



Economic and Social Council

Distr.: General
17 October 2023
English
Original: Spanish
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Seventh periodic report submitted by Mexico under articles 16 and 17 of the Covenant, due in 2023* **

[Date received: 17 April 2023]

* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the State of Mexico hereby submits its seventh periodic report to the Committee on Economic, Social and Cultural Rights on the measures that it has adopted, the progress made towards and the factors and difficulties affecting the achievement of the observance of the rights recognized in the Convention (see references in annex I).
2. During the preparation of this periodic report, in addition to information submitted directly by the competent authorities, indicators drawn from the National System for Evaluating the Level of Human Rights Fulfilment¹ were taken into account; these same indicators were also used in the preparation of the fourth monitoring report of the State of Mexico under the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (annexes II and III).
3. This report describes the progress made in the implementation of the Covenant by the various departments of the federal administration, the judiciary and the legislative branch, through national programmes, actions and strategies.

Article 1 Right to self-determination

4. The right to self-determination of Indigenous Peoples is recognized under article 2 (a) of the Constitution of Mexico, which establishes their autonomy to decide how to live together, to have recourse to their own legal systems for the resolution of internal disputes, to elect their own authorities and representatives, to preserve their identity, enrich their languages, knowledge and all aspects of their culture, to have access to and preserve their lands and to enjoy unrestricted access to the State judicial system.²
5. Articles 2 and 27 of the Constitution recognize the legal personality of “ejidos” and agrarian communities and protect their ownership of land for the purposes both of human settlement and of productive activities. The federative entities have their own legislation recognizing Indigenous Peoples and communities, which are classified according to ethnolinguistic criteria and physical location.
6. The Constitution mandates prior consultation on any matters that may affect Indigenous Peoples or communities, such as the issuing of permits, concessions, licences or authorizations.
7. The National Institute of Indigenous Peoples supports measures aimed at the recognition, protection, defence and conservation of the lands, territories, goods and natural resources of Indigenous Peoples and provides assistance and guidance in order to address and resolve agrarian conflicts, in coordination with relevant bodies.
8. The Supreme Court of Justice has issued decisions on the protection of the right of Indigenous Peoples to ownership of land, territory and natural resources. The decisions addressed issues including procedural aspects related to the defence of that right, the right to consultation and the relationship between the right to land, territory and natural resources and access to justice and self-determination (see annex IV for more information on the activities of the Supreme Court of Justice).³
9. Regarding the concluding observations issued by the Committee in 2018 in respect of the combined fifth and sixth periodic reports of Mexico,⁴ see annex V for more information on training activities on the rights enshrined in the Covenant.

Article 2 Right to equality and non-discrimination

10. Article 1 of the Constitution prohibits all discrimination on the grounds of ethnic or national origin, gender, age, disability, social status, medical condition, religion, opinions,

sexual preferences or civil status and any other form of discrimination that undermines human dignity or seeks to nullify or impair the rights and freedoms of individuals.

11. The 32 federative entities of Mexico have their own laws and institutions for preventing and combating discrimination.

12. The Federal Act on the Prevention and Elimination of Discrimination provides that all federal authorities and the institutions under their oversight or jurisdiction are obliged to carry out equalizing and inclusive measures and to take the steps necessary to ensure universal enjoyment of true equality of opportunity and the right to non-discrimination.⁵

13. The General Act on the Inclusion of Persons with Disabilities provides for progressive measures to close inequality gaps affecting persons subjected to discrimination with regard to the enjoyment of their rights.⁶

14. The National Human Rights Programme 2020–2024 provides for strategies and measures to ensure the enjoyment of human rights throughout the country and thus begin to reduce inequality between people of different social strata and conditions, geographical regions, genders and ages.⁷

15. The Sectoral Programme on Welfare 2019–2024 provides a framework for social policy measures under a universalist, State-guaranteed right-based model. It is designed to progressively ensure the enjoyment of social rights by the entire population, without discrimination, and to promote the establishment of human rights mechanisms, including through the establishment of a universal non-contributory pension, the adoption of measures to ensure access to care services, the provision of comprehensive support for active aging and the adoption of measures aimed at the protection, respect and promotion of the human rights of persons belonging to vulnerable groups.⁸

16. The National Council for the Prevention of Discrimination is responsible for implementing anti-discrimination policy at the national level and for coordinating and supervising the implementation of the National Programme for Equality and Non-Discrimination 2021–2024.⁹

17. The purpose of the National Programme for Equality and Non-Discrimination is to promote the exercise of human rights without discrimination in the public sector and in society at large. To that end, the Programme takes a coordinated and comprehensive approach, using the powers of the federal Government to dismantle structurally discriminatory practices.

18. The National Discrimination Information System, established by the National Council for the Prevention of Discrimination, was set up to compile, organize, systematize and disseminate specialized information on discrimination.¹⁰ Over the last five years, the Council has taken steps to establish an accurate data system that gives a clear picture of the problem of discrimination in the country (annex VI).

Gender identity

19. Eighteen of the 32 federative entities have recognized the right to gender identity through amendments to their civil codes, family codes, laws or civil registry regulations, or through the issuance of local administrative regulations.

Indigenous Peoples

20. The National Institute of Indigenous Peoples is an expert body responsible for ensuring free, prior and informed consultation whenever consideration is being given to federal legislative and administrative measures that could affect the rights of Indigenous or Afro-Mexican peoples.

21. The Special Programme for Indigenous and Afro-Mexican Peoples 2021–2024 promotes the recognition and full exercise of the rights of such peoples and communities, in particular their rights to self-determination and ownership of land, territories and natural

resources and their right to participation and consultation from a holistic, intercultural and gender perspective.¹¹

22. The Programme for the Comprehensive Well-Being of Indigenous Peoples incorporates comprehensive measures aimed at the realization of rights, the promotion of the Indigenous economy and the protection of cultural heritage, traditional medicine and basic social infrastructure. The Programme serves as a comprehensive response to the structural conditions of poverty, marginalization, discrimination and inequality experienced by Indigenous and Afro-Mexican peoples and communities in their daily lives. The measures taken under the Programme were developed through participatory planning processes, in accordance with a sustainable vision and in consideration of the legitimate demands, claims and life aspirations of the peoples and communities concerned.¹²

23. The Act on the Linguistic Rights of the Indigenous Peoples regulates the recognition and protection of the individual and collective linguistic rights of Indigenous Peoples and communities, promotes the use and development of Indigenous languages and prohibits all discrimination based on spoken language.¹³

24. The aforementioned Act provides for the use of Indigenous languages in any matter or procedure of a public nature and in accessing the public administration and public services and information; it also obliges the authorities to make the content of laws, regulations, programmes and projects, as well as public works and services aimed at Indigenous communities, available in the language of those communities in text-based, audiovisual and digital formats.

25. The institutional programme 2020–2024 of the National Institute of Indigenous Peoples sets out a range of strategies and specific measures to promote the exercise of the linguistic rights of Indigenous Peoples in public institutions.¹⁴

26. The Sectoral Programme for Culture 2020–2024 was designed to ensure fluid communication between the State and the different ethnic minorities through policies that incorporate the use of Indigenous languages into the activities of the authorities of the three branches of government.¹⁵

27. The National Programme for Social Development 2021–2024 specifically promotes intercultural dialogue with a view to fostering pluralistic economic processes in Indigenous and Afro-Mexican communities, in a manner in keeping with their rights, culture and knowledge systems.¹⁶

28. Regarding translation into Indigenous languages in health-care facilities, the Social Security Act states that Indigenous users of health-care services have the right to receive all information relevant to their care in their own language. Health authorities must provide advice and guidance, including instruction and guidance on family planning and health education programmes,¹⁷ both in Spanish and in the language or languages used in the region or community where they are based.

29. The Sectoral Programme on Health 2020–2024 promotes comprehensive care for the Indigenous population. The Programme takes due account of the contributions of traditional medicine and envisages the participation of Indigenous language interpreters and translators, training in Indigenous rights and intercultural approaches.¹⁸

30. The National Development Plan 2021–2024 envisages the participation of translators and interpreters as a means of ensuring that the Indigenous population has access to comprehensive health care. In addition, the Targeted Action Programme for Public Health Policies and the Promotion of Health 2020–2024 contains measures intended to build the capacities of health promoters who speak an Indigenous language, to allow them to carry out public health initiatives in Indigenous and Afro-Mexican communities and populations.¹⁹

31. The Commission for Substantive Equality among Children and Adolescents, part of the National System for the Comprehensive Protection of Children and Adolescents, provides comprehensive care and protection services for Indigenous and Afrodescendent children and adolescents.

32. The Supreme Court has recognized the right of access to justice with an intercultural perspective in its case law, with a view to ending discrimination against the Indigenous

population in the judicial sphere. This has led to an update of a protocol on judging with an intercultural perspective for Indigenous Peoples, persons and communities²⁰ and the development of a protocol on judging with an intercultural perspective for Afrodescendent and Afro-Mexican peoples, persons and communities.²¹

33. To broaden access to justice, and in recognition of the multiculturalism of Mexican society, the Council of the Federal Judiciary and the Indigenous Women Lawyers Network have sought to develop tools to improve knowledge of the work of the federal judiciary among the aforementioned population groups and improve their access to digital justice (annex VII).

Migrants and refugees

34. The Migration Act regulates the entry and exit of Mexicans and foreigners into and out of Mexican territory and the transit and stay of foreigners through and in the country, within a framework of respect for and protection of human rights, contribution to national development and preservation of national sovereignty and security.²²

35. In line with the above, the Sectoral Governance Programme 2020–2024 sets out inter-institutional measures designed to provide comprehensive assistance to and protect the human rights of migrants and persons in situations of mobility.²³

36. Institutional assistance is provided to persons applying for refugee status, refugees, persons afforded complementary protection and persons seeking political asylum under the auspices of the Ministry of the Interior, which is the competent authority under the Refugees, Complementary Protection and Political Asylum Act. The Act regulates the granting of political asylum, complementary protection and refugee status and provides a framework for assistance to applicants, asylum seekers and refugees in the national territory, in order to guarantee full respect for their human rights.

37. The status of “visitor on humanitarian grounds” allows foreigners in vulnerable situations to enter and remain in the country for a predetermined period of time, which may be extended if the situation of vulnerability persists. Foreign nationals with this status are able to change or regularize their immigration status. “Visitor on humanitarian grounds” cards are granted to applicants for refugee status or political asylum and stateless persons; persons recognized as victims or witnesses of any act classified as an offence committed in Mexico; accompanied and unaccompanied child or adolescent migrants, where this is in their best interests; and persons who find themselves in an emergency situation or require humanitarian assistance. Between January and December 2021, 89,642 “visitor on humanitarian grounds” cards were issued.

38. Steps have been taken to promote the regularization of migration status so as to give foreigners the opportunity to obtain an immigration document attesting that they reside in the country lawfully.

39. From January to December 2021, the situations of 124,775 foreigners were regularized: 99,499 on humanitarian grounds, 14,210 on the basis of family ties and 11,066 in relation to expired documentation or the performance of unauthorized activities. In addition, 3,761 visiting frontier worker cards were issued to foreigners, mainly from Belize and Guatemala, who work in states along the southern border, namely Campeche, Chiapas, Quintana Roo and Tabasco. The cards are valid for one year and are issued upon verification that a formal job offer has been made and that the employer is registered with the National Institute of Migration.

40. The National Institute of Migration has published a guide on the care of migrant children and adolescents, which serves to advise Institute officials on the procedures and practices to be followed and services to be provided, including in relation to food and medical care, from initial contact with the minor until the completion of the administrative immigration proceedings, in accordance with the Migration Act, the General Act on the Rights of Children and Adolescents²⁴ and other applicable legal instruments.

41. As part of an information strategy to prevent xenophobia, the National Council for the Prevention of Discrimination distributes material aimed at breaking down prejudices and stereotypes that fuel racist, classist and xenophobic practices and helping to debunk myths about migrants and refugees.

42. During the coronavirus disease (COVID-19) pandemic, measures were taken to care for migrants, including the adoption of a COVID-19 protocol for use in migrant holding centres and the provisional holding centres of the National Institute of Migration, whereby assessments are carried out and medical certificates are issued and, if specialized treatment is required, the person in question is referred to a public health centre.²⁵

43. The executive secretariat of the National System for the Comprehensive Protection of Children and Adolescents developed the Strategic Plan of Action for the Care of Migrant Children and Adolescents in order to plan and coordinate the actions of the public authorities, international agencies and civil society organizations to protect migrant children and adolescents. The Plan was approved by the Commission for the Comprehensive Protection of Migrant and Refugee Children and Adolescents, part of the National System for the Comprehensive Protection of Children and Adolescents, and comprises measures aimed, inter alia, at promoting the establishment and operationalization of specialized collegiate bodies and the preparation of comprehensive protection guidelines tailored to the state and municipal levels.

