

# **Proposals from civil society organizations for the List of issues in relation to the fifth and sixth periodic reports of Mexico before the UN Committee on Economic, Social and Cultural Rights**

(January 2017)

## **I. General Information**

1. On the basis of the principle of progressivity, please provide elements of analysis to assess whether progress has been made in relation to previous periods in meeting each of the economic, social, cultural and environmental rights covered by the report.
2. Given that a major constitutional reform in the field of human rights was carried out in Mexico in 2011 with multiple implications for all authorities of the Mexican State, including the obligation to prevent, investigate, punish and redress human rights violations, provide information on the specific safeguards available to the population for the effective protection of the rights enshrined in the ICESCR, as well as examples of cases of jurisprudence during the last five years.
3. Please indicate how compliance with judicial decisions issued by the Supreme Court of Justice of the Nation is ensured when it is determined that there has been a breach of law, abuse or violation of human rights by an authority or a private, public, mixed company, or a private company supported by the State. Please also specify what measures have been taken in the face of situations of non-execution of judicial decisions issued by the Supreme Court of Justice with a view to achieving judicial decisions enforcement and the integral reparation of the violated economic, social, cultural and environmental rights.

## **II. Issues relating to the general provisions of the Covenant (Articles 1 to 5)**

### **Right to self-determination (Article 1, paragraph 1) and right to freely dispose of natural wealth and resources (Article 1, paragraph 2)**

4. In addition to the constitutional and normative advances regarding the recognition in Mexico of the rights to self-determination, autonomy and other collective rights of indigenous peoples and communities, please indicate what specific measures the Mexican State has implemented to comply with the recommendations of the ESCR Committee in its concluding observations of 2006 (E/C.12/MEX/CO/4, paragraph 28) on proper consultation of indigenous and local communities affected by large-scale projects on the lands and territories which they own or traditionally occupy or use, and seek their prior informed consent in any decision-making process in relation to these projects that affect their rights and interests under the Covenant, in line with ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, which has also been subject of other international recommendations against recurrent situations in the country in which investment and development plans and projects are implemented without the peoples having participated in

their definition, without being informed and duly consulted and without giving their prior, free and informed consent.

5. Please explain to the Committee what were the reasons why the Mexican Government did not consult indigenous peoples and communities (and comparable communities) on the 2013 constitutional reform on energy and its secondary laws of 2014, particularly the Hydrocarbons Law and the Electricity Industry Law which include provisions on the use and occupation of lands and territories that may directly affect the economic, social, cultural and environmental rights of these peoples and communities. Please also provide information on any legislative reform envisaged to address these issues with appropriate participatory mechanisms.

6. Please explain how the obligations of the Mexican State under the ICESCR can be compatible, including the respect for and protection of the right to self-determination, with the provisions of the energy sector reform that give preference to public and private activities of exploration and exploitation of oil and other hydrocarbons over any other activity that involves the use of the surface and the subsoil of the land related to those. Also, please explain what alternatives a land holder or owner has in the absence of an agreement with an Assignee or Contractor interested in developing an energy project, since the Hydrocarbons Law, Chapter IV "Of the Use and Superficial Occupation" establishes procedures that invariably lead to the administrative or judicial determination of a legal hydrocarbon easement, even though the peoples right to self-determination implies the right to decide on their development and not to be deprived of their own means of subsistence. Please indicate whether the legal and public policy framework provides for exceptions to such provisions and how the State will preserve the territories of indigenous peoples and communities and comparable communities from business activities that are preferably promoted by the energy sector reform.

7. Please provide information on how people from indigenous, agrarian, "ejido" and other communities are protected from threats, violence, the breakdown of social tissue, displacement and the dispossession of their ancestral lands and territories when an investment or development project on energy or anyother industry is carried out. Please also specify what measures have been taken to sanction and fully compensate for the damage caused by land grabbing, displacement and the affectation of common goods such as water, land, and other environmental, social and cultural elements that are part of the territories.

8. In addition to mentioning that the 2013 constitutional reform on energy envisages the right to prior consultation of indigenous peoples and communities, please explain the justification of the provision in the Regulations of the Hydrocarbons Law (Article 85) and the Electricity Industry Law (Art. 85) that establishes that productive enterprises of the State may carry out consultation processes with indigenous communities when international standards entitled governments to do so. Also, please specify which dependency of the Mexican State is responsible for implementing the consultation process in relation to mining projects, given the lawsuits against governmental omissions to consult prior to the approval of mining concessions located in territories of indigenous peoples. Please also indicate which budgets are labeled by the Mexican Government to adequately ensure the carrying out of indigenous consultation processes and not having such budgets, explain how the State guarantees adequate resources for that purpose.

