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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 COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

MEXICO

1. The Committee considered the second periodic report of Mexico on articles 1-15 of the International Covenant on Economic, Social and Cultural Rights at its 32nd, 33rd, 34th and 35th meetings held on 29 and 30 November 1993 and adopted* the following concluding observations.

A. Introduction

2. The Committee thanks Mexico for its report, which was prepared in accordance with its guidelines, and notes with appreciation that it engaged in a fruitful dialogue with the Committee. It welcomes the written information provided by the Government in reply to the questions set out in the list of issues (E/C.12/1993/WP.16) which were communicated to it before the session. The supplementary information provided by the representatives of the State party and their knowledge of matters connected with the Covenant made it possible to engage in an open, frank and constructive dialogue between the State party and the Committee.

* At the 49th meeting (ninth session), held on 10 December 1993.

B. Positive aspects

3. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social or cultural problems being encountered by the country. It notes the many activities being carried out by the Mexican Human Rights Commission.

4. The Committee notes the adoption of the National Development Plan 1989-1994 (NDP) which aims inter alia at facilitating progress in the solution of the country's unemployment problem as well as the Solidarity Programme (PRONASOL), the objective of which is to enhance the opportunities of the socially deprived for earning a livelihood. The Committee also welcomes the statement of the Government that the efforts are being made in assisting agricultural workers to organize with the assistance of the Agricultural Attorney's Office.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes that the Government should continue to tackle the economic and social difficulties that are ingrained in the country and characterized by considerable foreign indebtedness, the inadequacy of budgetary resources earmarked for essential social services and the unequal distribution of national wealth. These difficulties severely affect the most vulnerable segments of society, and in particular children, persons living below the poverty threshold and those belonging to minority groups, such as the many indigenous peoples; they are relevant to the departure of many Mexican migrant workers abroad.

D. Principal subjects of concern

6. The Committee finds it disturbing that a particularly large number of persons live in extreme poverty. In this connection it notes with concern the decline in the purchasing power of the minimum wage during recent years since it is no longer adequate to enable people to live above the poverty line.

7. Another source of concern is the situation of many children, namely, abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very large percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

8. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in

preserving their culture and in teaching their language. It notes that although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

9. The Committee is also concerned at the fact that a large segment of the population of Mexico have to endure inadequate living and housing conditions, without access to basic services such as sewage and potable water.

10. The Committee is concerned at the prevalence of forced evictions in both urban and rural areas of Mexico. Of particular concern to the Committee is the large number of people already evicted or threatened with eviction due to the lack of adequate protection.

E. Suggestions and recommendations

11. The Committee recommends that efforts should be made to curb the decline in the purchasing power of the minimum wage and to redeploy certain budgetary resources to benefit the most vulnerable segments of society, and particularly children and persons living below the poverty line. Resources should be made available for indigenous groups to enable them to preserve their language, culture and traditional way of life, and at the same time to promote the economic, social and cultural rights provided for in the Covenant. The Committee recommends in particular that the State party should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement (NAFTA) might have on the enjoyment of the rights set out in the Covenant.

12. The Committee recommends that the Mexican Human Rights Commission should, in the future, devote greater attention to economic, social and cultural rights.

13. The Committee recommends that steps should be taken urgently to overcome the grave housing crisis in the country. It further recommends the speedy adoption of policies and measures designed to ensure adequate civic services, security of tenure and the availability of resources to facilitate access by low-income communities to affordable housing. The Committee also recommends the increased construction of rental housing, as well as adoption of other measures to enable Mexico to comply fully with its obligations under article 11 of the Covenant, as dealt with in General Comment No. 4 of the Committee.

14. The Committee urges the State party to desist from policy measures that lead to large-scale evictions. It recalls General Comment No. 4 in which it noted that "the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".

15. The Committee also recommends that the State party should take vigorous steps in the spheres of education and culture and recalls in this connection that, under article 13 of the Covenant, primary education should be compulsory and available free to all.

16. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection and which are generously enshrined in the Constitution of Mexico.