Situation of defenders of economic, social and cultural rights

44. The Human Rights Defenders and Journalists Protection Act provides for cooperation between the federal Government and the federative entities in the implementation of prevention measures as well as preventive and emergency protection measures designed to safeguard the lives, well-being, freedom and safety of persons who are at risk because of their efforts to defend and promote human rights, exercise their right to freedom of expression and engage in journalism. The Act also provided for the establishment of the Mechanism for the Protection of Human Rights Defenders and Journalists.²⁶

45. This Mechanism recognizes that certain population groups have particular characteristics or are more vulnerable on account of factors such as age, gender, sexual preference or orientation, ethnicity or disability status. Consequently, it recognizes that certain types of harm require specialized services consistent with the unique characteristics and the degree of vulnerability of victims.

46. Currently, the Mechanism is assisting 2,059 people, including 581 journalists (153 women and 428 men), 1,099 human rights defenders (609 women and 490 men) and 379 indirect victims (214 women and 165 men). It has also registered a total of 72 cases involving 263 environmental defenders, of which 199 are direct beneficiaries (65 women and 134 men) and 64 are protected indirect beneficiaries (37 women and 27 men).

47. At the request of the Ministry of the Interior, on 26 August 2019, the Mexico office of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which acts as an observer to the Mechanism, conducted a study of the Mechanism's operations, in which it identified strengths, good practices and opportunities for inter-institutional strengthening.²⁷ The Mechanism has established a working group on the implementation of the resulting recommendations, in collaboration with OHCHR and civil society.

48. In November 2020, Mexico ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which was negotiated under the auspices of the Economic Commission for Latin America and the Caribbean. It is the first international treaty to include specific provisions on the protection and promotion of the rights of environmental rights defenders, who are one of the most vulnerable categories of human rights defenders and one of the most likely to be at risk because of their activities.²⁸

49. The Mexican State is aware of the challenge it faces in protecting and defending human rights defenders and journalists and is thus working to establish a national prevention and protection system for them. This system will be based on the General Act for the

Prevention of Violence against and the Protection of Human Rights Defenders and Journalists and will comprise a national model for preventive measures, a national register of violence and a national protection protocol.

50. In formulating the draft Act, the Mexican Government held a series of regional dialogues to gather information on the demands and suggestions of civil society.

51. In addition to these regional dialogues, the Ministry of Foreign Affairs organized a dialogue on 7 June 2022 with international experts, the academic community and civil servants, in coordination with the Mexico office of the United Nations Educational, Scientific and Cultural Organization (UNESCO). At this meeting, participants shared good practices and experiences regarding the identification of risk factors affecting journalists and human rights defenders, the protection of journalists and human rights defenders, the fight against impunity, reparation measures, corporate ethics and international cooperation.²⁹

52. Specific indicators for monitoring the environmental and water situation are compiled by the Mexican Institute of Water Technology, in cooperation with OHCHR, the Ministry of the Interior and various academic and civil society entities.

Business and human rights

53. The National Human Rights Programme sets out steps towards the adoption of the United Nations Guiding Principles on Business and Human Rights and the Guidelines for Multinational Enterprises on Responsible Business Conduct of the Organisation for Economic Co-operation and Development.

54. A study was conducted into the legal and public policy framework governing business and human rights at the federal level from 2019 to 2022, analysing the constitutional human rights obligations applicable to private, public and public-private business activity.³⁰

55. The Ministry of the Interior is in the process of drafting a national policy on business and human rights, under which strategies and lines of action will be developed through a participatory, plural and inclusive process.

Corruption

56. The Coordinating Committee of the National Anti-Corruption System is a collegiate body that establishes, promotes and evaluates national anti-corruption policy and designs coordination mechanisms with the federal and state authorities involved in the prevention, deterrence and punishment of administrative offences and acts of corruption.³¹

57. The Ministry of the Public Service has set up mechanisms for investigating and reporting corruption, supporting internal and external whistle-blowers and providing support and legal assistance to victims of corruption. It also investigates complaints and irregularities and sanctions public servants who fail to comply with its anti-corruption framework.

58. Using the National Development Plan as a starting point, the Ministry of Finance and Public Credit, the Ministry of the Public Service and the General Coordination Office for the National Digital Strategy of the Office of the President of the Republic designed the National Programme to Combat Corruption and Impunity and Improve Public Administration 2019–2024, which lays the programmatic groundwork for an efficient and incorruptible public sector.³²

59. In 2020, the National Anti-Corruption Policy was adopted as a road map for combating and preventing corruption in the long term. It consists of 40 priorities split into four categories: fighting corruption and impunity; combating arbitrariness and abuse of power; promoting better public administration and government-society communication; and involving civil society and the private sector in anti-corruption efforts. It forms the basis of the various policies developed by the 32 local anti-corruption systems throughout the country.³³

60. The protocol for the protection of corruption whistle-blowers includes measures to protect the physical integrity of whistle-blowers and their families and to safeguard their employment situation, including in the event that the information reported by them concerns a superior or co-worker.³⁴

2030 Agenda

61. The System for Follow-up and Action on International Human Rights Recommendations of the Ministry of Foreign Affairs systematizes the international recommendations on human rights addressed to Mexico since 1994 to facilitate the monitoring of their implementation; the recommendations are linked to the measures taken to implement the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. For more information on these measures, see annex VIII.

Article 3

Gender equality

62. The Constitution recognizes the principle of gender parity among federal and local elected public office holders. Pursuant to the constitutional amendments introduced in 2019, this principle applies in respect of various categories of elected office, cabinet appointments, positions within autonomous collegiate bodies and even positions in the municipal governments of Indigenous areas. This has been a core component of efforts to improve women's access to elected office and public decision-making. Actions taken to promote women's access to decision-making spaces include training activities, cooperation with federal entities and meetings and forums (annex IX).

63. Under Mexican legislation, specifically the Organic Act on the Federal Judiciary, the General Act on Political Parties and the General Act on Electoral Institutions and Procedures, political parties are required to ensure gender parity among their candidates for election to legislative bodies as a long-term gender-equality strategy, and federal justice bodies are required to achieve gender parity in their composition.

64. The National Institute for Women monitors progress towards the harmonization across federal entities of laws and regulations on equality, violence against women, discrimination and human trafficking. It coordinates the work of the National System for Equality between Women and Men³⁵ and, based on women's experiences, prepared the National Programme for Equality between Women and Men 2020–2024,³⁶ which provides a framework for the efforts of the Mexican Government in this area.

65. A progress and results report is published under the National Programme for Equality between Women and Men 2021, which is designed to close long-standing gaps in equality, both between women and men and among different groups of women. To that end, priority is given to groups with the greatest historical vulnerability and disadvantages, such as Indigenous women, women with disabilities, women of African descent, female domestic workers, women living in poverty and trans women, among other groups of women who have faced multiple discrimination.³⁷

66. The National Programme for Equality between Women and Men promotes the elimination of gender stereotypes and prejudices that give rise to and sustain inequality between women and men, violence against women, adolescents and girls, the gender division of work and multiple forms of discrimination in Mexican society.

67. The General Act on Equality between Women and Men regulates and guarantees equality of opportunity and treatment between men and women, proposes institutional guidelines and mechanisms for achieving substantive equality in the public and private spheres throughout the country and promotes the empowerment of women, gender parity and the struggle against all gender-based discrimination. Its provisions are matters of public policy and social interest and are generally applicable throughout the national territory.³⁸

68. The Sectoral Programme on Labour and Social Security 2020–2024 promotes the proportionate representation of women in union leadership positions. It also includes measures to enhance the employability of workers who face the greatest barriers to access to the labour market.³⁹

69. Articles 29 and 30 of the General Education Act provide that courses and curricula must incorporate a gender perspective.⁴⁰ The Sectoral Education Programme 2020–2024 includes two measures to promote the updating and modernization of courses and curricula from a human rights and gender perspective.⁴¹

70. The Federal Criminal Code establishes a penalty of 1 to 3 years of imprisonment or 150 to 300 days of community service and up to 200 day-fine units for employers who discriminate on any prohibited grounds or who deny or restrict the right to work primarily on the basis of gender or pregnancy.⁴²

71. Under the National System for Equality between Women and Men, substantive agreements have been reached and concerted efforts made to ensure compliance with the National Policy on Equality between Women and Men. These include cooperation agreements establishing formal links between autonomous constitutional bodies and other public authorities and agreements between various member institutions of the System on measures to implement the National Programme for Equality between Women and Men, strategies to promote adherence to the constitutional principle of gender parity in the federal administration and the strengthening of gender equality units.

72. The Supreme Court has clarified the content and scope of the obligation of gender-sensitive adjudication in a case law decision with binding effect on all judges. It has also developed materials to raise awareness and provide training both on this obligation, including a 2020 update of the gender-sensitive adjudication protocol and guidance for justice administrators in family, criminal and labour matters, and on the impact of stereotypes in the administration of justice.⁴³

73. The National Commission for the Prevention and Elimination of Violence against Women, under the Ministry of the Interior, is carrying out a strategy to implement its policy on women's justice centres, which aims to bring together in one place comprehensive, personalized and specialized services to ensure care and access to justice for women in situations of gender-based violence, and their children. There are women's justice centres in 31 federative entities.

Feminist foreign policy

74. In 2020, Mexico formally adopted a feminist foreign policy, in line with the priorities established in the National Development Plan. This policy recognizes the challenges faced by Mexico in guaranteeing the right of all women and girls to live a life free of violence. In this context, Mexico has defined its feminist foreign policy as a set of principles that seek, through foreign policy, to guide government actions to reduce and eliminate structural differences, gaps and gender inequalities in order to build a more just and prosperous society.

75. At the sixty-seventh session of the Commission on the Status of Women, the feminist foreign policy of Mexico was recognized as one of the three best in the world after those of Sweden and Norway, and the first in the Global South.⁴⁴

Articles 4 and 5

Limitation and interpretation of rights

76. Article 1 of the Constitution 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, including during the COVID-19 pandemic.

Article 6

Right to Work

77. The Constitution recognizes the principle of non-discrimination in the exercise of the right to work. Article 3 of the Federal Labour Act provides that no conditions may be established that involve discrimination between workers on any ground that is contrary to human dignity.⁴⁵

78. The Federal Act on the Prevention and Elimination of Discrimination provides that it is discriminatory to prohibit free choice of employment, restrict opportunities for access to employment or establish differences in respect of pay, allowances and working conditions for equal work.

79. The National Labour and Employment Programme for Persons with Disabilities 2021–2024 promotes non-discrimination in labour matters.⁴⁶ Elements of the National Programme for Equality and Non-Discrimination are aimed at eliminating discriminatory practices that lead to exclusion and social inequality for groups who have historically faced discrimination and that hinder the exercise of human rights in the workplace. The Special Programme for Indigenous and Afro-Mexican Peoples and the National Programme for Indigenous Peoples 2018–2024 also promote non-discrimination in the workplace.⁴⁷

Labour law

80. Article 17 of the Constitution establishes the right of access to judicial protection, which includes the right of all persons to the administration of justice by the courts in a timely manner, within the time periods and according to the terms established by law, free of charge.

81. The Federal Labour Act states that all workers have the right to initiate a lawsuit for the violation of their rights, in accordance with the principles of immediacy, urgency, continuity, celerity, truthfulness, concentration, economy and procedural simplicity. The proceedings must be public, free of charge, predominantly oral and conciliatory in nature, and the courts must ensure compliance with the foregoing.

82. The Office of the Federal Labour Advocate provides legal representation for workers free of charge. Article 123 of the Constitution establishes the fundamental rights of workers in the service of the various branches of government and provides that individual, collective and inter-union conflicts are to be submitted to the Federal Conciliation and Arbitration Tribunal. The Tribunal's Office for the Defence of Workers in the Service of the State provides free legal advice and representation in legal proceedings, thus saving its beneficiaries from bearing the costs of litigation.

83. As of the entry into force of amendments made to the Federal Labour Act in 2019, which established the new labour justice system, the tripartite conciliation and arbitration boards were replaced by new conciliation and justice bodies. The Federal Centre for Labour Conciliation and Registration, for example, monitors respect for the collective rights of workers, ensures democratic governance and representativeness in unions and provides conciliation services in labour disputes under federal jurisdiction. Specialized labour tribunals attached to the federal and state judiciaries and established pursuant to the aforementioned amendments are responsible for resolving labour disputes. These changes settled a historical debt with social justice and modernized the way in which labour disputes are resolved.

84. With respect to severance payments, article 123 of the Constitution specifies the circumstances in which an employer may be relieved of the obligation to fulfil a contract through the payment of compensation. It also provides that, in the case of unjustified dismissal, the affected employee may opt either for reinstatement in his or her job or for receipt of compensation and that, in the event that a position is abolished, the affected employee has the right to be offered another position equivalent to that abolished or granted the compensation provided for by law.

Right to work for vulnerable groups

85. The Sectoral Programme on Labour and Social Security aims to ensure full respect for the human dignity of workers and promotes the reduction of inequalities and the inclusion in work of historically disadvantaged groups, in accordance with the principles of equality and non-discrimination, as well as a work environment free of violence.

