

**INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION  
Thirtieth session

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

**Fifth periodic reports of States parties due in 1982**

Addendum

MEXICO<sup>1/</sup>

[14 June 1984]

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1/ A photocopy of article 27 of the 1917 Political Constitution in Spanish, submitted by the Mexican Government with this report, is on file with the secretariat and will be made available to members of the Committee wishing to consult it.

For the previous reports submitted by the Government of Mexico and the summary records of the meetings of the Committee at which they were considered, see:

Initial report - CERD/C/R.85/Add.2 (CERD/C/SR.303);

Second periodic report - CERD/C/16/Add.1 (CERD/C/SR.411-SR.412);

Third periodic report - CERD/C/63/Add.1 (CERD/C/SR.492);

Fourth periodic report - CERD/C/88/Add.1 (CERD/C/SR.582-SR.583).

## PART I. GENERAL INFORMATION

A. General comments

1. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in accordance with article 9 thereof, Mexico submits its fifth periodic report to the Committee on the Elimination of Racial Discrimination, for its consideration.
2. The Committee's report to the thirty-seventh session of the General Assembly <sup>2/</sup> refers to its consideration of the fourth periodic report of Mexico (CERD/C/88/Add.1). In that report the Committee commended the report of Mexico for the comprehensive information it contained and because the constitutional provisions set forth in it demonstrated that the equality of Mexican citizens was guaranteed, in which connection reference was made to the fact that Mexico had acceded to all the international human rights conventions.
3. However, one member of the Committee, noted that some of the provisions in the legislation cited were sometimes omitted and that inappropriate information was included in the discussion of specific articles. In particular, the Committee requested information about the way government programmes had developed in specific areas, and on the implementation of articles 2 to 7 of the Convention.
4. The Committee also raised some questions about what it apparently considered to be deficiencies in some of the legislative provisions, specifically, articles 164, 164 bis and 364 of the Mexican Penal Code and about the role of the Supreme Court of Justice.
5. The aim of this report, therefore, will be to allay any remaining doubts about the earlier report and to bring to the Committee's attention those legislative reforms introduced during the last two years which reflect progress in human rights matters.

B. Updated information on the demographic composition of Mexican society requested by the Committee  
(A/37/18, para. 361)

Table 1

Demographic composition of Mexican society

Total population in 1980	69,346,900
Men	34,580,000
Women	34,766,900

Source: Preliminary population census adjusted to take account of under-reporting and projected to 30 June 1980.

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<sup>2/</sup> Official records of the General Assembly, thirty-seventh session, Supplement No. 18 (A/37/18), paras. 359 to 369.

Table 2  
Population growth rate and density

Population growth rate	2.7 per cent annually (1980)
Population density	34.4 inhabitants per km <sup>2</sup> (1980)

Table 3  
Population by age group and sex (1980)

AGE GROUP	ABSOLUTE (In thousands)			RELATIVE %		
	TOTAL	MEN	WOMEN	TOTAL	MEN	WOMEN
NATIONAL TOTAL	69 346.9	34 580.0	34 766.9	100.0	100.0	100.0
0-4	11 195.7	5 690.2	5 505.5	161.1	16.5	15.8
5-9	10 613.2	5 391.0	5 222.2	15.3	15.6	15.0
10-14	9 301.4	4 704.2	4 596.2	13.4	13.6	13.2
15-19	7 727.8	3 814.5	3 913.3	11.1	11.0	11.3
20-24	6 165.5	2 988.2	3 177.3	8.9	8.6	9.1
25-29	4 776.0	2 336.6	2 439.4	6.9	6.8	7.0
30-34	3 867.9	1 901.6	1 966.3	5.6	5.5	5.7
35-39	3 362.3	1 643.9	1 718.4	4.9	4.7	4.9
40-44	2 859.6	1 413.7	1 445.9	4.1	4.1	4.2
45-49	2 324.7	1 145.4	1 179.3	3.4	3.3	3.4
50-54	1 876.1	919.2	956.3	2.7	2.7	2.8
55-59	1 499.4	758.7	740.7	2.2	2.2	2.1
60-64	1 112.3	550.6	561.7	1.6	1.6	1.6
65 and over	2 665.0	1 322.2	1 342.8	3.8	3.8	3.9

Table 4

Population by states of the Republic and Federal District (1980)

Federal Entity	1980
Republic of Mexico	69 346 900
Aguascalientes	521 400
Baja California Norte	1 262 400
Baja California Sur	227 800
Campeche	382 200
Coahuila	1 607 000
Colima	350 400
Chiapas	2 158 900
Chihuahua	1 990 700
Federal District	9 639 800
Durango	1 192 700
Guanajuato	3 135 400
Guerrero	2 236 100
Hidalgo	1 559 300
Jalisco	4 419 200
México	7 767 900
Michoacán	3 136 800
Morelos	960 200
Nayarit	746 600
Nuevo León	2 536 200
Oaxaca	2 585 900
Puebla	3 378 000
Queretaro	752 800
Quintana Roo	216 900
San Luis Potosí	1 719 100
Sinaloa	1 937 700
Sonora	1 540 800
Tabasco	1 183 300
Tamaulipas	1 977 600
Tlaxcala	564 600
Veracruz	5 415 200
Yucatán	1 062 900
Zacatecas	1 178 100

Table 5  
Population of main towns in Mexico

TOWNS	POPULATION (In thousands) 1980	ANNUAL GROWTH RATE 1970-1980 (%)
Federal District	9 991	3.8
Guadalajara, Jal.	2 178	6.2
Monterrey, N.L.	1 702	7.1
Cd. Juárez, Chih.	680	5.3
León, Gto.	596	5.0
Tijuana, B.C.	542	6.9
Mexicali, B.C.	495	6.4
Támpico, Tamps.	428	9.0
Torreón, Coah.	416	6.4
Mérida, Yuc.	344	5.0
San Luis Potosí, S.L.P.	338	3.9
Acapulco, Gro.	335	6.8
Veracruz, Ver.	333	4.5
Hermosillo, Son.	304	10.0
Cuernavaca, Mor.	295	8.2

Table 6  
Urban and rural population (1979)

Urban population	44 609 000	65.7%
Rural population <sup>a/</sup>	23 289 400	34.3%

<sup>a/</sup> Population living in communities of less than 2,500 inhabitants.

## PART II. INFORMATION CONCERNING ARTICLES 2 TO 7

### Article 2

#### A. Demographic data on the indigenous people

6. With regard to article 2 of the Convention, the Committee requested updated data on the demographic composition of the indigenous people (A/37/18, para. 361).

7. The most recent general population and housing census of the Mexican Republic, conducted in 1980, recorded a total of 4,808,419 speakers of an indigenous language; this number has to be increased by about 20 per cent to take account of the fact that the infant population from 0 to 5 years of age was not included, which brings the figure to 961,683. For 1980, therefore, the indigenous population numbered approximately 5,770,102, or 8.5 per cent of a total population of 67,295,826. <sup>3/</sup>

8. Population tables, classified by ethnic group and by State, are set out below.

#### B. Government policy

9. With respect to article 2 of the Convention, the Committee inquired about the Government's policy for guaranteeing the indigenous people enjoyment of basic freedoms and civil rights. Since this was exhaustively dealt with in Mexico's second report (CERD/C/16/Add.1), only the main points are dealt with below, together with some additional information in order to complete the picture.

10. Article 1 of the Political Constitution of the United Mexican States stipulates: "Every individual shall enjoy the guarantees granted under this Constitution, and the said guarantees may not be restricted or suspended save in the cases and subject to the conditions herein provided."

11. Accordingly, and in keeping with the principle of the equality of persons before the law, as embodied in article 1 of the Constitution, the indigenous person is, as a Mexican, a subject of law and subject to the constitutional provisions and to such organizational laws as are laid down by the law of the land for all citizens.

12. However, owing to very long-standing problems which date back to the colonial era, even today the indigenous people are confronted by socio-economic conditions of inequality and marginalization.

13. Government policy in this area, therefore, is directed at the indigenous people's participation in protecting their property and rights and at securing resources to strengthen their economies, thereby increasing their capacity to protect their individual and social rights.

14. As already mentioned in the second periodic report submitted by Mexico to the Committee, the National Institute for Indigenous Affairs (INI), set up in 1948, is the Government body directly responsible for looking after indigenous groups. INI has the following organizational structure: headquarters in Mexico City; 12 co-ordinating offices for centres operating at the State level; 8 co-ordinating centres for indigenous affairs located in the indigenous regions, and 6 residences.

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<sup>3/</sup> Preliminary data from tenth population and housing census in 1980.

Table 7

Indigenous population by ethnic group1980

<u>No.</u>	<u>Ethnic group</u>	<u>Population</u>	<u>Bilingual</u>	<u>Monolingual</u>	<u>Not specified</u>
1.	Amuzgo	19 147	8 415	9 316	1 416
2.	Cora	12 652	9 143	3 442	67
3.	Quicateco	13 803	12 148	1 637	18
4.	Chatino	15 975	8 265	7 710	
5.	Chinanteco	74 740	55 562	19 092	86
6.	Chocho-Mixteco	3 570	3 532	12	26
7.	Chocho-Popoloca	12 250	10 620	1 224	406
8.	Chol	97 257	54 289	38 179	4 789
9.	Chontal de Tabasco	28 511	24 679	2 319	1 513
10.	Chontal de Oaxaca	9 168	8 765	384	19
11.	Huasteco	91 164	73 567	15 745	1 852
12.	Huave	10 053	6 295	3 756	2
13.	Huichol	14 840	10 840	3 908	92
14.	Mame	3 697	3 334	214	141
15.	Maya	663 804	545 100	89 617	29 087
16.	Mayo	56 640	51 468	3 761	1 411
17.	Mazahua	141 850	125 961	15 761	128
18.	Mazateco	139 446	65 530	73 733	183
19.	Mixe	73 052	45 687	27 332	33
20.	Mixteco	330 835	219 777	107 824	3 234
21.	Náhuatl	1 229 343	902 391	286 443	40 509
22.	Otomí	319 096	267 523	45 476	6 097
23.	Pame	5 567	4 267	1 054	246
24.	Pápago	223	197	15	11
25.	Pima	490	474	12	4
26.	Populca	25 916	20 693	5 193	30
27.	Seri	457	384	52	21
28.	Tarahumara	62 436	47 046	13 482	1 908
29.	Tarasco	116 425	95 937	16 085	4 403
30.	Tepehua	7 220	5 497	1 597	126
31.	Tepehuano	17 633	14 855	2 488	290
32.	Tlapaneco	54 617	28 740	23 097	2 780
33.	Tojolabal	22 704	14 084	7 073	1 547
34.	Totonaco	168 532	110 859	54 060	3 613
35.	Trique	13 396	72	3	13 321
36.	Tzeltal	216 955	101 484	102 115	13 356
37.	Tzotzil	133 228	67 068	57 824	8 336
38.	Yaqui	9 731	8 178	1 134	419
39.	Yuma	582	527	34	21
40.	Zapoteco	392 135	323 102	68 578	955
41.	Zoque	33 569	26 649	6 252	668
	Other indigenous languages a/	10 613	5 864	4 660	89
	Not accurately specified	155 105	56 655	49 936	48 514
		4 808 419	3 445 523	1 171 629	191 267

a/ 10,613 inhabitants speaking other indigenous languages were recorded among which were the following: Cahita, Chiapaneco, Ixcateco, Kanjobal, Kikapú, Matlatzinca, Motozintleco, Ocuilteco, Opata, Queckchi, Quiche, Tehal, Tuzanteco.

