

# Joint alternative report on the situation of economic, social, cultural, and environmental rights in Mexico (2017)

## Executive Summary

### Introduction

In the 11 years since Mexico's last periodic review by the UN Committee on Economic, Social, and Cultural Rights, international scrutiny of the human rights situation in Mexico has centered largely on civil and political rights. However, the human rights crisis in our country also includes a multiplicity of economic, social, cultural, and environmental ("ESC") rights violations committed by state and non-state actors, through acts and omissions that remain in impunity.

In this context, the undersigned civil society organizations and networks submit this Alternative Report to the Committee with the aim of contributing to its important and urgent work in the supervision of the situation of ESC rights in Mexico. The report reflects our collective experience of many years in the investigation, documentation and defense of these rights, and seeks to clarify the current situation in the country, as well as identify key obstacles, setbacks, limitations, and challenges for the full enjoyment of ESC rights.

To facilitate the Committee's evaluation of Mexico's combined V and VI Periodic Reports (E/C.12/MEX/5-6)<sup>1</sup> – which were due in 2012 but submitted in 2016 – as well as Mexico's replies (E/C.12/MEX/Q/5-6/Add.1)<sup>2</sup> to the List of Issues (E/C.12/MEX/Q/5-6)<sup>3</sup>, our report contains 20 chapters that follow the order of the articles of the International Covenant on Economic, Social, and Cultural Rights ("Covenant") and the topics of particular interest that the Committee included in the List of Issues (access to justice, human rights defenders, business and human rights).

Chapters of the Alternative Report on ESC rights 2017
<b>A.</b> Peoples' right to self-determination, including the rights to free, prior, and informed consultation and consent (Art. 1, Para. 1 & 2 of the Covenant)
<b>B.</b> Obligation to adopt measures, including legislation, to achieve progressively the full realization of ESC rights (Art. 2, Para. 1 of the Covenant)
<b>C.</b> Obligation to adopt measures to the maximum of available resources (Art. 2, Para. 1 of the Covenant)
<b>D.</b> Obligation to guarantee the exercise of rights without discrimination, with a focus on migrants and victims of forced displacement (Art. 2, Para. 2 & 3 of the Covenant)
<b>E.</b> Gender equality and equity (Art. 3 of the Covenant)
<b>F.</b> Right to work (Art. 6 of the Covenant)
<b>G.</b> Right to just and favorable conditions of work (Art. 7 of the Covenant)
<b>H.</b> Trade union rights (Art. 8 of the Covenant)
<b>I.</b> Right to social security (Art. 9 of the Covenant)

<sup>1</sup> Committee on Economic, Social and Cultural Rights. Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. Combined fifth and sixth periodic reports of States parties due in 2012. Mexico (E/C.12/MEX/5-6) Date received: 8 June 2016.

<sup>2</sup> Committee on Economic, Social and Cultural Rights. List of issues in relation to the combined fifth and sixth periodic reports of Mexico. Addendum: Replies of Mexico to the List of Issues, E/C.12/MEX/Q/5-6/Add.1 (Date received: 17 July 2017)

<sup>3</sup> Committee on Economic, Social and Cultural Rights. List of issues in relation to the combined fifth and sixth periodic reports of Mexico (E/C.12/MEX/Q/5-6) Date: 20 March 2017.

J. Right to protection and assistance to the family (Art. 10 of the Covenant)
K. Right to an adequate standard of living and to the continuous improvement of living conditions (Art. 11, Para. 1 of the Covenant)
L. Right to adequate food (Art. 11 of the Covenant)
M. Right to water and sanitation (Art. 11, Para. 1 and Art. 12 of the Covenant)
N. Right to adequate housing (Art. 11, Para. 1 of the Covenant)
O. Right to the highest attainable standard of physical and mental health (Art. 12 of the Covenant)
P. Right to a healthy environment (Art. 12, Para. 2.b of the Covenant)
Q. Right to education (Art. 13 & 14 of the Covenant)
R. Access to justice for ESC rights (Topic of particular interest at the List of Issues)
S. Situation of ESC rights defenders (Topic of particular interest at the List of Issues)
T. Business and ESC rights (Topic of particular interest at the List of Issues)

In each chapter, we highlight ESC rights concerns citing data, analysis, and case studies. We point out important information included in or omitted from the official periodic reports and propose recommendations for the Committee's final observations on Mexico. In this executive summary, we present some of the key messages and concerns contained in each chapter. Our report also includes a compilation of all of our suggested recommendations in Spanish and English. In addition, we submit other reports and documents as annexes, in order to provide in-depth information on several topics.

The present report includes input from civil society organizations and networks from different Mexican states, who collaborated over a period of almost 3 years, including in the submission of information to the pre-sessional working group at the beginning of this year.<sup>4</sup> This input reflects an important part of the ESC rights panorama in the country. As for the State's combined reports, produced through a largely internal government process, it is important to note that the participation of some of the undersigned organizations in meetings convened by the Ministry of Foreign Relations in November 2014 and July 2017 does not amount to a consultative or participative process for the preparation of the official reports. On both occasions, we presented criticisms of official data and analyses, which were not fully considered by the State.<sup>5</sup>

## Summary of chapters

### ***A. Peoples' right to self-determination, including the rights to free, prior, and informed consultation and consent (Art. 1, Para. 1 & 2 of the Covenant)***

Mexican indigenous peoples and communities (and those communities that can be considered in a similar category) face a series of obstacles, restrictions, and challenges in the exercise of their self-determination. This right is not guaranteed in practice despite being recognized in article 2 of the Constitution since 2001 as a result of a series of complaints by indigenous communities and organizations to the International Labor Organization (ILO) and the Supreme Court due to the government's failure to honor the San Andrés Accords on Indigenous Rights and Culture (the outcome of dialogue following the Zapatista Uprising of 1994). The content of indigenous rights in Mexico varies depending on state-level legislation, which aggravates normative fragmentation and

<sup>4</sup> Joint Submission-Propuestas de organizaciones y redes mexicanas para la Lista de Cuestiones en materia de DESC y Derechos Ambientales en México (English & Spanish), available at: [http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT\\_CESCR\\_IFU\\_MEX\\_26449\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_IFU_MEX_26449_S.pdf)

<sup>5</sup> These were included only partially as "challenges" in the minutes of the Working Meetings on fulfilment of ESC rights in Mexico held in the Ministry of Foreign Relations on November 4th and 25th, 2014, available in Annex XXV of the Combined V and VI Periodic Reports of Mexico.

discrimination. Traditional indigenous lands are not demarcated and legally recognized, nor is indigenous peoples' right to collective property and possession in the terms established in ILO Convention 169. The supposed "legal certainty" over land occupation and protection of collective rights through agrarian law (referred to by the State in its reports) does not represent real protection. The reform to article 27 of the Constitution in 1992 and the corresponding Agrarian Law, far from protecting agrarian land possession, opened the door to the privatization of social property (collectively held land), much of which corresponds to indigenous communities.

Dispossession of lands in rural territories has an especially negative impact on many indigenous populations, due to their relationship with the land and their social, cultural, and organizational life based on collective land stewardship. Indigenous communities face the destruction of their ecosystems, a climate of impunity that permits illegal occupation of their lands (many times through violence), the erosion of their biocultural heritage, and the continuation of policies based on cultural integration, placing both their physical and cultural survival at risk.

Likewise, the rights to consultation and consent, key to self-determination when laws, plans, programs, projects, and other actions that could affect indigenous peoples, are not respected. When consultations occur, they are simulations that do not comply with the requirements of being prior, free, informed, in good faith, and culturally appropriate. We call the Committee's attention to violations in various cases of consultation, including procedures carried out under the energy reform (mentioned in Annex IV of the combined V and VI Periodic Reports) and other processes mentioned in Annex 4 of the State's Replies to the List of Issues. These problems do not require further regulation of the consultation process, which has lost legitimacy for numerous communities, but rather political will and the harmonization of other laws with international standards in this area.

***B. Obligation to adopt measures, including legislation, to achieve progressively the full realization of ESC rights (Art. 2, Para. 1 of the Covenant)***

Among the legislative measures adopted in recent years, there are several, such as the Constitutional energy reform (2013) and its secondary laws (2014), and associated regulations, that are incompatible with the State's pre-existing obligations under the Covenant. The energy reform is one of the so-called "structural reforms" of the current federal administration, and one of the clearest expressions of a resource extraction-based development model that generates opportunities for national and transnational enterprises through over-exploitation of natural resources, causing numerous human rights violations.

In addition to its fast-track approval without consultation or consent, the energy reform established legal norms that are harmful and regressive in terms of human rights: the preferential treatment given to exploration and extraction of hydrocarbons and the activities of the electric industry above any other use of the surface or subsurface of the land; administrative and judicial imposition of easements when land owners do not come to an agreement with businesses who hold a contract to extract energy; obligations of the federal, state, and local governments to facilitate and guarantee permits and authorizations for energy projects; confidential information and other obstacles to access information despite Mexico's legal framework on transparency; special regimes that weaken environmental protections in favor of oil and gas activities; obstacles in justiciability of rights when victims are affected by energy projects; and measures that contribute to criminalization of opposition and protest.

In this context, the procedures for consultation of indigenous communities, environmental impact assessments, and social impact assessments, foreseen in secondary legislation, are ineffective to safeguard human rights. We also criticize the inoperative and ineffective regulations issued to prevent, control, and repair environmental damage from energy activities, which can cause irreversible harm (such is the case with fracking, or hydraulic fracturing). We also address specific impacts of the energy reform in the chapters on self-determination, right to water and sanitation, and right to a healthy environment.

***C. Obligation to adopt measures to the maximum of available resources (Art. 2, Para. 1 of the Covenant)***

A budgetary analysis of the last few years shows that Mexico is not complying with its duty to use maximum available resources to progressively guarantee ESC rights. In particular, the State has failed to fulfil at least three obligations under article 2 of the Covenant: 1) proportionally increase the budget assigned to ESC rights when there are overall budget increases (instead, the State has made significant cuts in ESC activities even though the overall budget has increased); 2) justify cuts in times of crisis (there are insufficient explanations for the ESC budgetary cuts); and 3) bring budgets back up to pre-crisis levels (the State made cuts at the beginning of the year, when the economic outlook was negative, but subsequent budget increases did not lead to recovery of the ESC budget).

The data show that the increase in State income due to tax reforms (which counteract economic setbacks due to the fall in oil prices and the reduction in oil production in the country) has not been applied to prioritize ESC rights. We highlight the underspending of the budget assigned to various ESC topics, which the State should explain to the Committee. While in 2016 the federal government spent 26% more than that year's approved budget, several ESC-related agencies suffered underspending (the Ministries of Health; Agriculture, Livestock, Rural Development, Fisheries and Food; Social Development; and Environment and Natural Resources). At the same time, the Office of the President had a significant increase in spending and the State spent an exorbitant amount of money on non-priority activities, notably "social communication", the purchase of media publicity for the State's own actions.

In the chapters on gender equality and equity, water and sanitation, food, health, and education, we highlight some specific data on underspending and budget cuts, including in the 2017 budget, which have negatively affected these rights.

***D. Obligation to guarantee the exercise of rights without discrimination, with a focus on migrants and victims of forced displacement (Art. 2, Para. 2 & 3 of the Covenant)***

In Mexico, at least 310,527 people are victims of internal forced displacement. In 2016 there were at least 29 episodes of mass displacement affecting 23,169 people, 20 of which were caused by violence. Forced displacement prevents the full exercise of multiple rights, including: the rights to food, health, housing, education, work, and family and cultural protection. The victims of displacement are peasants and others who live on a subsistence economy, activists and human rights defenders, small business owners, businesspeople, and those who can be considered high-profile victims (politicians, authorities, etc.) Displacement has especially severe impacts on senior citizens, women, children, and indigenous people, who tend to have limited resources. One of the factors that increases

the vulnerability of the victims is their invisibility, as there is no official recognition of the situation.

Mexico also presents every type of international migration: it is a country of origin, transit, destination, and return. During the last few years, the arrival of Central American migrants has been one of the main expressions of migration. It is estimated that between 300,000-400,000 people enter Mexico via the southern border annually. Rising numbers of migrants and levels of criminality along the border have increased risk to migrants, who are victims of extortion, assault, kidnapping, and arbitrary detention, perpetrated by federal, state, and municipal authorities, as well as private criminal groups. Simultaneously, the number of asylum seekers increased from 811 in 2012 to 8,781 in 2016.

In this context, the State has implemented a strategy of containment, starting with detention of migrants or their deportation, without informing them properly of their right to seek protection. Starting in July 2014, the State has implemented the Integral Southern Border Program, which privileges the detection, detention, and expulsion of migrants whose paperwork is not in order.

Migrants in Mexican territory face obstacles to access social programs, health services, education, housing, and work. In particular, those lacking work permits tend to find employment in highly precarious jobs in the informal sector.

#### ***E. Gender equality and equity (Art. 3 of the Covenant)***

In Mexico, inequality between men and women remains a constant. Especially alarming are the levels of poverty that affect women and girls, with negative impacts in the exercise of their rights. For instance, the lack of access to water has particular consequences for women and girls, given gender roles in both rural and urban environments. In rural contexts, women and children travel long distances for hours a day to fetch water, which has consequences ranging from health tolls to exposure to sexual violence along the way. Violence against women persists in homes and in public life. Femicides (killing of women for gender reasons) are the most extreme form of this violence. Mexico has not fully harmonized its laws to respect women's rights and equality. For example, even though legislation in all states recognizes at least some circumstances in which women can seek an abortion, as of October 2016, Mexico City remained the only place to have legalized abortion based on the decision of the women up until 12 weeks of pregnancy, while 19 states have reformed their legislation to protect life from the moment of conception.

The National System for Equality between Women and Men lacks a coordinated structure and procedures to achieve substantive equality, while public policies and programs on equality fail to mainstream a gender perspective in the country's social, economic, and political life. Programs focused on financing economic projects for female heads of household, as well as other social programs, perpetuate the role of women as those who carry out housework and care for the family and the ill, which prevents women from empowering themselves economically. Mexico does not guarantee equal working conditions for domestic workers (overwhelmingly women); the State has not ratified ILO Conventions 189 (domestic work) or 156 (which contains provisions to contribute to the elimination of gender discrimination in work and family responsibilities).