86. One of the priority objectives of the Sectoral Programme on Labour and Social Security is to promote insertion into formal employment for unemployed people, workers in critical employment conditions and inactive persons who are available for work, in particular those who face barriers to access to formal employment. It also facilitates the orderly and safe migration of job seekers who reside in regions with limited employment opportunities and who wish to migrate for labour reasons in order to gain access to jobs that align with their interests.

87. There are mechanisms in place to ensure access to the labour justice system for persons with limited economic means, persons with disabilities and Indigenous persons: the federal judiciary, acting through the Federal Public Defender Institute, and the Ministry of Labour and Social Security, acting through the Office of the Federal Labour Advocate, provide workers, their dependants and unions with free labour justice services including guidance, mediation, conciliation and legal representation, in accordance with the labour rights established in labour, social security and social security regulations, with a view to eliminating all forms of discrimination. The Federal Labour Act also contains provisions regulating decent work, the collective rights of workers and non-discrimination.

88. The Sectoral Programme on Labour and Social Security, the Special Programme for Indigenous and Afro-Mexican Peoples, the National Programme for Indigenous Peoples, the National Labour and Employment Programme for Persons with Disabilities and the “Young People Building the Future” (“Jóvenes Construyendo el Futuro”) programme⁴⁸ all envisage measures to promote the insertion of persons belonging to vulnerable groups into the labour market. The latter programme provides young people with on-the-job learning opportunities, financial support in the form of a training grant and access to free medical care.

89. In September 2021, the Supreme Court issued a decision in which it determined that the failure to assign an identity document to migrants with “visitor on humanitarian grounds” status is discriminatory and violates their right to identity, health and work.⁴⁹

Programmes and campaigns

90. The National Youth Programme 2021–2024 of the Mexican Youth Institute⁵⁰ and the National Labour and Employment Programme for Persons with Disabilities of the Ministry of Labour and Social Security set forth measures to prevent labour discrimination.

91. One of the employment formalization campaigns carried out by the State is the Employment Support Programme, whose objective is to achieve insertion into formal employment for persons who are actively seeking paid employment, or who are employed but want a second job, with a particular focus on persons who face the greatest barriers to access to employment.⁵¹

92. The National Programme for Equality between Women and Men requires trade unions to incorporate a gender perspective into their activities by taking measures to promote female leadership and sets out measures to prevent discrimination in the workplace. The Programme also promotes the insertion of women into work within a framework of equality, non-discrimination and decent and dignified work, contains elements that promote the reconciliation of work and family life and the recognition of unpaid care work and includes strategies to guarantee the exercise of the sexual and reproductive rights of women and to promote access to and the exercise of sexual and reproductive rights for children and adolescents.

93. Among the non-judicial actions taken by the Supreme Court was the publication of a handbook on gender-sensitive adjudication in labour matters, which is aimed at judicial

officials and makes reference to decent or dignified work as work that fully respects human dignity and is free from discrimination on grounds such as ethnic or national origin.⁵²

Article 7

Favourable working conditions

94. Article 123 of the Constitution establishes guarantees of decent, fair and satisfactory working conditions, stating that everyone has the right to decent work. These guarantees include the classification of general and profession-specific minimum wages.

Minimum wage

95. Minimum wages are set by the National Minimum Wage Commission on a tripartite basis. It has been established in a report published by the Commission that minimum wages are set annually, in accordance with article 570 of the Federal Labour Act.

96. The Government of Mexico for the term 2018–2024 is implementing a new minimum wage policy, the purpose of which is to achieve a gradual recovery of the purchasing power of minimum wages in order to improve the quality of life of working people and their families. Adopted in 2019, the new minimum wage policy is intended to increase the value of the minimum wage to twice the urban income poverty line, which was determined by the National Council for the Evaluation of Social Development Policy, so that working people can meet their own basic needs as well as those of an additional person.⁵³

97. The latest decree to increase the minimum wage, implemented in January 2023, raised the amount to 207.44 pesos per day. This meant that the minimum wage recovered 90 per cent of its purchasing power compared to 2018 and also reduced the gender wage gap by 20 per cent cumulatively at the municipal level. According to the National Housing Commission, the 2023 increase benefited 1.1 million domestic workers and 1.2 million agricultural labourers.

Informal economy

98. Mexico has implemented labour policies aimed at reducing labour hardship and/or vulnerability to labour exploitation, such as the new minimum wages policy, the reform of the labour justice system, the reform of subcontracting and profit sharing, the reform of the procedure for the formalization of domestic work, an increase in retirement pensions resulting from a rise in employer contributions and the reform of the housing sector. Thanks to these policies, the rate of informal employment steadily fell from a high of 60.1 per cent in 2012 to a low of 55.1 per cent in the fourth quarter of 2022.

Stability in employment

99. Article 123 of the Constitution regulates the payment of compensation for unjustified dismissal and dishonest behaviour towards or mistreatment of employees and their dependents and family members. Among other services, the Office of the Federal Labour Advocate provides counselling and legal assistance in the event of dismissals that violate the right to employment stability of the dismissed workers and deny them their right to various benefits.

Safety in the workplace

100. The right to safety in the workplace is recognized in article 123 of the Constitution, which establishes that the maximum duration of night work is to be seven hours. In addition, it prohibits work in unhealthy or hazardous conditions, night work in industrial facilities and all work after 10 p.m. by persons under 16 years of age. It also establishes that employers must observe the legal provisions governing hygiene and safety in their facilities, take

appropriate measures to prevent accidents in the use of machines, instruments and work materials and organize such work so as to protect the health of workers as effectively as possible.

101. The Federal Labour Inspectorate of the Ministry of Labour and Social Security carries out annual operations to monitor and promote decent working conditions that ensure respect for the labour rights of workers. A reform of the Federal Labour Inspectorate has been under way since 2020 to ensure compliance with labour regulations. This has had an impact on the protection of labour rights and has led to a substantive improvement in working conditions, through inspection; priority has been given to the fight against abusive subcontracting, the underreporting of wages to the social security authorities and non-compliance with minimum wage requirements.

Child labour

102. The section on child labour of 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 years. Its main purpose is to contribute to the design, targeting and monitoring of public policies aimed at preventing child labour.⁵⁴

103. The National Programme for the Protection of Children and Adolescents 2021–2024 sets out measures aimed at the eradication of child labour, with a view to providing children with comprehensive protection. It seeks to improve mechanisms for the detection and handling of serious human rights violations including disappearance, exploitation, the recruitment of persons under 18 years of age in criminal activities and the trafficking and exploitation of children and adolescents.⁵⁵

Gender pay gap

104. The Federal Labour Act provides that working conditions must be based on the principle of substantive equality between women and men. They must not under any circumstances be inferior to those established in the Act and must be commensurate with the value of the services provided and the same for equal work, without distinction on the basis of race, nationality, gender, age, pregnancy, family responsibilities or civil status.

105. In order to eradicate the pay gap between women and men, the National Institute for Women, in coordination with the Ministry of Labour and Social Security and the National Council for the Prevention of Discrimination, promotes the certification of workplaces under Mexican Official Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination, the application of which is intended to foster the conditions necessary for women to have access to better jobs, higher incomes and better working conditions. Certification is voluntary and is awarded to workplaces that apply labour-equality and non-discrimination practices.⁵⁶

106. As minimum wages increased from 2019 to 2022, the gender gap in formal employment fell by 20 per cent at the municipal level. The average salary of women at the municipal level grew by 4.9 percentage points more than the corresponding increase in the average salary of men.

Sexual harassment

107. The National Programme for Equality between Women and Men and the protocol to prevent, address and punish sexual harassment contain strategies that establish a basis for the implementation of procedures to prevent, address and punish sexual harassment in departments and entities of the federal administration.⁵⁷ A comprehensive model for the front-line prevention of violence against women has also been established. Moreover, the federal judiciary has implemented zero-tolerance policies for harassment and gender-based

violence and has established specialized mechanisms for handling and penalizing instances of harassment and gender-based violence.

108. In July 2022, Mexico ratified the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190), as part of its efforts to build a regulatory framework that promotes inclusive labour markets free of gender-based violence and harassment, with an emphasis on the right of all people to a world of work free of violence and discrimination.⁵⁸

109. The Ministry of Labour and Social Security has made available a model protocol for preventing, combating and eradicating labour violence, to be used to handle cases of labour harassment and sexual harassment in the workplace.⁵⁹ The Office of the Federal Labour Advocate provides guidance to beneficiaries from the moment they contact the relevant authorities.

Work-life balance

110. The National Programme for Equality between Women and Men contains specific measures to promote the regulation and establishment of working conditions that are compatible with the family responsibilities and personal care needs of persons in paid employment.

111. At the international level and within the framework of the Generation Equality Forum that Mexico and France hosted in 2021, the State of Mexico, acting through the National Institute for Women and in coordination with UN-Women, contributed to the establishment of the Global Alliance for Care. The Alliance is a multi-stakeholder and co-creative forum where governments, international institutions, the private sector, academia, philanthropic organizations, youth and civil society organizations exchange experiences and good practices to advance the care work agenda worldwide.⁶⁰

112. At the forty-eighth session of the United Nations Human Rights Council, Argentina and Mexico issued a joint statement calling for recognition of the right to care as a human right. The aim is to strengthen the international legal framework on the distribution of care work, which is disproportionately done by women and girls, and in doing so to specify the content and scope of the right to care and the specific obligations of States in this regard. Mexico reaffirmed its intention in this regard at the Fifteenth Economic Commission for Latin America and the Caribbean Regional Conference on Women, held in Argentina in November 2022.

Article 8

Right to form trade unions

113. The right of assembly is enshrined in article 9 of the Constitution of Mexico, which states:

“The right to associate or assemble peacefully for any lawful purpose may not be restricted; however, only citizens of the Republic may do so in order to participate in the political affairs of the country.”

114. According to article 123 of the Constitution: “Both workers and employers have the right to associate in defence of their interests by forming unions, professional associations, etc.” The article thus establishes that working persons have the right to associate in order to defend their shared interests.

115. In addition to this, articles 357, 357 bis and 361 of the Federal Labour Act state that employers have the right to form and to join such organizations as they consider appropriate. Moreover, the legal personality of employers’ organizations, federations and confederations is duly recognized and is not subject to conditions that entail any restriction on their rights or safeguards.

116. The labour reform of 2019 transformed the labour justice system by granting courts at the federal and State levels jurisdiction to resolve disputes between workers and employers, which had previously been the purview of the executive branch. The reform also strengthened union freedoms and democracy and established personal, free, direct and secret ballots for the election of union leaders, the definition of contractual terms and the resolution of labour disputes.⁶¹

117. The Sectoral Programme on Labour and Social Security promotes social dialogue, union democracy and genuine collective bargaining. It also seeks to promote conflict resolution by strengthening the public conciliation service.

118. According to article 604 of the Federal Labour Act, complaints regarding non-compliance with obligations related to union freedoms are to be submitted to the courts of the federal judiciary or the courts of the federative entities.

119. The right to strike is enshrined in article 123 of the Constitution of Mexico, which states: “The law shall recognize the right of workers and employers to undertake strikes and stoppages.” Workers, moreover, “may have recourse to the right to strike having first complied with the requirements prescribed by law, with respect to one or more offices of the public authorities, whenever the rights enshrined in this article are being generally and systematically violated.” The requirements for exercising the right to strike are set forth in the Federal Labour Act.

120. The Supreme Court of Justice has a number of precedents in which it has ruled in favour of trade union freedoms; for example, with respect to union elections and union activities, collective agreements and legal contracts, as well as the right to strike.⁶²

Article 9

Right to social security

121. The right to social security is guaranteed under article 123 of the Constitution of Mexico. The Federal Labour Act also refers to workers’ right to social security and sets forth rules to ensure the fulfilment of that right. The same right is also envisaged in other laws and regulations including, inter alia, the Act regulating the Institute of Social Security and Services for State Employees,⁶³ the Act regulating the Social Security Institute for the Mexican Armed Forces,⁶⁴ the Mexican Petroleum Act⁶⁵ and the Federal Electricity Commission Act.⁶⁶

122. The Social Security Act guarantees the right to social security for workers in the formal sector and states that the supervision and administration of social security is to be the responsibility of the Mexican Social Security Institute. Similarly, the Act regulating the Institute of Social Security and Services for State Employees indicates that the administration of insurance, benefits and services for State employees is to be the responsibility of that Institute and stipulates that access to the social security system is to be on a mandatory or a voluntary basis.

123. According to the Act regulating the Institute of Social Security and Services for State Employees, social security comprises an obligatory scheme that provides insurance, benefits and services to State employees. In addition, it comprises a voluntary scheme for workers who cease to render their services in any particular agency or entity and who do not qualify as pensioners.

