



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the seventh periodic report of Mexico\*

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 30 November 2024.

#### A. General information

2. Please provide information on the possibility of turning to the courts at all levels of the justice system for recourse for violations of economic, social and cultural rights. Please also provide information on the impact of the measures that have been taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies, including remedies of *amparo*, class actions and the measures adopted to ensure access to free legal aid. Please include updated statistics and information on the status of enforcement of judicial decisions in this area over the past decade. Please describe the legislative authorities' involvement in the steps taken in follow-up to the previous concluding observations<sup>1</sup> and in the preparation of the seventh periodic report.<sup>2</sup>

3. Please provide information on the measures that have been taken with respect to the impact of organized crime, in particular drug trafficking networks, on governance, the separation of powers and the administration of justice in the State party, and consequently on the conditions for the effective enjoyment of economic, social and cultural rights, especially by the most disadvantaged and marginalized groups and individuals.

4. With regard to the Committee's monitoring of the steps taken in follow-up to its concluding observations,<sup>3</sup> please provide information on the impact of the measures, described in paragraphs 44–51 of the State party's report, on the effective protection of defenders of economic, social and cultural rights and in particular on the effectiveness of the National Protection Mechanism for Human Rights Defenders and Journalists. In light of the eighth periodic report submitted by the State party to the Committee against Torture<sup>4</sup> and annex 18 to the report, please provide information on the status of the judicial proceedings instituted to shed light on the acts of violence or intimidation and human rights violations to which defenders of economic, social and cultural rights have been subjected over the past five years, broken down by number of cases, investigation status, number of arrest warrants and number of convictions, and on the protection measures and restitution to which the victims have been entitled.

5. In light of the State party's report,<sup>5</sup> please indicate what measures have been taken to adopt a comprehensive regulatory framework intended to ensure that, in all their activities,

\* Adopted by the pre-sessional working group at its seventy-fourth session (4–8 March 2024).

<sup>1</sup> [E/C.12/MEX/CO/5-6](#).

<sup>2</sup> [E/C.12/MEX/7](#).

<sup>3</sup> Follow-up letter dated 15 June 2020 (reference 2020-42/CESCR/FU).

<sup>4</sup> [CAT/C/MEX/8](#), paras. 249–257.

<sup>5</sup> [E/C.12/MEX/7](#), para. 55.



all business enterprises operating or domiciled in the State party, whether they are privately owned, State-owned or owned partly by the State and partly by private investors, exercise due diligence with regard to economic, social and cultural rights. Please indicate what progress has been made towards the adoption of a national policy on business and human rights. Please also provide information about the conduct of environmental, social and human rights impact assessments in the planning and management of major investment projects, including the Tren Maya development project, the large-scale wind farms in Oaxaca and the planned Interoceanic Corridor. Please specify the measures that have been taken to ensure that local communities are consulted in a free, prior and informed manner, that the free, prior and informed consent of Indigenous Peoples affected by such projects is sought and that they have the right to participate actively in project assessments. Please also provide information, including specific examples, on access to effective legal remedies and reparations by communities adversely affected by corporate activities.

6. Please provide information on the climate change mitigation steps, including specific steps and their impact, that the State party has taken to make the nationally determined contribution to reducing emissions that it set for itself under the Paris Agreement. Please also provide information on the progress that has been made in reducing greenhouse gas emissions per capita and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the impact of climate change on the enjoyment of economic, social and cultural rights, particularly by marginalized and disadvantaged people and groups;

(b) Whether the State party has developed or intends to develop a national adaptation plan, including the adequate allocation of the required resources, to address the impact of climate change on, inter alia, economic, social and cultural rights;

(c) What measures have been taken to strengthen preparedness for and responses to natural disasters, reduce disaster risks and adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset effects in areas such as agriculture, housing and health and what steps are taken to ensure that the institutions responsible for disaster preparedness and management coordinate their efforts.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

7. Please report on the degree of implementation and the outcome of the National Programme for Indigenous Peoples 2018–2024 and the Special Programme for Indigenous Peoples and Mexican People of African Descent 2021–2024, programmes designed to combat structural discrimination against Indigenous Peoples and Mexican people of African descent. Please also provide information on the steps that have been taken to adopt a comprehensive legal framework to protect the rights to consultation and free, prior and informed consent, as well as to demarcate traditional territories and issue collective property titles. In relation to the Committee’s monitoring of the steps taken in follow-up to its concluding observations,<sup>6</sup> please provide specific examples of the application of the protocol for consultations with Indigenous Peoples and communities in accordance with the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), including examples of studies of the social and economic impact of economic projects that may affect the ability of Indigenous Peoples and Mexican peoples of African descent to exercise their rights.