9. Considering the experience of indigenous consultation processes carried out so far, please indicate which actions were taken to ensure that consultations had been conducted

in a transparent, effective manner, involving a significant number of community members or indigenous peoples, without threats, repression, violence or coercion and other international criteria of the rights to prior, free and informed consultation and consent. Please also explain the steps taken to solve the problems of not having a reasonable universe to vote, not having specified the procedures to follow when the community does not accept a project or does not agree with the negotiation of the occupation of their lands, or not having established with the community the criteria for specifying the benefits to be received collectively or individually, the timing and manner to receive them, as well as the state in which the land and the community should remain after the project or completion of the concession.

10. Given the climate of disqualification, violence and criminalization against indigenous human rights defenders fighting for self-determination and autonomy in their territories - situation documented by various Mexican organizations and international bodies- please specify the mechanisms that the State has set in place to protect them, how the performance of these mechanisms is evaluated and what results they have had in fulfilling their mandate.

11. Given the emergence of community groups that have undertaken security actions in their territories as part of their right to self-determination, please provide information on progress towards respect for indigenous peoples' systems for internal conflict resolution and how have the opinions aimed at criminalizing the use of such normative systems been mediated?

**Obligation to take steps, especially economic and technical, to the maximum of the available resources (Article 2, paragraph 1).**

12. Please provide information on budgetary resources for federal public expenditure (at constant prices) for social spending over the past five years, particularly and separately indicating the items related to policies for promoting employment, social security, housing, health, education and culture, indicating in addition what percentage of the total national budget and of gross domestic product (GDP) each budget line represents.

13. Please explain why, despite the fact that between 2014 and 2016, federal programmable expenditures increased by 2.8% in real terms and that surplus revenues were obtained at a level 6.1% higher than projected in 2015, budget cuts have been made to Expenditure functions related to economic, social and cultural rights, presenting the following budgetary variations 2016/2014, according to Timely Statistics of the Ministry of Finance and Public Credit: environmental protection spending function had a budget variation of -30.62% ; function of housing and services to the community had a variation of -9.55%; Expenditure function in health presented a budget variation of -1.98%; function of recreation, culture and other social manifestations had a variation of -21.41%; Expenditure on education a variation of -2.59%; and the agricultural, forestry, fishing and hunting expenditure function, a budgetary variation of -11.74% in the same period 2016/2014.

14. Please provide information on the amount of budget cuts in employment programs; also indicate how attention has been paid to the observations of the National Council for the Evaluation of Social Development Policy (Coneval) on the low coverage of these programs in general, and indicate which mergers of programs have been made and which programs have been eliminated in relation to the latest budget cuts since 2015.

**Obligation to take steps, individually and through international assistance and co-operation (Article 2, paragraph 1)**

15. Please provide information about the impact of the creation of the International Cooperation for Development Law (LCID) on respect for human rights, including economic, social, cultural and environmental rights, and whether the requirements for megaprojects or development projects, or companies that receive money from International Development Cooperation, contemplate a Human Rights Impact Assessment prior to its development, as well as participation of the populations possibly affected or possibly benefited in the decision-making, the elaboration of the project and the evaluation and monitoring thereof.

16. In addition to the reference made by the Mexico Report to the UN Guiding Principles for Business and Human Rights, please indicate what specific actions the Mexican State has carried out with European Union (EU) resources in projects related to those Guiding Principles to ensure that accountability and corporate transparency conditions are in place to strengthen respect for human rights in equality and non-discrimination for disadvantaged populations when they want to have access to justice in the event of violations caused by entrepreneurship. Please also specify how much resources the Mexican State has received from the EU for this purpose and how it guarantees with these projects the right to equality and non-discrimination in the implementation of the 2030 Agenda for Sustainable Development given the context of impunity and corruption in the country, the conditions of inequality in the distribution of wealth, and the poverty situation.

**Obligation to take steps to achieve by all appropriate means the full realization of rights (Article 2, paragraph 1)**

17. Please provide information on how, in the current context of opening up foreign investment to various industries including electricity and hydrocarbons, the Mexican State protects and guarantees the full effectiveness of economic, social, cultural and environmental rights of the population, which is not in equal conditions and power to negotiate with companies either because of lack of information, difference of languages (mostly indigenous), or the high administrative and legal costs to carry out an amparo, an appeal or a demand against the federal agency or company responsible for human rights violations; or because the burden of proof of these violations and abuses lies with the victims, or waiting for the judicial sentence entails months or years and prevents both the effective redress in time and form of the actual damage and the restitution of the former state when possible and has not caused permanent and serious damage to the health of a person and / or community or the environment, while persons, public officials or companies go unpunished due to corruption.

