

Committee on Economic, Social and Cultural Rights

36th Session

**Declaration of the Mexican civil and social organisations who present the
Alternative Report to the IV Periodic Report of the Mexican State¹**

- This declaration is presented with the support of Habitat International Coalition, an international organisation with consultative status with ECOSOC, and the Miguel Agustín Pro Juárez Human Rights Centre, a Mexican organisation with Roster consultative status with ECOSOC -

1. Concerned about the situation of the economic, social, cultural and environmental rights (ESCER) of millions of Mexicans, the civil society organisations who are signatories to the Alternative Report to the IV Periodic Report of the Mexican State present this declaration to the Committee on ESCR on the occasion of its 36th session.
2. The Mexican government is presenting its IV Periodic Report (E/C.12/3/Add.16) with a delay of almost three years. The Committee should request that henceforth, the Mexican State punctually comply with this obligation, in order to provide timely attention to its observations and recommendations and to highlight those that can be feasibly fulfilled before the change of the government in December 2006.
 - A. Unfavourable environment and structural obstacles
3. The federal elections of 2000 ended 71 years of government by the Revolutionary Institutional Party (PRI), undoubtedly a fundamental step in our country's transition to democracy. Nevertheless, we call the Committee's attention to the fact that the political opening, without the revision or in-depth debates on the model of economic and social development being applied in our country for over twenty years, is not enough to achieve

¹ Due to space, the organisations that subscribe to this document are not listed. For more information contact: informedesca@yahoo.com.mx

an improvement of the population's living conditions and to guarantee the realisation of human rights.

4. The necessary measures have not been adopted to generate a favourable environment for the realisation of ESCER or to overcome some of the structural obstacles denounced by civil society organisations and identified previously by the Committee. As we expressed to the Pre-Sessional Working Group (November 2005), the model of opening the economy to external markets and the promotion of foreign investment in Mexico has not been socially responsible. The conditions applied to the credits of the international financial institutions, along with the trade and investment agreements, continue to determine economic policies and programmes, the deregulation of sectors and subsequent commercialisation of basic services associated with access to ESCER, and negatively impact the levels of inequality and income concentration.
5. As was recognised in the *Diagnosis on the Human Rights Situation in Mexico*, elaborated by the representation of the OHCHR in Mexico in 2003 (page 74), twenty years of dismantling the State, privatising public companies, opening the market, inflation control, balanced budgets, an insufficient availability and volatility of credit, disloyal competition for national producers, the elimination of subsidies, salary contention and the deregulation of markets, among the most outstanding economic policies, have determined changes in the productive structure of the country that have had serious repercussions on the standards of living and on the ESCER of persons and their families.

B. Civil society- government dialogue processes

6. We as civil society organisations have promoted the opening of spaces in the design of public policies and legislation; fruit of this effort was the opening in 2001 of a Group on ESCR within the Dialogue Mechanism of the Inter-ministerial Commission to attend to Mexico's international commitments in the area of human rights.

7. Likewise, we proposed reforming the decree that created the Inter-ministerial Commission to incorporate the social and economic Ministries of the cabinet due to their importance regarding ESCER. However, while the current Commission of Government Policy on Human Rights includes the Ministries of Development, Education, Health, and the Environment, it only considers the Ministries of the Economy, Finance and Work as invitees, with voice but no vote.
8. In regards to the elaboration process of the IV Periodic Report, the Ministry of Foreign Relations (SRE) sent in August 2004, the first draft of the report elaborated by a consultant contracted for this purpose, to the organisations of the Subcommittee on ESCR of said Inter-ministerial Commission, calling for an analysis meeting only two days later, because of this we were not able to submit comments. Regarding the second draft that was subsequently sent, 35 organisations sent a letter expressing our concern for the lack of information on substantial issues, the lack of a qualitative assessment of the government's actions and their impacts, the insufficient identification of problems and obstacles for the access to and enjoyment of diverse rights, among others. Our comments were cited in the paragraphs 1240 and 1241 of the IV Report, making it understood that the government received feedback from each organisation. We would like to point out that this is not exactly the case and that we also do not share the assertion of paragraph 1239 that the necessary opportunities were provided for the comments of civil society organisations in order to obtain feedback.
9. Several civil society organisations also participated in the framework of the Technical Cooperation Agreement between the OHCHR and the Mexican government in the elaboration of the Diagnosis, and we provided proposals for the National Programme on Human Rights (PNDH). In regards to the Diagnosis, we are concerned that it does not adequately contemplate the problem of the lack of union democracy, while the government maintains its reserve to article 8 of the ICESCR, nor the seriousness of

forced evictions when the Committee and the Special Rapporteur on the right to housing have made specific recommendations on this matter. The PNDH reflects the lack of understanding of the State's obligations in regards to ESCER given that it does not propose new lines of action in order to advance on several rights, but rather the continuity of social programmes that were not designed from a human rights perspective.