124. In 2022, the Institute of Social Security and Services for State Employees set up the ASISSSTE online portal, which provides a complete overview of available benefits and immediate information on the accessible procedures and services.⁶⁷

125. The Institute promotes the prevention of occupational risks through activities, programmes and campaigns carried out by agencies and entities that are affiliated under the Act.

126. The Ministry of Labour and Social Security follows up on occupational health and safety issues, and it issues the Mexican Official Standards (NOM) for the prevention of

occupational hazards, notably NOM 035 concerning the prevention of psychosocial risks in the workplace.⁶⁸

127. The Mexican Social Security Institute runs preventive services with a view to avoiding occupational risks among its beneficiaries. It also develops programmes to promote and support actions intended to guard against occupational hazards in companies with up to 100 employees. In the case of persons who work for the State, preventive measures against occupational hazards are defined in the Act regulating the Institute of Social Security and Services for State Employees.

128. The Retirement Savings Systems Act is in force in Mexico.⁶⁹ While in the accumulation phase, the management of the individual accounts into which funds from retirement insurance, unemployment insurance and old-age insurance are deposited is the responsibility of retirement fund administrators and of the National Pension Fund for State Employees.⁷⁰

129. The national survey of employment and social security produces information wherewith to analyse the coverage of social security and health services. In the same way, the Mexican Social Security Institute and the Institute of Social Security and Services for State Employees also generate statistical information, which they then publish on their own websites.⁷¹

130. The Office of the Federal Labour Advocate, which is envisaged in article 530 of the Federal Labour Act, is responsible for protecting the rights of workers before the labour authorities, in matters related to the application of labour and social security regulations.

Equality and social security

131. Mexico has a pension for the welfare of senior citizens, the purpose of which is to reduce the vulnerability of persons aged 65 and over by providing them with a basic income through a non-contributory universal pension. In addition to this, a pension programme for the welfare of persons with permanent disabilities is being implemented. Its aim is to help improve the income of Mexican households where there are persons with a permanent disability (children, adolescents and young persons aged 0 to 29 as well as persons aged between 30 and one day less than 65), who live in Indigenous or Afro-Mexican municipalities and localities or in municipalities or localities with high or very high levels of marginalization.

132. Social solidarity benefits (community health activities as well as medical, pharmaceutical and hospital assistance) are provided for Indigenous People, agricultural day labourers and families living in extreme poverty. Article 13 of the Social Security Act recognizes that “ejidatarios”, “comuneros”, “colonos” and small landowners can voluntarily choose to be insured under the obligatory scheme.

133. The Sectoral Programme on Welfare envisages culturally appropriate non-contributory solidarity pensions in order to improve the well-being of persons with disabilities and older persons. It also envisages direct economic support for orphaned children up to the age of 23 years who belong to Indigenous, Afro-Mexican or marginalized communities, or communities with high rates of violence.

Social security for domestic workers

134. In the case of domestic workers, the Social Security Act envisages an obligation for the worker, by means of an agreement (art. 14), to register with the Mexican Social Security Institute (art. 15).

135. The Supreme Court of Justice has recognized that the right to social security entails the provision of childcare services.⁷² The relevant precedents in this regard address matters such as, inter alia, the relationship between benefits and gender discrimination, the concomitant obligations of the State and the best interests of the child. In the field of social security, criteria have also been established with relation to pensions for antecedents and orphans (for the children and parents of a worker or pension holder).⁷³

136. In 2019, the Sectoral Programme on Labour and Social Security ran an “affiliation to social security” campaign thanks to which workers who lacked social security were given advice and information concerning the amounts of tripartite contributions. A “guide to promote decent domestic work” and a “model domestic work contract” were drafted and published in 2021.⁷⁴ In addition, the Sectoral Programme and the Mexican Social Security Institute are working on a special system to ensure access to social security for domestic workers, so that they can be affiliated under the same conditions as other workers.

137. In relation to the right of domestic workers to social security, and as an example of the justiciability of economic, social and cultural rights, the Supreme Court of Justice ruled on an exemplary case in which it determined that the State has an obligation to guarantee social security for domestic workers.⁷⁵ As a result of that ruling, the Mexican Social Security Institute launched a pilot programme intended to incorporate such workers into the social security system and appealed to the Congress make the necessary regulatory adjustments for their formal incorporation into the Institute.

138. As a result of the 2022 amendments to the Act regulating the Mexican Social Security Institute, employers are now required to pay social security for domestic workers. This development is in addition to the reforms of 2019 when the Congress added a chapter on domestic work to the Federal Labour Act, which sets forth specific rights and obligations for domestic workers and employers. In addition to this, in July 2020, Mexico ratified the ILO Domestic Workers Convention, 2011 (No. 189).⁷⁶

139. The National Programme for Equality between Women and Men seeks to create conditions in which domestic and care work can be recognized, reduced and redistributed among families, the State, the community and the private sector.

140. The Mexican Social Security Institute and the Ministry of Foreign Affairs signed an agreement in March 2021 to enable self-employed Mexican workers living abroad to join the Institute and thus benefit from extended social security coverage for their family, and to reactivate their retirement savings. Under this new insurance scheme, such persons will have access to five forms of insurance: health and maternity insurance; workplace risk insurance; disability and life insurance; retirement, unemployment and old-age insurance; and childcare and social benefit insurance.⁷⁷

Article 10

Protection for the family

Family

141. Article 4 of the Constitution of Mexico stipulates that the law is to protect the organization and development of families and that every person has the right to decide – in a free, responsible and informed manner – on the number of their children and the spacing of childbirths.

142. On the subject of marriage, all the country’s Civil Codes stipulate the consent of the contracting parties as an indispensable requirement for the validity of the union and penalize any defect in such consent.

143. Under the Joint Social Investment Programme public funds are made available to civil society organizations, research centres and institutions of higher education for projects that contribute to the advancement of persons in situations of vulnerability.⁷⁸

Children and adolescents

144. Article 123 of the Constitution of Mexico prohibits the use of the labour of persons under the age of 15. Persons over 15 but under 16 are to have a maximum working day of six hours. The Federal Labour Act and the General Act on the Rights of Children and Adolescents also envisage protection for this category of the population who are not of working age.

145. The National Programme for the Protection of Children and Adolescents sets forth actions to be taken as a matter of priority in order to guarantee the rights of children and adolescents. Compliance with the Programme is mandatory for the agencies and entities of the federal administration and the federative entities, which have to align their own protection programmes with the established goals.

146. The Sectoral Programme on Labour and Social Security 2020–2024 envisages protection for minors of legal working age and the eradication of child labour.⁷⁹ In addition to this, there is the Interministerial Commission for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age.

147. Since 2019, the National Early Childhood Strategy has been run as a comprehensive and intersectoral public strategy aimed at children under 6 years of age.⁸⁰

148. The National System for the Comprehensive Protection of Children and Adolescents advises entities of the federal administration with a view to the coordinated implementation of priority actions to remove the barriers that children and adolescents in street situations face in exercising their human rights concerning access to identity, education, health and a life free of violence.

149. Thanks to the National System for the Comprehensive Protection of Children and Adolescents, comprehensive strategies are implemented that aim to ensure the welfare and protection of children and adolescents in street situations as well as Indigenous and Afro-Mexican children and adolescents, and those with disabilities. The strategies include four components: the right to identity, access to health services (including sexual, reproductive and mental health services), durable access to the national education system and a life free of violence.

150. Under the National System for the Comprehensive Protection of Children and Adolescents, various activities have been conducted aimed at combating the commercial sexual exploitation of children and adolescents, also via the implementation of the action plans of Mexico under the Global Partnership to End Violence against Children 2017–2018 and 2019–2024⁸¹ (see annex X for examples).

151. The National System for the Comprehensive Protection of Children and Adolescents has drafted a national protocol for inter-institutional coordination to protect child and adolescent victims of violence.⁸²

152. The National Commission for the Prevention and Elimination of Violence against Women has developed a template for the care of child and adolescent victims of domestic violence, the aim being to ensure their comprehensive welfare as well as to guarantee and protect the human rights of children and adolescents.⁸³

Same-sex marriage

153. Using constitutionally regulated judicial mechanisms, the federal judiciary has guaranteed the right of same-sex couples to marry, adopt, access social security, receive alimony and enjoy family life. Twenty-five federative entities have legislation recognizing same-sex marriage.⁸⁴

Older persons

154. The National Institute for Senior Citizens has an institutional programme 2021–2024 the main purpose of which is to alter the view of old age and to stop it being conceived as synonymous with vulnerability, illness or dependence. The Institute promotes active involvement in sociocultural activities through the formation of clubs for older persons and by offering educational, artistic, physical and sporting activities in cultural centres.⁸⁵

155. The National Institute pursues the comprehensive human development of older persons via activities aimed at promoting work and employment, fair remuneration, assistance and opportunities to achieve high levels of well-being and life quality.

156. A service to encourage productive relationships for older persons seeks to promote paid employment and volunteer activities, with a view to enabling such persons to generate an income of their own, in accordance with their trade, skill or profession. This is achieved via collaboration agreements with public and private sector bodies.⁸⁶

157. Older persons are guaranteed the full enjoyment and exercise of their rights thanks to the Act concerning the Rights of Older Persons and the National Institute for Senior Citizens. Those rights include, *inter alia*, the right to health, to education, to culture, to work, to legal certainty, to food and to social assistance.

158. In March 2023, Mexico ratified the Inter-American Convention on Protecting the Human Rights of Older Persons, which is first legal instrument specifically dedicated to the human rights of older persons and which seeks to promote, protect and ensure the recognition and the full enjoyment and exercise, on an equal basis, of all human rights and fundamental freedoms of older persons, in order to contribute to their full inclusion, integration, and participation in society.

Parents

159. The duration of paternity leave (five days following the birth) and of maternity leave (six weeks before and after the birth) – including in cases of adoption – are defined in articles 132 and 170 of the Federal Labour Act. For its part, article 28 of the Federal State Workers Act envisages maternity leave for working mothers, of one month before and two months after the date their child is due.⁸⁷

160. Under the Federal Labour Act, employers are prohibited from demanding a medical certificate showing that a person is not pregnant in order to be hired, to remain in employment or to be promoted.

161. Article 170 of the Federal Labour Act details the circumstances in which protection is to be provided during pregnancy, breastfeeding and puerperium. The National Programme for Equality between Women and Men also envisages specific actions for the protection of women during pregnancy.

162. The promotion of breastfeeding is set forth in article 64 of the General Health Act.⁸⁸ Other provisions intended to encourage breastfeeding are to be found in health and safety plans while provisions concerning nutrition for pregnant women and children in early childhood are contained in the Targeted Action Programme for Child Health 2020–2024,⁸⁹ the National Early Childhood Strategy and the Comprehensive Strategy for Social Food Aid and Community Development 2022.⁹⁰

Trafficking in persons and enforced disappearances

163. In this regard, Mexico can draw upon the General Act on the Prevention, Punishment and Elimination of Offences of Trafficking in Human Beings and the Provision of Protection and Assistance for Victims,⁹¹ the Act's implementing regulations and the activities envisaged under the National Programme for Equality between Women and Men. In addition to this, there is the Intersectoral Commission on the Prevention, Punishment and Elimination of Offences of Trafficking in Human Beings and the Provision of Protection and Assistance for Victims.⁹²

164. In 2017, at the instigation of families of missing persons and civil society, the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System was passed. The Act, which envisages a functional separation between the search for missing persons and investigations into the circumstances, also led to the creation of the National Commission for the Search for Missing Persons and of the state search commissions.⁹³

165. The Office of the Special Prosecutor for the investigation of the crime of enforced disappearance, which is part of the Office of the Attorney General of the Republic, is responsible for launching, directing, coordinating and supervising investigations into the

offences envisaged in the General Act. It also facilitates the involvement of family members in the investigation and provides them with progress reports.⁹⁴

166. The National Commission for the Search for Missing Persons promoted the publication of “guidelines for conducting searches in the field in the context of the COVID-19 pandemic”, which were issued by the Ministry of Health.⁹⁵

167. The Executive Commission for Victim Support undertakes a number of activities intended to consolidate the operation of the National Victim Support System. The purpose of the System is to propose, establish and supervise the guidelines, services, plans, programmes, projects, institutional and inter-institutional actions and other public policies that serve to provide protection, aid, assistance, attention, access to justice, truth and comprehensive reparation to victims, at the federal, state and municipal levels.⁹⁶

168. Relatives of missing persons, civil society organizations, academics and federal and state-level authorities are all involved in the work of the National Missing Persons System. The System will issue guidelines on coordination between authorities in the search of persons and on the operation of the Unified Information Technology System.

Article 11

Right to the continuous improvement of living conditions

169. Under the Constitution of Mexico, the National Council for the Evaluation of Social Development Policies is responsible for measuring poverty and for evaluating the programmes, objectives, goals and activities that are part of social development policies. The General Act on Social Development also stipulates that the National Council is to regulate and coordinate the evaluation of the social development policies and programmes carried out by public bodies, and to establish guidelines and criteria wherewith to identify, define and measure poverty (art. 81).⁹⁷

170. The National Programme for Social Development embraces “leave no one behind, leave no one out” as its guiding principle. This effectively prohibits all forms of discrimination. It also constitutes a first step towards the creation of a welfare state in Mexico, so as to guarantee the well-being of the population and to ensure that no one lives in fear or suffers poverty.

