



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Combined fifth and sixth periodic reports of States parties due in 2012

**Mexico**\* \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are available for consultation from the Committee secretariat. They may also be accessed from the web page of the Committee.

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## Article 1

### The right to self-determination

#### Guideline 1<sup>1</sup>

1. The right to self-determination of indigenous peoples is recognized under article 2 (A) of the Constitution of Mexico, which provides for their autonomy in shaping their communal life; having recourse to their own legal systems for the resolution of internal disputes; electing their own authorities and representatives; preserving their identity; enriching their languages, knowledge and all aspects of their culture; accessing and preserving their lands; and enjoying full access to the State judicial system.

2. Measures have been taken to bring legislation in the country's 32 federative entities into conformity with article 2 of the Constitution<sup>2</sup> and to give effect to the individual and collective rights of indigenous persons, communities and peoples. To date, 23<sup>3</sup> of the 32 federative entities have, to varying degrees, harmonized their constitutions accordingly and 24<sup>4</sup> have enacted local laws on this subject. As part of a process intended to safeguard their right to self-determination, indigenous peoples were consulted prior to the adoption of the above-mentioned measures and participated in their formulation.

#### Guideline 2

3. Article 2 (A) of the Constitution is conditioned by article 27 of the Constitution of Mexico<sup>5</sup> and by the regulatory laws that make up the legal regime of property ownership. Article 27 sets out procedures designed to afford legal certainty in land tenure through the implementation of certification programmes; it also provides for the recognition and protection of the individual and collective rights of persons of indigenous descent in agrarian settlements.

4. There is a solid institutional framework in place for enforcing regulations concerning land ownership. It includes such institutions as the Office of the Agrarian Affairs Advocate, the agrarian courts, the National Agrarian Land Registry and the National Trust Fund for Ejido Development, the functions of which are outlined in annex II.

5. The National Commission for the Advancement of Indigenous Peoples<sup>6</sup> has designed and, within its Advisory Council, is implementing a participatory system of

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<sup>1</sup> The guidelines are available in annex I.

<sup>2</sup> For further information on these rights, see the Political Constitution of the United Mexican States at: <http://www.diputados.gob.mx/LeyesBiblio/htm/1.htm>.

<sup>3</sup> Baja California Sur, Campeche, Chiapas, Chihuahua, Colima, Durango, Estado de México, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sonora, Tabasco, Veracruz and Yucatán.

<sup>4</sup> Baja California, Campeche, Chiapas, Chihuahua, Colima, Durango, Estado de México, Guanajuato, Guerrero, Hidalgo, Jalisco, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sonora, Tabasco, Tlaxcala, Veracruz and Yucatán.

<sup>5</sup> "The ownership of all land and waters within the boundaries of the national territory is vested originally in the Nation." Similarly, article 27 (VII) states that "Ejidos and agrarian communities shall have legal personality and their ownership of land shall be protected with regard to both human settlement and productive activities. The law shall protect the integrity of the lands of indigenous groups".

<sup>6</sup> The Special Programme for Indigenous Peoples 2014-2018 was established to improve the living conditions of the indigenous population through policies that provide its members with access to better education, health, housing, basic infrastructure and income. See annex III.

consultations with indigenous peoples regarding the formulation, implementation and assessment of development plans and programmes. The consultation system is also used in connection with federal executive initiatives that promote legal reforms and with administrative actions or proposals that have an impact on indigenous peoples' living environments.

6. The pluralistic nature of the Indigenous Consultation System, in which 146 advisers<sup>7</sup> from the 68 indigenous peoples take part, encourages a diversity of approaches to consultation that facilitates the adoption of agreements on the basis of free, prior and informed consent. In February 2013, the plenary assembly of the Advisory Council adopted a protocol for consultations with indigenous peoples and communities that was consistent with the standards set out in the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).<sup>8</sup>

7. Article 20 (3) of the Planning Act provides that indigenous communities must be consulted about federal programmes that directly affect the development of their peoples and communities and are authorized to take part in the design of such programmes. Article 20 bis of the Act provides that, when addressing indigenous issues, the authorities of the federal executive branch are to carry out prior consultations with indigenous communities in order to allow them to express an opinion about the matter concerned.

8. The constitutional amendments introduced in 2013 with regard to energy issues provide for the right to prior consultation of indigenous communities and peoples.<sup>9</sup> Annex IV contains a description of several prior consultation procedures that were carried out on the basis of these amendments.

## **Article 2**

### **The right to equality and non-discrimination**

#### **Guideline 3**

9. The International Development Cooperation Act, which sets out the terms according to which Mexico receives and provides international development cooperation, was published in 2011. The Act provides for the establishment of the Mexican Agency for International Development Cooperation, which coordinates, promotes and evaluates the international cooperation actions and programmes carried out by Mexico under various arrangements as both donor and beneficiary. Mexico takes part in cooperation schemes in a number of different capacities and on the basis of a number of different arrangements (see annex V).

10. Mexico is a member of the Mesoamerica Project, which is an integration and development mechanism that promotes cooperation between the countries in the region in an effort to expand and improve their capacities and facilitate the effective execution of

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<sup>7</sup> Currently in its fifth period of operation (2015-2018), the Advisory Council of the National Commission for the Advancement of Indigenous Peoples has 210 advisers, of whom 146 are persons of indigenous descent. For further information on the Council, please see: <http://www.cdi.gob.mx/consultivo/> las políticas, programas y acciones públicas para el desarrollo integral de los pueblos y comunidades indígenas.

<sup>8</sup>

<sup>9</sup> The Hydrocarbons Act, the Electricity Industry Act and their corresponding regulations require that consultations are to be held with indigenous communities according to prescribed procedures prior to the development of hydrocarbon and electricity industry projects that could have an impact on those communities.

projects. Under its social component, projects are carried out in the fields of health, the environment, housing, and food and nutritional security.<sup>10</sup>

11. In 2016, Mexico will carry out a number of cooperation projects with the European Union in relation to the Guiding Principles on Business and Human Rights of the United Nations, which are designed to promote a number of rights within the private sector, including the rights to a healthy environment, to health and to work.

#### **Guideline 4**

12. The National Council for the Prevention of Discrimination has carried out a number of studies, in particular the national survey on discrimination in Mexico 2010 (ENADIS 2010, annex VI)<sup>11</sup> and a report on discrimination in Mexico for 2012<sup>12</sup> that highlights the situation of discrimination in the exercise of such rights as the rights to health, food, education, work and access to credit. The Council also prepared a series of books on the formulation of non-discriminatory legislation that survey the situation and set out a number of legislative proposals on the subjects of work performed in the home, inclusive education, marriage and the family.<sup>13</sup> In addition, it published an inventory of measures to promote equality<sup>14</sup> that provides a description of those designed to benefit groups in a situation of discrimination and lists examples of such measures.

#### **Guideline 5**

13. In order to ensure respect for the enjoyment of the rights set forth in the Covenant, the Migration Act recognizes the rights of migrants, irrespective of their migration status. Likewise, the Refugees, Complementary Protection and Political Asylum Act sets out the terms and conditions for assisting refugees who are present in the national territory.<sup>15</sup> The Special Programme for Migration 2014-2018 serves as the basis for the implementation of Mexican migration policy.<sup>16</sup>

14. The Migration Act states that: "All foreign nationals shall enjoy all the rights recognized in the international agreements to which Mexico is a party." However, in the case of the right to work, workers must apply for a work permit on the basis of a job offer.

15. On the subject of property ownership, article 27 of the Constitution stipulates that only Mexicans by birth or naturalization and Mexican enterprises have the right to own and exploit land located within the national territory. However, the State can grant this right to

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<sup>10</sup> For further information on the Project, see:

[http://www.proyectomesoamerica.org/joomla/index.php?option=com\\_content&view=article&id=443&Itemid=233](http://www.proyectomesoamerica.org/joomla/index.php?option=com_content&view=article&id=443&Itemid=233).

<sup>11</sup> Available at:

[http://www.conapred.org.mx/index.php?contenido=pagina&id=424&id\\_opcion=436&op=436](http://www.conapred.org.mx/index.php?contenido=pagina&id=424&id_opcion=436&op=436).

<sup>12</sup> The report is available at:

[http://www.conapred.org.mx/index.php?contenido=noticias&id=3021&id\\_opcion=108&op=214](http://www.conapred.org.mx/index.php?contenido=noticias&id=3021&id_opcion=108&op=214).

<sup>13</sup> The series of books on the formulation of non-discriminatory legislation can be consulted at:

[http://www.conapred.org.mx/index.php?contenido=noticias&id=4457&id\\_opcion=&op=214](http://www.conapred.org.mx/index.php?contenido=noticias&id=4457&id_opcion=&op=214).

<sup>14</sup> An electronic version of the inventory is available at:

[http://www.conapred.org.mx/documentos\\_cedoc/CatalogoMedidas\\_WEB\\_Mireya\\_topgrl\\_INACCSS.pdf](http://www.conapred.org.mx/documentos_cedoc/CatalogoMedidas_WEB_Mireya_topgrl_INACCSS.pdf).

<sup>15</sup> Article 44 states that refugees "shall receive the greatest possible assistance in exercising the rights and guarantees enshrined in the Constitution and the human rights instruments duly signed and ratified by the State, in accordance with applicable provisions".

<sup>16</sup> The Special Migration Programme 2014-2018 is set out in annex VII.

foreign nationals who wish to purchase real estate in Mexico through an agreement under which they forego the right to invoke the protection of their Government in relation to the property purchased.

16. A plot of land located within what is known as the “restricted zone”, which is the strip of land situated within 100 km of land borders and 50 km of the coastline, can be purchased only through a trust arrangement with a bank.

## **Article 3**

### **Gender equality and equity**

#### **Guidelines 6 and 7**

17. One of the cross-cutting themes included in the National Development Plan and seen as the centrepiece of national social, economic and educational policies is that of gender mainstreaming.

18. The National System to Promote Equality between Women and Men provides an organized and coordinated set of mechanisms and procedures for achieving substantive equality between men and women. Currently, 32 equality acts have been adopted in the federative entities, and 28 state systems to promote equality between women and men have been established.<sup>17</sup>

19. The National Programme on Equal Opportunity and Non-Discrimination against Women 2013-2018<sup>18</sup> sets out a number of policies designed to reduce inequality between men and women. The programme has as its aim the attainment of substantive equality within a framework of respect for the rights of women and girls.

20. The National Supreme Court has established the General Subdirector for Gender Equality, which promotes the institutionalization of a gender perspective in the judicial and administrative spheres. The Court has also published a protocol on the inclusion of a gender perspective in the judgment process and making the right to equality a reality, which is intended to help judges meet the human rights obligations set out in the Constitution and in the relevant human rights treaties to which Mexico is a party.<sup>19</sup>

21. In 2014, the National Institute for Women undertook an analysis of criminal and civil legislation in order to identify discriminatory provisions that could undermine women’s human rights and draft a legislative agenda for their amendment. To date, amendments or new legislation have been introduced in respect of 75 criminal and 34 civil or family matters. In 2015, the country’s labour legislation was analysed in order to identify discriminatory provisions, and recommendations based on that analysis were submitted to Congress.

22. In order to overcome the cultural stereotypes that impinge upon men’s and women’s enjoyment of economic, social and cultural rights, the National Council on the Evaluation of Social Development Policy has drawn up a system of 30 poverty and gender indicators that reflect gender-based differences in four main areas of study: access to resources,

<sup>17</sup> Baja California Sur, Chiapas, Federal District, Hidalgo, Jalisco, Nuevo León, Oaxaca, Puebla, San Luis Potosí, Sinaloa, Sonora, Veracruz and Zacatecas.

<sup>18</sup> The programme is available at: [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5312418&fecha=30/08/2013](http://www.dof.gob.mx/nota_detalle.php?codigo=5312418&fecha=30/08/2013).

<sup>19</sup> Available at [www.supremacorte.gob.mx](http://www.supremacorte.gob.mx), [www.equidad.scjn.gob.mx](http://www.equidad.scjn.gob.mx) and contained in the Regulations on the Administration of the National Supreme Court, published in the Official Gazette dated 15 May 2015.

workloads, domestic arrangements and the stages of the life cycle. This system is updated whenever new poverty measurement data becomes available.<sup>20</sup>

## **Articles 4 and 5**

### **Limitations and restrictions in respect of the Covenant**

#### **Guideline 8**

23. Article 1 of the Constitution of Mexico proclaims that all persons are entitled to the enjoyment of the human rights recognized in the Constitution and in the international treaties to which Mexico is a party and stipulates that the exercise of those human rights cannot be restricted or suspended, except under the circumstances and conditions provided for in the Constitution. There have been no instances in which the rights set forth in the Covenant have been restricted, limited or suspended.

## **Article 6**

### **The right to work**

#### **Guideline 9 (a)**

24. One of the Government's main priorities is promoting the creation of formal and more productive employment. In 2012, the Federal Labour Act<sup>21</sup> was amended with a view to laying the groundwork for job creation using new recruitment procedures and addressing current labour market practices, such as the provision of initial training contracts, trial periods and seasonal work.

25. Article 11 of the General Act on the Inclusion of Persons with Disabilities requires the Ministry of Labour and Social Security to promote the rights to work and employment of persons with disabilities on the basis of equal opportunity and equality, thereby ensuring them the means to achieve personal, social and professional advancement.

26. The National Employment Service carries out activities designed to match labour supply with demand. The Service provides guidance to jobseekers and support to unemployed and underemployed persons. It is made up of three basic components: the Employment Support Programme, Job Crisis Response Programme and Job Placement Services. It also operates the "Creating opportunities" portal, which is geared to integrating persons with disabilities into the workforce. In addition, the National Labour and Employment Programme for Persons with Disabilities 2014-2018 is currently in effect. A number of programmes are being carried out to promote the paid employment of older persons in accordance with their professional background, skills, abilities and interests. The National Institute for Senior Citizens provides this segment of the population with support

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<sup>20</sup> Available at:

[http://www.coneval.gob.mx/Informes/Coordinacion/Publicaciones%20oficiales/POBREZA\\_Y\\_GENERO\\_WEB.pdf](http://www.coneval.gob.mx/Informes/Coordinacion/Publicaciones%20oficiales/POBREZA_Y_GENERO_WEB.pdf).

<sup>21</sup> The goal of the amendments is to strengthen compliance with obligations in the area of occupational safety and health; reinforce trade union rights and recognition of transparency and accountability; criminalize child labour; strengthen the rights of migrant workers, women, minors, mineworkers and farmworkers; and align the provisions of the Labour Act with the international instruments to which Mexico is a party.

through a programme that finds them jobs in companies that have signed cooperation agreements aimed at fostering their autonomy and independence.