#### ***F. Right to work (Art. 6 of the Covenant)***

The reform of the Federal Work Law in 2012, presented by the State as an advance in the consolidation of the right to work, does not strengthen compliance with all of the State's obligations regarding health and safety at work, nor does it strengthen trade union rights, transparency, or accountability. Additionally, it includes regressive norms, such as establishing that the employer who unjustifiably fires a worker must pay the victim only 12 months of salary (and 2% interest on 15 months of salary if, after 12 months, the trial has not concluded or the resolution has not been met with compliance), when the average labor trial lasts at least two and a half years.

For more than 10 years, the rate of work in the informal sector has remained around 60% of the economically active population, with a disproportionate amount of informality for the female working population. Official actions to generate formalization of work have led to low-wage, short-duration jobs. Unemployment has remained between 3-4% in the last few years, with female unemployment always higher than male unemployment. Of unemployed people in Mexico, 93% have work experience and 43% have secondary or higher education. Among young people, unemployment is above 6%, nearly double the national average, and it is much higher for young women. Between 2011 and 2016, the National Council to Prevent Discrimination (CONAPRED) received 1,726 complaints from women, of which 73% refer to discrimination in the workplace or related to employment. According to national statistics, 26.3% of women state that they have suffered discrimination in the workplace, and 14.9% denounce pregnancy-related discrimination (requirement to present proof of non-pregnancy to employers). Only 7.5% of women have their own income, which relates to the fact that 77% of unpaid domestic work is carried out by women. Domestic workers are excluded from the Obligatory Regime of the Mexican Institute for Social Security, which shows a discriminatory treatment both in the Federal Work Law and in the Social Security Law. Mexico has refused to ratify ILO Convention 189 on domestic workers.

The labor crisis in Mexico is reflected in the findings of the UN Working Group on Business and Human Rights in its visit to the country in 2016, including: the precarious situation of workers with temporary contracts; the lack of access to social security; low wages and a minimum wage that does not cover the basic food basket and much less allows workers to maintain themselves and their families; the increase in temporary employment, leading to falling salaries and worsening labor conditions; and approximately 2,480,000 children who participate in economic activities, of whom 1,000,000 are younger than 15 and 900,000 do not attend school.

#### ***G. Right to just and favorable conditions of work (Art. 7 of the Covenant)***

The precariousness of employment in Mexico is clear in indicators such as the following: at the close of 2016, 40% of workers earned less than 2 minimum wages, 45% worked without benefits, and 13% worked in critical labor conditions. Mexico's minimum wage has fallen almost 400% since 1976 (its highest historic point), going from \$241 pesos a day to \$64 pesos a day (discounting inflation, base year 2010). According to National Council for the Evaluation of Social Development Policies (CONEVAL), the value of the basic food basket does not correspond to the value calculated and approved in 2017 of \$80.04 pesos as the current minimum wage, such that 7 of every 10 people in Mexico have income below the cost of the basic food basket. CONEVAL indicates that the minimum wage must increase by 4.7 times in order to satisfy the basic needs of workers and their families. Around 2,040,414 people, either temporarily or permanently, carry out agricultural

activities in the country; 58.5% of agricultural day laborers migrate. These workers tend to come from marginalized municipalities and an important percentage of them are indigenous. According to official data, they work an average of 37 hours per week, but hundreds of cases documented by civil society identify people working up to 84 hours a week (12 hours a day). Only 14.1% of day laborers receive income above \$171 pesos per day and slightly more than 35% receive less than \$115 pesos per day. Women and young single indigenous migrant mothers are constantly victims of sexual harassment, abuse, and violence in the fields and those laborers who dare to make complaints are immediately suspended from work.

The wage gap persists, as women occupy 70% of the most precarious jobs (according to data from the National Institute for Statistics, Geography, and Information, INEGI); 44.1% of female workers do not have a contract, and 44.7% lack health services. The 2012 labor reform led to greater precariousness by promoting “flexible” labor conditions, such as by adopting a system of hour-banks that facilitate excessive overtime work without the overtime pay. In terms of balancing work and family life, Mexican legislation remains deficient in protection of maternity, limiting benefits to 12 weeks (not the 14 weeks guaranteed in ILO Convention 183). While the reform to the Federal Work Law included paternity leave, such leave has a duration of 5 days, while is clearly insufficient and reflects the stereotype that the care of newborns is a woman’s job.

The case of the explosion in the Pasta de Conchos mine in Coahuila state on February 19, 2006 (killing 65 workers) remains in impunity and is paradigmatic of negligence and ineffectiveness in labor inspection. At the moment of the explosion, only two inspectors were in charge of monitoring more than 129 coalmines. The process of monitoring Pasta de Conchos was interrupted and never completed: the 2004 order to remedy 34 of 48 deficiencies detected in an inspection, 6 of which needed to be remedied “immediately” to protect workers’ lives, was signed a year after the inspection (2005), notified to the company two months later, and the follow-up inspection occurred February 7, 2006. Twelve days later, the mine exploded due to serious security flaws that persisted. The UN Working Group on Business and Human Rights recently drew attention once more to Mexico’s current, low capacity for labor inspection.

#### ***H. Trade union rights (Art. 8 of the Covenant)***

The application of union registration regulations and the obstacles to registration constitute a form of prior authorization, due to the legal possibility (extensively used) of refusing to register new unions, as well as changes in union management and statutes. The Federal Work Law limits the legal causes for denying union registration, but authorities apply the law with discretion based on the union seeking registration and frequently exert pressure for the unions to register only as company unions, limiting their range of action. The main restriction on union rights stems from the persistence of a corporate-political system of trade union relations. Despite repeated recommendations by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) for Mexico to eliminate this obstacle, the State has not taken measures to do so. The existence of Employer Protection Contracts – collective contracts that do not represent the will of the workers, generally approved behind their backs or even before workers are hired – as well as legislation governing who has power to represent workers in collective bargaining and electoral fraud to determine these representatives, make it almost impossible for workers to truly negotiate collectively once an Employer Protection Contract has been signed. The main obstacle to the right to strike is the economic strategy used by the State to prioritize

and incentivize foreign investment known as the policy of “labor peace” expressed as “zero strikes”, achieved not by establishing a correct relationship between production factors, but rather through legal, political, and police pressure.

For State-employed workers, the law prohibits trade unions that bring together workers in different government agencies; each agency can have only one union, in which workers can register but not leave; and workers in positions of confidence (those appointed at the discretion of superiors) cannot take part in the unions. While the Supreme Court has declared unconstitutional some of these restrictions, the CEACR recommends the elimination of these obstacles in the law; however, Mexico has not complied.

### ***I. Right to social security (Art. 9 of the Covenant)***

Mexico’s social security system is highly complex, with different schemes for different populations. Each one covers distinct areas of social security, with different requirements for access, contribution periods, and amounts paid, without adequate coordination between these programs or a global evaluation of the entire system to analyze its viability. According to official studies of poverty and social needs carried out by CONEVAL, 70 million people (58.5% of the Mexican population) lacked access to social security in 2014. This situation foreshadows a large-scale crisis as the population ages, taking into account the failure of structural reforms in this area and thus the insufficiency of funds in individual accounts to finance a dignified life for senior citizens.

Since 2006, the CEACR has insistently pointed out diverse weaknesses and non-compliance of obligations in the realm of social security in Mexico. This situation comes along with the State’s failure to provide necessary statistical information and refusal to implement recommendations in this area. The main problems include: a) doubts regarding the financial viability of the system (population covered, security of payments and provision or payment for medical attention), especially given the implementation of a system of individual contributions administered by private businesses under government supervision, instead of a system of distribution; b) insufficient minimum pension amounts for workers; c) low levels of substitution of pensions for old age, disability and death of a spouse, although in some cases the lack of information impedes a full analysis; d) lack of a reduced pension option for workers who do not fulfil the normal pension requirements; and e) impermissibly prolonged period of payment of social benefits in case of illness, compared to the international standard.

### ***J. Right to protection and assistance to the family (Art. 10 of the Covenant)***

Priority concerns in the area of children’s rights include: the need to harmonize the country’s civil and family codes such that the minimum age for marriage meets international standards; the high number of childhood pregnancies due to lack of preventive actions and of access to abortions; the alarming levels of violence against girls, including the crisis of disappearances; trafficking in persons; children living on the streets; a level of prohibited employment of children that reached 8.4% of the population from 5-17 years old in 2015; detention of children who seek asylum or migrate, along with family separation; and a lack of policies and actions to address other structural problems that impede children’s exercise of their rights.

Turning to the rights of senior citizens, despite the 2002 Law on the Rights of Senior Citizens, discrimination against this sector is common, including lack of access to



employment, violence, having their property taken, lack of access to health services, poverty, lack of social security, and others. According to the 2014 National Survey on Income and Expenses in Homes (ENIGH), in homes where there is at least one person above 60 years old, health costs are 50.7% higher than other homes. The situation of female senior citizens and those with a disability is even more precarious. One of the structural problems that explains the lack of access to health care and other rights is the very small percentage of the elderly who receive a pension or retirement fund (28.1% of men 65 or older and 8.5% of women in this category). The Senior Citizen Pension Program offers a pension of just \$35 USD per month, which is far from sufficient to cover even the most basic needs.

In the realm of trafficking of persons, despite calls by civil society to approve and apply adequate legislation and programs to address this practice, trafficking remains a serious problem in the country, with Mexico as a country of origin, transit, and destination for trafficking. The 2017 Trafficking in Persons Report, published by the US Department of State, reiterates that Mexico does not fully comply with minimum standards for the elimination of trafficking. Among other questions, the State has not implemented educational policies to transform the model of exploitation and violence of men against women, to the extent that the job of human trafficker has become the stated career aspiration of an increasing percentage of children in some areas (notably, the state of Tlaxcala, known internationally as a hub of human trafficking).

***K. Right to an adequate standard of living and to the continuous improvement of living conditions (Art. 11, Para. 1 of the Covenant)***

The context of poverty and inequality in the country prevents the enjoyment of an adequate standard of living for millions of people. Although at the time of the completion of this report, CONEVAL had not yet made known poverty statistics for last two years – due to the loss of continuity of the historic measurement line, under the responsibility of the National Institute for Statistics, Geography, and Information (INEGI) – the last data available show that poverty increased in absolute and relative terms between 2010 and 2014, reaching a total of 55,300,000 people in poverty, with 11,400,000 in extreme poverty. The discriminatory gaps in the exercise of the rights to health, social security, food, education, and housing are extremely worrisome, especially the enormously disadvantaged position in which indigenous peoples live, which is 25 percentage points more acute in terms of extreme poverty than the non-native population. Data for the indigenous population, rural population, and people with disabilities show the lack of historical priority that the State has given to these groups, while indicating the urgent need to take measures to avoid further continuation of this massive violation of social rights. The State should review critical aspects of its social policy and its current model of fighting poverty.

***L. Right to adequate food (Art. 11 of the Covenant)***

According to CONEVAL, between 2010 and 2014, lack of access to adequate food (homes that present moderate to severe food insecurity) affected 28,000,000 people in the country. CONEVAL also registered an increase in the price of food and a stagnation of wages. The value of the monthly urban food basket rose from \$1,315.06 pesos in December 2015 to \$1,369.67 pesos in December 2016, which represents an increase of 4.2%, while the value of the rural food basket increased 4.4% percent for the same period, rising from \$938.01 pesos to \$979.42 pesos.

In Mexico, a population of almost a million and a half children younger than 5 with chronic undernourishment coexists with the increasing public health problems of excessive weight and obesity, which in 2016 reached 36% of adolescents and 70% of adults; the State has taken insufficient actions to address this situation. The diverse deficiencies of the design and implementation of the National Crusade against Hunger (CNCH), including its limited coverage, mean that the federal government's main poverty (and hunger) alleviation strategy should be modified in light of the State's obligations under the Covenant.

Although 80% of food producers in Mexico are small-scale ones, most of the budget of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) benefits the medium and large-scale farmers. The apparent increase in the 2017 budget of the Program for Support of Small Producers is an action that seeks to hide the true cuts in funds for small-scale producers (the government combined programs and funding in one place, but in fact there is a considerable cutback in overall funds). In addition, the increasing alliance between governments and multinational companies continues to benefit private interests at the cost of small-scale producers and other sectors of the population (as is clear when authorities promote megaprojects that would displace thousands of people from their communities, such as the case of the Zapotillo Dam in Jalisco).

Current agrarian policy promotes industrial agriculture that benefits large-scale national and transnational producers and the use of agro-chemicals (fertilizers and highly dangerous pesticides) and genetically modified organisms (GMOs), which have a negative impact on the environment, local economies, the right to health, the right to adequate food, and biocultural heritage. Finally, six years after the right to food was elevated to constitutional rank, implementing legislation is still pending.

#### ***M. Right to water and sanitation (Art. 11, Para. 1 and Art. 12 of the Covenant)***

The indicators of national coverage of water and sanitation services reported by the federal government to the Committee only show the existence of some form of water infrastructure – as the Special Rapporteur on water and sanitation confirmed in his 2017 visit to Mexico – and not real access to sufficient, continuous, quality, accessible water for personal and domestic use, nor access to acceptable, dignified, and secure sanitation services (despite these rights being recognized in the Constitution since 2012). The official numbers also mask deep inequalities and lack of services, especially in indigenous populations and residents of the areas surrounding urban centers, even though these regions do not suffer from a shortage of water. The current model of water management lacks criteria for sustainability; the National Water Commission (CONAGUA) acts in a deplorable manner, allowing the over-exploitation of water sources (such as in the Mexicali Valley in the Colorado River basin in Baja California, or in the Independence basin aquifer in northern Guanajuato state) and the contamination of water by agro-industries, industrial parks, and mining, giving thousands of water concessions, even in areas with shortages of natural water. The energy reform has increased the threat to the right to water for present and future generations, due to the promotion of exploration and exploitation of hydrocarbons that require hydraulic fracturing (fracking), an inherently unsafe practice that devastates the environment (water, soil, subsurface, air) and public health.