Table 8

Indigenous Population by StateBaja California:

1. Yumas a/	471
2. Yaquis	837

Campeche:

1. Mayas	69 373
2. Choles	2 467

Chiapas:

1. Tzeltales	212 520
2. Tzotziles	131 825
3. Choles	79 959
4. Tojolabales	22 222
5. Zoques	25 784
6. Mames	3 644
7. Mayas	1 535
8. Zapotecos	3 612

Chihuahua:

1. Tarahumaras	56 400
2. Pimas	350
3. Tepehuanos	2 289

Coahuila:

1. Nahuas	12 314
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Federal District:

1. Nahuas	19 364
2. Otomí	20 011
3. Mayas	5 904
4. Mazahuas	5 829
5. Mixtecos	10 217
6. Zapotecos	19 188

Durango:

1. Tepehuanes	13 147
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Guanajuato:

1. Otomí	20 002
2. Pames	778

Guerrero:

1. Amuzgos	16 205
2. Mixtecos	64 445
3. Nahuas	128 192

Hidalgo:

1. Otomí	115 356
2. Nahuas	117 902
3. Tepehuas	1 554

Jalisco:

1. Huicholes	4 190
2. Nahuas	828

México (State of):

1. Mazahuas	129 744
2. Nahuas	14 098
3. Otomí	114 917
4. Zapotecos	3 798

Michoacán:

1. Tarascos	92 642
2. Nahuas	2 956
3. Otomí	593
4. Mazahuas	3 714

Morelos:

1. Nahuas	24 067
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Nayarit:

1. Coras	11 518
2. Huicholes	8 742
3. Nahuas	187
4. Tepehuanes	936

Nuevo León:

1. Nahuas	20 103
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Oaxaca:

1. Zapotecos	334 748
2. Mixtecos	229 466
3. Mazatecos	126 991
4. Chinantecos	71 146



Table 8 (continued)

<u>Oaxaca</u> (cont'd)		<u>Sonora</u> :	
5. Mixes	70 225	1. Mayas	35 387
6. Chatinos	15 787	2. Yaquis	6 860
7. Chontales	8 949	3. Pimas	134
8. Zoques	7 278	4. Seris	450
9. Huaves	9 860	5. Papagos	193
10. Chochones	3 400	6. Mayas	9 311
11. Cuicatecos	13 185	7. Tarahumaras	1 074
12. Amuzgos	2 682		
13. Triques	13 320	<u>Tabasco</u> :	
14. Popolocas	2 233	1. Chontales	28 344
15. Tzeltales	2 306	2. Choles	16 813
<u>Puebla</u> :		<u>Tamaulipas</u> :	
1. Nahuas	369 678	1. Nahuas	18 803
2. Mixtecos	10 766		
3. Totonacas	63 303	<u>Tlaxcala</u> :	
4. Otomí	6 415	1. Nahuas	26 072
5. Popolocas	9 701	2. Otomí	1 302
6. Mazatecos	5 289		
<u>Queretaro</u> :		<u>Veracruz</u> :	
1. Otomí	19 436	1. Nahuas	271 232
<u>Quintana Roo</u> :		2. Huastecos	36 242
1. Mayas	80 213	3. Totonacas	95 430
<u>San Luis Potosí</u> :		4. Tepehuas	5 373
1. Huastecos	50 897	5. Popolocos	25 341
2. Nahuas	127 319	6. Zapotecos	19 604
3. Pames	4 670	7. Mazatecos	5 606
		8. Otomí	16 425
		9. Mixtecos	4 951
<u>Sinaloa</u> :		<u>Yucatán</u> :	
1. Mayas	20 091	1. Mayas	480 422
2. Tarahumaras	2 124		

Source: Tenth Population and Housing Census, 1980, except for the data on Federal District and the States of Jalisco, Mexico, Oaxaca and Veracruz for which this information is still not available in final form. For these areas, the 1970 censuses, with projections to 1980, have been used.

a/ The Yumas appear in the 1980 census and it is possible that here they cover the Cucapés, Kiliwas, Paipai, Chochimí and Kumiai, which are small groups in Baja California.

Technically, the Institute is divided into six departments: social anthropology and ethno-development, training and social organization, social welfare, economic development, programming and projects and infrastructure.

15. In this regard, it should be noted that one of INI's general objectives is to "increase the ability of ethnic groups to protect their individual and social rights". 4/

16. With a view to the attainment of this objective, INI is engaged in on-going activities in the educational and legal spheres.

17. In the legal sphere, the Institute fosters and takes action to protect the individual and collective interests of the indigenous people throughout the country. To perform this function, INI has a pool of lawyers and specialists who work in the indigenous regions, providing information about the main laws and advising the Indian communities on the various legal problems they encounter.

18. Examples of action in this connection include assistance by INI lawyers in providing the Department of Land Reform with opinions which, under articles 360 and 374 of the relevant Federal Act, it is required to submit in connection with land tenure problems. Problems raised directly by the indigenous farmers are also dealt with, information on farming matters provided, files processed and assistance rendered. With a view to educating the indigenous farmers themselves, two handbooks on the different kinds of agrarian proceedings relating to community property have been published, namely, "Handbook on procedure for the restitution of land, woods and water" and "Handbook on procedure for the confirmation and vesting of title to community property".

19. As regards judicial proceedings, a programme is being carried out to improve prison conditions and release indigenous persons charged with an offence carrying the minimum penalty.

20. Here it should be noted that the Mexican Government has on-going programmes to provide information about the Constitution and the organizational laws that govern the land, through television and radio programmes, so that the whole population know their rights and duties. This information is beamed to ethnic areas in both Spanish and the indigenous languages. In schools, information about certain laws is provided in the free textbooks that are published in Spanish.

21. The National Institute for Indigenous Affairs has prepared a draft of 19 charts for distribution as pamphlets or posters in indigenous languages throughout its offices and town halls, ejido and municipal agencies and commissaries. The charts refer to the individual guarantees and rights laid down in articles 13, 14, 16, 17, 18, 19, 20, 21, 22 and 23 of the Constitution and to the Code of Criminal Procedure.

22. Another area in which INI groups are involved concerns the adaptation of the law and administration of justice to the social and cultural conditions of indigenous groups, and the defence and protection of their cultural heritage.

23. As regards social organization and civic participation, the Mexican State officially recognizes the ethnic diversity of the country, which serves to enhance

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4/ "Bases para la accion", INI manual.

the multifaceted personality of Mexico and opens up opportunities for indigenous communities to participate fully in decisions regarding their own development.

24. To this end, and on the basis of the general right of Freedom of association which all citizens enjoy, there exists a National Council of Indigenous Peoples (a non-governmental organization), formed of the supreme councils of each ethnic group, to deal with the various problems that confront the Indian peoples of Mexico.

25. The Government of the Republic, for its part, has endeavoured to assure that the participation by Indian people is genuine at all levels. In February 1983, the People's Forum on Indigenous Matters was held at the Otomí Ceremonial Centre at Temoaya, in the State of Mexico. The purpose was to call for and receive proposals submitted by representatives of the various ethnic groups in connection with the elaboration of the 1983-1988 National Development Plan (NDP), a document on which the action of the present Government of the Republic is based. As a result, the NDP proposes activities aimed at raising the living standards of the indigenous people, while expressly recognizing the organization of the Indian people as a national political presence and respecting their special cultural heritage.

26. The Government of the Republic also supported the convening of the Fourth National Congress of Indigenous Peoples, held in November 1983 in Cuetzalan, Puebla.

C. Way in which government programmes for the indigenous population have developed and the results achieved

27. The Mexican Government's policy in regard to indigenous groups is concerned with the aims of both national unity and respect for and preservation of the diversity that historically determines the cultural structure of the country.

28. To this end, the State acts in two basic ways: the strengthening of cultural identities, and the economic development of Indian communities.

29. It must be noted that, although the National Institute for Indigenous Affairs is the body responsible for implementing Government policy and programmes in this area, there are numerous Government bodies which, carry out special programmes in co-ordination with the INI. They include such bodies as the Department of Public Education which, acting through the Directorate for Popular Cultures, undertakes action to conserve and disseminate popular culture; the National Institute of Anthropology and History, where extensive research into the past and present of indigenous people and into archaeological and ethnographical conservation is conducted; the Directorate for Indigenous Education, which is responsible for bilingual and bicultural educational programmes; and the National Institute for Adult Education, which is fostering literacy and educational programmes for indigenous adults.

30. The general aims and objectives of INI's activities are as follows:

(a) to secure greater participation by the indigenous people in production and in the benefits of national development;

(b) to meet the basic needs of ethnic groups;

(c) to heighten the capacity of ethnic groups to protect their individual and social rights;

(d) to strengthen national awareness through respect for ethnic pluralism.

31. These four objectives are covered by the programme areas (Table 9) under which 1,549 projects were carried out during 1983. A fifth area of projects to support the activities in other sectors is also included.