27. Between 1 December 2012 and 31 December 2015, the National Employment Service assisted 15,423,574 persons and found jobs for 4,245,222 of them. These figures exceed those for the same period of the previous year by 5,905,820, in terms of persons served (62.1 per cent), and by 1,819,606, in terms of persons placed in jobs (75 per cent). The Job Placement Services accounted for 75.9 per cent of all job placements under National Employment Service programmes, while the Employment Support Programme and the Job Crisis Response Programme accounted for the remaining 24.1 per cent. Of all employment services rendered, Job Placement Services accounted for 91.3 per cent, while the Employment Support Programme and the Job Crisis Response Programme accounted for 8.7 per cent.

28. The Job Placement Services work to reduce the time and costs associated with job placement for persons seeking employment and those associated with recruitment for companies, through free assistance schemes that provide information and technical assistance to jobseekers. Details on the above-mentioned programmes and the Job Placement Services may be found in annex VIII.

### **Guideline 9 (b)**

29. The aim of the Job Crisis Response Programme is to revive economic activity, stimulate employment and prevent the decrease in or loss of income of persons residing in areas affected by a job crisis. This is done by implementing temporary economic support strategies and focusing on the specific issues confronted by persons living in the geographic areas concerned.

### **Guideline 10**

30. From 2010 to 2013, 59 to 60 per cent of the population worked in the informal sector. Of that segment, 31 per cent were self-employed and worked without the support of other workers; nearly 50 per cent worked in establishments of up to 5 persons; and 10 per cent worked in establishments of more than 15 persons. The proportion of formal sector workers who worked alone or in microenterprises of up to 5 persons was 15 per cent.<sup>22</sup>

31. The housework sector is one of the sectors of the informal economy in which female workers are predominant. The National Institute of Statistics and Geography and the National Council for the Prevention of Discrimination have carried out studies<sup>23</sup> to identify the characteristics of these workers and the obstacles they face. In addition, a dialogue has been initiated with international experts in the field in order to make progress in recognizing and safeguarding the rights of these houseworkers.

32. In order to highlight inequalities that exist between men and women in terms of employment, in particular in the informal sector, the National Institute for Women has carried out a number of studies into the links between informal employment, the gender gap, the poverty gap and access to childcare services.<sup>24</sup>

<sup>22</sup> Source: national occupation and employment survey for the second quarter of 2013.

<sup>23</sup> The National Institute of Statistics and Geography prepared a satellite account for unremunerated housework in Mexico for the period 2013, which is available at: <http://www3.inegi.org.mx/sistemas/biblioteca/ficha.aspx?upc=702825068851>.

<sup>24</sup> "El empleo informal desde una perspectiva de género y pobreza en México", available at: <http://www.inmujeres.gob.mx/images/stories/cuadernos/c11.pdf>; "Estudio cuantitativo sobre

## Guideline 11

33. Article 123 (A) of the Constitution and the Federal Labour Act provide a comprehensive set of rules for the protection of workers' interests. The federal conciliation and arbitration boards that deal with labour disputes are tripartite in nature, being made up of a workers' representative, an employers' representative and a government representative. The boards are governed by article 123 (A) (XXI) of the Constitution. Also in operation are a number of local boards that are authorized to handle disputes arising from the incorrect implementation of labour legislation in each federative entity.

34. The Office of the Federal Labour Advocate provides advice and free legal representation to workers involved in legal proceedings, in addition to offering conciliation solutions to workers and employers. In cases of unfair dismissal of a worker, employers must compensate workers, either by reinstating them or by paying them the equivalent of three months' wages, any employee benefits to which they are entitled and any wages that have accrued to them during the interval between the date of dismissal and the date of compliance with the applicable ruling.

35. Efforts are currently under way to establish an unemployment insurance scheme to provide workers with a social safety net that will prevent a drop in their standard of living and that of their family, while simultaneously encouraging their rapid re-entry into the labour market.

36. In addition to the procedures available under applicable labour laws, the National Council for the Prevention of Discrimination can receive complaints of acts committed in the labour sphere that have allegedly resulted in a dismissal. Even though this procedure is conciliatory in nature, the amendments made to the Federal Act on the Prevention and Elimination of Discrimination have resulted in the establishment of a number of measures of administrative redress.

## Guideline 12

37. The Training-of-Trainers Programme<sup>25</sup> is a course designed to train instructors who will then go back to their places of work and train others.

38. The Distance Learning Programme for Workers is delivered through the use of new information and communications technologies and is designed to facilitate the development of people's abilities and skills in the productive sector. The Programme includes a virtual classroom that is accessible to persons with disabilities.<sup>26</sup>

39. The National Job Placement Network is made up of 32 state, 31 municipal and 1 district networks; it functions as an inter-agency coordination mechanism that is designed to promote the inclusion, in decent working conditions and on the basis of equal opportunity and equal treatment, of groups in a situation of vulnerability.<sup>27</sup>

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desempleo en México y sus implicaciones para la participación laboral femenina", available at: <http://www.inmujeres.gob.mx/inmujeres/images/stories/cuadernos/c26.pdf>; "Resultados de la evaluación estratégica con perspectiva de género de los programas de empleo y proyectos productivos", available at: <http://www.inmujeres.gob.mx/inmujeres/images/stories/cuadernos/ct34.pdf>.

<sup>25</sup> For a description of the programme and statistical data on its implementation, see annex IX.

<sup>26</sup> At the national level, a total of 78,512 workers (46.7 per cent women; 53.3 per cent men) were trained between 2006 and April 2014 through 3,860 online courses.

<sup>27</sup> From 2009 to 2015, assistance was provided to 88,330 persons who were in a situation of vulnerability; of these, 41,836 were women and 41,494 were men (50.2 per cent and 49.8 per cent, respectively), while 40,258 were persons with disabilities. The member institutions of the Job



40. One of the objectives of the National Labour and Employment Programme for Persons with Disabilities 2014-2018 is to promote the establishment of conditions that will enable persons with disabilities to access occupational education and training programmes.

## **Article 7**

### **Favourable working conditions**

#### **Guideline 13**

41. In accordance with article 123 of the Constitution, minimum wages are set by the National Commission on Minimum Wages.<sup>28</sup> As of 1 October 2015, a law providing for the designation of a single geographic area, made up of all the municipalities in the country and the territorial divisions of Mexico City, entered into force. As a result, the minimum wage to be paid to workers for an ordinary workday is 70.10 Mexican pesos (Mex\$). The minimum wage setting procedure and the minimum occupational wages valid as from 1 October 2015 are set out in annex X.

42. In conformity with the Constitution, all workers in Mexico have the right to be remunerated for the services they render. The minimum wage cannot be garnished, debited or used to pay compensation.

#### **Guideline 13 (a)**

43. Under article 570 of the Federal Labour Act, minimum wages are set on an annual basis and enter into force on 1 January of each year. They may be adjusted at any time, provided that circumstances so warrant, in accordance with established procedures.

44. The Technical Directorate conducts an assessment of the main price indicators for the national economy and their impact on the buying power of the minimum wages. It prepares a report containing an analysis of general economic conditions, including the following: foreign trade; energy policy; the global financial crisis; the international economy; the outlook for the coming year; contributing wage earners and employment; wages; labour negotiations; social policy, social security and population issues; employment and training support programmes; and price fluctuations (the national consumer price index, the basic basket of goods price index and the price index for workers earning less than a minimum wage).

#### **Guideline 13 (b) (Not applicable)**

#### **Guideline 14**

45. The Constitution sets the maximum length of the workday at eight hours. Articles 58, 59, 60, 65, 66, 67 and 68 of the Federal Labour Act provide for the various categories of workdays, such as daytime (eight hours), nighttime (seven hours) and mixed (seven and a half hours), none of which may be longer than the legal maximum specified in the

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Placement Network placed 19,601 persons in employment; of these, 7,666 were women and 11,935 were men (accounting for 39.2 per cent and 60.8 per cent of the total, respectively).

<sup>28</sup> The National Commission on Minimum Wages is the tripartite body responsible for setting general and occupational minimum wages and for decisions concerning the merging of geographical areas for their application. It is made up of a president, a technical directorate and a council of representatives.

Constitution. The Federal Labour Act provides for overtime pay at the rate of 100 per cent for up to nine additional hours worked beyond the legal maximum; overtime is to be paid at the rate of 200 per cent of the ordinary wage for hours worked beyond nine additional hours. The workday can be extended only in exceptional circumstances and for no more than three hours a day or more than three times in a given week. Workers are not required to provide their services for any longer than the legal maximum.

46. Articles 386 to 404 and 422 to 425 of the Federal Labour Act require for the establishment of internal labour rules and collective agreements that provided for favourable working conditions in such areas as paid and unpaid leave, hours of work, rest days and holidays. These are intended to promote a harmonious work/life balance and protect workers' health.

### **Guideline 15**

47. Mexican Official Standard NMX-R-025-SCFI-2015 on Labour Equality and Non-Discrimination<sup>29</sup> requires public, private and social sector workplaces across the country, irrespective of their activity or size, to include, implement and execute, as a part of their management and human resources processes, practices that promote labour equality and non-discrimination and foster the full development of all workers.

48. Since the 2012 labour reform, labour equality and non-discrimination have been promoted through the inclusion, in article 2 of the Federal Labour Act, of two concepts. The first is decent work, which is described as "that in which the human dignity of the worker is fully respected and in which there is no discrimination on the grounds of ethnic or national origin, gender, age, disability, social status, health status, religion, migration status, opinions, sexual preference or marital status". The second is the protection of the substantive<sup>30</sup> or de facto equality of men and women workers vis-à-vis their employer.

### **Guideline 16**

49. As a part of the 2012 labour reform, an article 3 bis on workplace harassment was added to the Federal Labour Act; independently of the offence of sexual harassment, it sets out definitions of the acts of harassment<sup>31</sup> and sexual harassment.

50. The Federal Criminal Code and the state codes penalize sexual harassment in the workplace. The aim of these laws is to eliminate acts or omissions constituting an abuse of power by persons with professional, educational or other similar links to the victim — irrespective of their hierarchical position in relation to him or her — that damage the self-esteem, health, integrity, freedom and security of the victim, impede his or her development and undermine his or her right to equality. The 2011 national survey on the dynamics of

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<sup>29</sup> Mexican Official Standard NMX-R-025-SCFI-2015 is available at:  
<http://www.gob.mx/inmujeres/acciones-y-programas/norma-mexicana-nmx-r-025-scfi-2015-en-igualdad-laboral-y-no-discriminacion>.

<sup>30</sup> Substantive equality is defined as that which is "achieved by eliminating discrimination against women that undermines or prevents the recognition, enjoyment or exercise of their human rights and fundamental freedoms in the sphere of labour. It is based on the premise of access to equal opportunities, taking into account the biological, social and cultural differences between men and women."

<sup>31</sup> These are defined as the exercise of power in a relationship of hierarchical subordination of the victim to the aggressor in the workplace that is expressed through verbal or physical conduct, or both.

household relationships brings together statistical information on women victims of violence in the workplace.<sup>32</sup>

### **Guideline 17**

51. The Constitution and article 527 of the Federal Labour Act specify the branches of industry in which the federal labour authorities are required to carry out labour inspections. The legal framework referred to in article 123 (XV) of the Constitution establishes the minimum legal conditions that employers must meet in their respective workplaces in order to ensure occupational safety and health, and the Federal Labour Act contains provisions that safeguard these conditions. This framework is complemented by the Federal Regulations on Safety and Health in the Workplace and the various Mexican Official Standards (see annex XI on Mexican Official Standards).

52. By means of inspections, labour authorities monitor employers' compliance with the provisions on occupational safety and health and the working environment that apply to their respective enterprises or establishments. Depending on the results of such inspections, the authorities can order employers to implement the safety and health measures needed to bring their enterprises and establishments into line with applicable laws, and they can initiate administrative proceedings against those found in breach of the law.

## **Article 8**

### **The right to organize**

#### **Guideline 18 (a)**

53. The Federal Labour Act defines occupational organizations as workers' or employers' organizations that are set up for the study, promotion and defence of their members' interests without the need for prior authorization. The Act provides that such organizations can be formed with a minimum of 20 actively employed workers or 3 employers. Under article 372 of the Act, workers below the age of 16 cannot be a member of an executive body of such organizations.

54. Workers' and employers' organizations in industries subject to federal jurisdiction must be registered with the Ministry of Labour and Social Security; those subject to local jurisdiction must be registered with the conciliation and arbitration boards. They must submit the following in duplicate: authorized copies of the minutes of their organization's constitutive general assembly; a list containing the number, names and addresses of their members and the number, names and addresses of the employers, enterprises or establishments where services are rendered; an authorized copy of their organization's constitution; and an authorized copy of the minutes of the assembly at which the organization's executive committee was elected.

#### **Guideline 18 (b)**

55. The Federal Labour Act stipulates that workers' and employers' organizations have the right to draw up their constitutions and rules, freely elect their representatives, organize

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<sup>32</sup> The 2011 national survey on the dynamics of household relationships is available at: [http://www.inegi.org.mx/prod\\_serv/contenidos/espanol/bvinegi/productos/estudios/sociodemografico/mujeresrural/2011/702825048327.pdf](http://www.inegi.org.mx/prod_serv/contenidos/espanol/bvinegi/productos/estudios/sociodemografico/mujeresrural/2011/702825048327.pdf).

their administration and activities and formulate their programmes. These occupational organizations can draw their membership from a single profession, a single enterprise, an industry in one federative entity, an industry in two or more federative entities or a mixture of occupations.

### **Guideline 19**

56. The Federal Labour Act provides for the collective negotiation of industrial relations through collective bargaining agreements. Such agreements are instruments that are concluded between one or more workers' organizations and one or more employers or employers' organizations, with the aim of setting out the conditions under which work is to be carried out in one or more enterprises or establishments.

57. The Federal Labour Act provides that agreements that fail to set wages do not produce the effects of a collective agreement. Where no provision is made for hours of work, rest days or holidays, statutory provisions are to be applied, and no agreement can be concluded on conditions that are less favourable to workers than those contained in agreements already in force in the enterprise or establishment.