The measures adopted to monitor and ensure water quality are insufficient and deficient (related in part to a failure to update official guidelines in this area). We express particular

concern over the 36.5% reduction in real terms in the 2017 budget for: Water Storage, Water Administration, and Treatment of Residual, Drainage, and Sewer Water, as well as the 65.7% reduction to the Program for Potable Water, Drainage, and Treatment (PROAGUA), which aims to increase water and sanitation infrastructure in the states, including wells, replacement of water networks, and construction or rehabilitation of treatment plants. We also call attention to the low rate of treatment of waste water (municipal and industrial) and the impact on rivers and other bodies of water, leading to less access to water and health for the population (as illustrated by the case of Tierra Blanca in the Papaloapan basin in the state of Veracruz, where chronic renal insufficiency causes 10 times more deaths than the national average, one of 72 case studies documented by the Special Rapporteur on water and sanitation). Another worrying topic is the lack of protection and promotion of community water management, leading in many cases to privatization of services, further restricting access to water due to rising prices and lack of access to information and participation. Lack of access to justice for violations of the rights to water and sanitation is also concerning.

***N. Right to adequate housing (Art. 11, Para. 1 of the Covenant)***

While the 2011 constitutional reform in human rights established that all norms should be interpreted according to the international human rights treaties ratified by Mexico, favoring maximum protection of the person, in practice, authorities frequently interpret adequate housing as a family right rather than a human right, and do not apply the 7 characteristics specified in General Comment 4 of the Committee. Housing policy from 2006 to 2012 focused on construction of housing units by the private sector for the working class, far from urban centers and without basic services. In 2010 there were 4,990,000 abandoned units, both old and new, showing the failure of this policy. While the current federal administration has focused more on compacting cities, it has done so without offering affordable land with services to the lowest-income sectors of the population. It has also continued the construction of new housing units, accessible only to those who earn more than 5 minimum wages (23.8% of the working population). There have also been budgetary cuts for neighborhood improvement and social production of housing – recognized in the Housing Law – that could satisfy the needs of those who cannot access the housing market. The State claims that it has reduced the housing deficit, but official data must be read critically. Regarding the difficult situation of irregular settlements, official numbers are contradictory and incomplete, and a series of obstacles must be overcome to guarantee that this population has security in its occupation of the land.

The context of forced evictions shows the relevance and current applicability of the Committee's recommendations to Mexico since the 1990s, including the lack of statistical information on this topic, its causes, and measures implemented to mitigate evictions (there have not been advances in these areas and information continues to be contradictory and fragmented). In the case of dams constructed in the last 10 years, official information exists in only 14% of cases and numbers vary according to the source. We also draw attention to the large number of violent evictions in the country's capital and other urban centers due to real estate speculation and gentrification, without respecting any of the guarantees established in international instruments, as well as evictions due to unpaid loans. This situations warrant updated recommendations from the Committee.

***O. Right to the highest attainable standard of physical and mental health (Art. 12 of the Covenant)***

While the State reports near-100% levels of public health insurance coverage, CONEVAL finds that 22,000,000 people lack access to healthcare. The package model (Universal Catalogue of Health Services) is limited to an insufficient list of essential services and treatments associated with diseases and other health conditions, covering only 2.4% of the 14,418 conditions recognized in the World Health Organization's International Statistical Classification of Diseases and Related Health Problems. There is insufficient infrastructure, medicine, and equipment, especially in rural areas. Due to corruption in states such as Chiapas and Veracruz, there have been shortages, lack of payment of personnel, and closures of hospitals. Mexico suffers the highest mortality rate from diabetes in the continent, driven principally by excessive weight and obesity. However, regulation of high-calorie processed food products does not meet necessary standards to protect the population, due to the State's reluctance to confront the interests of the processed food industry. Regarding mental health, the current model, based principally on psychiatric hospitals, makes it impossible to detect early or often the diverse conditions affecting the population's mental health. There are few specialized personnel, attention is disproportionately in urban centers, and it is neither adequate nor accessible to the indigenous population.

Mexico's health policy regarding the use of illicit plants and substances known as drugs is limited and results frequently in the violation of the right to health of people who use drugs, as well as the violation of other fundamental rights such as the right to a due process and the right not to be tortured. This policy is contrary to the essential elements to guarantee the right to health established in General Comment No.14 (GC 14). Moreover, the arbitrary detention of people who use drugs and the implementation of the drugs courts model are contrary to the principle of non-discrimination and equal treatment, and exceed the limitations of the State established in paragraph 28 of GC 14, because these measures are not the least restrictive of human rights.

In the realm of violations of sexual and reproductive rights, we note that while Mexico offers the possibility of filing complaints against those responsible via the civil, criminal, or administrative authorities, none of these offers integral reparations, specifically non-repetition measures that address structural root problems. The forms of discrimination faced by indigenous women when seeking healthcare are numerous: lack of access to health services, lack of interpreters to allow them to give informed consent, mistreatment, and abuse. In 2014, indigenous women represented 9.9% of deaths in childbirth in the country, when, according to the last census, they constitute 6% of the population. Abortion, still illegal in almost the entire country, is an important cause of maternal death in Mexico. On average, slightly more than 7.3% of deaths in childbirth over the last two decades stem from unsafe abortions. While abortion after rape is legal in all states, it is alarming that, of 163,368 women who sought attention in public healthcare facilities from 2009 through June 2016, these facilities report having performed just 62 abortions during the same time period.

As for the impact of air, water, and land pollution on the right to health, civil society has documented and denounced a large number of cases, but the State has not adequately addressed this problem with remediation measures or actions to prevent further harm.

***P. Right to a healthy environment (Art. 12, Para. 2.b of the Covenant)***

We call the Committee's attention to the at least 420 socio-environmental conflicts in Mexico and the numerous obstacles to the enjoyment of the right to a healthy

environment, closely related to the rights to health, water and sanitation, and self-determination. As also discussed in the chapter on water and sanitation, Mexico's water management model is exclusionary and unsustainable; it favors business and industrial activity, promotes over-exploitation by granting thousands of concessions to extractive industries, allows water contamination in exchange for money, and largely overlooks the need for greater waste water treatment.

We illustrate the serious problem of pollution through a series of case studies: the Bacánuchi and Sonora Rivers, affected by the spill of copper sulfate acid solution by Buenavista del Cobre mine of Grupo México; the Santiago River in Jalisco, polluted by municipal and industrial discharge without suitable treatment; the Atoyac River in Tlaxcala, one of the most toxic rivers in the country; and the bodies of water of the Yucatan Peninsula, contaminated by the indiscriminate use of pesticides. In all of these cases, the following rights have been violated with impunity: healthy environment, water and sanitation, health, adequate housing, food, self-determination, cultural identity, territory, and development. Airborne contamination also affects the right to health.

We argue that the State must stop prioritizing financial profit over the environmental impact of mega-projects. We call for effective conservation of Protected Natural Areas; adequate Environmental Impact Assessments based on the real conditions of the place in question; strong improvements in inspection, monitoring, and sanctions by the Federal Prosecutor for Environmental Protection (PROFEPA); protection of food sovereignty and biocultural heritage by tackling cultivation of genetically modified organisms (GMOs); and for protection of vulnerable groups affected by the loss of biodiversity.

***Q. Right to education (Art. 13 & 14 of the Covenant)***

Experts in education agree that the so-called "education reform" (2012) is not actually an educational project with any clear pedagogical plan or answers to the principal challenges facing education in Mexico. From its discussion in Congress, the reform lacked mechanisms for the participation of the main stakeholders in education in the country's different contexts. Sectors ranging from primary school teachers to those studying to become teachers have opposed the reform and suffered repression. The reform implements a single education model in the country without taking into account Mexico's multicultural population, different social contexts, and different learning cultures in rural, indigenous, and urban communities. It has negatively affected job stability for teachers due to the provisions of the General Law on Professional Teaching, one of the reform's secondary laws, which establishes the terms and conditions for employment, including the entrance, evaluation, promotion, training, and profiles of teachers.

The Special Rapporteur on the right to education, upon visiting Mexico in 2010, identified structural imbalances in the education system, such as the inequalities between rural and urban areas and between public and private schools, a context that has become increasingly severe. In Mexico, more than 5,000,000 people older than 15 do not know how to read and write, mainly indigenous women and rural residents. Illiteracy reaches 50% in some areas, with an incalculable level of functional illiteracy. According to data from 2015, of the population 15 and older, 5.48% is illiterate, of whom 38.5% are men and 61.5% are women. In 2014, CONEVAL calculated that 22,000,000 people were not at the level of education that corresponded to their age. Official numbers also indicate that only 3 out of 10 young people between the ages of 18 and 24 are enrolled in higher education, which reflects the exclusion and lack of opportunities to study.

### **R. Access to justice for ESC rights** *(Topic of particular interest at the List of Issues)*

In a context of large-scale negative impacts on ESC rights due to mega-projects in Mexico, affected communities and peoples have decided to take their cases to the various institutions and legal mechanisms available to seek justice and protection of their individual or collective rights. In particular, a series of communities have filed constitutional challenges (*amparos*), while others have filed complaints before agrarian courts or administrative bodies. However, many factors impede access to justice and reparations for victims of rights violations. These obstacles, some of which are inherent to the Mexican judicial system, are even greater when the victim is litigating against a company or the State that protects companies' interests, due to the imbalance of power between the parties. While the 2011 human rights reform to the Constitution, as well as the *amparo* reform of the same year (which established the right to file an *amparo* challenge based on having a "legitimate interest" in a matter) represent advances towards a greater level of justiciability of ESC rights, the *amparo* process remains far from an effective and accessible route to access justice, due to factors such as: the lack of consideration of private actors as liable through this legal action; lack of access to information about the mega-projects that threaten the communities; the economic imbalance between the parties (affecting the ability to produce evidence); and the difficulty of obtaining a temporary suspension of the project during the trial. Perhaps most importantly, when communities obtain favorable rulings, often the executive branch does not comply with the judgment. We annex a series of case studies of non-compliance with rulings and other obstacles to the justiciability of ESC rights.

### **S. Situation of ESC rights defenders** *(Topic of particular interest at the List of Issues)*

In Mexico, ESC rights defenders are particularly at risk. They suffer constant attacks and criminalization, especially in the case of indigenous defenders working to protect the land, water, and environment. This work is often necessary due to the threat or damage caused by business activities or mega-projects that have the explicit or implicit support of authorities, as highlighted by the Special Rapporteur on the situation of human rights defenders after visiting Mexico in January 2017. Additionally, after the energy reform of 2013-2014, communities and organizations find themselves more vulnerable. A 2016 study of the situation of environmental rights defenders in Mexico registered 303 attacks from 2010 to 2016. From 2012 to 2014, the Mesoamerican Initiative of Women Human Rights Defenders registered 616 attacks on female defenders, of which 38% were land rights defenders.

Even though Mexico has a federal Protection Mechanism for human rights defenders and journalists, ESC rights defenders account for less than 10% of those receiving protection. The Mechanism also faces numerous challenges, including: lack of capacity to react to the diverse forms of violence perpetrated against defenders and lack of effectiveness of protection measures; lack of coordination with state authorities; lack of gender and multicultural perspectives; lack of prevention measures and policies; and in particular, continuing impunity and lack of investigation of attacks and murders of human rights defenders and journalists, which is especially alarming when the authorities themselves are implicated, a situation present in 43% of attacks on environmental rights defenders in Mexico.

### ***T. Business and ESC rights (Topic of particular interest at the List of Issues)***

The Committee requested information on the legislative and regulatory measures, policies and guidelines that have been adopted by the State to ensure that corporations respect economic, social, and cultural rights in all of their operations; information on the progress made towards the adoption of the National Action Plan on Business and Human Rights, and on the steps taken to ensure that the principle of due diligence is upheld in all corporate operations. Since the State's response focuses on the National Program on Business and Human Rights (PNEDH), it does not provide the Committee with the necessary elements for an adequate assessment of the matter. The Civil Society Focus Group on Business and Human Rights, which provided substantive inputs to the PNEDH process, emphasizes concerns and recommendations while noting that the Government's proposal for the content of the Program (submitted at the end of July 2017) does not comply with minimum international standards, as outlined in the UN Guiding Principles on Business and Human Rights; for this reason, the organizations from the Group publicly distanced themselves from the process. The development of an effective public policy instrument in this area must be a real commitment both in the short and long terms. It must consider all the aspects mentioned above in order to make progress through an inclusive, transparent, multi-stakeholder process, with permanent dialogues, stating clear obligations that comply with international human rights standards, including economic, labor, and environmental rights, and incorporating a gender perspective.

Civil and community organizations and networks have verified and documented numerous cases of human rights violations involving companies, in which the action and omission of the State is extremely worrisome. The report prepared for the United Nations Working Group on Business and Human Rights for its Mission to Mexico in 2016 shows patterns of violations by the State and companies in the energy, extractive, infrastructure, tourism, real estate, agro-industrial and textile sectors, including problems of corporate capture; proliferation of megaprojects; lack of access to justice and remedy; reduction of space for participation and threats and abuses against human rights defenders. Despite the constitutional reform in human rights (2011) and the various international commitments on business and human rights adopted by the State, there is still a state of impunity regarding human rights violations committed by public and private companies, as well as an atmosphere of corruption that allows this and prevents access to effective judicial mechanisms for reparation and guarantees of non-repetition.

### **Conclusions**

As the data presented above illustrate, there are numerous obstacles to the enjoyment of economic, social, cultural, and environmental rights in Mexico, which the State does not satisfactorily address in its combined V and VI Periodic Reports. The concerning lack of recognition of many of these problems reflects omissions by the State in these areas, or the adoption of unsuitable measures with limited effectiveness. In addition, the State has not given timely and appropriate attention to many of the recommendations made by this Committee in the past – some reiterated on more than one occasion – illustrating the need for an effective follow-up mechanism to move forward in fulfilling the recommendations of the Committee and of relevant UN Special Procedures.

In addition to the specific recommendations that we propose for each right and topic of interest, we close by emphasizing some of the main subjects of concern that appear in

multiple chapters. Although the constitutional reform in human rights of 2011 has represented an advance in recognition of international standards, numerous authorities frequently ignore constitutional provisions, which negatively impacts the enforceability and justiciability of economic, social, cultural, environmental, and other rights. Additionally, the State has not ratified a series of relevant international instruments, including first and foremost the Optional Protocol to the Covenant, despite the consultations initiated in 2009 by the federal government, which led nowhere and demonstrate a clear lack of political will.

A cause of special concern in Mexico in recent years is the proliferation of laws, such as those related to the energy reform – repeatedly criticized in this Alternative Report – as well as public policies, programs, and procedures that violate international human rights law, or that have not been properly harmonized with it, resulting in restrictions and violations to economic, social, cultural, and environmental rights.