18. Please provide information on what clear and specific measures have been adopted in the country to: 1) determine liability where there is a violation of human rights by a business or industry, or when conducting any entrepreneurship, taking into account the extraterritorial obligations of States investing in Mexico; and 2) provide access to reparation mechanisms for victims of human rights violations caused by companies of all kinds, both domestic and foreign, or supported by foreign investments, national and international development banks and international financial institutions; all to achieve the full effectiveness of the rights recognized in the ICESCR.

## **Non-discrimination (Article 2, paragraph 2)**

19. Given the adoption of the UN Guiding Principles on Business and Human Rights as part of the objectives and strategies of the National Human Rights Program 2014-2018, but concrete actions in terms of non-discrimination focus only on the inclusion and non-discrimination of population with disabilities or LGBTTTTI population in the workforce of State Productive Companies, agencies of the Federal Public Administration or private ones, please explain why there are no issues of equality and non-discrimination for other sectors such as the communities affected by the activity of public and private enterprises, a combination of the two or any other. Please also explain why, despite the requests of the participating civil society organizations, the inclusion of indigenous, ejidal, agrarian, peasant and urban groups has not been established both in the development of these projects and in this process of adopting the UN Guiding Principles on Business and Human Rights in a public policy instrument.

20. Please indicate what programs the Mexican State has implemented for the social protection of people in situations of vulnerability, especially in relation to the elimination of provisions that violate the right to equality and non-discrimination in the legislation of some states. Please also indicate what reasonable adjustments and affirmative actions have been taken in relation to persons in vulnerable condition and how they have contributed to the realization of their right to equality and non-discrimination.

21. In addition to legislative and training actions for public servants, please indicate what other actions the Mexican State has taken to counteract and eradicate structural discrimination directed at various groups of the country's population, mainly women and the indigenous population, which prevents them full access to the rights enshrined in the ICESCR, and please provide information on the effectiveness of such actions.

## **Equal rights of men and women (Article 3)**

(Proposals on this right can be found cross-sectionally under other rights)

### **III. Issues relating to the specific provisions of the Covenant (Articles 6 to 15)**

#### **Right to work (Article 6)**

22. Please elaborate on the type of jobs in which people have been placed through the National Employment Service as well as the salary range of those jobs.

23. Please provide information on the policies or measures implemented to address and reduce labor informality and provide information on how these measures have achieved reduction in this matter.

24. Please indicate what measures have been implemented and which ones are to be implemented by the Mexican State to restore and guarantee the right to work of the population in situation of forced internal displacement in the place of resettlement or return.

## **Right to just and favorable conditions of work (Article 7)**

25. Explain what measures have been taken to address the decline in the purchasing power of the Mexican minimum wage, a matter of concern to the ESCR Committee since its Concluding Observations in 1999 on the occasion of the Review of Mexico's Third Periodic Report when it requested the State Party to take effective measures to ensure compliance with Article 7 of the ICESCR in relation to the constitutional basic basket (E / C.12 / 1 / ADD.41, paragraph 36), and subsequently in its 2006 Concluding Observations on its Fourth Periodic Report of Mexico, the ESCR Committee recommended that the State Party ensure that wages set by the National Minimum Wage Commission or negotiated between workers and employers ensure all workers and employees, particularly women and indigenous people, decent living conditions for themselves and their families in accordance with the Covenant (E / C.12 / MEX / CO / 4, paragraph 31). Given that the situation continues to be serious, as documented in several researches such as those prepared by the Observatory of Minimum Wages of the Universidad Iberoamericana Puebla, please also indicate what the State has done to comply with the reiterated recommendations of the ESCR Committee.

26. Considering that the National Council for the Evaluation of Social Development Policy (Coneval) has constructed the labor trend index of poverty, which "shows quarterly the tendency of the proportion of persons who can not acquire the food basket with the income of their work", please indicate the steps taken to improve this situation.

27. Please provide the most current figures on the wage gap between women and men and what progress has been made in narrowing these gaps based on the measures mentioned in the State's Report related to the 2012 labor reform.

28. Please provide detailed information on the measures taken by the Mexican State regarding the respect, protection and guarantee of the rights of agricultural workers or agrarian day laborers, beyond what is contemplated in the Federal Labor Law in its articles 279 to 284 regarding the special circumstances and specific rights that the employers must attend. Please indicate how the activities of national and transnational companies hiring agricultural day laborers are regulated, what are the control and supervision measures over companies, and what measures has the Ministry of Labor and Social Welfare adopted to improve its obligation to monitor the working conditions of agricultural day laborers.

