

INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION



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

Second periodic reports of States Parties due in 1978

Addendum

MEXICO 1/

[24 April 1978]

PART ONE

1. The importance attached by the Government of Mexico to condemning policies of racial segregation and apartheid is demonstrated by the country's accession to the International Convention on the Elimination of All Forms of Racial Discrimination to which the General Constitution of the Republic (article 133) has given the status of Supreme Law of the entire Union. The article in question states:

"This Constitution, the laws of the Congress of the Union enacted thereunder, and all treaties in accordance therewith already entered into or which, in the future, may be entered into by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the entire Union. The judges of every State shall be bound by this Constitution and by these laws and treaties, notwithstanding any conflicting provisions in the Constitutions or laws of the States."

2. With regard to the prohibition and elimination of racial discrimination in all its forms, as enumerated in article 5 of the Convention, especially in the field of political, civil, economic, social and cultural rights, and the right of access to any place or service intended for use by the general public, it should be noted that article 1 of the General Constitution provides as follows:

"Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which shall not be restricted or suspended, except in such cases and under such conditions as are herein provided".

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1/ For the initial report submitted by Mexico, see document CERD/C/R.85/Add.2, and, for its consideration by the Committee, see document CERD/C/SR.303.

In other words, the Constitution institutes a universal guarantee of equality under which all persons without exception are considered authorized and competent to exercise the public civil rights established by the Fundamental Law. This specific guarantee of equality applies to everyone, in other words, to every human being, irrespective of race, sex and status, de jure and de facto. By virtue of this article everyone is competent to enjoy and exercise the various constitutional guarantees. This feature of the Mexican constitutional system, under which the private rights of every individual are guaranteed, clearly shows that there is no racial discrimination of any kind in Mexico and still less any form of apartheid.

This provision also guarantees equality in all spheres of the life of the nation and, the Constitution being the source of all the guarantees, the latter embody the fundamental principles that, in secondary legislation, are guaranteed by this supreme law. The individual guarantees are therefore invested with the principle of constitutional supremacy inasmuch as they take precedence over any secondary rule or law with which they may conflict and hence have primacy of application over them. The authorities must therefore comply with them in preference to any ordinary provision of the law.

Furthermore, the individual safeguards embodied in the Constitution are, like the Supreme Law itself, invested with the principle of constitutional rigidity inasmuch as they cannot be altered or amended by the ordinary Legislative Power but only by a competent power composed as provided in article 135 of the Fundamental Law, which states:

"This Constitution may be added to or amended. No addition or amendment shall become part of the Constitution until agreed to by the Congress of the Union by a two-thirds vote of the members present, and approved by a majority of the State Legislatures. The votes of the Legislatures shall be counted by the Congress of the Union or the Permanent Committee, which shall also make the declaration that the addition or amendment has been approved."

For the purpose of ensuring effective protection of the individual guarantees set forth in the Constitution, article 364, section II, of the Federal District Penal Code, which is in force for all federal matters throughout the Republic, specifies the penalties incurred by anyone who violates in any manner the individual rights guaranteed to a third party, as follows:

"A penalty of imprisonment for one month to three years and a fine of up to 1,000 pesos shall be incurred by:

II. Anyone who, in any way whatsoever, violates, to the prejudice of another person, the rights and guarantees established by the General Constitution of the Republic for the benefit of all persons".

Article 11 of the Constitution provides for freedom of movement in the following terms:

"Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without necessity of a letter of security, passport, safe conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in cases of civil or criminal liability, and to those of the

administrative authorities in so far as limitations imposed by emigration, immigration or public health legislation of the Republic or legislation regarding undesirable aliens resident in the country are concerned."

In view of the scope of the public civil right resulting from this guarantee, the authorities of the State may not prevent anyone from entering or leaving the national territory, from travelling through it or from changing his residence or domicile and, furthermore, may not impose any condition or requirement save the limitations referred to in article 11 quoted above.

3. With regard to the obligation which article 6 imposes on the States parties to assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms, contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, attention is drawn to the fact that article 16 of the Mexican Constitution is a provision affording the greatest possible legal protection to any subject, particularly in view of the guarantee of legality it institutes which, by virtue of its scope and juridical force, safeguards the individual against any act that comes however remotely within its sphere of law and is not only arbitrary but also contrary to all principles, irrespective of the status or nature of the body of laws of which those principles form part. The article in question reads as follows:

"No one shall be molested in his person, family, domicile, papers or possessions except by virtue of a written order of the competent authority stating the legal grounds and justification for the action taken. No order of arrest or detention shall be issued against any person other than by the competent judicial authority, and unless same is preceded by a charge, accusation or complaint for a specific offence punishable by imprisonment, supported by an affidavit of a credible party or by such other evidence as would point to the probable guilt of the accused; in cases of flagrante delicto, however, any person may arrest the offender and his accomplices, turning them over without delay to the nearest authorities. Only in urgent cases instituted by the public attorney without previous complaint or indictment and when there is no judicial authority available may the administrative authorities, on their strictest accountability, order the detention of the accused, turning him over immediately to the judicial authorities. Every search warrant - which may be issued only by the judicial authority and which must be in writing - shall specify the place to be searched, the person or persons to be arrested and the objects sought, the proceedings to be limited thereto; at the conclusion of which, a detailed statement shall be drawn up in the presence of two witnesses proposed by the occupant of the place searched or, if the latter is absent or refuses to do so, by the official carrying out the search.

Administrative officials may enter private houses only for the purpose of determining if the sanitary and police regulations have been complied with; and to require production of books and documents necessary for demonstrating compliance with fiscal legislation in which latter cases they must abide by the provisions of the relevant laws and follow the procedures laid down for cases of search."

Article 17 of the Constitution provides, inter alia, that "The courts shall be open for the administration of justice at such times and under such conditions as the law may establish". In this case the guarantee of legal security accorded to the individual makes it impossible for the judicial authorities to delay or impede the administration of justice indefinitely. They are consequently obliged to hear and settle the cases brought before the courts in the manner laid down in the relevant procedural laws.

In addition to the ordinary procedural remedies, Mexican law also includes a constitutional remedy known as the "writ of amparo" or "writ of guarantees". This is governed by article 107 of the Constitution and by the Law of Amparo, whose purpose is to protect the individual against laws or acts of the authorities that may restrict or impair his safeguards or social guarantees as established by the Constitution. Article 1 of the Law of Amparo states:

"The purpose of amparo proceedings is to settle any dispute which may arise:

1. as a result of laws or acts of the authorities that violate personal guarantees".

All persons have the right to institute proceedings for amparo. In fact, the remedy may even be sought by a child. Article 6 of the Law of Amparo states:

"A minor may make application for amparo without the intervention of his legal representatives, if they are absent or unable to act on his behalf. In such cases, however, the judge, without prejudice to the adoption of such measures as may be urgently required, shall appoint for the minor a special representative who shall act in the proceedings on his behalf."

In the case of matters requiring prompt action, an application for amparo, seeking suspension of the acts held to be in violation of guaranteed rights, may be addressed to the competent judges by any means, including telegraphy, and those responsible for the telegraph services must transmit such applications free of charge. Article 23 of the Law of Amparo states:

"For the purposes of this provision (facilitation of amparo), the supervisors and other personnel of post and telegraph offices shall be required to receive and transmit, at no cost whatsoever to the persons concerned or to the Government, messages in which application is made for amparo on the grounds of any of the acts referred to, as well as messages and communications sent by the authorities having to deal with the suspension in question, even outside office hours or when orders to the contrary have been issued by the administrative authorities. Any violation of the provisions of this paragraph shall be punishable under article 178 of the Penal Code (which states that anyone who, without just cause, refuses to provide a public service required of him by law or disobeys a legitimate order of the authorities shall be liable to imprisonment for from 15 days to one year and a fine of 10 to 100 pesos)."



4. With regard to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation, in accordance with article 2, paragraph 1 (a), of the Convention, in Mexico, officials, upon assuming their posts, are required by constitutional law to swear that they will respect the Fundamental Political Charter and the laws which derive from it, thereby becoming guilty of offences or wrongful acts committed in their official capacity if they fail to do so.

It is a general tenet of Mexican law that public officials and employees are held responsible for any wrongful or unlawful act which they have committed in their official capacity and are thus subject to the principle of equality before the law. However, the intention of the Constitution has been to ensure that such officials will not be prosecuted during their term of office for any punishable acts they have committed unless impeachment proceedings (juicio político), which are provided for in articles 108-114 of the Constitution, are instituted against them.

The Law on the Liability of Officials and Employees of the Federation provides in article 13, section V, that "acts of high-ranking officials of the Federation in violation of individual guarantees" shall be considered official offences. Article 15 of the same law specifies the penalties incurred by persons who commit such offences. These range from dismissal from the post held to disqualification for any kind of employment.

Article 18 of the Law enumerates, in 72 sections, the official offences and wrongful acts for which other officials and employees of the Federation and the Federal District may be liable.

5. Although in Mexico there is no governmental policy that encourages discrimination and it is consequently unnecessary to amend, rescind or nullify laws or provisions which have the effect of creating discrimination, articles 71 and 72 of the Constitution lay down the procedure for initiating and drafting legislation, as well as for making amendments or additions to existing laws.

6. With regard to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations, the Government of Mexico has consistently condemned racist régimes. In supporting United Nations resolutions on apartheid and the illegal occupation of Namibia, Mexico has adopted, inter alia, the following measures:

- (a) Mexico does not maintain diplomatic relations with South Africa, and pursuant to the United Nations resolution recommending that diplomatic and consular relations with South Africa be severed, Mexico closed its consulate in that country on 1 March 1974;
- (b) On 26 November 1976, a Latin American and Caribbean Committee against Apartheid, composed of distinguished intellectuals, journalists and politicians of the region, was set up in the Mexican Ministry of Foreign Affairs. Its function is to inform countries about the dangers of racism in South Africa and to combat the propaganda of the South African Government and other countries favourable to discrimination,

which distorts the facts and misleads public opinion, and to mobilize public opinion in the region so as to bring pressure to bear on Governments, when necessary, to induce them fully to implement the United Nations resolutions on apartheid.

- (c) The severance of relations between South Africa and Mexico is also demonstrated by the absence of cultural exchanges and sports events, as exemplified by the refusal to allow the South African athletes to enter Mexico to take part in the Olympic Games, which were held there in 1968.

In addition, the Mexican team taking part in the Davis Cup tournament refused to compete against South Africans. As a result not only did Mexico lose by default but laid itself open to sanctions, including expulsion from the tournament, which did not materialize in the end, owing to the support of the international athletic community. Mexico's attitude is in keeping with the recommendation adopted at the thirtieth session of the General Assembly of the United Nations which requests Member States not to grant visas to racially selected South African athletes to enable them to take part in international athletic events.

- (d) Trade has been reduced to the minimum.

- (e) The Mexican immigration authorities do not as a rule grant entry visas to South Africans, exceptions being made on humanitarian grounds only. This policy has led to the cancellation of international meetings, including one sponsored by the International Atomic Energy Agency.

7. With regard to the undertaking, under article 4, paragraph (a), to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof, in accordance with article 4 (a), article 63 of Mexico's Federal Radio and Television Law prohibits broadcasts liable to incite to racial discrimination in breach of the principle of equality. This article states:

"... all those which are denigratory or offensive ... or discriminate on racial grounds shall also be prohibited ...".

In Mexico, the information media, such as radio and television, are deemed to be activities in the public interest and are consequently protected by the State, which ensures that they fulfil their social purpose. The laws on the subject empower the State to supervise the social function of the media, mainly in their contribution to strengthening the integrity of the nation and improving of the modes of human co-existence by affirming respect for the principles of social morality and human dignity and thereby helping to raise the cultural level of the people (articles 4 and 5 of the Radio and Television Law).

8. With regard to the undertaking to declare illegal and prohibit organizations and organized ... propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or

activities as an offence punishable by law, Mexican legislation, in establishing freedom of assembly and association under article 9 of the Constitution, specifies that:

"The right to assemble or associate peaceably for any lawful purpose may not be restricted ...".

The public civil right of association, as embodied in article 9 of the Constitution, is the cornerstone for the establishment of any private juridical body corporate such as civil associations, civil corporations, business partnerships and co-operative societies. All these special bodies, whose legal existence and bases derive from article 9 of the Constitution, are organized under and governed by the relevant legislation which gives effect to that provision of the Fundamental Law. Trade union freedom also finds support in article 9 of the Constitution as an individual right, being a public civil right of workers.

However, as this right is not declared to be unrestricted, certain conditions have to be met. For the right of association and assembly to be effective, it is necessary for it to be exercised peaceably and to have a lawful purpose, through acts which do not conflict with morality or the rules of public order. Consequently, any association or meeting which does not have a lawful purpose not only is not protected by article 9 of the Constitution but may constitute an offence under article 164 of the Penal Code if its aims are illicit.

9. With regard to the undertaking, under article 7 of the Convention, to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention on the same subject, article 3 of the Mexican Constitution, in establishing the basic guidelines for education, provides that the education to be provided by the State must be directed towards the harmonious development of all of the abilities of the human being and at the same time develop in him a love of his country and awareness of international solidarity, in a spirit of independence and justice. Furthermore, the education must be based on the results of scientific progress and combat ignorance and its effects, servitude, fanaticism and prejudice. It must strengthen in the student, together with a realization of the dignity of the human person and the integrity of the family, a consciousness of the general interest of society, manifested in a desire to foster the ideals of the brotherhood of man and the equality of human rights, without privileges for any race, sect, group, sex or individual.

With regard to the reform of educational plans, and the curricula and syllabuses envisaged for primary and secondary education, subjects that will be covered include, inter alia: slavery, which was abolished in Mexico in 1811, and racial discrimination, both of which are condemned; the need to strengthen human relations; the Universal Declaration of Human Rights and the rights of the child, and the rights and obligations with regard to social well-being that are set out in the Political Constitution of Mexico. Under the educational programme, campaigns and regular events designed to strengthen the principles described above are being held in the schools.

The free textbooks published by the Federal Government and used throughout the primary school system were recently revised and brought up to date in order to adapt them to the latest advances of science and technology and to channel the education of children towards true social integration through modernization of methods of instruction and development of their faculties in the interest of promoting international consciousness and solidarity.

Attention is drawn also to the fact that an addition was recently made to article 6 of the Constitution so as to include the right to information as an individual guarantee.

## PART TWO

### A. GENERAL INFORMATION

#### I. DEFINITION

1. Individuals, groups or communities considered indigenous under the legal system of the country. Other concepts which are generally prevalent in the country, whether legal or not. The criterion or criteria used to establish whether an individual, group or community is or is not indigenous.

Article 1 of the Political Constitution establishes the principle of the equality of persons before the law in stating that: "Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which shall not be restricted or suspended, except in such cases and under such conditions as are herein provided". Mexico's legal system thus makes no distinction between the different inhabitants of the country; indigenous persons do not have a special status, they possess Mexican nationality (under article 30 of the Constitution) and consequently have the rights and duties of any other Mexican citizen.

This principle is reaffirmed by article 3, section I (c), of the Constitution, which specifies, with regard to the education to be provided by the State, that "... it shall contribute to the improvement of human relations ... manifested in a desire to foster the ideals of the brotherhood of man and the equality of human rights, without privileges for any race, sect, group, sex or individual". Article 3 of the Federal Labour Law likewise prohibits the establishment of any distinction between workers on grounds of race.

In observance of this principle, therefore, Mexican law does not make any distinction between indigenous groups or communities and others.

With regard to land, one of the watchwords of the Revolution, which began in 1910, was the return to the indigenous communities of the land of which they had been dispossessed over the years. Article 27 of the Constitution therefore established a special régime for the property of such communities, making it inalienable and imprescriptible and prohibiting its seizure or transfer.

With regard to the second part of the same question: "Other concepts which are generally prevalent in the country", a number of concepts have been developed in anthropological circles attributing specific characteristics to the quality of being indigenous, on the basis of biological, linguistic, psychological and cultural indicators.

However, the official view expressed by the Government of the Republic is that one of the effects of the colonial period was to force the indigenous population, together with other social groups, into a state of economic and cultural marginality, aggravated by inequality in development. The Government further recognizes that the indigenous people have an ethnic identity which should be preserved in accordance with their express wishes, as their inalienable right and also as an essential element in the character of a society which aspires to become a fully integrated pluralistic nation.



With regard to the third part of the question: "The criterion or criteria used to establish whether an individual, group or community is or is not indigenous", the system of national statistical data, through the population censuses, and the Secretariat of Public Education rely mainly on the criterion of language, whereas the National Institute for Indigenous Affairs also takes culture and social organization into account. As was explained earlier, these differential criteria do not affect equality of individual and social rights, but are applied to national programmes to improve the possibilities of communication and the levels of living of the indigenous populations by spreading knowledge of Spanish among them, providing education for them at all levels and respecting their own forms of culture.