In the chapter focused on the obligation to adopt measures to the maximum of available resources, and in other chapters, another recurring theme is poor budget management, cutbacks, or decreases in social expenditure and other relevant budget lines for ESC rights. In this sense, we call for the State to adopt and manage its budget with a view to guaranteeing ESC rights, avoiding backward steps in resource allocation in this regard.

Numerous chapters identify the problem of insufficient access to information that is essential for the exercise of ESC rights. In particular, the lack of sufficiently disaggregated statistical information, or information gathered from a human rights perspective, represents an obstacle to understanding the dimensions of certain problems (discrimination, vulnerability, work-related accidents, displaced people, salary gaps, and other expressions of inequality in the country). Improving reporting, specifically through incorporating human rights indicators, would facilitate the evaluation of fulfilment of ESC rights.

Several chapters of this Alternative Report point out inaccuracies and omissions in the State's combined reports. The insufficient or inaccurate information presented by the State does not truly reflect the situation of many ESC rights, and does not permit an evaluation of their interdependence in the Mexican context or of the structural causes of violations. In short, the combined reports mask a model of unsustainable development that favors economic actors – mainly large companies and investors – over human rights and biocultural heritage.

In this context, a common feature across topics is the lack of conditions for substantive participation or free, prior, and informed consultation and consent related to the many measures that affect indigenous peoples and those of a similar nature, as well as other sectors of the population. Threats and attacks towards human rights defenders in general, and particularly ESC rights defenders, are frequent and cause for extreme concern.

In conclusion, Mexico's human rights crisis, especially in the areas of economic, social, cultural, and environmental rights, warrants urgent attention and concrete actions. We are convinced that the Concluding Observations of this Committee to Mexico can most significantly contribute to addressing the crisis by incorporating both specific concerns and analysis of the broader structural problems that foment violations, urging the State to comply with its obligations under the Covenant.



## **Compilation of Recommendations**

The civil society organizations and networks that present this Alternative Report on economic, social, cultural, and environmental rights in Mexico 2017 respectfully request that the Committee on Economic, Social, and Cultural Rights consider in its Final Observations on Mexico the concerns expressed in the 20 chapters of the Report, in addition to the following recommendations organized by right and topic.

### ***A. Peoples' right to self-determination, including the rights to free, prior, and informed consultation and consent (Art. 1, Para. 1 & 2 of the Covenant)***

1. Guarantee the protection and effective guarantee of the rights to self-determination, autonomy, and territory for communities, through the recognition of the rights to collective property and possession of land and territory, such as those used traditionally, in conformity with Agreement 169 of the ILO and the requirement of prior, informed, and free consent before any measure or project that might affect the community is implemented, based on the Declaration of the United Nations on the rights of indigenous peoples, the Inter American standards, the Reports of the Special Rapporteurs, and other special organs.
2. Reduce human rights violations, including those violations against the right to self-determination, which are now encouraged in legal frameworks such as the Energy Reform or Mining Law, especially those related to physical occupation of territory and legal easements.
3. Implement measures, programs, and public proposals that would be defined and executed with the people and the communities, with the end of generating conditions that guarantee the exercise of their form of life, the unity and social cohesion of their communities, and development, in conformity with the constitutional mandate. The mandate also guarantees wide, secure, and effective public participation and free, informed, and prior consent of peoples and communities on development plans and programs at the Federal, State, and Municipal levels.
4. Generate a system of public information (of which the CDI, in coordination with the CNDH and the Secretary of Government would be in charge) of all of the processes of indigenous consultation in the country, with systematized information of each chapter that would contain at a minimum the protocols or mechanisms of consultation, the acts and minutes of meetings and principle results and agreements, as well as notes from media and independent sources in civil society, communities and other public or international petitions. Personal data or any information collected from the communities that could affect their form of communal life and decisions will be excluded from this information system.
5. Ensure the multi-cultural status of the law. Legislation and administrative acts that directly affect the rights and cultural identity, territory, and access to natural resources of indigenous or other comparable communities should be respectively abrogated and revoked (such as the system for the issuance of titles for water concessions and mining). Indigenous territories should be free of mines and hydrocarbon exploitation in the Mexican legal framework.

6. Sanction the misappropriation by third parties of communities' bio-cultural heritage and their traditional knowledge and generate effective measures to guarantee their use and enjoyment by communities in conformity with the Convention on Biological Diversity and the Nagoya Protocol.
7. Issue judicial decisions guaranteeing effective access to justice for communities through the cancelation of development projects that violate economic, social, cultural, and environmental rights and the collective rights of indigenous peoples and comparable communities, and the reparation of damage caused. Generate mechanisms to monitor and follow the fulfillment of justice.

***B. Obligation to adopt measures, including legislation, to achieve progressively the full realization of ESC rights (Art. 2, Para. 1 of the Covenant)***

1. Revise the preference that the energy reform granted to the exploration and exploitation of oil and other hydrocarbons and of the electricity industry over any other activity that involves the exploitation of the surface or subsoil, since the current preference is contrary to the constitutionally granted primacy of human rights, and in fact engenders conditions favorable to violations.
2. Modify the chapters on The Use and Surface Occupation of the Hydrocarbons Law and the Law of the Electrical Industry that establish provisions and procedures for the execution of energy projects such as the imposition of legal easements that violate the right to self-determination of Indigenous and similar peoples and communities, their right to free and informed prior consent to land and territory, to freely dispose of their natural wealth and resources and not to be deprived of their own means of subsistence. Ensure that prior to granting any permit, authorization, license, contract or similar to the companies, the prior, free and informed consent of the communities has been obtained.
3. Prohibit, based on the precautionary principle, the application in Mexico of techniques for the risky exploration and exploitation of hydrocarbons such as through fracking, whose environmental impacts are severe and irreversible and have an impact on human rights, especially on the rights to water and sanitation, to a healthy environment, to health, to food and to adequate housing.
4. Revise, repeal and modify the provisions of the energy reform that are unconstitutional and unconventional because they restrict human rights and favor activities of high environmental and social impact that endanger the respect, protection and full realization of the human rights of the settled communities in the areas of influence of energy projects and whose impact touches other segments of the population given the networks of infrastructure associated with such projects and activities of transportation, storage and handling of hazardous substances. Adopt all additional measures that are appropriate and effective to protect the human rights of present and future generations in the context of energy reform, in harmony with the principles, standards and obligations of human rights set forth in the Constitution of the United States of Mexico and in the International Treaties to which Mexico is a party.
5. Modify and strengthen, in accordance with international and inter-American standards, the Social Impact Assessment procedure provided for in the legislation of the energy sector, adding to it substantive and effective mechanisms for

participation and consultation of indigenous peoples and communities. In particular: Include in Chapter V of the Hydrocarbons Law and Chapter II of the Law of the Electricity Industry the obligation for independent bodies (as opposed to the projects' developers) to carry out social impact studies and assessments. Ensure that Social Impact Assessments count on the participation of communities and populations likely to be affected, as well as academics, experts, and relevant organizations, rather than being carried out only by companies and government agencies. Also, include in the national legislation an assessment of human rights impacts with the participation of affected communities. Make available to these communities and populations all information related to Social Impact Assessments in a timely, accessible and culturally appropriate manner. Make such information public in a general manner as well.

6. Strengthen the Environmental Impact Assessment Procedure (PEIA) in accordance with international and inter-American standards by reforming the General Law on Ecological Equilibrium and Environmental Protection (LGEEPA) to improve mechanisms for access to information and participation of communities and Affected by projects in the energy sector and other sectors.
7. Ensure care of Protected Natural Areas in an integrated manner, in accordance with the General Law of Ecological Equilibrium and Environmental Protection (LGEEPA) and based on the specific management plans of each Area. Likewise, amend Article 41 of the Hydrocarbons Law and include that in the Natural Protected Areas and RAMSAR sites, no other permission to transport, store, distribute, refine, treat and market gas and oil and its derivatives will be granted. In this sense, include in the Law of the Electrical Industry an article that establishes this same provision for the activities of generation, transmission, distribution and commercialization of electrical energy.
8. Return the hydrocarbon sector to the general environmental regime or, at the least, Amend article 27 of the ASEA Law to establish a process of designation and removal of its holder to ensure that it has sufficient knowledge, experience, autonomy and independence carry out its functions and protect the environment.
9. Modify article 140 of the Federal Criminal Code that establishes the offense of sabotage and increases the penalty up to 50% when the acts are carried out in the pipelines, equipment, facilities or assets of assignees, contractors, permit holders or distributors, as outlined by the Federal Law to Prevent and Punish Crimes Committed in the Field of Hydrocarbons, including a clause stating that in no way shall sabotage be understood as the exercise of the right to assemble and express opinion in oil facilities.
10. To reduce gradually the consumption of hydrocarbons in Mexico in order to move to a diversified energy matrix with the increased use of renewable energies and clean technologies that are more efficient and entail lower costs and social and environmental impacts. Likewise, strengthen and increase the level of ambition of the emission reduction and energy transition goals established in the General Law on Climate Change and the Energy Transition Law, respectively, through the establishment of intermediate targets and a roadmap that can fulfill the national and international commitments, through renewable energies and not only "clean energies".

**C. Obligation to adopt measures to the maximum of available resources (Art. 2, Para. 1 of the Covenant)**

1. Budgets

- a. Adopt all budget measures that are necessary and appropriate to fulfill the obligation to take maximum measures allowed by available resources in order to progressively fulfill the rights protected by the ICESCR
- b. Guarantee that the resources destined to finance basic social services and other relevant programs that promote economic, social, cultural, and environmental rights in the country maintain budgetary priority, are gradually increased, and are protected against cuts and other retrogressive measures, in compliance with the ICESCR and the General Law on Social Development.<sup>6</sup>

2. Regulations

- a. Reform of the Federal Law on Budget and Fiscal Responsibility. Revision of Chapter II of the Law on Budgetary Balance and Principles of Fiscal Responsibility in order to include as part of the principles relating to compliance with economic, social, cultural, and environmental rights.
  - i. Articles related to non-discrimination and the maximum use of available resources to secure the enjoyment and guarantee of economic, social, and cultural rights can be included.
  - ii. The Law in this section can signal that it is not possible to reduce expenditures nor realize budgetary modifications that would affect the guarantee of economic, social, cultural, and environmental rights.
  - iii. In the case that budgetary reductions occur, it would be in the presentation of the economic package or in the course of the execution of the fiscal agenda that a specific report (and presentation thereof to Congress) would be realized that would signal the causes, measures taken, and planned damages to the guarantees of these rights, in addition to the measures of compensation that could be realized.
- b. Progressive fiscal reform that would guarantee human rights. Mexico has very low public revenues in comparison to the size of its economy, especially in comparison with other Latin American countries. According to data published by the ECLAC in 2017, the public revenues as a percentage of the GDP was 23%, which is below the regional average of 29% and much lower than the average of the OECD (42%). The fiscal reform that the next federal administration will undertake without a doubt could increase the state revenues to the point where at the least Mexico would be at the regional average, which would imply increasing collection at least 5 percentage points of the GDP, equivalent to 1,000,000 thousand pesos.

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<sup>6</sup> Especially observing articles 18 and 21 of the General Law on Social Development that establish as priorities and of public interest the programs, funds, and resources destined for social development and outlines that their budgets should not be diminished; that the federal budget destined for social spending cannot be less, in real terms, than the previous fiscal year, and in fact should be increased at least by the same proportion by which the GDP has increased. Likewise, the law states that the distribution of funds from federal apportionments and from general branches to social programs in education, health, nutrition, social infrastructure, employment generation, and salary support should be done according to equitable and transparent criteria.

These extra revenues must be collected under the highest standards of transparency and accountability, limiting their discretionary use and acts of corruption associated with public expenditures. Moreover, sources of income must be found that can secure the progressive nature of this program that would be borne primarily by citizens of higher means through the following taxes:

- i. Income tax
- ii. Tax on capital and dividends
- iii. Inheritance tax
- iv. Property tax (local level)
- v. Special taxes on consumption of goods and services that have negative externalities:
  1. Sweetened beverages
  2. Alcoholic beverages
  3. Foods with high caloric content
  4. Consumption of energy
  5. Emission of greenhouse gases

### 3. Institutional

- a. Creation of a Tax Council or an Independent Budget Office that would analyze, among other things, the fulfilment of the economic, social, cultural, and environmental rights through the process of managing and executing the public budget.
  - i. It is proposed that the Council be a technical organ independent of the Legislative Power that would develop analysis and studies in relation to the impacts that the execution of the budget would have on the guarantee of economic, social, and cultural rights.
  - ii. This Council would need to have a mediating and counterbalancing function in regard to decisions taken by the Executive Power regarding the execution of public expenditures and the implications that these decisions would have on vulnerable groups.
  - iii. The Council would have a pluralistic composition, including people that have worked on the human rights agenda.
  - iv. The following link contains a policy note on "[Elements to fortify the attributions and technical capacities of the Federal Legislative Power in the budget system](#)", which was elaborated by organizations belonging to the Collective for a Sustainable Budget.

### 4. On transparency and access to information

- a. Promote the creation of a Public Account that would contain information on all budgetary adjustments realized through fiscal exercises in order to know the reasons, motives, and justifications of all movements that are realized on the approved budget in the House of Deputies.
- b. Plan a new annex in the Trimestral Reports and the Public Account where the obligation to adopt the maximum measures allowed by available resources would be analyzed and followed, as established in Article 2 of the ICESCR.

- c. Foment participatory mechanisms for citizens in the process of elaboration and discussion of the public budget that would permit a discussion between the government and civil society organization in relation to the budget in order to fulfill economic, social, cultural, and environmental rights.

