

Universal Periodic Review (31st session, October-November 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Mexico

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	23/02/1984 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	14/12/2005 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	05/07/2006 Ratification	<i>The instrument of ratification contained the following reservation : “The United Mexican States wishes to enter the following reservation to the application and interpretation of Article 20 of the Convention: (a) This</i>		Right to take part in cultural life

		<p><i>Convention shall be implemented in a manner that is in harmony and compatible with other international treaties, especially the Marrakesh Agreement Establishing the World Trade Organization and other international trade treaties.</i></p> <p><i>(b) With regard to paragraph 1, Mexico recognizes that this Convention is not subordinate to any other treaties and that other treaties shall not be subordinate to this Convention.</i></p> <p><i>(c) With regard to paragraph 1 (b), Mexico does not prejudge its position in future international treaty negotiations.”</i></p> <p>[Original: Spanish]</p>		
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Right to education

II. Promotion and protection of human rights on the ground

1. The Political Constitution of the United Mexican States of 1917¹, as amended in 2017, enshrines the right to education, guarantees that “education provided by the State shall be free” and ensures mandatory basic and higher secondary education. The Constitution also prohibits “any form of discrimination, based on ethnic or national origin, gender, age, disabilities, social status, medical conditions, religious,

¹ <http://www.unesco.org/education/edurights/media/docs/b005f1480a9ef5c63a4c9dd3add961d993daebfc.pdf>

opinions, sexual orientation, marital status, or any other form, which violates the human dignity or seeks to annul or diminish the rights and freedoms of the people.” According to the General Law on Education² adopted in 1993, “everyone has the right to receive a qualitative education and all the inhabitants of the country have the same opportunities of access to the national educational system”. State education shall be democratic and contribute to a better human coexistence.

2. In terms of reporting to UNESCO, Mexico submitted a national report within the framework of the 9th Consultation (2016-2017) of Member States on the measures taken to implement the UNESCO Recommendation against Discrimination in Education. Similarly, Mexico reported on the measures taken to implement the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the 6th Consultation (2016-2017).

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of the United Mexican States guarantees freedom of expression and freedom of information under Articles 6 and 7.³
4. The Federal Telecommunications and Broadcasting Law is the legislative framework on matters related to media, Internet and telecommunications.⁴
5. The Federal Law for Transparency and Access to Public Information⁵ guarantees access to information. The Law established the National System of Transparency, Access to Public Information and Protection of Personal Data (SNT)⁶.
6. The National Institute for Transparency, Access to Information and Personal Data Protection (INAI) is an autonomous constitutional body responsible for upholding the right to access to public information held by any authority, entity, body or agency belonging to the executive, legislative and judicial branches
7. Defamation is decriminalized in Mexico since 2010.

➤ Implementation of Legislation:

8. The Federal Telecommunications Institute is an independent agency created to “regulate and promote competition and efficient development of the broadcasting and telecommunications market.” The Institute is headed by a board of seven commissioners that are nominated by the President and confirmed by the Senate⁷

² <http://www.unesco.org/education/edurights/media/docs/37c44b552132300e247364e1e32ed55e502ab624.pdf>

³ https://www.constituteproject.org/constitution/Mexico_2015.pdf?lang=en

⁴ <http://www.ift.org.mx/sites/default/files/contenidogeneral/asuntos-internacionales//federaltelecommunicationsandbroadcastinglawmexico.pdf>

⁵ <http://inicio.inai.org.mx/Publicaciones/Ley%20Federal%20de%20Transparencia.pdf>

⁶ <http://inicio.ifai.org.mx/Comunicados/Comunicado%20INAI-259-17.pdf>

⁷ <http://www.ift.org.mx/sites/default/files/contenidogeneral/asuntos-internacionales//federaltelecommunicationsandbroadcastinglawmexico.pdf>

➤ Safety of Journalists:

9. Since 2008, there have been 84 journalists killed in Mexico. The Government has responded to UNESCO's requests as regards 68 of the cases, with 2 cases resolved according to UNESCO records and 51 case unresolved or ongoing. There was no information received regarding 7 cases.⁸

III. Recommendations

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (October 2013)⁹:

148.36. *Consider intensifying its efforts for human rights education across the spectrum of the Mexican establishment and organisations for a proper dissemination and implementation of the bold measures announced in its National Report*

148.140. *Allocate appropriate financial and human resources to effectively implement its National Development Plan on poverty eradication and access to education*

148.144. *Focus on marginalised groups or disadvantaged sections of society. Of particular relevance would be measures to improve health and education*