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<sup>6</sup> Follow-up letter dated 15 June 2020.

**Maximum available resources (art. 2 (1))**

8. Please provide information on the steps that have been taken to undertake a comprehensive progressive tax reform, including the progress towards a proposed constitutional amendment that would require individuals to contribute to public spending in a progressive manner. Please also provide information, covering the past 10 years, on changes to:

(a) The proportion of the population living below the nationally defined poverty line;

(b) The levels of inequality, before and after taxes and transfers, understood both as the ratio of the total income accruing to the richest 10 per cent of the population to the total accruing to the poorest 40 per cent and as the ratio of the assets owned by the richest 10 per cent of the population to the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and public debt as a percentage of GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population; include an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and the percentage of total public expenditure accounted for by the public budget for social spending, including social security, food, water and sanitation, housing, health and education. In particular, please provide information about cuts to the budgets of programmes and services for women victims of violence, as well as sexual and reproductive health services, including the Indigenous and Afro-Mexican Women's Houses, shelters and the shelter-operated day-care centres;

(f) The percentage of the public budget set aside for defence;

(g) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

9. In light of paragraphs 56–60 of the State party's report, please provide information on the impact of the measures that have been taken, including the implementation of the National Programme to Combat Corruption and Impunity and Improve Public Administration 2019–2024, to ensure transparency in government and to prevent and combat corruption. Please also provide information about the procedures and protocols in place to prevent corruption, including embezzlement, in government procurement processes, in particular on the measures that have been adopted to stamp out corruption in the public procurement of medication, medical supplies and other health-related products or services. In addition, please provide information on the investigation of cases of corruption conducted in the past five years and on the protection afforded to whistle-blowers.

**Non-discrimination (art. 2 (2))**

10. On the basis of the previous concluding observations,<sup>7</sup> please provide information on the steps that have been taken to review the anti-discrimination laws of the States and Mexico City and harmonize such laws at the federal and state levels with a view to developing a comprehensive legal framework to combat discrimination. In view of the findings of the national survey on discrimination 2022, please state how the National Programme for Equality and Non-Discrimination 2021–2024 and the National Development Plan 2019–2024 have specifically addressed structural discrimination. In particular, please state what impact such measures have had on the reduction of the regional disparities that adversely affect the economic, social and cultural rights of marginalized and disadvantaged groups and people. Please provide information on the measures that have been taken to ensure effective access, on equal terms and without discrimination, to health services, psychological assistance, education, housing, employment opportunities and participation in public affairs for refugees,

<sup>7</sup> E/C.12/MEX/CO/5-6, paras. 18 and 19.

asylum-seekers and migrants, including those in an irregular situation or in immigration detention, and in particular for women and girls.

### **Equal rights of men and women (art. 3)**

11. Please provide information on:

(a) The impact and results of the National Programme for Equality between Women and Men 2020–2024 in respect of the substantive equality of rights of women and men and the impact of the National System for Equality between Women and Men;

(b) The measures that have been taken to adopt a gender-sensitive integrated budgeting process and thereby set aside the resources needed to ensure that women can exercise their rights, as well as to monitor the expenditure of these resources;

(c) The legislative or public policy measures that have been adopted to promote a comprehensive care system in which the caregiving responsibilities borne by women and men and by the State, the private sector and the family are redistributed, as well as measures to combat discriminatory stereotypes about the role and responsibilities of men and women in the family and society;

(d) Updated statistics on the representation of women, including Indigenous women and Mexican women of African descent, in decision-making and managerial positions at all levels of public administration and in the private sector;

(e) The impact of the measures taken to address and monitor vertical and horizontal gender-based segregation in the labour market;

(f) The gender pay gap over the last five years, as well as the impact of the steps that have been taken to narrow it, in particular for Indigenous women and women of African descent.

## **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Right to work (art. 6)**

12. In view of the previous concluding observations<sup>8</sup> and annex 2<sup>9</sup> of the State party's report, please provide information on the impact of the measures that have been taken to address the main causes of unemployment and underemployment among the most disadvantaged groups; please also indicate what results those measures have had and what resources were set aside for the implementation of the Employment Assistance Programme and the Sectoral Programme on Labour and Social Security 2020–2024. Please indicate the employment, unemployment and underemployment rates, broken down by gender, age, ethnic or national origin, disability, economic activity and region (urban/rural), for the past five years.