***D. Obligation to guarantee the exercise of rights without discrimination, with a focus on migrants and victims of forced displacement (Art. 2, Para. 2 & 3 of the Covenant)***

1. On internally displaced persons
  - a. Recommendations on the obstacles in regard to dwelling materials
    - i. Temporary: generate an agreement with INFONAVIT to grant housing from its past-due portfolio (abandoned or under adjudication) for six months with a possibility to extend to twelve to displaced, poor, and vulnerable people.
    - ii. Definitive: Grant a subsidy from CONAVI to displaced people who would receive a dwelling from a residential developer.
    - iii. Given the forced abandonment of dwellings and other real estate assets, as it is considered in the National Housing Program 2014-2018, it is necessary to quantify and diagnose the causes of such abandonment in the country. Once the diagnostic realizes the causes, it would be possible to identify which dwellings are susceptible to forced abandonment due to lack of security, which forces families to leave their community. These communities could therefore be identified as beneficiaries of increased protection from the municipal authorities.
    - iv. In cases in which papers testifying to property ownership have been lost, federal, state, and municipal authorities should be involved in replacing those documents.
    - v. Private credit institutions should be informed and educated about the situation of forced internal displacement and the situation of vulnerability that individuals who can no longer pay their debts face.
    - vi. During the period of displacement, during which families confront uncertainty and are without a dwelling, it is recommended that temporary family hostels be established where information and support can be provided to resettle displaced families.
    - vii. For families that have established themselves in a new dwelling, in conformity with the objectives of the National Housing Plan, basic services such as electricity, potable water, sewerage, and construction materials can be provided. Also, overcrowding of nuclear families should be avoided. Finally, it should be sought to move towards legal security of tenure accompanied by a stable household income.
  - b. Recommendations on the obstacles in regard to education
    - i. Establish accords with the Secretary of Public Education (SEP), that would guarantee immediate reincorporation into the educational system in the educational institution closest to the residence of the displaced family.

- ii. Establish inter-institutional agreements so that displaced persons can expedite their paperwork. In accordance with this, authorities with the capacity to supervise the process of transfer of documents should ensure that this is done in an efficient manner.
  - iii. In the place of origin as in the host community, it is important to realize awareness campaigns about the issue of displacement to avoid stigmatization. In this regard, SEP and CONAPRED should incorporate this theme through the sub-secretaries of different levels of education.
  - iv. Training and information can be provided to teaching personnel at host schools to deal with the arrival of students during the school year whose educational attainment does not align with the current curriculum. Moreover, administrative personnel can be familiarized with the delays that can occur with the transfer of documents which the families themselves do not have.
  - v. Once the registration and induction of new students to their new schools has been achieved, means of support and subsidy for families to buy uniforms and supplies should be procured. Moreover, information on scholarship programs (whether through the SEP or the National Council for Educational Development, CONAFE) should be made available.
  - vi. Any deficiencies in educational attainment upon entrance into the host schools can be compensated for through additional programs for this population. The Program of Compensatory Actions to Abate Educational Lag in Initial and Basic Education can be taken into account, as well as the attendance of social service providers or willing volunteers to support students in this category.
  - vii. Attrition due to the necessity to work should be avoided at all costs. The inclusion of children and adolescents in the education system is a critical objective. University students should be supported so that they can continue their studies.
- c. Recommendations on the obstacles regarding employment and income:
- i. Owing to the loss of income and benefits, a temporary economic support fund is necessary for emergency situations when families cannot support the expense of getting to a new location.
  - ii. Programs for job skill training should be provided for people requiring new skills for current offerings on the job market. These new programs can supplement existing job skills training programs at the Secretary of Economy and the Secretary of Labor and Social Welfare.
  - iii. Families that have or had businesses or stores should be able to access credit and types of accessible finance to jumpstart their businesses, plan productive projects in accordance with local needs and resources, and join social programs where they can present and develop their projects.
  - iv. Incorporation into labor markets offered by government agencies in the municipality or state levels.

2. On migrants, refugee seekers, and persons recognized as refugees
  - a. Right to non-discrimination
    - i. The Mexican state should include in its inquiry of population measurement the necessary variables to determine the number of migrants (documented and undocumented) and refugees that live in the country, without this information being used for eventual deportations. In particular, the right to the non-divulgement of personal information should be guaranteed for migrants and refugees who partake in the inquiry.
    - ii. Establish procedures to care for illiterate migrants of low educational achievement, or that do not speak or understand Spanish. Work with the aid of translators or information booklets translated into multiple languages.
    - iii. Design and implement a national campaign with the objective of combatting xenophobia towards migrants and refugees. Civil society organizations can be recruited to design and plan this campaign.
    - iv. Design and implement a national campaign with the objective of informing migrants and refugees of their rights. This campaign should be directed towards those populations as well as towards public functionaries, and should focus primarily on economic, social, and cultural rights, in particular health and education.
  - b. The right to work in equitable and satisfactory conditions
    - i. The Mexican state should assume pertinent legislative changes and push for public policy for job placement, to guarantee the right to work for persons applying for refugee status during the entirety of the time it takes for their refugee status to be recognized, including the time it takes for administrative or jurisdictional processes.
    - ii. Guarantee the protection of the labor rights of undocumented migrants. Through workplace inspections it would be possible to verify that undocumented migration is not being used as a pretext for employers to violate labor rights or pay salaries below minimum wage. In particular, equal pay for equal work must be guaranteed. Workplace inspections should not be used as a pretext for deportation.
    - iii. Guarantee the protection of domestic workers through workplace inspections and education about their rights. In particular, the Mexican state should give special attention to ensuring that youth under 14 years of age do not undertake domestic labor.
    - iv. Administratively sanction employers who commit labor abuses against employees and pursue penal sanction against those who deprive employees of their liberty at the place of employment, withhold salaries or identification documents, or treat them with indignity.
    - v. Guarantee that the Child Protection Offices verify, in coordination with the Secretary of Labor and Social Welfare, that there are no cases of labor exploitation of undocumented migrant children and



adolescents, as well as refugees. In the case of exploitation, pursue penal and administrative sanction of those responsible, without this action requiring the deportation of the children, who should on the contrary be protected in accordance with the Convention on the Rights of the Child, the Mexican Constitution, and the General Law on the Rights of Children and Adolescents.

- vi. Guarantee that migrant workers and refugees know their labor rights and know where to go in case those rights are violated. Provide free legal assistance with the objective of helping those migrant workers exercise their rights, independent of their migratory status.
- c. Protection of the family
- i. The Mexican state should guarantee protection to migrant families that are detained for issues relating to their migration. When the nuclear family includes children or adolescents who are also detained, guarantee that they are not separated from their parents or family members with whom they were originally detained. All decisions should be taken with the children's best interests in mind. Only if the children are in danger if not separated should they be separated.
  - ii. Prevent migration authorities from obstructing the reunification of families or persons petitioning for refugee status or who already have refugee status. In the case that such obstruction is detected, those responsible should be sanctioned, and it should be guaranteed that such obstruction should not be repeated.
  - iii. In the case that a family is detained in the process of migration whose familial ties cannot be verified, the Mexican state, in cooperation with the consulate services of the migrants' countries of origin, should work to promptly verify those ties.
- d. Right to health
- i. The lack of identification documents should not present an obstacle for migrants and refugees to receive medical attention
  - ii. The Mexican state, as long as migrants are still detained, should guarantee the right to physical and mental health in its migrant detention centers, always guaranteeing sufficient medical personnel, mental health treatment, and skilled nursing. Moreover, adequately large, properly equipped, and well stocked facilities should be provided to ensure the provision of proper medical attention.
  - iii. Avoid deporting detained migrants when their state of health compromises their life or physical capacities; guarantee the adequate medical attention and rehabilitation, in cases where necessary.
- e. Right to education
- i. Strengthen mechanisms of onboarding migrant and refugee families into the education system, without their migratory status becoming an obstacle to attaining an education
  - ii. Guarantee the access to classes for unaccompanied underage migrants.

***E. Gender equality and equity (Art. 3 of the Covenant)***

1. Harmonize laws and federal and state norms related to the legal termination of pregnancy in the entire country, as is being considered by the General Recommendation Number 24 of the CEDAW Committee; recommendation number 33 subsection A promulgated by the same Committee in Mexico in 2012, and action line 1.1.1 of the PROIGUALDAD Program, and derogate those laws and norms that contravene women's sexual and reproductive rights.
2. Ratify ILO Convention 189 on domestic laborers, and ILO Convention 156 on the elimination of gender-based discrimination in the family and at work.
3. Incorporate a focus on gender in the implementation of social programs and those combating poverty, and evaluate them on related criteria.
4. Realize independent, academic evaluations on social programs that depend on financial support from the Mexican government and that are in charge of private organizations, to understand if their gender-based objectives are being met and, if not, if they are perpetuating the subordination of women.
5. Create a national public policy of prevention, care, and punishment of sexual harassment in all public and private universities in the country, including elaborating protocols that monitor and punish violence against women, specifically sexual harassment.
6. Effective compliance with all the measures established in the declarations of gender alerts, which require the attention of experts on the themes of security, justice, and prevention with regard to gender. As well as recognizing the problem of femicide and the disappearance of women in Mexico, which deprives them of their human rights including their economic, social, and cultural rights.
7. Approve the classification of femicide at the state level within the framework of federal criminal law including objective, easily creditable circumstances with which to identify this crime.
8. Approve the General Law on disappearances and harmonize the criminal category of forced disappearance with the International Convention for the Protection of all Persons from Enforced Disappearance, the Inter-American Convention on Forced Disappearance of Persons and the Rome Statute of the International Criminal Court.
9. Develop a single registry of missing persons, disaggregated by sex, and standardize the Protocol of Attention, Reaction and Coordination between Federal, State and Municipal Authorities as in the case of the Loss of Women and Girls in Ciudad Juarez (Alba Protocol), throughout the country, which implies immediately initiating a search and issuing alerts for the location of women and girls at the first alarm of their disappearance.

***F. Right to work (Art. 6 of the Covenant)***

1. Design and implement a national decent work program, whose objective is to guarantee the full validity of labor rights.
2. Review the economic strategy with regard to its impact on job creation and the general productivity of factors of production and remuneration. Convene a group of

national and international experts and ensure the incorporation of human rights in this sector.

3. Develop legal provisions, programs and services that support the reconciliation of family and professional responsibilities of women and men, with emphasis on paternity leave, day care centers, day care for the elderly and for the chronically ill, and community kitchens, among other measures.
4. Update labor legislation regarding the duration of employment contracts, periods of probation, termination of labor relations, working time, initial training contracts, unemployment benefits and collective labor relations.
5. Ensure that the established statistical collection mechanisms enable the accurate identification of the gender pay gap and take concrete steps to reduce it.
6. Ensure that existing legislation prohibiting pregnancy testing is effectively enforced including in export processing zones and establish effective complaint mechanisms in the case of the violation of such legislation.
7. Establish effective procedures, remedies and sanctions under the law applicable to sexual harassment in employment and occupation, which ensure that complaints of sexual harassment do not result in termination of the victim's employment relationship.
8. Establish mechanisms to enforce the 3 percent labor quota in the public sector in favor of persons with disabilities.
9. Ratify International Labor Organization Convention No. 189 concerning domestic workers.

***G. Right to just and favorable conditions of work (Art. 7 of the Covenant)***

1. Immediately modify the salary policy with a view to replenishing, over a period of five years, the deterioration of the purchasing power of the legal minimum wage experienced in recent years.
2. Modify and give autonomy to the mechanisms for determining minimum wages, to ensure that they act as a basic social guarantee in accordance with the constitutional precepts on the matter.
3. Transform the current National Minimum Wages Commission into a National Cost of Living Commission, as a state, autonomous, technical body, responsible for estimating the cost of a basic basket of goods for different family sizes and compositions. Establish from these parameters the minimum wage in accordance with Article 123 of the Constitution.
4. Make known, through disaggregated information, wage discrimination based on sex, sexual orientation, ethnicity, religion, and other grounds of discrimination, and publicly recognize companies that apply equity policies in hiring, remuneration, promotion and training.
5. Establish a single piece of legislation for all workers in the country, eliminating section B and other exceptions as a principle of equality before the Law.
6. Guarantee compliance with occupational safety and health provisions through effective monitoring of regulations.
7. Budget human, technical and economic resources for adequate labor inspection by adequately trained inspectors, in particular in the coal mining sector.
8. Provide accurate and comparable statistical information on the number of work accidents in coal mining, in particular in Coahuila, indicating the number of

accidents and casualties since 2010, differentiating between accidents produced in so-called *pocito* mining shafts versus those in medium or large mines.

#### ***H. Trade union rights (Art. 8 of the Covenant)***

1. Withdraw the interpretative declaration on Article 8 in regard to Mexico's adherence to the ICESCR.
2. Eliminate legal, institutional and political restrictions on freedom of association for both private and public sector workers.
3. Ratify the main outstanding ILO Conventions, especially No. 98, concerning the protection of trade union activists and their recognition as defenders of human rights.
4. Establish democratic guarantees for trade unions.
5. Adopt such legislative and practical measures as may be necessary to find solutions to the problems raised by the phenomenon of protection unions and employer protection contracts, including the registration of trade unions.

#### ***I. Right to social security (Art. 9 of the Covenant)***

1. Improve the functioning of the social security system in legislation and in practice in compliance with the requirements established in the international social security standards ratified by Mexico, especially in regard to persons covered by the system, income of retirees, and the provision or financing of medical care.
2. Establish a minimum guaranteed pension that meets the minimum established in Articles 65 and 66 of Convention 102 of the ILO, ratified by Mexico, regarding matters of Social Security (minimum standard).
3. Carry out and publish as soon as possible the actuarial study on the status of the social security system in the country that takes into account the totality of pension and health services.
4. Increase the number of weeks during which sickness benefits are covered to meet the minimum 26 weeks established by ILO Convention 102, ratified by Mexico, in matters of Social Security (minimum standards).
5. Reduce to 15 years the minimum number of years of contributions necessary to access a reduced pension, in accordance with Convention 102 of the International Labor Organization, ratified by Mexico, in matters of Social Security (minimum standard).

