Committee found that specific criminal penalties should be established so that the general public will fully understand that the law punishes certain acts.

120. In this connection, the Government of Mexico considers that the existing legal framework established in the Mexican Constitution, in title I concerning individual guarantees, lays down principles of equality which impede any form of discrimination, and that the obligations our country undertook when it became a party to the Convention are accordingly satisfied.

121. There is also a possibility of requesting protection from the Federal Judiciary when, in the opinion of the individuals involved, there has been a violation of individual guarantees by acts of the administrative authorities, by laws enacted by the Congress of the Union, or by decisions of judicial bodies which present problems of constitutionality.

122. Article 133 of the Constitution establishes that international treaties are the supreme law of the land. Consequently, through incorporation into national legislation, the International Convention on the Elimination of All Forms of Racial Discrimination directly constitutes applicable law and may be used as the basis for any legal action.

Article 5

A. Agrarian reform

123. In its fifth periodic report, the Government of Mexico drew the Committee's attention to the fact that agrarian reform in our country was not a short-term political act, but a long-term social process. The legal and political bases for agrarian reform were established in article 27 of the 1917 Constitution.

124. Article 27 of the Constitution lays down the following basic principles: "The ownership of the 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"; "The Nation shall at all times have the right to impose on private property such limitations 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 to ensure an equitable distribution of public wealth, and to achieve the balanced development of the country and the improvement of the living conditions of the rural and urban population".

125. A copy of this important constitutional article, supplemented in accordance with the decree published in the Diario Oficial de la Federación of 3 February 1983, was annexed to Mexico's previous report for consultation by the Committee (see para. 178 of document CERD/C/115/Add.1 and Corr.1).

126. On this occasion, the Government of Mexico would like to inform the Committee of the initiative submitted by the Chief Executive to the Senate to revise and add more than 70 articles of the Federal Agrarian Reform Act.

127. The purpose of this initiative was to provide the agrarian authorities with more flexible and expeditious mechanisms to meet the agricultural sector's demand for legal guarantee's of land security which is indispensable for rural development. The reforms give effect to the additions to article 27 of the Constitution adopted by the Legislature in December 1982.

128. It is recognized that the historical, legal and administrative process of dispensing agrarian justice has not kept pace with the changing structure of agrarian ownership. Consequently, most of the reforms proposed by the Executive have to do with revising the powers of the agrarian authorities. Others relate to the political organization of the ejido, while still others have to do with economic organization and the procedures and capacity for association among various organizational forms.

129. In December 1983, the Chamber of Deputies approved the proposed reforms of the Agrarian Act, with the adjustments proposed by the Senate.

130. One of the means suggested by the current national Government to foster rural development, consists of reversing the drain of capital from the countryside, since this is one of the structural problems of the rural economy. In this connection, the following were among the reforms adopted:

(a) The amount of capital which a peasant may possess in agriculture, trade or industry in order to have agrarian rights as a member of an ejido or community was raised to five times the minimum monthly wage for agriculture in the locality concerned;

(b) The role of the national trust fund for the development of ejidos in financing rural development had been strengthened; it now receives all joint ejido and community funds.

131. With regard to procedures for the organization of production by agrarian units, the following provisions were adopted:

(a) Resources will be used on a collective basis, except when the general assembly of the ejido or community decides that they shall be used on an individual basis;

(b) Ejidos which practise forestry or stock-raising may only be run collectively, unless they can produce evidence of economic advantages from another form of organization;

(c) The Federal Agrarian Reform Act established that "ejidos and communities shall in practice constitute a rural development unit", and as such shall be given priority in receiving the social, economic and technical services provided by the State.

132. The Agrarian Act strengthens the management and self-management capacity of ejido and community members, and gives them the possibility of forming, for various purposes, "associations, co-operatives, societies, unions, mutual societies or other similar bodies", without losing their basic legal capacity.

133. The amendments adopted in the Federal Agrarian Reform Act will contribute to further efforts to deal with the main problems of rural Mexico. A copy of the text of this Act, in Spanish, has been placed in the secretariat's files, where it is available for consultation by members of the Committee.