Table 9

Programme areas

(a) Development and promotion of production in interethnic regions	(b) Social well-being	(c) Training and counselling of ethnic groups in protection of their individual and social rights	(d) Promotion of cultural heritage and social organization	(e) Management, technical and administrative support
(1) Land tenure (2) Basic infrastructure (3) Community facilities (4) Agricultural development (5) Livestock breeding (6) Forestry development (7) Fisheries development (8) Agricultural industries (9) Technological development (10) Marketing	(1) Food (2) Health (3) Housing	(1) Education (2) Law	(1) Cultural heritage (2) Research and social organization	(1) Management support (2) Technical and administrative support

Development and promotion of production in interethnic regions

32. As regards the question of the development and promotion of production in interethnic regions, efforts have been made to promote the participation and self-management of indigenous people in development programmes with the support of training, organization and economic counselling activities. In 1983, the following projects were implemented:

(a) In order to take advantage of the resources of indigenous communities, 27 agro-industrial projects were carried out involving inter alia corn mills, pulp-removing facilities, carpenters' workshops, and onyx workshops;

(b) In order to market the livestock-breeding production of indigenous communities and to provide low-cost agricultural implements, 77 projects were authorized;

(c) Advice and support was provided to 210 agricultural projects: 16 relating to agricultural extension; 41 to basic crops; 31 to fruit-growing; 17 to horticulture; 7 to plant health; 28 to agricultural machinery; 18 to school hostels; and 7 to training;

(d) In co-ordination with the semi-public enterprise Fertilizantes Mexicanos, 14,830 tons of fertilizer were sold and, by agreement with the National Rural Credit Bank, loans were granted to about 35,000 indigenous farmers who did not meet the conditions normally laid down with regard to the granting of loans. Loans were granted to two co-operative societies;

(e) One hundred and seventy-six livestock-breeding projects were implemented: 116 relating to oxen; 12 to cattle; 67 to animal health; 16 to training in livestock-breeding; 8 to sheep; 4 to goats; 22 to poultry-breeding; 3 to fish-breeding projects; and 16 to support for school hostels;

(f) Ten thousand, nine hundred and ninety-five apiaries and 53,531 bee-hives were installed in the communities, with a production of 13,408 tonnes of honey;

(g) In the area of handicrafts, various activities in support of craftsmen were carried out, including advice on production aimed at ensuring the profitability both of groups set up by the Institute and of independent persons, and supervision and preparation of programmes with a view to promoting the organization of and training of craftsmen as well as the training of INI specialists.

### Social welfare

33. With regard to social welfare programmes, INI relies on the indigenous co-ordinating centres and government co-ordinating directorates, with their doctors, odontologists, environmental sanitation specialists and specialists in nutrition, to provide the services that contribute to a better standard of health for ethnic groups. It is important to note that the training of persons in the communities themselves as specialists and leaders of such activities has been encouraged.

34. INI works on these programmes in co-operation with the Department of Health and Welfare, with the Mexican Institute for Social Security on the Programme for Social Solidarity through Community Co-operation and with the Inter-Agency Group for Social Welfare of the National System for Integrated Family Development (DIF).

35. In the field of social medicine, 145 projects were carried out: 55 on health education; 53 on preventive medicine (vaccination); 10 on regional health plans; 5 on mobile medical units; 7 on traditional medicine and 8 on support for the social welfare sections of the indigenous co-ordination centres.

36. There were 159 projects in stomatology: 79 on dental care and 80 on preventive dentistry.

37. Sixty-three environmental sanitation projects were carried out: 42 on support and advice in basic environmental sanitation; 6 on the introduction of drinking water; 9 on adequate waste disposal; 5 on housing improvement; and 1 on other sanitation activities.

38. The activities of the nutrition programmes designed to improve the nutritive value of the diet were concerned with organization of groups, training and the introduction of horticultural undertakings in 43 indigenous regions. Nutritional research was also conducted in five areas in three of Mexico's States.

#### Training and counselling

39. So far as the training and counselling of ethnic groups in the protection of their individual and social rights is concerned, apart from what has already been stated under section B regarding the Government's policy to guarantee the indigenous population enjoyment of basic freedoms and civil rights, it is important to note that the aim of INI is to provide education in the indigenous communities by educating and training technicians from among the ethnic groups themselves. To this end, in co-ordination with the Directorate-General for Indigenous Education (DGEI) of the Department of Public Education (SEP), support is given to educational services in indigenous areas.

40. The Hostels Programme provides board and lodging to enable indigenous children to undertake primary education studies. There are 1,250 hostels in 84 indigenous areas of 21 States of Mexico. Sixty-three thousand, nine hundred scholarships were awarded to indigenous pupils from 46 language groups. Twenty-eight thousand scholarships were also awarded to students at the middle and professional levels.

41. In co-ordination with the Directorate-General for Indigenous Education of the SEP, 384,292 indigenous people were covered by the bilingual and bicultural educational programme during the 1981/1982 school year.

42. In 141 school hostels of 45 indigenous co-ordinating centres, the educational/production programme, in which teaching and production activities are combined, was launched to improve the quality of teaching and learning and of the diet of pupils by producing basic foodstuffs. The programme is directed by the school communities with the support and advice of INI and the DGEI-SEP.

43. The Hispanicization programme is being carried out in conjunction with the DGEI-SEP which is responsible for the technical and pedagogical aspects of bilingual and bicultural education, while INI deals with matters relating to financial, material and human resources.

44. The programme to educate and train indigenous women, which is supervised by the DGEI-SEP, receives administrative support and makes use of existing INI facilities.

#### Promotion of cultural heritage and social organization

45. With regard to the promotion of cultural heritage and social organization, the anthropological sector participates in proposing strategies with a view to enabling the INI to operate more effectively in indigenous areas. To this end, 38 functional studies are being conducted. These are studies based on the research/action binomial, the object of which is to foster ever-increasing participation by the indigenous people in identifying projects and determining how they are to be implemented, in accordance with their interests and requirements. Eight studies to determine the optimum location or relocation of the INI offices in indigenous areas were also carried out, as well as four studies to evaluate the socio-cultural effects of development programmes. A study into the linguistic situation and its relationship to the social organization of bilingual communities is being conducted and will continue during 1984.

46. The object of the Programme for the Promotion and Development of Native Cultures is to foster, encourage, strengthen and develop the cultural and artistic expressions of ethnic groups. The activities carried out include music and dancing, agricultural rituals, traditional celebrations, handicrafts technology and agricultural technology. These activities involved 26 indigenous groups in 116 towns throughout the country.
47. Under the Programme to Promote Indigenous Studies, 60 fellowships were granted to students and teacher-trainees interested in indigenous matters.
48. INI operates six bilingual broadcasting stations: XEVZ in Tlapa, Guerrero; XENAC in Nacajuca, Tabasco; XETLA in Tlaxiaco, Oaxaca; XEPUR in Cherán, Michoacán; XETAR in Guachochi, Chihuahua, and XEPET in Peto, Yucatán.
49. In connection with the conservation and dissemination of indigenous cultures, INI relies on audio-visual ethnographic archives which are divided into five sections: research, cinema production, television production, graphic/audio-visual, and ethnomusicology.
50. The "Mexican Roots" series, with 300 five-minute programmes, was also produced for television, and a programme to broadcast films produced in earlier years was implemented.
51. Under the museum programme, lectures, 18 special exhibitions, 20 handicraft competitions, training courses at different levels, sales of handicrafts and programmes to foster and protect traditional values were organized.

#### Special programmes

52. The following special programmes are being carried out by INI.

(a) Tzeltal Tzotzil plan to develop the Altos de Chiapas

53. After 35 years' institutional presence in the area, INI is taking over the theoretical and practical work of the indigenous co-ordinating centre at San Cristóbal de las Casas and is endeavouring to create conditions which will stimulate the development process of the Tzeltales and Tzotziles of the Altos de Chiapas, in keeping with the requirements of the ethnic groups themselves and with their participation in decision-taking and in implementing action.

(b) Rehabilitation programme for the Zoque people who were victims of the Chichonal volcano disaster

54. The programme for the rehabilitation of the Zoque people who were victims of the Chichonal volcano disaster includes projects for housing improvement and health measures, agricultural extension in basic strip-farming, stock-raising extension and training, promotion of fish-farming, marketing of basic goods, primary care and health care, as well as an anthropological study with a view to following up and evaluating the social repercussions. The programme is 75 per cent completed and the position of the victims of the disaster is improving slowly.

(c) Ethnodevelopment plan for the Chatina region

55. After 10 years' work, the indigenous co-ordinating centre at Juquila, Oaxaca, lagged behind in terms of the dynamic requirements of the effective participation of the Chatino group. With a view to altering the structure and approach to INI activities in the region, the group proposed an organization based on a consensus

within the communities, whose spokesman will be a member of the local council of elders who form part of a regional council of elders representing the Chatinos. The institute gave the centre to the council of elders, thus marking a milestone in indigenous policy.

(d) Operating strategy in the Huichol region

56. Traditionally, the Huichol region has been a challenge for development plans and official agencies involved in maintaining the social and economic well-being of its inhabitants. After numerous experiments, the Institute called on local professional people to run the programmes in the area.

57. The facility with which the professional bilingual persons communicate with the local population and their understanding of the far-reaching reasons that lie behind their requirements has been reflected in an increase in positive achievements for the ethnic group that was unprecedented from the area, even at times of large-scale investment.

(e) Integrated development plan for the Yaqui tribe

58. A group of Yaqui representatives presented a number of requests to the Institute which revealed that the tribe's needs had outstripped the capacity of the Indigenous Co-ordinating Centre at V́cam, Sonora. In response to its concern, the Directorate-General initiated the preparation of the Integrated Development Plan for the Yaqui tribe.

59. The Plan provides the basis for promoting Yaqui ethnodevelopment. The next stage is the formulation of specific programmes and projects by the agencies responsible for meeting the requirements of each sector. The first step was taken when the Yaqis submitted their plan to the President of the Republic and the bodies involved were instructed to prepare specific projects.

(f) Co-ordination of Ethnodevelopment Plans and Committees

60. The Service for the Co-ordination of Ethnodevelopment Plans and Committees, in conjunction with the State Delegations Office of the Programme and Budget Department, prepared the draft co-ordination agreement to be concluded between the Federal Government and each of the State governments in order to set up the special ethnodevelopment sub-committees to guarantee indigenous participation in planning State development and to ensure that such development will benefit indigenous regions

(g) Programme for professional training of ethnolinguists

61. In 1983, training courses for the second generation of ethnolinguists were launched in collaboration with the Centre for Research and Higher Studies in Social Anthropology (CIESAS). The programme is a response to the proposals made by organized indigenous groups that technical and managerial personnel capable of meeting the ever-increasing requirements of their own ethnic groups should be trained. Indigenous persons from 16 groups received training.

Agreements concluded between INI and other bodies

62. In addition, a number of agreements were concluded between INI and other bodies (bodies responsible to the Federal Executive Power, decentralized bodies, governments of the States of the Republic, universities, other centres of higher education and centres organized by indigenous persons themselves), with a view to implementing and developing programmes of benefit to the ethnic groups in Mexico. Among these agreements are those listed in table 10.