### **Guidelines 20 (a), 20 (b) and 20 (c)**

58. The Constitution and the Federal Labour Act recognize the legal remedy of strike action in order to defend workers' rights. Strike action is defined as the temporary suspension of work by a coalition of workers and can cover one enterprise or one or more of its establishments. The Federal Labour Act provides that the conciliation and arbitration board and the corresponding civil authorities are required to respect the right to strike, grant workers the necessary safeguards and provide them with advice when they call for a work stoppage.

59. Articles 440 to 469 of the Federal Labour Act stipulate that strike action must be restricted to the act of suspending work and is justified when it is carried out for reasons attributable to the employer. A strike is considered to be legally declared when the requirements laid down in the Act have been met and the objectives set forth therein are being pursued. Article 445 of the Act states that strike action is illegal in the following circumstances: (i) where the majority of the striking workers carry out acts of violence against persons or property; and (ii) in the event of war, where such workers are employees of government-run establishments or services.

60. Article 466 of the Federal Labour Act stipulates that striking workers must continue to provide services associated with ships, aeroplanes, trains, buses and other transport vehicles that are in transit, until the vehicles have reached their destination. In hospitals, sanatoriums, clinics and other similar establishments, they must continue to provide care to patients until the latter can be transferred to another establishment.

## **Article 9**

### **The right to social security**

### **Guideline 21**

61. The social security system in Mexico is implemented through: (a) schemes run by the Mexican Social Security Institute (IMSS) and the State Employees' Social Security and Social Services Institute (ISSSTE), which provide coverage as a labour right; and (b) the

Social Protection System for Health, otherwise known as the People's Health Insurance Scheme, which provides health services as a social right.<sup>33</sup>

62. Through the Institute of Social Security for the Mexican Armed Forces, social and economic benefits are provided to active and retired service members, their dependents and pensioners.<sup>34</sup>

63. IMSS and ISSSTE provide coverage under the following branches of social security: occupational accidents and diseases; sickness and maternity; disability and death; retirement, early retirement and old age; childcare and social services; family and child support; survivors; and orphans. Both institutions protect insured persons who leave the compulsory scheme by maintaining their entitlements for a period of time determined on the basis of the date of withdrawal from the scheme and the enrolment rules governing the recognition of periods in which contributions were made.<sup>35</sup>

64. The People's Health Insurance Scheme covers 100 per cent of primary health-care and nearly 90 per cent of secondary health-care services that are found on the Universal List of Essential Health Services.<sup>36</sup> The Fund for Protection against Catastrophic Expenses covers 58 treatments, whose costs are capable of impoverishing a family. The Twenty-First Century Health-Care Programme covers all forms of medical treatment for children under the age of 5, and the Healthy Pregnancy Strategy protects women's health during pregnancy.

## Guideline 22

65. IMSS and ISSSTE offer minimum pensions whose amounts are established by the law pertaining to each institute. These laws define a guaranteed pension as a pension provided by the State to those who meet the established requirements for drawing an early retirement or old-age pension. For 2014, the monthly amount paid by ISSSTE was Mex\$ 4,054.17, while the amount paid by IMSS was Mex\$ 2,600.96. Pension amounts are adjusted in February each year in keeping with the annualized change in the national consumer price index.

66. Pensions for widows, orphans and ascendants of persons insured against occupational risks are also revised and, where appropriate, increased proportionately, according to the same rules as those governing disability pensions.

67. The Social Security Act requires that, when enrolling, insured persons must report the basic wage subject to contributions that they are earning at the time of joining. The upper limit is set at the equivalent of 25 times the general minimum wage in effect in the Federal District (the unit currently used for measurements and adjustments), while the lower limit is the general minimum wage in effect in the relevant geographic area. The Act on the State Employees' Social Security and Social Services Institute prescribes taking into account the basic salary of workers and establishes an upper limit equivalent to 10 times the

<sup>33</sup> Article 123 (XXIX) (A) of the Constitution stipulates the following: "The Social Security Act is of common public interest and shall include insurance for the risks of disability, old age, death, involuntary termination of employment, sickness and accidents, and childcare, as well as any other type of insurance intended for the protection and welfare of workers, campesinos, non-wage earning workers and persons belonging to other social sectors and their families."

<sup>34</sup> The Institute offers coverage for comprehensive medical services that include medical care, surgery, hospital care, medicines, obstetric care, prosthetics, orthopaedic care and rehabilitation, as well as preventive and social medicine and hygiene education.

<sup>35</sup> For information on the services provided under the various branches of social security, see annex XII.

<sup>36</sup> Available at <http://www.seguro-popular.gob.mx/images/contenidos/Causes/CAUSES2012.pdf>.

general minimum wage that applies in the Federal District (the unit currently used for measurements and adjustments).

### **Guideline 23**

68. The General Health Act<sup>37</sup> provides that, in accordance with article 4 of the Constitution, all Mexicans are eligible to participate in the People's Health Insurance Scheme. The Regulations implementing the General Health Act in the area of social protection<sup>38</sup> provide that families participating in federal government programmes to tackle extreme poverty, living in highly marginalized communities with fewer than 250 inhabitants and fulfilling other conditions established by the National Health and Welfare Commission are eligible for coverage under the non-contributory scheme.

### **Guideline 24**

69. IMSS offers a voluntary plan in the form of the Family Health Insurance Scheme, which covers families that opt to participate in it. The IMSS-PROSPERA Programme offers primary and secondary care to 12 million people living in marginalized urban or rural areas and is funded by the federal Government.

### **Guideline 25**

70. With regard to IMSS, the conditions under which pensions are granted vary as a result of the variety of insurance plans that are available under the compulsory social security scheme. Thus, for example, permanent incapacity pensions (either provisional or definitive) are available under occupational risk insurance; disability pensions (either provisional or definitive) are available under disability and death insurance; and retirement, early retirement and old-age pensions are available under the insurance plan with the same name. There are also pensions that provide for the death of a worker or pensioner; their protection is extended to spouses, the children of a common-law partner or the parents of the deceased workers or pensioners, as appropriate.

71. In accordance with the Act on the State Employees' Social Security and Social Services Institute and under the terms of the pay-as-you-go system, women can obtain the benefit provided by the Institute at a younger age and with fewer contributory years than men.

### **Guideline 26**

72. See paragraphs 81-83. Persons insured under the People's Health Insurance Scheme have access to medical, surgical, pharmaceutical and hospital services that fully meet their health needs. The scheme currently offers medical coverage for 284 treatments and over 1,500 of the illnesses described in the Universal List of Essential Health Services.

73. The People's Health Insurance Scheme includes access to the Healthy Pregnancy Strategy, which protects women's health during pregnancy through the provision of antenatal care, attended childbirth, physiological post-partum care, caesarean sections, surgical post-partum care and emergency obstetric care in public institutions at no cost to the patient.

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<sup>37</sup> The General Health Act is available at [www.diputados.gob.mx/LeyesBiblio/pdf/142.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/142.pdf).

<sup>38</sup> Available at [www.salud.gob.mx/unidades/cdi/nom/compi/r050404.html](http://www.salud.gob.mx/unidades/cdi/nom/compi/r050404.html).

74. With regard to older persons, in December 2013, the People's Health Insurance Scheme had a total of 3,221,885 members 65 years of age or older. The federal Government implements the Pension Programme for Older Persons, which, through the provision of economic support, assistance in kind and social welfare assistance, aims to provide a minimum income to persons who are 65 or older and who do not receive more than Mex\$ 1,092 per month in retirement or contributory pensions. The 5,226,563 beneficiaries<sup>39</sup> receive bimonthly financial support in the amount of Mex\$ 580 per month. They participate in adult learning groups and information sessions on health issues and are offered assistance in obtaining services and support from institutions such as the National Institute for Senior Citizens (INAPAM), which operates shelters, day centres, cultural centres, clubs and comprehensive assistance centres and offers training, job placement, legal advice and discounts through the INAPAM card.

### **Guideline 27**

75. As mentioned previously, the Refugees, Complementary Protection and Political Asylum Act protects the enjoyment by non-nationals in Mexico of their economic, social and cultural rights.

76. On 19 June 2009, the Ministry of the Interior and the Ministry of Health, through the National Health and Welfare Commission, signed a cooperation agreement whose purpose was to enable refugees' family members who were not eligible for social security to join the People's Health Insurance Scheme.

77. The IMSS Family Health Insurance Scheme covers persons who are not eligible for insurance, including non-nationals. Through the IMSS-PROSPERA Programme, health-care services are offered to the population at large. Migrants in transit are generally provided assistance wherever health facilities are located. Under the Migration Act, the Ministry of Health is responsible for ensuring, in conjunction with the health authorities at the various levels of government, that health services are provided to foreigners irrespective of their migration status and in accordance with applicable laws.

## **Article 10 Protection of the family**

### **Guideline 28**

78. Article 4 of the Constitution states that the law must protect the organization and development of the family and provides for the right of all persons to decide the number and spacing of their children in a free, responsible and informed manner.

79. On the subject of marriage, all civil codes in the country require, as a strict condition for the validity of a marriage, the willingness of the persons concerned to enter into it, and penalize any defect in consent. The Federal Civil Code stipulates that both potential spouses must have reached the age of majority (18 years); however, article 148 provides that, in exceptional circumstances, young men may enter into marriage at the age of 16 and young women at the age of 14, subject to the consent of their parents. Nevertheless, a campaign is under way to establish 18 as the national minimum age of marriage and not to allow any derogation from that rule.

<sup>39</sup> As of June 2015. This figure corresponds to 85 per cent of the population eligible for coverage.

80. The National Programme for Equality and Non-Discrimination 2014-2018 recognizes the wide variety of family arrangements that exist, while also recognizing family situation as a possible ground for discrimination. On 13 June 2015, the First Division of the Supreme Court ruled as unconstitutional any law of any federative entity that considers the purpose of marriage to be procreation or defines marriage as exclusively the union between a man and a woman.

### **Guidelines 29 and 29 (a)**

81. One of the aims of the General Act on Social Development is to ensure the full realization of the social rights enshrined in the Constitution by ensuring that the entire population can participate in social development. Social development policy must be consistent with the principles of freedom, distributive justice, transparency, solidarity, indivisibility, social participation, sustainability, respect for diversity and the self-determination of indigenous peoples and their communities.

82. In January 2013, the National Crusade against Hunger was launched. This strategy for social inclusion and social welfare seeks to ensure that the 7.4 million Mexicans who live in extreme poverty and lack access to food can feed themselves decently and sufficiently. It also seeks to transform the living conditions of families by providing them with decent housing, basic infrastructure, roads, drinking water, drainage, sanitation, education, health and productive projects that allow them to make progress in terms of income and employment.<sup>40</sup>

83. In order to provide comprehensive assistance to families living in situations of poverty and vulnerability, including those belonging to ethnic minorities and those headed by a single parent, the PROSPERA Social Inclusion Programme<sup>41</sup> is being implemented with a view to building the capacity of target families in relation to education, health and nutrition, in an effort to break the intergenerational cycle of poverty.

84. The Programme provides incentives to children and young people in primary and upper secondary education to enrol, attend school regularly and complete their studies.<sup>42</sup>

85. The National Comprehensive Family Development System runs the Vulnerable Families and Other Vulnerable Groups Programme to address the needs of persons receiving social assistance. The programme is implemented through the “Protecting Vulnerable Families” and “Support for Social Assistance Projects” subprogrammes.

### **Guideline 29 (b)**

86. The National Institute for Senior Citizens is the body that oversees public policy on issues affecting older persons. Its aim is to coordinate, promote, develop, monitor and evaluate public actions, strategies and programmes in accordance with the principles and provisions set down in the Act on the Rights of Older Persons.

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<sup>40</sup> In 2014, the federal Government translated the Guide to Social Programmes into 22 indigenous languages.

<sup>41</sup> Until December 2014, this programme was known as the “‘Oportunidades’ Human Development Programme”.

<sup>42</sup> In 2015, PROSPERA provided support to 6.2 million households spread across 115,000 localities in 2,440 municipalities and 16 wards of the Federal District. Of the households receiving benefits, 58.13 per cent were in rural areas, 19.10 per cent were in semi-urban areas and 22.77 per cent were in urban areas. The target families receive an average monthly sum of Mex\$ 913.50.



87. In 2012, the Institute issued a publication on geriatric care models in order to address the challenges of ageing and the need to give effect to the basic rights of older persons so as to ensure their well-being.<sup>43</sup>

88. The Pension Programme for Older Persons provides opportunities for participation such as adult learning groups, clubs and information sessions in places included in the Social Network. In 2013, the federal Government significantly increased the number of beneficiaries by lowering the age at which benefits could be received, from 70 to 65.<sup>44</sup> In the first half of 2015, 5,226,563 older adults received benefits under this programme.

89. The General Act on the Inclusion of Persons with Disabilities provides for affirmative action measures and assistance to help persons with disabilities overcome or minimize the obstacles preventing them from engaging fully in political, economic, social and cultural life. The Act provided for the establishment of the National Council for Persons with Disabilities (CONADIS) as the body responsible for formulating policies, actions, strategies and programmes based on the Act. CONADIS developed the National Programme for the Advancement and Inclusion of Persons with Disabilities (PNDIPD 2014-2018) that contains strategies for their inclusion in the areas of health, education, labour, employment and access to justice. PNDIPD 2014-2018 is a special, compulsory programme that establishes public policies, goals and objectives in the area of disability within the three branches of government.

90. The Ministry of Education carries out the Programme for Inclusion and Equity in Education, whose component on pupils with special educational needs promotes equal opportunities in access to education, student retention and academic achievement for boys, girls and young people with special educational needs, giving priority to those who have some form of disability.

91. The National Comprehensive Family Development System carries out the Programme for the Protection, Rehabilitation and Social Inclusion of Persons with Disabilities and their Families. The programme provides project grants and offers specialized rehabilitation services and professional capacity-building for staff members who provide these services.

### **Guidelines 30, 30 (a), 30 (b) and 30 (c)**

92. The Constitution and the Federal Labour Act contain provisions granting women workers special conditions in respect of the contingencies of maternity and breastfeeding. The Act prohibits the dismissal of a female worker on the grounds that she is pregnant, has changed her marital status or is responsible for the care of young children. When considering whether to recruit, retain or promote a female employee, employers are prohibited from requesting a medical certificate of non-pregnancy.

93. The Federal Labour Act stipulates that the existence of a risk to the health of a female worker or her child, either during pregnancy or when breastfeeding, must not adversely affect her wages, benefits or rights. The Act prohibits pregnant women from working in unhealthy or dangerous conditions, engaging in night work in industrial facilities or commercial or service establishments after 10 p.m. or working overtime.