2. Information on whether a person who has been considered "non-indigenous" may come to be considered "indigenous" and, if so, how. Conversely, whether an "indigenous" person may come to be considered "non-indigenous" and, if so, how.

3. Problems encountered in defining persons undergoing one of the processes of change referred to in the preceding paragraph.

In the light of earlier replies, it can be confirmed that: (a) in law, no change of this kind from one state to another exists; (b) at the social level, the indigenous people, as a marginal group, are engaged, like other groups in the same situation, in efforts to improve their living conditions; (c) at the cultural level, ethnic identity is the result of a specific historical process and no one who has been considered "non-indigenous" could be regarded as "indigenous".

On the other hand, the ethnic communities in Mexico have not ceased to evolve from the period of the Mesoamerican civilization to our day. They are societies in flux as are all societies. They have exerted and received cultural influences and, over the last 150 years, they have tended to take a fuller part in national attitudes and a greater share in the national identity, without thereby losing their own ethnic identity.

## II. COMPOSITION OF THE POPULATION

4. Present situation. Statistical and other data indicating the country's total population, the total size of indigenous population and the proportion of the country's total population which it represents.

5. Statistical trends. Increase or decrease in the size of the country's indigenous populations in the past 200 years. Reasons for any decrease in the total size of the indigenous population or in the size of certain indigenous groups.

In 1970, the indigenous population was estimated to number 3,241,843 inhabitants, to which a further 20 per cent should be added for infants in the 0 to 5 age group, which was not included in this figure. This would add a further

648,368 inhabitants. Consequently, in 1970, the indigenous population numbered approximately 3,890,211 in a total population of 50,694,580. If the annual population increase of 3 per cent is taken into account, it is calculated that in 1978 the indigenous population will be approximately 6 million in a total population of 66,726,447. This means that 9 per cent of the population is of indigenous origin. 1/

With regard to question 5, in view of the constant process of mestization which has taken place throughout history, there are no reliable data on the demographic development of the indigenous communities in general.

Some population tables are given below, broken down by ethnic groups and by States.

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1/ Estimates made by a national indigenous organization place the ethnic population at 10 million, or one-sixth of the total population of the country.

INDIGENOUS POPULATION

## Census of 1970

1.	Amuzgo	13 891
2.	Cochimf	100
3.	Cora	6 253
4.	Cucapas	200
5.	Cuicateco	10 209
6.	Chatino	11 862
7.	Chichimecas	1 000
8.	Chinanteco	55 720
9.	Chocho - Popoloca	2 500
10.	Chol	73 269
11.	Chontal de Oaxaca	10 350
12.	Chontal de Tabasco	30 000
13.	Chuj	700
14.	Guarojios	2 500
15.	Huasteco	66 091
16.	Huave	7 446
17.	Huichol	6 876
18.	Ixcateco	250
19.	Jacalteco	1 000
20.	Kikapus	500
21.	Kiliwa	200
22.	Kuniai	100
23.	Lacandón (Maya)	300
24.	Mames	10 000
25.	Maya	454 708
26.	Mayo	27 857
27.	Matlatzincas	2 500
28.	Mazahua	104 735
29.	Mazateco	103 315
30.	Mexicano, Mexica or Náhuatl	799 795
31.	Mixe	54 504

32.	Mixteco	266 342
33.	Muchos	400
34.	Ocuilteco	500
35.	Opatas	500
36.	Otomí	221 080
37.	Paipai	175
38.	Pames	3 000
39.	Pápagos	600
40.	Pimas	2 500
41.	Popoloca	28 087
42.	Seris	350
43.	Tarahumara	25 517
44.	Tarasco	60 424
45.	Tepehuano	11 433
46.	Tlapaneco	30 805
47.	Tojolabal	13 304
48.	Totonaco	124 844
49.	Triques	15 000
50.	Tzeltal	99 420
51.	Tzotzil	95 395
52.	Yaqui	7 089
53.	Zapoteco	290 356
54.	Zoque	27 147
55.	Other indigenous languages	58 844

INDIGENOUS POPULATION BY STATES<sup>\*/</sup>

BAJA CALIFORNIA NORTE

1.	Cucapés	200
2.	Kiliwas	200
3.	Paipai	175
4.	Chochimí	100
5.	Kumiai	100

CAMPECHE

1.	Mayas	55 346
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COAHUILA

1.	Kikapus	500
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CHIAPAS

1.	Tzeltales	96 423
2.	Tzotziles	94 625
3.	Choles	47 714
4.	Tojolabales	12 703
5.	Zoques	21 036
6.	Chuj	700
7.	Jacalteco	1 000
8.	Mames	10 000
9.	Motozintleco o Mocho	400
10.	Lacandón (Maya)	400
11.	Zapotecos	2 532

CHIHUAHUA

1.	Tarahumaras	22 980
2.	Guarojíos	3 000
3.	Pimas	2 600
4.	Tepehuanos	1 189

FEDERAL DISTRICT

1.	Náhuatl	15 039
2.	Otomí	14 714

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<sup>\*/</sup> Field estimates worked out in 1973.



DURANGO

- |    |            |       |
|----|------------|-------|
| 1. | Tepehuanos | 3 607 |
| 2. | Huicholes  | 500   |

GUANAJUATO

- |    |             |       |
|----|-------------|-------|
| 1. | Chichimecas | 1 000 |
|----|-------------|-------|

GUERRERO

- |    |           |        |
|----|-----------|--------|
| 1. | Amuzgos   | 11 426 |
| 2. | Mixtecos  | 40 330 |
| 3. | Náhuatl   | 75 861 |
| 4. | Tlapaneco | 29 831 |

HIDALGO

- |    |         |         |
|----|---------|---------|
| 1. | Otomí   | 82 418  |
| 2. | Náhuatl | 115 359 |

JALISCO

- |    |           |       |
|----|-----------|-------|
| 1. | Huicholes | 3 081 |
| 2. | Náhuatl   | 609   |

MEXICO (STATE OF)

- |    |             |        |
|----|-------------|--------|
| 1. | Mazahuas    | 95 400 |
| 2. | Náhuatl     | 10 366 |
| 3. | Otomí       | 84 498 |
| 4. | Matlatzinca | 2 500  |
| 5. | Ocuilteco   | 500    |

MICHOACAN

- |    |          |        |
|----|----------|--------|
| 1. | Tarascos | 53 244 |
| 2. | Náhuatl  | 1 785  |
| 3. | Otomí    | 1 191  |
| 4. | Mazahua  | 4 205  |

MORELOS

- |    |         |        |
|----|---------|--------|
| 1. | Náhuatl | 14 787 |
|----|---------|--------|

NAYARIT

1.	Coras	5 055
2.	Huicholes	3 245
3.	Náhuatl	116
4.	Tepehuanos	725

OAXACA

1.	Zapoteco	253 149
2.	Mixteco	201 532
3.	Mazateco	98 150
4.	Chinanteco	53 487
5.	Mixe	51 737
6.	Chatino	11 697
7.	Chontal	10 380
8.	Zoque	5 359
9.	Huave	7 254
10.	Chocho	2 500
11.	Cuicateco	9 702
12.	Amuzgo	1 981
13.	Trique	15 000
14.	Izcatéco	250

PUEBLA

1.	Náhuatl	266 181
2.	Mixteco	3 124
3.	Totonaco	521 806
4.	Otomí	5 533
5.	Popoloca	6 797

QUERETARO

1.	Otomíes	11 016
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QUINTANA ROO

Mayas	38 074
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SAN LUIS POTOSI

- |    |           |        |
|----|-----------|--------|
| 1. | Huastecos | 38 239 |
| 2. | Náhuatl   | 72 495 |
| 3. | Pames     | 3 762  |

SINALOA

- |    |             |       |
|----|-------------|-------|
| 1. | Mayas       | 7 365 |
| 2. | Tarahumaras | 827   |

SONORA

- |    |         |        |
|----|---------|--------|
| 1. | Mayas   | 19 644 |
| 2. | Yaquis  | 5 152  |
| 3. | Pimas   | 1 000  |
| 4. | Seris   | 350    |
| 5. | Pápagos | 600    |
| 6. | Opatas  | 500    |

TABASCO

- |  |           |        |
|--|-----------|--------|
|  | Chontales | 30 000 |
|  | Choles    | 17 102 |

TLAXCALA

- |    |         |        |
|----|---------|--------|
| 1. | Náhuatl | 18 404 |
| 2. | Otomí   | 1 185  |

VERACRUZ

- |    |          |         |
|----|----------|---------|
| 1. | Náhuatl  | 198 435 |
| 2. | Huasteco | 26 649  |
| 3. | Totonaco | 70 169  |
| 4. | Tepehua  | 3 951   |
| 5. | Popoluca | 18 633  |
| 6. | Zapoteco | 14 415  |
| 7. | Mazateco | 4 122   |
| 8. | Otomí    | 12 078  |

YUCATAN

- |  |       |         |
|--|-------|---------|
|  | Mayas | 349 630 |
|--|-------|---------|

### III. HISTORICAL BACKGROUND

6. The historical events knowledge of which is essential to an understanding of the present situation of the country's indigenous populations, including information about any:

(1) Violent conflict between the indigenous and other populations

Mexico's indigenous population bore the brunt of the colonial régime; took part in the Independence movement, defended national sovereignty in the face of the French invasion, challenged the party of Porfirio Diaz even before the formal start of the 1910 Revolution, joined the national and people's struggle for rights which culminated in the 1917 Constitution and is currently showing an increasing awareness of the country's present situation.

The cause of the indigenous peoples formed an essential part of the demands of Miguel Hidalgo, who, in his statute proclaimed in Guadalajara, in 1810, ordered "the judges and authorities ... to collect forthwith the rents due to date by the tenants of land belonging to the native communities, so that they should be paid to the said natives and the land surrendered to them for cultivation, without further possibility of re-rental ...". The Apatzingán Constitution (1813), also considered the need to hand over the land to the "natives".

The Indian presence in Mexico's history has therefore been positively identified with the land problem, so much so that the "Indian-land" equation is fundamental to an analysis of the historical framework of the relations between the indigenous population and the nation.

The result was that the division of community land during the second half of the last century and the first decade of the present one, giving rise to the development of large estates and the submission of the indigenous peoples as labourers for the big landowners, became one of the fundamental causes of the Mexican Revolution, and that the return of that land to the communities was the first step of the Agrarian Reform under article 27 of the Constitution.

The following is a brief historical account of the indigenous agricultural communities.

1521

The earliest records of the indigenous communities in Mexico go back to the pre-colonial period. The inhabitants of our country at that time were basically an agricultural people with an economy based on the products of the land. They were therefore obliged to organize a legal system of land ownership.

A notable feature of this system was the allocation of plots of land to each head of family to be cultivated for his own benefit. This distribution was carried out by organizing groups of people of the same origin within territorial districts known as "calpullis" (land of known persons) which constituted genuine communities.

1521 - 1821

With the Spanish conquest, substantial changes were introduced into the property system as a result of the following:

- (a) Rewards granted by the Crown to the Conquistadores for their services;
- (b) An incentive for a continuous stream of settlers to New Spain in order to consolidate the conquest;
- (c) Provision of labour for the Spanish landowners; and
- (d) Maintenance of the conquered indigenous peoples in submission and ensuring their subsistence.

These resulted in the start in Mexico of private land ownership, which the indigenous peoples had not recognized, and the "grants" or distribution of Indians, an economic and social relationship somewhat akin to slavery.

The Spanish conquistadores greatly abused both the persons and the property of the natives, a situation which various decrees of the Spanish monarchs purported to rectify by providing for: the return to the Indians of any land of which they had been despoiled, confirmation of the Indian peoples' tenure of the land which they were cultivating and allocation of the amount of land necessary for subsistence to heads of households who lacked a livelihood.

It should be pointed out that the ownership of all these lands, by the Indians, continued to be on a communal basis, since they belonged to communities and not to individuals.

The distribution of property in the colonial era was theoretically or officially equitable since it purported to benefit all social classes, but it was in fact extremely unjust, as the conquistadores and settlers obtained large areas of better quality land whereas the indigenous peoples were generally given smaller areas with poor soil.

The year 1810 saw the birth in what was then New Spain of an armed movement which ended in 1821 with victory for the political independence of our country. The major reasons for this movement included, inter alia, unfair distribution of land, constant plundering of communal property and the poverty and abuse suffered by the indigenous population.



1821 - 1910

The Governments of Mexico, now independent of Spain, generally respected communal property until, on 25 June 1856, a law was passed ordering the disentailment of property whose possession by ecclesiastical and civil corporations was prejudicial to land ownership by the communities that had maintained, since before the Conquest, the collective form of ownership under the old "calpulli" system. By various legal or illegal methods, the minorities which constituted the dominant socio-economic stratum succeeded in taking over much of the Indians' land, aggravating the situation of those who, in order to earn a livelihood, had to work as labourers on the estates.

It is also worth noting how, during this struggle waged by the indigenous communities, the problem of uncultivated land and land still to be settled was tackled.

The Governments of the day authorized the establishment of private companies which were to demarcate the areas taken over, in exchange for a share of any land that became the property of the nation. Thus motivated, the companies almost always performed their function to excess, including within the demarcated areas land which should have been preserved as part of the former Indian possessions.

The disentailment law, or its wrongful application, had serious consequences for the indigenous peoples for, through the action of landowners, demarcation companies and individual informers, many communities were dispossessed of their lands either through ignorance of the law or by violent means.

The settled agricultural populations, including, in particular, the Otomies, the Coras, the Yaquis, and the Mayos, were active in the land struggles during this period. In 1825 the Yaquis, under the leadership of Juan Banderas, rebelled. After the defeat of Banderas, the armed movement was resumed under the leadership of Cajeme, who continued the campaign from 1875 to 1887. When he, too, was defeated, Tetabiate assumed the leadership of the movement and, until 1901, waged an almost uninterrupted campaign against the Federal Government in Sonora. With a view to reaching an agreement, the Federal Government organized a distribution of plots of land to which the Yaquis were invited but which they did not attend, maintaining all their claims. When their movement was defeated, violent action was taken against them, such as their imprisonment in a large concentration camp and their deportation to southern Mexico.

In the south, the largest movement was that of the Mayas, who, throughout the previous century, had been in an almost permanent state of agitation, taking up arms on a number of occasions. In 1847 they suffered a major defeat and on that occasion a new policy of deportation was developed for dealing with the indigenous population.

In 1901, the Mayas suffered a military defeat, and the area remained as a result under federal jurisdiction, with the creation of the federal territory of Quintana Roo.

In the centre of the country the indigenous movement known as the Sierra Gorda was founded and lasted from 1848 to 1849. This movement asserted the right to defend its land. In 1849 it was defeated, but an amnesty was declared shortly afterwards.

In Juchitán, between 1847 and 1851, a movement for the assertion of rights was launched against the owners of the salt mines.

The land disentailment law of 1856 caused armed uprisings throughout most of the national territory, including the State of Mexico, Michoacán, Jalisco, Querétaro, Puebla and Veracruz, in support of the right of community organization.

In 1857 an agrarian uprising took place in Mazamita, Jalisco while, in the same year the same methods were used in Morelos in an effort to obtain increased wages.

There were uprisings in 1877 in Hidalgo, Guanajuato, Michoacán, San Angel (Federal District), Guerrero and Oaxaca and in 1879 in Santa Fe de Puebla; in 1880 the Seris revolted, and with the start of the new century in 1900 there were further uprising in Tepic, Acaponeta and Compostela.

It was this situation, combined with the lack of political freedom in the towns and the crisis in the national production plan, that led to the outbreak of the Mexican Revolution in 1910. One of the peasants' basic demands was the return to them of their ancestral lands. As a result, in 1917, the legislature made community property subject to the legal system described in paragraph 1, a system which, it is emphasized, meets the demands of the indigenous groups.

(2) Forced removal of indigenous population groups from their ancestral lands and resettlement in other places

Among the cases described in the preceding section, the most dramatic was the action taken, at the beginning of the century, during the dictatorship of Porfirio Díaz, against the Yaqui Indians of the State of Sonora, who were moved to the State of Yucatán, over 5,000 kilometres away.

In contrast, when it has been necessary to carry out major infra-structure projects, particularly irrigation and electric power schemes affecting inhabited areas, the occupants have been given new land and duly compensated, thus receiving the same treatment as non-indigenous communities.

(3) Concentration of indigenous population groups in "reservations" or "preserves"

These do not exist either in practice or in law.