148.154. *Intensify efforts to guarantee universal access to health services, information and education on health and sexual and reproductive rights, particularly for adolescents*

148.158. *Work to ensure executing the constitutional reform that aims at improving the level of compulsory education in order to ensure that education will contribute in the promotion of the principles of cultural diversity, equality in enjoying rights, and the importance of the family and others*

148.159. *Ensure that the education contributes to cultural diversity, equal rights and the dignity of the person*

148.160. *Continue improving the quality of education for all, including indigenous children, through the provision of more infrastructure, educational materials and learning tools*

148.161. *Continue working on the design of public policies to ensure access and continuance of children and adolescents in the different educational levels, especially children belonging to indigenous peoples and who are poor*

148.162. *Further strengthen efforts in the field of the right of education, including by increasing the national budget allocation for education and promoting multi-cultural education*

148.163. *Allocate more resources to education for vulnerable students and the disabled*

Review and specific recommendations

11. From 2013 to date, Mexico has achieved indeed several advances in terms of constitutional provisions, legislation and educational programs. In February 2013, article 3 of the Political Constitution of the United Mexican States was reformed, to establish compulsory quality education as a right. It now enshrines that "The State will guarantee quality in compulsory education so that the materials and methods education, the school organization, the educational infrastructure and the suitability of teachers and managers guarantee the maximum learning achievement of students."

⁸ Eight cases happened in 2017 thus the letter of inquiry is to be send to the government in the second part of 2018.

⁹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/189/42/PDF/G1318942.pdf?OpenElement>

12. The General Law on Education has also been revised. In its most recent reform, on February 2017, it states in article 2 that quality education should also be equitable. The General Law on Education thus enshrines: “Every individual has the right to receive quality education in conditions of equity, therefore, all the inhabitants of the country have the same opportunities of access, transit and permanence in the national educational system, just by satisfying the requirements established by the applicable general provisions.”
13. In addition, several provisions of the General Law on Education that promote non-discrimination, the recognition of the human rights of the entire population and the culture of inclusion have been reformed in June 2016. Its article 7 now stands that the education provided by the State shall have the following purposes: “VI.- Promote the value of justice, the observance of the Law and the equality of individuals before it, promote the culture of legality, inclusion and non-discrimination, peace and non-violence in any type of its manifestations, as well as the knowledge of Human Rights and respect for them;
14. VI Bis.- Promote the appreciation of diversity and the culture of inclusion as conditions for social and cultural enrichment.”
15. To ensure the provision of quality educational services, the National System of Educational Evaluation and the Professional Teaching Service have been created. The constitutional reform in 2013 furthermore gave the National Institute for Educational Assessment and Evaluation founded in 2002 “not only more legal, technical and financial autonomy but also more responsibilities, including the design and leadership of a national educational evaluation system.” It shows the “central role to evaluation and assessment as tools for planning, accountability and policy development” in Mexico’s education policy¹⁰.
16. Finally, Mexico reported that the ratification process of the 1960 Convention against Discrimination in Education was engaged.¹¹ Mexico should therefore be encouraged to continue this process and to ratify the 1960 Convention in the near future.
17. Regarding concrete measures on education and resources allocated to education, Mexico reported that “7 689 educational buildings have been provided between 2013-2015, benefiting 1.2 million pupils” in indigenous villages. Moreover, “during the same timeframe, 5 824 public schools have been adapted” in order to guarantee access to the buildings to disabled children. “It also expected that the Schools Excellence Programme (Escuelas al CIEN) will add a further 12 188 school buildings, located in indigenous communities”¹². “School infrastructure has been improved under the Schools Excellence Programme through an innovative financial scheme. Mexico should therefore be encouraged to continue its efforts to allocate appropriate financial and human resources to education. Mexico should also be encouraged to focus its investments on schools in poor background areas, as “in Mexico, 19% of the poorest grade 3 students attended schools with adequate water

¹⁰ UNESCO, *Global education monitoring report*, 2017, p.38 / <http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

¹¹ Mexico, National report on the implementation of the UNESCO 1960 Recommendation against discrimination in education, submitted within the framework of the 9th consultation, p.1

¹² *Ibid.*, p.9

and sanitation facilities, compared to 84% of the richest students”.¹³ Finally, Mexico should be encouraged to give more consideration, in its educational policy, to teacher training; “for instance, out of about 62% of teachers in Mexico who had completed teacher education programmes, about two-thirds, or 40% of the total, had received training in the pedagogy of the subjects they taught”¹⁴.