134. The national Government, aware that problems have arisen due to lack of definition and irregularity in land tenure, which has also been an obstacle to raising productivity in the countryside, has concerned itself with finding a speedy solution to this problem.

135. In this connection, in 1983 the Department of Agrarian Reform initiated the rural survey and land tenure regularization programme.

136. The purpose of the rural survey is to identify exactly the agrarian structure of each region of the country, so as to determine the current state of land tenure in each entity of the federation by type of property and to determine the excess land to be redistributed. Regularization consists in identifying the legitimate owners and usufructuaries of property, and promoting documented legal security of land tenure by simplifying the relevant procedures.

137. The programme has had considerable success so far. In 1984, for example, 2,318 ejidos received their basic sets of documentation, and more than 8.7 million hectares were regularized for the benefit of 156,000 ejido members.

138. To overcome the problem of the small-farm system, the Government has promoted the integration of ejidos and communities into rural development units, which enable natural resources to be put to better use. There are approximately 2 million small-farm owners in Mexico, including members of ejidos and smallholders.

139. An enormous effort has been made to improve the unfavourable economic relationship between the countryside and the city, which is harmful to agrarian Mexico, through the timely and flexible determination of guarantee prices for agricultural products. This has brought about higher production and greater labour demand in the countryside and thus partially averted emigration to the cities.

140. Besides the increase in production costs, the inflation rate and the increase in the minimum wage have also been taken into account in setting prices.

141. Beans, rice, soya, safflower and cotton-growing increased at a level similar to those indicators, whereas the price of corn, sorghum and sunflower was allowed to increase at a higher rate as an incentive for increased production and to reduce imports. Although sesame and copra are products for industrial use and maintain a price in the market, a guarantee price was set to support producers in case there was a speculative drop on the part of the industries which purchase them.

B. Municipal reform

142. In response to the interest shown by the Committee in learning about national political reforms, the Government of Mexico takes this opportunity to present information on municipal reform.

1. Amendments to article 115 of the Constitution

143. Article 115 of the Constitution, concerning free municipalities, was revised and supplemented in December 1982 as part of the decentralization project which the current Administration began on taking office.

144. The purpose of the amendments to article 115 of the Constitution is to assign guaranteed sources of income to the municipalities in order to enable them to provide the public services for which they are responsible and strengthen their political independence.

145. In the strictly political sense, the purpose of the amendments and additions is to strengthen political pluralism in municipal government. To this end, this article of the Constitution now guarantees proportional representation to all municipalities and not only to those with more than 300,000 inhabitants, as was previously the case. In other words, the political parties have access to municipal government, even when they do not win a majority in the municipal elections.

146. In the administrative sense, the amendments make the municipality competent to establish regulations (issuance of government proclamations, regulations, circulars and administrative provisions of a general nature), a power which had not been clearly defined before the reform. The minimum competence of the municipalities is also defined, and the services for which the municipal authority is responsible are indicated in a non-exhaustive list, with procedures for extending the list. The constitutional reform also stipulated that municipalities in the same state may associate with each other to provide a particular service more effectively and empowered municipal governments to participate in local urban development planning.

147. In the economic sphere, the previous text of article 115 merely stipulated that the municipalities would administer their own revenues, which would be derived from taxes to be determined by the State legislature. The new version of the article specifies those sources of municipal revenue that are not governed by the local legislature.

148. In addition to the yield from its property and taxes, the municipality retains revenue from the property tax, federal contributions and income from the provision of the public services for which it is responsible.

2. Federal programmes for strengthening the municipalities

149. In order to follow up and promote the effectiveness of municipal reform, in April 1984 the National Centre for Municipal Studies was established. This is a decentralized administrative organ of the Ministry of the Interior,

which, among other activities undertakes continuing consultation, and information activities and trains the authorities and citizens in general in relation to the various aspects of municipal reform.

150. The Federal Government is carrying out on a permanent basis a series of programmes and activities designed to strengthen the municipalities.