(4) Migration within the country or emigration to other countries of indigenous population groups

(5) Other similar events. Indication of the reasons, circumstances and results in each case

There is little information available. However, it may be pointed out that in the poorest indigenous areas the migration in many cases follows a circular pattern. For example, in the Mixteco area of Oaxaca, Puebla and Guerrero, the peasants follow the harvesting cycle, returning finally to their place of origin. The pattern is different in the areas adjoining the larger cities and in the central region, as the peasants, including members of the Otomi and Mazahua groups, have emigrated in search of work and, when they find permanent employment in the manufacturing and urban centres, they settle there.

B. BASIC PRINCIPLES

IV. BASIC PROVISIONS

7. Basic provisions of the Constitution and other fundamental laws, administrative decisions, executive decrees and judicial rulings concerning indigenous populations in general.

8. Information concerning the fundamental status attributed by law to the indigenous populations.

In reply to this section we would refer to our comments under 1 above. The law establishing the National Institute for Indigenous Affairs as an autonomous agency, with legal status, forming part of the Semi-State Public Administration, was published in the Diario Oficial on 4 December 1948. The setting up of this Institute and its development over the last 30 years does not imply any different treatment for indigenous groups as regards equality under law and social and economic opportunities. Its purpose is to encourage the advancement of these communities with regard to their forms of social organization and their culture.

In accordance, however, with the policy aimed at ensuring the participation of the indigenous groups in bodies set up to meet their needs, preference is generally given, in filling the most important administrative posts, to the appointment of members of the indigenous groups.

As far as executive decrees are concerned, the most important such enactment was the setting up under a decision published in the Diario Oficial on 21 January 1977, of the General Co-ordinating Office for the National Plan for Depressed Areas and Marginalized Groups (COPLAMAR), an administrative unit forming part of the Office of the President of the Republic. COPLAMAR was established to try to overcome the accumulated negative effects of the marginalization of groups such as the indigenous populations; for which special, co-ordinated and immediate action by all sections and agencies of the Federal Administration is necessary, including special efforts to ensure that the marginalized groups achieve at least minimum levels of well-being.

Under the above-mentioned decision, COPLAMAR is responsible for carrying out specific studies with a view to satisfying effectively the needs of the depressed areas and marginal groups, and for making proposals to the Federal Executive for co-ordination of institutional measures in this field.

The decision also provides that the President of the Republic, through this administrative unit, "shall determine the co-ordination that is required among the sections and agencies of the Federal Administration in order to carry out the programmes in favour of the country's depressed areas and marginalized groups."

Finally, no judicial rulings have been made which concern the indigenous populations in general because, under the Mexican legal system, judgements by the courts relate to specific cases giving rise to legal proceedings, and do not include rulings that are of general application.

#### V. FUNDAMENTAL POLICY

9. What problems are considered in the formulation and development of this policy? Description of the State's officially declared policy on indigenous populations; reasons for choosing such a policy, and an indication of whether the desires and views of the groups involved are taken into account when the policy is formulated.

Since 1977, the officially declared policy with regard to the indigenous populations may be summarized as an effort to strengthen their productive capacity and to secure for them the product of their work as the best way of supporting their cultural identity, thereby strengthening the distinctive features of Mexico's personality.

One of the obstacles to effective governmental control of measures designed to promote the advancement of the indigenous populations was the absence of an integrated body of principles, policies, objectives, programmes and aims clearly defining the area of direct responsibility of the National Institute for Indigenous Affairs and in whose implementation all the other public agencies and entities would be involved.

Such a general policy having been formulated, a document was drawn up, entitled Bases for action 1977 - 1982, which outlined the action to be taken from the basic principles to the specific programmes of the National Institute for Indigenous Affairs. This was done to provide a rational framework for the activities of the Institute. Principles and general objectives were defined in order to avoid inconsistencies; medium-term programmes were drawn up in order to permit annual budgeting for the Institute's specific programmes

and co-ordination of those to be carried out by other institutions, on the basis of a clear distribution of responsibilities and the establishment of objectives for the purpose of evaluation of results. The object is to prevent, in an area of immense problems, the adoption of any makeshift, short-term and short-range solutions and to avoid responses to immediate situations that would nullify or hamper the constructive solutions which must be provided in the next few years.

Of particular importance in this connexion is the plan for participation of the native populations in action in two basic areas to counter their depressed conditions: defence of their property and rights and the securing of resources to strengthen their economics and so support their free determination to preserve and develop their own ethnic identity, which in turn revitalizes a distinctive aspect of Mexico's personality.

10. Indication of whether different policies have been adopted which can be applied according to the circumstances of the various groups and whether there are cases in which practice departs from the officially adopted policy, with the detailed account of any such departures.

The National Institute for Indigenous Affairs, which is directly responsible for national policy with regard to the indigenous populations, is not a centralized organization. It operates through co-ordinating centres in each region (some 85 centres are functioning at present). Each centre has its own technical personnel and relies on a fairly large number of bilingual teachers and leaders of community activities. It in turn ensures co-ordination with the indigenous authorities of the area in the preparation and implementation of its programmes. Therefore, although the general guidelines come from the headquarters in Mexico City, the programming and execution are carried out locally and are adopted to the conditions of each area and to the specific demands of each group.



11. Development of State policy towards indigenous populations.

Since the early revolutionary Governments, from 1917 onwards, many different forms of action have been taken on behalf of the indigenous communities on the basis of differing conceptions of the role of the ethnic groups in Mexican society.

The basic tools for these policies were education, the teaching of Spanish and the communities' physical contact with the rest of the country. From 1916 to 1934, the emphasis in governmental action was placed on the education of indigenous youth.

During the régime of Lázaro Cárdenas (1934-1940) a new approach was proposed which called for furnishing the ethnic groups with the material means for their emancipation. During this period there was an increase in collective land holding and a new impetus was given to land division, while increased State assistance was given to the ethnic groups in the fields of finance, technical training and popular education. In his report in 1940, Cárdenas said that the programme for the emancipation of the indigenous populations was essentially the same as that for the emancipation of the proletariat of any country, although account had to be taken of the special circumstances of their environment, background and needs, which distinguished them from others.

At the same time, action was taken to meet the need for training specialized workers. Thus, the National School of Anthropology and History, the National Institute of Anthropology and History and the Polytechnic Rural School of Medicine came into being. Another event of particular importance was the establishment of the Department of Indigenous Affairs, under the direct responsibility of the President of the Republic, to enable the new policies to be co-ordinated and executed at the highest level.

In 1948, a group of Mexicans concerned at the persistence and worsening of the problem, including leading specialists who had been responsible for the establishment of the Mexican School of Social Anthropology, set up, under the direction of Alfonso Caso, the National Institute for Indigenous Affairs in pursuance of resolutions of the Inter-American Congress on Indigenous Affairs, which was held in Pátzcuaro in 1940.

With limited resources, considering the magnitude of the task, but thanks to the dedication and enthusiasm of this group, the National Institute for Indigenous Affairs soon broke new ground in the field of anthropological research and the defence of the indigenous populations, viewed both as Mexicans subjected to poverty and exploitation and as groups having their own ethnic and cultural personality.

At the start of the present decade there was extensive discussion of the vicissitudes experienced by the indigenous populations and by the Mexican

indigenous movement.. Intellectuals, anthropologists and popular leaders explained to the authorities of the Republic the structural causes of the marginalization of the indigenous population and proposed political and administrative measures to strengthen State action on behalf of the ethnic groups. In the years which followed, a significant impetus was given to the policy on behalf of the indigenous population, starting with the restitution of communal land, the granting of loans and the establishment of more than 50 Co-ordinating Centres for Indigenous Affairs, as well as increased educational and assistance services.

The communities, for their part, made substantial progress in organizing themselves in order to claim their rights, by holding in Janitzio, in 1975, the First National Congress of Indigenous Populations.

The ethnic groups' increased awareness is matched by the expressed intention of José López Portillo, the President of the Republic, to take what is best in Mexico's traditional policy in favour of its indigenous populations and to enrich it with new elements including, in particular, the organized participation of the populations themselves.

The approach outlined by López Portillo is directed towards strengthening the material bases for the emancipation of the members of these populations, defending their rights and property and ensuring respect for the personality of the ethnic groups.

The President also put forward the idea of making the Federal Executive, through the General Co-ordinating Office for the National Plan for Depressed Areas and Marginalized Groups, directly responsible for administering the policy in favour of the indigenous populations. At the Second National Congress of Indigenous Populations, which was held at the Mazahua Conference Centre on 25 February 1978, he announced his decision to convert the National Institute for Indigenous Affairs into an organization which, as he said, will be the core of the development programme for the marginalized groups of the Republic.

Pursuant to these decisions, the Institute's Bases for Action 1977-1982 set forth as the over-all objective the achievement of greater participation by the indigenous population in the fruits and the benefits of national development. This means satisfying the basic needs of the ethnic groups and increasing their ability to defend their individual and social rights. The policy in favour of the indigenous populations, which is viewed as essential, starts from the principle that increased awareness of national identity will be achieved through respect for ethnic pluralism.

DEVELOPMENT OF STATE POLICY TOWARDS THE INDIGENOUS POPULATIONS

Cultural development measures

Stages in the educational process

Political measures

Development of economic activity

Institutions

Infrastructure

Services

Counselling

Porfirio Díaz 1910-1911	3 schools for the teaching of the national language. Cultural missions.						
Alvaro Obregón	100 schools for teaching reading and writing, lessons in civics and land cultivation.	Department for Indigenous Culture.					
Pascual Ortiz Rubio 1930-1932	Boarding schools for members of indigenous populations.	Commission for Indian Research.					
Alvaro Rodríguez 1933-1934	Boarding schools for members of indigenous populations.	Technical Corps for Rural Education.					
Lázaro Cárdenas 1936-1940	25 Boarding schools. Educational programme.	Autonomous Department of Indigenous Affairs.	Grants of land (400,000 ha) to Yagui people.				
Ávila Camacho 1946-1949	30 agricultural vocational schools for indigenous persons. 2 technical training centres 24 regional economic training centres. Settlement missions. 20 educational institutions (boarding).		Co-ordinating Committee for the Mezquital Valley.	200 km of roads 5 bridges linking indigenous settlements.	Textile co-operatives (4,676 members). Co-operative shops. Construction of houses. Drinking water. Credit bank. 127 Production co-operatives. 75 Consumer co-operatives.	74 missions to further the advancement of the indigenous populations. Free counselling. Directorate of Agriculture and Animal Husbandry.	
Ángel Alemán 1947-1952	67 cultural missions. Bilingual teachers. Economic training centres. Teams to instruct the indigenous populations.	National Institute for Indigenous Affairs (INI)		Road building.		A Co-ordinating Centre.	
Alfonso Ruiz Cortines	24 training centres. 9 instruction teams.					5 Co-ordinating Centres.	
Alfonso López Mateos 1959-1964	3,960 rural schools. 1,381 bilingual community leaders. 23 training centres. 14 teams.			Access roads. Health promotion.	12 CONASUPO shops. 4 community co-operatives.	5 Co-ordinating Centres. 27 Attorneys offices.	

DEVELOPMENT OF STATE POLICY TOWARDS THE INDIGENOUS POPULATIONS (continued)

<u>Cultural development measures</u>		<u>Political measures</u>		<u>Development of economic activity</u>		
<u>Stages in the educational process</u>		<u>Institutions</u>		<u>Infrastructure</u>	<u>Services</u>	<u>Counselling</u>
Gustavo Díaz Ordaz	3,000 bilingual community leaders. External education centres. 102 missions to indigenous groups. 21,400 literacy centres. 71 community development teams		Huicot Plan. Lifting of the ban on hunting.	Access roads. Radio communication service. Drinking water systems.	32 COMASUPO shops. Health centres and sanatorium.	Loans for livestock. 1 hostel.
Luis Echeverría Alvarez 1970-1976	Conversion of boarding schools into external educational centres. Spanish language programmes.			Road networks in indigenous areas increased five-fold by the construction of roads using local labour.	53 COMASUPO shops.	56 co-ordinating centres. 2 hostels.
José López Portillo 1977	Department of educational activities under INI in co-ordination with SEP. Supplementary educational services, National Education Plan 1977-1982.	Co-ordination of popular culture. Undersecretariat for Culture and General Education under SEP.	Recognition of the National Council of Indigenous Peoples. National Alliance of Indigenous Professional Workers. <u>Bases for Action.</u> <u>1977-1982.</u> General Co-ordinating Office for the National Plan for Depressed Areas and Marginal Groups.			13 co-ordinating centres.

\* SOURCE: Analysis of presidential reports (Silvia Rendón) Anuario Indigenista No. 5.

12. Action taken to ensure the control, examination and revision, whenever necessary, of this policy and of the measures adopted under such policy, so that measures do not remain in force after they have ceased to be useful.

The working methods of the General Co-ordinating Office for the National Plan for Depressed Areas and Marginal Groups which is attached to the Office of the President of the Republic and is also responsible for the National Institute for Indigenous Affairs, include evaluation machinery that is described in paragraph 17 below.

13. Review of the policy pursued by unofficial organizations (religious missions or missions, commissions or groups of a scientific, anthropological, ethnological, sociological or other nature that have undertaken action programmes among the indigenous populations.

Programme IV.I.3 of Bases for Action provides for action to improve the legal and administrative machinery regulating the bodies within these organizations, with the object of guaranteeing the rights of the communities.

#### VI. Administrative arrangements

14. Description of the bodies responsible for developing, applying and giving effect to official policy on indigenous populations, including information on whether they are part of the central administration, or co-ordinated with it, as: (i) separate ministries; (ii) bodies within ministries; (iii) bodies operating under more than one ministry; (iv) autonomous institutions, whether or not connected with one or more ministries, etc. Information on any existing regional or local bodies.

The body responsible for developing, applying and giving effect to official policy on indigenous populations is the National Institute for Indigenous Affairs, an autonomous body, with legal personality, which forms part of the Semi-State Public Administration. (See paragraphs 8 and 9).

It operates throughout the national territory.

The following are some of the public bodies associated in COPLAMAR which are mainly concerned with indigenous groups (See paragraphs 7 and 8):

The Indigenous Trust of the Mezquital Valley, an autonomous public body, with legal personality, established to study and solve the economic and social problems of the area known as the Mezquital Valley, inhabited by the Otomí group in the State of Hidalgo; the Maguey Board of Trustees, set up under a provision of the Tax Law on Mead and its Fermented Products with the object of securing improved hygiene, extraction, fermentation, preservation, transport and sales of mead, for the benefit of the Otomí group in the States of Hidalgo, Tlaxcala and Mexico; Tarahumara Forestry Products, a non-governmental public body, established by a presidential decree published in the Diario Oficial on Monday, 14 August 1972, to

encourage and participate in the development, use and restoration of the forestry resources of the Tarahumara area and to promote the training of the Tarahumara indigenous population and provide facilities for it; the National Fund Trust for the Encouragement of Handicrafts, set up to assure a better income for the country's handicraft workers, preserve the artistry of their work, purchase handicraft products and grant loans and make advances to those engaged in handicrafts, particularly in the ethnic regions; FIDEPAL, a public limited liability company with variable capital, established in the public interest and with State participation to promote the cultivation, development and use of the palm and the industrialization, marketing and export of articles woven from natural or synthetic fibres, as well as to encourage the participation of producers, handicraft workers and other persons who are concerned with palms in the profits, management and ownership of the enterprise, and the training of palm weavers, who are mainly from the Mixteco indigenous group in the States of Oaxaca, Puebla and Guerrero; and the Lacondona Forestry Company, a joint stock company set up on 8 September 1974 to develop, use and industrialize the resources of the Lacondona forest, for the benefit of the Chole, Tzeltanle, Tzotzile and Lacondona groups living in the area.

All these bodies, as well as others which concern themselves with communities in similar circumstances, are associated in the General Co-ordinating Office for the National Plan for Depressed Areas and Marginalized Groups (COPLAMAR) attached to the Office of the President of the Republic. In order to understand this co-ordination, it should be borne in mind that COPLAMAR was established on 21 January 1977 as an administrative unit of the Office of the President of the Republic, with two basic responsibilities:

1. To harmonize the policies and activities of the above-mentioned bodies, set up specifically to deal with some of the problems of social marginality and economic backwardness; and
2. To study and propose to the President of the Republic methods of co-ordination which are compatible with Government policy as a whole.

At the same time the above-mentioned bodies have sectoral programming links with the corresponding departments of the Central Administration, some with the Secretariat for Public Education and others with the Secretariat of Agricultural and Water Resources.

The considerable work being done in the field of indigenous affairs by the General Directorate of Educational Services for Depressed Areas and Marginalized Groups deserves separate mention. This is an internal administrative organ of the Secretariat for Public Education, which works in co-ordination with the National Institute for Indigenous Affairs under a specially concluded agreement.