C. Principal causes for concern

10. Reducing the inequality gap is one of the main challenges that Mexico's faces to access ESCER. The Mexican government's Progress Report 2005 on the Millennium Development Goals recognises that merely disaggregating the information by geography, sex or ethnic group is enough to enable one to obtain not only distinct levels of progress but also very distant results between them. Because of this, many of the achievements gained are not equitable for all of the population, demonstrating that inequality and gaps persist as substantial problems for Mexico's development.
11. The Human Development Report for Mexico 2004, elaborated by the UNDP, explains that the national inequality in the levels of the Human Development Index (HDI) is due to differences between as well as within the states. Those that present the lowest HDI are: Chiapas, Oaxaca, Guerrero, Michoacán, Veracruz, Hidalgo, Zacatecas, Puebla, Tlaxcala, Nayarit, Guanajuato, Tabasco and San Luis Potosí, areas with a high concentration of a peasant and/or indigenous population, who also expel labour to the United States; men, women and children- internal or external migrants- who suffer discrimination and other human rights violations.
12. The situation in Chiapas and other states continues to be concerning, and the government's measures inefficient and inappropriate. The government highlights the Opportunities Programme directed at the population in extreme poverty, while external studies and evaluations have demonstrated that focalised programmes have serious errors in including beneficiaries and adverse effects on social relations (divisions and the

disintegration of social networks). Likewise, the military and paramilitary presence in Chiapas continues to be of concern.

13. In spite of numerous social programmes of the *Contigo* (“With You”) Strategy described by the government, as long as the political will does not exist to revise and redirect economic and social policies with a focus based on human rights, poverty, inequality and exclusion will continue to represent systematic denials of ESCER for more than half of the Mexican population, which lives in these conditions.
14. In regards to the content of the IV Report, we are concerned by the omission of information on the right to self-determination in regards to its internal dimension, recognised by the Committee on ESCR (Informative Pamphlet No. 16 Rev. 1) and on the right to a healthy environment (art. 12.2.b of the ICESCR), as many rural and indigenous communities’ rights to freely use their natural resources and to not be denied their own means of subsistence are being affected, and the State does not fulfil its obligation to respect and protect the rights. The Alternative Report contains concrete cases of the violation of these and other ESCER, and warns of the social and environmental impacts of some large-scale development projects, as well as the lack of adequate control and regulation by the State of the activities of private national and transnational corporations.
15. Access to justice in regards to ESCER is also very limited. A true process of harmonisation of internal law with international human rights law is fundamental. For more than 10 years, civil society organisations have demanded that the human right to food be elevated to the constitutional level and that diverse ILO Conventions be ratified. An appropriate legal framework would favour the design and application of adequate and effective public policies. Likewise, it is urgent that the State guarantees the appropriate legal resources for the justiciability of all human rights.
16. We also denounce a series of retrogressive measures that violate several dispositions of the Covenant and on which the government omits information for the Committee. For

example, the cuts in social security spending and legislative reforms in this regard have generated: a reduction in the number of wage workers who have social security, limitations to the access to this right for wage and non-wage workers, and a deficiency in the services provided by public institutions, while favouring the Administrators of Retirement Funds (AFORES) who charge commissions for the opening and management of the accounts for each of the workers registered in the privatised pension system.

17. On budget matters, the government has increasingly designated fewer resources for education, for example between 2002-2005, bilingual education and multicultural education suffered drastic cuts. Likewise, the under-spending of the budget approved for social issues is constant, with the Opportunities Programme standing out, which, during the period 2001-2004, did not spend close to 2 billion pesos. In contrast, the Ministries of Finance and Public Credit, National Defence, Foreign Relations and the Interior have over-spent their resources. Therefore, the constant reference by the government to the scarcity of resources, and its incompleteness of the obligation to take steps to the maximum of its available resources in favour of the rights of the ICESCR, is not justified.

D. Conclusions

18. We consider that the IV Periodic Report of Mexico does not provide the Committee with all of the information on obstacles and setbacks. To mainly focus on the progress made is a serious omission that also does not take advantage of the opportunity for advising offered through a constructive dialogue with the Committee on ESCR.

19. We do not share the government's appraisal on the section on the fulfilment of the Committee's recommendations (paragraphs 935 to 1242). For example, the protection of women working in *maquiladoras*, the physical and economic access to adequate housing (and the oversight of private construction, an arena of corruption), the decrease in female

mortality due to illegal abortions, and the due attention to children living on the street, remain pending issues.

20. It is concerning that in spite of the time that has passed, the Mexican State has not satisfactorily attended to all of the observations and recommendations of 1999 (E/C.12.1/Add.41), including some which were issued for the first time in 1993 (E/C.12/1993/16).

21. Finally, we respectfully call on the Committee on ESCR to take into consideration the information, causes for concern, and recommendations that we present in the Alternative Report and to insist to the Mexican State that it adequately attend to its obligations in the area of economic, social, cultural and environmental rights. In a significant matter, the life and well being of millions of people in our country depend on it.