Poverty and inequality

171. Activities in this regard – which are based on the institutional programme 2020–2024 of the National Council for the Evaluation of Social Development Policies – aim to contribute to social well-being and equality by improving the performance and accountability of social development policies.⁹⁸

172. The National Council for the Evaluation of Social Development Policies maintains a social rights information system, which contributes to the multidimensional evaluation of poverty as well as to the evaluation of effective access to basic social rights (see annex XI for further information).

173. The National Council for the Evaluation of Social Development Policies also has a system of indicators on poverty and gender in Mexico which it uses to gather information. This can then be used to highlight the necessary equitable redistribution of activities in the public and private sphere as well as to analyse inequalities between men and women in the exercise of their social and economic rights.⁹⁹

174. The National Programme for the Protection of Children and Adolescents promotes activities intended to eradicate poverty among children and adolescents. It also envisages actions to consolidate income transfer and income support programmes for households living in poverty and extreme poverty in rural and highly marginalized urban areas. Likewise, it seeks to ensure universal affiliation to health and social security services; to encourage social programmes to prioritize as a matter of course the allocation of goods and services to uphold

the rights of children and adolescents living in poverty; and to create mechanisms for the distribution of basic foodstuffs with high nutritional value.

Food

175. The right to adequate food is guaranteed in article 4 of the Constitution of Mexico, as well as in the General Act on Social Development, the General Act on the Rights of Children and Adolescents and the General Education Act.

176. To order to safeguard the right to adequate food, the National Programme for Social Development envisages actions intended to improve people's access to food by increasing the availability and accessibility of basic foodstuffs, boosting income from agricultural production and rebuilding the social fabric. Other initiatives in this field include the Sectoral Programme for Agriculture and Rural Development 2020–2024¹⁰⁰ and the institutional programme 2020–2024 of Mexican Food Security.¹⁰¹

177. The Sectoral Programme for Agriculture and Rural Development, which is part of the National Programme for Social Development, sets the main parameters of public policy so as to ensure the right to nutritious and high-quality food in sufficient quantity; to move towards ending hunger and achieving food security; to improve nutrition; and to promote sustainable agriculture.

178. The National Programme for the Protection of Children and Adolescents guarantees children and adolescents access to adequate nutrition and to activities intended to promote healthy lifestyles and to prevent and combat malnutrition and obesity. The principle of equality and non-discrimination in access to healthy food is also enshrined in the National Programme for Equality and Non-Discrimination.

179. The legislation regulating the acceptability, accessibility, adaptability and quality of food in public nutrition programmes is contained in the General Health Act (arts. 114 and 115) and the Sustainable Rural Development Act (art. 178).¹⁰²

180. The main objectives of the Sectoral Programme for Agriculture and Rural Development, the institutional programme of Mexican Food Security and the Budgetary Programme “Production for Well-Being”¹⁰³ have all been incorporated into public policies for the eradication of hunger. The eradication of maternal malnutrition is addressed in provisions contained in the Social Food Aid Programme for the First 1,000 Days of Life and in the Social Food Aid Programme for Persons in Situations of Vulnerability.¹⁰⁴

181. The agreement establishing general guidelines for the sale and distribution of prepared and processed foods and beverages in schools of the national education system includes provisions concerning the consumption of saturated fatty acids and trans fatty acids, the decrease of salt and the reduction of added sugars in foods and soft drinks.¹⁰⁵

182. In line with the Organic Act on the Federal Public Administration¹⁰⁶ and the Sectoral Programme for Agriculture and Rural Development, the Ministry of Economic Affairs – together with the Ministry of Welfare, the Ministry of Agriculture and Rural Development and the Ministry of the Environment and Natural Resources – is responsible for the distribution and commercialization of products and the supply of basic consumer goods.

Agriculture and food

183. Article 27 of the Constitution of Mexico stipulates that one of the purposes of integral and sustainable rural development is to enable the State to guarantee a sufficient and timely supply of basic foodstuffs, as established by law.

184. Mexico has an agency called Mexican Food Security the purpose of which is to boost agrifood productivity and distribution in order to benefit the most underprivileged people in the country.

185. The Government of Mexico has rolled out a strategy – under the “Sembrando Vida” (Sowing Life) programme – to promote agroforestry systems. The strategy seeks to

re-evaluate small-scale farming and to increase the well-being of rural households and satisfy their basic nutritional needs through the self-production of food, the marketing of any surplus and the creation of employment. It also supports farmers who do not have the necessary resources and knowledge to produce food in a sustainable manner (annex XII).

186. The purpose of the Sectoral Programme for Agriculture and Rural Development is to achieve food self-sufficiency by increasing agricultural and fisheries production and boosting productivity. Other relevant provisions are contained in the Special Synchronized Programme for Sustainable Rural Development 2020–2024¹⁰⁷ and in the Production for Well-Being Programme.¹⁰⁸

Food and persons in situations of vulnerability

187. The right to adequate food is guaranteed under articles 2 and 4 of the Constitution of Mexico.

188. The Comprehensive Strategy for Social Food Aid and Community Development, the institutional programme of Mexican Food Security and the Strategy for Healthy, Fair, Sustainable and Inexpensive Food¹⁰⁹ all serve to ensure the right to adequate food in entities that serve specific population groups.

189. There are several public nutrition programmes aimed at traditionally marginalized groups. They include the School Meals Programme, the Social Food Aid Programme for Persons Requiring Priority Care and the Social Food Aid Programme for Persons in Vulnerable Situations. These initiatives are part of the Comprehensive Strategy for Social Food Aid and Community Development, which is part of the National System for Comprehensive Development of the Family.

Environment

190. The right to a healthy environment, the right to access and use water and to water sanitation, the right to equality between men and women, the protection of health and other rights that contribute to human development and well-being are all guaranteed under article 4 of the Constitution of Mexico.

191. The Ministry of the Environment and Natural Resources is responsible for promoting the protection, restoration and conservation of ecosystems and natural resources, as well as environmental goods and services, in order to promote their sustainable use and development.

192. Climate change policy is enshrined in the Special Programme for Climate Change 2021–2024. Using that Special Programme, the body responsible for mitigating the impact of climate change on agriculture is the Ministry of the Environment and Natural Resources.¹¹⁰

193. The right of access to public information, including environmental information, is enshrined in article 6 of the Constitution. The same right is also envisaged in the General Act on Transparency and Access to Public Information,¹¹¹ the Federal Act on Transparency and Access to Public Information¹¹² and the General Act on Ecological Balance and Environmental Protection.¹¹³

194. The General Act on Ecological Balance and Environmental Protection stipulates that it is up to the federal Government to promote the involvement of society in the planning, implementation, evaluation and oversight of policies governing the environment and natural resources. For its part, article 27 of the Constitution states (and the General Act on Ecological Balance and Environmental Protection reiterates) that the lands, waters and natural resources within national territory belong to the Nation, which has the authority to regulate the exploitation, usage and conservation of natural resources, for the benefit of society, in line with the General Act.

195. The strategies envisaged under the Sectoral Programme for the Environment and Natural Resources 2020–2024 aim to advance, conserve, protect, restore and promote the sustainable use of ecosystems and biodiversity, with an approach focused on the territory and on human rights. They also aim to reduce emissions caused by deforestation and land

degradation; promote sustainable, inclusive and contained urban development; foster sustainable mobility and housing; and encourage education training, research and communication on climate change. More generally, they seek to reinforce environmental education and culture as a way of contributing to climate change mitigation and adaptation.¹¹⁴

196. The Fund for Natural Protected Areas and the Conservation for Sustainable Development Programme earmark monetary resources for projects that, among other things, contribute to sustainability.¹¹⁵

197. A macro-environmental information system called “Economic and Ecological Accounts” monitors the impact that large-scale production projects have on the life and health of the population.¹¹⁶

198. The Environmental Leadership for Competitiveness Programme, which is run by the Federal Office for the Protection of the Environment, provides subsidies to companies that undergo training and thereby achieve eco-efficiency.¹¹⁷

199. The Programme for Waste Prevention and Integral Waste Management aims to promote the management of solid urban waste and of waste requiring special treatment. To that end, the Programme provides financing for integral-waste-management studies and projects and the development of infrastructure systems for the collection, transportation and final disposal of waste, as well as for its reuse or exploitation for energy.¹¹⁸

200. The Sectoral Programme for the Environment and Natural Resources includes provisions regulating the management of harmful substances and hazardous waste. For its part, the Ministry of the Environment and Natural Resources maintains and publishes a pollutant release and transfer register concerning the contamination of air, water, soil and subsoil, materials and waste. There are also a number of specific programmes that contribute to these purposes.

201. As regards the conservation of forest resources, the Sectoral Programme for the Environment and Natural Resources envisages several specific activities intended to promote the sustainable use of natural resources and biodiversity. The activities are based on participatory planning that respects autonomy and self-determination, with a territorial approach focused on watersheds and biocultural regions, thereby promoting regional and local development.

202. The National Forestry Commission promotes the conservation of forest resources through the National Forestry Programme 2020–2024.¹¹⁹ In addition, the Federal Office for the Protection of the Environment runs the National Environmental Audit Programme, a voluntary initiative that companies, industries and productive organizations can join in order to ensure compliance with the law and to improve the efficiency of their production processes, their environmental performance and their competitiveness.

203. The Sectoral Programme for the Environment and Natural Resources includes gender-sensitive activities to promote the involvement of women in environmental policy and in action for the climate. The National Programme for Equality between Women and Men also contains specific measures for the involvement of women in action for the climate, such as training, studies and research, and it supports women’s participation in community organizations. For its part, the Special Programme for Climate Change includes specific directives for the environmental sector to incorporate gender perspectives into climate policy and into adaptation and mitigation measures.

204. An inter-institutional group on gender and climate change was established in 2020, thanks to inter-institutional coordination between the National Institute for Women and the National Institute of Ecology and Climate Change. The purpose of the group is to design strategies, methodologies and analytical documents, with a gender perspective, aimed at reinforcing public policies on mitigation and adaptation to climate change.¹²⁰

205. The National Programme for the Protection of Children and Adolescents promotes actions aimed at developing situations of well-being and preserving a healthy environment, so as to help ensure the comprehensive development and participation of children and adolescents. The National Programme also aims to ensure that children and adolescents are

able to live in decent and safe housing with access to electricity, fuel for daily use, drinking water, sanitation and waste management, in order to contribute to their healthy development.

206. The Supreme Court of Justice has developed a body of jurisprudence, which is consistent with international standards, for the protection and justiciability of this right. Legal standing has been recognized for children, for persons and communities inhabiting or occupying areas adjacent to areas of environmental risk or damage, for the beneficiaries of environmental services in those areas, for Indigenous Peoples and for communities, and civil society organizations that claim violations of these rights and that take collective legal action. Moreover, the burden of proof in environmental matters has been reversed and the principles of prevention, precaution and “*in dubio pro natura*” have been applied to the resolution of environmental questions.¹²¹

Water

207. The National Water Commission is the body responsible for managing, regulating, controlling and protecting national water resources. The Commission implements the National Water Programme 2020–2024, which it uses to solve challenges related to water resources, to reduce inequality gaps and to achieve water security, with an approach that focuses on human rights and gender equality and with particular attention to Indigenous and Afro-Mexican peoples.¹²² The Commission’s reported activities as of March 2023 are set forth in annex XIII.

208. One of the objectives of the National Water Programme is to work progressively to guarantee the right to water and sanitation, especially for vulnerable groups and with an emphasis on the most vulnerable, and to ensure that water is used efficiently so as to contribute to the sustainable development of productive sectors.

209. The main objective of the Sectoral Programme for the Environment and Natural Resources is to promote water as a mainstay of well-being; to ensure that it is administered by transparent, dependable, efficient, and effective institutions that act to create a healthy environment; and to involve society in water management.

210. The priorities of the institutional programme being run by the Mexican Institute of Water Technology include generating scientific and technological know-how for water conservation and ensuring that institutions incorporate forward-looking interdisciplinary approaches as part of their operations, in which water is recognized as a pillar of sustainable and equitable development.

211. The Mexican Institute of Water Technology spearheaded the process of designing, building, calibrating, piloting and evaluating 106 indicators to measure compliance with the right to water and sanitation. These indicators, which are the first of their kind at a global level, provide multilevel (national, subnational, municipal and local) information, which will make it possible to visualize the situation of remote rural localities and Indigenous populations.¹²³

212. Working together, the National Water Commission, the Ministry of the Environment and Natural Resources and the National Institute for Women have incorporated a gender perspective into the Drinking Water, Drainage and Sanitation Programme¹²⁴ and the Hydro-agricultural Infrastructure Support Project.¹²⁵

213. The Mexican Institute of Water Technology assists various Indigenous groups throughout the country to formulate plans for justice and integral development regarding water, sanitation, food security, health and other issues associated with water and sanitation rights. The Institute has rolled out a number of projects to guarantee the human right to water in Indigenous and tribal communities (annex XIV).