151. The regional employment programmes, pursued under the Joint Development Agreement which the Federation signs with each of the entities of the Republic, have a direct effect on the municipalities since they are executed in a decentralized manner.

152. By way of example, we may say that through these programmes drinking water and drainage services have been introduced into all the settlements in Guadalajara, and other services in 90 of the 124 municipalities in Jalisco. Similar action has been taken: in Querétaro and San Juan del Río; in the suburbs of the State of Mexico, in conjunction with the Federal District; in the low-income settlements of Monterrey; in Huachisingo and Teziutlán, Puebla; in Lerdo, Durango; in Parral, Chihuahua; in Chilpancingo, Iguala and Atoyac Guerrero; in Coahuila, and in Calvillo, Aguascalientes. Sanitation work is being done in the municipalities of the States of Quintana Roo and Veracruz. In addition, progressive housing has been built in Baja California, Sonora, Tabasco and Tamaulipas.

153. In 1984, the Department of Urban Development and Ecology began a medium-sized cities project, through the combined investment proposals of the municipal governments of 24 cities.

154. In 1984, Mexican municipalities received \$Mex 263,452 million in tax revenue, an increase of 61 per cent over 1983. In 1984, the National Bank of Public Works and Services (BANOBAS) granted 113 loans in the following sectors: drinking water (15.3 per cent), sewage systems (27 per cent), markets (24.5 per cent), wholesale meat markets (11.2 per cent), public lighting (1.3 per cent) and paving of roads (19.2 per cent).

155. The Federal Trust Fund for Municipal Development, the Financial Investment Fund for Drinking Water and Sewage, and the Fund for Low-Cost Housing have provided loans for various projects to be carried out in the municipalities of several Mexican states.

C. Employment

156. Article 5 of the Constitution establishes, as an individual guarantee, that no person may be prevented from engaging in the profession, industrial or commercial pursuit, or occupation of his choice, provided that it is lawful. Similarly, in article 123 on labour and social security, it stipulates that all persons have the right to dignified and socially-useful work.

157. Article 3 of the Federal Labour Act, establishes the general principles that work is a social right and duty, that it requires respect for the freedoms and dignity of the person performing it, and that it must be carried

out in conditions which ensure the life and health and a proper economic level of the worker and his family. The same article stipulates that no distinctions may be made among workers on grounds of race, sex, age, religious belief, political doctrine or social status.

158. As part of the development process, the Mexican State has put into practice policies which, directly or indirectly, have contributed to significant growth of employment in Mexico, have transformed the employment structure as regards the activities performed by the working classes, have fostered the incorporation of women into the economically active population, and have substantially improved the educational and technical qualifications of the workers.

159. In 1930, the economically active population numbered 5,165,803, of whom more than 3.5 million worked in the agricultural sector. In 1950, the economically active population was 8,272,093, including 7,140,000 men and 1,130,000 women. In 1970, the economically active population was 12,955,057, including 10,480,000 men and 2,460,000 women. Of this population, 34.6 per cent worked in the agricultural sector, 21.2 per cent in the industrial sector, and 44.2 per cent in the services sector.

160. Thus, over 40 years, from 1930 to 1970, the economically active population increased significantly. The most noteworthy feature was that, whereas in 1930 70 per cent worked in agriculture, by 1970 this figure had dropped to 34.6 per cent, while the population engaged in industrial and services activities had increased. With regard to the incorporation of women into the economically active population, between 1950 and 1970 women's participation doubled.