94. Article 170 of the Act provides that women may take leave with full pay for the six weeks before and the six weeks after giving birth. If for any reason a mother is unable to

<sup>43</sup> The geriatric care models describe six types of service facilities: shelters, day centres, comprehensive care centres, cultural centres, clubs and memory clinics.

<sup>44</sup> The operating rules of the Pension Programme for Older Persons, 2013, are available at [http://www.dof.gob.mx/nota\\_detalle\\_popup.php?codigo=5288941](http://www.dof.gob.mx/nota_detalle_popup.php?codigo=5288941).

continue working thereafter, this leave may be extended by the required amount of time on presentation of a medical certificate. During the extended period, such women are entitled to 50 per cent of their salary for up to 60 days. The Act provides that prenatal and postnatal periods must be included in length of service calculations.<sup>45</sup>

95. The Act also provides that employers are obliged to grant male workers five working days of paid paternity leave in the event of the birth or adoption of a child.

### **Guidelines 31 and 31 (a)**

96. On 17 June 2014, amendments were introduced into article 123 (A) (III) of the Constitution in order to raise the minimum age for admission to employment from 14 to 15 years. On the basis of these amendments, on 10 June 2015, Mexico ratified the ILO Minimum Age Convention, 1973 (No. 138). On 15 June 2015, the amendments made to the Federal Labour Act in the area of child labour were published in the Official Gazette.<sup>46</sup> For information on other protection and assistance measures, see annex XIII.

### **Guideline 31 (b)**

97. The section on child labour, which was annexed to the national occupation and employment survey, was produced jointly by the Ministry of Labour and Social Security and the National Institute of Statistics and Geography in order to generate and disseminate information on the sociodemographic characteristics and activities of persons between the ages of 5 and 17. It is national in scope and is disaggregated by state. Its main objective is to contribute to the design, targeting and monitoring of public policies aimed at the prevention of child labour and the protection of working minors who are of legal working age.<sup>47</sup>

### **Guideline 31 (c)**

98. The Interministerial Commission for the Prevention and Elimination of Child Labour and the Protection of Working Adolescents of Legal Working Age in Mexico was established on 12 June 2013. Its aim is to coordinate the design, assessment and implementation of policies and actions to prevent and eliminate child labour and to protect adolescent workers of legal working age. Its workplan is aimed at eliminating the worst forms of child labour by 2016 and reducing the rate of child labour registered in 2013 by at least 60 per cent by the end of 2018.

99. The interinstitutional state commissions for the prevention and elimination of child labour and those for the protection of working minors of legal working age coordinate policies to prevent and eliminate child labour and its related forms of exploitation, as well as to design and monitor programmes and actions at the state level. This allows for the inclusion of local governments in the formulation of public policies aimed at ensuring that boys and girls remain in school.

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<sup>45</sup> A decree adopted on 24 April 2014 provided for the amendment of various provisions of the regulatory framework regarding maternity leave and breastfeeding breaks and for the addition of new provisions. It encourages breastfeeding and promotes breastfeeding education. Under article 11 of the General Act on Women's Access to a Life Free of Violence, the act of denying a woman a breastfeeding break in accordance with the law constitutes an act of workplace violence.

<sup>46</sup> For the key aspects of the amendments made to the General Labour Act, see annex XIV.

<sup>47</sup> This section, which has been produced every two years since 2007, allows for a comparison of declining trends in child labour.

### **Guideline 32**

100. See paragraphs 26, 74 and 86-88 of this report.

### **Guideline 33**

101. The Refugees, Complementary Protection and Political Asylum Act entitles refugees to receive support from public institutions in securing respect for and in exercising their rights to health-care services; to education and — where appropriate — to recognition of their education; to work in any lawful occupation, without prejudice to applicable labour laws; and to apply for family reunification.

102. The Migration Act stipulates that the State must provide migrants who have a lawful migration status with the right to the preservation of their family unity. It indicates that permanent residents may bring into the country or request entry for their mother, father, spouse or common-law partner and children, provided that the latter have not married and are in their legal custody. The same applies to siblings, provided that the latter are not married or are subject to the permanent resident's legal representation. Similarly, article 8 of the Act provides that migrants have the right to receive the educational and medical services that are provided by the public and private sectors, irrespective of their migration status.

### **Guideline 34 (a)**

103. Domestic violence<sup>48</sup> is defined in article 7 of the General Act on Women's Access to a Life Free of Violence. With regard to the penalties imposed on perpetrators, the Federal Criminal Code and the criminal codes of the 32 federative entities, which place special emphasis on vulnerable groups, define domestic violence as a serious act that is punishable by a term of imprisonment of between 1 and 7 years and a fine, as well as the loss of rights in respect of the victim, such as inheritance and parental rights, among others. The Federation and 27 federative entities criminalize marital rape, and all 32 define sexual abuse as a criminal offence.

104. According to figures published in the 2011 national survey on the dynamics of household relationships, 44.8 per cent of women who live with a partner experience some form of violence, whether emotional (15.4 per cent), economic (15.8 per cent) or physical and sexual, combined with emotional and/or economic (13.6 per cent). The majority of separated or divorced women (77.7 per cent) have been subjected to attacks of all kinds by their former partners or spouses, mainly to acts of physical and/or sexual violence, together with one of the other types of violence (45.4 per cent).

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<sup>48</sup> Domestic violence is defined as an “act of abuse of power or of intentional omission that is intended to dominate, subjugate, control, or attack women in a physical, verbal, psychological, economic, property-related or sexual manner, whether within or outside the family home, in which the perpetrator has or had a family relationship by consanguinity, affinity, marriage or cohabitation with the woman concerned or has or had maintained a de facto relationship with her”.

### **Guideline 34 (b)**

105. The aim of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women<sup>49</sup> is to ensure women a life free of violence, thereby enabling them to develop their overall potential and participate fully in all areas of life. The National Victim Support System approved the 2014-2018 Comprehensive Victim Assistance Programme.<sup>50</sup>

106. There is at least one shelter for women in each state. (Out of a total of 72 shelters, 37 belong to civil society organizations, 31 to state or local governments and 4 to privately run organizations.) An assistance model for shelters that receive women victims of violence and their children has been developed, which is a step in the direction of obtaining official certification of these support services.

### **Guideline 34 (c)**

107. Under the National System to Prevent, Address, Punish and Eradicate Violence against Women, judicial personnel have been given training courses on the rights of women and on gender mainstreaming. The Supreme Court has designed a code of conduct for persons administering justice in cases involving children and adolescents, and has handed down important precedent-setting decisions to protect this sector of the population.<sup>51</sup>

### **Guideline 35 (a)**

108. The General Act on the Prevention, Punishment and Eradication of Human Trafficking Offences and on Victim Protection and Assistance sets out definitions for the various criminal offences related to trafficking in persons.

109. The Act establishes the obligation to provide effective mechanisms for protecting the life, dignity, freedom, integrity and security of all persons and the unrestricted development of children and young persons who are threatened or have been harmed by trafficking. The Act stipulates that redress for such harm must be comprehensive, appropriate, efficient, effective and proportional to the gravity of the harm caused and the suffering endured; it is intended to protect and restore the rights of victims, and it increases the severity of the applicable penalties. The Interministerial Commission on Preventing, Combating and Punishing Offences related to Trafficking in Persons coordinates the implementation of public policies on the prevention and punishment of the offences defined in the Act, as well as public policies on victim protection and assistance.

110. In February 2014, the Senate of the Republic approved amendments to the Act in order to add aggravating circumstances and new criminal offences, and to increase the severity of applicable penalties.

111. The Office of the Special Prosecutor for the Offences of Violence against Women and Trafficking in Persons investigates and prosecutes federal offences of human trafficking. It provides a range of services to trafficking victims, including legal advice, medical care, psychological assistance and legal guidance and support, and it seeks to

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<sup>49</sup> Published in the Official Gazette on 30 April 2014. See [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5343064&fecha=30/04/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5343064&fecha=30/04/2014).

<sup>50</sup> Available at <http://www.ceav.gob.mx/wp-content/uploads/2015/05/PAIV-aprobado-por-el-SNAV-20-mayo-20151.pdf>.

<sup>51</sup> Available at <http://www.sitios.scjn.gob.mx/codhap/>.

formulate programmes that strengthen prevention and investigation of the offences falling within its competence.<sup>52</sup>

### **Guideline 35 (b)**

112. In April 2014, the National Programme on the Prevention, Punishment and Eradication of Human Trafficking Offences and on Victim Protection and Assistance was published.<sup>53</sup> Goal 2 of the programme is to provide comprehensive support, protection and assistance to human trafficking victims. Its strategies include the establishment of coordination mechanisms between the various levels of government in order to comprehensively protect, support and assist victims of human trafficking offences and to strengthen the network of specialized support centres for the care and protection of such victims.

113. The reports submitted by the authorities to the Interministerial Commission on trafficking in persons indicate that, between 2010 and 2012, medical care, psychological assistance, social work and legal assistance, among other types of services, were provided in 12,667 instances to a total of 388 trafficking victims. Of these, 10,130 were administered in shelters. In 2013, this figure increased significantly, amounting to a total of 18,729 interventions for 3,528 victims.

114. The National Commission of High Courts of Justice and the National Conference of State Attorneys General agreed to strengthen victim assistance services, formulate officially approved codes of conduct and organize a national prevention campaign on the subject.

## **Article 11**

### **The right to the continuous improvement in living conditions**

### **Guideline 36**

115. In 2010, the National Council on the Evaluation of Social Development Policy issued guidelines and general criteria for the definition, identification and measurement of poverty. This methodology is no longer views poverty from a one-dimensional perspective, as being defined by income, but rather from a multidimensional one that incorporates the various indicators contained in article 36 of the General Act on Social Development, which include current income per capita, average household educational backwardness, access to health services and social security, quality and size of housing, basic services available in the home, availability of food and degree of social cohesion. These indicators correspond to three specific categories: economic well-being, social rights and geographic location.<sup>54</sup>

116. Poverty may be identified through the intersection of two of these categories: economic well-being and social rights. The identification of the segment of the population

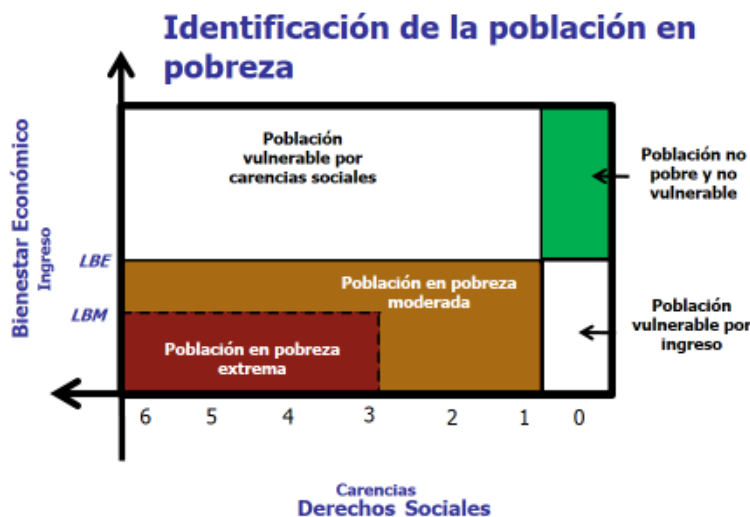
<sup>52</sup> Annex XV contains a table showing the number of victims and suspected perpetrators of the crime of trafficking in persons as a result of preliminary investigations carried out by the Office of the Special Prosecutor for the Offences of Violence against Women and Trafficking in Persons (FEVIMTRA).

<sup>53</sup> Information on the programme is available at:  
[http://www.dof.gob.mx/nota\\_detalle.php?codigo=5343079&fecha=30/04/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5343079&fecha=30/04/2014).

<sup>54</sup> The economic well-being category includes the indicator of current income per capita; the social rights category includes indicators of educational backwardness, access to health services, access to social security, quality and size of housing, access to basic services in the home and access to food; and the geographic location category includes the indicator of degree of social cohesion.

that is living in poverty and that of other population groups is illustrated graphically in figure 1.<sup>55</sup>

**Figure 1**  
Identification of the population living in poverty<sup>56</sup>



117. Measuring poverty in accordance with the criteria set out in the General Act on Social Development makes it possible to identify not only those persons living in poverty who are considered to be a public policy priority but also two other groups who are vulnerable in two respects: those who are vulnerable as a result of being deprived of social benefits or who possess enough income to purchase a food basket and a non-food basket but are affected by one or more instances of such deprivation; and those who are vulnerable for reasons of income or who, despite not suffering any social benefit deprivation, do not have sufficient income to purchase a food basket and a non-food basket. By contrast, persons in the population segment that is neither vulnerable nor living in poverty have enough income to satisfy their basic needs and are not deprived of any social benefits. This last group represents the level to which our country aspires through its public policy on overcoming poverty. For more information, please see annex XVI.

### Guideline 37 (a)

118. In Mexico, social policy objectives have centred on the National Crusade against Hunger, which combines the efforts of the three levels of government with the efforts of society to provide comprehensive assistance to the 7 million Mexicans who experience both extreme poverty and lack of access to food. The Crusade is a rights-based inclusion and social welfare strategy that is intended to help improve the living conditions of families through the provision of decent housing, basic infrastructure, roads, drinking water, drainage, sanitation, education, health and the development of productive projects. As of

<sup>55</sup> These two distinct categories are combined to create a definition of persons living in poverty as those whose income is insufficient to purchase the goods and services required to satisfy their needs and who do not have access to one or more of the services reflected in the indicators that make up the social rights category. One of the advantages of differentiating between these two categories is that it allows for a distinction to be made between the remit of social policy and that of economic policy.

<sup>56</sup> LBE: Economic Well-Being Threshold (total cost of a food basket and a non-food basket per person per month). LBM: Minimum Well-Being Threshold (total cost of a food basket per person per month).

June 2015, the Crusade had reached 4.3 million Mexicans, who receive some form of support from at least 1 of 90 social programmes.

119. One of the aims of the National Council on the Evaluation of Social Development Policy is to regulate and coordinate the assessment of social development policies and programmes that are implemented by government agencies. To achieve this goal, it regularly reviews the extent to which the social objectives of programmes, targets and actions have been accomplished.

120. Pursuant to the General Act on Social Development, social programmes must include indicators related to results, management and services in order to allow for the measurement of their coverage, quality and impact. The results indicators that are established must reflect the degree to which the social objectives of the programmes, targets and actions set out in the National Social Development Policy have been accomplished, while the management and service indicators must reflect the procedures used in providing the services offered by the programmes, targets and actions and the quality of those services.