15. Private bodies.

Information on whether: (1) they have been established by and are under the control of one or more government ministries; (2) they have been recognized by the State; or (3) they receive a State subsidy.

In general, private bodies established in the indigenous areas are not as such under the control of the State. The control to which they are subjected depends on the sectoral activity in which they are engaged; for example, if they are schools, they must satisfy the requirements of the Secretariat for Public Education. There is also the case of the Summer Language Institute, which operates on the basis of a contract concluded on 15 August 1951 with the Secretariat for Public Education. This type of body does not receive State subsidies.

16. Other arrangements. Mixed bodies or activities of a mixed governmental and non-governmental nature.

None.

17. Functions.

Brief description of the functions of the bodies in question, whether carried out by one or by several such bodies. Co-ordination of activities

The functions of the public bodies which are specifically concerned with the indigenous areas were described in paragraph 14. It is pointed out, however, that these bodies are not the only ones which operate in the ethnic regions, primarily because the latter are not delimited either juridically or physically, and secondly because the activities of the Public Administration as a whole extend to these areas. As elsewhere in the country, national policy in the indigenous environment includes securing and guaranteeing individual and social rights, allocating the national resources required for development, providing support to production and marketing and promoting agrarian reform. It also includes, above all, the right to work, public education, health care and housing services and the other rights to which all Mexicans are entitled.

In order to put this principle into practice, the present Government has decided that, independently of their specialized functions and specific purposes, the bodies associated in COPLAMAR and mentioned in paragraph 14 above must, pursuant to the principle of integration, give support to the activities of all departments and agencies in the public sector.

For this purpose, a System of Collaboration in Programmes for Depressed Areas and Marginalized Groups has been established under which projects are carried out mainly in the indigenous communities.

The system already possesses a solid structure. Programme Collaboration Agreements have been concluded with the 24 most important departments and agencies in the Public Administration. In these signatory departments and bodies associated in COPLAMAR, 868 officials have been assigned responsibility for the execution of the programmes.

COPLAMAR field representatives in 150 centres, which have now become focal points for inter-institutional programming in their areas, have established the necessary links with all other departments and agencies working in those areas. The COPLAMAR representatives have also established a system for handling requests from the population that is designed to increase participation by the communities in the preparation of programmes, in the execution of projects where this is possible, and in the evaluation of governmental action.

The first Integrated Programmes have been drawn up on the basis of this work. They concern the Montaña region in Guerrero, where members of the Náhuatl, Mixteco and Tlapaneco groups live, and the Chontal area in the State of Tabasco. The programme for the Lacandona area is under way and work is to begin in 21 further areas.

In order to ensure the completion of this work, the President of the Republic has ordered the earmarking of a non-transferable, specific sum in the budget to cover the estimated overall cost.

#### 18. Staff.

Qualifications and requirements for appointment to such bodies. Selection. Tenure, irremovability. Responsibilities. Training relevant to the problems of indigenous populations, whether in-service or prior to appointment to the post.

The entire system has 22,000 employees, direct and indirect, over 90 per cent of whom work in the indigenous areas. The following table shows the breakdown of the staff.

#### STAFF STRUCTURE OF COPLAMAR BODIES

	TOTAL	21 776
Professional		619 <sup>1/</sup>
Technical		1 634 <sup>1/</sup>
Administrative and services		2 523 <sup>1/</sup>
Bilingual instructors		2 000 <sup>2/</sup>
Teachers		15 000 <sup>2/</sup>

1/ Staff of the COPLAMAR bodies

2/ On the SEP payroll but attached to the Co-ordinating Centres for Indigenous Populations

Qualifications and requirements, selection, tenure, irremovability and responsibilities are determined by the staff rules of each institution. The managerial staff are as a rule not members of a trade union. With regard to training relevant to the problems of indigenous populations, there are training programmes for the senior posts under a system in which social science fellowship-holders work in the communities for a one-year period.



19. Funds.

Sources from which the bodies in question receive funds, what authority controls them.

The resources consist mainly of public funds disbursed in the form of grants, as well as earned income in those cases where there are productive and commercial activities. There are also available, but on a very limited scale, resources provided by international agencies.

C. INFORMATION ON DISCRIMINATION AGAINST INDIGENOUS POPULATIONS AND THE ELIMINATION THEREOF

VII. Prohibition, prevention and elimination of discrimination against indigenous populations, in general

20. Information concerning general measures that have been adopted:

(1) To prohibit and put an end to any act of discrimination against indigenous populations.

It is not possible to prohibit and put an end to acts of discrimination, since, in the strict meaning of the term, such acts do not occur. There are social and economic relations of inequality which affect indigenous groups and non-indigenous groups in the same way, and the measures taken to rectify this situation have been described in section B under the heading "Basic principles".

(2) To ensure that all national, regional and local public authorities and institutions, individuals and private groups and organizations act in accordance with the principle of non-discrimination against indigenous persons, groups or communities, and that they do not: (i) engage in any discriminatory act or practice; (ii) sponsor, defend or support discriminatory acts; (iii) prevent the full and equal exercise by indigenous populations of their human rights and fundamental freedoms.

The preceding answer also applies to (i) and (ii). The following chapter contains our answer to (iii).

(3) To promote the elimination of barriers between the indigenous and non-indigenous segments of the population and discourage anything that might tend to strengthen division and rivalry between them.

The barriers between indigenous and non-indigenous persons are basically linguistic and cultural, and the measures taken to eliminate them have already been described. No rivalry based on ethnic considerations exists.

VIII. Prohibition, prevention and elimination of discrimination against indigenous populations, particularly:

(a) In the enjoyment of certain human rights and fundamental freedoms

21. Information on measures adopted to guarantee the right of everyone, whether indigenous or non-indigenous, to equality before the law, in respect of the following rights:

(1) The right to equal treatment before the tribunals and all other organs administering justice

This right is established by article 13 of the Constitution which explicitly states that "no one may be tried by private laws or special tribunals".

In connexion with this paragraph, it should be mentioned that the language barrier gives rise to situations of injustice when a monolingual indigenous person is prosecuted and his personal position is rendered worse by the lack of communication during his trial. Hence the importance of the work being carried out by the National Institute for Indigenous Affairs, in conjunction with the Directorate General of Educational Services for Depressed Areas and Marginalized Groups of the Secretariat of Public Education, in the field of bilingual education to meet the need for a knowledge of the Spanish language by indigenous children, young people and adults.

(2) The right to security of person and protection by the State against any violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

With respect to the protection against bodily harm of persons belonging to the ethnic groups, the Penal Code contains, in its article 149 bis, a reference to the crime of genocide, described and defined in the following terms:

"Art. 149 bis - Any one who, with the intention of destroying, whether in whole or in part, one or more national or ethnic groups, or racial or religious groups, perpetrates in any way offences against the lives of members of such groups, or imposes mass sterilization for the purpose of impeding the reproduction of the group, shall be guilty of the crime of genocide.

The said crime shall be punishable by imprisonment for 20 to 40 years and a fine of 15,000 to 20,000 pesos.

If, with the same intent, attacks are perpetrated on the bodily integrity or health of members of such communities or if persons under 17 years of age are removed by means of physical or moral violence from such groups to other groups, the penalty shall be imprisonment for 5 to 20 years and a fine of 2,000 to 7,000 pesos.

The penalties specified in the previous paragraph shall also apply to anyone who, with the same intent, deliberately subjects the group to living conditions which must inevitably bring about their partial or total physical destruction.

In the event that a person guilty of such an offence is a governor, official or public employee and commits them in the exercise of his duties, or on the occasion of his duties, he shall be liable, as well as to the penalties provided for in this article, to the penalties provided for in article 15 of the law on the liability of Federal Officials and Employees of the Federation.

In addition, in the event of a public official being responsible for an act violating individual safeguards or for an omission having the same effect, the law on the liability of Officials and Employees of the Federation or the Federal District and of Senior Officials of the States, provides, in its article 15, for the following penalties:

I. Dismissal from the office or deprivation of the rank held;

II. Disqualification from access to specific posts, offices or ranks, for a period of not less than 5 years or more than 10 years; and

III. Disqualification from all types of posts, offices or ranks for the period mentioned in the preceding sub-paragraph."

In addition, there are articles 14 and 16 of the Constitution.

Any act in violation of these provisions, committed by any authority whatsoever, constitutes grounds for a legal application by the person affected for a writ of amparo, which has the effect of protecting the plaintiff against the authority responsible for the act and, where appropriate, restoring to him the enjoyment of the violated right.

A violation by any private body constitutes an offence which is punishable by the criminal law.

(3) The right to freedom of movement and residence within the borders of the State, including the right to leave one's country and return to it.

Article 11 of the Constitution states: "Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without necessity of a letter of security, passport, safe conduct or any other similar requirement".

(4) The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafés, theatres and spectacles, parks, beaches and markets.

This right derives from the equality of all Mexican citizens before the law. In practice, it is manifest that indigenous persons have unrestricted access to the types of place mentioned.

(b) In the enjoyment of certain other human rights and fundamental freedoms

Chapter I of Title I of the Constitution, entitled "Individual Guarantees", clearly sets forth the rights and freedoms of Mexican citizens who, of course, include the indigenous people.

22. Information on the prevention and elimination of discrimination and on any additional measures taken to make up for existing disadvantages and to ensure full enjoyment of certain human rights and fundamental freedoms. Particular attention will be given to the 10 areas dealt with in the following sections:

Since, in the Mexican Republic, there is no discrimination against indigenous groups, or any other group, it is not necessary to establish measures for the prevention of discrimination. On the other hand, in order to offset the disadvantages created by the special social and cultural situation of the indigenous populations, the Government of Mexico has established a specialized institution called the "National Institute for Indigenous Affairs", which investigates and promotes the amelioration measures required by the indigenous groups.

1. Health, medical care, social security and social services. Discrimination and the elimination thereof.

23. Information on whether the existing public and private services in those fields are available equally to the indigenous and non-indigenous segments of the population (mentioning, in addition, any problems relating to the geographical distribution of medical and hospital facilities and personnel, prices and availability of medicines, etc.)

Both public and private health services in the rural and indigenous areas of Mexico are available to both the indigenous and non-indigenous sectors of the population. There are, however, a number of physical, social, cultural and economic factors which result in these services being proportionately less used by the indigenous population. For this reason, a Programme for the Extension of Health Service Coverage to Rural and Suburban Areas has been inaugurated, with the participation of health workers who are natives of the regions and an increase in the number of centres providing medical care, which is free of charge.

24. Statistical data on health, dietary and nutritional patterns, morbidity and mortality rates of the indigenous and non-indigenous segments of the population. Reasons for any differences.

As far as health patterns are concerned, most indigenous communities have no drinking water supplies, because they are located in rural areas. There is a general lack of piped water in the countryside which affects 14 million persons, both indigenous and non-indigenous.

As regards dietary patterns in the rural areas, the standard diet consists of coffee, or a herbal tea, with tortillas and chili in the morning: tortillas, beans, chili and, sometimes, tomatoes or some greenstuffs (mallow, salad, purslane, etc.) and once or twice a week meat with some vegetables, roots and butter or oil at noon; and, in the evening, a herbal tea with tortillas and beans. This food is accompanied by a drink such as pulque, which has an alcohol content of 3-4 per cent, or pozol (made of fermented or unfermented maize, sometimes mixed with cocoa, dissolved in water).

The indigenous communities in the south-eastern part of the country (Yucatán, Chiapas and Oaxaca) are the worst fed, while the communities in the north and the two coastal regions have a better diet; studies carried out on the high plateau reveal an intermediate dietary level.

It has been found that the food given to children is inadequate. In particular, their diet lacks good quality proteins and there are prejudices with regard to some foodstuffs, which are omitted from the diet during any sickness.

Nutritional patterns. In the rural areas, slightly more than 60 per cent of the calories consumed come from maize, the average quantity consumed per person and per day being somewhat over 400 grams. This maize ration is supplemented by varying, but always small, quantities of beans, sugar, meat, bread, pasta and some vegetables and fruit.

This diet supplies about 2,075 calories, 55 grams of protein and very small quantities of riboflavin, ascorbic acid and vitamin A.

No research has been carried out on the specific morbidity and mortality rates of the indigenous population. For the population of Mexico as a whole, the general mortality rate in 1973 was 8.4 per 1,000 inhabitants, the main causes of death in order of importance being: infections of the respiratory system, enteritis and other diarrheic diseases, heart ailments and perinatal mortality.

In the same year, deaths in childbirth were 1.2 per 1,000 live births; infant mortality was 52.0 per 1,000 live births; pre-school mortality (1-4 years) 6.5 per 1,000 inhabitants and school age mortality (5-14 years) 14.4 per 1,000 inhabitants in the same group.

In the rural areas, the rates are well above these national figures, on account of the lower standard of living and the inadequacy of health services, as has already been indicated.

25. Prohibition of or restrictions on the possession or consumption by the indigenous populations of intoxicating beverages and other toxic substances that do not apply to the rest of the population.

There is no prohibition of or restriction on the possession or consumption by the indigenous populations of intoxicating beverages and other toxic substances that do not apply to the rest of the population of Mexico.

Special measures

26. Development of effective health measures among the indigenous populations and utilization, where possible, of their prevailing cultural and religious traditions and everyday medical and para-medical practices.

The Secretariat of Public Health and Welfare and the National Institute for Indigenous Affairs have been developing sanitation programmes among the indigenous populations, although the number of sanitation schemes in operation is not significant. However, in the execution of such projects, cultural and religious traditions have been respected.

The government departments mentioned above are considering the possibility of extending the health service coverage, through the participation of traditional midwives and other specialized "indigenous doctors" in the official health programmes. The indigenous communities have, in some cases, retained traditional medical treatment patterns and these have been respected by the official institutions.

27. Encouragement of the organization by the indigenous populations of their own health bodies.

The organization by the indigenous populations of their own health bodies has been encouraged in most of their communities through the establishment of Communal Health Committees, the effectiveness of whose activities has been variable.

28. Training of indigenous persons as medical and para-medical personnel and medical aids; special training for non-indigenous health personnel working among indigenous populations, including the necessary anthropological and psychological training of such personnel; special institutions established for that purpose.

Since the National Institute for Indigenous Affairs was established, there have been training programmes for the para-medical personnel in the communities as well as for the communities' traditional medical workers (midwives and various traditional specialists).

The Secretariat of Public Health and Welfare and the Mexican Social Security institute are at present providing continuous training of practitioners of traditional medicine and health workers, with the aim of extending the coverage of the health services.

From now on, this organization will be sponsoring courses combining traditional indigenous medicine and western medicine in various inter-ethnic regions. Anthropological training, connected with the special requirements of medical practice in inter-ethnic areas, has also been given to the medical personnel working in this Institution.

29. Nutritional surveys of existing dietary differences and dissemination or development of the means needed to overcome these deficiencies.

The National Nutrition Institute, through its Nutrition Division, has for the last 20 years been carrying out various surveys of the nutritional condition of the population of Mexico, in both rural and urban indigenous areas.



To date, a number of programmes connected with nutritional education have been implemented for the benefit of various sectors of the urban and rural population through different agencies (Secretariat of Public Health and Welfare, Integral Family Development, National People's Sustenance Corporation, Mexican Institute for Social Security and National Institute for Indigenous Affairs) but these have been limited in scope and it is thus not possible to draw quantifiable and meaningful conclusions.

30. Preventive medicine measures. Immunization. Sanitary measures. Prevention and control of epidemic diseases that pose a special threat to indigenous populations and of the epizootic diseases that may affect their livestock.

The Secretariat of Public Health and Welfare, the Mexican Social Security Institute and the National Institute for Indigenous Affairs have been carrying out joint annual vaccination campaigns against the following diseases: smallpox, tetanus, diphtheria, whooping cough, poliomyelitis, measles and tuberculosis, with the aim of covering the whole vulnerable population of the country.

In some interethnic areas, campaigns have been carried out to eradicate: pinta, endemic typhus, malaria, endemic goitre and various forms of tuberculosis. There are also continuous immunization campaigns against various enzootic and epizootic diseases that attack the livestock owned by the indigenous communities.

31. Prevention of harm to the natural environment of forest-dwelling populations. Protection of the existing balance and of the flora and fauna on which such populations now exist.

The National Institute for Indigenous Affairs is encouraging the adoption by the governmental agencies concerned of measures to avoid ecological imbalance in interethnic areas. Pilot programmes are at present being carried out, particularly in the Chiapas jungle region.

32. Curative medicine and surgery.

In the interethnic regions of the country various medical services have been established which are subordinate to different official agencies: the secretariat for Public Health and Welfare, the Mexican Social Security Institute and the National Institute for Indigenous Affairs. These provide medical and surgical treatment at various levels and are available to both indigenous and non-indigenous members of the population.