Table 10

1. <u>Department of Public Education</u>  National Institute for Adult Education	Co-ordination with a view to training and to fostering the development of productive units in traditional activities, handicrafts and rural industries.
2. <u>Department of Public Education</u>  Centre for Research and Higher Studies in Social Anthropology	Resumption of ethnolinguists training programme.
3. <u>Department of Public Education</u>  Directorate-General of Popular Cultures  Directorate-General of Indigenous Education  National Fruit-Growing Commission	To promote economic and social development in the indigenous areas of the country.
4. <u>Directorate-General of Indigenous Education (SEP)</u>  National Institute for Adult Education	Pursuit of projects for educational innovation entitled "Elaboration and development of integrated bilingual/bicultural educational model, with a view to the education of indigenous adults".
5. <u>Fisheries Department</u>	Transfer of oyster cultivation research programme.
6. <u>National Company for the Provision of Basic Necessities (CONASUPO)</u>	Co-ordination and technical assistance programme to ensure the supply of basic commodities to indigenous peasants and to promote the purchase of their surplus agricultural products.
7. <u>National Rural Credit Bank</u>	Opening of a single line of credit for cultivation of corn.
8. <u>National Trust Fund for Ejido Development</u>	Promotion of use of common funds for investment programmes in the <u>ejidos</u> and indigenous communities in 22 States of the Republic.
9. <u>Government of the State of Guerrero</u>	Formulation and execution of a "Programme for immediate development action in the region of Montaña".
10. <u>Government of the State of Oaxaca</u>	Incorporation of the "Mixteca rural development programme".

Table 10 (continued)

11. <u>Government of the State of Campeche</u>	Execution of rural development programmes.
12. <u>Veracruz University</u>	Participation in academic and research activities in the State of Veracruz.
13. <u>Independent University of Yucatán</u>	Participation in academic and research activities in the various aspects of Mayan culture.
14. <u>National Polytechnic Institute Centre for Research and Advanced Studies</u>  Council of the National Technological Education Scheme	Implementation of a lighting project for 20 school hostels using solar-powered photovoltaic systems.
15. <u>Michoacán Handicrafts Centre</u>  National Museum of Popular Arts and Crafts	Establishment and promotion of, and publicity regarding, lacquer workshop in premises at La Huatapera Museum in the city of Uruapan, Mich.
16. <u>National Council for Indigenous Peoples</u>  National Confederation of Rural Workers	Economic support for representatives of ethnic groups in Mexico in developing programmes designed to improve their communities through community work.

63. In summary, the INI projects covered 86 indigenous regions in 23 States of the Republic, 55 ethnic groups spread over an area of 603,014 km<sup>2</sup> - or 30 per cent of the national territory - 951 towns and 26,626 localities with a population of approximately 13 million persons, some 4.5 million of whom are indigenous.

Article 3

64. With regard to article 3 of the Convention, the Committee requested updated information regarding the state of the Mexican Government's relations with South Africa (A/37/18, para. 362).
65. In keeping with its policy of protecting human rights, the Mexican Government has voted in favour of United Nations resolutions condemning the policies and practices of racist regimes.
66. Pursuant to the pertinent United Nations resolutions, Mexico has no diplomatic or consular relations with South Africa and specifically in response to resolution 267F (XXV) of 8 December 1970, has closed its consulate in that country.
67. Cultural, educational, sporting and tourist exchanges have also been suspended, and the Mexican authorities do not grant visas to South African nationals.
68. With regard to foreign trade, the Mexican Government has instructed all bodies under its control that the United Nations resolutions on the suspension of economic, financial or commercial relations with South Africa are to be strictly complied with.
69. Mexico has been a member of the United Nations Council for Namibia since 1972 and on a number of occasions has served as one of the Council's three Vice-Presidents. It has also participated in the visiting missions undertaken by the Council and is at present a member of the Group of Experts on the Supply of Oil and Oil Products to South Africa.
70. Every year since 1978, Mexico has made a financial contribution to the United Nations Fund for Namibia.
71. The Government of Mexico has condemned collaboration with South Africa in the nuclear field, as well as violations of the arms embargo against South Africa decided upon in Security Council resolution 418 (1977).

Article 4

72. Some members of the Committee expressed doubts and made comments on the implementation of article 4 of the Convention (A/37/18, paras. 363 and 364).
73. The fourth periodic report of Mexico (CERD/C/88/Add.1) contains an analysis of article 4 of the Convention and notes that the first part of the first paragraph contains a condemnation of all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. In the second part of the same paragraph, States parties undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.
74. The Government of Mexico considers that the purpose of the Convention is to achieve the elimination of racial discrimination through the adoption of such "immediate and positive measures".
75. A number of specific measures have been proposed or outlined with a view to attaining the fundamental objective of eliminating any form of racial discrimination or manifestation thereof and of combating racist doctrines or practices, as reflected in the wording and spirit of the Convention.

76. These measures are an indication of how, in the view of the international community, such discrimination can be eliminated. However, elimination necessarily presupposes the existence of whatever is to be eliminated - in this particular case, any form of racial discrimination or manifestation thereof, or any racist doctrine or practice.

77. Consequently, in analysing the reports, the Committee should adopt the same approach as that adopted by the Government of Mexico in submitting them. In dealing with the reports submitted to it, the Committee has endeavoured to ascertain that the legal formulation of the measures recommended is such as to eliminate racial discrimination, whereas the reports themselves try to demonstrate that discrimination does not exist in Mexico because it is prevented by law and that, if any attempt at racism were made or if any case or manifestation of racism should occur, the law itself would be sufficient to punish the attempt and to put an end to the occurrence.

78. In order to show that racial discrimination occurred in Mexico, it would be necessary to demonstrate the existence of some

"distinction, exclusion, restriction or preference based on race, colour, descent or national ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life",

as stated in article 1 of the Convention itself.

79. In the reports, an attempt has been made to demonstrate that all individuals in Mexico are equal and that, consequently, it is not possible to eliminate something that does not exist.

80. It is quite possibly this difference of approach that led the Committee to state that "the legislation described in the report was not adequate, at least in connection with the implementation of paragraph (a) of article 4".

#### Article 4 (a)

81. Paragraph (a) of article 4 requires that "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" shall be declared an offence punishable by law.

82. The Committee's report notes that the Mexican Constitution, the Penal Code and the Press Act were examined and that, although there is no offence corresponding to the wording proposed in paragraph (a), the various Mexican laws prevent discrimination in the specific sense in which it has been described, either because they are designed to do so or because they have that effect. In other words, the objective of the Convention is fully met because the problem is attacked at its root and its emergence prevented, so that there is no formal need to draft a specific article of the Penal Code.

83. The general approach adopted in the presentation of Mexico's reports is to demonstrate how the Constitution embodies, secures and protects the rights of all individuals. If an attempt is made to violate those rights, or if they actually are violated, the injury thus suffered by a person would be the responsibility of some public authority - whatever its political or administrative rank within the system of Federal, State or municipal authorities - or of a private individual.

84. In the first case, where a public authority is concerned, the correct procedure for restoration of the right so violated would be an action for amparo ("enforcement of constitutional rights") or the institution of criminal proceedings; in the second case, where an individual is concerned, criminal proceedings could be instituted.

85. In the first eventuality, it should also be made clear that the law of amparo itself establishes additional penalties to which the authorities are liable if it is proved that they have, during the proceedings, committed any act designed to reduce any liability which they may be found to have in the action.

86. Article 364 of the Penal Code is applicable to individuals who in any way violate the guarantees or rights set forth in the Constitution.

87. In view of the opinion expressed by the Committee that article 364 of the Penal Code was not sufficient to make a violation of constitutional guarantees a criminal offence and that it could not cover all the offences envisaged in paragraph 4 (a) of the Convention, article 364 of the Penal Code is considered in detail below.

88. Two questions are raised by the Committee, one relating to the intrinsic structure of the provision, and the other to its scope.

89. Chapter 21 of the Penal Code, entitled "Illegal deprivation of freedom and other guarantees", and applicable in matters of federal jurisdiction throughout the Republic, stipulates in article 364 that:

"II. Any person who in any way violates, to the detriment of another, the rights and guarantees of individuals established by the General Constitution of the Republic"

shall be liable to a term of imprisonment of from one month to three years and to a fine of up to 1,000 pesos".

90. Structurally, this provision prohibits an individual from engaging in certain kinds of behaviour that are incompatible with the licit conduct of other persons; in other words, the obligations of one individual are matched by the rights of society and of other individuals, the purpose being to protect the rights and guarantees established in the Constitution and the enjoyment thereof.

91. The provision must be strictly applied. Should the situation provided for therein materialize, the State will impose the specified penalty. The legal obligation established by the Code is exclusively objective, and is in no way dependent on what the individual concerned may think or believe. The validity and binding nature of the legal provision are imperative.

92. Moreover, the offence is characterized as such. The constitutional rights and guarantees of individuals exist and violation of them by unlawful conduct constitutes a punishable offence.

93. Since the structural characteristics of the provision conform to those required of legal provisions, consideration should be given to the second problem raised - namely, whether the offences envisaged in article 4 (a) of the Convention are covered by the provision.

94. Article 4 (a), as analysed in the last report, is concerned with various punishable acts or offences. Thus, it is laid down that the following must be declared acts 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 the provision of any assistance to racist activities, including the financing thereof".

95. The three constituent elements of article 4 (a) of the Convention will therefore be analysed.

The dissemination of ideas based on racial superiority or hatred

96. The purpose of article 4, paragraph (a), is to prohibit one of the manifestations of discrimination, namely, the dissemination of the idea of racial superiority or incitement to hatred based on the idea of such superiority.

97. Regardless of the medium chosen to advocate racial superiority, the concept itself would contravene various articles of the Constitution which affirm the equality of all individuals, and would thus violate the rights and guarantees established in the Constitution.

98. Article 1 states that "Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution;" thus slavery is forbidden under article 2 of the Constitution, and "slaves who enter the national territory from abroad shall, by this act alone, recover their freedom and enjoy the protection afforded by the law".

99. With regard to education, whether State or private, article 3 stipulates that:

"It shall help to promote better human relationships, not only by the contribution that it makes to strengthening the pupil's respect for the dignity of the person and the integrity of the family, together with a belief in the general interest of society, but also by the care which it devotes to affirming the ideals of the fraternity and equality of rights of all men, to the exclusion of privileges based on race, religious denomination, group affiliation, sex or individual circumstance".

100. Article 4 stipulates, inter alia, that "Men and women are equal before the law". Article 5 stipulates that "No person can be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice provided it is lawful ...". Article 12 of the Constitution provides that "No titles of nobility or hereditary prerogatives or honours shall be granted in the United Mexican States, nor shall any effect be given to those granted by other countries".

101. The examples quoted show how, at each stage, the dissemination of ideas designed to establish racial superiority or to stir up racial hatred would contravene the fundamental legal order of Mexico and would therefore give rise to the imposition of penalties, regardless of whether the authors of the ideas were public authorities or private individuals.

102. Although the very concept of racial superiority or hatred would be contrary to the principles of the Constitution, it is worth while considering the situation with regard to the specific problem of the dissemination of ideas.