214. In 2022, the Drinking Water, Drainage and Sanitation Programme reinforced its operating rules in order to serve the population with no access to services or with inadequate services.

Air

215. The Ministry of the Environment and Natural Resources, the operation of which is underpinned by the General Act on Ecological Balance and Environmental Protection, is responsible for implementing air quality improvement programmes¹²⁶ and national policies for the protection of the ozone layer.

216. Rules regarding the prevention and control of atmospheric contamination enshrined in the General Act on Ecological Balance and Environmental Protection are used, alongside the Mexican Official Standards, to determine maximum permissible levels of pollutants. Specific actions in that regard are also envisaged in the institutional programme of the National Institute of Ecology and Climate Change.¹²⁷

217. In order to protect air quality, the Sectoral Programme for the Environment and Natural Resources seeks to update and reinforce the normative and regulatory framework governing environmental emissions, discharges, hazardous waste, and pollutant transfers. The aim is to prevent, control, mitigate and repair damage caused by air, soil, and water pollution.

218. The Special Programme for Climate Change seeks to reduce emissions of greenhouse gases and compounds in order to generate socially beneficial, low-carbon development that protects the ozone layer.

Adequate housing

219. The National Housing Commission has been implementing a social housing programme since 2019, the aim of which is to reduce the lack of adequate housing due to sociodemographic conditions, risk or housing precarity thereby helping to reduce inequalities among the population and between territories.¹²⁸

220. The National Housing Commission also runs a national reconstruction programme which – by rebuilding, rehabilitating and relocating – seeks to guarantee enjoyment of the right to adequate housing for persons and communities who have been affected by earthquakes and whose cases have not yet been addressed or have been only partially addressed.¹²⁹

221. The National Housing Commission has an institutional programme 2020–2024 based on the National Programme for Social Development which recognizes the right to adequate housing and prioritizes the need to construct public housing.¹³⁰

222. An emergency housing programme was implemented between 2020 and 2022 as part of the economic and social measures taken in response to the COVID-19 pandemic. As of 31 December 2022, 6,465 children and adolescents had benefited from 8,248 subsidies provided to households that had suffered damage during the earthquakes of September 2017 and February 2018.¹³¹

223. A total of 360,530 housing subsidies have been granted, which have benefited around 1.3 million people in the country. This translates into a significant improvement in the human right to adequate housing.

224. The National Programme for the Protection of Children and Adolescents has its “Priority Strategy 2.4”, which aims to ensure that children and adolescents are able to live in decent and safe housing with access to electricity, fuel for daily use, drinking water, sanitation and waste management, in order to contribute to their healthy development.

Forced displacement

225. The General Act on Preventing, Addressing and Providing Full Reparation for Forced Internal Displacement protects persons who have fled their homes for public safety reasons, including gender-based violence; social, political, cultural and religious conflicts; disputes over natural resources; natural disasters; and discrimination.¹³²

226. The National Housing Commission runs targeted projects for displaced persons and victims, which provide durable solutions and address the matter of risk prevention (annex XV).

227. The Programme for the Comprehensive Well-Being of Indigenous Peoples provides emergency support for family survival with a focus on Indigenous and Afro-Mexican women in situations of forced internal displacement. This assistance comprises economic support for food, clothing, personal hygiene products and decent housing, as well as counselling and referral services.

Article 12

Right to health

228. The right to health is guaranteed under article 4 of the Constitution of Mexico, while article 2 ensures effective access to health services by extending the coverage of the national health system.

229. The constitutional reform of article 4 envisages the creation of a health-care system that will progressively extend health services to persons who are not covered by social security. The right to health protection is also envisaged in the General Health Act, the Social Security Act and the Act regulating the Institute of Social Security and Services for State Employees.

230. The underlying concept of comprehensive and universal primary health care has been incorporated into the Sectoral Programme on Health and is one of the objectives of the Health Care Strengthening Programme.

231. Under the General Health Act, health-care services throughout the country are free and available on request to anyone on national territory. This covers public health services, medicines and related supplies.

232. The Sectoral Programme on Health includes specific human development activities, integrated into the education system, the aim being to promote self-sufficiency, training and professionalization.

233. The Government of Mexico, the Pan American Health Organization and the Regional Office of the World Health Organization (WHO) have signed a basic technical cooperation agreement under which Mexico receives international scientific, technical and financial assistance through the Pan American Sanitary Bureau in Mexico.

234. The Sectoral Programme on Health envisages the creation of an institutional network to link into international health and safety services. For its part, the Health for Well-Being Institute – in order to fulfil its purpose of guaranteeing free health services and medicines to persons without social security – will enter into inter-institutional agreements with foreign governmental bodies and international organizations.

235. The Ministry of Health is responsible for drafting, coordinating, disseminating and monitoring the National System for Basic Health Information and the National Health Information System.¹³⁴

236. The Programme of Action for Cancer Prevention and Control 2021–2024 includes provisions for effective population screening with a view to the early detection of cancers.¹³⁵ In 2021, the Ministry of Health launched the “I Act against Cancer” campaign, which focuses on the importance of timely detection and treatment of this disease, which can be curable.

237. The competent health authorities – such as the National Medical Arbitration Commission, the National Human Rights Commission and health institutions’ own internal control bodies, as well as health institutions themselves such as the Mexican Social Security Institute and the Institute of Social Security and Services for State Employees – provide guidance, counselling and mechanisms to help users make complaints, claims and suggestions regarding the provision of health services and the performance of public service providers.

238. The National Medical Arbitration Commission helps to resolve conflicts between the users and the providers of medical services. To that end, it receives, investigates and processes complaints filed by the users of medical services.

Discrimination and health

239. There are certain programmes that prioritize health services for vulnerable groups. These include the Sectoral Programme on Health, which contains provisions intended to guarantee public health services for all persons who do not have social security. The BIENESTAR programme of the Mexican Social Security Institute provides care to persons without social security using an integrated health care model that links health services and community action.¹³⁶

240. The National Programme for Equality between Women and Men, the National Programme for Social Development and the National Programme for the Protection of Children and Adolescents all include objectives, strategies and actions intended to ensure access to health services and medicines for persons in vulnerable situations and in regions with higher levels of marginalization. In addition, the Sectoral Programme on Health and the federative entities help to provide effective access to and delivery of primary health-care services in localities with fewer than 2,500 people, who lack health services.

Medicines

241. The Sectoral Programme on Health promotes certain specific elements of national policy, such as the implementation of a policy of free health services and medicines in the country. First and foremost, these are to be guaranteed in health centres, clinics and general hospitals in regions with high or very high degrees of marginalization.¹³⁷

242. The institutional programme 2020–2024 of the Health for Well-Being Institute envisages the supply of medicines, medical equipment and medical staff in health facilities, in sufficient quantities to meet the demands of individuals, priorities and morbidity rates in each territory.¹³⁸

Groups in vulnerable situations

243. Article 2 of the Constitution of Mexico stipulates that the Indigenous population is to be guaranteed effective access to health services, while making appropriate use of traditional medicine. Traditional Indigenous medicine is also contemplated in the General Health Act, which enjoins its appropriate use in the national health system.

244. The Sectoral Programme on Health 2020–2024 promotes comprehensive care for the Indigenous population. The Programme takes due account of the contributions of traditional medicine and envisages the participation of Indigenous language interpreters and translators, training in Indigenous rights and intercultural approaches. The Special Programme for Indigenous and Afro-Mexican Peoples encourages the promotion of the traditional medicine of Indigenous and Afro-Mexican peoples, so as to ensure the culturally appropriate right to health.

245. One of the functions of the Ministry of Health's Directorate-General for Health-Care Planning and Development is to promote and coordinate intercultural policy within the national health system. The Directorate also designs, develops and promotes national policies on traditional, alternative and complementary medicine and on health care for Indigenous Peoples, while supporting equality of access to health services throughout national territory.

246. In Mexico, the Model for Intercultural Health Care for Indigenous and Afro-Mexican Peoples has the following objectives: to facilitate access to timely and efficient health services of a high technical quality and with a human and intercultural dimension; to offer dignified treatment that takes account of social, cultural and emotional factors; to identify and give prominence to the presence of Indigenous and Afro-Mexican persons in the

health-care sector; and to recognize constitutional rights so as to enable Indigenous populations to decide and take ownership of their own health.

247. The General Act on the Inclusion of Persons with Disabilities provides for progressive measures to close inequality gaps affecting persons who suffer discrimination, with regard to the enjoyment of their rights.

248. The General Act on the Inclusion of Persons with Disabilities lays down rules for the promotion and protection of the right to health for persons with physical or mental disabilities. In addition to this, a pension programme for the welfare of persons with permanent disabilities is being implemented. Its aim is to help improve the income of Mexican households where there are persons with a permanent disability (children, adolescents and young persons aged 0 to 29 as well as persons aged between 30 and one day less than 65), who live in Indigenous or Afro-Mexican municipalities and localities or in municipalities or localities with high or very high levels of marginalization.

249. There are three health-care strategies for children and adolescents. The first of these is the Targeted Action Programme for Child Health, the main aim of which is to improve health, nutrition and development in children under the age of 10 via a comprehensive approach to health protection that prioritizes prevention, promotion of health and nutrition, and the delivery of effective, efficient and equitable health services. The second strategy is the Adolescent Health-care Programme 2020–2024, the general objective of which is to provide integrated care for adolescents through timely and high-quality services to promote, protect and restore their health. The third strategy is the aforementioned National Early Childhood Strategy.¹³⁹

Maternal health

250. In addition to the General Health Act and the Sectoral Programme on Health, the Programme of Action for Sexual and Reproductive Health 2020–2024 also seeks to guarantee maternal and perinatal health as a priority objective, via specific strategies and actions to facilitate promotion, prevention, care and access to information from the pregestational stage, through pregnancy, birth, puerperium, breastfeeding and early childcare.¹⁴⁰

251. Measures are taken to ensure that pregnant or breastfeeding women do not work in unhealthy or dangerous jobs, or after 10 p.m. Moreover, such women maintain their salary, benefits and rights during this period, and they are entitled to return to the post they previously held as long as no more than one year has elapsed since the date of childbirth.

252. The Ministry of Health runs a project entitled “Enabling environments for a positive experience of comprehensive maternal and perinatal health care.”¹⁴¹

253. The total number of maternal deaths in 2022 was the lowest in the country’s history. As of epidemiological week 7 of 2023, 70 deaths had been recorded, with a maternal mortality ratio of 24.8, the lowest ever recorded in that week.

254. Ever since 2010, the National Institute for Women, the National Institute of Indigenous Languages and the National Centre for Gender Equity and Reproductive Health, have been drafting and translating radio messages concerning maternal health. For further programmes on maternity and maternal health, see annex IX.

255. The Ministry of Health carries out community-based promotion activities, provides guidance to community-based obstetrics assistants, builds linkages with traditional birth attendants, ensures support for transfers in the event of obstetrical emergencies, promotes the establishment of accommodation for pregnant women and encourages the incorporation of intercultural liaison officers and indigenous language translators in health-care units.

Sexual and reproductive health

256. Sexual and reproductive rights are duly recognized in article 4 of the Constitution of Mexico as well as in the General Health Act, the General Act on the Rights of Children and

Adolescents and the Federal Act on the Prevention and Elimination of Discrimination. Such rights are also upheld in the Mexican Official Standards.

257. The Ministry of Health implements a public policy intended to guarantee the right to health, particularly for adolescents. That policy is enacted via the Programme of Action for Sexual and Reproductive Health which promotes the exercise of sexual and reproductive rights among adolescents by providing information and appropriate care and by ensuring access to and the availability and quality of sexual and reproductive health-care services, with a focus on the prevention of adolescent pregnancy.

258. The aim of the Programme of Action for Sexual and Reproductive Health is to contribute to the well-being of the population through universal access to sexual and reproductive health-care information and services, delivered with technical competency and based on scientific evidence, principles of equality, sociocultural relevance, non-discrimination and respect for human rights.

259. The Sectoral Programme on Health addresses the issue of health care in the context of the exercise of sexual and reproductive rights and family planning, the aim being to promote a healthy sexuality of choice among the population, free of violence and with priority given to adolescents and young people. The Programme also includes initiatives for the prevention and control of HIV/AIDS and other sexually transmitted infections.

260. The Sectoral Programme on Health promotes comprehensive care for the Indigenous population. The Programme takes due account of the contributions of traditional medicine and envisages the participation of Indigenous language interpreters and translators, training in Indigenous rights and intercultural approaches.