121. An annual evaluation schedule, which contains a list of the programmes to be assessed for the particular year in question, has been published each year since the inception of the Council.<sup>57</sup>

### **Guideline 37 (b)**

122. In addition to the above-mentioned National Crusade against Hunger,<sup>58</sup> the PROSPERA Programme provides financial and in-kind support to health-care, education and food programmes, and the People's Health Insurance Scheme provides treatment and medicines to persons who need those services but have no access to medical care.

123. In accordance with the National Human Rights Programme, human rights, equality and sustainability have been mainstreamed into the operating rules of all social programmes, which has helped to ensure that a human rights approach is adopted when implementing programmes to fight poverty and inequality.

## **The right to adequate food**

### **Guideline 38**

124. Amendments to articles 4 and 27 of the Constitution were adopted in 2011. They establish the right to nutritious, adequate and good-quality food, which the State has a duty to uphold.

125. The aim of the National Crusade Against Hunger is to ensure that proper food and nutrition is provided to Mexicans who live in extreme poverty or who suffer from a severe lack of food.

<sup>57</sup> The results of the evaluations are public and can be accessed via the CONEVAL website at <http://www.coneval.gob.mx>.

<sup>58</sup> In 2013, CONEVAL designed an outline of the process used to evaluate the National Crusade against Hunger (2013-2019) in order to generate systematic information to be used in assessing the strategy's performance. In August 2015, CONEVAL issued an interim report on the intermediate results of the Crusade; they indicated that significant progress had been made in reducing the lack of access to social benefits, in particular to food, in both municipalities and households that received assistance from the Crusade.

126. The Food Aid Programme promotes actions to improve the food and nutrition of families living in poverty. At the end of the third quarter of 2015, 706,216 families were actively being helped by the programme, 101,409 of which reside in indigenous communities.

127. Under the Social Milk Supply Programme (LICONSA), good-quality, enriched milk is sold at preferential prices to poor households with children, adolescent mothers, pregnant and breastfeeding women, older persons, chronically ill persons and persons with disabilities. The programme reaches 6.4 million people, of whom 70 per cent live in urban areas and 30 per cent in semi-urban and rural areas.

128. The Rural Supply Programme (DICONSA) is aimed at improving the food and nutrition of rural residents through the efficient and timely distribution, at inexpensive prices, of good-quality staple and complementary products. DICONSA relies on an integrated network of 27,823 rural shops. The aim is to provide savings of at least 15 per cent on the DICONSA basic basket of goods. As of June 2015, the programme had a network of 27,046 stores and 52 million potential beneficiaries.

129. The Community Canteen Programme provides good-quality food in sufficient quantities for population groups suffering from malnutrition, at risk of malnutrition or subject to food insecurity. As of August 2015, the programme was operating 4,281 canteens in 17 federative entities — almost double the number of those in existence in August 2014, which was 2,146.

130. The Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food implements the Strategic Project for Food Security, whose aim is to improve food security and to help achieve sustainable poverty reduction in highly marginalized rural areas. The project operates with technical support from the Food and Agriculture Organization of the United Nations.

### **Guideline 39**

131. The National Strategy for the Prevention and Control of Overweight, Obesity and Diabetes is aimed at improving the well-being of the population and contributing to sustainable development by combating the rise in overweight and obesity. This, in turn, is aimed at halting the epidemic of non-communicable diseases, especially type 2 diabetes, through public health interventions, a comprehensive model of medical care and intersectoral public policies.

132. On 16 May 2014, an agreement in which general guidelines were established for the sale and distribution of prepared and processed foods and beverages in the National Education System was published in the Official Gazette.<sup>59</sup>

133. The National System for the Comprehensive Development of the Family and its state counterparts are jointly implementing the Comprehensive Strategy for Social Food Aid and have established nutritive quality criteria that are to be applied when determining menus and portions, thereby encouraging healthy eating and fostering community participation.

134. The Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, together with the organization Fundación Campo, Educación y Salud A.C., launched the

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<sup>59</sup> Under the agreement, food and beverages that are unhealthy for students are to be eliminated from schools. The agreement emphasizes the consumption of plain drinking water and establishes nutritional criteria for breakfasts, snacks and school meals. The guidelines are mandatory and establish prohibitions and sanctions.



“Five a Day” programme, which promotes a change in eating habits in Mexico and the adoption of a view of nutrition that leads to an improvement in the population’s overall nourishment and favours the consumption of fresh, nationally grown products.

### **Guideline 40**

135. Through the National Crusade against Hunger, and programmes such as PROSPERA, DICONSA and LICONSA, the Government provides access to food and secures its supply to all members of the population, with special emphasis on vulnerable groups.

136. The Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food promotes the comprehensive development of the country’s rural sector through measures focusing on the availability, accessibility and affordability of food. It strengthens food security by promoting domestic small- and large-scale production and builds the technical and organizational capacity of vulnerable rural populations so that they can produce locally and optimize the consumption of their products.

137. The Ministry implements the Incentive Programme for Producers of Corn and Beans through support schemes in such areas as technical assistance; organizational development; introduction to the use of technology packages, machinery and equipment; and project formulation. All of these are intended to boost the competitiveness of corn and bean producers. The Ministry also administers the Sustainable Modernization of Traditional Agriculture Programme, which is designed to increase maize and wheat yields through better production practices and improved seeds, thus boosting the national supply of these grains.<sup>60</sup>

### **Guideline 41**

138. Mexico has adopted agricultural measures that are in keeping with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, particularly guidelines 8 (c) on water, 8 (d) on genetic resources for food and agriculture and 8 (e) on sustainability. See annex XVII for further information on these guidelines.

## **The right to water**

### **Guidelines 42 (a) and 42 (b)**

139. In 2013, the national coverage in drinking water supply was 92.3 per cent of the population, while some 8.9 million people were without access to this service, representing 600,000 fewer than in 2012.<sup>61</sup> See annex XVIII for coverage figures.

<sup>60</sup> This initiative is primarily aimed at small-scale producers who cultivate non-irrigated land and do not have access to technology or market information.

<sup>61</sup> According to end-of-year figures for the National Water Commission (CONAGUA) and other federal agencies whose programmes have an impact on the level of coverage in drinking water, sewerage and sanitation services.

**Guideline 42 (c)**

140. Under the Water Utilities Modernization Programme, resources are transferred from the National Infrastructure Fund to support providers of drinking water, sewerage and sanitation services in municipalities with over 50,000 inhabitants or which are served by water utilities shared among municipalities. Its purpose is to increase efficiency, coverage and quality by supplementing the non-recoverable resources granted under the programme with private capital.

**Guideline 42 (d)**

141. Steps are being taken at both the federal and regional levels of the Clean Water Programme to comply with Mexican Official Standards NOM-127-SSA1-1994, NOM-179-SSA1-1998 and NOM-230-SSA1-2002 on the prevention of waterborne diseases and protection against water-related health risks.

**Guideline 43**

142. The Water Culture Programme has a public education component whose aim is to raise awareness of water-related problems and of the potential for individual and collective involvement in resolving them. The programme is agreed annually with federative entities through coordination agreements, with the goal of making it available throughout the country.

**The right to adequate housing****Guideline 44**

143. Under the Housing Act, the National Housing Commission is responsible for maintaining an updated housing inventory and calculating the housing deficit and demand for housing.<sup>62</sup> The inventory must take into account quality, space, access to basic services, appropriate planning of the housing supply, site footprint requirements and the targeting of programmes and actions. It is prepared on the basis of census information, national surveys and population growth projections from the National Population Council.

144. According to the socioeconomic conditions module of the national household income and expenditure survey, between 2012 and 2014, the total number of inhabited private homes increased from 30.8 million to 31.6 million. There was a drop in the number of persons residing in housing with some form of public service deficiency, indicating an improvement in the quality of the existing stock (see annex XIX for a table showing the percentage of people living in housing with some form of public service deficiency).

145. The housing deficit, as a percentage of the inhabited housing stock, fell from 30.6 per cent in 2010 to 28.1 per cent in 2014. The deficit also narrowed in absolute terms during the same period, from 9.1 million to 9.0 million housing units.

146. The National Population Council estimates that 2.4 million housing units will be added between 2014 and 2018, which amounts to an average of 600,000 per annum. It is also estimated that by 2018, households with nuclear and extended families will

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<sup>62</sup> CONAVI Housing inventory:  
[http://www.conavi.gob.mx:8080/Reports/Inv\\_Viv\\_Vig/Oferta\\_Vivienda.aspx](http://www.conavi.gob.mx:8080/Reports/Inv_Viv_Vig/Oferta_Vivienda.aspx).

predominate, occupying 87.8 per cent of the housing stock, while one-person households will account for 10 per cent, and composite and co-resident households for the remaining 2.2 per cent.

147. Systematic information on informal settlements is scarce, considering the irregularities that exist in the various types of ownership (e.g. ejido, communal, private, or public sector owned by federal, state or municipal governments) and the shifting dynamics of the population group in question. The 2014 socioeconomic conditions module of the national household income and expenditure survey revealed that there were no title deeds for 25.3 per cent of all housing units.

### **Guideline 45 (a)**

148. The Ministry of Agrarian, Territorial and Urban Development is in charge of formulating public policies to promote access to justice and agrarian development, while the National Housing Commission is the body responsible for formulating, executing, steering, coordinating, evaluating and following up on the National Housing Policy. The 2016 operating rules of the social programmes implemented in the sector<sup>63</sup> include a new, cross-cutting chapter on human rights.

149. Private sector workers have access to the Institute of the National Housing Fund for Workers, while public servants have access to the Housing Fund of the State Employees' Social Security and Social Services Institute. Members of the armed forces are covered by the Institute of Social Security for the Mexican Armed Forces.

150. Persons working in the unstructured market may turn to the Federal Mortgage Company and the National Social Housing Fund, as well as state housing institutions and the Federal Housing Subsidy and Financing Programme run by the National Housing Commission. This programme grants federal subsidies to individuals with incomes of up to five times the current general minimum wage, along with financing to purchase a house or a serviced plot, build a home or improve their existing home.

151. To ensure the affordability of housing, schemes that combine loans with subsidies are being designed, together with mechanisms that make it easier for people to save for a home. In addition, measures are taken to coordinate with the private sector in order to bring down mortgage interest rates and housing prices.

152. In early 2015, the federal executive branch announced a package of fiscal and financial measures in the areas of housing and access to mortgage loans and subsidies, such as the abolition of titling fees for low-income individuals, support for the purchase of high-efficiency electrical appliances and financing to help persons with disabilities, migrants and adults in purchasing a new home.<sup>64</sup>

153. The Commission for Land Tenure Regularization brings land tenure relationships into conformity with the law in locations where irregular human settlements have grown up on communally owned lands (ejidos or agrarian communities) or lands owned by the federal Government. It also promotes the purchase and transfer of title to land and reserved public lands for urban development and housing. The Programme to Support Regularization for Residents in Informal Settlements who Lack Title and Live in Material Poverty, whose aim is to support poor households, has been in operation since 2008. As part of a drive to promote the creation of reserved public lands, increase the supply of land

<sup>63</sup> These include programmes on the regularization of informal human settlements, the consolidation of urban reserve tracts, access to financing for housing solutions, housing support, risk prevention, infrastructure and the National Social Housing Trust Fund.

<sup>64</sup> For more information on housing measures, see <http://www.gob.mx/sedatu/prensa/9041>.

and carry out actions to regularize land tenure, the Commission for Land Tenure Regularization will become the National Institute for Sustainable Land.

### **Guideline 45 (b)**

154. The National Housing Commission works with financial institutions to meet the demand for social housing, which consists of a specific type of housing unit characterized by its market price in relation to the minimum wage. Social housing (economic, popular and traditional segments) accounts for about 90 per cent of homes purchased through financing provided by national housing agencies.

155. The subsidies programme of the National Housing Commission is designed to increase peoples' purchasing power and give low-income families the chance to secure mortgage financing on a new or used home; build, improve or extend a dwelling; or buy a serviced plot. This programme may be combined with private, social or state resources or those of the beneficiaries themselves.

### **Guideline 45 (c)**

156. Design and construction guidelines, which have been drawn up on the basis of a housing construction code to be adopted in all federative entities, require all public and private establishments to be made accessible for persons with special housing needs in order to ensure their freedom of movement in dignified and safe conditions. The guidelines set out the general architectural measures to be taken and features to be included so as to ensure the accessibility of housing based on international standards.

157. In early 2010, the National Social Housing Fund and the National Council for the Advancement and Inclusion of Persons with Disabilities developed an affordable housing model for low-income families living in urban, semi-urban and rural areas or in highly marginalized and extremely marginalized rural and indigenous communities, who are poor in assets, unable to access other social housing schemes and have one family member with a disability. The selection criteria for beneficiaries give priority to households in which the applicant or one of his or her economic dependents has a disability.

### **Guideline 46**

158. Under the housing policy, various instruments have been created to regulate the growth of cities, in coordination with the urban policy promoted by the Ministry of Agrarian, Territorial and Urban Development. Notable among these is the promotion of "certified developments". These are joint ventures between the three levels of government (municipal, state and federal) on the one hand and private developers on the other in order to create master-planned areas for development and to enhance land-use planning. The operating rules of the subsidy programme administered by the National Housing Commission include criteria relating to location, sustainability of surroundings, infrastructure, urban redensification and competitiveness.

### **Guidelines 47 and 48**

159. The National Housing Commission, as the coordinating agency for the housing sector, does not carry out evictions. Evictions are the responsibility of the institutions authorized to grant home loans, which may request repossession of a property against which a mortgage has been secured, as set out in a previously signed contract, and only

when repayments are long overdue. Following the conclusion of the relevant legal proceedings, evictions are carried out under the authority of the federal judiciary. When appropriate, evictions are planned, organized and often announced in advance. Official notice is given or a judicial decision is issued prior to an eviction. Otherwise, plans for vacating premises may be included in government development policies or projects.

## **Article 12**

### **The right to health**

#### **Guideline 49**

160. See paragraph 64. More than 55 million people participate in the People's Health Insurance Scheme. This means that, combined with the number of persons covered by the Mexican Social Security Institute (IMSS) and the State Employees' Social Security and Social Services Institute (ISSSTE), as of December 2013, more than 109 million Mexicans had social health insurance.