103. Article 6 of the Constitution provides that: "The expression of ideas shall not be subject to any judicial or administrative investigation unless it offends against morality, infringes the rights of others, incites to crime, or disturbs the public order. The right to information shall be guaranteed by the State."

104. Furthermore, the first paragraph of article 7 of the Constitution stipulates: "Freedom to write and publish writings on any subject is inviolable. No law or authority may establish censorship, require bonds from authors or printers, or restrict the freedom of the press, which shall be limited only by the observance of privacy, morality and public order. Under no circumstances may a printing press be seized as the corpus delicti".

105. While article 6 of the Constitution refers in general to any medium that may be used for the expression of ideas, article 7 refers to one specific medium - namely, writing and the publication of writings.

106. Under article 6, the dissemination of ideas based on racial superiority or hatred would infringe the rights of others, incite to crime and disturb public order.

107. Needless to say, amparo proceedings may be instituted whenever an individual right or guarantee is violated by the public authorities. In addition, criminal proceedings can be instituted if some specific offence has been committed as well and the commission of the offence of violating constitution guarantees can be attributed to a particular individual. Furthermore, the dissemination of ideas based on racial superiority or hatred would give rise to a "judicial or administrative investigation", as provided for in article 6 of the Constitution; consequently, the dissemination of such ideas is prohibited.

108. Should the foregoing observations in respect of article 6 not be thought sufficient, and should the expression of ideas of this kind be seen as part of the right or freedom to write and publish writings on any subject, it should also be borne in mind that this latter freedom is limited by respect for the right to privacy, morality and public order.

109. Articles 6 and 7 of the Constitution are given specific effect by a special act, the Press Act, which regulates the conduct of individuals in this connection.

110. Article 1 of the Press Act states that "The following constitutes invasions of privacy:

"Any malicious manifestation or expression, made either verbally or by signs, in the presence of one or more persons, or in the form of a handwritten or printed paper, drawing, lithograph, photograph or in any other manner which, exhibited or circulating in public, or transmitted by post, telegraph, telephone, radio, or by message or by any other means, exposes a person to hatred, contempt or ridicule, or may be detrimental to his reputation or his interests."

111. Article 10 of the same Act provides for a fine of from 50 to 500 pesos and a term of imprisonment of from 1 to 11 months.

112. Furthermore, article 29 of the Press Act stipulates that:

"Criminal liability for writings, books, printed matter, and other articles which may be introduced into the Republic and which contain attacks on privacy, morality or public order, shall devolve directly upon the persons who import, reproduce or circulate them, unless the latter identify the persons who delivered the articles in question for that purpose."

113. Moreover, article 31 stipulates that: "Attacks on privacy shall be punished:

1. By a term of imprisonment of from eight days to six months and by a fine of 100,000 pesos when the attack or insult is such as to cause a loss of public esteem or consists of an imputation or of allegations that may substantially harm the honour, reputation and credit of the injured party or seriously imperil his life, freedom, rights or interests or expose him to public hatred or contempt."

114. The Federal Radio and Television Act, as referred to in the preceding report, also concerns the dissemination of ideas.

115. The 1917 Constitution attached great importance to freedom of the press and freedom of expression which, taken together, guaranteed the right to communicate ideas which, at the time when that Constitution was drafted, were conveyed mainly through newspapers and magazines. In recent times, the new systems of communication have made it necessary to regulate two of the mass media - radio and television. The Federal Radio and Television Act provides that the nation shall have direct control of its territorial space and, consequently, of the space in which electromagnetic waves are propagated. In order to use such space for the dissemination of news, ideas and pictures, as vehicles of information and expression, a concession or permit must first be obtained from the Executive Power.

116. Under the provisions of article 4 of the Act, in Mexico radio and television broadcasting are activities of public interest, and consequently the State must protect them and ensure that their social function is duly fulfilled.

117. In view of this characteristic of the radio and television industry, article 5 of the Act provides that:

"Radio and television have the social function of contributing to the strengthening of national integration and the improvement of forms of human co-existence. To that end, through their broadcasts, they shall endeavour:

- (i) To promote respect for the principles of social morality, human dignity and family ties;
- (ii) To avoid influences that may harm or disturb the harmonious development of children and young people.
- (iii) To contribute to the raising of the cultural level of the people, to preserve national characteristics, customs and traditions, as well as the special characteristics of the language, and to promote the values of Mexican nationhood;
- (iv) To strengthen democratic convictions, national unity and international friendship and co-operation."



118. Clearly, in Mexico, the dissemination of ideas based on racial superiority or hatred by means of radio or television would be contrary to human dignity, would exert a harmful or disturbing influence on the harmonious development of children and young people, would not contribute to the preservation of national characteristics or traditions or strengthen democratic convictions or national unity, and would be detrimental to international friendship and co-operation.

119. Article 63 of the Federal Radio and Television Act is clearly relevant to the matter under consideration, since it provides that:

"All broadcasts causing corruption of the language or offending against morality, either through the use of invidious terms, indecent words or pictures, ambiguous expressions and scenes, or through the defence of violence or crime, are prohibited; anything which is in any way degrading or offensive to the memory of national heroes and religious beliefs, or involves racial discrimination, is also prohibited; the use of low humour and offensive sounds is likewise prohibited."

120. Article 101 of the Federal Radio and Television Act states that: the following constitutes a breach of the Act:

"XIII. Disregard for any of the prohibitions established under article 63 of this Act to ensure proper programming."

121. The use of radio or television to disseminate ideas based on racial hatred or superiority would thus be contrary to article 63 of the Act, would constitute a breach of it under article 101, and, pursuant to article 103, would render the perpetrator liable to a fine of 5,000 to 50,000 pesos.

122. In the context of this Act, article 36 of the Regulations to the Federal Radio and Television Act and the Cinematographic Industry Act, relating to the content of radio and television broadcasts, establishes that:

"Concessionaires, official agents, announcers, reporters, commentators, artistes, advertisers, advertising agencies and others participating in the preparation or broadcasting of programmes and commercial advertisements for radio and television are prohibited from disseminating:

...

- (ii) ... Anything which is in any way degrading or offensive to the memory of national heroes or to religious beliefs and anything which, directly or indirectly, involves discrimination against any race."

123. Some of the aspects of the Cinematographic Industry Act should also be noted.

124. This Act establishes that the Ministry of the Interior, through the Department of Cinematography, has the following powers under article 2 (ix).

"To authorize the public showing in Mexico of cinematographic films of either domestic or foreign production. Such authorization shall be granted, provided that the spirit and content of both the words and images of the films is not in breach of article 6 and other provisions of the Constitution of the Republic."

125. It will be seen from the above that ideas based on racial hatred or superiority cannot be disseminated through the cinema, since such activities would be in breach of the Constitution, many of the articles of which establish the equality of all persons, as has already been noted.

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

126. Under article 4 (a) of the Convention, 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 are declared offences punishable by law.

127. "Racial discrimination" is defined earlier in the Convention as meaning "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

128. By "incitement" is meant the promotion or instigation of discrimination, whether by acts of violence or otherwise, for the purpose of discriminating against a race or group of persons on the grounds of their colour or ethnic origin.

129. To offences committed as a consequence of the dissemination of ideas based on racial superiority or hatred would be added, therefore, incitement to racial discrimination, plus the act or acts of violence or incitement to such acts. In the case in point, it would be appropriate to determine whether the incitement or the violence employed has given rise to an offence; if so, the penalty provided for the offence committed would have to be imposed in addition; if no offence has been committed, article 209 of the Penal Code would be applicable. The article states:

"Anyone publicly instigating the commission of an offence, or defending such offence or other misconduct, shall incur a prison sentence of three days to six months and a fine of 5 to 50 pesos, if the offence has not been committed. If the offence has been committed, the instigator shall incur the appropriate penalty for his participation therein."

130. Consequently, the second situation envisaged in article 4 (a) of the Convention is also covered.

Assistance to racist activities, including the financing thereof

131. The third hypothetical situation covered by article 4 (a) of the Convention must be interpreted in relation to the other paragraphs of the article. Paragraph (b) refers to organizations and propaganda activities and paragraph (c) refers to national or local public authorities which might be involved in questions of discrimination; consequently, the racist activities referred to in this paragraph must be those of individuals acting alone with the intent to commit certain acts or to acquire funds in order to do so.

132. In addition to entailing the commission of an offence through the violation of constitutional guarantees, as has already been explained, such a situation would run counter to article 5, paragraph 1, of the Constitution, which states:

"No person can be prevented from engaging in the profession, industrial or commercial pursuit or occupation of his choice, provided it is lawful. The exercise of this freedom may be curtailed only by order of the courts, when the rights of a third party are involved, or by government decree, issued in accordance with the law, when the rights of society are infringed. No one may be deprived of the product of his labour, save by order of the courts."

Article 4 (b)

133. While article 4 (a) concerns the prohibition of the dissemination of ideas in any form including the provision of assistance to racist activities and the financing thereof, paragraph (b) concerns the possible existence of organizations, and also of organized and other propaganda activities, which promote and incite racial discrimination. It also establishes that participation in such organizations or activities should be recognized as an offence. These two cases, namely, the existence or establishment of organizations, or organized propaganda activities, or any activity promoting or inciting racial discrimination and unlawful association, will be analysed below.

Organizations, and organized and all other propaganda activities, which promote and incite racial discrimination

134. Article 9 of the Constitution guarantees the right of association in establishing that:

"The right to assemble or to associate peacefully for any lawful purpose cannot be restricted; however, only citizens of the Republic may do so in order to take part in the political affairs of the country. No armed meeting shall have the right to deliberate."

135. Since, as noted above, the dissemination of ideas promoting racial discrimination or racial hatred would give rise to the commission of an offence, any organization or meeting the purpose of which was to engage in racial propaganda or to promote or incite racial discrimination could not have a lawful purpose and thus would be contrary to the Constitution.

136. In the same context, the Civil Code for the Federal District, which is binding for all the Republic in federal matters, defines associations and the requirements they must fulfil in order to exist lawfully in Mexico. Article 2670 of the Code provides that:

"When a number of persons agree to meet, other than wholly temporarily, to realize a common purpose not prohibited by law and not chiefly economic in character, they constitute an association".

137. As may be seen, organizations, of any kind, must pursue a common purpose not prohibited by law. The commission of an offence, such as the violation of individual guarantees, cannot be a purpose permitted by law and therefore organizations of this kind could not exist in Mexico.

138. If the organization seeks to become a registered company, article 2692 of the same regulations provides that:

"If a registered company is formed for an unlawful purpose, it shall, at the request of any of its partners or of a third party, be declared null and placed in liquidation."

The third paragraph of the same article provides that:

"Any profits shall be donated to public charities in the company's place of domicile."