29. Please provide information on the procedures followed against those companies that do not comply with the Federal Labor Law and keep agricultural day laborers in deplorable conditions of work that are similar to semi-slavery: overcrowding in designated places for their rest arriving to locate more than 10 people in a place for 4; excessive workdays that even exceed the legal limit of 8 hours of work with workdays of up to 15 hours or more; lack of medical services or insurance that reaches death due to lack of care; lack of places for recreation and education of daughters and sons of day laborers as established by law; pay per task and extremely low; child labor, unjustified dismissals, retention of wages among other serious situations. Provide examples of concrete measures undertaken by the Mexican State including the Conciliation and Arbitration Boards and other state and federal agencies that must effectively operate to address this situation, to punish companies and to enforce labor rights for agricultural workers. Also, please provide examples of legal action against companies that have violated farm workers' rights and accountability and redress processes.

30. Please also indicate the measures taken to ensure that farm workers are adequately restored to their rights, taking into account the mobility characteristics of the day-labor population and other serious obstacles to the judicial claim of their rights.

31. Please specify the measures taken by the State to ensure access to and respect for the rights of girls, boys and women because of their status as being most vulnerable within the agricultural workers population.

32. Please provide information on what the Mexican State has done to comply with the recommendation made by the Committee on ESCR in its Concluding Observations of 2006 (E/C.12/MEX/CO/4, paragraph 32) regarding to take effective measures to improve the working conditions of indigenous workers, in particular by adopting and / or implementing the relevant legislation, implementing the federal Act to Prevent and Eliminate Discrimination and the states legislation, effectively conducting a greater number of inspections at the indigenous communities and sanctioning employers who violate minimum labor standards.

### **Trade union rights (Article 8)**

33. Please provide information on the manner in which the right to freely organize trade unions and the right to collective bargaining are recognized in the legislation of the Mexican State and on the guarantees that exist for such rights to be exercised effectively.

### **Right to social security (Article 9)**

34. Please provide information on how the Mexican State has guaranteed the social inclusion of elderly people in relation to social security, understood as to be a human right by itself and not only as part of the human rights of workers.

35. Please provide information on the percentage coverage of the economically active population (EAP) of contributory programs and their evolution over the past five years; in particular, explain the public policy measures taken to improve the overall coverage (contributory and non-contributory) measured by indicator of access to social security calculated by the National Council for the Evaluation of Social Development Policy (Coneval).

### **Protection of the family, mothers and children (Article 10)**

(Proposals on this right can be found cross-sectionally under other rights)

### **Right to an adequate standard of living (Article 11)**

36. Please explain what the Mexican State is doing to officially recognize and quantify forced internal displacement in the country caused by violence and human rights violations and to design and implement comprehensive policies that address the more than 280,000 victims registered in the country, which suffer from the progressive degradation of their right to an adequate standard of living and other economic, social and cultural rights.

37. Also, please indicate which institutions are responsible for serving the victims of internal forced displacement at the national and subnational levels and who have a specific protocol of action to guarantee this population the right to an adequate standard of living.

### **Right to adequate housing (Article 11, paragraph 1)**

38. Please indicate with specific examples whether progress has been made and how to establish mechanisms to record forced evictions and their consequences as recommended by the ESCR Committee in 1999 on the occasion of the Review of the Third Periodic Report of Mexico (E/C.12/1/ADD.41, paragraph 41), and how it has complied with the recommendations of the ESCR Committee in its Concluding Observations of 2006 (E/C.12/MEX/CO/4, paragraph 43) on the occasion of its Fourth Periodic Report, in which it reiterates its request that the State party provide detailed information on the number of forced evictions in the next periodic report, the manner in which they took place and the corrective measures, whether legislative or otherwise, adopted by the State Party in relation to such evictions, in line with the Committee's General Comment No. 7.

39. Faced with a universe of approximately five million vacant dwellings throughout the country detected in 2012 - although not all new ones - please provide a more detailed assessment of the policies implemented to reduce the housing deficit and explain the measures taken to address this phenomenon updating the figure to the date of submission of the report.

40. Please indicate the progress made in the indicator "housing in urban containment perimeters" developed after the creation of the National Housing Plan and to which the National Commission of Housing (Conavi) follows up, specifying what measures the government has taken to ensure the inclusion of low income actors (60% of the population) in the face of the growth of land values involved in the urban development itself and the policy of densification and urban compaction put in place given the need to avoid the irrational expansion of the main cities.

41. Notwithstanding its adequate inclusion in the Housing Law and its quantitative and potential importance to assist the low-income sectors, the consolidated Fifth and Sixth Reports of Mexico fail to address the Social Production of Housing (that produced non-profit, under the initiative and control of its users). Please share what steps have been taken to implement and expand the coverage of Social Production of Housing.