#### **Guideline 50 (a)**

161. The Federal Act on the Prevention and Elimination of Discrimination stipulates that the failure to ensure the accessibility of the physical environment, including that of services and facilities that are open to the public, constitutes an act of discrimination.

162. IMSS has issued guidelines on accessibility for persons with disabilities and has established a prototype plan for ensuring that this population group has universal access to all buildings and facilities. It has also designed a national permanent campaign to raise awareness about accessibility for users with disabilities and has disseminated the campaign throughout all of its services. In addition, it is preparing a guide for evaluating accessibility, ease of passage and circulation for persons with disabilities in public institutions. For its part, ISSSTE is conducting a campaign entitled "Breaking Barriers: The ABCs of Disability" in its state-level offices and specialized medical centres.

#### **Guideline 50 (b)**

163. The medical services covered by IMSS are evaluated on the basis of cost, both for persons insured under the compulsory scheme and for those insured under the voluntary scheme. Those covered by the compulsory scheme make contributions through earnings that are withheld by their employer, which are supplemented by employer contributions and by those of the federal Government. The contributions paid by persons insured under the voluntary scheme vary according to the particular insurance plan in which such persons are enrolled and are also supplemented by a federal Government contribution. The voluntary scheme is notable for its family health insurance, the annual cost of which varies in accordance with the age of each insured family member. This is in addition to the coverage provided by the People's Health Insurance Scheme.

#### **Guideline 50 (c)**

164. In conjunction with the pharmaceutical industry, a comprehensive health promotion plan was devised in order to provide for the proper disposal of expired medications in the commercial sector, in accordance with guidelines to reduce the health risks posed by the

availability of expired medications on the Mexican market. The guidelines call for closing down businesses that contravene the law and destroying the medicines seized. They are a complement to the national strategy that has been pursued since 2010 by the National Chamber of the Pharmaceutical Industry to collect expired medications from households by installing receptacles for that purpose in pharmacies.

165. With regard to hospital equipment, 2,061 health inspection visits were carried out in medical care facilities between July 2011 and April 2014, during which 473 safety measures were implemented. Of these, 343 involved a temporary suspension of activities and 130 involved product seizures.

### **Guideline 50 (d)**

166. The Ministry of Health coordinates the National Strategy for Improving Quality in Medical Services and Facilities. The Quality Medical Care Programme promotes capacity-building and research projects in order to ensure the provision of quality services through continuous improvement, emphasis on effective access to health care, delivery of services by safe and reliable organizations at reasonable cost and a satisfactory patient experience.

167. In order to improve the quality of medical care and social welfare services, measures are undertaken in the areas of human resources training, professional development and capacity-building. The National Medical Residency System has been strengthened through efforts that include the introduction of an electronic format for the National Medical Residency Examination, which has resulted in a more transparent and fair selection process. Other efforts include the promotion of training in intercultural health care with a gender and human rights perspective.

168. IMSS has an institutional medical residency system with more than 12,000 doctors registered in 72 specialization courses. As part of strategies aimed at improving the quality of its services, training for specialist medical professionals includes such areas as the application of clinical practice guidelines, patient safety measures, bioethics and doctor-patient relations. The medical management staff of all IMSS state-level departments have participated in the training courses delivered jointly with the National Human Rights Commission.

### **Guideline 51 (a)**

169. In keeping with Millennium Development Goals 4 and 5, public policies were developed and implemented to improve maternal health and reduce child mortality. In Mexico, under-5 mortality fell from 25 deaths per 1,000 live births in 2000 to 15.1 in 2014. The maternal mortality rate fell from 74.1 deaths per 100,000 live births in 2002 to 38.9 in 2014.

170. Free obstetric care is available nationwide, and universal emergency obstetric care has become available throughout the country in all public health institutions. In addition, priority has been given to providing care for the indigenous population and vulnerable persons.<sup>65</sup>

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<sup>65</sup> In 2013, the National Institute of Indigenous Languages, in coordination with the National Centre for Gender Equity and Reproductive Health, translated a variety of informative materials on the prevention of maternal deaths into 13 indigenous languages. The aim of this project is to disseminate strategies for the prevention or reduction of maternal mortality among members of the population who speak an indigenous language.

171. Since 2001, Mexico has administered the “Equal Start in Life” programme, through which measures are taken to address problems related to maternal and infant health, with special emphasis on the provision of care for vulnerable groups. One of the objectives of the programme is to expand coverage and improve the quality of care provided during pregnancy, childbirth and the postnatal period, as well as to effectively monitor childhood development up to the age of 24 months by disseminating information and providing good-quality health-care services.

172. The aim of the National Strategy to Prevent Adolescent Pregnancies is to eliminate the problem of pregnancy among girls between the ages of 10 and 14 and to prevent unplanned pregnancies among young women between the ages of 15 and 19. Through a family planning and contraception programme, the population is able to enjoy a satisfactory, healthy and risk-free reproductive and sexual life, thanks to the provision of quality services that are administered with absolute respect for individuals’ rights and their freedom of choice.

173. In keeping with the Strategy for Strengthening Postnatal Contraception, efforts have been made to promote the training of health workers and the allocation of budget resources to state health services for the procurement of modern contraceptives. Information has been distributed on such subjects as family planning, sexual and reproductive rights and postnatal contraception, and public information campaigns on the prevention of adolescent pregnancy have been carried out.

174. ISSSTE is party to an inter-agency agreement on universal emergency obstetric care, under which health-care services are provided to women of childbearing age who are experiencing an obstetric emergency, irrespective of whether or not they are entitled to benefits under the scheme.

175. The IMSS-PROSPERA Programme provides health services to approximately 4 million indigenous people, in keeping with an intercultural approach that fully respects their rights and traditions.

### **Guideline 51 (b)**

176. The Ministry of Health issues guidelines on how to monitor water quality throughout the country and on the reception and analysis of information in relation to those efforts. It also implements a residual chlorine-monitoring programme as a cholera-prevention measure.<sup>66</sup>

177. Intersectoral working groups operating at the federal, state and municipal levels carry out preventive measures in areas where there is a risk of disease transmission. They work in conjunction with the National Water Commission, local water and sanitation boards and the Federal Commission for Protection against Sanitary Risks and its state-level counterparts.

178. The Clean Water Programme was developed in response to the need to eradicate communicable diseases and infections; its aim is to increase and maintain disinfection levels in the public water supply through chlorination, thereby ensuring its fitness for human use and consumption. The programme is committed to meeting goal 3 of the National Water Plan 2013-2018, which is to improve the provision of drinking water and sanitation services.

<sup>66</sup> The concentration of chlorine in water should be 0.2 to 0.5 mg/l pursuant to Mexican Official Standard NOM-127-SSA1-1994: “Environmental Health. Water for human use and consumption. Permissible quality limits and recommended water treatment to produce safe drinking water”.

179. With regard to sanitation, the aim of the Federal Wastewater Treatment Programme is to grant subsidies for the improvement of wastewater treatment throughout the country and for the benefit of all taxpayers, with a view to reducing pollution, preventing the incidence of waterborne diseases and helping to maintain ecological balance.<sup>67</sup> Similarly, measures taken under the Wastewater Treatment Programme are directed toward renewing, complementing and expanding sanitation infrastructure.<sup>68</sup>

### **Guideline 51 (c)**

180. One of the health sector priorities is to strengthen the Universal Vaccination Programme. Since 2007, with backing from the Twenty-First Century Health-Care Programme, steps are being taken to bolster the financial sustainability of the Universal Vaccination Programme and reduce the cost of the basic vaccination protocol.<sup>69</sup>

181. National programmes to prevent and treat specific diseases such as tuberculosis, leprosy, dengue and malaria, have been launched. See annex XX.

### **Guideline 51 (d)**

182. Mexico has a network of “New Life” centres, consisting of 335 centres in 250 municipalities, as well as state-level anti-addiction councils. In addition, there are 113 Youth Integration Centres that carry out awareness-raising and offer guidance to individuals in avoiding substance abuse. These centres operate on the basis of a care delivery model that offers specialized early intervention services, preventive measures, mental health promotion and early detection and intervention in the case of experimental users, drug abusers and their families. With a total of 448 centres, Mexico has the largest comprehensive network for the treatment of addiction in Latin America.

183. The Alcoholism and Alcohol Abuse Programme brings together the efforts of more than 12 institutions in 32 states. Under a national alcohol testing policy, random alcohol breath testing of drivers has been introduced throughout the country.<sup>70</sup>

184. Mexico has a national alcohol testing programme, through which measures are taken to promote the reforms needed for the official adoption of the programme and its accompanying operating rules in the 32 federative entities. There has been a drive to intensify the use of relapse prevention and social reintegration programmes for persons receiving treatment, while short-term interventions have continued to be used in dealing with particularly vulnerable groups, such as persons deprived of their liberty.

<sup>67</sup> For further information on the Federal Wastewater Treatment Programme (PROSANEAR), see [http://www.conagua.gob.mx/CONAGUA07/Noticias/indice%20\(aspecto%20técnico\)PROSANEAR.pdf](http://www.conagua.gob.mx/CONAGUA07/Noticias/indice%20(aspecto%20técnico)PROSANEAR.pdf).

<sup>68</sup> For further information on the Wastewater Treatment Programme (PROTAR), see <http://www.conagua.gob.mx/CONAGUA07/Noticias/MANUAL%20PROTAR%202015.pdf>.

<sup>69</sup> Among the achievements of the Universal Vaccination Programme are the eradication of wild poliovirus; the elimination of endemic diphtheria, measles and rubella; and a significant reduction in neonatal tetanus (fewer than five cases per year) and tuberculous meningitis, among others. Deaths in children under age 5 due to diarrhoea have fallen by 50.6 per cent, following the introduction of an anti-rotavirus vaccine, while those caused by pneumonia are down 49.3 per cent, following the introduction of pneumococcal and influenza vaccines.

<sup>70</sup> Alcohol testing programmes have been introduced in municipalities identified as having the highest rate of deaths and injuries as a result of traffic accidents. Figures indicate that this strategy has more than halved the number of deaths caused by alcohol-related accidents.



185. With regard to the prevention and treatment of tobacco addiction, progress has been made in meeting the commitments set forth in the Framework Convention on Tobacco Control of the World Health Organization (WHO). The National Office of Tobacco Control was established and designated as the body responsible for promoting public health policies in relation to tobacco use. The Government introduced an excise tax on tobacco products with a view to improving public health and launched a national campaign to promote smoke-free spaces.

### **Guideline 51 (e)**

186. The Government has sought to ensure the adoption of nationwide preventive measures and care for individuals who are at greatest risk of or most vulnerable to HIV/AIDS and other sexually transmitted diseases. It has intensified the use of prevention strategies for persons who engage in risk behaviours and has granted them priority access to prevention resources. In late 2003, Mexico achieved the goal of being able to provide universal access to antiretroviral drugs for the treatment of HIV through the Fund for Protection against Catastrophic Expenses, which is administered by the People's Health Insurance Scheme.

187. The updated version of the Mexican Official Standard for Prevention and Control of HIV Infection (NOM-010-SSA2-2010) provides for updating the operating methods, principles and criteria followed by the National Health System in relation to the prevention, detection, timely diagnosis and medical care and treatment of HIV infection.

188. In 2011, work was begun on an assessment of the situation of the HIV epidemic and related issues in Mexico, which will measure the prevalence of HIV in populations at risk and provide key data on factors associated with the risk of infection. As part of a strategy to promote safe sex, an average of 8.1 million condoms per year are given to adolescents between the ages of 15 and 19. Efforts to increase the use of condoms have resulted in 7 out of 10 adolescents reporting condom use during their most recent sexual encounter, while the prevalence of HIV remained at below one HIV-positive individual for every 100,000 inhabitants.

### **Guideline 51 (f)**

189. The treatment of HIV, chronic diseases and other illnesses prevalent in Mexico is based on clinical guidelines according to sector and on the essential medicines list published by the General Health Council, which, in turn, is based on WHO criteria for essential medicines.

190. Between 2007 and 2012, priority was given to expanding access to antiretroviral treatment for individuals who needed it, according to medical indications, and who were not covered by social security.<sup>71</sup>

191. The Coordinating Commission for Negotiating the Price of Medicines and other Health Inputs oversees reductions in the price of patented medicines, most of which are used to treat non-communicable chronic diseases.

192. In 2010, the essential medicines list was expanded to include prices and purchasing histories with a view to providing feedback for the institutional planning process and to

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<sup>71</sup> In 2006, the number of people receiving antiretroviral treatment under the People's Health Insurance Scheme was 14,452. By March 2014, that figure had risen to 58,520: an increase of more than 400 per cent.

facilitating decision-making. The national medicine policy may be consulted in detail on the web pages of the Ministry of Health.<sup>72</sup>

### **Guideline 51 (g)**

193. The Ministry of Health is implementing the Specific Programme of Action on Mental Health 2013-2018, whose mission is to deliver continuous, comprehensive, multidisciplinary and community-based mental health care through actions oriented toward promotion, prevention, diagnosis, therapy and psychosocial rehabilitation.

194. Mexican Official Standard NOM-025-SSA2-2014 stipulates that persons with disabilities are to be treated with dignity and humanity by mental health-care personnel and that specialist medical care must be delivered in accordance with the relevant ethical standards applicable to mental health-care professionals.

195. Mexican Official Standard NOM-025-SSA2-2014 also sets out a number of requirements for voluntary and involuntary admission to a psychiatric facility. Involuntary admission requires a psychological, neurological and psychiatric diagnosis and any other specialized diagnoses that may be necessary, based on the patient's clinical condition. Such diagnoses must be accompanied by a report by the social work division, which must be supported by an analysis and study of the patient's symptoms and a written request by a responsible family member, guardian or legal representative.

196. Since June 2010, the People's Health Insurance Scheme has covered priority mental health-care treatment for eight disorders: schizophrenia and psychosis, attention deficit hyperactivity disorder, depressive disorders, bipolar disorder, anxiety disorders, pervasive developmental disorders, epilepsy and addiction.

## **Article 13**

### **The right to education**

### **Guideline 52**

197. Major amendments have been introduced into the Mexican Constitution and laws with the aim of strengthening their harmonization with the purposes and objectives of article 13 of the Covenant.

198. Among the amendments introduced into the Constitution in 2011 in the area of human rights was that of article 3, which recognizes the right of every individual to receive an education and requires the State to provide what is referred to as "basic education". As a result of the amendments introduced in February 2012, article 3 now requires the State also to provide upper secondary education for all students and expressly stipulates that education provided by the State "shall promote respect for human rights".