261. Other programmes – such as the National Programme for Social Development, the institutional programme 2020–2024 of the National Institute for Women, the National Youth Programme, the Special Programme for Indigenous and Afro-Mexican Peoples and the Programme for the Comprehensive Well-Being of Indigenous Peoples – also aim to promote access to sexual and reproductive health services for women and young persons and for the Indigenous and Afrodescendent population.

262. In January 2018, the National Institute for Women set up a working group to draft a handbook on the sexual and reproductive rights of persons with disabilities.¹⁴²

263. The National Programme for the Protection of Children and Adolescents promotes the access to and exercise of sexual and reproductive rights for children and adolescents, with a view to the full expression of their sexuality in a manner consistent with their age, their evolutionary and cognitive development and their maturity. The Programme, which aims to prevent adolescent pregnancy and to eradicate childhood pregnancy, includes six specific activities to promote campaigns on sexual and reproductive rights; to encourage access to counselling and guidance on sexual and reproductive health; to provide methods of contraception; and to guarantee the right of children, adolescents and young persons to receive education on sexuality, consistent with their stage of development.

264. Articles 50 and 58 of the General Act on the Rights of Children and Adolescents stipulate that children and adolescents have the right to free, high-quality health-care services, including counselling and guidance on sexual and reproductive health, just as they have the right to sex education in a manner consistent with their age, cognitive development and maturity.

265. One priority of the National Programme for the Protection of Children and Adolescents is to promote the access to and exercise of sexual and reproductive rights for children and adolescents, with a view to the full expression of their sexuality in a manner consistent with their age, their evolutionary and cognitive development and their maturity, and to prevent adolescent pregnancy and to eradicate childhood pregnancy.

266. Article 30 of the General Education Act stipulates the compulsory nature of sex education. In fact, the Act states that study plans and programmes in State-run or officially authorized private education must include sex and reproductive education consistent with the level of schooling of the children concerned.

267. The National Programme for the Protection of Children and Adolescents promotes the access to and exercise of sexual and reproductive rights for children and adolescents, with a view to the full expression of their sexuality in a manner consistent with their age, their evolutionary and cognitive development and their maturity. The Programme also aims to prevent adolescent pregnancy and to eradicate childhood pregnancy and to promote access to counselling and guidance on sexual and reproductive health.

268. The aim of the National Strategy for the Prevention of Adolescent Pregnancy is to avoid pregnancy during the second decade of life. It seeks to promote the reduction of social, economic and gender gaps while respecting the human rights of adolescents, especially those related to sexual and reproductive health, and promoting their freedom and development as individuals.¹⁴³ By 2030, it is hoped to entirely eradicate pregnancies among girls and adolescents aged between 10 and 14 and to reduce by 50 per cent the fertility rate among adolescents aged between 15 and 19.

269. Using the Fund for the Welfare and Advancement of Women, the National Institute for Women encourages women's organizations in the federative entities to submit projects that contribute to the eradication of child pregnancy and the reduction of adolescent pregnancy.¹⁴⁴

270. The Supreme Court of Justice has emitted a body of progressive jurisprudence in which it has addressed reproductive rights (assisted reproductive technology, surrogacy, obstetric violence and non-consensual female sterilization) and sex education.¹⁴⁵

Abortion

271. Victims of sexual violence have the right to a voluntary termination of pregnancy. In Mexico, this right is guaranteed under the General Victims Act, which defines the applicable criteria, such as rape or any other conduct that affects a person's physical or mental integrity (arts. 30 and 35).¹⁴⁶

272. Mexican Official Standard NOM 046, which concerns domestic and sexual violence and violence against women, recognizes that health-care providers in the public, social and private sectors (which together constitute the national health system) must provide immediate legal terminations of pregnancy, without a requirement to file a complaint before the authorities.¹⁴⁷

273. Abortion is regulated by the criminal and health laws of each federative entity. The Supreme Court of Justice has also developed a body of jurisprudence in relation to abortion rights. In 2021, the Court emitted a precedent declaring that it was unconstitutional that abortion should be an offence (legislation of Coahuila) on the grounds that the absolute criminalization of the voluntary interruption of pregnancy violated the right to reproductive autonomy.¹⁴⁸

274. In May 2022, the Supreme Court of Justice established that public health-care institutions must provide abortion services without the need for any judicial or ministerial authorization, in accordance with legal norms for the protection of victims' rights.¹⁴⁹

275. The Ministry of Health's National Centre for Gender Equity and Reproductive Health proposes national policies on sexual and reproductive health and seeks to guarantee and expand the availability of safe abortion. There are 105 safe abortion clinics distributed across all the country's federative entities.

276. As of March 2023, 10 federative entities have incorporated abortion rights into their legislation: Mexico City, Oaxaca, Hidalgo, Veracruz, Colima, Baja California, Baja California Sur, Sinaloa, Quintana Roo and Guerrero. Although currently not all states have introduced legislative reforms to incorporate abortion into their legislation, nowhere in Mexico can voluntary abortion be criminalized.

Mental health

277. Mental health services are regulated by the General Health Act. In addition, the Sectoral Programme on Health guarantees access to mental health and psychological support services, using a comprehensive and differentiated approach that addresses mental disorders and addiction-related problems.

278. The Programme of Action for Mental Health and Addiction 2020–2024 has the overarching purpose of improving the mental well-being of the population through timely, continuous and high-quality mental health services delivered within a framework of comprehensive primary health care.¹⁵⁰

279. The National Programme for the Protection of Children and Adolescents envisages mechanisms for the delivery of comprehensive prevention and care services to address mental health problems and substance abuse in children and adolescents, with a view to their overall well-being and full development.

280. The National Suicide Prevention Programme 2022–2024, which is coordinated by the Ministry of Health, draws on previous suicide prevention experiences at the state and federal levels. It aims to establish intersectoral intervention mechanisms to attend to all persons who seek care for suicidal behaviour and to reduce suicide mortality rates through prevention, postvention, care and research.¹⁵¹

281. The National Programme for the Protection of Children and Adolescents envisages mechanisms for the delivery of comprehensive prevention and care services to address mental health problems and substance abuse in children and adolescents, with a view to their overall well-being and full development.

HIV/AIDS

282. A 2017 national survey on discrimination included an “opinion and experience” questionnaire which, via four questions, sought to collect information on how persons aged 18 or over and living with AIDS or HIV are accepted.¹⁵²

283. The Supreme Court of Justice has considered cases in which it has ruled on the right to health protection of persons with HIV/AIDS in hospital, particularly vis-à-vis failures to provide adequate and timely treatment and discrimination and stigmatization against minority groups due to their state of health.¹⁵³

Drugs

284. The National Addiction Prevention Strategy seeks to influence the biopsychosocial determinants that prevent or reduce the use of psychoactive substances in children and young persons, with a view to building peace.¹⁵⁴

285. One of the main objectives of the National Suicide Prevention Programme is to prevent the consumption of alcohol, because harmful alcohol consumption is considered a suicide risk factor.

286. In addition to this, the National Programme for the Social Prevention of Violence and Crime 2022–2024 includes alcohol consumption as one of the factors it addresses in the fight against violence and crime.¹⁵⁵

287. The National Anti-Addiction Council has an operational network of 339 units known as “specialized medical units – centres for primary addiction care”. The units, which implement comprehensive care strategies, use an intervention model to address substance use and priority mental health disorders. The model covers prevention, health promotion and outpatient treatment, and it takes account of the social determinants of health during the course of life. As necessary, it also envisages referral to more specialized institutions.¹⁵⁶

288. The “specialized medical units – centres for primary addiction care” also have a short-term intervention programme for adolescents who are beginning to use alcohol and

other drugs; short-term motivational treatment for smokers; a short-term intervention programme for at-risk drinkers; and a programme for family members facing problems related to alcohol and drug use.

289. The Ministry of Health has proposed modifications to the General Tobacco Control Act and to ministerial agreements and executive decrees, which are part of the measures taken to promote health protection while giving special priority to the best interests of children and vulnerable age groups.¹⁵⁷

290. In 2021, a decree was signed under which the General Import and Export Taxes Act was modified to prohibit the export of various categories of tobacco and nicotine-based products.¹⁵⁸

291. In the same year, the Senate of the Republic unanimously approved an amendment to the General Tobacco Control Act in order to bring it into line with the WHO Framework Convention on Tobacco Control. The amendment established a comprehensive ban on all forms of advertising, promotion and sponsorship of tobacco products, and it extended protection against exposure to combustible tobacco smoke to cover emissions from tobacco and nicotine-based products.¹⁵⁹

292. One of the purposes of the National Anti-Addiction Council is to regulate the harmful consumption of alcoholic beverages. The General Health Act also envisages measures to prevent and control alcohol consumption and to regulate the advertising of alcoholic beverages.

293. The National Anti-Addiction Council has developed the Programme of Action for Mental Health and Addiction, which includes high-quality actions and strategies to address mental health issues, including addiction, while respecting human rights.

Article 13

Right to education

294. Article 3 of the Constitution of Mexico stipulates that all persons have the right to education and that State-run education is to be universal, inclusive, public, free and secular, and is to promote respect for human rights.

295. The General Education Act underscores the fact that the right to education, being a universal human right, belongs equally to everyone and is to benefit all persons without discrimination of any kind (arts. 5 and 7). The same issue is comprehensively addressed in the General Act on the Career Path of Teachers, the General Act on the Rights of Children and Adolescents, the Federal Act on the Prevention and Elimination of Discrimination and the Sectoral Education Programme.

296. The Ministry of Education is responsible for creating, regulating, coordinating, operating and updating the Educational Information and Management System, which is legally underpinned by the General Education Act.¹⁶⁰ Action in this regard is also taken by the educational authorities in the federative entities and in Mexico City.

297. The National Programme for the Protection of Children and Adolescents seeks to ensure that all persons are able to access and remain in the national education system, participating and learning until the timely completion of their obligatory schooling. The Programme also aims to provide high-quality education, supported by adequate infrastructure and equipment, and delivered in conditions of equality, equity and inclusion in a peaceful and harmonious environment that promotes coexistence. The Programme envisages strategies and actions to ensure that children and adolescents at risk of being involved in child labour are integrated into education.

Inclusive education

298. The National Strategy for Inclusive Education, which is headed by the Ministry of Education, aims at a progressive transformation of the current national education system into

an inclusive intercultural system that – while recognizing the diversity of children, adolescents and young persons throughout the country – supports them as they access, transit and remain in the education system and continue learning until they complete their schooling.

299. Efforts towards inclusive education made by the Ministry of Education are part of its actions within the framework of the Strategic Plan of Action for the Care of Migrant Children and Adolescents. In addition to this, Mexico has a protocol for ensuring access to basic education for children and adolescents in situations of migration.¹⁶¹

Literacy

300. The National Institute for Adult Education seeks to bring persons who know how to read and write into contact with persons who do not and to promote the process of acquisition of literacy. Since April 2022, a monthly audio broadcast has been sent out to the 32 federative entities in order to promote the literacy services provided by the National Institute during national examination days, which are held periodically and which enable people to determine their own literacy level.

301. The Federal Telecommunications Institute runs a digital literacy programme, the aim of which is to provide users of telecommunications services with the digital skills they need in order to interact with the digital environment.¹⁶²

Education of groups in vulnerable situations

302. The General Education Act stipulates that educational authorities must apply inclusive, cross-cutting and gender-sensitive policies when granting scholarships and other forms of economic support that prioritize students who face socioeconomic conditions that hinder them in the exercise of their right to education (art. 9). For its part, the Sectoral Education Programme promotes measures to favour durable access to the national education for children, adolescents and young persons.

303. The National Programme for Equality and Non-Discrimination makes provision for the inclusion of relevant sociodemographic and identity variables to measure progress in the exercise of the right to education without discrimination using the information systems and administrative records of the education sector. In this connection, the National Discrimination Information System reveals what percentage of persons have suffered a denial of one of their rights, including the right to education.

304. The National Programme for Social Development envisages the so-called “New Mexican School”, which aims to provide comprehensive education to Indigenous, migrant and Afro-Mexican children, as full rights holders, from a standpoint of inclusion, equality, excellence and interculturality. It is the responsibility of the Ministry of Education to put this into effect.

305. Within the framework of the “New Mexican School”, the priority of Indigenous education is to embrace and impart community-based and traditional knowledge and wisdom, different mother tongues and culturally relevant forms of assessment. In addition, Indigenous education is committed to intercultural approaches, which imply knowing, recognizing, valuing and appreciating cultural, ethnic and linguistic diversity.

306. Economic assistance is provided to Indigenous persons with low incomes to help them enrol in State-run universities. There is a standing commitment to support the professional training of Indigenous leaders with high academic achievements.