13. In view of the State party's report,<sup>10</sup> please provide statistics on the scope of the informal economy in the State party, disaggregated by sex, age, ethnic or national origin, disability, economic activity and region (rural/urban) over the last five years. Please also provide specific information on the impact of measures to facilitate a shift from the informal to the formal economy. In addition, please provide information on labour protections for workers in the informal economy.

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<sup>8</sup> Ibid., paras. 24 and 25.

<sup>9</sup> E/C.12/MEX/7, annex 2 – Cuarto informe del Estado Mexicano sobre el cumplimiento del Protocolo Adicional a la Convención Americana sobre Derechos Humanos en Materia de Derechos Económicos, Sociales y Culturales, pp. 162–170. The annex may be accessed from the Committee's web page.

<sup>10</sup> E/C.12/MEX/7, para. 98.

**Right to just and favourable conditions of work (art. 7)**

14. In light of the State party's report<sup>11</sup> and annex 2 to the report,<sup>12</sup> please provide the following information:

(a) The action taken to ensure that the minimum wage is determined in such a way as to ensure that working people and their families can exercise their right to a decent standard of living. Please include information on the mechanisms in place to ensure effective application of the minimum wage;

(b) The general minimum wage as a percentage of the poverty line for urban families for the past five years;

(c) The impact of the measures that have been adopted to ensure that the principle of equal pay for equal work is observed in the State party.

15. In light of the State party's report,<sup>13</sup> please provide information on the reform of the Federal Labour Inspectorate. Please provide statistics on labour inspections over the past five years, including information on the main areas in which labour law violations are found and the measures taken to address them. Please also provide information on the incidence of occupational accidents and diseases over the past five years and on the measures taken to prevent them.

16. In light of the previous concluding observations,<sup>14</sup> please report on the impact of the measures that have been taken to improve the working conditions of agricultural and domestic workers, including migrant workers, and bring them into line with article 7 of the Covenant. Please indicate what means of filing complaints about their working conditions are available to workers in the agricultural and domestic sectors. Please provide information on the status of implementation of the judiciary's specialized labour courts. Please also provide information about the measures that have been taken to address psychosocial risk factors with a view to fostering a favourable organizational environment and preventing acts of workplace violence, in particular the impact of Mexican labour standard No. 035-STPS-2018.

**Trade union rights (art. 8)**

17. On the basis of the previous concluding observations,<sup>15</sup> please provide the following information:

(a) Statistics on the rate of union membership by industry for the past five years, broken down by sex, region and any other factors;

(b) Measures that have been taken to promote the right to form trade unions and enable workers to join the trade union of their choice;

(c) Measures that have been taken to ensure protection in law and practice from anti-union discrimination;

(d) Measures that have been taken to address the registration difficulties encountered by trade unions and ensure that they can determine, without interference, how they are organized;

(e) Guarantees that are offered to ensure that both public and private sector employees can exercise the right to strike, as well as to bring legislation and restrictions on the right to strike into line with article 8 of the Covenant;

(f) Mechanisms that are in place to ensure that the wishes of the most representative workers' organizations are taken into account during the negotiation, conclusion and extension of collective agreements;

<sup>11</sup> Ibid., paras. 95–97.

<sup>12</sup> Ibid., annex 2, p. 164.

<sup>13</sup> E/C.12/MEX/7, paras. 100 and 101.

<sup>14</sup> E/C.12/MEX/CO/5-6, paras. 32 and 33.

<sup>15</sup> Ibid., paras. 35 and 36.

(g) Measures that have been taken to ensure that new labour policies and regulations are systematically based on agreements involving the authorities, employers and workers;

(h) Measures that have been taken to build capacity for social dialogue and strengthen mechanisms and procedures that make it possible to ensure participation in consultations.

#### **Right to social security (art. 9)**

18. In view of the State party's report<sup>16</sup> and annex 2 to the report,<sup>17</sup> please provide information on social security programmes, both contributory and non-contributory; in particular, please indicate how much public funding is set aside for each programme, what the eligibility criteria are and what benefits they provide. Please include statistics, broken down by sex, ethnic or national origin, age, region (urban/rural) and first-level administrative division, on coverage trends, the percentage of beneficiaries and the amount of non-contributory social security benefits paid out during the past five years. Please also provide information about the specific plans that have been made for persons with disabilities and older persons not covered by the contributory system. Please likewise provide information on the results of the measures that have been taken to achieve universal social security coverage, including for workers in the informal economy and workers in the agricultural and domestic sectors, women in particular.