161. On the basis of data derived from the tenth general census of 1980, up-to-date information on employment in Mexico is provided below:

Table 6

Population aged 12 years and over, active and inactive, 1980

	Total	Average growth rate 1970-1980
Population aged 12 years and over	43 346 900	3.76
Economically active population	22 066 084	5.37
Economically inactive population	21 280 909	2.34

Table 7Economically active population, by sex and by branch of activity, 1980

Branch of activity	Total	Men	Women
Agriculture, livestock-farming, hunting, forestry and fishing	5 699 971	4 957 340	742 631
Mines and quarries	477 017	322 464	154 553
Manufacturing industries	2 575 124	1 897 522	677 602
Electricity, gas and water	115 932	91 883	24 049
Construction	1 296 337	1 082 634	213 703
Commerce, restaurants and hotels	1 729 296	1 137 568	591 728
Transport, storage and communications	672 111	594 910	77 201
Financial institutions, insurance and real estate	405 754	308 998	96 756
Communal, social and personal services	2 418 114	1 159 249	1 258 865
Insufficient details	6 552 037	4 284 704	2 267 333
Unemployed who have not worked	124 391	87 534	36 857
Total	22 066 084	15 924 806	6 141 278

Table 8Percentage structure of remunerated working personnel
by economic sector, 1980

Sector	Percentage a/
Agriculture	26.1
Industry	23.4
Services	50.1

a/ In 1980 total remunerated working personnel numbered 18,795,212.

162. As may be observed, the trends described above have continued. In recent years, however, the employment situation in Mexico has become particularly difficult: the decline in economic activity has coincided with the massive entry into the labour force of the generations born during the 1960s and with the growing demand for participation of women. These factors are expanding the labour force by approximately 800,000 persons a year.

163. Towards the end of 1982, the Mexican economy found itself in its most serious crisis in the 50 years. Prices increased by nearly 100 per cent, and the rate of overt unemployment doubled during the year and reached 8 per cent.

164. The Urgent Economic Restructuring Programme, which the present Administration put into operation when it took office, had three basic objectives: to fight inflation, to protect employment, and to reinject growth capacity into the economy.

165. The Government undertook to avoid increases in unemployment by directly creating jobs in the areas and branches most affected by the crisis and by protecting already-existing production plant.

166. The Programme for the Protection of Production Plant and Employment, which began in February 1983, was aimed at supporting private, public and social industrial undertakings, in order to resolve three basic problems: the decrease in internal demand, financial and liquidity problems, and lack of foreign currency for importing inputs and basic raw materials and repaying the external debt.

167. The National Development Plan 1983-1988, presented by the Government of Mexico in May 1983, set as basic social policy goals increasing job creation, and protecting and gradually improving the purchasing power of wages. To this end, it laid down the following policy guidelines:

(a) Public spending and tax, credit and foreign-trade policies to be used with the aim of recovering the capacity for economic growth and re-orienting the production apparatus towards the supply of ordinary consumer goods, in order to achieve greater job creation per production unit and better income distribution;

(b) Public spending to be redeployed, and the policy of support and incentives for job creation to be made a priority objective;

(c) The capacity of small and medium-sized units to be strengthened in order to create more stable and better-paid jobs;

(d) The National Employment Service to be strengthened.

168. By the end of 1984, these policies had yielded positive results: inflation fell to 60 per cent and the level of employment rose; according to the National Urban Employment Survey, carried out on a monthly basis by the National Institute for Statistics, Geography and Data-Processing, between June 1983 and June 1984, the rates of overt unemployment in the main cities decreased: in Mexico City, from 7.2 per cent to 6.3 per cent; in Guadalajara, from 7.6 per cent to 5.5 per cent; in Monterrey from 10.4 per cent to 7.3 per cent, in Leon, from 3.6 per cent to 2.9 per cent; in Puebla from 5.6 per cent to 2 per cent; in San Luis Potosí from 5.4 per cent to 4.7 per cent and in Veracruz from 4.7 per cent to 4.2 per cent. In Mérida, the rate stayed at 6.6 per cent, and in Chihuahua, Tampico and Orizaba the rate increased.

169. In 1985, overt unemployment continued to decline: in Mexico City the rate fell to 5.8 per cent, in Guadalajara to 3 per cent and in Monterrey to 5.3 per cent.

170. During 1984, under the Regional Employment Programmes, 380,000 jobs were created and an increase in overt employment avoided.

171. Another factor contributing to employment was the continuation of housing programmes. An estimated 47,000 dwellings were begun in 1983 by the National Fund for Workers' Housing Institute (INFONAVIT), the main body in this branch.