#### ***J. Right to protection and assistance to the family (Art. 10 of the Covenant)***

- a. Children and adolescents
  - i. Assign to the Comprehensive Protection System for Children and Adolescents an annual progressive budget that considers the population growth and guarantees the functioning of involved entities and the accomplishment of objectives.
  - ii. Invest resources in the development of children and adolescents, ensuring that the budget is exercised in a timely manner and that

- resources are applied to programs subject to operating rules with high standards of institutionality, transparency, and accountability.
- iii. Develop and implement a National Program for the Protection of the Rights of Working Children and Adolescents, in harmony with the System for the Comprehensive Protection of Children and Adolescents.
  - iv. Ensure the right of access to justice for trafficked children and adolescents urging responsible authorities to work with due diligence.
  - v. Enact a law in favor of human rights and the social inclusion of street populations, with special emphasis on the prohibition of forced removals and family separation.
- b. Adult Persons and elderly
- i. Implement a universal pension sufficient to cover the basic needs of the elderly
  - ii. The State should increase its efforts to collect, register, analyze, and update demographic data disaggregated by age to facilitate the design of differentiated public policies with affirmative actions in favor of the elderly's effective enjoyment of their human rights. In particular, the State should produce national data on elder abuse in Mexico that includes information disaggregated by place.
  - iii. The State should ratify the inter-American Convention for the Protection of the Rights of Older Persons, as this would help the authorities at all levels of government, the private sector, and other social actors to make decisions that ensure the betterment of the aging of the population and help to eliminate discrimination
- c. Human trafficking
- i. Combat impunity, since even though there are laws, programs and public policies, the incidence of this crime remains alarmingly high and increasing.
  - ii. Allocate specific and sufficient economic resources for the prevention of, attention to and fight against crime. The lack of action to eradicate this crime will lead to its continuation.
  - iii. Implement an education policy to promote the prevention of crime, from the perspective of gender, human rights and non-violent offenses.
  - iv. Act urgently in areas with high incidence of crime with effective coordination between federal, state and municipal governments.

***K. Right to an adequate standard of living and to the continuous improvement of living conditions (Art. 11, Para. 1 of the Covenant)***

1. Revise and rethink from the perspective of human rights the strategies to combat poverty (which currently suffer from lack of attention) in order to ensure the continuous improvement of the conditions of those living in poverty.

2. Effectively implement the human rights approach through the function of the public administrator and in the implementation of development programs in order to pursue a social development strategy of inclusion and equal opportunity.
3. Strengthen the synergy and coordination between public policies and government agencies (vertical and horizontal) in regard to their social policy interventions, and in the consolidation of the incipient effort to draw up a register of beneficiaries that allows the identification of complementarity and duplication among social programs.
4. In order to safeguard their objectivity and independence, the autonomous organs of the Mexican State involved in measuring poverty must make their actions transparent and ensure the historical continuity of their measurements.
5. Establish processes of registration and collection of disaggregated statistical data for all population groups in situations of discrimination or vulnerability, which will bring to light their plight and make possible the design of effective policies to ensure that these groups enjoy their rights.
6. Adopt the indicators established by the United Nations High Commissioner for Human Rights since 2008 and establish a system of specific indicators to monitor the results of the enjoyment and exercise of economic, social and cultural rights to improve Reporting and facilitating how to assess trends in compliance with these rights (since the current reporting mode favors an indiscriminate listing of disjointed actions by different institutions and absolute data).

***L. Right to adequate food (Art. 11 of the Covenant)***

1. On integrality in national policy: Create an institutional and legal framework to promote the right to food that coordinates and establishes public policies and integral programs focused on respecting, protecting and guaranteeing the right to food for the entire population. This framework should seek to address all forms of malnutrition, including obesity. Create a budget measure focused on ensuring the right to food and increase the budget to guarantee that right.
2. On design and programmatic coherence: Reformulate budgetary programs focused on improving nutrition to align them with the objective of guaranteeing the right to food. Increase coordination and coherence between programs. In the design of programs, promote adequate definitions of the right to food aligned to international standards.
3. On the price of food: Promote better regulation of food prices and combat the inflationary trend in food prices, while establishing a minimum wage that guarantees that all workers are able to support themselves and their families, in accordance with the provisions of articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.
4. On targeting: Extend the focus of food security policies to all people suffering from mild, moderate and severe food insecurity.
5. Link Agenda 2030 to Sustainable Development and International Nutrition Goals: Ensure that public policies focused on ensuring the right to food are aligned with Agenda 2030 and the Sustainable Development Goals (SDGs), specifically SDG 2 And its five components. SDG 2 promotes "Ending hunger, achieving food security and improving nutrition and promoting sustainable agriculture". Align public policy

with international commitments related to nutrition, adopted at the World Health Assembly in 2012. The six nutrition goals for 2025 are focused on reducing stunting (height-for-age), emaciation (insufficient weight for height), obesity, low birth weight, anemia, and the promotion of breastfeeding.

6. On integrality and linkage with other rights: Create an institutional and legal framework for guaranteeing the right to food that is linked to other rights: right to land, water, and health. It is essential that this policy takes an intercultural perspective.
7. On small-scale agriculture: Create a comprehensive policy to ensure the rights and incomes of small farmers within the framework of the right to food and food sovereignty, including the significant reorientation of public expenditure and ensuring that policies make a more effective contribution to the fight against rural poverty with a human rights approach. Move from welfare programs to productive programs that do not jeopardize Mexico's bio cultural heritage. Establish strategies differentiated by population (women and indigenous population) and by territory.
8. On access to land and bio cultural heritage: Ensure respect for social ownership of land and access to natural resources (water and soil) of small producers. Promote a public policy that protects, conserves and promotes bio cultural heritage and food sovereignty, which should include the following: a) sustainable management of bio cultural heritage, b) access to sufficient, healthy, nutritious and culturally significant food, c) the ability to cultivate such food, (d) being able to decide and/ or choose the methods under which to cultivate, and (e) access to the productive resources (land, water, seeds, technology and credit) needed for cultivation.
9. Reformulation and unification between programs: Reformulate budget programs focused on supporting small producers to ensure greater coordination and coherence between programs supporting small producers across the value chain. Consolidate programs and administrative structures and establish an operating rule and a single funding window. Improve targeting and increase program coverage. Increase the budget of the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food to ensure access to credit, technical support and inputs of small producers. Increase funding for decentralized and participatory crop cultivation programs and community seed banks with the support of local farmers' organizations.
10. On partnerships between the private sector and government: Ensure transparency and a focus on human rights and sustainability in alliances between government and the private sector for the fulfillment of the right to food. Modify guidelines of public procurement systems to prioritize the purchase of food from small producers and sustainable agriculture.
11. Regulation of the agro-food sector: Better regulate the agro-food sector to protect and guarantee the rights of small producers and consumers and guarantee fair prices for small producers and consumers. Promote policies that regulate agro-food monopolies. Protect the right to food through measures such as the tax on sugary drinks and front labeling.
12. On ecological agriculture: Promote an institutional and legal framework that guarantees the transition to sustainable agriculture, while protecting agriculture and traditional knowledge as part of communities' bio cultural heritage. Eradicate the promotion and use of agrochemicals.

13. On genetically modified seeds and organisms (GMOs): Promote an independent analysis of the ecological, agronomic, social and economic effects of GM crops undergoing experimentation, ensure access to information on GMOs and declare a moratorium on GMOs. Field experiments and commercial cultivation of maize, soybeans and other transgenic crops. Also, take measures to regulate the growing concentration in the seed sector, help small farmers to establish community seed banks and strengthen diversity conservation programs on the spot. Modify public institutions and programs such as the 'free municipality', the special protection regime for maize, transgenic-free zones, concession systems for water concessions and mining; And recognize and erect the figures of the indigenous territories and zones free of mines and hydrocarbons in the Mexican legal framework. Recognize that Mexico as a whole is the original site of cultivation and diversification of maize and 200 other species of cultivars and establish a moratorium on any transgenic crop that may affect the agro-diversity that has been managed ancestrally by indigenous peoples and comparable communities of Mexico over thousands of years.
14. On large-scale development projects: Ensure by all appropriate means, including relevant legislative reforms, that large-scale development projects do not compromise the right to food and other economic, social, cultural and environmental rights of the population in general and of the indigenous peoples and comparable communities in particular.

***M. Right to water and sanitation (Art. 11, Para. 1 and Art. 12 of the Covenant)***

1. Protect and guarantee the right to water and sanitation by taking all necessary legal, political, economic and other measures to prevent water sources from being overexploited and contaminated by industrial, extractive and agro industrial activities and ensure that the State and non-state actors remedy damages already inflicted.
2. Review the criteria for water concessions in the country, incorporating sustainability criteria, and ensure that the concessions already granted may be subject to review in all cases where the availability of drinking water for personal, domestic use is at risk.
3. Adopt all appropriate measures to achieve the 8 elements of SDG 6 of the 2030 Agenda for Sustainable Development to restore ecosystems and ensure sustainability in the use of water in order to guarantee the human right to drinking water and to the improvement of present and future generations.
4. Formulate in a participatory manner a General Water Law that guarantees the full exercise of the right to drinking water and sanitation and incorporates a vision of the integrality of human rights, gender equality, interculturality, sustainability and citizen participation.
5. Modify the planning, implementation and evaluation instruments of the National Water Commission (CONAGUA) to incorporate human rights as well as gender equity and sustainability criteria. Create a Basin Guiding Plan with the objective of ending pollution in 15 years via zero industrial discharges, transition to non-polluting agriculture and replacement and total confinement of pollutants, with citizen and government monitoring.



6. Implement a truly democratic participatory model of integrated water management, open to all inhabitants and sectors in the respective basins, through democratic planning and management councils that incorporate a gender perspective and respect the rights to information and transparency. Create Social and citizen comptrollers that allow for the control and enforced accountability of water agencies and related public institutions.
7. Consider the re-municipalization of those systems that have been privatized in a manner that affected their economic accessibility and non-discriminatory access on the part of consumers. Protect community systems from dismantling and privatization.
8. Improve access to effective remedies and accessible, non-burdensome, expeditious and effective judicial and administrative mechanisms for the legal enforceability of the human rights to safe drinking water and sanitation. Ensure the proper implementation of the recommendations of the public commissions of human rights and the judgments of the judiciary in this area.

***N. Right to adequate housing (Art. 11, Para. 1 of the Covenant)***

1. The State must incorporate in its normative framework the mechanisms that favor the attention and realization of the seven characteristics of the human right to adequate housing that were outlined in General Comment No. 4 of the ESCR Committee, as well as the indicators developed by the United Nations Human Settlements Program (UN-Habitat) as tools for measuring and analyzing their actions on the right to adequate housing.
2. The State must develop a housing policy with indicators, which should be evaluated on a permanent basis, to show how efficiently resources are being used to reach target populations, such as to address the housing needs of the most vulnerable households who cannot access finance and/ or who live in irregular settlements. In this context, housing institutions should devote the maximum of their resources to guarantee the human right to adequate housing for all people regardless of their income level.
3. The State must create a policy that guarantees land for the low-income population in central, non-peripheral areas who do not have services, and outlines schemes that provide tenure security through appropriate instruments for the realization of the right to adequate housing in harmony with other human rights.
4. The State should reverse regressive measures in the area of Social Production of Housing and should reinforce this type of production through budgetary and other specific instruments, which implies improving the participation of relevant actors and creating mechanisms for the application of housing program subsidies.
5. The State must effectively confront speculation in the real estate, land, and construction markets, taking into account, among other factors, the defense of the neighborhood fabric and economy.
6. The State must harmonize legislation and regulation regarding regularization of deeds in favor of families who live in irregular settlements so that these processes take place in a reasonable time frame and without burdensome costs.

7. The State must improve the mechanisms of access to information and the quality of the same in relation to tenure security programs and processes, irregular settlements, and displaced populations.
8. The State, after a participatory diagnosis of reported abuses of displaced persons at the hands of public authorities, must be equipped with instruments (such as binding protocols in line with the Protocol of Action for those who impart justice in cases Related to development and infrastructure projects) that protect (before, during and after an eviction) the human rights of affected communities. In this context, the Supreme Court and the Judiciary Council must continue to train judicial operators to enforce the procedural guarantees provided in the international instruments on this subject.
9. The State should generate a national registry providing detailed information on the number of forced evictions, the manner in which they took place and the corrective measures, whether legislative or otherwise, taking into account the provisions of the General Comment No. 7 of the ESCR Committee.
10. The State must have legislation that protects the human rights of tenants and guarantees security of tenure and protection against excessive increases in rent, among other things.

***O. Right to the highest attainable standard of physical and mental health (Art. 12 of the Covenant)***

1. Ensure the sufficiency and transparent exercise of the public budget allocated to health, responding to the principle of progressivity and non-regression.
2. Examine the functioning of Popular Health Insurance in the light of the essential elements of the right to health (accessibility, acceptability, quality and non-discrimination) to ensure that the objective of this insurance mechanism is not disproportionately focused on membership goals. It is also recommended that a SPS compliance and assessment mechanism be developed and implemented to monitor progress in meeting the essential elements of the right to health.
3. Take effective measures to reduce the incidence of obesity and diabetes, with a focus on children and rural populations, ensuring that adequate resources are allocated for that purpose, as well as ensuring, protecting and promoting the preservation of healthy food sources that are culturally accepted and managed by indigenous and Afro-Mexican peoples.
4. Ensure proper implementation of the International Code for Marketing of Breast-milk Substitutes in order to promote and protect breastfeeding as a fundamental axis of child health, as well as to prevent malnutrition and obesity by ensuring That these tasks are not undermined by commercial practices and conflicts of interest.
5. Examine mental health policies with a view to ensuring the prioritization of the early detection of mental disorders primarily among children, youth, adults and indigenous adults, ensuring that sufficient budgets are allocated for that purpose. Ensure effective measures are taken to prevent suicide, with emphasis on the youth population.
6. Allocate sufficient budgets for the progressive realization of the right to health for drug users through harm reduction services, as recommended by the Special

Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

7. Close all adolescent drug use detention centers, as well as guarantee prevention, harm reduction and treatment services, without discrimination, as recommended by the Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health.
8. Effect the decriminalization of the use of all psychoactive substances that are considered illegal today, with a view to ending the arbitrary detention of users and encouraging a closer rapprochement of this population to health services. To achieve this, the possession of such substances should also be decriminalized, as this de-facto criminalizes their use as well.
9. Strengthen grievance mechanisms in cases of maternal death and obstetric violence, as well as guarantee access to justice and comprehensive reparation to victims, in accordance with the highest human rights standards and taking into account the petitions of the victims.
10. Ensure universal access to health services that are culturally relevant and guarantee the right to decide for women who require obstetric care services.
11. Adopt effective measures to ensure the respect and protection of indigenous midwifery and medicine.
12. Guarantee access to voluntary termination of pregnancy in cases permitted by law.
13. Strengthen mechanisms to implement a continuous, comprehensive, independent and transparent assessment of the effects of air, water and soil pollution on the right to health and ensure access to health care treatment for all persons with diseases derived from pollution.