#### Unlawful association

139. Even if the association of persons for the purposes referred to in article 4 (b) of the Convention does not take the legal form of a registered company, unlawful conduct on the part of the members may be subject to the relevant provisions of the Penal Code, which provides for two possibilities, either that the organization was set up in order to commit an offence or that an offence was committed although that was not the purpose for which it was set up.

140. Article 164 of the Penal Code states:

"Anyone who participates in an association or group of three or more persons, formed for the purpose of committing an offence, shall be liable to imprisonment for six months to six years and to a fine of 50 to 500 pesos by the mere fact of being a member of the association, irrespective of the penalty appropriate to the offence which he might commit or has committed."

Article 164 bis states:

"When one or more offences are committed by a gang, those who take part shall be liable to a term of imprisonment of six months to three years, in addition to the penalty appropriate to the offence or offences committed."

For the purposes of this provision, 'gang' means a habitual, occasional or temporary assembly of three or more persons who jointly commit an offence although they are not organized for that purpose."

141. This point, however, requires some explanation.

142. It has already been stated that article 364 of the Mexican Penal Code is to be regarded as the legal standard defining the offence of the violation of constitutional guarantees.

143. It has also been shown that the individual rights and guarantees set forth in the Constitution of the Republic rule out racial discrimination, and that any person

who, through his unlawful conduct, violates the rights and guarantees established in the Constitution, becomes liable to the penalties laid down in article 364 of the Penal Code.

144. Although article 364 protects these individual rights and guarantees, including the right to equal treatment, in cases where a number of persons gather together and seek to violate this right, among others, articles 164 and 164 bis, referred to above (para. 140), may also apply.

145. The Committee on the Elimination of Racial Discrimination considered (A/37/18, para. 363) that in order for organizations and associations promoting and inciting racial discrimination to be covered by articles 164 and 164 bis of the Penal Code, it would be necessary for racial discrimination first to be declared an offence punishable by law.

146. In the opinion of the Government of Mexico and in the light of what has been stated above, articles 164 and 164 bis of the Penal Code cover such organizations and associations because by violating constitutional rights and guarantees they are committing an offence, in the form of the promotion of, or incitement to, racial discrimination.

147. Consequently, article 4 (b) of the Convention is covered.

#### Article 4 (c)

148. Article 4 (c) of the Convention refers to public authorities and public institutions. It establishes that the States Parties "shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination".

149. It has already been explained that the authorities, regardless of their category or denomination, whether national or local, must apply the Constitution of the Republic and act in accordance with it.

150. The national legal system comprises ordinary courts and Federal courts.

151. Articles 103 to 107 of the Constitution define the competence of the Federal courts and refer specifically to amparo proceedings.

152. Article 103 states that:

"The Federal courts shall judge any dispute arising out of:

1. Laws or acts of the authorities which violate the rights of the individual".

153. The part of the article cited is extremely important, in that the Constitution itself establishes an effective means of defending the rights of the individual which may at a particular moment be liable to violation by the authorities or by the Legislature through the enactment of laws.

154. In addition, article 107 sets out the bases or guidelines for legal proceedings or actions for amparo, and the Amparo Act contains detailed regulations governing the provisions quoted.

155. If, in carrying out their functions, the authorities in question commit a specific offence, their unlawful conduct must be judged in accordance with the relevant provisions of the Penal Code; it should be emphasized, however, that amparo proceedings would be initiated against any or all authorities or institutions promoting or inciting racial discrimination.

156. Consequently, article 4 (c) of the Convention is also covered by Mexican legislation.

Article 5

157. Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination sets out a series of rights that individuals should enjoy, such as equality before the law and security of person.

158. On the question of political rights, the Committee asks (A/37/18, para. 365) how the requirement that deputies and senators - besides the President - of the Republic ought to be Mexican citizens by birth was reconciled with the right of everyone to stand in an election according to article 5.

159. Article 5 (c), to which the previous paragraph refers, states that individuals shall enjoy equal rights, including:

"Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and have equal access to public service".

160. It is true that, to serve as a deputy, or senator or as President of the Republic, it is necessary, among other requirements, to be Mexican by birth; however, this is not the only requirement which must be fulfilled.

161. While it is true that persons who are not Mexicans by birth cannot hold these offices, it is also true that not all Mexicans by birth can hold them, either; a candidate must be a citizen, have attained a particular age, be in touch with the problems or needs of the inhabitants of a particular area by residence therein, be a native of a particular State, enjoy full exercise of his right, not be on active service if he is a member of the armed forces, etc. In other words, in each case and for every office, according to the importance of the functions and the level of responsibility, certain qualifications are required.

162. Although some of the requirements have a legal explanation, there are historical reasons for others. For example, the requirement that candidates should be citizens stems from article 53 of the Constitution which states that since the prerogatives of citizens are: "I. To vote in public elections" and "II. To be eligible for any elective office and to be appointed to any other post or commission, if qualified as required by law". The justification for the President being Mexican by birth lies in the desire that the highest office should be held by a Mexican by birth and not by someone who is a foreigner by extraction, even if he has been naturalized.

163. The requirement that candidates for the presidency shall have been resident in the country during the entire year preceding the day of the election has a historical basis since there have been cases of men being summoned from abroad to assume the Presidency.

164. With regard to article 5 (e) of the Convention, the Commission asked for information concerning the economic, social, cultural and educational levels of the different sectors of Mexican society (A/37/18, para. 365).

(a) Economically active population

165. In 1980, the population aged 12 years or over numbered 44,049,462, of whom 23,687,684, or 53.8 per cent, were economically active, while 16,974,971, or 43.1 per cent, were economically inactive and 1,386,807, or 3.1 per cent, were unclassified.

166. The data for 1980 on the economically active population by occupation, according to position held and industry (tables 11, 12 and 13 respectively) have not been compiled in their final form and hence the figures for 1977 are given.

Table 11  
Economically active population by occupation  
(1977)  
(in thousands and as a percentage)

CATEGORIES OF OCCUPATION	Total		Men		Women	
		%		%		%
TOTAL	18 042	100.00	13 897	100.00	4 145	100.00
Professional and technical	1 118	6.20	679	4.89	439	10.59
Senior officials and managerial staff in the public or private sectors	469	2.60	374	2.69	95	2.29
Administrative staff	1 463	8.11	770	5.54	693	16.72
Businessmen, salesmen and similar occupations	1 469	8.14	963	6.93	506	12.21
Workers in various services and drivers	2 376	13.17	1 162	8.36	1 214	29.29
Agricultural workers	7 093	39.31	6 578	47.33	515	12.42
Non-agricultural workers	4 054	22.47	3 371	24.26	683	16.48

Table 12  
Economically active population according to type  
position in employment  
 (1977)  
 (in thousands)

Position in employment	Total	Men	Women
TOTAL	18 042	13 897	4 145
Entrepreneurs or employers	1 116	835	281
Manual or non-manual workers	7 652	5 161	2 491
Day labourers	3 597	3 333	264
Self-employed	3 394	2 642	752
Member of an agricultural collective ( <u>Ejidatario</u> )	1 100	1 039	61
Unpaid family helpers	1 163	987	296

Table 13  
Economically active population by industry  
 (1977)  
 (in thousands)

Universe	Percentage	Total	Men	Women
Economically active population aged 12 years and over	100.0	18 042	13 897	4 145
Industry:				
Agriculture, livestock-farming forestry, fishing and hunting	40.3	7 272	6 753	519
Oil industry	0.7	119	103	16
Extractive industries	0.8	146	131	15
Processing	18.2	3 277	2 399	878
Building	4.6	835	788	47
Electricity	0.4	79	68	11
Commerce	10.0	1 806	1 198	608
Transport	3.0	534	495	39
Services	22.0	3 974	1 962	2 012



(b) Population and education

Table 14

Literacy in the population aged 10 years and over  
(1980)

	(in thousands)	Percentage %
Literate	30 183.6	84
Illiterate	5 750.9	16

Table 15

Schools and teachers (1978/1979)

EDUCATIONAL LEVEL	SCHOOLS	TEACHERS
Pre-school	5 300	18 300
Primary	55 700	298 100
Secondary	9 430	146 400
Vocational and professional training at the secondary level	1 830	58 800
Training for primary teachers	380	15 800
Advanced professional studies	750	63 000

Table 16

Enrolment in the Mexican Educational System by level  
and sex (1982/1983) (in thousands)

EDUCATIONAL LEVEL AND SEX	PUPILS
PRIMARY SCHOOL	15 223
Men	7 866
Women	7 357
OCCUPATIONAL TRAINING	407
Men	138
Women	269
SECONDARY EDUCATION	3 583
Men	1 881
Women	1 702
VOCATIONAL TRAINING AT THE SECONDARY LEVEL	302
Men	149
Women	153
SECONDARY SCHOOL LEAVING CERTIFICATE	1 234
Men	804
Women	430
TRAINING FOR PRIMARY TEACHERS	201
Men	61
Women	140
ADVANCED PROFESSIONAL STUDIES	1 052
Men	623
Women	369

167. In addition to the situation shown in Tables 14, 15 and 16, there are other programmes in the Mexican educational system which cater for the following groups:

### Programme of community classes

OBJECTIVE: The objective is to ensure that children between the ages of 6 and 14 who live in the more isolated rural communities receive a full primary education.

WHERE LOCATED: In the 31 states in Mexico.

COVERAGE: 15,000 localities in which there are between 4 and 30 children of school age.

ATTENDANCE: In 1982/1983 232,000 children attended such courses.

### Secondary education by correspondence

OBJECTIVE: To meet the current demand for secondary education of 250,000 young people in the most remote and smallest communities.

WHERE LOCATED: In rural communities in which 20 or more children have completed primary education but where the building of a school is not justified.

COVERAGE: Operates in 28 states of Mexico in 4,000 rural communities.

ATTENDANCE: 235,000 young people in 1982/1983.

### Adult Education

#### The literacy programme

OBJECTIVE The immediate objective is to teach one million adults to read and write in 16 months.

The medium-term objective is to reduce the number of illiterates and to establish a permanent literacy drive.

WHERE LOCATED: Marginal urban and rural areas.

COVERAGE: 512,000 adults, including manual workers, self employed workers, domestic workers, housewives, part-time workers, day labourers, members of agricultural collectives, members of indigenous communities, artisans.

### Adult basic education

OBJECTIVE: To offer adults basic education and programmes helping them to develop their skills to enable them to improve their quality of life and contribute to the economic and social welfare of the country.

WHERE LOCATED: Marginal districts in urban, suburban and rural areas with over 2,500 inhabitants.