Under the National Housing Development Programme, 158,000 finished dwellings, 56,000 progressive dwellings and 52,000 plots with amenities were completed in 1985. These projects are providing employment for 600,000 workers.

172. During 1984 and 1985, the gross domestic product grew in real terms by 3.7 per cent and 3.9 per cent respectively. The number of permanently-insured persons in the Mexican Social Security Institute increased by 4.3 per cent in 1985, while the number of temporarily-insured grew by 26 per cent.

173. The September 1985 earthquakes and the fall in oil prices constituted two further adverse factors in addition to the already inherently difficult situation of the national economy.

174. On 15 October 1985, the President of the Republic set up the Employment Co-ordination Office within the National Reconstruction Commission. The purpose of this Office is to find new jobs for persons affected by the earthquakes. It is estimated that 10,000 jobs were lost as a direct result of the earthquakes in the Federal District, in both the formal and informal sectors of the economy. The indirect effect of the fall in demand on a further 10,000 or so jobs tends to be offset by the reconstruction work.

D. Public spending on social development

175. Public spending contributes to a better distribution of income and social welfare, the management of added demand, the strengthening of the external economic position, the reorientation of sectoral and regional development, and the general trend in the economy.

176. In recent decades, public spending has increased significantly, and its structure has been altered, since it was a basic instrument for meeting the social and production demands of a rapidly growing population and an economy in the process of expansion and modernization.

177. The sectoral allocation of public spending has undergone substantial changes in recent years: public spending has tended to be concentrated in the industrial sector, especially in the oil industry, and investment in infrastructure has declined in relative importance: capital expenditure on Petróleos Mexicanos and the Federal Electricity Commission increased from 33 per cent to 40 per cent during the period 1977-1982.

178. The communications and transport sector's share of capital expenditure fell from 22 per cent during the period 1971-1976 to 15 per cent during the period 1977-1982, despite heavy public infrastructure investment in industrial jobs at the end of the period.

179. The channelling of resources to the rural sector has been relatively substantial, but variable: 10.8 per cent of total spending during the period 1977-1982, reaching its highest percentage in 1980, with 12.5 per cent.

180. The Government of Mexico has constantly sought to favour low-income groups through public spending on social welfare, particularly in the areas of education, health and food. Public capital spending in these categories was between 30 per cent and 35 per cent from 1970 to 1982.

181. The allocation of public spending according to regional development criteria has gained in importance in recent years. The economic capacity of the various Mexican states has been strengthened through an increase in contributions and the direct execution of projects of local interest.

182. The 1983-1988 national development plan, under the responsibility of the Federal Executive, set the following policy objectives for public spending:

(a) To promote social development through job creation, provision of basic services and restructuring the system of subsidies, with the aim of income redistribution;

(b) To use spending levels, structure and scheduling in order to bring about an appropriate response in internal demand, consistent with the levels that can be absorbed by the economy in conditions of efficiency and sound financing;

(c) To strengthen the capacity of the production and distribution apparatus in priority areas and national development strategies;

(d) To promote a more balanced territorial distribution of productive and social welfare activities, in the context of the strengthening of the Federal Covenant and the free municipality.

183. In connection with the objective of promoting social development, the Government of Mexico has oriented public investment towards job creation and given priority to communications and transport, rural development and low-cost housing. Basic social-welfare services in the areas of education and health have also been maintained.

184. Despite the austerity in public spending made necessary by the economic crisis, the budget for 1983 maintained and even relatively increased social spending: although public spending, owing to inflation, declined by 22 per cent in real terms, spending on social welfare grew by 43 per cent in nominal terms, spending on rural development grew by 44 per cent, communications and transport by 57 per cent, and supply of basic commodities by 71 per cent. Allocations of federal income to the various states increased by 110 per cent in comparison with 1982.

185. In 1984, the situation remained the same. For example, of programmable public-sector spending, i.e. not including external debt-service payments, contributions to states and municipalities, or tax incentives, the Congress of the Union approved the allocation of 23.8 per cent for education, health and public safety, and 19.8 per cent for rural development, fisheries and food

supply. The job creation programmes would also continue in the form of regional programmes (to which reference has already been made), with an allocation of \$Mex 150,000 million. Spending on regional development promotion would increase by 70 per cent over 1983.