42. Please indicate whether measures have been developed to consider in housing policy the issue of mass industrial construction of prototype dwellings and construction standards that neglect cultural adequacy, a relevant subject of adequate housing in accordance with the ESCR Committee's General Comment N ° 4, affecting diversity, adaptation to climate, local economy, quality of life and rural and urban landscape.

43. Please provide information on the expansion and impact of the actions foreseen in the 2014 National Housing Plan in relation to the reduction of housing lag, understood as the difference between the number of dwellings and the number of households with their quantitative and qualitative dimensions (being the quantitative one the calculation of housing needs for construction due to lack of one or replacement for not meeting the minimum conditions to be considered habitable; and being the qualitative dimension the estimation of

housing that requires enlargement for overcrowding or improvement due to deficiencies or deterioration). Please provide information on the real impact on the reduction of the housing lag, in addition to the number of actions for the construction of new housing or improvement actions carried out by institutions such as the Housing Fund of the Institute of Social Security and Services of State Workers (FOVISSSTE) or the Institute of the National Housing Fund for Workers (INFONAVIT)

44. Please indicate what steps have been taken in relation to the provisions of the National Development Plan 2013-2018 regarding the need for housing replacement that was concentrated in the non-affiliated population to social security, with 73% of the population in need receiving only 30% of the financing for housing; please provide information on how this figure has moved.

### **Right to adequate food (Article 11, paragraph 2)**

45. Please indicate which budget programs target small-scale producers (with landholdings of less than 20 hectares) Please indicate the percentage of expenditure for these programs by disaggregating information by sex (ideally gender ), age, race, cultural identity, geographical location and type of community (urban, semi-urban, semi-rural, rural) Please also indicate which actions have been taken to ensure that small-scale producers are incorporated as providers in the public procurement policy for both the National Crusade against Hunger and other policies and programs that make food purchases.

46. Please explain why, despite the fact that in 2011 the human right to food was raised to the constitutional rank (Articles 4 and 27), Mexico still lacks a framework law that effectively protects the right to food of all people to be free from hunger and have effectively guaranteed the human right to food. Please indicate when there will be the corresponding regulatory law for the protection and guarantee of this right and the progress achieved for the adoption of this regulatory law of the right to food.

47. Please explain how the Mexican State protects agricultural and livestock lands from surface and subsoil occupation for energy projects and what guarantees the peasants have in order to preserve their lands against these projects, since with the 2013 constitutional reform in energy sector and its secondary laws of 2014 the public and private activities of exploration and exploitation of oil and other hydrocarbons now have preference over any other that implies the use of the surface and the subsoil of the lands assigned to them. Please explain how the State will prevent these provisions from placing in a secondary position agricultural or livestock activities or any other activity necessary or vital for the realization of the right to adequate food of rural and/or urban population in the area of influence of energy projects.

48. Please explain how the provisions of the Hydrocarbons Law and the Law of the Electricity Industry about the determination of judicial easements by judicial or administrative processes for the realization of energy projects do not contravene the State's obligations regarding the right to adequate food since these figures favor the energy industry over agri-food production or any other activity on the lands of interest, with possible consequences for the availability, accessibility, quality and affordability of food. Please explain how this is consistent with the fact that the Mexican government has placed food at the center of its national policy of social development and combating poverty.

49. Please explain why the Ministry of Agrarian, Territorial and Urban Development (Sedatu), whose general mission is to provide legal certainty to agrarian groups, in the framework of the energy reform plays a role that departs from this mission: the mediation at the request of the assignee or contractor interested in use, enjoy, affect or, where appropriate, acquire land, property or right for energy projects having to reconcile interests and claims between the assignee or contractor and the owner of the land, reduce asymmetries between the parties and arrive at an acceptable and voluntary solution in only 30 calendar days, and in case of not reaching an agreement, the Energy Secretariat may request the Sedatu to carrying out procedures before the Federal Executive for the constitution of a legal easement of hydrocarbons in favor of the assignee or contractor for the development of the energy project.

50. Please provide information regarding legal, public policy and budgetary measures that the Mexican State has set in motion to promote subsistence productive activities such as agro-alimentary and to prevent their affectation by energy or other projects.

51. Please indicate the measures taken by the Mexican State to sanction and repair the damages on the right to food of persons belonging to indigenous and peasant communities affected by extractivism or other major development projects. Please also indicate what kind of bodies have been created for the enforceability and justiciability of the right to food in Mexico or before which judicial bodies can appeal to individuals and communities that have been affected by economic policy decisions or government or third party projects in their human right to food.