Enrolment in adult basic education programmes by main occupational categories and by sex, 1982

(In thousands)

EDUCATION LEVEL AND SEX	DAY LABOURERS	DOMESTIC WORKERS	MANUAL OR NON-MANUAL WORKER	SELF- EMPLOYED	HOUSEWIVES AND UNEMPLOYED	TOTAL	%
<u>Total</u>	280	43	287	50	578	1 038	100.0
Men	251	7	207	32	32	523	50.3
Women	29	36	86	18	346	515	49.7
<u>Primary education</u>	254	33	141	36	320	783	100.0
Men	230	5	103	23	23	383	48.8
Women	24	28	38	13	227	400	51.2
<u>Secondary education</u>	26	10	146	13	59	254	100.0
Men	21	2	98	9	10	140	55.0
Women	5	81	48	4	49	114	45.0

Source: Instituto Nacional para la Educación de Adultos.

(c) Population and health

168. Under this heading, it should be noted that, one of the most significant recent legal reforms is the elevation to constitutional status of the right to health. An addition was made in 1983 to article 4 of the Political Constitution of Mexico stating: "Everyone has the right to health protection".

169. This right conforms with the principles of social justice of the Mexican system which is based on human relationships, and with the commitments in respect of human rights undertaken by Mexico as a member of the United Nations; furthermore, it recapitulates the rights and principles set out in article 4 of the Constitution which relate to the welfare of the family, equality between men and women; guarantee relating to the development and organization of the family; responsible parenthood, the basis for voluntary and informed family planning and the right of minors to physical and mental health.

170. It should be noted that, over recent decades, there has been considerable progress with social security schemes and that, in recent years, efforts have been made to extend health services through the Department of Public Health and Social Welfare to people not covered by social security schemes.

Table 18

Participants in various social security schemes (1978)

INSTITUTION	NUMBER OF PARTICIPANTS
The Mexican Social Security Institute (manual and non-manual workers and their families)	19 789 239
The Social Security and Services Institute for State-employed workers	4 991 987
Petróleos Mexicanos (State Oil Company)	592 541
Mexican National Railways	517 287
Department of National Defence	478 233
Department of the Navy	138 828

171. There has been a marked improvement in the health indicators of the Mexican people: in 1930, the life-expectancy of the average Mexican at birth was 37 years, while at the present time, it has risen to 65; infant mortality has decreased substantially; mortality in general has declined over a wide range, due to the fact that various diseases which afflicted Mexicans in the past, such as poliomyelitis, malaria, diphtheria, measles and tuberculosis, have been effectively dealt with.

Table 19

Birth rates and death rates (1980)

Birth rate	34.4 births per thousand inhabitants
Death rate	7.5 deaths per thousand inhabitants
Natural increase	26.9 (difference between birth and death rates)
Infant mortality under one year (1979)	56.8 per thousand live births

Table 20

Life expectancy at birth (1980)

Men	62.3 years
Women	66.1 years

172. It should be pointed out that measures have now been adopted for the establishment of a national health service which will guarantee effective co-ordination of the various departments and bodies in the health sector and will contribute towards the productive application of their resources.

173. It was in this connection that in August 1981, the Health Services Co-ordinating Committee was set up in the President's Office and, in January 1983, the Health Cabinet of the Federal Executive Power was officially established.

(d) Population and Housing

Table 21

Population and Housing 1980

Total number of dwellings	12 216 462
Average number of persons per dwelling	5.6
Dwellings:	
with piped water	6 703 146
connected to the public sewerage system or with a septic tank	6 015 344
with electricity	9 108 074
Owner-occupied dwellings	8 159 797

174. On this subject, it should be noted that article 4 of the Constitution establishes the right of all Mexican families to suitable and decent housing.

(e) Agrarian reform

175. The Committee also requests information about the results of agrarian reform (A/37/18, paragraph 365).

176. Agrarian reform in Mexico is one of the major demands of the revolutionary movement which began in 1910. As such, it has not been a short-term political act, but a long-term social process. Indubitably, agrarian reform has been one of the fundamental causes of the economic and social changes that have taken place in Mexico during this century.

177. Land redistribution, initiated during the Revolution, has continued unabated up to the present day, but the majority of changes in tenure took place between 1927 and 1939.

178. In 1910, the last year of the dictatorship of Porfirio Díaz, one per cent of the population owned 97 per cent of national territory. The large estate, the hacienda, represented an entire system of unjust social, economic and political relationships. With the triumph of the revolution, the 1917 Political Constitution, in article 27, established the legal and political bases for agrarian reform (in view of its importance, a copy of this article in Spanish has been sent with the present report; it may be consulted in the records of the secretariat).

179. Agrarian reform has developed in three principal directions; the restitution or grant of communal lands to farming people or communities; the grant of lands to establish collective holdings (ejidos) and the development of small holdings.

180. At the present time, 70 per cent of the 3,200,000 holdings in Mexico (1970 census) are plots allocated from collective holdings and the remainder are private property.

181. The total area covered by the census was equally divided, as was the irrigated area, between those two main forms of land tenure. The 25,000 collective holdings in Mexico cover 92 million hectares, which constitute 47 per cent of the national territory, compared with 42 per cent occupied by small holdings; however, it should be pointed out that 65 per cent of the work force employed in agriculture is concentrated in ejidos, whereas 73 per cent of the total capital invested in the agricultural sector, excluding the value of the land, is concentrated in private holdings.

182. In Mexico, the two main types of land tenure operate side by side. In any region of the country, collective holdings and small individual holdings are contiguous and interspersed. In many villages, participants in collective holdings and smallholders live side by side; in irrigated districts, the water is divided between both; national producers' unions (associations of all those involved in certain types of cultivation such as coffee, sugar cane and cotton) include smallholders and participants in collective holdings.

183. In parallel with the development of agrarian reform, the agricultural sector broadened its base. The State has allocated large sums to rural infrastructure, particularly irrigation works and roads; a National Bank for agricultural credit, a National Bank for credit to Ejidos (Banco Nacional de Crédito Ejidal), a semi-public undertaking, Fertilizantes Mexicanos, and a national company for the provision of basic necessities (la Compañía Nacional de Subsistencias Populares - CONASUPO) have been set up and rural workers have been encouraged to organize.

184. Agrarian reform has made an essential contribution to the redistribution of wealth and the establishment of a more just society; similarly, without such a measure, it would be impossible to explain the process of industrial development from 1940 onwards, to which agrarian reform has also made a decisive contribution.

185. Nevertheless, it became recognized from the mid-1960s that a more intensive and integrated approach must be adopted to the concept of agrarian reform. That is to say, while including the question of land tenure, it must also address the problems which still remain and to those which have emerged during the process, such as population growth in rural Mexico and the considerable demand for land, the growing fragmentation of holdings, shortcomings in the organization of producers and the polarization of agricultural development.

186. Accordingly, the 1983-1988 National Development Plan, formulated by the current Government of the Republic, stated that:

"At its present stage, agrarian reform, proceeding from a solid legal basis, requires the channelling of efforts to invest capital in the rural areas and ensure their development, with the ultimate object of establishing conditions that will enable millions of men and women to reach the level of wellbeing to which they are entitled".

187. Accordingly, efforts are being made to achieve the following objectives:

To distribute all the land legally available;

To make the various forms of land tenure legally secure;

To consolidate the internal structure of peasant farmers' groups, with a view to overcoming by organization the problem of fragmentation of holdings and promoting the integrated development of the natural resources of farming units in order to ensure social justice in rural areas and establish the basis for increased production;

To increase productive employment, the wages of farm-workers and the income of farming units, as the prerequisite for providing rural workers with the level of wellbeing to which they are entitled, and thus reducing the economic and social disparity between town and country.

188. To achieve this, the State is moving ahead, simultaneously with its agricultural policy, and with programmes to strengthen and extend rural infrastructure, mainly in rain-fed areas. Some programmes are of a social character, designed to extend or improve health, education, housing and recreational facilities, others are designed to improve the production infrastructure with small-scale irrigation projects, roads, transportation, rural electrification, increased financial assistance and, generally, all activities which contribute to the full integration of the rural population into the national development process.



189. Finally, another of the questions raised by the Committee in document A/37/18, paragraph 365, relates to article 5(f) of the Convention, which refers specifically to "the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks".

190. In that connection, the Committee observed that no penalty seemed to be provided in Mexican law in cases in which an individual was excluded from a place or service that was privately owned.

191. It would seem that the Committee's legitimate concern was to determine whether any person could, on racial grounds, be excluded from a place or service that was privately owned, such as those mentioned in the paragraph quoted, namely, transport, hotels, restaurants, cafes, theatres or parks, without there being any applicable penalty.

192. On that subject, it should be stated that there are legal provisions relating to "public order and social wellbeing", such as the Federal Consumer Protection Act, which apply throughout Mexico.

193. Article 44 of this Act reads:

"Providers of services to the general public may not exercise any preference or practise discrimination with regard to persons requesting such services, by selecting customers, reserving the right of admission and other similar practices, except for reasons that can be fully justified in each case as affecting the security and peace of the establishment or which are based on express provisions in other legislation" ...

194. Article 52 of the Act states that:

"All suppliers of goods and services shall be obligated to abide by the terms, duration, dates, conditions, procedures, reservations and other considerations subject to which they have offered, or agreed with the client to provide, the goods or services concerned".

195. With regard to penalties, article 53, referring to the provision quoted above, states:

"Repeated violation or non-observance of the provisions of the foregoing article in respect of public services operated under Federal concession relating to tourism, transport or travel, hotels, restaurants or other similar services may be penalized by the competent authority, without prejudice to the appropriate fine, by the cancellation or withdrawal of the concession, licence, permit or authorization concerned and, if necessary, by the temporary or permanent closing of the establishment".

196. In addition, article 54 states that:

"It is strictly prohibited, in any commercial or service establishment, to take any direct action against members of the public which adversely affect their liberty, security and personal integrity, or to carry out any form of personal investigation or inspection, and in general any action offensive to their dignity or modesty. In the event of a consumer being caught in the act of committing an offence, managers, professional staff or employees of the establishment shall confine themselves, on

their own responsibility, to placing the alleged offender without delay at the disposal of the competent authorities. Infringements of this provision shall be punishable in accordance with the provisions of the foregoing article, without prejudice to reparation for mental anguish and compensation for injury or nuisance occasioned, in the event that the alleged offence is not proved to have been committed."

197. Finally, article 55 states that:

"Suppliers of goods or services shall incur civil or administrative liability for their own acts which infringe the rights of the consumer and for the acts of their assistants, subordinates and all types of guards, watchmen and auxiliary staff who provide services in the establishment concerned, even if they do not have a contractual working relationship with it, without prejudice to the personal liability of the individual committing the act."