During 1977, the medical establishment of the National Institute for Indigenous Affairs provided the following medical services:



General medical care

General medical care	385,220
General examinations, including child examinations	320,936
Minor surgical operations	5,584
Dental treatment	5,016
Laboratory tests	4,318
Anti-parasite treatment	44,933
Forensic medicine and hospitalization	4,433

Mother and child care

Total cases treated	16,409
Pre-natal examinations	9,759
Post-natal examinations	4,997
Births attended	1,653

Infirmary activities

Total number of cases	248,520
Injections given	197,662
Medicine supplied	42,923
Blood transfusions	7,935

33. Sanitary measures in markets and other places where indigenous populations assemble for commercial, communal, ceremonial or religious purposes.

The Secretariat of Health and Welfare, through the Department of Drug, Food and Beverage Control, maintains a constant watch over sanitary conditions in public markets and in some of the street markets that are held.

34. Programmes and institutions to combat alcoholism, the consumption of coca leaves and other drugs and the forms of drug addiction found among indigenous populations. Importance of certain cultural and communal aspects in this connexion

A pilot programme to investigate rural alcoholism is now being carried out in the Mazahua indigenous area in the municipal district of San Felipe del Progreso, State of Mexico, with the co-operation of the National Institute for Indigenous Affairs and the Mexican Centre for the Study of Drug Dependence. The programme will investigate the anthropological and medical aspects of these problems, and measures of prevention, education and rehabilitation will also be taken.

35. Direct or indirect limitations, restrictions and obstacles, whether de jure or de facto, imposed on the access of indigenous persons, families or groups to ownership, rental or occupation of housing; on public or private loans for construction or for the purchase or acquisition of public or private land for that purpose; or on participation by such persons, families or groups in public, private or mixed housing development plans.

In replying to this question, it is necessary to distinguish between communal property and private property, because they are governed by different legal rules. Indigenous persons have the right to joint possession of all communal land and consequently to occupy it in order to meet their housing requirements. This property is, moreover, inalienable, imprescriptible and unattachable.

Indigenous persons have access to private property without any limitations other than those imposed by the national laws on all Mexicans.

In practice, any limitations, restrictions or obstacles which may affect indigenous persons and groups are the product of their economic situation and not of any discrimination against them.

It is important to bear in mind at all times that this situation is in no way exclusive to indigenous groups but also affects a large number of Mexicans living in similar economic conditions in arid or semi-arid areas and in the mountains, and is the product of complex geographic, economic and social problems which exist in Mexico.

Organizations have been set up to deal with this situation by executing low-cost housing programmes for urban workers and for dwellers in rural areas, such as the National Institute for Community Development, which has built housing financed by means of loans made available to certain indigenous groups.

36. Legislative, administrative and judicial provisions and measures to combat such discrimination, and the results achieved.

There is no such discrimination.

37. Measures to protect indigenous persons, families or groups from intimidation or pressure intended to induce them to sell, vacate or abandon housing they are already occupying.

There is no pressure of this kind exercised for ethnic reasons.

38. Prevention of dangerous or harmful construction in or around areas now occupied by housing for indigenous persons, families or groups.

The same policies are applied and the same measures adopted for indigenous and non-indigenous persons alike.

39. Special measures.

Public and private measures taken to alleviate the problems of inadequate housing for indigenous populations in rural and urban areas, with particular reference to:

(1) Protection of ownership, rental or occupation of housing for indigenous persons, families or groups

The reply here is the same as for the previous questions. It is necessary to add only that the National Institute For Indigenous Affairs, through the legal departments set up in the Co-ordinating Centres for Indigenous Affairs in each interethnic area, and the Extramural Department for the Indigenous Areas, acting through the local Attornies Offices for Indigenous Affairs provide advice and assistance in these matters.

(2) Special rights granted to indigenous persons, families or groups in respect of access to housing under public or private development plans

The reply will be found in the final paragraph of the reply to question 35.

(3) Material services to indigenous persons, families or groups:

(a) Construction of housing

Through the development programmes for rural areas, the Public Investment Programme for Rural Development (PIDER) has made available reimbursable loans for the purchase of home building materials. Under the regular programme of the Co-ordinating Centres for Indigenous Affairs, loans, repayable on a 50 to 100 per cent basis, have been granted under the heading of Community Aid for the purchase of home building materials.

As already mentioned, the National Institute for Community Development (INDECO), acting at the request of the State Governments, has built dwellings in interethnic regions under the housing construction programmes.

(b) Provision of housing - purchase or rental of existing buildings

(c) Improvement and repair of buildings already occupied

The improvement and repair of housing is undertaken by the Co-ordinating centres for Indigenous Affairs under their regular housing improvement programmes and the special programmes operated by the State Governments and Federal agencies.

- (d) Grants and loans to indigenous persons, families or groups for construction, acquisition or improvement of housing

Grants and loans for the repair or improvement of housing are made as part of the integrated programmes of the Public Investment Programme for Rural Development, through the National Institute for Indigenous Affairs.

- (e) Subsidies to bodies financing the construction, acquisition or improvement of housing for indigenous persons, families or groups;

There are no special subsidies for this purpose.

(3) Education

Discrimination and the elimination thereof

40. Information regarding any direct or indirect impediments, limitations, restrictions or obstacles (either de jure or, as a result of economic, social and cultural factors, de facto) affecting indigenous persons, groups or communities with regard to:

- (1) Access to all types and levels of education:

- (a) Regulations and conditions governing admission to public or private schools of any kind in all grades and at all levels

There are none. The constitutional principle is that education "shall contribute to the betterment of human relations ... manifested in a desire to foster the ideals of the brotherhood of man and the equality of human rights, without special privileges for any race, sect, group, sex or individual".

The factors that impede the application of this principle are primarily physical and social. The isolation and wide dispersion of many indigenous communities makes it difficult to provide services for them and the need for children to start work at an early age in order to contribute to the family finances takes them away from the schoolroom.

The regulations and conditions governing admission to schools of all kinds are the same for indigenous and non-indigenous persons. However, there are establishments that are specifically concerned with the teaching of Spanish to persons who know only one language and Spanish-speaking people naturally do not need to have access to these.

- (b) Forms of aid, such as scholarships and grants, or provision of lodging, food, transport or clothing, whether or not education is provided free of charge

The Mexican Government has provided for aid of various kinds to be given in the form of scholarships, lodging, food, clothing and free education.

The National Institute for Indigenous Affairs grants scholarships to schoolchildren acquiring a primary education in the student hostels, or schools with hostel attached, which have been established in 82 indigenous areas in order to solve the problem of the dispersion of small communities. There is also a scheme for indigenous students at the secondary, pre-university and polytechnic levels, as well as for students who are being trained in schools of agronomy and in the technical agricultural centres to be found throughout the rural areas in Mexico. The Directorate of Education for Indigenous Populations provides the teaching and administrative staff and the manual workers needed to look after the hostels. They are assisted by National Institute for Indigenous Affairs specialists in such branches as health, agronomy, economics and animal husbandry and in the implementation of productive programmes connected with the hostels (poultry and bee-keeping, raising of pigs and rabbits and vegetable and fruit growing).

There are 50-100 children from three, four or five neighbouring communities studying in each of the hostels, which are distributed strategically throughout the indigenous areas. The children are lodged and fed from Monday to Friday of each week for 10 months of the year, but they return to their own community at the weekends in order to be with their families and to avoid the risk of becoming rootless.

The Social Integration Centres - another kind of institution - have now been converted into secondary schools to give young indigenous students an education at the secondary level. In these Centres, the students, boys and girls, are offered an academic education, vocational training of various kinds and training in farming techniques. During the holidays, the premises of the Centres are used to give training courses to bilingual cultural instructors and physical education instructors.

The National Institute for Indigenous Affairs provides training courses for instructors in health, economics, agriculture and animal husbandry.

(c) Geographical distribution of schools and other educational establishments

Geographically, the educational establishments are distributed among 82 indigenous areas and more than 4,000 communities. They are of different kinds: single level, giving a complete primary education, schools of agronomy, centres for technical agricultural studies and hostels of the two kinds mentioned above.

(d) Measures taken to guarantee assistance for school-age children, including information on parental attitudes in this regard, particularly in rural areas

The attendance of school-age children at these establishments is monitored by the Education Committees set up in each community, which are composed of the pupils' parents, the teachers and bilingual cultural instructors, the inspectors of indigenous schools, the regional directors and the State co-ordinators.

The Parents' Committees have in every case taken a keen interest in their functions, discharging them in a highly responsible fashion, and they keep a strict eye on the conduct, attendance and performance of the children and of the teachers. In the event of mistakes or omissions on the part of the teachers, they intervene directly, with the support of the authorities, in order to normalize the situation or submit a complaint to the teachers' immediate superiors.

(2) Training, employment and remuneration of teachers

(a) Access of indigenous students to the same institutions as those to which non-indigenous students are admitted

Indigenous students have access to the same institutions as non-indigenous students.

(b) Types and levels of training provided

The instructors and teachers are trained to give a bilingual and bicultural education through special courses whose purpose is to prepare them as specialists in bilingual education. The trainees are young people from the indigenous communities who have had a primary or secondary school education.

(c) Procedures and conditions governing the selection; appointment, promotion and dismissal of indigenous teachers and the remuneration and other benefits they receive as compared with those received by non-indigenous teachers

A considerable number of well-trained people are already available for appointment as instructors, teachers, inspectors or directors, according to their academic level. Their promotion is contingent on the efforts they make to improve their knowledge, their performance, their motivation and their devotion to duty and to enhance their value as a force for change in the community.

Their remuneration and allowances are equivalent to those of non-indigenous teaching staff.

Bilingual instructors and teachers may be dismissed for repeated shortcomings, on the recommendation of their immediate superiors, the education committees and the traditional, municipal and agrarian authorities. The final decision is taken by the Department on the basis of the documentary and other evidence submitted.

41. Measure of protection against such impediments, limitations, restrictions or obstacles .

There are no impediments, and the only limitations are lack of funds to engage staff. The restrictions are the same as the limitations. Obstacles are encountered if the candidate does not meet the requirements for admission, which are primarily a knowledge of the local language as well as Spanish, good behaviour and good health.



42. Special measures.

Information as to whether appropriate arrangements have been made to ensure that indigenous children.

- (a) Have school facilities in the communities or nearby, or at least in a general area within easy reach

The National Institute for Indigenous Affairs allocates a large part of its budget to the construction of schools, which are built by the Co-ordinating Centres. The communities provide the land, unskilled labour and local materials such as sand, stone, lime, palm leaves and bajareque for roofs and walls in the hot areas and wood for benches, desks and teachers' chairs.

The same procedure is still adopted because it ensures that the communities are interested in caring for their schools.

The Federal Government has set up a special body to act as the national executive organ for school building policy. It is known as the Administrative Committee of the Federal School Construction Programme (CAPFCE). In the last few years this Committee has allocated 60 per cent of its resources to the rural areas, where it has invested nearly 200 million pesos in the construction of classrooms, workshops and associated facilities, including hostels, in the indigenous areas. All these buildings are designed to provide small scattered communities with a complete primary education.

Expenditure of 1,000 million pesos over the next five years is planned for the provision of educational services for the marginalized areas, and especially for the indigenous communities.

The system of hostels has been surprisingly successful, and is the best method of ensuring that even the most isolated communities have access to primary education, and of keeping a close check on the attendance and work of pupils of both sexes.

By 1977 there were 628 hostels accommodating 32,500 school children. The service was launched in 1971 with five hostels and 250 scholarship holders. The Administrative Committee of the Federal School Construction Programme, the National Institute for Indigenous Affairs and the Public Investment Programme for Rural Development have already built 177 hostels, and still have to construct buildings for 451 hostels that are now occupying temporary premises. The extraordinarily large demand by communities for this kind of service has so far outstripped the Government's budgetary resources.

- (b) Receive instruction from teachers with a fluent command of the children's mother tongue, the vernacular most widely used in the community or the language which prevails in the area
- (c) Learn to read and write that language or vernacular



- (d) Receive instruction in the essential elements of the indigenous culture of the community to which they belong
- (e) Gain an understanding of the essential elements of the country's dominant culture in such a way that they are not estranged from their own cultural background
- (f) Receive instruction in speaking, reading and writing correctly the official language of the country
- (g) Benefit from any plans covering the provision of assistance, scholarships, allowances, grants, lodging, food, transport or clothing which have been devised particularly for them by the Government, by the indigenous communities or by organizations of any kind

The Federal Education Law, in the last part of its article 15, states that: "The national educational system shall include, in addition, special education and instruction of any other type or form which may be given in the light of the educational needs of the population and any special characteristics of the groups of which it is comprised".

In accordance with the principles governing the action taken by the Mexican Government with respect to the indigenous populations, a system of bilingual and bicultural education has been established. Bilingual education aims at maximum use of the vernacular and of the official language of the country as instruction media, since the mother tongue is obviously essential for initial teaching at the primary level. Instruction in Spanish is increased as the pupil acquires a better command of the language, until he has become functionally bilingual.

Through this kind of instruction greater efficiency is achieved in primary schooling, since between five and seven years of age the use of language increases and words become the medium of learning and the means of coping with the problems of daily life. Moreover, when the child uses his own language at school, he has greater possibilities of communication and this gives him confidence. As he learns to handle two languages, he acquires and develops more skills for dealing with concepts and for communication.

Bicultural education means that the indigenous population is drawn into the national culture and society without losing its own values in the process.

The system of education for the indigenous population has as its objective the encouragement of a change in thinking that will develop a critical and analytical approach to the national and the indigenous societies and to participation therein.

In view of the urgent demand for educational services in the indigenous areas of Mexico, it was decided, at the Sixth Plenary Assembly of the National Technical Council for Education, held at Mexico City in November 1963, to found a national service of bilingual teachers and instructors.

The activities of this service are based on the favourable experience of the National Institute for Indigenous Affairs, the technical resolutions adopted by indigenous congresses, as well as by the Council for Indigenous Languages set up in Mexico, and on the views of UNESCO, which believes that the use of the vernacular is a stepping-stone towards the achievement of national unity in a much more rapid fashion than if the national language is taught directly to monolingual communities.

Initially, the action programme of the national service of bilingual teachers and cultural instructors consisted in the teaching of oral Spanish to monolingual indigenous children attending school for the first time, with the object of preparing them for the start of primary education.

The experience and results obtained showed the importance of continuing the education of indigenous children through all the primary school levels and equipping them to take part in activities that are a force for change in marginalized communities.

Thus the service was taken to the communities in that the teachers and instructors are from the area where they work, speak the language of the area and share in its culture. They are thus identified in every way with the members of those communities.

The educational activities of the indigenous staff are based on the primary education plans and curricula, adapted to regional requirements, and they involve use of special teaching material and primers prepared for the individual areas. The functions of the staff are laid down in a special set of instructions.

The cultural instructors, who are men or women not less than 16 years of age, receive a one-year course of training in teaching methods, social, promotional or development techniques and practical work. If their work in the community and qualifications are satisfactory, at the end of three years' service they are given posts as bilingual teachers with salaries and allowances similar to those of all other teachers in Mexico.

The Regional Directorates sponsor the services programme and the curricula are drawn up in accordance with the requirements of each area and in co-ordination with the Federal, State and municipal bodies, with the non-governmental institutions and with the communities themselves and their traditional, agricultural, political and administrative authorities.

At the end of the last school year, there were 2,000 bilingual instructors and 15,000 teachers in service and 287 bilingual directors and 125 supervisors, together with 14,082 persons who looked after groups of schoolchildren and were responsible for community development and improvement for 1,264,560 inhabitants. In the school year 1975-1976, they took care of 289,380 schoolchildren. Twenty per cent of the staff worked in the hostels, the Social Integration Centres, the teams of indigenous population instructors, the local law offices

and the programmes in health care, economics, agricultural development and animal husbandry. One thousand of the instructors acted as teachers of Spanish under the National Hispanicization Plan.

The members of this service have exceeded the targets initially set. The primary purpose was to teach Spanish to monolingual groups of indigenous six-year-olds and also to indigenous adults. In the course of their work, they became involved in integrated community education, and took charge of educational units for the first cycle of primary schooling, taught adults to read and write and gave them other forms of instruction. But they have also become involved in agronomy instruction, environmental sanitation, home improvements, first aid, recreation, sport activities and economic development. Provision has been made for teaching the first to sixth grades of primary school, and a basic system of bilingual education has been established which has successfully overcome the problems confronted by rural primary education in the interethnic areas. By 1970, the bilingual cultural instructors and teachers service covered 12 indigenous areas. Between 1971 and 1977 it was extended to 60 more areas and it now covers a total of 82 areas in 21 States.