### **Right to water and sanitation (Article 11, paragraph 1 and Article 12)**

52. Please provide information about legal, public policy and budgetary measures taken to ensure adequate access to adequate water for personal and domestic use as well as disaggregated information on the 92.3% of the population that is reported in the Periodic Report of the Mexican State with potable water coverage, revealing how much of that population has coverage in terms of infrastructure only or connection to the network, how much population does not effectively receive a sufficient, continuous and healthy water supply, fit for personal and domestic use (for bathing, cooking and drinking, cleaning the home and washing clothes) as it corresponds to the human right to water and how much population does have that access. Please also provide information disaggregated by regions and urban or rural áreas of the population without coverage, and what measures are specifically taken to improve such inequity in distribution and access to vital liquid.

53. Please indicate the legal and public policy measures that the Mexican State has adopted to protect water sources in the context of the energy reform, as well as those adopted to prevent and sanction violations of the human right to water in the same context, since the provisions of the energy reform give preference to the public and private activities of exploration and exploitation of oil and other hydrocarbons over any other that implies the use of the surface and the subsoil of the lands assigned to them. Please also explain how these provisions are compatible with the State's obligations with respect to the right to water and the right to sanitation when it is possible that they create conditions conducive to their violation, considering that several energy projects occupy for their development millions of cubic meters of water and most of them irreversibly contaminate it, especially the exploration and exploitation of non-conventional hydrocarbons (gas and shale oil) that apply the harmfulness technical of hydraulic fracturing (fracking), banned or subject to moratoriums in

other countries due to serious environmental and social impacts and violations of the human right to water and other human rights.

54. Please elaborate on the Committee's guideline on the system used to control water quality, with emphasis on measures taken on the issue of pollution of water sources, as this and the overexploitation of aquifers are serious problems in the country.

55. In view of the impact of various economic activities on water quality through point and diffuse discharges, please explain what legal, programmatic and budgetary measures have been put in place to protect water sources from industrial, agricultural and urban contamination. Please also indicate the preventive measures taken so that energy and other projects do not further compromise the enjoyment of the right to water for present and future generations, taking into account the commitment of the Mexican State to the 2030 Agenda for Sustainable Development, which includes among its Sustainable Development Objectives (SDGs) the number 6 on ensuring the availability of water and its sustainable management and sanitation for all, and among its targets, the target 6.3 on improving water quality by reducing pollution, eliminating dumping and minimizing emissions of hazardous chemicals and materials, reducing the percentage of untreated wastewater by half and substantially increasing global recycling and reuse without risk.

56. Please expand the information provided in the section on the right to health, paragraphs 176 to 179 of the Fifth and Sixth Periodic Report on measures taken to prevent, treat and control water-related diseases and ensure access to adequate sanitation services informing about the level of coverage in Mexico of access to improved sanitation and how this indicator is composed, taking into account the commitment of the Mexican State to the 2030 Agenda for Sustainable Development and its target 6.2 on achieving access to adequate and equitable sanitation and hygiene services for all and put an end to defecation in the open air, paying special attention to the needs of women and girls and people in situations of vulnerability. Please also indicate the percentage of the water being treated and the measures taken and planned to improve the quality of the water served.

57. Please explain the measures taken to ensure the economic accessibility or affordability of the human right to water as the Mexican periodic report does not adequately respond to the ESCR Committee guideline for action to ensure that water supply services, both private and public, are available to all.

58. Please explain why, if the ICESCR mandates the application of the maximum of available resources for the progressive realization of the rights, and the country has not achieved neither the universal coverage of quality water supply sufficient for personal and domestic consumption, nor sanitation systems to guarantee the right to improved sanitation, subsidies to the hydraulic program are cut by 72% in the Federal Expenditure Budget (PEF) 2017, passing from 12,513,420,010 Mexican pesos to 3,449,649,727 (source: Ministry of Finance and Public Credit; Project of Federal Expenditure Budget 2017, and Federal Expenditure Budget 2016), concentrating this cut in the Potable Water, Sewage and Sanitation Program (PROAGUA), the only existing federalized program to meet the infrastructure construction needs for the endowment drinking water, drainage and sanitation. Please also explain why both the Wastewater Treatment Program (PROSTAR) and the Program for the Construction and Rehabilitation of Drinking Water and Sanitation in Rural Areas (PROSSAPYS) - which by its objectives and characteristics were considered a program for social development - are merged into PROAGUA, which, as already mentioned, is severely diminished in the 2017 budget.

59. Please explain the reasons and consequences of the granting of water concessions for long periods without considering the existing availability of water. Please also explain the measures taken by the State in relation to the problem of clandestine wells and the deficiencies of the Public Registry of Water Rights (REPDA).

**Right to physical and mental health (Article 12)**

60. Please indicate what public policy the Mexican State has implemented to guarantee access to active and healthy aging, and which actions have been taken in relation to the right to health and well-being of older persons.