307. The Benito Juárez National Scholarship Programme seeks to promote inclusive and equitable education for persons in situations of vulnerability. Its mission is to contribute to protecting the right to education and human development and to reducing school dropout rates by granting educational scholarships to children and young persons enrolled in State-run schools.¹⁶³

308. The “School is Ours” programme seeks to ensure that communities in State-run schools at the kindergarten, preschool, primary and secondary levels, located in

municipalities with high rates of marginalization and poverty, and with a high percentage of Indigenous and Afro-Mexican inhabitants, receive subsidies to extend their timetables, provide food and equip, refurbish and/or expand their facilities.¹⁶⁴

309. The 2022 curriculum for preschool, primary and secondary education seeks to forge democratic citizenship, while guaranteeing children, adolescents and young persons the human right to an education in which they can develop in ways that are meaningful for their lives and in which they are encouraged to learn, to learn from others and to care about their own development and that of their community.¹⁶⁵

310. The National Programme for Indigenous Peoples seeks to provide food and accommodation for Indigenous and Afro-Mexican children, adolescents and young persons as a way of helping them to remain in the educational system. In the same way, durable access to the national education system is one of the four components of the comprehensive strategies to ensure the welfare and protection of children and adolescents in street situations as well as Indigenous and Afro-Mexican children and adolescents, and those with disabilities.

311. The Ministry of Education is developing a project for the integration of migrant children and adolescents in Mexico into basic education. It is doing so in collaboration with the United Nations Children's Fund (UNICEF), which implements strategies at the regional, national and local levels.¹⁶⁶

312. Rules regulating the administration of international cooperation funds in the field of education are enshrined in the International Cooperation for Development Act. The body responsible in this regard is the Mexican Agency for International Development Cooperation¹⁶⁷ which is also responsible for the National Register of International Development Cooperation, the statistical mainstay of Mexican cooperation.¹⁶⁸ In addition to this, there is also the International Cooperation for Development Programme 2021–2024.¹⁶⁹

313. Article 12 of the General Act on Social Communication envisages communication campaigns in favour of, *inter alia*, education (art. 8). It also states that the campaigns must be disseminated in ways and formats that are accessible to persons with disabilities and in the language or languages of Indigenous communities.¹⁷⁰

Article 14

Compulsory education

314. The principle of free State-run education was reinforced by the education reform of 2013, which prohibited any form of *quid pro quo* for enrolment in or access to education or examinations or for the issuance of documentation.

315. Article 3 of the Constitution of Mexico establishes education as a right which it is incumbent upon the State to provide. In particular, basic (preschool, primary and secondary) education and upper secondary education are to be compulsory. Higher education is likewise compulsory under the conditions stipulated in article 3 (10). Moreover, all education imparted by the State is to be free of charge.

Article 15

Right to take part in cultural life

316. The right to culture is enshrined in article 4 of the Constitution of Mexico, which states that everyone has the right to access culture and to make use of the goods and services provided by the State in this regard, as well as the right to exercise their own cultural rights.

317. The General Act on Culture and Cultural Rights seeks to promote and protect the exercise of cultural rights and to lay the bases for coordination to that end.¹⁷¹

318. In compliance with the provisions of the Constitution and the Act, the Ministry of Culture is responsible for implementing national cultural policy. Its main objective is to guarantee the right to culture in an inclusive, participatory and equitable manner and the

enjoyment of cultural goods and services on the part of the population. It also seeks to promote and encourage recognition of the country's cultural diversity.

319. The Ministry of Culture formulates and implements the Sectoral Programme for Culture 2020–2024¹⁷² while also encouraging artistic creativity, access to culture and the exercise of cultural rights. To this end, it operates via the National Institute of Anthropology and History, the National Institute of Fine Arts and Literature and the Directorate-General of Popular, Indigenous and Urban Cultures.

320. The Federal Act for the Protection of Industrial Property contains regulations intended to safeguard such property¹⁷³, while literary and artistic works are protected under the Federal Copyright Act.¹⁷⁴ The Federal Act for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican Peoples and Communities serves to recognize, safeguard and advance the cultural heritage and collective intellectual property of Indigenous and Afro-Mexican peoples and communities.

Promotion of culture

321. During the COVID-19 pandemic, the Ministry of Culture, while strictly complying with the health protocols issued by the competent authorities, worked alongside other stakeholders to reopen cultural and artistic spaces in order to relaunch the country's in-person cultural life. At the same time, cultural offerings via digital media were expanded. Notable among these is the online platform "Contigo en la Distancia" (With You in the Distance), which offers a wide selection of cultural material free of charge,¹⁷⁵ and the platform "México es Cultura" (Mexico is Culture), which disseminates information about cultural activities and cultural venues throughout the country.¹⁷⁶

322. In 2022, cultural spaces began opening on a regular basis and there was a significant improvement in cultural offerings. This was complemented by new formats for accessing cultural activities and services, with the aid of electronic media.

323. In addition to this there are "community culture" programmes, which have the principal objective of promoting the exercise of cultural rights among vulnerable groups¹⁷⁷ This initiative has also consolidated the operation of the "Semilleros Creativos" (Creative Seedbeds), a space where prevention and social cohesion are strengthened through ongoing artistic training activities¹⁷⁸ (see annex XVI).

Cultural Heritage

324. The Federal Act for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican Peoples and Communities serves to recognize, safeguard and advance the cultural heritage and collective intellectual property of Indigenous and Afro-Mexican peoples and communities.¹⁷⁹

325. There exists an inventory of intangible cultural heritage that contains information on language, traditions, oral expression, theatre, dance, plastic arts and ethnic and cultural groups.¹⁸⁰

326. The Ministry of Culture acts to protect cultural heritage, in accordance with national legislation, such as the Federal Act governing Archaeological, Artistic and Historic Monuments and Sites.¹⁸¹ A campaign entitled "Mi Patrimonio No Se Vende" (My Heritage Is Not for Sale) is being conducted to recover Mexican archaeological and cultural heritage abroad (see annex XVI).

Groups in vulnerable situations

327. The objectives, strategies and activities envisaged in the Sectoral Programme for Culture aim to reduce inequality in the exercise of rights on the part of persons in vulnerable situations.

328. Legislation that has a bearing on the right to culture has been translated into different national languages, notably the Mexican Constitution¹⁸² and the Act on the Linguistic Rights of the Indigenous Peoples,¹⁸³ which have been translated into, respectively, 40 and 65 languages.

329. The Sectoral Programme for Culture and the National Programme for the Protection of Children and Adolescents include elements aimed at children and young persons, while the “Alas y Raíces” (Wings and Roots) programme also serves that category of the population. These programmes and their strategic priorities are coordinated by the Ministry of Culture. The National System for the Comprehensive Protection of Children and Adolescents implements comprehensive strategies to ensure the welfare and protection of children and adolescents in street situations as well as Indigenous and Afro-Mexican children and adolescents, and those with disabilities.

330. Vulnerable groups are also covered in the National Programme for Equality between Women and Men, the institutional programme of the National Institute of Indigenous Peoples, the Special Programme for Indigenous and Afro-Mexican Peoples, the National Development Plan, the National Programme for Social Development, the National Youth Programme (of the Mexican Youth Institute), the Programme for the Welfare of Persons with Disabilities of the Ministry of Health and the National System for Comprehensive Development of the Family.

331. The Federal Telecommunications Institute’s general guidelines on the accessibility of telecommunications services for users with disabilities seek to establish mechanisms for the effective protection of the rights of such users and to define the obligations of concession holders and authorized telecommunications service providers, thus enabling users with disabilities to have access to telecommunications services on an equal footing with others.¹⁸⁴

Cultural diversity

332. The protection of ethnic, cultural and linguistic diversity is duly enshrined in article 1 of the Constitution of Mexico. For its part, the Ministry of Culture promotes and encourages cultural diversity as the Nation’s greatest asset, one that is conveyed via multiple tangible, intangible and linguistic expressions, as well as in ongoing artistic and cultural creativity.

333. The Federal Act for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican Peoples and Communities recognizes Indigenous and Afro-Mexican peoples and communities as subjects of law and guarantees respect for their right to self-determination and autonomy, as well as for their forms of governance, institutions, normative systems, procedures and forms of dispute resolution. The Act also stipulates that, as appropriate, State institutions are to provide the assistance of translators and interpreters in order to guarantee the rights enshrined in the Act. As a consequence, all protection, safeguarding and development activities undertaken by public institutions are required recognize and respect 10 principles, notably the principle of equality of cultures and non-discrimination, of pluralism and interculturalism and of respect for cultural diversity. In addition to this, Indigenous languages are protected under the Act on the Linguistic Rights of the Indigenous Peoples.

334. Certain specific activities envisaged in the Sectoral Education Programme seek to promote cultural, ethnic and linguistic identity in national education.

335. In Mexico, a project of the National Institute of Indigenous Peoples entitled “Ecos Indígenas, la Voz de la Diversidad” (Indigenous Echoes, the Voice of Diversity”) seeks to disseminate the country’s cultural diversity. It is a virtual radio platform with 23 sites (radio stations) that are distributed across 17 federative entities and that broadcast content in 35 national Indigenous languages.¹⁸⁵ It is also part of the Indigenous Cultural Radio Network.¹⁸⁶

336. The National Linguistic Planning Meeting was held in 2021, with the participation of representatives of 50 government institutions from 27 states. The purpose of the initiative was to establish intergovernmental coordination for plans relating to national Indigenous languages, within the framework of the pluricultural Constitution of Mexico.¹⁸⁷

Culture and equality

337. The National Development Plan specifies that no one is to be excluded from cultural activities and cultural circuits. To achieve that goal, cultural action is being promoted in sectors that are marginalized, powerless and impoverished. At the same time, care is taken to avoid monopolizing cultural activity, in the belief that such activity must be present in the most seriously affected social environments.

338. The Sectoral Programme for Culture seeks to broaden cultural offerings and to expand the scope of existing programmes in order to serve vulnerable groups.

339. The exercise of cultural rights is guaranteed under the General Act on Culture and Cultural Rights, using an approach that differentiates across the population (arts. 9, 12 and 14). Similarly, the General Act on the Inclusion of Persons with Disabilities guarantees the right to culture for persons with disabilities.

340. The Federal Act for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican Peoples and Communities recognizes and guarantees, inter alia, the property rights – including collective intellectual property rights – that Indigenous and Afro-Mexican peoples and communities have over the elements that make up their cultural heritage, their traditional knowledge and their cultural expressions.

341. Cultural programmes have been launched for sectors that have been historically excluded. These include the institutional programme of the National Institute of Indigenous Peoples, which has five main objectives that aim to reinforce the cultural and intangible heritage of Indigenous Peoples and communities.

342. In 2020, the Ministry of the Interior, operating through the National Council for the Prevention of Discrimination, conducted a campaign under the title “Discriminas cuando ...” (You’re discriminating when ...) which involved activities intended to prevent and eliminate discrimination. In 2021, it launched the campaign “La igualdad hace la fuerza” (Equality equals Strength) which sought to forge a consciousness free of racism, stigmas, prejudice and discrimination.

Support for culture

343. The Ministry of Culture runs a system of support for cultural creativity and cultural projects through which – while applying criteria of equality and inclusion – it grants aid, incentives and scholarships for the creation, development and dissemination of high-quality expressions of culture. The aim of the initiative is to recognize the experience and contributions of creative persons and academics and to promote activities that reinforce the circuit of production, circulation and consumption of culture.

344. The Community Support Fund for the Restoration of Federally-owned Monuments and Artistic Assets seeks – using various resources – to compensate society for the conservation of the country’s monuments and its historical and artistic heritage.

345. The “EFIARTES” tax incentive and the Support Programme for Municipal and Community Cultures provide backing for investment projects in, respectively, artistic and cultural productions. For its part, the Municipal Cultural Development Programme contributes to the cultural growth of the population at the municipal level, via economic incentives provided by cultural agencies of the federative entities, by municipal governments and by civil society.

346. The Cultural Support Programme helps to create or reinforce cultural infrastructure by financing projects of cultural rehabilitation and/or construction, the aim being to reduce existing inequalities in cultural development and to utilize or create spaces dedicated to art and culture.

Internet access

347. In 2021, a national survey on the availability and use of information technology in households, conducted by the National Institute of Statistics and Geography, estimated that there were around 88.6 million Internet users; i.e., 75.6 per cent of the population aged 6 or over. This represented an increase of 4.1 percentage points over the 2020 figure of 71.5 per cent.

348. According to the survey, 24.3 million households (66.4 per cent of the national total) had Internet access in 2021, through either fixed or mobile connections. This represented an increase of 15.7 percentage points (almost 7.2 million households) over the figure for 2017.

Science

349. The General Education Act and the Science and Technology Act stipulate that a certain proportion of public expenditure is to be earmarked for the promotion of cultural rights and science.¹⁸⁸

350. The Science and Technology Act envisages policies and instruments and establishes criteria intended to support and encourage scientific research and technological development and innovation. The aim is to extract the greatest benefit from these activities in the teaching and learning of science and technology, in the quality of education, particularly higher education and in the link between them and the productive and service sectors. The Act also seeks to encourage the balanced, equal and non-discriminatory involvement of both women and men in the rising generation of researchers and technologists.

351. In March 2022, the Chamber of Deputies approved certain amendments to this Act regarding gender perspective and the incorporation of inclusive language.