#### **Protection of the family and children (art. 10)**

19. In relation to the Committee's monitoring of the steps taken in follow-up to its concluding observations,<sup>18</sup> please provide information on the impact and specific results of the application of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System and the implementation of support programmes for the families and relatives of disappeared persons, including with respect to their needs and their effective enjoyment of their economic, social and cultural rights, in particular the right to an adequate standard of living, health and education.

20. In view of the previous concluding observations,<sup>19</sup> please provide information on measures that have been taken to combat child labour, including its worst forms, and on the impact of the National Programme for the Protection of Children and Adolescents 2021–2024 in particular. Please also provide information the tools used to detect and address serious human rights violations, including the recruitment of persons under 18 years of age for criminal activities, as well as the trafficking and exploitation of children and adolescents. In addition, please describe the measures that have been taken to ensure that migrant children have access to public services, including education and health, and enjoy an adequate standard of living, regardless of their immigration status, particularly when they are not accompanied by family members. Please indicate what steps have been taken to protect children and adolescents from sexual abuse and exploitation, including grooming for sexual purposes, in the digital environment.

21. With regard to the measures adopted by the State party to prevent and eradicate violence against women and girls, the Committee looks forward to the submission of the information requested by the Committee on the Elimination of Discrimination against Women.<sup>20</sup> In light of the State party's report to the Committee against Torture,<sup>21</sup> please provide information on the impact of the measures taken to combat violence and discrimination against persons on the basis of their real or perceived sexual orientation or gender identity.

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<sup>16</sup> E/C.12/MEX/7, paras. 121–140.

<sup>17</sup> Ibid., annex 2, pp. 186–201.

<sup>18</sup> Follow-up letter dated 15 June 2020.

<sup>19</sup> E/C.12/MEX/CO/5-6, para. 42 (b).

<sup>20</sup> CEDAW/C/MEX/QPR/10, para. 9.

<sup>21</sup> CAT/C/MEX/8, paras. 275–283.

**Right to an adequate standard of living (art. 11)**

22. In light of the State party's report<sup>22</sup> and annex 2 to the report,<sup>23</sup> please provide updated statistics for the last five years on the prevalence of undernutrition and malnutrition, disaggregated by region, area (urban/rural), ethnic group, sex and age, including data on overweight and obesity, and on the measures that have been taken to mitigate these phenomena, including information on measures to regulate the food and beverage industry and ensure access to clear and accurate information on the health risks of food products. Please also describe the specific results and impact of the implementation of the Sectoral Programme for Agriculture and Rural Development 2020–2024 and the Institutional Programme 2020–2024 for Food Security in Mexico on the enjoyment of the right to adequate food.

23. Please update the Committee on the steps that have been taken to adopt a general act on water, as well as on the planned means of ensuring that social partners participate in and are consulted on the design and implementation process. Please describe how the National Water Programme 2020–2024 and the Drinking Water, Drainage and Sanitation Programme have helped reduce regional inequalities in the accessibility, affordability, availability and safety of drinking water and improved access to adequate sanitation in the State party. Please provide information on the water quality measurement system and the steps that have been taken to prevent water pollution.

24. Please also provide information on the impact of the measures described in the State party's report<sup>24</sup> on the reduction of the shortage of low-cost housing and the enjoyment of the right to housing, based on the criteria of legal security of tenure, habitability, affordability, accessibility and cultural adequacy, as well as on the financial and human resources set aside for the implementation of these measures; likewise, please indicate the lessons learned in this regard. Please include data for the past five years on the number of informal settlements in the State party, the number of forced evictions, the number of households concerned and the provision of compensation or alternative accommodation. Please also provide information on the measures taken to ensure that both State and private actors avoid forced evictions incompatible with international standards. In addition, please provide information on the mechanisms in place to ensure that persons affected by forced evictions have access to legal procedures and remedies and are provided with alternative housing, adequate compensation or both.

25. In view of the previous concluding observations,<sup>25</sup> please report on the impact on poverty reduction and specific results of the Institutional Programme 2020–2024 of the National Council for the Evaluation of Social Development Policies. In this regard, please provide information on the human and financial resources set aside for the implementation of the Programme and on the means of coordination put in place at the federal level to narrow the gaps between urban and rural areas.

26. With regard to the previous concluding observations,<sup>26</sup> please provide information on the measures that have been taken to address the root causes of widespread violence and internal conflicts and thus to prevent internal displacement. Please provide statistical information on the internally displaced population in the State party. Please also indicate what steps have been taken to prevent the illegal occupation of Indigenous territory and to ensure that Indigenous Peoples are not dispossessed of or removed from their land. Please provide information on the measures that have been adopted for the protection of the rights of Indigenous Peoples at all stages of displacement and for the restitution of their ancestral lands and their resettlement in or return to those lands. Please also indicate the measures that have been taken to adopt a comprehensive normative framework for the protection of the economic, social and cultural rights of internally displaced persons, including the rights to adequate housing, work, social security, education, water and sanitation.