61. Please explain the reasons for non-compliance with Goal 5.A of the Millennium Development Goals (MDGs), which by 2015 was 22.2 maternal deaths per 100,000 live births, when the maternal mortality ratio in 2014 was 38.9 pregnant women for every 100,000 live births, which in absolute numbers resulted in 872 maternal deaths, and in 2015 in 712 maternal deaths according to the Epidemiology Bulletins of the Ministry of Health (SSA). Please also explain what actions the Mexican State is taking to fulfill the commitments made regarding this goal and achieve the reduction of maternal deaths.

62. Considering that the Information on Reproductive Choice Group (GIRE) documented in its Report "Obstetric Violence, a human rights approach" that only between January 1st, 2014 and June 30th, 2015, 575 complaints were filed at the national level to public health service providers for mistreatment and medical malpractice against women in the context of childbirth care / obstetric violence, as well as 551 complaints for the same concept to national and local public human rights institutions during the same period, please indicate what measures the Mexican State has taken to address this high number of complaints and structural deficiencies in the health system where universal access to women requiring obstetric health services is not guaranteed in terms of accessibility, acceptability, quality and non-discrimination. Also, in this context, please provide information as to whether the State has indicators to measure obstetric care, including obstetric emergencies, in terms of access, acceptability, quality and non-discrimination and, where appropriate, information on compliance with such indicators.

63. Although the Program *Arranque Parejo en la Vida* (Equal Start in Life) has been implemented for several administrations, the Mexican State has not achieved the goal of reducing the maternal mortality ratio established in the Millennium Development Goals (MDGs). Only in 2014, the health sector was the second with the highest number of complaints filed with the National Commission on Human Rights (CNDH) regarding violations of the right to health. The magnitude of the complaints allows us to glimpse structural problems that imply obstacles in access to obstetric health services, especially for the most vulnerable women due to their socioeconomic level, language and ethnicity, whereby maternal mortality and obstetric violence are a theme of social justice. In addition, the Program does not mention the reforms in universal care of Obstetric Emergencies made to the General Health Law, the Institute of Social Security and Services of State Workers Law (ISSSTE Law) and the Social Security Law. In this context, please provide yearly disaggregated information on the core indicators of the Program *Arranque Parejo en la Vida* and their degree of compliance.

64. According to figures from the Executive Commission for Victims Assistance (CEAV), of the 600,000 sex crimes committed each year in Mexico, 9 out of 10 victims are women, of which four out of ten are under 15 years; the Information on Reproductive Choice Group (GIRE) documented in its report "Violence without interruption", that of the total number of women victims of sexual violence at the national level (163,368) who sought care in health institutions from January 1st, 2009 to June 30th, 2016, 12,642 were underage women. These data show that girls and women in Mexico face a situation of sexual violence, coupled with persistent obstacles for adolescents to access a Legal Interruption of Pregnancy due to rape, as GIRE documented in the report. In this context, please indicate which actions the State has taken to implement the General Victims Law and the Official Mexican Standard (NOM) 046 to guarantee access to Emergency Contraception, Legal Interruption of Pregnancy and Prophylaxis for Sexually Transmitted Infections in cases of rape, as well as the number of services of this type provided by public health services.

65. Please clarify the reason for claiming that only the Institute for Social Security and Social Services of State Workers (ISSSTE) count with the Interinstitutional Agreement for the Universal Attention of Obstetric Emergencies (which provides health services to all women of gestational age that present an obstetric emergency, whether or not they are entitled for being affiliated) when the Mexican Social Security Institute (IMSS) and the federal Health Secretariat (SSA) also signed the agreement. Also, recognizing that this Agreement represents a positive step in terms of public policies, please explain the following failures identified in its implementation: the Agreement and its benefits are often unknown by both women and health service providers; only 414 health units across the country participate in the Agreement, and hospitals such as the National Institute of Perinatology, Petróleos Mexicanos Health Services, Ministry of Defense and Marine are out of it. Please provide disaggregated information per year on the number of women who have benefited from the Convention and on the measures taken to make the Convention known to users of obstetric health services and hospital staff.

66. Please explain why the government applied a cut in the budget assigned to the Federal Secretariat of Health of -10.81 percent in 2017, compared to 2016, and why it applied a decrease of -10.33 percent -in the same period - to the budget labeled Maternal, sexual and reproductive health. Please provide information on the justification for these cuts and the actions being taken to prevent damage to the general population, and in particular to women of reproductive age and population in poverty.

67. Please justify the cut of -11.85 percent to the *Seguro Popular* budget -a public health insurance initiative- in the Federal Budget 2017, although *Seguro Popular* is the main source of financing for state health services in the country's 32 states. Also, in view of this reduction, please indicate how the affiliation to the current population will be sustained, and how it will be ensured to provide health care in accordance with the standards of article 12 of the ICESCR.