199. A large-scale educational reform was undertaken with the aim of improving the quality of educational services and expanding their coverage. Annex XXI contains a description of the educational system curricula that are directed toward the aims and objectives identified in article 13 (1) of the Covenant.

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<sup>72</sup> <http://www.dgplades.salud.gob.mx/interior/abasto.html>.

**Guidelines 53 and 53 (a)**

200. Article 3 of the Constitution provides that: “Every individual has the right to receive an education. The State (the Federation, the states, the Federal District and the municipalities) shall provide preschool, primary, secondary and upper secondary education. Basic education consists of preschool, primary and secondary education; basic and upper secondary education shall be compulsory.” It also establishes that: “All education provided by the State shall be free.”

**Guideline 53 (b)**

201. In accordance with the principle of free basic education, Mexico prohibits the charging of fees for school enrolment. Under the General Education Act, the educational authorities, within the limits of their powers, are required to establish mechanisms for the regulation, distribution, utilization, transparency and oversight of donations or voluntary fee payments.

**Guideline 53 (c)**

202. The educational reform carried out in 2013 served to strengthen the principle of free public education by expressly prohibiting the conditioning of enrolment, attendance, examinations or the provision of documents on the payment of any form of compensation. The General Education Act stipulates that textbooks are free.<sup>73</sup> Uniforms and transport are not free and must be paid for by family members.

**Guideline 54**

203. In accordance with article 3 of the Constitution and the General Education Act, secondary education is organized according to the following branches: general, technical, community, work/study and television-supported. Public secondary education is subsidized by the State.

**Guideline 54 (a)**

204. It is prohibited by law to charge fees for access to public secondary education. Since 2013, the Programme for Inclusion and Equity in Education has provided support to the federative entities for strengthening television-supported education, which is primarily intended for students who are at risk of exclusion and vulnerability.

**Guideline 54 (b)**

205. The technical branch of secondary education focuses on applied sciences, in accordance with the predominant economic activity of each of the country’s regions, which

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<sup>73</sup> Technical School Councils, which were established for the first time during the 2013/14 school year, are responsible for formulating specific strategies of inclusion that take into account the particular requirements of the pupils at each school. In 2013, the Programme for Inclusion and Equity in Education was introduced. In conjunction with the National Scholarship Programme, it gives priority attention to children who are at risk of exclusion and vulnerability in order to foster students’ academic development and their retention in school.

may be agriculture, forestry, fishing or the service industry. This branch is available in both urban and rural communities. On completing their studies, students can engage in an income-producing occupation.

206. Television-supported secondary education uses textbooks on applied sciences in which pupils work on sustainable production projects in order to develop knowledge, skills and approaches that enable them to make proper and responsible use of community resources and to obtain economic benefits in the near future.

### **Guideline 55**

207. As part of efforts to support the growth of higher education, during the 2014/15 academic year, 19 out of every 100 students in higher education received a scholarship from the National Scholarship Programme. State universities receive support from the Multiple Contributions Fund and through programmes like the Better Quality in Educational Institutions Programme, funds are granted to schools of higher education for the construction, adaptation and maintenance of their facilities. The Expansion of Upper Secondary and Tertiary Education Programme provides support, inter alia, for the infrastructure of Intercultural Universities that are located in various parts of the country. In addition, a Fund for the Expansion and Diversification of Tertiary Education has been established.

### **Guideline 56**

208. The National Institute of Adult Education is the body responsible for helping young people and adults who have fallen behind in education; it provides remedial education for those who did not have the opportunity to learn to read and write and those wishing to complete their primary or secondary studies.

209. The Institute uses the Education for Life and Work Model, which offers the basic education programme, linking it to the needs and interests of students and adjusting the timing and pacing of studies and the available spaces to their individual needs, thus facilitating the continuity of education.

### **Guideline 57**

210. The Directorate General for Indigenous Education, through the Programme for Inclusion and Equity in Education, supports local school authorities in providing indigenous populations with good-quality, equitable services under the basic education programme. These services are provided in a context of respect for diversity through the incorporation of indigenous languages and cultures into the curriculum. Education is also provided to the children of migrant agricultural day labourers.

211. In 2013, the National Institute of Indigenous Languages introduced a two-way immersion method in 22 primary schools. Two classes of pupils in first and second grade began their primary education in the Northern Amuzgo and Spanish languages simultaneously, with a view to ensuring a balance between the two languages in terms of reading, writing and speaking. This method is aimed at developing skills in bilingual literacy and intercultural dialogue.

212. The National Commission for the Advancement of Indigenous Peoples, through the Indigenous Education Support Programme, supports the school retention of indigenous girls, boys and young people who are enrolled in state schools through the use of

differentiated care models that give priority to students who lack educational options in their community.

### **Guideline 58**

213. The Constitution and the relevant regulatory laws stipulate the obligation to create an educational and social environment in which women and men, as well as girls and boys, are treated equally and are encouraged to reach their full potential. Article 8 of the General Education Act provides that one of the principles on which the education system must be based is that of opposition to the formation of stereotypes and to discrimination and violence, especially violence perpetrated against women and girls.

214. In its sectoral programme, the Ministry of Education outlined a series of actions in relation to the cross-cutting strategy on gender mainstreaming that take into account the number of schools with staff trained to deal with situations and complaints of gender-based violence in schools.

215. The Ministry has set as its goal that, by the end of the current six-year presidential term of office, 8,122 schools will have staff trained in preventing, detecting, identifying, following up on and recording acts of violence against women, adolescents and girls in schools and in providing immediate care for the victims of such acts the first time they occur. This target was established on the basis of actions and coordinated efforts carried out between 2013 and the time of writing in 32 schools of varying levels of education.<sup>74</sup>

216. In 2015, the federal Government undertook a series of measures in the education sector. These included 1,366 talks and 54 workshops on creating a human rights culture and on preventing and addressing violence against women; they were delivered to 16,506 male and female students at all levels of the education system and their parents.<sup>75</sup>

### **Guideline 59**

217. The PROSPERA Programme grants scholarships and provides school supplies to students in basic and upper secondary education in order to encourage their enrolment and regular school attendance. The support provided to scholarship recipients ranges from Mex\$ 175 to Mex\$ 1,120 per month. In the 2014/15 school year, PROSPERA awarded nearly 6.2 million scholarships. In collaboration with the National Coordinating Committee for Higher Education Scholarships, PROSPERA helps to ensure that scholarship recipients who complete their upper secondary education are able to continue their studies at the undergraduate and higher technical levels, and are priority candidates for maintenance grants.

218. The aim of the Programme for Inclusion and Equity in Education is to promote inclusive education and provide assistance to indigenous children, migrant children and pupils with disabilities or with exceptional skills through its four components: (i) educational support for linguistic and cultural diversity; (ii) educational support for pupils with special educational needs; (iii) improvement of television-supported learning at secondary level; and (iv) support for local projects whose objective is to enhance educational inclusion and equity. To prevent pupils from dropping out when transitioning

<sup>74</sup> The Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2013-2018. [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5343064&fecha=30/04/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5343064&fecha=30/04/2014).

<sup>75</sup> Achievements of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women for 2015: [http://www.gob.mx/cms/uploads/attachment/file/59250/Logros\\_2015\\_PIPASEVM.pdf](http://www.gob.mx/cms/uploads/attachment/file/59250/Logros_2015_PIPASEVM.pdf).

from primary to secondary school, more educational support was given to migrant children through equality strategies that were designed to help reduce disparities in access to education.

## **Article 14**

### **Compulsory primary education**

#### **Guideline 60**

219. Does not apply. See paragraph 200 on free primary education.

## **Article 15**

### **The right to take part in cultural life**

#### **Guidelines 61 and 61 (a)**

220. On 18 December 2015, the Ministry of Culture was established in place of the National Council for Culture and the Arts and took over all functions associated with the promotion and dissemination of culture and the arts, thereby elevating the level of cultural policymaking in Mexico. Through the Special Programme for Culture and the Arts 2014-2018, access to culture for all has been promoted as a vehicle of social change, cohesion and inclusion and as a path for the prevention of violence.<sup>76</sup> In goal 3.3 of the National Development Plan, the expansion of access to culture is considered to be a means for the overall education of the population, taking into account the development of infrastructure and the preservation of the country's cultural heritage.

221. The Programme to Support the Cultural Infrastructure of the States provides funding for the construction, refurbishment, remodelling, fitting out and maintenance of cultural venues such as cultural centres, libraries, museums and theatres that host artistic and cultural activities. In 2015, the programme provided support to 18 projects in 15 Mexican states.<sup>77</sup>

222. In 2010, the National Movement for Cultural Diversity in Mexico was established to promote recognition of the population's diversity and respect for its cultural expressions. This body, which is made up of representatives of 16 federal and local government agencies, 1 international organization and the academic community, is committed to strengthening action at the national level to ensure that indigenous and Afro-descendant populations enjoy full economic, social, cultural, civil and political rights and that the heritage and culture of each are respected.

#### **Guideline 61 (b)**

223. The National Development Plan includes a strategy for enabling universal access to culture through the use of information and communication technologies and the

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<sup>76</sup> For more information on the Special Programme for Culture and the Arts (PECA), see [http://www.conaculta.gob.mx/PDF/PECA\\_DOF\\_2014-2018.pdf](http://www.conaculta.gob.mx/PDF/PECA_DOF_2014-2018.pdf).

<sup>77</sup> For more information on the Programme to Support the Cultural Infrastructure of the States (PAICE) and the projects it has supported, see [http://vinculacion.conaculta.gob.mx/vv/prog\\_paice\\_padron\\_de\\_Beneficiarios.html](http://vinculacion.conaculta.gob.mx/vv/prog_paice_padron_de_Beneficiarios.html).

establishment of a “digital culture agenda” within the framework of the National Digital Strategy. To achieve this goal, steps are being taken to draw up a national policy for the digitalization, digital preservation and online accessibility of the country’s cultural heritage.

224. Digital platforms are being developed to expand the provision of cultural content, especially for children and young people, and to equip the country’s cultural infrastructure with publicly accessible media.

### **Guideline 61 (c)**

225. The National Coordination Committee for Children’s Cultural Development<sup>78</sup> is dedicated to the creation of spaces where children can develop their creativity and where local, national and universal cultural heritage can be shown in a positive light, enjoyed and disseminated. The Committee formulates and implements its cultural policy following an inclusive, equitable and multicultural approach that is consistent with children’s rights.

### **Guideline 61 (d)**

226. The Ministry of Culture implements policies intended to strengthen gender equality and address the needs of specific groups in order to facilitate access to recreational areas and archaeological and historical sites and monuments. It also promotes and disseminates the cultural and artistic creations of persons with disabilities.<sup>79</sup>

227. The National Institute for Senior Citizens promotes culture through its service centres, which offer older persons a meeting place for cultural and recreational activities that are conducive to the enjoyment of a healthy and active old age. Such activities include classes in foreign languages, computer skills, the visual arts, dance, singing, manual activities, recreational activities and physical rehabilitation.

228. The Federal Copyright Act provides that the reproduction of complete works, or parts of a work, sound recordings, video recordings, interpretations, performances or publications does not constitute a breach of copyright so long as it is not done for profit but for the sole purpose of making the work accessible to blind or deaf-mute persons.<sup>80</sup> On 29 July 2015, Mexico ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which will benefit over a million Mexicans with visual disabilities by granting them access to a greater number of works in accessible formats.

### **Guideline 62**

229. The Ministry of Culture encourages the preservation and dissemination of popular, urban, rural, indigenous and community cultures, emphasizing their dynamism and capacity for innovation and interaction, and also encourages respectful and harmonious intercultural dialogue.<sup>81</sup>

<sup>78</sup> <https://www.gob.mx/cultura/acciones-y-programas/coordinacion-nacional-de-desarrollo-cultural-infantil>.

<sup>79</sup> <http://vinculacion.conaculta.gob.mx>.

<sup>80</sup> The exception provided for in this article includes translations or adaptations in special languages that are intended to make the works accessible to certain population groups.

<sup>81</sup> <http://culturaspopulareseindigenas.gob.mx/>.

230. The National Commission for the Advancement of Indigenous Peoples undertakes measures that help to reinforce the tangible and intangible cultural heritage of indigenous peoples and to spread knowledge of the country's cultural and linguistic diversity. Through the Indigenous Rights Programme, the Commission seeks to build an inclusive Mexico in which indigenous populations can exercise their rights in relation to culture and communication.

231. In order to preserve the country's indigenous languages, the National Institute of Indigenous Languages completed the second phase of linguistic documentation and the first phase of documentation of the Huichol, Mazateco, Mam, South Tepehuan, Teco and Totonac languages.<sup>82</sup>

### **Guideline 63**

232. The training of artists, performers, researchers, museologists, restorers and staff who specialize in cultural services, as well as promoters and managers, plays a particularly important role in ensuring the continuity of cultural creation, as well as in ensuring that work in all spheres of national cultural policy is carried out to a professional standard. The Ministry of Culture has promoted, strengthened and expanded art education in the country through a variety of institutions and mechanisms whose objective is to spread and protect culture and the arts in Mexico.

### **Guideline 64 (a)**

233. The National Council of Science and Technology supports the 32 federative entities through the National Strategy to Promote and Enhance the Dissemination and Popularization of Science, Technology and Innovation.<sup>83</sup> The goal of the Social Ownership of Science, Technology and Innovation subproject is to undertake activities that promote the social ownership of knowledge and the development of participatory projects of public interest that involve spreading and popularizing science, technology and innovation in urban, rural and remote areas. The purpose of celebrating National Science and Technology Week is to attract children's and young people's interest in scientific and technological subjects and to promote collaboration among stakeholders in society for the transfer of knowledge.

### **Guideline 64 (b)**

234. Public policy in science and technology operates on the premise that investment in the sector will serve as a tool for transitioning towards a knowledge-based, socially conscious economy, which will, in turn, boost productivity and competitiveness. Under the Special Programme for Science, Technology and Innovation 2014-2018, efforts to foster scientific and technological development are aimed at solving social problems and meeting the goals that will enable citizens to exercise their human rights freely.

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<sup>82</sup> The Amuzgo, Chinantecan, Cora, Cocopa, Cuicatec, Huave, Ixcateco, Kumeyaai, Matlatzinca, Mazahua, Maya, Lacandon, Mayo, Nahuatl, Otomi, Pame, Tohono O'odham, Pima, Qato'k, Seri, Tepehuan, Ocuiltec, Tlapanec, Yaqui and Zapotec languages.