43. Information as to whether the educational programmes and materials prepared for the indigenous populations:

- (a) Have been developed in the light of the appropriate ethnological studies so that the methods and techniques used in connexion with them are in harmony with the cultural environment and take into account the degree of the indigenous population's closeness to or remoteness from the dominant culture of the country.

The educational materials and programmes are prepared by the bilingual cultural instructors and teachers, with the aid of specialists in the education of the indigenous populations, in the light of the research findings of professional ethnologists. The programmes and materials are adapted to the cultural environment of the indigenous community and to its proximity to or remoteness from the dominant culture.

- (b) Place sufficient emphasis on the culture, traditions, history, arts and handicrafts of the indigenous populations
- (c) Have been prepared with a view to ensuring that the valuable elements of the indigenous oral culture are not destroyed in the process of being reduced to writing for transmission in the written vernacular
- (d) Contain elements relevant to the social and cultural characteristics of the indigenous communities so that they may gain awareness of their rights and obligations as a group and as individuals

- (c) Place emphasis on the value of friendship between the various segments of the population and promote understanding and appreciation of the non-indigenous cultures

Under general objectives III and IV of the work programme of the National Institute for Indigenous Affairs for the six-year period 1977-1982, it is proposed to enhance the ability of the ethnic groups to safeguard their individual and social rights (objective III: education, justice and employment) and to increase national consciousness through respect for ethnic pluralism (objective IV: cultural heritage and social organization). In order to reinforce what has been done so far through the educational programmes and materials prepared for the indigenous populations, an extensive programme has been drawn up which takes account of their traditions, history, arts and handicrafts and ensures that the valuable elements of the indigenous oral culture are not destroyed on being written down.

The aims of objective III in its educational aspects are to ensure that the education given in the indigenous communities embodies the latter's specific cultural characteristics; to preserve the values of these communities in order to strengthen, at the local level, their feeling of ethnic identity, and, at the national level, their awareness of forming part of a pluricultural society; to ensure that the ethnic groups appreciate the causes of their marginality so that they can remedy them through their own efforts and in that way contribute to national development; to use the educational resources allocated to the indigenous communities more effectively through the formulation of programmes in terms of the communities, the knowledge and techniques of the ethnic group and their special socio-cultural characteristics, and the reconciliation of theoretical systems with practical requirements in order to achieve a multiplicity of effects that will increase the ability to change the status quo; and to ensure that the national language fulfils its function as a link between all Mexicans and as an instrument for protecting the interests of the indigenous peoples.

44. Information as to whether the educational programmes and materials prepared for the non-indigenous populations:

- (a) Embody appropriate measures to combat and eliminate misconceptions or prejudices which the non-indigenous populations may have with respect to the indigenous communities of the country

Yes, they embody appropriate measures to combat and eliminate misconceptions or prejudices which the non-indigenous populations may have with respect to the indigenous communities of the country.

Textbooks which are distributed free of charge in all primary schools of the country emphasize the worth of indigenous cultures and their significance in the national culture.

- (b) Include appropriate information on the history, traditions, customs, culture, arts and handicrafts of the indigenous populations and on their contributions to the cultural environment of the non-indigenous populations

Yes, they include appropriate information on the history, traditions, culture, arts and handicrafts of the indigenous populations and on their contributions to the cultural environment of the non-indigenous populations.

- (c) Stress the need to recognize the right of the indigenous populations to preserve and further develop their cultural characteristics

They place sufficient emphasis on the need to recognize the right of the indigenous populations to preserve and further develop their cultural characteristics.

- (d) Place emphasis on the value of friendship between the various segments of the population and promote understanding and appreciation of the indigenous culture

Yes, they place emphasis on the value of friendship between the various segments of the population and promote understanding and appreciation of the indigenous culture.

45. Information on educational establishments and institutions, indicating:

- (1) Whether the indigenous communities or their leaders, or indigenous persons, groups or organizations, have participated or collaborated in founding and operating official or non-official educational establishments and institutions in their communities, or are participating or co-operating in their work, and, if so, in what way and to what extent

The indigenous communities, their leaders, groups and organizations have participated in founding and operating official educational establishments and institutions in their communities. They participate and co-operate with the educational authorities, bilingual instructors and teachers, supervisors and directors. When a community requests the establishment of a school or hostel, it provides the land necessary for the building and school plot, performs the labour, supplies local materials, forms the Education Committee and provides the teaching staff with board and lodging facilities.

- (2) Whether there are indigenous educational facilities or institutions functioning independently of the official or non-official institutions and facilities active in the community and, if so, the kinds and levels of instruction offered

In some communities there are traditional systems of education under which arts and crafts, history and local legends are continuously and systematically handed down.



- (3) Whether such establishments and institutions are intended to serve school-age children only, or whether they are also used to meet the educational needs of the adult population and those of the community as a whole

The traditional systems referred to are entrenched throughout the community.

- (4) Whether teachers and instructors are recruited, in so far as possible, from among the members of the indigenous communities themselves and preferably by persons who are familiar with the vernacular language and the customs of such communities and who work closely with the leaders of the community in carrying out their duties

There are many indigenous teachers and instructors in this type of institution, as has already been explained (17,000).

#### 4. Language

##### Discrimination and the elimination thereof

#### 46. Impediments, limitations, restrictions or obstacles of any kind whatsoever affecting indigenous populations in the exercise of their right to use their own language in their private relations

There are no impediments, limitations, restrictions or obstacles affecting the indigenous populations in the exercise of their right to use their own language in their private relations. The 56 ethnic groups of Mexico freely use their languages or different dialects for local communication. The groups are decidedly monolingual, but in each of them there are individuals with the necessary knowledge of the national language to be able to communicate with external non-indigenous Spanish-speaking persons or groups.

#### 47. Measures of protection against such impediments, limitations, restrictions or obstacles. Penalties, remedies, recourse

Measures of protection against impediments, limitations, etc., are not necessary.

##### Special measures

#### 48. Information on the following matters:

- (1) Recognition given to the indigenous languages by the State and private institutions, whether in the publication of legal texts; in statements made by public officials concerning government policy or in versions of such statements; in didactic and general literature; in newspapers and periodicals; in radio and television programmes. Libraries, whether for books, newspapers and periodicals, or sound recordings on disc or tape, and other repositories where materials in the vernacular languages are kept. Provision of facilities for the indigenous populations to use their own language, either orally or in writing, in legislative, judicial and administrative bodies

With respect to recognition given to the indigenous languages by the State, one of the specific objectives of the National Institute for Indigenous

Affairs is to promote respect for the indigenous languages of Mexico and to dignify and disseminate them.

One of the most important of the Institute's new programmes is undoubtedly that which sets out to revive the cultural heritage of the ethnic groups, increase knowledge of this heritage and help the national society to find its identity in its diversity. It also aims at ensuring that most of the material benefits derived from demonstrations of ethnic culture are used in the communities concerned.

Under the programme aimed at developing a system for preserving the component elements of the ethnic groups' cultural heritage, work has started on a project under which, using an internationally recognized guide (Murdok), films, recordings, photographs and documents constituting a record currently lacking in the country, will be prepared and assembled with a view to forming the INI Audiovisual Ethnographic Archives. The professional and technical staff of the Institute have planned to carry out this year a first ethnographic survey of this type in 82 areas embracing a total of 56 ethnic groups. In accordance with the norms laid down in Bases for Action (INI, Bases for Action, IV.I.2.A.p.65), it has been decided that when this material is exploited commercially, all the earnings will be devoted to development programmes in the interethnic regions.

This cultural preservation project has been named Ollin-Yoliztli, which in the Náhuatl language means life and movement.

Other INI programmes in this field aim at encouraging indigenous music through meetings of regional musical groups and the establishment of a Traditional Music Education Centre in the Mixo area.

Under the programme aimed at promoting respect for and the dignity of indigenous languages as elements of the national culture, in addition to activities relating to the training of indigenous language experts, provision is being made for the establishment of broadcasting stations that will transmit programmes in the vernacular languages; such stations constitute a magnificent - and sometimes the only - instrument of social orientation and cohesion in areas where other media are lacking. The station at los Altos de Chiapas is already in operation; another, which is being built at La Montaña de Guerrero, with headquarters at the Tlapa Indigenous Co-ordinating Centre, will broadcast in Tlapaneco, Náhuatl, Mixteco and Amuzgo, as well as in Spanish. Finally, it is planned to commence operation of the Maya broadcasting station at Carrillo Puerto, Quintana Roo.

Finally, there is not seen to be any need for the indigenous populations to be able to use their own languages in writing in legislative, judicial and administrative bodies, since these bodies are unfamiliar with the indigenous languages. With regard to oral communication, steps are taken to ensure that there are indigenous interpreters, and indigenous community lawyers, many of whom are Indians, take part in proceedings of this type.



(2) Instruction in the indigenous languages:

- (a) For indigenous persons - primary, secondary or higher education provided by the State or by public or private groups for indigenous persons or groups in their own language and cultural traditions. Establishment of separate schools for this purpose, or the institution of special programmes of this nature in general schools. Pre-school training of indigenous children in the language used in the schools they will attend; (b) For non-indigenous persons - instruction in the indigenous languages in institutions of primary, secondary and higher education, whether by means of optional courses or as part of the general curriculum

In Mexico there is a national education system at primary level, with bilingual instructors and teachers. In addition, the adult population is catered for by the activities of the Summer Languages Institute. There is no instruction in the indigenous languages in general schools; optional courses in the main indigenous languages are given only in the National School of Anthropology and in some universities.

On the other hand, there is the Federal Government's National Hispanicization Plan, which was established in September 1973. Its aim, in a first stage, is to teach Spanish to 200,000 monolingual children of pre-school and school age. These constitute 25 per cent of the population aged five and over who do not speak Spanish. The Plan aims at increasing and improving the use of Spanish by the adult indigenous population and improving use of the language by indigenous and non-indigenous children in intercultural areas where the Spanish used is defective.

(3) Study of the indigenous languages

State, public or private institutions involved in the study and development of the indigenous languages, whether in the form of special academies or institutes, of special linguistic departments or courses in educational institutions, or otherwise. Officially recognized alphabets of the indigenous languages; grammatical and philological studies, dictionaries of the indigenous languages, bilingual or multi-lingual dictionaries and texts. Translation of important texts into the vernacular languages and from these languages into others. Efforts to "modernize" certain indigenous languages

The National Anthropological Institute and the Advanced Research Centre have a Linguistics Department which carries out studies of the indigenous languages. The National Institute for Indigenous Affairs has established a centre at Acayuca, Veracruz, to train indigenous teachers as language specialists. One of the tasks of these specialists is to guide bilingual teachers in the preparation of primers and didactic material.

The National Institute for Indigenous Affairs is preparing, for publication, bilingual manuals and texts for indigenous groups and communities, bilingual instructors and teachers and government staff; it will promote and organize training courses for members of the indigenous groups and communities.

There are many grammatical and philological studies of the indigenous languages, as well as bilingual dictionaries and texts. There are also many translations of indigenous texts into Spanish and of Spanish texts into the various indigenous languages. The INI is at present preparing translations of the current text of the General Constitution of the Republic into various indigenous languages.

- (4) Teaching of the official language to indigenous persons at all levels and in educational institutions of every kind, and access of such persons to all information media utilizing that language

The official language is taught to indigenous persons at the primary level through the bilingual and bicultural system established by the Government of Mexico. It is not taught in other types of institution because it is considered that after six years of primary education the indigenous population has an adequate knowledge of Spanish. The indigenous population has the same opportunities as the non-indigenous population for access to all information media using the national language.

In Mexico, the language policy has been the subject of intense controversy, the predominant view being that hispanicization is necessary. Among the proponents of hispanicization there are two trends, one urging that instruction be given in Spanish and the other advocating the need to hispanicize through use of the vernacular language. Use of the vernacular language for hispanicization was the method followed by the religious groups which studied the indigenous languages from the time of the conquest and translated mainly religious texts into them. In this century, the need to use the indigenous languages for official purposes also began to make itself felt.

During the presidency of General Lázaro Cárdenas the need for bilingual education began to be recognized; among the important measures taken in this connexion was the establishment of the National Institute of Anthropology and History, whose founding initiated the historical rescue operation for Mexico's ancient cultures and the social, cultural, economic and linguistic study of the indigenous groups.

In 1933, study of the vernacular languages, which had until then been, traditionally, the work of the church, passed into the hands of the anthropologists with the establishment, in the National University, of the Institute for Linguistic Research.

The First National Congress of Popular Education, held in 1939, emphasized the need to reorientate rural education in accordance with anthropological criteria, the idea of the existence of the Indian in general being abandoned in favour of recognition of the Indians of the indigenous communities in particular. Starting from the need to recognize cultural values, teachers were recommended to devote the first stages of the primary education curriculum to local history and culture. According to this theory, at the same time as learning their mother tongue, children would gradually learn the national language.

On the basis of these recommendations, the Directorate of Linguistics, a branch of the Department of Indigenous Affairs, prepared readers for 10 of the main indigenous languages and dictionaries for three of them. Work was also started on collecting recordings relating to various indigenous areas.

The first Inter-American Indian Conference, which was held at Pátzcuaro in 1943, recommended the establishment of a Council of Applied Indian Linguistics.

Article 14 of the Second Six-Year Educational Plan gave rise to a campaign calling for the preparation of bilingual texts by the Department of Indigenous Affairs. The Council proposed the establishment of local societies for speakers of indigenous languages and the publication of periodicals in indigenous areas. The shortage of trained linguists and anthropologists impeded the execution of intensive projects.

Pursuant to a decision reached at the First Inter-American Indian Conference, the National Institute for Indigenous Affairs was established. The Institute's programmes included bilingual education and literacy in indigenous languages.

The National Institute for Indigenous Affairs called for respect for cultural characteristics, including the vernacular language, and stressed the need to use it in all early stages of education.

In 1957, the National Technical Council for Education came out in favour of bilingualism, setting "unity in multiplicity" as its goal.

(5) Culture and cultural, social and legal institutions

Discrimination and the elimination thereof

49. Information concerning impediments to the exercise of or restrictions on the right of indigenous populations to equality with other segments of the country's population in access to cultural institutions and activities

There is no limitation on the access of the indigenous populations to cultural institutions and activities.

50. Information as to whether: (1) Marriage or unions between indigenous and non-indigenous persons are prohibited or restricted de jure or de facto; (2) Legal or social limitations or restrictions are imposed on "mixed" unions or families; (3) The offspring of such unions have inferior status, de jure or de facto, merely because of the legal status of their parents' union; (4) Indigenous persons or groups are subjected to de jure or de facto limitations or restrictions with respect to certain civil and commercial acts involving the acquisition, mortgage, transmission or alienation of property and, if so, for what reasons

None of the situations referred to under (1), (2) and (3) occur in the Republic of Mexico; accordingly, there are no limitations or restrictions.

So far as (4) is concerned, a distinction must again be made between communal and private property. As has already been pointed out, communal property is subject to a legal régime which prevents its mortgage, transmission or alienation. The legal and historical basis of this régime was described earlier in the reply to section III - Historical background.

The private property of Indians can be mortgaged, transmitted or alienated with no limitations other than those imposed by law on all Mexican citizens.

51. Measures of protection, recourses and remedies against such impediments or restrictions.

It is again pointed out here that such impediments or restrictions do not exist.

Special measures

52. Information concerning action taken: (1) To establish measures for protection against the use of force or intimidation to compel or induce indigenous persons, groups or communities to take part in certain cultural activities or attend certain cultural institutions against their will; (2) to safeguard the maintenance and further development of the indigenous culture by persons, groups or communities which so desire through the establishment and operation of schools, libraries, museums and other special cultural and educational institutions, and to give due attention and consideration to that culture in the information media; (3) to give official recognition and protection to the important norms of such traditional law of the indigenous populations as may obtain in the indigenous communities with regard to: (a) marriage, informal or de facto unions, indicating whether such unions are regarded as comparable to or on an equal footing with other forms of civil or religious marriage, or with marriages or de facto unions which may have been recognized by the State; (b) family relationships and other aspects of family law; (c) divorce and the dissolution of formal or informal marital unions; (d) laws and practices in respect of succession; (e) acquisition, assignment, tenancy, use, transmission and alienation of land, water or other important possessions; (f) corporate and co-operative forms of ownership and exploitation of land and other goods; (4) to protect successful commercial establishments and operations of the indigenous communities and their traditional industrial enterprises; (5) to take into account in any reform programmes which may affect the indigenous populations, their particular views and basic perspectives with regard to communal, familial and labour organization, and their views concerning the distribution, tenancy and use of land, water and other important possessions in the daily life of the indigenous communities; (6) to ensure that such changes and scientific and technological innovations as may be required are introduced into the indigenous communities in such a way as to avoid unnecessarily disturbing or traumatic effects; (7) to assist indigenous groups and persons from rural areas who have recently migrated to urban areas in adapting to the change in their environment and solving the problems which they may face in connexion with employment, housing and the social and psychological aspects of their new environment by providing them, for example, with special training, services and facilities to equip them to cope successfully with urban life.