***P. Right to a healthy environment (Art. 12, Para. 2.b of the Covenant)***

1. Harmonize the legal framework and public policies of the agricultural, environmental, water and indigenous peoples sector under a human rights approach and the multicultural state principle.
2. Comply with the Recommendation issued by the United Nations Working Group on the Question of Human Rights and Transnational Corporations and Other Companies on its mission to Mexico, which seeks to strengthen the legal and material capacities of the Federal Prosecutor's Office of Environmental Protection (PROFEPA) to monitor compliance with environmental standards in business activities.
3. Ensure that the Federal Prosecutor's Office for Environmental Protection (PROFEPA) carries out its research and inspection duties in the field with the objective of verifying acts or omissions that cause environmental damage and ecological imbalance, as well as ensuring access to information and transparency to citizens. The reservation of information in cases of pollution has a serious public impact.
4. Strengthen the legal and material capacities of the Ministry of Environment and Natural Resources (SEMARNAT) and other environmental bodies such as the National Agency for Industrial Safety and Environmental Protection from the Hydrocarbons Sector (ASEA). Likewise, the state institutions responsible for environmental issues must work in coordination.

5. The Ministry of Environment and Natural Resources (SEMARNAT) and the National Commission for Natural Protected Areas (CONANP) should comply with General Recommendation No. 26 issued by the National Human Rights Commission (CNDH) for lack and/ or updating of the programs of management in the Natural Protected Areas (ANP) of federal character and its relation with the enjoyment of a diversity of human rights.
6. Ensure adequate mechanisms for the participation and prior consultation of indigenous, peasant and similar communities. Likewise, it must be ensured that the competent authorities have sufficient budget and personnel to carry out their constitutional mandate.
7. Guarantee the participation of women in community processes within the technical, administrative and institutional structures of the Protected Natural Areas (ANP) in fulfillment of the obligations of the Mexican State as a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).
8. Carry out, through the corresponding authorities, the environmental and social impact assessments in the first stages of any project to know the level of risk and associated challenges in the region. These procedures should be transparent and offer information that enable the participation of possibly impacted communities and should be carried out objectively and effectively for the protection of the environment and human rights.
9. Strengthen the Environmental Impact Assessment Procedure (PEIA), the only common federal instrument to approve any megaproject, in terms of transparency, access to information and participation.
10. Establish in the area of transparency and access to information the obligation to notify those who might be directly impacted by a project. The Environmental Impact Statement (MIA) should be made available to the municipalities and communities that will be affected. For this purpose, it is necessary to amend article 34 of the General Law on Ecological Equilibrium and Environmental Protection (LGEEPA) as well as the Regulation of Environmental Impact Assessment to include good practices from other countries that place special emphasis on public participation in the environmental impact assessment procedure that generate preventive measures against socio-environmental conflicts.
11. Expedition of all missing ecological regulations for all regions of the Republic, which must be created with the greatest possible participation and incorporate traditional knowledge.
12. Protect and promote the agro-diversity of Mexico given its historic status in this regard. This should be included in the recommendations from the Commission for Environmental Cooperation and the United Nations Rapporteur on the Right to Food.
13. To design, implement and evaluate together with small producers legislation and public policy which, articulated from traditional values such as reciprocity, solidarity and respect, promote and conserve Mexico's bio cultural heritage, while respecting, protecting, promoting and guaranteeing the fundamental rights of indigenous and peasant peoples. That is, to design a legislation and public policy that allows and promotes the autonomy and traditional knowledge of the native and peasant peoples.

14. Implement a gender perspective in legislation and integrate effective mechanisms of participation that include women and protect biodiversity by ensuring their continued use and management by local communities, indigenous populations and women.
15. Update the Official Mexican Standards (NOMs) necessary to prevent water and air pollution, as well as harmonize the NOMs with international standards and parameters to guarantee human rights and environmental protection.
16. General Recommendation: Generate a mechanism to monitor compliance with the Recommendations of the Special Procedures of the United Nations in this area.
17. General recommendation: Guarantee the right to integral reparation to individuals, groups, indigenous communities, peasants and persons who are comparable on account of violations of economic, social, cultural, and environmental rights under the General Victims Law and the related international standards.
18. General recommendation: Establish an Advisory Council of renowned experts in the field of human rights and the fight against impunity to advise the Mexican State on strategies and reforms that promote research and sanction capacities and to reverse the rate of impunity prevailing in the country.<sup>7</sup>

**Q. Right to education** (*Art. 13 & 14 of the Covenant*)

1. Establish a group of experts in charge of carrying out an in-depth evaluation of the educational reform that includes an integral vision of the educational model, its updating and adaptation, pedagogical methods, technical resources and materials, curricula, school management and approaches to human rights and gender perspectives, non-discrimination and equality, respect for diversity, and the principle of secularity. Develop a broad process of consultation, including civil society actors, regarding the needs and challenges of the quality of education, so as to make the necessary reforms to existing programs.
2. Responsible institutions, such as the Ministry of the Interior and the Ministry of Public Education, should design a mechanism for monitoring and complying with the recommendations of various international bodies in the field of human rights education and training, as well as making the training of civil servants compulsory on this topic.
3. Diagnose the right to education, education in human rights, education on violence that allows the design and implementation of a comprehensive public policy in prevention, care, sanction and eradication of violence and, at the same time, promotes a culture of peace and human rights education, with an interdisciplinary perspective in the various careers and training provided by SEP and institutions of higher education. Allow the design of mechanisms that denounce conditions of violence inside schools as well as protection tools, including cases of violence and sexual harassment, which require homologated protocols and comprehensive prevention policies to avoid violence, harassment, sexual abuse in schools, as well as all types and modalities of violence.
4. Strengthen measures to completely eliminate the payment of fees for education, as well as the work of parents to maintain schools and set sustained goals that

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<sup>7</sup> RECOMMENDATIONS TO MEXICO OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, MR. ZEID RA'AD AL HUSSEIN, RESULT OF HIS OFFICIAL VISIT TO THE COUNTRY IN OCTOBER, 2015.

progressively fulfill the obligation to allocate 8% of GDP to education which will increase by 0.5% annually. This goal aims to increase the budget to meet the contemporary needs of students in a changing world, respecting diversity and with cultural appropriateness.

5. Take emergency measures to combat educational deficiencies of persons over 15 years of age; It is necessary to design and implement a program aimed at aiding these individuals, with special attention given to the adult and indigenous population. Provide indigenous men and women with scholarships and support, with the aim of favoring their incorporation into the education sector. Guarantee their education with full respect paid to their language and culture.
6. Provide all schools (with special attention on rural schools) with the necessary resources to implement a gender-responsive and sustainable drinking water supply program, while at the same time improving others conditions of school infrastructure to promote adequate conditions for the exercise of the right to education.
7. Design a strategy of attention to normal rural schools, with spaces for participation, dialogue and consultation with students and teachers, as well as educational authorities in the field, in order to review not only their plans and programs of study, but also the material conditions for the enjoyment of the right to education and its impact on local policies.
8. Guarantee an adequate budget for public education and ensure non-regressivity in the allocation of resources. Also, provide the necessary resources for the development of research on educational deficiency among highly vulnerable populations in order to identify obstacles to the right to education and propose a strategy for protection and empowerment.
9. Design mechanisms that generate denunciation and redress conditions for violence inside schools and protection tools, including for cases of violence, harassment and sexual abuse that require approved protocols and comprehensive prevention policies.
10. Strengthen, sustain and guarantee the investment in and the development of infrastructure, educational materials, and support resources for educational centers in general, and those that serve people with disabilities in particular, in order that special needs populations are progressively integrated into the educational system. Focus attention on internally displaced persons, so as to guarantee their access to quality educational opportunities. Adapt the educational offer to agricultural periods and expand the coverage to secondary and higher education. It is also essential to adapt educational opportunities to the work obligations of mothers, fathers and youth.

**R. Access to justice for ESC rights** (*Topic of particular interest at the List of Issues*)

1. Ensure the proper implementation of judicial decisions on economic, social, cultural and environmental rights, including agile and effective mechanisms that guarantee the restoration of access to violated rights and the application of sanctions to the actors responsible for non-compliance.
2. Ensure that any consultation with an indigenous community or people fully respects the applicable international framework, prioritizing the prior, free, informed, good

faith and culturally appropriate nature of reaching consent or, if consent is not obtained, that the project or measure that has been rejected through the consultation is not carried out.

3. Avoid dismissal of judicial cases against short-term actions by other authorities, choosing instead to rule on the obligations of the State to protect rights that have been violated or put at risk, in order to avoid a continuous cycle of violations of human rights, more judicial processes, and dismissals.
4. Ensure that the judicial authorities order, at the cost of the State, the carrying out of expert reports and the production of other evidence necessary to assess the complainant's approach to trials on economic, social, cultural and environmental rights, in case the complaining party so requests given their lack of economic resources to produce such evidence.
5. Guarantee that the authorities and companies responsible for possible violations of economic, social, cultural and environmental rights provide all relevant documentation to the judicial authorities that are aware of any legal recourse filed by the victims, in order to avoid that any pertinent information may be kept confidential.
6. Generate a reform initiative to Article 5 of the current Amparo Law as well as to Article 107 of the Constitution, to clearly establish that companies can be considered responsible for human rights violations. Meanwhile, the Judiciary of the Federation, and especially the Supreme Court of Justice of the Nation, should favorably interpret the current text of Article 5 in order to facilitate access to effective remedies through a change in the jurisprudential tendency that would allow victims to litigate against companies when human rights are violated as a result of acts of corporations and other poorly regulated non-state actors.
7. Carry out the necessary legislative modifications so that, in the case of lawsuits promoted by communities, precautionary measures and sentences are based on the principles of prevention and precaution.

**S. Situation of ESC rights defenders** (*Topic of particular interest at the List of Issues*)

1. Promote the public and continuous recognition on the part of Mexican federal, state and municipal authorities of the importance of the defense of human rights including economic, social, cultural and environmental rights and the value and legitimacy of the work of human rights defenders. Specifically, these authorities must include in this recognition that the nature of the defense of human rights is diverse, and that those defending land and territory, just as those that reveal bad practices of corruption or impunity, have a fundamental role to play in the defense of human rights and the strengthening of democracy. There should be cooperation and coordination between the federative entities and the federation to timely and effectively protect human rights defenders.
2. Heed the recommendations of the Preliminary Report on the visit to Mexico of the United Nations Special Rapporteur on the situation of human rights defenders. In particular, implement measures for the protection of defenders in the context of corporate projects and those undertaken by other non-state actors, applying the UN Guiding Principles on Business and Human Rights and the Voluntary Principles of Security and Human Rights, with emphasis on due diligence in human rights and

on undertaking human rights impact assessments for each project, and ensuring full participation and consultation with affected communities and human rights defenders.

3. Implement the recommendation on human rights defenders contained in the Report of the Working Group on the Question of Human Rights and Transnational Corporations and Other Enterprises on their mission to Mexico. The report recommends that private companies and the State: implement the United Nations Guiding Principles on Business and Human Rights; make it clear that intimidation and aggression against human rights defenders and investigative journalists are unacceptable and will not be tolerated; and ensure that potentially affected individuals and communities are effectively consulted on the proposed projects, and accept that such consultation processes could lead to changes in the project.
4. Strengthen the Mechanism of Protection for human rights defenders and journalists through various measures including: Ensuring the budget and the financial sustainability of the Mechanism; incorporating a multicultural and collective approach that will help ensure that the measures taken by the Mechanism in the cases of indigenous or rural communities are appropriate and effective; integrating a differential approach for human rights defenders and journalists, with emphasis on the gender approach and the comprehensive review of the different stereotypes and types of violence faced by human rights defenders. Also, issue, through the Protection Mechanism for human rights defenders and journalists, a diagnosis of aggression against human rights defenders that contemplates the patterns of aggression against environmental defenders with a view towards establishing measures of prevention and risk reduction.
5. Protect the individual and collective rights of indigenous and similar peoples and communities, especially their rights to autonomy; to self-determination; to consultation and prior, free and informed consent of any measures that significantly affect their way of life, territory or enjoyment of human rights; to information; to participation in the planning of national, state and municipal development plans, programs and projects; and to prevent violations of human rights and socio-environmental conflicts.
6. Adopt appropriate policies and other measures to address the needs of displaced human rights defenders in accordance with the UN Guiding Principles on Internal Displacement.
7. Regulate the protection of whistleblowers or informants as indicated by the Organization for Economic Co-operation and Development (OECD).
8. Adopt the necessary measures for the investigation and prosecution of justice to investigate exhaustively and diligently the cases of aggression against human rights defenders, considering the context and the work of the defenders as a line of research.

***T. Business and ESC rights (Topic of particular interest at the List of Issues)***

1. Take all appropriate measures to harmonize national laws in accordance with human rights obligations and standards and ensure their implementation and compliance with the international commitments and standards contained in the Guiding Principles on Business and Human Rights and in General Comment 24



UN ESCR Committee on the Obligations of the State in the ICESCR in the Context of Business Activities.

2. Respond to the recommendations of the Working Group on the question of human rights and transnational corporations and other enterprises of the United Nations regarding its mission to Mexico, in particular: (1) Examine obstacles that victims face in accessing an effective remedy, including as part of the National Action Plan process, with a view to strengthening judicial and non-judicial complaints mechanisms in accordance with the recommendations of the report of the United Nations High Commissioner for Human Rights Improving accountability and access to reparations for victims of human rights violations related to business; 2) Ensure that concessions from litigation and other judicial decisions and suspensions are respected and enforced; 3) Strengthen the OECD National Contact Point so that it can fulfill its role of facilitating the resolution of disputes and handling specific complaints of alleged violations of the chapter of the OECD Guidelines for Multinational Enterprises dedicated to human rights, both by the multinationals operating in Mexico and by the Mexican multinationals operating abroad.
3. Participate actively in the United Nations process for the elaboration of a binding treaty on business and rights. The Mexican State is encouraged to collaborate with the open-ended intergovernmental working group mandated to develop an international legally binding instrument on transnational corporations and other business enterprises in the field of human rights with a view to contributing to the international protection of Human rights and in the prevention and remedying of violations in the context of business activities.
4. Accede to the Optional Protocol of the ICESCR, in conjunction with other international instruments, to strengthen the justiciability of economic, social, cultural and environmental rights and to combat impunity in the context of the effects caused by business activities. Eliminate procedural, legal, economic and intercultural barriers to access to justice and effective remediation at the national level to implement Pillar 3 of the Guiding Principles on Business and Human Rights.
5. Ensure that State-owned and state-supported enterprises become examples to follow regarding respect for economic, social, cultural and environmental rights in their operations and in their procurement processes, contracting, bidding, awarding, and providing public services only through private companies that also have due diligence mechanisms in regard to human rights and effective damage redress.
6. Prevent and address the risks of private sector involvement in violations of economic, social, cultural and environmental rights in situations of conflict, particularly with respect to rights to land, territory, use and enjoyment of natural resources, adequate standard of living, health and nutrition. Promote appropriate regulations and public policies to ensure the punishment of companies and comprehensive damage compensation.
7. Reaffirm the commitment of the State to carry out the agenda of companies and human rights, through multi-stakeholder mechanisms that include affected communities, human rights defenders and informants, ensuring their protection and privacy, and ensuring their meaningful participation in decision-making. The State should abstain from unilaterally approving public policies on the subject.
8. Review and adapt the National Program on Business and Human Rights (PNEDH) to the international standards contained in the UN Guiding Principles on Business and Human Rights and General Comment 24 of the UN Committee on State Obligations to the ICESCR in the Context of Business Activities, ensuring the

inclusion and promotion, among others, of the principle of due diligence in all public and private business activities.

