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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

MEXICO

[24 August 1981]

It is a matter of satisfaction to be able to state that no policies or practices of segregation or racial discrimination exist in Mexico; consequently, no inhuman acts are committed for the purpose of establishing and maintaining domination of one national group of persons over any other group. Indeed, one of the guarantees existing in Mexico is that of equality, which is provided for in articles 1, 2, 12 and 13 of the Political Constitution of the United States of Mexico.

Article 1 of the Constitution states that: "Every person in the United States of Mexico shall enjoy the guarantees which are granted by this Constitution and which cannot be restricted or suspended, except in such cases and under such conditions as are herein provided".

This provision makes it clear that all individuals, regardless of class, status, race, sex, economic standing, creed or political standing, are equal before the law and entitled to the enjoyment and exercise of the rights provided for in the Constitution.

Article 2 provides that: "Slavery is forbidden in the United States of Mexico. Slaves who enter the national territory from abroad shall automatically receive their freedom and enjoy protection of the laws".

As may be seen, Mexico protects individual freedom in all its manifestations. Thus, in accordance with article 2 of the Constitution, article 365, section II, of the Penal Code makes it an offence for one person to conclude with another person a contract depriving the latter of his freedom or imposing on him conditions which amount to a kind of servitude, or for one person to seize another person and deliver him to a third person with a view to the conclusion of such a contract.

In order to avoid any distinctions of a social nature, article 12 of the Constitution provides that: "No titles of nobility, prerogatives or hereditary honours shall be granted in the United States of Mexico; nor shall any effect be given to those granted by other countries".

Article 13 states that: "No one may be tried by special laws or special courts. No person or corporation shall have privileges or enjoy emoluments other than those which are intended as compensation for public services and which are determined by law. Military jurisdiction shall be recognized for the trial of offences against, and failures to observe, military discipline, but the military tribunals shall in no case have jurisdiction over persons who do not belong to the Army. Whenever a civilian is involved in an offence or misdemeanour of a military nature, the appropriate civil authority shall deal with the case".

Some of the guarantees of equality ensured by article 13 are that:

- (a) No one may be tried by special laws;
- (b) No one may be tried by special courts;
- (c) No person or corporation may have privileges;
- (d) No person or corporation may enjoy emoluments other than those which are intended as compensation for public services and which are determined by law.

It is clear that these provisions establish specific guarantees of equality, thus preventing acts from being committed for the purpose of establishing and maintaining domination of one group of persons over another. Moreover, every person in the national territory enjoys the right to life and freedom of the individual, since article 302 of the Penal Code defines the crime of murder and guarantees the right to life as a legal concept, without distinction of any kind.

Moreover, article 366 of the Penal Code prescribes the penalties for the offence of abduction or kidnapping, thus protecting the freedom of all persons, without distinction of any kind. It is prohibited to impose on any racial group conditions which might lead to its physical, moral or intellectual destruction.

In this connection, article 149 bis of the Penal Code, relating to the crime of genocide, provides that:

"Any person who, for the purpose of destroying in whole or in part one or more national, ethnic, racial or religious groups, commits by any means, crimes against the lives of members of such groups or requires mass sterilization with a view to preventing them from reproducing, shall be guilty of the crime of genocide.

The penalty for this crime shall be imprisonment for a term of 20 to 40 years and a fine of 15,000 to 20,000 pesos.

If, for the same purpose, attacks are made on the physical integrity or health of members of such communities, or if minors under 17 years of age are transferred from such communities to other groups through the use of physical force or intimidation, the penalty shall be imprisonment for a term of five to 20 years and a fine of 2,000 to 7,000 pesos.

The penalties prescribed in the preceding paragraph shall be applicable to any person who, for the same purpose, deliberately imposes on a group living conditions calculated to cause its physical destruction in whole or in part".

Mexico allows the existence of ethnic groups provided that they take part in the social, economic and cultural life of the country, as stated in article 9 of the Constitution: "The right to assemble or associate peaceably for any lawful purpose cannot be restricted; but only Mexican citizens may do so to take part in the political affairs of the country. No armed meeting shall have the right to deliberate.

No assembly or meeting whose purpose is the submission to the authorities of a petition or protest against any act shall be deemed unlawful or be dissolved, unless insults are proffered against the said authorities or violence or threats are used to intimidate them or compel them to render a favourable decision".

In Mexico, all persons enjoy the right to work, the right to education and the right to freedom of opinion, expression and association.

The right to education is embodied in article 3 of the Constitution, paragraph VII of which states that primary education shall be free. It should be noted that every person, without distinction as to race, who meets the academic requirements shall have access to education at all levels, including higher education.

With regard to the right to freedom of association in labour matters, article 123, section A, paragraph XVI, of the Constitution provides that: "Workers and employers alike shall be entitled to join together to defend their interests by forming trade unions, professional associations, etc."

Article 4 of the Constitution states that: "No one may be prevented from engaging in the profession, industry, business or work of his choice, provided it is lawful".

Article 11 of the Constitution provides that: "Everyone has the right to enter and leave the Republic, to travel in its territory and change his residence without an identity card, passport, safe-conduct or any other similar document".

Article 6 relating to the expression of ideas states that: "The expression of ideas shall not be subject to judicial or administrative investigation, unless it offends public morals, infringes the rights of third parties, incites to crime or disturbs public order; the right to information shall be guaranteed by the State".

Article 7 of the Constitution establishes freedom of the press and provides that: "Freedom to write and publish writings on any subject is inviolable. No law or authority may establish prior censorship, require bond from authors or printers or restrict freedom of printing, which shall be limited only by the respect due to private life, morals and public order. Under no circumstances may a printing press be sequestered as the corpus delicti."

The organic laws shall contain whatever provisions are necessary to prevent the imprisonment of vendors, news-boys, workers and other employees of the establishment publishing the work denounced, on the pretext of press offences, unless their responsibility has first been established".

Article 123 of the Constitution serves as a basis for the Federal Labour Act which governs labour relations, as covered by that article. Section A of article 123 provides that no distinction shall be made between workers on the basis of race, sex, age, religious belief, political doctrine or social status.

The Federal Labour Act guarantees equal pay for equal work, position, working hours and efficiency. Working conditions may in no case be less favourable than those provided for in the Labour Act. Effect is thus given to the constitutional provision guaranteeing the working class access to vocational training and employment, without distinction as to race. The Co-ordination Unit for the Employment and Training of Workers was established for this purpose.

Mexico has traditionally pursued a policy of anti-colonialism and protection of human rights. It has therefore not only condemned the inhuman practices of apartheid in South Africa, Namibia and Zimbabwe, but has also implemented and sponsored many resolutions on the subject adopted within the United Nations system.

It should be pointed out that article 89, section X, of the Constitution authorizes the Federal Executive Power to conclude treaties with foreign Powers. Such treaties, which are subject to ratification by Congress of the Union, are, upon ratification, incorporated in the legal provisions which govern the acts of citizens and foreigners alike. Thus, Mexico is at present a party to the following international legal instruments relating to human rights:

the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;

the 1965 International Convention on the Elimination of All Forms of Racial Discrimination;

the 1966 International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights; and

the 1979 Convention on the Elimination of All Forms of Discrimination against Women.