The following guidelines are laid down in the document Bases for action 1977-1982 which currently governs the activities of the National Institute for Indigenous Affairs:

(1) Concerning indigenous cultures:

To promote the integration, systematization and increase of information relating to the cultural heritage of the various ethnic groups, through graphic, documentary, published, recorded, filmed and photographed material on all forms of cultural expression.

To analyse the elements of the cultural heritage of ethnic groups through specialized studies.

To train members of the indigenous communities to carry out research on their cultural heritage.

To use the mass communication media to disseminate manifestations of the cultural heritage of ethnic groups.

To publish specialized studies relating to various manifestations of the culture of ethnic groups.

Finally, to promote the organization of indigenous communities so that they may benefit, directly and indirectly, from their historical and cultural heritage.

(2) Concerning questions of law:

To draw up an inventory of those aspects of customary law that may be advantageous to the communities.

To promote amendments and additions to prevailing legislation, to collect and analyse relevant proposals made by indigenous congresses, bilingual teachers and instructors and academic meetings, in order to ensure that, in practice, the administration of justice guarantees equality before the law.

(3) Concerning protection of successful commercial concerns and operations of the indigenous communities and their traditional industrial undertakings:

One of the aims of the new policy on indigenous matters is to secure the participation of ethnic groups in the programming, implementation and evaluation of regional marketing projects. For this it is necessary to compile a catalogue of the main products of the interethnic regions, noting the problems that impede or hinder their distribution and marketing, and to analyse and evaluate marketing programmes, jointly with representatives of the indigenous populations, paying special attention to their operation at regional and community level, with a view to proposing measures for expansion and reorientation.

To this end, training courses are to be conducted on the programming, implementation and evaluation of marketing projects in co-ordination with the appropriate Government departments. The courses are to be based on specialized publications and, in the case of ethnic groups, systems adapted to their cultural standards will be used.



In co-ordination with various Government bodies, the National Institute for Indigenous Affairs intends to systematize information relating to the national and international markets for the products of interethnic regions, in order to demonstrate to ethnic groups the benefits of originality in handicrafts and artistic production and to guide the communities in choosing the best forms of production and marketing methods.

- (4) The document Bases for Action lists as one of its objectives, promotion of knowledge of, respect for and development of traditional forms of authority, co-operation and organization and contribution to relationships of respect between the forms of traditional authority and the national political system, in order to ensure that the interests and values of the ethnic groups are suitably integrated with those of Mexican society as a whole.

To determine the traditional forms of labour authority, co-operation and organization in each of the regions, by means of a survey covering three work levels: individual, family, community and inter-community.

To promote the participation of traditional authorities in the programming, implementation and evaluation of activities carried out by the public sector in interethnic regions.

To promote formulas for the adaptation and development of traditional forms of work organization.

To prepare an inventory of the customary codes of the various ethnic groups. To encourage means of incorporating in State and Federal laws customary rules governing community life.

- (5) The document also refers to the establishment, in co-operation with the appropriate government departments and agencies, of a national training system through regional courses and various publications adapted to the cultural standards of indigenous populations.

To make available to communities and groups in the interethnic regions didactic training material adapted to their cultural standards, to obtain information concerning the traditional technologies of various cultures with a view to compiling a catalogue of those best suited to real conditions in these regions, to consider the applicability to various interethnic regional societies of traditional technologies used in other cultures. The purpose of this work is to make use of and disseminate traditional technologies which, by reason of their economic, social and cultural efficacy, enhance the value, for groups in the interethnic regions and for the nation, of activities aimed at overcoming dependency in this field.



To promote the use of suitable technologies for improving living standards in interethnic regions and to increase the productivity of these regions by means of technologies which have been proved to be applicable in the interethnic regions for which they are intended.

6. Employment and vocational training

Discrimination and the elimination thereof

53. Direct or indirect de jure or de facto impediments or restrictions which may affect the right of the indigenous populations to work, the free choice of employment, trade union rights, working conditions and equitable and satisfactory remuneration, protection against unemployment and equal pay for equal work.

From the legal standpoint, by virtue of the provisions of articles 1, 5 and 123 of the Constitution and the relevant implementing legislation, the Federal Labour Law, which, under our legal and political system is applicable throughout the Republic, no limitations whatsoever are placed on indigenous persons or populations in regard to work.

At the practical level the situation is different, however, because the work of indigenous persons gives rise to many abuses stemming from their disadvantaged and weak position in economic relations.

54. Measures of protection against and other measures to combat such impediments and restrictions. Penalties, remedies, compensation.

Infringement by employers of the provisions of the Federal Labour Law gives rise to many penalties, including criminal prosecution; these penalties are indicated in title 16 of the above-mentioned Law.

Among the fundamental aims of the National Institute for Indigenous Affairs are those directed at eliminating unjust labour situations, as is stated in the objectives of Bases for Action:

1. To contribute to the proper observance of labour rights in the interethnic regions;
2. To establish a system of information concerning terms of labour contracts in the interethnic regions;
3. To analyse information concerning terms of employment in permanent, seasonal and migratory unskilled activities performed for enterprises outside the community and the conditions of employment within communities and communal areas;
4. To examine and propose, jointly with the appropriate authorities and institutions, ways of establishing an advisory and protective system for indigenous communities in labour matters;
5. To ensure that the terms of employment of indigenous persons are in conformity with the provisions of the prevailing labour legislation.

Special measures

55. Information as to whether the Government has established services to:

- (1) Inform indigenous workers and their employers of the legal provisions governing labour contracts, remuneration, housing, benefits in the event of industrial accidents, transport and other conditions of work;
- (2) Regulate or supervise procedures for the recruitment of indigenous workers and their conditions of employment, in particular to ensure that:
  - (a) Written or oral explanations are provided in the vernacular language concerning essential matters so that the workers recruited are aware of all the conditions of employment and accept them freely and with full knowledge;
  - (b) Conditions of employment are offered which conform at least to minimum statutory provisions and regulations;
  - (c) Health standards are met and seasonal restrictions and minimum age requirements are observed;
  - (d) Appropriate transport which meets all the prescribed requirements is provided for the journey to recruitment centres or work sites and for the return journey to the workers' communities;
  - (e) It is possible for the indigenous workers to maintain adequate contact with their communities and appropriate communication with their families;
- (3) Ensure that the remuneration of indigenous workers is protected and:
  - (a) Is paid only in legal tender, save for such portion as does not exceed the maximum legal percentage payable in kind or in services;
  - (b) Is never paid in alcohol, other intoxicating beverages or drugs;
  - (c) Is never paid in locations close to taverns or stores, except in the case of workers employed in such establishments;
  - (d) Is never subject to deductions, withholding or adjustments in excess of the maximum limits set for:

The part which may be paid in goods or services;

The amount attachable to meet obligations incurred previously;

Money which is to be paid directly to the family of the worker, under Government supervision;

Recovery of salary advances;

- (e) Is always paid in full, including the final payment in virtue of any contractual obligation upon termination of the work relationship;
- (4) Guarantee and enforce the right of the indigenous worker to be returned to his community at the expense of the contractor or the employer in the event that:
  - (a) He is incapacitated, by illness or accident, during the journey to the place of employment or during the period of employment;
  - (b) He is declared unfit for work after undergoing a medical examination;
  - (c) He is not hired, for a reason for which he is not responsible, after being brought from his community for the purpose of being hired;
  - (d) The competent authority establishes that the worker was recruited by error or fraud on the part of the contractor or employer;
- (5) Ensure that no personal effects or tools regularly used by indigenous workers are appropriated or withheld for payment of debts or non-fulfilment of contract, unless such measures are taken with the prior approval of the competent administrative or judicial authority.

All these rights, and others, such as the right to strike, are contained in the above-mentioned Labour Law. Special measures to ensure their implementation in indigenous areas will result from the putting into effect of the specific programmes referred to in the previous reply. Work on this has already started.

56. Information as to whether the Government has established programmes to protect the traditional handicrafts and industries of the indigenous populations with a view to improving techniques and methods of work, production and marketing, and working conditions, taking care not to disturb any fair labour arrangements or the organization of such activities which are essential to the indigenous tradition; programmes to obtain equitable and satisfactory prices and to protect designs and artistic characteristics against unfair competition from mass-produced reproductions; and programmes to promote the establishment of the more effective operation of co-operative organizations so that they may more successfully meet the challenge presented by modern manufactured products.

The Mexican Government through the National Institute for Indigenous Affairs, the National Institute of Anthropology and History, the National Fund for the Promotion of Handicrafts, FIDEPAL and the Department of Popular Art, SEP, has developed programmes to encourage and protect the traditional handicrafts and industries of the indigenous populations.

Under these programmes, handicrafts and popular industries are being encouraged, and efforts are being made to improve the working conditions of handicraft workers, to develop the national and international market for their products, to protect traditional art forms and to organize handicraft workers with a view to developing their crafts.

The programmes undertaken by the National Institute for Indigenous Affairs in co-ordination with the National Institute of Anthropology and History are being carried out by the National Museum of Popular Arts and Industries, a department of the National Institute for Indigenous Affairs.

57. Information as to whether programmes of vocational training for the indigenous populations:

- (a) Are designed specifically for this purpose and are based on the appropriate ethnological and anthropological studies;
- (b) Make provision for the training of persons belonging to the indigenous populations as instructors;
- (c) Are conducted in the vicinity of the place where such persons live and work;
- (d) Ensure that instruction is given, to the extent necessary, in the vernacular language;
- (e) Are co-ordinated with programmes and methods of basic education and with assistance measures enabling independent workers to acquire the necessary material and equipment and helping wage-earners to find employment compatible with their abilities and aspirations.

Programmes in this area are being evaluated with a view to ensuring that they meet the established goals. In this connexion, evaluation work - using Bases for Action - has been started with a view to:

Obtaining information on and evaluating the educational activities carried out in the interethnic regions in terms of their social effect;

Proposing changes in educational programmes carried out in the interethnic regions;

Facilitating provision of the necessary equipment to ensure that the educational programmes of indigenous communities are fully operational;

Establishing a training information system for educational activities in the interethnic regions;

Ensuring that educational programmes provide ethnic groups with information concerning the network of relations and interests that determines their economic and social condition;

Publishing documents of national and regional interest in the various indigenous languages;

Training members of the indigenous communities as language specialists;

Proposing the establishment of national educational and information programmes concerning the history and present situation of the country's ethnic groups;

Preparing an ethnological catalogue of Mexico and disseminating it within Mexico and abroad;

Reviving the indigenous communities' traditional values with a view, at the local level, to strengthening the sense of ethnic identity and, at the national level, to strengthening awareness of belonging to a pluricultural nation;

Developing in the ethnic groups an awareness of the causes of their marginalized state, so that they may be able to eliminate them by organizing themselves and thus contribute to the development of the nation;

Ensuring that in hostels and boarding schools in the indigenous areas productive activities are developed that contribute to the areas' self-sufficiency in food;

Making systematic use, for the benefit of the interethnic regions, of the social service work undertaken by assistant teachers graduating from the various institutions of higher learning;

Taking measures to secure an increase in the number of instructors for the hispanicization programme.

58. Commercial training and agricultural training. Information concerning any administrative provisions made to provide the indigenous populations; either free of charge or at reduced cost, with special courses or apprenticeships in public or private commercial and agricultural establishments; placements; grants and aid programmes.

Through its co-ordinating centres, the National Institute for Indigenous Affairs provides, on a permanent basis, various types of training, including commercial and agricultural training, for indigenous groups. The courses are provided free of charge in co-ordination with other public sector bodies, mainly to previously organized groups. The training provided includes, for example, the following: courses for tractor drivers; courses for persons in charge of shops selling basic foodstuffs; courses using agricultural demonstration plots; training in the marketing of agricultural and handicraft products; and training in the use of more advanced agricultural techniques.

The foregoing does not take account of the national agricultural extension programmes provided by the Secretariat of Agriculture and Water Resources in the indigenous areas.

7. The right of ownership, with particular reference to land.

Discrimination and the elimination thereof

59. De jure or de facto denials of or restrictions on the rights of persons, groups and communities to own property, individually or collectively.

As has already been mentioned, in Mexico there are no limitations on the right of indigenous persons, groups or communities to access to the various forms of land ownership, including communal or community land ownership and small-holdings.

Strictly speaking, there are no de facto denials of or restrictions on such rights either. There is, however, a social and legal struggle for land in which the inhabitants of rural areas, including indigenous persons, are involved.

Special measures

60. Measures of protection against such denials or restrictions. Penalties, remedies, recourse

61. Legislative, executive, administrative and judicial measures adopted to protect the lawful property rights of indigenous persons, groups or communities

With reference to the previous answer, in order to confirm indigenous rights and deal with any abuses that might occur, the following measures have been adopted.

Legislative measures.

Communal property. In response to the desire of the indigenous populations, communal property is governed by a special legal régime, which is set forth in sections VI, VII and VIII of article 27 of the Constitution and in the Federal Agricultural Reform Law, particularly in volume II, title II. In this connexion, the reply to question 1 must be borne in mind.

With regard to private property, there are procedures under the ordinary law which guarantee Mexicans these rights (see articles 14 and 16 of the Constitution).

Executive measures.

These consist of procedures for recognizing and registering titles to communal property and for the restitution of land, water resources and forests under the auspices of the Secretariat of Land Reform, an agency of the Federal Government. The final decision in these cases rests with the President of the Republic, under article 80 of the Federal Land Reform Law.

Statistical data

Some quantitative data are provided in this connexion in the table contained in the reply to point 11, "Development of State policy towards indigenous populations".

It should be noted that the National Institute for Indigenous Affairs acts as a consultative body in the procedures for the recognition and registration of titles to communal property and in boundary disputes, in accordance with articles 360 and 374 of the Federal Land Reform Law. In such cases the Institute has consistently sought:

(1) the recognition, confirmation and registration of titles to land legitimately belonging to indigenous communities and to land which the latter possess de facto;

(2) the restitution of lands of which they have wrongfully been dispossessed;  
and

(3) recognition of the right of indigenous populations without land to be granted land according to their needs.



## Administrative measures

These consist of measures and actions taken by the National Institute for Indigenous Affairs in defence of the rights of the indigenous communities to their land, before municipal, state and federal authorities.

62. Steps taken to: (1) guarantee respect for and protection of the procedures established by indigenous custom for the transmission by members of the indigenous communities of the right of land use; (2) prevent advantage being taken of such customs or of lack of understanding of non-indigenous laws and regulations to obtain the ownership of, or other rights to the use of, land belonging to the indigenous populations or lawfully used by them;

The traditional form of land use among the indigenous populations of Mexico has been the communal system, which enables all members of the indigenous group to take part in the development and use of their communal land. The authors of the Constitution clearly appreciated, duly recognized and took account of this situation in article 27, section IV, of that instrument which states: "Centres of population which, de facto or de jure, maintain the communal system, shall be entitled to the communal enjoyment of land, forests and water resources which belong to them or which are or may be restored to them".

Furthermore, the land legislation in force grants to indigenous joint owners of communal land, meeting in general assembly, the right to determine the individual apportionment of plots of land, although some general rules are laid down. It is again pointed out, in connexion with point 2, that rights in communal property are inalienable, imprescriptible, unattachable and untransferable (articles 22, 23, 47, section X, 52 and 53 of the Federal Land Reform Law).

63. Special provisions concerning the sale, mortgaging or otherwise encumbering, rental, attachment, etc., of lands belonging to indigenous persons, groups or communities, to, or for the benefit of, non-indigenous persons, groups or organizations, including - in certain cases - the requirement of prior authorization or subsequent approval by communal bodies or by the competent administrative or judicial authorities.

As far as indigenous persons owning land under the private ownership system are concerned, there are no special provisions, nor does such a person require authorization of any kind for such transactions. If he is the holder of rights in land under the common land or communal system, the above-mentioned general principle, namely that those rights are inalienable, imprescriptible, unattachable and untransferable, applies and they may therefore in no case or in any form be alienated, transferred, transmitted, rented, mortgaged or encumbered either wholly or in part. Any transactions, acts or contracts which have been performed or which it is intended to perform in breach of this rule are null and void.

The cultivable lands which, according to law, may be allotted on an individual basis among the members of the community at no time ceases to be the property of the community. Individual land use, where it exists, terminates when it is decided, according to law, that the land in question must be used collectively for the benefit of all the members of the community, and it is revived when the latter system is terminated.