**Civil society organizations and networks that endorse the Alternative Report on economic, social, cultural, and environmental rights in Mexico 2017**

*(in alphabetical order)*

1. 06600 Plataforma Vecinal y Observatorio de la Colonia Juárez
2. Alianza Internacional de Habitantes
3. Alianza mexicana contra el fracking (AMCF)
4. Amigos del Río San Rodrigo, A.C.
5. Asamblea popular de familias desalojadas y solicitantes de viviendas del centro histórico en lucha
6. Asociación de Usuarios del Agua de Saltillo (AUAS)
7. Asociación Internacional de Educadores para la Paz
8. CartoCrítica, Investigación, mapas y datos para la sociedad civil
9. Casa y Ciudad
10. Cátedra UNESCO de Derechos Humanos de la UNAM
11. Centro “Fray Julián Garcés” Derechos Humanos y Desarrollo Local
12. Centro de Capacitación en Ecología y Salud para Campesinos y Defensoría del Derecho a La Salud (CEESC-DDS)
13. Centro de Derechos Humanos de la Montaña Tlachinollan
14. Centro de Derechos Humanos Fray Francisco de Vitoria, OP (CDHFFV)
15. Centro de Derechos Humanos Fray Matías de Córdoba (CDHFMC)
16. Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro PRODH)
17. Centro de Derechos Humanos Zeferino Ladrillero (CDHZL)
18. Centro de Información sobre Empresas y Derechos Humanos (CIEDH)
19. Centro Mexicano de Derecho Ambiental (CEMDA)
20. Centro Operacional de Vivienda y Poblamiento (COPEVI)
21. Coalición de Organizaciones Mexicanas por el Derecho al Agua (COMDA)
22. Coalición Internacional para el Hábitat, Oficina para América Latina (HIC-AL)
23. Colectivo Apícola Los Chenes
24. Colectivo de Abogados y Abogadas (COA)
25. Colectivo de Educación para la Paz y los Derechos Humanos (CEPAZDH)
26. Colectivo Ma OGM
27. Comisión Ciudadana de Derechos Humanos del Noroeste, A.C. (CCDHNOR)
28. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
29. Comité Salvemos Temacapulín, Acasico y Palmarejo;
30. Comunidades Campesinas y Urbanas Solidarias con Alternativas (COMCAUSA)
31. Consultoría Especializada para la Justiciabilidad de los Derechos Económicos, Sociales y Culturales (CEJUDESC)
32. Cooperación Comunitaria
33. Coordinadora de Organizaciones Campesinas e Indígenas de la Huasteca Potosina A.C. (COCIHP)
34. Coordinadora Democrática de la Ciudad de México AC
35. DECA Equipo Pueblo, A.C.-Punto focal de Social Watch en México
36. EDUCA, Servicios para una Educación Alternativa

37. Encuentro Ciudadano Lagunero
38. Espacio de Coordinación de Organizaciones Civiles sobre Derechos Económicos, Sociales y Culturales (Espacio DESC)
39. Food & Water Watch (FWW)
40. Food First International Action Network (FIAN sección México)
41. Frente Popular Revolucionario
42. Freshwater Action Network Mexico (FANMex)
43. Fundación Filobatrista para el Desarrollo y la Participación Comunitaria
44. Fundación Mexicana para la Planeación Familia (MEXFAM)
45. FUNDAR Centro de Análisis e Investigación (FUNDAR)
46. Grupo de Información en Reproducción Elegida (GIRE)
47. Hábitat para la Humanidad México
48. Indignación, Promoción y Defensa de los Derechos Humanos
49. Iniciativa Ciudadana y Desarrollo Social (INCIDE Social)
50. Iniciativas para el Desarrollo de la Mujer Oaxaqueña (IDEMO)
51. Instituto de Derechos Humanos Ignacio Ellacuría SJ (IDHIE)
52. Instituto Mexicano de Derechos Humanos y Democracia (IMDHD)
53. Instituto Mexicano para el Desarrollo Comunitario (IMDEC)
54. Laboratorio de Investigación en Desarrollo Comunitario y Sustentabilidad, AC (LIDECS)
55. Laboratorio Hábitat Social: Participación y Género (LAHAS)
56. Mesa de Coordinación Transfronteriza Migración Género
57. Movimiento Urbano Popular (MUP)
58. Mujer y Medio Ambiente (MMA)
59. Observatorio de Política Social y Derechos Humanos (OPSDH)
60. Organización Familia Pasta de Conchos (OFPC)
61. Oxfam México
62. Plataforma Mexicana por el Derecho a la Ciudad y en Defensa del Territorio
63. Pobladores AC
64. Programa Universitario de Derecho Humanos de la Universidad Nacional Autónoma de México (PUDH UNAM)
65. Programa Universitario de Derechos Humanos (PUDH-UNAM)
66. Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)
67. Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER)
68. Red de Investigación y Formación en Derechos Humanos
69. Red de Profesoras e investigadoras de Derechos Humanos de México
70. Red Mexicana por la Agricultura Familiar y Campesina
71. Red por los Derechos de la Infancia en México (REDIM)
72. Seminario de Bioética, Salud y Derechos Humanos de la Benemérita Universidad Autónoma de Puebla
73. Seminario de Derechos Humanos de la Universidad Autónoma Benito Juárez de Oaxaca
74. Seminario de Derechos Humanos de la Universidad Autónoma de Nuevo León
75. Seminario de Derechos Humanos de la Universidad Autónoma Juárez de Tabasco
76. Seminario de Derechos Humanos de las mujeres de la Universidad Autónoma de Zacatecas
77. Seminario de Derechos Humanos de las Mujeres de la Universidad Autónoma de Chiapas
78. Seminario de Formación Docente en Derechos Humanos de la Universidad de Occidente
79. Servicios y Asesoría para la Paz (SERAPAZ)

80. The Hunger Project México
81. Unión Popular Revolucionaria Emiliano Zapata (UPREZ)
82. Unión Popular Valle Gómez, A.C. (UPVG)
83. Vaso Frágil Tocando al Mundo A.C.
84. National Network of Human Rights Organizations “All Human Rights for All” (made up of 84 organizations in 23 Mexican states): Agenda LGBT (Estado de México); Alianza Sierra Madre, A.C. (Chihuahua); Asistencia Legal por los Derechos Humanos, A.C. (AsiLegal) (Ciudad de México); Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (AJAGI) (Guadalajara, Jal.); Asociación para la Defensa de los Derechos Ciudadanos “Miguel Hidalgo” (Jacala Hgo.); Bowerasa, A.C. “Haciendo Camino” (Chihuahua, Chih.); Casa del Migrante Saltillo (Saltillo, Coah.); Católicas por el Derecho a Decidir, A.C. (Ciudad de México); Centro “Fray Julián Garcés” Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlax.); Centro de Apoyo al Trabajador, A.C. (CAT) (Ciudad de México); Centro de Derechos de la Mujeres de Chiapas (San Cristóbal de Las Casas, Chis.); Centro de Derechos Humanos “Don Sergio” (Jiutepec, Mor.); Centro de Derechos Humanos “Fray Bartolomé de Las Casas”, A. C. (San Cristóbal de Las Casas, Chis.); Centro de Derechos Humanos “Fray Francisco de Vitoria O.P.”, A. C. (Ciudad de México); Centro de Derechos Humanos “Fray Matías de Córdova”, A.C. (Tapachula, Chis.); Centro de Derechos Humanos “Juan Gerardi”, A. C. (Torreón, Coah.); Centro de Derechos Humanos “Miguel Agustín Pro Juárez”, A. C. (Ciudad de México); Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Gro.); Centro de Derechos Humanos de las Mujeres (Chihuahua); Centro de Derechos Humanos de los Pueblos del Sur de Veracruz “Bety Cariño”, A.C. (Tatahuicapan de Juárez, Ver.); Centro de Derechos Humanos Digna Ochoa, A.C (Tonalá, Chis.); Centro de Derechos Humanos Paso del Norte (Cd. Juárez, Chih.); Centro de Derechos Humanos Toaltepeyolo (Orizaba, Veracruz); Centro de Derechos Humanos Victoria Diez, A.C. (León, Gto.); Centro de Derechos Humanos Zeferino Ladrillero (CDHZL) (Estado de México); Centro de Derechos Indígenas “Flor y Canto”, A. C. (Oaxaca, Oax.); Centro de Derechos Indígenas A. C. (Bachajón, Chis.); Centro de Investigación y Capacitación Propuesta Cívica A. C. (Propuesta Cívica) (Ciudad de México); Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jal.); Centro de los Derechos del Migrante (Ciudad de México); Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jal.); Centro Diocesano para los Derechos Humanos “Fray Juan de Larios”, A.C. (Saltillo, Coah.); Centro Juvenil Generando Dignidad (Comalcalco, Tabasco); Centro Kalli Luz Marina (Orizaba, Ver.); Centro Mexicano de Derecho Ambiental (CEMDA) (Ciudad de México); Centro Mujeres (La Paz, BCS.); Centro Regional de Defensa de DDHH José María Morelos y Pavón, A.C. (Chilapa, Gro.); Centro Regional de Derechos Humanos “Bartolomé Carrasco”, A.C. (BARCA) (Oaxaca, Oax.); Ciencia Social Alternativa, A.C. KOOKAY (Mérida, Yuc.); Ciudadanía Lagunera por los Derechos Humanos, A.C. (CILADHAC) (Torreón, Coah.); Colectivo contra la Tortura y la Impunidad (CCTI) (Ciudad de México); Colectivo Educación para la Paz y los Derechos Humanos, A.C. (CEPAZDH) (San Cristóbal de Las Casas, Chis.); Comisión Ciudadana de Derechos Humanos del Noroeste (Mexicali, Baja California); Comisión de Derechos Humanos y Laborales del Valle de Tehuacán, A.C. (Tehuacán, Pue.); Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (COSYDDHAC) (Chihuahua, Chih.); Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Mor.); Comisión Regional de Derechos Humanos “Mahatma Gandhi”, A. C. (Tuxtepec, Oax.); Comité Cerezo

(Ciudad de México); Comité Cristiano de Solidaridad Monseñor Romero (Ciudad de México); Comité de Defensa de las Libertades Indígenas (Palenque, Chis.); Comité de Defensa Integral de Derechos Humanos Gobixha A.C. (CODIGODH) (Oaxaca, Oax.); Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada", A. C. (Ocosingo, Chis.); Comité de Derechos Humanos "Sierra Norte de Veracruz", A. C. (Huayacocotla, Ver.); Comité de Derechos Humanos Ajusco (Ciudad de México); Comité de Derechos Humanos de Colima, A. C. (Colima, Col.); Comité de Derechos Humanos de Comalcalco, A. C. (CODEHUCO) (Comalcalco, Tab); Comité de Derechos Humanos de Tabasco, A. C. (CODEHUTAB) (Villahermosa, Tab); Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Gto.); Comité de Familiares de Detenidos Desaparecidos "Hasta Encontrarlos"(Ciudad de México); Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo A.C. (Tulancingo, Hgo.); Consultoría Técnica Comunitaria AC (CONTEC) (Chihuahua); El Caracol, A.C (Ciudad de México); Estancia del Migrante González y Martínez, A.C. (Querétaro, Qro.); Frente Cívico Sinaloense. Secretaría de Derechos Humanos (Culiacán, Sin.); Fundación para la Justicia y el Estado Democrático de Derecho (Ciudad de México); Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Mérida, Yuc.); Instituto de Derechos Humanos Ignacio Ellacuría, S.J. Universidad Iberoamericana- Puebla (Puebla, Pue.); Instituto Mexicano de Derechos Humanos y Democracia (Ciudad de México); Instituto Mexicano para el Desarrollo Comunitario, A. C. (IMDEC) (Guadalajara, Jal.); Instituto Tecnológico y de Estudios Superiores de Occidente. Programa Institucional de Derechos Humanos y Paz (Guadalajara, Jal.); Justicia, Derechos Humanos y Género, A.C. (Ciudad de México); La 72, Hogar-Refugio para Personas Migrantes (La 72) (Tenosique, Tabasco); Mujeres Indígenas por la Conservación, Investigación y Aprovechamiento de los Recursos Naturales, A. C. (CIARENA) (Oaxaca); Oficina de Defensoría de los Derechos de la Infancia A.C. (ODI) (Ciudad de México); Promoción de los Derechos Económicos, Sociales y Culturales (PRODESCAC) (Estado de México); Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC) (Ciudad de México); Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER) (Ciudad de México); Red Solidaria de Derechos Humanos, A.C. (Morelia, Michoacán); Respuesta Alternativa, A. C. Servicio de Derechos Humanos y Desarrollo Comunitario (San Luis Potosí); Servicio, Paz y Justicia de Tabasco, A.C. (SERPATAB) (Villahermosa, Tab.); Servicios de Inclusión Integral, A.C. (SEIINAC) (Pachuca, Hgo.); Tequio Jurídico A.C. (Oaxaca, Oax.); VIHAs de Vida (Guadalajara, Jal.); Voces Mesoamericanas, Acción con Pueblos Migrantes AC (San Cristobal de las Casas, Chiapas).