68. Please indicate what government programs are available to provide health services for users of illicit plants and substances, and whether public policies for risk and harm reduction exist or are being designed to provide information and tools to the users of such substances so that they can develop a more responsible use and prevent it from becoming a problematic use.

## **Right to a healthy environment (Article 12, paragraph 2, point (b))**

69. Since the measures to be taken by the Covenant States Parties on the right to health include those needed to improve the environment, please explain why in recent years there has been a dismantling of the public environmental sector in Mexico, with the progressive reduction of the environmental budget and the creation of several institutions that have specific competence on environmental regulations in the field of hydrocarbons or water. Please also provide information on the budget devoted to the protection and guarantee of the right to a healthy environment, indicating in a disaggregated manner the agencies responsible for their implementation, the activities to which they are dedicated and their impact on the enjoyment of the right to a healthy environment.

70. In view of the last few years approval and implementation in Mexico of a number of energy megaprojects (hydrocarbons, renewable energies, dams), miners (29,000 mining concessions nationwide), real estate or housing, in tourism, in agriculture, among others, whose affectations on the economic, social, cultural and environmental rights are diverse and even irreparable on the environment, for the sake of economic growth, please provide information on such megaprojects and what measures have been taken to protect the right to a healthy environment, what strategic planning and evaluation measures were carried out, and what the economic, social and environmental benefits of these megaprojects have been for the population living in Mexico.

71. In addition to the approval of environmental laws and regulations in Mexico, please provide information on the budget devoted to environmental inspection and surveillance, human resources of the competent authority, the number of inspections carried out, the number of sanctioned establishments and what type of sanctions were imposed, as well as what type of monitoring was given to sanctions, since thousands of spills, pollution and negative impacts on the environment and natural resources have occurred in the period that goes of the latest Mexican State Periodic Report in 2006 and in the recent past.

72. Since 95% of the aquifers and rivers in Mexico are polluted and overexploited, please provide information on the budget, actions and activities in the field of inspection and surveillance, especially for protection and guarantee of aquifers and rivers, the declaration of closures, and what have been the policies and actions taken to avoid over-concession of the water resource and guarantee the human right to water.

73. Please indicate what measures the State has taken to address the problem of air, water, soil and electromagnetic pollution, which have an impact on the health of the population, with special impacts on the child and maternal population, as well as was recommended by the Committee on the Rights of the Child in its Concluding Observations of 8 June 2015 (CRC/C/MEX/CO/4-5, paragraphs 51 and 52) on environmental health.

74. Please also indicate what the State have done to comply with the Rights of the Child Committee's recommendation (CRC/C/MEX/CO/4-5, paragraphs 51 and 52) on banning the import and use of pesticides or chemicals that have been banned or restricted for use in exporting countries, explaining the steps taken to avoid or cancel their use in the country for environmental and public health reasons, especially in light of the affects on agricultural workers and children in rural and indigenous communities. Please indicate whether the State have designed a strategy at the federal, state and local levels that is provided with resources, and in consultation with communities and indigenous peoples in particular, to remedy the situation and drastically reduce exposure to pollutants.

75. Please indicate what measures the Mexican Government has taken to prevent the exposure of agricultural workers and neighboring communities to the drift of aerial spraying of these pesticides when fumigated by light aircraft on agricultural fields. Please also explain what preventive measures have been taken to prevent the presence of highly hazardous pesticide residues in food, especially those with chronic health effects, and which monitoring programs with public access are available. Please also indicate what measures and programs the Mexican government has implemented to promote non-chemical or agroecological control measures for pest control, unwanted plants and diseases and to replace the use of highly dangerous pesticides authorized in Mexico.

76. Please indicate what measures the Mexican State has taken in legal matters to adapt its regulatory framework to ensure the legal liability of companies involved in activities that have a negative impact on the environment, among other actions to comply with the obligation of the State to protect both in the light of General Comment 14 (2002) of the ESCR Committee on the right to the enjoyment of the highest attainable standard of health, and of General Comment No. 16 (2013) of the Rights of the Child Committee on the obligations of the State in relation to the impact of the business sector on the rights of the child.

#### **Right to education (Articles 13 and 14)**

77. Please provide detailed information on the measures that the Mexican State has implemented or will implement in order to restore and guarantee the right to education to the population in situations of forced internal displacement at the place of resettlement or return.

#### **Cultural rights (Article 15)**

78. Please indicate how the Mexican State protects and guarantees the cultural rights of indigenous peoples and communities and comparable communities when it approves the construction of megaprojects in the territories they occupy for their cultural practices. Please provide examples of measures taken to address violations of cultural rights in Wirikuta, Las Cruces, San Mateo del Mar, among others.

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