18. More specifically, regarding inclusive education and equal learning opportunities, the 2013-2018 National Development Plan aims “to guarantee inclusion and equality in the education system” (Goal 3.2) and “to improve opportunities of access to education in all regions and sectors of the community” (Strategy 3.2.1). The objective 3 of the 2013-2018 Education Sector Programme is to “guarantee greater educational coverage, inclusion and equity in the community for a fairer society”¹⁵. Mexico also adopted legal and political measures to promote the access to education for people with disabilities, such as the General Law on the Inclusion of People with Disabilities (DOF 17/12/2015) that protects special needs and inclusive education and the 2014-2018 National Programme for the Development and Inclusion of People with Disabilities (DOF 30/04/2014).
19. To guarantee equal access to education and educational opportunities for all, the Mexican Government adopted a National Scholarship Programme. Its mission “is to grant financial support to students with limited financial resources and offset their hardship so that they can access educational services, remain there and improve their education.”¹⁶. However, regarding the obstacles which clearly limit the access to education to adolescents, Mexico reported on “the poor management and distribution of scholarships in priority areas, especially in the following states: Guerrero, Oaxaca, Chiapas and Michoacán”¹⁷.
20. Some recommendations addressed to Mexico were referring to the need to provide human rights education in schools and to promote cultural diversity through education. The General Law on the Linguistic Rights of Indigenous Peoples, in its 2015 reform, establishes that the State must “include within the national, state and municipal plans and programs regarding indigenous education and culture, policies and actions aimed at protection, preservation, promotion and development in a context of respect and recognition of the various national indigenous languages, with the participation of indigenous peoples and communities.” Educational programs include sexual and reproductive education.
21. Finally, regarding school environment and the prevention of bullying and school violence, Mexico adopted the National School Coexistence Program (PNCE), which is a preventive intervention proposal that the Ministry of Public Education is piloting in 21 000 elementary schools during the year of 2017. The program addresses the recognition of prejudices linked to diversity, the identification of sexual abuse, school bullying and child abuse. Mexico should therefore be encouraged to expand its approach to education for global citizenship, in order to be in line with objective

¹³ *Ibid.*, p.228

¹⁴ *Ibid.*, p.248

¹⁵ Mexico, National report on the implementation of the UNESCO 1960 Recommendation against discrimination in education, submitted within the framework of the 9th consultation, p.1

¹⁶ *Ibid.*, p.5

¹⁷ *Ibid.*, p.6

4.7 of Goal 4 of the SDGs of the 2030 Agenda of UNESCO. In the same way, “the 2016 Teachers’ Professional Development Programme in basic education has helped train 40 317 teachers, specialist trainers and teaching staff who are responsible for leadership, supervision and technical consultancy (...) on gender-sensitive peaceful coexistence in school environments (...) equality between the sexes, human rights and intercultural educational approaches”¹⁸. However, this initiative should be widespread to all training programs, as the curricula of the Normal Schools and the training programs of the National Strategy for Continuing Training, Upgrade and Professional Development do not have a comprehensive gender focus.

➤ **Specific recommendations:**

1. Mexico should be encouraged to continue the ratification process of the 1960 Convention against discrimination in education and, if necessary, to seek UNESCO’s support in this process.
2. Mexico could be encouraged to continue its national investment in education in order to guarantee a full access to education for all.
3. Mexico should be encouraged to focus its national budget allocation to education on the populations who need it the most, especially children belonging to indigenous peoples, from marginalized groups and who are poor.
4. Mexico could be encouraged to reinforce measures to ensure an inclusive education and the integration of all learners, in order to make the goals the government adopted in its programmes and plans a reality.
5. Mexico should be encouraged to continue to submit state reports for the periodic consultations on UNESCO’s education-related standard-setting instruments.
6. Mexico should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO’s Global Database on the Right to Education¹⁹.

Freedom of opinion and expression

22. The Government is encouraged to assess the appointment system for the broadcast licensing authority to ensure that this body is independent.
23. The Government is urged to continue its efforts to ensure the safety of journalists and to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, and, in particular, national safety mechanisms as a means to strengthen protection of journalists.

¹⁸ *Ibid.*, p.5

¹⁹ <http://www.unesco.org/education/edurights/index.php?action=&lng=en&>

Cultural Rights

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²¹ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²², Mexico is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Mexico is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

25. Mexico submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Mexico reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.

²⁰ Periodic Report available at: <http://whc.unesco.org/archive/2013/whc13-37com-10A-en.pdf>

²¹ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=18497>

²² Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-37>