<sup>22</sup> E/C.12/MEX/7, paras. 175–189.

<sup>23</sup> Ibid., annex 2, pp. 95–115.

<sup>24</sup> Ibid., paras. 219–224.

<sup>25</sup> E/C.12/MEX/CO/5-6, paras. 45–47.

<sup>26</sup> Ibid., paras. 55 and 56.



**Right to physical and mental health (art. 12)**

27. Please provide information on the impact that the Health Sector Programme 2020–2024 has had on efforts to ensure universal access, without discrimination, to quality health services. Please also provide information on the measures that have been taken to address medication shortages, particularly medication for the treatment of cancer, diabetes and hypertension, as well as psychiatric medication. In this respect, please include information on the results of the *amparo* proceedings that have been instituted to obtain medicines and health supplies. Please provide information on:

(a) Strategies and action plans, and their impact, to address the burden of non-communicable diseases and mental health;

(b) The measures that have been taken to adopt public policies to address the physical and mental health impact on the relatives of the victims of enforced disappearance, noting whether these policies have been adopted in consultation with the persons affected;

(c) The measures that have been taken to reduce the incidence and improve the treatment of HIV/AIDS and tuberculosis, including the accessibility of the tuberculosis vaccine;

(d) Child mortality, under-5 mortality and maternal mortality;

(e) The national immunization schedule for children, including immunization rates for the last five years;

(f) The number of medical professionals per municipality, including gynaecologists and obstetricians, and the number of primary health-care centres, broken down by municipality and area (remote/rural);

(g) The impact of the measures that have been taken to increase the availability and accessibility of sexual and reproductive health programmes and services, particularly comprehensive sex education, prenatal and postnatal care and voluntary termination of pregnancy, including in rural and remote areas and in particular for women deprived of their liberty and Indigenous women;

(h) The steps that have been taken in follow-up Supreme Court ruling No. 267/2023, under which abortion was decriminalized at the federal level. In particular, please describe the measures that, informed by a culturally and ethnically sensitive perspective and with a view to ensuring access to safe and legal abortion throughout the State party, have been taken to harmonize federal and state laws and protocols on abortion, guarantee the accessibility and availability of abortion services in the jurisdictions where abortion is legal and issue guidelines on conscientious objection in the State health system and to prevent obstetric violence;

(i) The measures that have been taken, including the allocation of the necessary financial resources, for the adequate provision of prevention, treatment and harm reduction services for people who use drugs; and the measures that have been taken to transition from criminalizing personal drug use to prioritizing an approach informed by a public health perspective and the provision of medical services to users;

(j) The measures that were taken during the COVID-19 pandemic to address the shortage of medical resources and the inadequacy of health infrastructure, as well as to ensure access to water and sanitation, particularly in remote and rural areas, with special attention to Indigenous Peoples and the most vulnerable sectors. Please include information on vaccine distribution during and after the pandemic.

**Right to education (arts. 13 and 14)**

28. Please provide the following information:

(a) Whether primary education is free of charge by law and in fact and what is done to ensure that there are no hidden school costs;

(b) The measures adopted by the State party to improve the quality, accessibility and relevance of education, and the specific results of those measures;



(c) The impact of the steps that have been taken to reduce illiteracy in the State party, including an up-to-date indication of the number of illiterate persons, broken down by sex, age, ethnic or national origin and region (rural/urban);

(d) The impact of the measures that have been taken over the past five years to guarantee access to education, including preschool, ensure retention and improve advancement rates in primary and secondary education, as well as to promote access to higher education among the most disadvantaged and marginalized groups, including statistics on enrolment, retention and advancement in primary and secondary education, broken down by sex, gender, age, ethnic or national origin, disability, income quintile and region (urban/rural).

**Cultural rights (art. 15)**

29. Please provide information on the measures taken by the State party to ensure the right of everyone, including disadvantaged and marginalized persons, to take part in cultural life and to enjoy the benefits of scientific progress and its applications. Please include information on the consultations held with a view to the adoption of the General Act on the Linguistic Rights of the Indigenous Peoples and the Federal Act for the Protection of the Cultural Heritage of Indigenous and Afro-Mexican Peoples and Communities and on the results of those consultations.

30. Please provide information on the measures taken by the State party to regulate the operation of digital platforms and information and communication technologies, including social networks, so that their operation, activities and content incorporate a focus on the protection of users' human rights.

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