198. Article 86 of the Federal Consumer Protection Act sets out the penalties that may be imposed. It states:

"Infringements of the provisions of this Act and other provisions derived therefrom shall be punishable by the competent authority with:

- I. A fine of 100-100,000 pesos. In the event of the offence continuing, fines may be imposed for each day of non-compliance with the relevant order;
- II. Temporary closure of the establishment for a period of up to 60 days;
- III. Administrative detention for a period of up to 36 hours;
- IV. The penalties mentioned in articles 53 and 54 for the cases to which they refer".

199. It is further stipulated that, in cases of a further offence, the fine imposed for the previous offence will be doubled, up to a limit of three times the amount fixed in the article quoted above. It is stated that repetition of an offence means "each subsequent infringement of the same rule committed within the two years following the date of the document recording the previous offence, provided that it has not been disproved".

#### Article 6

200. Another of the questions which concerned the Committee (A/37/18, para. 366) related to article 6 of the Convention and the role of the Supreme Court of Justice in declaring a law or provision of a law unconstitutional. The report states: "It was pointed out that the requirement that such a decision should be upheld in five consecutive judgements seemed quite stringent, since the circumstances were unlikely to be the same on each occasion".

201. The interpretation that should be made on the subject is that the Supreme Court of Justice can, in any judgement, declare a law or provision of a law unconstitutional since it is empowered to do so. It should be explained that if the Court upholds its decision in five consecutive cases, it establishes what is called case-law and the decision concerned is binding upon the Supreme Court itself and on any other court.

202. Case-law, once established, may be amended; but there are legal provisions governing this.

203. There is no mention of the circumstances prompting the decision having to be exactly the same on each of the five occasions; but in the five cases, the Court may have been asked to apply a particular law or provision of a law which is, or has been, considered on another occasion to be unconstitutional. The request to apply such a law or provision may be rejected by the Court, not because the circumstances are or are not identical with those in other cases, but because the aforesaid law or provision runs counter to the Constitution.

204. In other words, what is taken into consideration is not the circumstances of the case, but the decision of the court.

205. Article 192 of the Amparo Act states on this subject:

"Case-law established by the Supreme Court of Justice sitting in plenary on the interpretation of the Constitution, federal and State laws and regulations and international treaties entered into by the Mexican State shall be binding both on the Court itself and on its component sections, single judges or collegiate courts on circuit, district courts, military or ordinary courts of the States and Federal District, and State and federal administrative and labour tribunals".

"The decisions of the Supreme Court of Justice sitting in plenary constitute case-law, provided that such decisions are upheld in five judgements, not interspersed with contrary decisions, and that the judgements have been approved by at least 14 judges".

206. There are also provisions defining when case-law established, not by the Supreme Court in plenary, but by one of its component sections, according to the legal subject under review, or by the collegiate courts on circuit, is binding.

207. Article 194 of the Amparo Act refers to changes in case-law. The provision reads:

"Case-law shall cease to be binding if a judgement to the contrary is approved by 14 judges in the case of the plenary of the Supreme Court, by 4 judges in the case of a division of the Supreme Court, and unanimously in the case of a collegiate court on circuit.

In all cases, the judgement concerned must state the reasons for breaking with case-law. Such reasons must refer to the reasons which were taken into consideration in establishing the case-law concerned.

The same rules set out in this law for the establishment of case-law shall be applicable to changes in case-law".

208. Naturally, even if no case-law exists or if the court has ruled differently in amparo proceedings within its competence, the law itself stipulates the procedure which must be followed. It also states that the decisions in amparo cases and the individual opinions of the Supreme Court judges and of the judges of the collegiate courts required to establish case law or to modify it must be made public.

#### Article 7

209. In connection with article 7 of the Convention, the Committee requested information about how the curriculum in primary schools sought to inculcate an appropriate attitude towards racial discrimination (A/37/18, para. 367).

210. The Mexican State, following the precepts in the Constitution of the Republic and the principles contained in various international instruments, in particular the Universal Declaration of Human Rights pursues an educational policy focussing on human development, that is to say, the development of people rather than of things. The concept of development is conceived as the combination of opportunities for all individuals to have access, not only to goods and services, but essentially to training so that individually and collectively they can acquire better living standards.

211. The Mexican State, aware of the major responsibility involved in implementing the right to education as a fundamental right of Mexican society, assigns a profoundly human and social content to the educational function, since it is designed to satisfy permanent social needs.

212. In this connection, article 3 of the Constitution states that "the education to be imparted by the State shall serve to develop harmoniously all the abilities of the individual and at the same time shall foster in him a love of his country and an awareness of international solidarity, in a spirit of independence and justice..... It shall be democratic, democracy being regarded not only as a juridical structure and a political system, but as a way of life based on the steady improvement of the economic, social and cultural conditions of the people".

213. It is also stated that education should:

Promote the ideals of the brotherhood and equality of rights of all men, and

Extol individual and social rights and advocate universal peace based on the recognition of the economic, political and social rights of all nations.

214. In this context, it should be stressed that some of the general objectives of primary education reflect, in the educational field, the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

215. Thus, efforts are made to teach the pupils:

to absorb, enrich and transmit their culture, while simultaneously respecting manifestations of other cultures;

to combat ignorance and injustice of all types, dogmatism and prejudice;

to develop a feeling of national and international solidarity based on the rights of all human beings and all nations.

216. To achieve these objectives, appropriate subject matter has been included in all parts of the curriculum, particularly in the social sciences, the approach to teaching which is as follows:

"The field of social sciences, through human geography, history, economics, sociology, political science, anthropology and social psychology, should help pupils to acquire and develop knowledge of theories and methods that will enable them to achieve the critical and creative awareness essential for the attainment of a more just and a more democratic society, the underlying goal of legislation on education in our country.

"The pupils must also become acquainted with other environments, other times, other ways of thinking and living so that they can both appreciate their national identity and put it on a more solid basis. Thus, aware of their own national identity, they will be able to see the need to respect the customs and manners of other peoples. In this way, they will be able to sympathize with the problems and processes which other countries are experiencing and simultaneously recognize themselves to be a part of the international community".

217. With the purpose of inculcating appropriate attitudes towards racial discrimination and to assist pupils to esteem and protect examples of both their own and foreign cultures, there are general objectives and specific objectives and activities for each grade throughout primary education.

218. The objectives and activities inculcate attitudes of co-operation, respect, friendliness and solidarity which promote human relations with other Mexicans and foreigners of every race and nationality.

219. As there are many indigenous communities in the rural areas of Mexico, frequent opportunities are given to pupils to recognize and appreciate their cultures.

220. The following list gives the general objectives for each grade, together with some of the specific objectives and activities:

#### General objectives

##### First Grade

To develop attitudes of co-operation, respect and responsibility;

To promote awareness of belonging to a community.

### Second Grade

To show interest by participating as an active member of the family, school, community and country;

To understand some natural and social phenomena and procedures through elementary observation and experiment.

### Third Grade

To become acquainted with some of the social, economic and cultural characteristics of the country;

To begin the systematic study of Mexican history.

### Fourth Grade

To promote attitudes in support of national unity through a knowledge of Mexican history.

### Fifth Grade

To understand the development of primitive societies and their contribution to culture;

To understand that the economic, political and social development of peoples is the result of historical processes;

To recognize that everyone makes a contribution to culture which is accordingly the heritage of all mankind.

### Sixth Grade

To understand the importance of the major economic, political and social changes in nineteenth-century Europe;

To understand the major social changes which agitated mankind in the twentieth century.

### Some specific objectives and activities

#### First Grade

To recognize that country and town people exchange products;

To write short compositions about national customs and manners.

#### Second Grade

To take part and co-operate in school activities and in the solving of common problems;

To identify attitudes that promote human relations in the different social groups of which pupils are members;

To identify the lifestyle of the locality through customs, buildings, housing and services;

To appreciate the different types of work carried out by people in the locality.

### Third Grade

To identify some characteristics of national society;

To understand that national society forms part of world society;

To make a scrapbook using newspaper cuttings on some aspects of life of the peoples of the world;

To comment and reach conclusions with fellow pupils and teachers about the importance of human relationships between individuals and peoples;

To describe the interdependence in trade between communities in Mexico and between Mexico and other countries;

To distinguish the elements which form the basis of Mexican national consciousness;

To notice that every community has its own special characteristics in respect of natural resources, activities, agricultural products, goods and services, customs and traditions.

### Fourth Grade

To explain how the Mexican population is made up and some of its problems, based on demographical data;

To explain some traditions and customs of the Mexican people;

To explain the guarantees that the 1857 Constitution grants to the Mexican people.

### Fifth Grade

To explain some myths and theories about the origin of man;

To explain the importance of work in the evolution of the human species;

To discuss the importance of scientific research for a better understanding of man and his evolution;

To identify some facts which enabled the Europeans to conquer America;

To become acquainted with the circumstances under which the colonization of Africa took place;

To explain the economic, social and political organization of the African peoples;

To trace on a map the forced migration of Africans to America.

Sixth Grade

To evaluate the importance of human relationships in satisfying basic needs;

To cite some examples of the ideas, customs and technologies that Mexicans have taken from other peoples;

To describe the main features of the Age of Enlightenment in France;

To conduct a team study of the concept of freedom as the right of all men, as it evolved in the Age of Enlightenment;

To describe the main causes, events and results of the French Revolution;

To conduct a team survey of the main causes of the struggle for independence in Mexico, Central America and South America;

To discuss similarities in the common past of the Latin-American peoples and their simultaneous efforts to achieve independence;

To identify the characteristics of colonialism in Africa;

To consider whether racial discrimination exists in Africa today;

To discuss the problem of slavery and racial discrimination;

To explain the socio-political position of Great Britain in the nineteenth century;

To discuss, after studying the texts, the subject "the Civil War in the United States and the abolition of slavery";

To explain the economic, political and social consequences of the First World War;

To examine the creation of the United Nations;

To compare the Mexican, Russian and Chinese revolutions;

To explain the basic purpose of establishing the United Nations;

To find out about the United Nations: its most important bodies, Member countries, Headquarters, Security Council;

To read and discuss the Universal Declaration of Human Rights and the Declaration on the Rights of the Child;

To describe the circumstances which bring national liberation movements into being;

To conduct a team survey of how the following achieved independence: Israel, India, Ghana, Viet Nam, Algeria, Tunisia and Morocco;

To discuss the right to education and write an essay on the conclusions reached.



221. In addition to the foregoing, it should be noted that, in the free textbooks published by the Ministry of Public Education, there are photographs and illustrations in which children can see Mexicans and people of other nationalities carrying out activities and living together on equal terms.

222. Textbooks also contain pieces by authors of various nationalities without any racial discrimination.

223. Every year on 24 October, special programmes are held in the schools explaining how the United Nations is promoting just forms of human relationships and is fighting for the elimination of racial discrimination, which, unhappily, is practised in some countries.