<sup>83</sup> Two subprojects were established for 2015: (i) Social Ownership of Science, Technology and Innovation (ASCTI); and (ii) the 22nd National Science and Technology Week (SNCT).



### **Guidelines 65 and 65 (a)**

235. In accordance with the Federal Copyright Act, copyright is the recognition granted by the State to all creators of literary and artistic works by virtue of which they receive protection to enjoy exclusive personal and financial rights and privileges. The Federal Copyright Act provides that authors are the sole, original and perpetual holders of the moral rights pertaining to the works that they have created. These moral rights adhere to the author; they are inalienable, not subject to statutory limitations and cannot be encumbered.

236. The Federal Copyright Act protects the basic rights of authors from the moment their works are transferred to a material medium, irrespective of the works' merit, purpose or mode of expression. The National Copyright Institute is the body charged with protecting these rights and is responsible for the public copyright registry, whose purpose is to provide legal certainty to authors, to holders of related rights and to holders of the corresponding economic rights and their respective successors. The Institute is also responsible for appropriately publicizing the works, transactions and documents by registering them. Notwithstanding, literary and artistic works and related rights are protected even when the registration process has not been completed.

### **Guideline 65 (b)**

237. The Federal Copyright Act provides that, by virtue of economic right, the author has the right to exploit his or her works on an exclusive basis or to authorize others to exploit them, within the limits set forth in the Act and without prejudice to their ownership of the moral rights in question.<sup>84</sup> One of the purposes of the protection provided is to enable creators or rights holders to exercise their right to adequate food and to an adequate standard of living.

### **Guideline 65 (c)**

238. The Federal Copyright Act protects the moral rights of authors, including indigenous peoples, in accordance with the principle of equality and non-discrimination. Works of literature, art, popular art or crafts that are executed and perpetuated in an aboriginal community or ethnic group, or one whose roots are in Mexico, are protected by the Federal Copyright Act against distortion aimed at discrediting or damaging the reputation or image of the community or ethnic group to which such works belong.

239. The Federal Copyright Act protects all works of literature, art, popular art or crafts, including primitive manifestations in their source language, practices, customs and traditions, that reflect the multicultural composition of the Mexican nation and have no identifiable author.

### **Guideline 65 (d)**

240. In keeping with constitutional amendments introduced in 2011, the human rights enshrined in the international treaties to which Mexico is a party have been incorporated into the constitutional catalogue of rights. The International Covenant on Economic, Social

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<sup>84</sup> The author and his or her successor are entitled to receive royalties for the communication or transmission of his or her works to the public. Such royalties are to be paid directly to the author or to the copyright collection society that represents him or her by the person or body who communicates or transmits the works to the public.

and Cultural Rights is thus fully recognized in the Mexican legislative framework, and the authorities of the three levels of government have the obligation to ensure its implementation.

241. In the light of this understanding, the Mexican Industrial Property Institute and the National Copyright Institute undertake to promote the observance of copyright law.

### **Guideline 66**

242. The Science and Technology Act provides for the implementation of article 3 (V) of the Constitution, which stipulates that the State has the obligation to support scientific and technological research and to encourage the strengthening and dissemination of Mexican culture. The National Development Plan lists as one of its objectives “to turn scientific and technological development and innovation into pillars for sustainable economic and social progress”.

### **Guideline 67**

243. The Mexican Agency for International Development Cooperation promotes and disseminates culture and art and fosters cultural and artistic relations with the rest of the world. Along these lines, it negotiates, concludes and gives effect to cooperation and exchange agreements with government bodies, universities, cultural institutions and multilateral and regional international bodies that specialize in the various areas of the cultural sector.

## **Follow-up to the concluding observations issued in respect of Mexico<sup>85</sup>**

### **E/C.12/MEX/CO/4, paragraph 28**

244. In August 2012, following the conclusion of the Cacahuatpec agreements between the Government of the State of Guerrero and the Council of Ejidos and Agrarian Communities, which opposed the project, the La Parota hydroelectric dam construction project was cancelled. Included in the agreements was the withdrawal of the state government from the project.

245. Following the restructuring of the Puebla-Panama Plan, which had been launched in 2007, it was agreed that the Plan would henceforth be known as the “Mesoamerica Integration and Development Project: Project Mesoamerica”. The plan calls for infrastructure, interconnectivity and social development projects that are intended to have a highly beneficial impact on the enjoyment of human rights, particularly in the areas of health, the environment, natural disasters and housing.

246. For more information on the development of this and other projects and on the corresponding recognition of the rights of indigenous communities to be consulted and to own and possess the lands traditionally occupied by them, see paragraphs 3 to 8.

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<sup>85</sup> The concluding observations are included in annex XXII and follow the paragraph numbers used in document E/C.12/MEX/CO/4.

**E/C.12/MEX/CO/4, paragraph 29**

247. The General Act on Equality between Women and Men was adopted in 2006, while the General Act on Women's Access to a Life Free of Violence was adopted in 2007. See paragraph 18.

**E/C.12/MEX/CO/4, paragraph 30**

248. See paragraphs 24 to 32.

**E/C.12/MEX/CO/4, paragraph 31**

249. See paragraphs 41 to 44.

**E/C.12/MEX/CO/4, paragraph 32**

250. Legislation requiring the Government and society to observe and implement laws on the inclusion of vulnerable groups in the labour market has been enacted in Mexico.

251. Article 2 (B) of the Constitution establishes the Government's obligation to promote the enjoyment by indigenous peoples of equal opportunity and advancement and to eliminate any discriminatory practice that interferes with the exercise of their rights. The Federal Labour Act and the Federal Act on the Prevention and Elimination of Discrimination prohibit differentiating between and discriminating against individuals on the basis of race or ethnic origin. This provides a starting point for ensuring that indigenous persons are not subjected to discriminatory practices in the sphere of employment, while simultaneously ensuring respect for their customs and practices.

252. Through its regional structure (23 local offices, 103 coordination centres for indigenous advancement and 21 radio stations), the National Commission for the Advancement of Indigenous Peoples carries out actions aimed at strengthening the capacity of indigenous persons to enjoy their rights and at promoting gender equality.

**E/C.12/MEX/CO/4, paragraph 33**

253. See paragraph 92.

**E/C.12/MEX/CO/4, paragraph 34**

254. The prevailing climate in Mexico is one of unqualified respect for trade union rights. The Government implements public policies and programmes that are intended to prevent any public or private conduct that might impinge upon these principles and legal safeguards.

255. Given that the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) does not permit States to make reservations and that the Senate of the Republic had formulated a reservation to article 1 (2) (b) of the Convention, ILO did not accept the ratification of this Convention by Mexico.

256. The Supreme Court decision set down in *amparo* review No. 1475/98 and in case decision No. P/J 43/99 under the heading "Closed-Shop Unionization: Laws or statutes that provide for it violate trade union freedom as enshrined in article 123 (B) (X) of the Constitution" concludes that the rule that grants a single union of officials in each State

agency the prerogative to formulate labour laws violates the social guarantee of the right of workers to organize.

257. In 2011, the rules of procedure of the National Human Rights Commission were amended to include labour among the responsibilities of the Commission, as part of the non-judicial system for the protection of human rights.

258. Annex XXIII illustrates the progress that has been made in implementing the recommendations concerning trade union freedom that were issued by the Office of the United Nations High Commissioner for Human Rights on the basis of a survey of the human rights situation in Mexico.

#### **E/C.12/MEX/CO/4, paragraph 35**

259. Mexico has carried out a series of reforms in relation to the retirement system in order to adjust pensions on the basis of such factors as age and years of service, setting as a priority the objective of granting workers 100 per cent of their previous wages.

260. The changes made to the retirement system have enabled the State Employees' Social Security and Social Services Institute to improve all its insurance schemes and benefits, especially those related to health care, housing, pensions and personal loans. Workers have been granted ownership and control over their retirement income. Full portability has been established in order to help create a national pensions system that enables pension entitlements to be transferred between the public and private sectors. Furthermore, a sustainable system of individual accounts has been set up.

#### **E/C.12/MEX/CO/4, paragraph 36**

261. The Federal Expenditure Budget for 2014 made provision for the introduction of an unemployment insurance plan that would provide workers with a social safety net for preventing a deterioration in their standard of living and that of their family, while simultaneously encouraging their rapid re-entry into the labour market.

262. The Chamber of Deputies adopted constitutional amendments relating to universal social security, which provide for the inclusion of unemployment insurance in the Social Security Act. To that end, it sent the Senate the record of the draft decree providing for the amendment of article 123 (XXIX) (A) of the Constitution, which is currently under consideration.

#### **E/C.12/MEX/CO/4, paragraph 37**

263. On 2 September 2004, the Social Assistance Act was published in the Federal Official Gazette with the aim of laying the foundations for the promotion of a national social assistance system that would foster and coordinate the provision of public and private social assistance services and encourage the participation of society in this area (see paragraphs 68-71 and 160).

#### **E/C.12/MEX/CO/4, paragraph 38**

264. The General Act on Women's Access to a Life Free of Violence provided for the establishment of the National System to Prevent, Address, Punish and Eradicate Violence against Women. Its objective is to coordinate the work of the Federation, the states, the Federal District and the municipalities in order to allow for them to combine their efforts,

tools, policies, services and inter-agency actions to prevent, address, punish and eradicate violence against women (see paragraphs 103 to 111). The offence of incest is punishable under federal law and the law of 28 federative entities. National information on the offence of domestic violence can be found in annex XXIV.

#### **E/C.12/MEX/CO/4, paragraph 39**

265. The national justice administration and enforcement registers provide information on the offence of trafficking in persons at the national level. See annex XIV and paragraphs 112 and 113.

#### **E/C.12/MEX/CO/4, paragraph 40**

266. In Mexico City and 27 federative entities, the minimum legal age for contracting marriage is 18. Dispensation may be granted in 20 federative entities, and marriage may be contracted between minors under the age of 18 in 25 federative entities, including those in which dispensation may be granted. Under the Federal Criminal Code, the offence of statutory rape is defined as the maintenance, by an adult, of a sexual relationship with a minor between the ages of 15 and 17, after having obtained the latter's consent by deception. Intercourse with a minor under the age of 15 is characterized as rape, even if no violence was committed. Congress is studying an amendment to the Federal Civil Code that would establish having reached the age of majority as an absolute prerequisite for marriage.

#### **E/C.12/MEX/CO/4, paragraph 41**

267. See paragraphs 103 and 104.

#### **E/C.12/MEX/CO/4, paragraph 42**

268. The mandate of the National Population Council is to include the most vulnerable populations within the scope of economic and social development programmes and to tailor the aims of these programmes to needs that arise as a result of demographic trends. In order to reduce poverty, support programmes are being implemented for vulnerable sectors of the population and sustainable productive projects are being carried out for persons whose income level falls below the well-being threshold (see paragraphs 115, 116, 120, 122 and 123).

269. The share of public spending on social development as a percentage of programmed expenditure has increased in recent years.<sup>86</sup>

270. One of the most relevant sources of information in the area of combating poverty and marginalization are the marginalization indices that are published every five years by the National Population Council.<sup>87</sup> Using information from the 2015 intercensal survey, estimates were made of the indices for federative entities and municipalities. The most recent indices corresponding to localities and urban geostatistical areas date from 2010. They provide an overview of the socioeconomic deficits experienced by the population in

<sup>86</sup> In 2009, Mex\$ 1.135 trillion of programmed expenditure was allocated to social development and, in 2013, this figure totalled Mex\$ 1.634 trillion, which equalled 52.1 per cent of all programmed expenditure. As a proportion of gross domestic product, public allocations to social development increased from 9 to 9.8 per cent between 2009 and 2013.

<sup>87</sup> Available at [http://www.conapo.gob.mx/es/CONAPO/Indices\\_de\\_Marginacion](http://www.conapo.gob.mx/es/CONAPO/Indices_de_Marginacion).

terms of variables such as education, access to public services in the area of housing, residence in small towns and villages, and income.

### **E/C.12/MEX/CO/4, paragraph 43**

271. Article 4 of the Constitution proclaims that everyone has the right to decent housing. To give effect to this provision, the Housing Act was adopted in June 2006. (See paragraphs 143-146 and 151-155 and annex XVIII on housing statistics.)

### **E/C.12/MEX/CO/4, paragraph 44**

272. See paragraphs 171 to 173. Rape is the only recognized ground for legal termination of pregnancy in the 32 federative entities. Abortion is not a punishable offence in 30 federative entities, when it is caused by negligent or wrongful actions on the part of the woman;<sup>88</sup> in 26, when the life of the mother or the fetus is in danger;<sup>89</sup> in 12, when there is a risk of grave danger to the woman's health;<sup>90</sup> and in 14, when the fetus presents a genetic or congenital development disorder.<sup>91</sup> Article 50 (XI) and article 58 (VIII) of the General Act on the Rights of Children and Adolescents provide that minors have the right to free, good-quality health-care services, including advice and guidance in sexual and reproductive health, and the right to receive sex education in accordance with their age and levels of cognitive development and maturity.

### **E/C.12/MEX/CO/4, paragraph 45**

273. For the 2014/15 school year, services related to the basic education programme were provided to 26 million pupils at the preschool, primary and secondary levels, accounting for a coverage rate of 96.6 per cent of the population between the ages of 3 and 14. This figure represents an increase of 0.4 per cent over the rate for the 2013/14 school year and 0.9 per cent over that for 2006. These services were provided with the support of 1.2 million teachers in 228,200 schools, both figures being similar to those recorded for the previous school year. In the 2014/15 school year, teachers who worked in schools with indigenous and migrant pupils received in-service training that incorporated a perspective of cultural and linguistic diversity and whose aim was to improve their teaching skills, as well as their mastery of information and communication technologies.

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<sup>88</sup> With the exception of Chiapas and Nuevo León.

<sup>89</sup> Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Durango, Jalisco, Estado de México, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luís Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán and Zacatecas.

<sup>90</sup> Baja California Sur, Colima, Chihuahua, Federal District, Hidalgo, Jalisco, Michoacán, Nayarit, Nuevo León, Tamaulipas, Tlaxcala and Zacatecas.

<sup>91</sup> Baja California Sur, Coahuila, Colima, Chiapas, Federal District, Guerrero, Hidalgo, Estado de México, Morelos, Oaxaca, Puebla, Quintana Roo, Veracruz and Yucatán.

**E/C.12/MEX/CO/4, paragraph 46**

274. See paragraphs 238 and 239.

**E/C.12/MEX/CO/4, paragraph 47**

275. See annex XXV.

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