Any unit of land or plot that was apportioned and held by a participant in communal land ownership and becomes vacant for lack of a legal heir or successor, is at the disposal of the population group concerned.

This article applies to property belonging to population groups which de facto or de jure maintain the communal system of ownership.

64. Special provisions concerning the investigation, establishment and registration of the titles to land and to water resources acquired by consuetudinary legal procedures and the registration of all land and all water resources to which they hold title or the right of ownership or possession or in which they have shares

The following specific provisions may be mentioned: "Article 356. The Land Commission, either ex officio or at the request of one party, may institute proceedings for the establishment or correct registration of titles to communal property, where there are no disputes as to boundaries, provided that the lands claimed are situated within the area of its jurisdiction.

Where the lands are situated in two or more jurisdictions, the Department of Lands and Settlement shall indicate which of the two Commissions is to deal with the matter. In either case the Department may itself take over conduct of the proceedings directly."

Article 357. "Having received the request or officially instituted proceedings the land authority concerned shall within a period of 10 days publish the request or decision to institute proceedings, both in the Diario Oficial of the Federation and in the official gazette of the area where the property named by the communities is situated. In order to fulfil this obligation, the commissioners who have initiated the proceedings shall immediately send a copy of the request or decision to the Department of Lands and Settlement".

Article 358. "Once the proceedings have been initiated, the community concerned shall elect, by a majority vote, two representatives, one of whom shall act as owner of the land and the other as his deputy, to participate in the relevant proceedings. They shall submit the title deeds of the community and any other evidence they deem appropriate."

Article 359. "The land authority shall carry out the following, completing them within a period of 90 days:

(a) Determination of the situation of the communal property in which rights are claimed to be held, with or without title, and preparation of the relevant plans:

(b) Conduct of a general census of the population of the communally held property; and

(c) On-the-spot verification of any information indicating possession and other acts of ownership executed within the boundaries of the land which is claimed or title to which is to be registered."

Article 360. "When the publication and formalities referred to in the preceding article have been completed, particulars thereof shall be made available, for a period of 30 days, for consultation by interested parties in order that the latter may make any authorized submissions. The views of the National Institute for Indigenous Affairs shall be ascertained within the same period."

Article 361. "If the formalities referred to were entrusted to a Land Commissioner, he shall immediately send the documents relating to and a summary of the case, as well as his opinion thereon, to the Department of Lands and Settlement, for the matter to be dealt with."

Article 362. "The Department of Lands and Settlement shall determine whether the title deeds submitted are authentic and, on the basis of this determination and other relevant evidence, shall, within a period of 30 days, draw up a draft decision establishing and registering the title which shall be submitted for final action to the President of the Republic."

Article 363. "The decision of the President shall be entered in the Public Register of Property of the area or areas concerned."

65. Provisions to strengthen and further develop successful and appropriate co-operative procedures applied by the indigenous populations in connexion with systems of production, supply, marketing and credit with respect to land use, and other related factors.

Mexico has not only been concerned with the restitution of land to populations and communities and the establishment of their title to it, but has also encouraged the organization of land to ensure that the best possible use is made of resources, that necessary loans can be obtained and that the products of the land can be marketed. The National Institute for Indigenous Affairs, in co-operation with other government departments, has endeavoured to ensure that in such organization account is taken of the traditional forms of co-operation and mutual aid of the indigenous populations.

The forms of association adopted have generally varied according to the type of land use and the provisions of Mexican legislation. For example, forest area communities have set up communal forestry undertakings in turn organized into "unions". In other cases producers' associations have been formed, such as the associations of coffee-growers, or producers' groups or other joint groups.

Fishermen have organized themselves into co-operatives, as have other indigenous groups which have acquired means of transport, and have had support and advice from the Institute and other government departments.

66. Special measures to prevent and combat harmful practices with respect to mineral or other resources of the subsoil or land belonging to indigenous persons, groups, or communities, applied at the time such resources are discovered or thereafter

There are no special measures for the benefit of indigenous persons and communities.

The following general rules therefore apply:

"Article 27 of the Constitution provides that direct ownership of all the natural resources of the continental shelf and insular submarine sills is vested in the Nation; the same applies to all minerals or substances in seams, layers, masses or beds constituting deposits different from the components of the soil."

It also provides that in these cases their ownership by the Nations is inalienable and imprescriptible, and the exploitation, use or development of the resources concerned by individuals or by enterprises established in accordance with Mexican law may take place only under a licence granted by the Federal Executive, in accordance with the rules and conditions established by law."

One important rule established by the law implementing article 27 of the Constitution with respect to mining, is that the filing of an application for a licence for mineral exploration on unused land gives right of pre-emption with respect to subsequent applications.

67. Special measures to protect isolated indigenous populations and their fauna and flora against expanding non-indigenous settlements or enterprises

The protection of indigenous populations against the situations referred to here is provided for in article 52 of the Federal Land Reform Law, already cited in reply to question 63, as supplemented by article 53 of the same Law which states as follows:

"Any acts by individuals and any resolutions, decrees, decisions, enactments or any other acts of municipal, State or Federal authorities, or of Federal or ordinary judicial authorities; which have or may have the effect of totally or partly depriving any population group of its agrarian rights, in breach of the provisions of this Law, shall be null and void."

68. Recognition of the authorities within the indigenous communities which control the distribution of land among their members, and support of such authorities

The general assemblies of the communities, which are the highest internal authority, are empowered to decide the manner in which communal property shall be used; consequently it is the indigenous community members themselves who determine the procedure for the distribution of land (articles 22, 23 and 47 of the Land Reform Law).

69. Due consideration for the satisfaction of the needs of the indigenous populations with respect to land and the need to exploit it successfully, and the necessary legal provisions in this regard

Article 27, section X, of the Constitution takes account of the needs of the indigenous population with respect to land in providing as follows:

"Population groups which have no communal land or which cannot obtain the restitution of such land owing to lack of title to or the impossibility of identifying the land, or because the latter has been legally alienated, shall be granted land and water sufficient to constitute such communal land as is needed by the members of the group and in no case may the grant of the area of land they require be denied. For the purpose of such grant a sufficient amount of land in the immediate vicinity of the community concerned shall be expropriated on behalf of the Federal Government.

The area or unit constituting the individual share of such land shall henceforth be not less than 10 hectares or irrigated or naturally watered land, or failing that, the equivalent in other types of land, in accordance with the terms of the third paragraph of section XV of this article."

70. The major aspects of any agrarian reform programmes designed particularly to obtain land for the indigenous populations and to distribute to them means for working both the land which they already own and land which they are to receive under such programmes

Agrarian reform in Mexico was first provided for in the Constitution of 1917, the immediate origin of which was the Mexican revolution, the people's reaction to a dictatorial régime that had lasted over 30 years and had kept the majority of the population, principally workers and peasants, in conditions of poverty and insecurity.

This is why calls for land and for work were always fundamental demands in the most important revolutionary programmes.

Article 27 of the Constitution and the Federal Land Reform Law establish the guidelines for agrarian reform, among which, in reply to this question, we would mention the following:

(1) Population groups which de facto or de jure maintain the communal system may own real property (article 27, section VI, of the Constitution).

(2) Population groups which de facto or de jure maintain the communal system are entitled to enjoy the joint use of land, forest and waters belonging to them or which have been or may be returned to them (Section VII).

(3) Communal property shall be subject to a special legal régime designed to protect it. (Articles 52 and 53 of the Federal Land Reform Law).

(4) A whole set of circumstances is defined in which legal acts causing such communities to be deprived of their property are null and void (section VIII).

(5) Population groups which have no land are entitled to the grant of land in accordance with their need (Section X).

(6) The forms of economic organization of such communities are specified (volume 3, chapter 1, of the Federal Land Reform Law).

8. Political rights

Discrimination and the elimination thereof

71. De jure or de facto denials or restrictions on the following rights of the indigenous populations, whether imposed directly or indirectly:

- (1) The right to participate in elections and other operations conducted for the purpose of ascertaining the will of the public;
- (2) The right of access to elective or non-elective public office, whether legislative, executive, administrative or judicial;
- (3) The rights of peaceful assembly and association for political purposes, including the formation of and membership in political parties and the right of freedom of expression for such purposes.

In the Mexican Republic there are no such denials or restrictions, in view of the provisions of article 35 of the Constitution which reads as follows:

"The prerogatives of citizens are:

- I. To vote in public elections;
- II. To be eligible for any elective office and be appointed to any other post or commission, if qualified as required by law;
- III. To associate for the purpose of discussing the political affairs of the country;
- IV. To serve in the army or the National Guard for the defence of the Republic and its institutions, as prescribed by law;
- V. To exercise the right of petition in any matter whatsoever.

There are in fact many indigenous municipal leaders and deputies, particularly in the southern States. It has not been rare in the past nor is it at present to find indigenous persons occupying the highest elective offices, including that of President of the Republic.



72. Measures of protection against such denials or restrictions

We repeat that in the Republic of Mexico there are no restrictions or denials as referred to under point 71.

Special measures

73. Information as to whether separate representation of the indigenous and non-indigenous populations has been established at any level and, if so, details as to the special conditions governing the separate electorates and separate access to elective and non-elective positions, whether legislative, executive, administrative or judicial, and an indication as to whether such conditions work to the advantage or disadvantage of the indigenous populations of the country.

By virtue of the principle of the equality of all persons under the law, established in article 1 of the Constitution, there is no separate representation of the indigenous and non-indigenous populations in Mexico.

74. Information as to whether the indigenous organizations and communities have been recognized as local or regional political entities, indicating the manner in which such recognition has been granted.

There are organizations, such as the National Council of Indigenous Peoples (which is composed of representatives of the supreme council of each ethnic group), that function under the general right to freedom of association referred to above, which all Mexicans enjoy. These organizations join in calling for action in the social and political fields. They have so far formed part of wider people's groups, such as the National Peasants' Confederation.

75. Information, where appropriate, as to whether the indigenous communities concerned have been granted the necessary measure of autonomy or self-government in political or administrative matters or in the establishment of their own courts, or in all of these spheres.

In reply to this point, attention is drawn to the fact that articles 39, 40 and 41 of the Constitution clearly indicate the form of government which the Mexican people have decided to adopt.

Furthermore, article 115 of the Constitution provides that the States shall adopt, for their internal régime, a republican form of government which shall be representative of the people, and that their territorial division and political and administrative organization shall be based on the municipality, as defined in the same article.

For the purposes of the present report, however, it should be noted that it has sometimes been possible to reconcile the form of political organization provided for in the Constitution with the consuetudinary laws of the different populations. A case in point are the indigenous communities in southern Mexico which were referred to earlier.

9. Religious rights and practices

Discrimination and the elimination thereof

76. Information as to denials, limitations or restrictions existing de jure or in practice with regard to the right and freedom of the indigenous population:

- (1) to profess its creed or religion, to practise or not to practise any particular religion, and to change or to retain any religion or creed;
- (2) to express its religion or creed and to worship in accordance with its beliefs and customs;
- (3) to comply with the tenets of religious practice and observance regarding, for example, the form of marriage and its dissolution, burial of the dead, religious celebrations and festivals, dietary practices, religious vestments, fasting, mortification, use of symbols and images, processions and other rights;
- (4) to refrain from performing acts incompatible with the prescriptions of its religion or creed;
- (5) to provide instruction in its religion or creed, to co-religionists, to train religious leaders, and to assemble in groups for the purpose of religious education;
- (6) to seek, receive and freely disseminate information and to propagate ideas concerning religion or creed, without thereby becoming subject to persecution or coercion.

With regard to the above points, there have been no specific cases of coercion or persecution of the indigenous population for the observance or practice of religious beliefs, nor are there any legal impediments to such practices.

77. Measures of protection against such denials or restrictions

There are no such measures.

Special measures

78. Information concerning special provisions and measures of protection, administrative, civil and penal, to prevent and combat any interference with acts of worship and religious practices and observances of the indigenous populations and to protect all altars, chapels and other sacred places and objects and ancestral burial grounds.

It is pointed out in this connexion that in Mexico, under article 24 of the Constitution, "everyone is free to profess the creed or religion of his choice and to perform the ceremonies, devotions or acts of that form of worship, either in places of public worship or in his home, provided that they do not constitute a wrongful act or offence punishable by law".

#### Legal assistance

#### Discrimination and the elimination thereof

79. Information as to whether programmes of legal assistance are applied equally to the indigenous and non-indigenous segments of the population or whether, on the contrary, distinctions are made to the detriment of the indigenous populations with regard to: spheres of application, services offered, organizations providing services, selection of legal counsel, requirements and conditions for granting aid, the authorities responsible for taking decisions in this connexion and the financial aspects of the matter.

In Mexico, programmes of legal assistance are applied equally to indigenous and non-indigenous persons.

#### Special measures

80. Information as to whether programmes of legal assistance have been set up within the country to serve indigenous populations in particular and, if so, indications as to the following:

- (a) The spheres of application. Political and administrative matters; administration of justice. Legislative procedures regarding matters of interest to the indigenous communities.
- (b) Services offered. Advice and oral or written opinions; preparation and drafting of legal documents; investigation; seeking and obtaining evidence; negotiations; preparation of cases; representation in trials and appeals. Other services.
- (c) Organizations providing services and selection of legal counsel. Legal counsel employed by the Government for these purposes on a full-time basis and paid by the Government. Appointment of special legal counsel not in the Government's employ for these purposes, to provide representation in particular cases. Services provided by bar associations, public societies, legal aid societies, trade unions or peasants' associations; by indigenous communal organizations and other bodies, with or without financial support from the Government. Other provisions. Scope for the exercise of free choice of legal counsel under such programmes.

- (d) Requirements and conditions. Information, in particular, as to whether the person seeking legal assistance must adduce: (1) lack or insufficiency of funds; (2) "reasonable grounds" for the legal action contemplated; (3) imminent abuse or violation of rights.
- (e) Authorities responsible for deciding whether legal assistance should be granted and for ensuring and supervising the operation of the established services.
- (f) Financial aspects. Legal services free of charge or at a reduced fee. Exemption from taxes in respect of such services. Exemption from or reduction of charges, fees and costs. Assistance in providing financial guarantees as a condition for provisional release in criminal cases. Waiver, reduction or payment of the costs of obtaining evidence and of such expert services, translations and interpretations as are necessary. Loans and advances to cover necessary expenditures.

There are special programmes in this area:

The programmes of legal assistance of the National Institute for Indigenous Affairs have been set up to serve the indigenous populations in particular and include the defence of their individual, social and inheritance rights before the competent authorities, whether municipal, State or Federal.

With regard to subparagraph (a), the principle spheres of application are land matters, penal matters in which indigenous persons become involved and administrative matters.

The document entitled Basis for action 1977 - 1982, which currently governs the Institution's activities, sets out the general and specific programmes of legal assistance for indigenous persons. Some of these have already been indicated in other replies.

With regard to subparagraph (b), the services offered to indigenous persons and communities are numerous and their content is related to the programmes referred to in the previous point. The following are some of the services offered:

1. Oral and written advice;
2. Preparation and drafting of administrative applications to municipal, State and Federal authorities.
3. Personal intervention by the Institution's lawyers;
4. Preparation of applications to judicial authorities;
5. Participation and representation in legal proceedings, principally penal, labour and civil;

6. Training of community representatives in land matters to enable them to deal with them as appropriate;

7. Formulation of opinions in proceedings on the recognition for the establishment and registration of titles to communal property.

With regard to subparagraph (c), the services referred to are provided by lawyers working for the National Institute for Indigenous Affairs and by the "indigenous attorneys" who have degrees in law or are experienced legal practitioners, and are responsible to the Directorate General of Educational Services for Depressed Areas and Marginalized Groups, which forms part of the Secretariat of Public Education.

As a general rule, in criminal cases, when the accused has nobody to defend him, a list of counsel is submitted to him so that he may choose one or more to act in his defence. If he does not appoint one, the court appoints one officially (article 20, section IX, of the Constitution). These officials are paid by the State Government in ordinary criminal cases and by the Federation in the case of federal offences.

In reply to subparagraph (d), in the case of the National Institute for Indigenous Affairs no requirement has to be met. It is sufficient that legal assistance be requested, that it be necessary and that it be possible to provide it.

With regard to subparagraph (e), the authority responsible for the "court-appointed counsel" in criminal cases is the judge hearing the case.

In the case of the lawyers of the National Institute for Indigenous Affairs and the "indigenous attorneys", the decision whether legal services should be provided rests with the director of the Co-ordinating Centre for Indigenous Affairs to which they are attached.

Finally, in reply to subparagraph (f) the services provided by the court-appointed counsel in criminal cases and by the lawyers of the National Institute for Indigenous Affairs are free of charge.

As far as the other aspects of this paragraph are concerned, there are no special arrangements for indigenous persons and groups.