Table 9

Resources allocated to major integral rural-development programmes, 1984

Programmes	Budget thousand million pesos
1. Food and supply of basic commodities	33
2. Health and environmental sanitation	60
3. Education and culture	150
4. Housing and drinking water	18
5. Basic infrastructure	141
6. Land tenure and agrarian distribution	11
7. Organization	3.5
8. Financing and agricultural insurance	490
9. Training, technical assistance and research	32
10. Inputs, and plant and animal health	97
11. Job protection and creation	150
12. Marketing and storage	154
Total	1 339.5

Table 10

Programmes for protection of wages and workers' consumption, 1984

Programmes	Budget thousand million pesos
1. Production and supply of basic commodities	200
2. Education, culture, recreation and sports	200
3. Training scholarships	6
4. Health and social security	330
5. Housing	257
6. Regional employment programmes	150
7. Workers' Consumption Promotion and Guarantee Fund (FONACOT)	8
8. Co-operative Societies Guarantee and Discount Fund (FOSOC) and National Fisheries and Ports Bank (BANPESCA)	10
9. Guarantee and Development Fund for Small and Medium-Sized Industry (FOGAIN)	60
10. Territorial reserves	2
11. Urban infrastructure (especially drinking water and sewage)	30
12. Historical sites and monuments	1
Total	1 254

Article 6

186. With regard to article 6, the Committee asked the Government of Mexico whether the Public Prosecutor would be competent to initiate judicial action on learning of a case of racial discrimination if there were no plaintiff.

187. Under the Constitution, the Public Prosecutor may take legal action against persons who have committed an illegal act defined as an offence. He may accordingly learn of an offence only if there has been a complaint or charge or if the person who has committed the illegal act was detained at the time of commission of the act. In any case, however, it is essential that the act be defined as an offence for the Public Prosecutor to be able to intervene.

188. The International Convention on the Elimination of All Forms of Racial Discrimination, which under article 133 of the Constitution is a Supreme Law of the Nation, does not define discriminatory acts as offences and therefore does not establish any penalty for them.

189. The Convention stipulates, in article 1, that the expression "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

190. Article 6 of the Convention states:

"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."

191. Thus article 6, too, does not classify acts of racial discrimination as offences; what it asks is that there should be effective remedies through the national tribunals of the State for just and adequate satisfaction or reparation for the damage.

192. For the foregoing reason, the federal or local Public Prosecutor has no reason to intervene on his own initiative to punish, or request reparation for, an act over which he has no competence. This does not mean that there are no remedies available to the injured party to enable him to institute in all spheres of activity any judicial or administrative proceedings to which he has a right. Thus, against the authorities, he may: bring an action for amparo (enforcement of constitutional rights) or bring his case before the conciliation and arbitration tribunals if a labour issue is involved; or lodge appeals before the Courts in disputes involving the family, administrative matters, social security, etc.

193. Furthermore, article 2 of the Convention establishes the obligation on States parties to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races. This is precisely the policy pursued by the Government in all national activities, although this does not mean that it has to adopt a philosophy and penal doctrine that eschews punishment of an illegal act when the act is not defined as an offence.

Article 7

194. In previous reports submitted for the Committee's consideration by the Government of Mexico, detailed explanations have been given of the criteria upon which our country's education system is based, and of policies and programmes which, in the framework of education, culture and information, promote understanding, tolerance and friendship among nations and the various racial or ethnic groups. For this reason, we do not feel it necessary on this occasion to go into detail concerning this important article of the Convention.

Annex

LIST OF DOCUMENTS SENT BY THE GOVERNMENT OF MEXICO WITH THIS REPORT

Ley Federal de Reforma Agraria, Editorial Porrúa, Mexico, 1985 */

*/ A copy of this document in Spanish is available in the secretariat files, and may be consulted by members of the Committee.