



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Fourth and fifth periodic reports of States parties due in 2011

**Mexico\***

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## Abbreviations and acronyms

CDI	National Commission for the Development of Indigenous Peoples
CNDH	National Human Rights Commission
COMAR	Mexican Commission on Assistance to Refugees
CONAPRED	National Council for the Prevention of Discrimination
DIF	Scheme for the Comprehensive Development of the Family
ILO	International Labour Organization
IMSS	Mexican Social Security Institute
INM	National Institute for Migration
IOM	International Organization for Migration
ISSSTE	Institute of Social Security and Services for State Employees
OHCHR	Office of the United Nations High Commissioner for Human Rights
SEDIF	State Scheme for the Comprehensive Development of the Family
SMDIF	Municipal Scheme for the Comprehensive Development of the Family
SNDIF	National Scheme for the Comprehensive Development of the Family
STD	Sexually transmitted disease
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNFPA	United Nations Population Fund

## Introduction

1. The Convention on the Rights of the Child is an international instrument that proclaims the civil, political, economic, social and cultural rights of the child; it lays out the obligations of States parties, and of all those responsible for the care of children, to respect, protect and implement the rights enshrined in the Convention, without any distinction whatsoever, and giving due weight at all times to the best interests of the child.
2. The Convention was adopted by the General Assembly on 20 November 1989 and entered into force on 2 September 1990. It was ratified by Mexico on 21 September 1990.
3. In accordance with the obligations established under article 44 of the Convention, Mexico submits to the Committee on the Rights of the Child, through the United Nations Secretary-General, reports on the measures taken to give effect to the rights recognized in the Convention and on progress towards ensuring the enjoyment of those rights.
4. Mexico has submitted and defended three periodic reports to the Committee on the implementation of the Convention. It has also submitted and defended the initial reports on the two Optional Protocols to the Convention: on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.
5. The fourth and fifth consolidated reports of Mexico on the implementation of the Convention reflect the situation of children in Mexico during the period 2006–2011. In accordance with the Committee's general guidelines, adopted during its fifty-fifth session (CRC/C/58/Rev.2), the report comprises the common core document, the treaty-specific report and the statistical annex. The report also includes an annex of publications.
6. The common core document contains general information on the country's demographic, economic, social and cultural characteristics. It also includes information on the constitutional, political and legal structure of Mexico, with special reference to the general framework for the protection of human rights and to the anti-discrimination policy.
7. The eight sections of the treaty-specific report describe the actions and programmes undertaken by the State party to give effect to the Convention and to the Committee's recommendations on guaranteeing children and adolescents the right to health, education, non-discrimination, a family environment and protection in special situations. The report also outlines the challenges to improving the situation of children throughout the country.
8. The statistical annex contains the quantitative information available to Mexico, grouped into sections corresponding to the eight section headings of the treaty-specific report.
9. The annex of publications has also been included in order to provide additional information. It contains legislative, judicial, administrative and other texts referred to in the treaty-specific report, as well as some hard copy and a list of hyperlinks to publications available online.
10. Thirty-five federal government departments and agencies involved in the implementation of the Convention participated in the preparation of the report. The National Scheme for the Comprehensive Development of the Family (SNDIF), autonomous bodies and other State authorities took part as well. The report was submitted to the general public for comments.
11. The submission of the fourth and fifth consolidated report of Mexico on the implementation of the Convention is a further demonstration of the Government's full commitment to the international mechanisms responsible for monitoring compliance with international human rights instruments.

## **I. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

### **A. Measures adopted to bring national legislation and practice into full conformity with the provisions of the Convention and its Optional Protocols**

12. Over the past decade the Government of Mexico has made progress on the harmonization of the domestic legal framework with the commitments undertaken as a result of its accession to international instruments.

13. Pursuant to the Committee's recommendations on the reform and harmonization of Mexican law with the Convention on the Rights of the Child, and to the amendment to article 4 of the Constitution in the year 2000, which gives constitutional status to the right of children to satisfy their basic nutritional, health, educational and recreational needs, the amendment of 10 June 2011 granted constitutional status to the human rights enshrined in international treaties, expanding the scope of their legal protection by making them binding on Mexico. The reform gives the treaties a new *de facto* standing.

14. Also noteworthy are the amendments to articles 4 and 73 of the Constitution, enacted in October 2011, by which the State undertakes to give effect to the best interests of the child through the design, implementation, follow-up and evaluation of public policies. Congress is empowered to enact legislation that stipulates the assistance to be provided to children by the federal Government, the state governments, the Federal District and the municipalities, in accordance with the international treaties to which Mexico is a party.<sup>1</sup>

15. In addition to the constitutional reforms, in 2010 and 2011 the Government of Mexico amended several laws in order to harmonize them with the Convention. Examples are the General Education Act, with respect to nutritional education, indigenous education and the promotion of technological development and innovation, and the Mexican Institute of Youth Act, which took a cross-cutting approach to the design, implementation and execution of programmes for developing young people's abilities and potential. The Act on the Inclusion of Persons with Disabilities was promulgated, which promotes early learning and care of very young children and ensures that children with disabilities have equal access to such services. The Act on Comprehensive Childcare and Development Services regulates the nurseries and childcare centres, establishes security measures, creates an advisory council and a national service provision system, and sanctions any irregularities in the provision of services. The Act establishing the National Early Alert System on Child Kidnapping and Theft in Mexico should be mentioned as well.

16. Furthermore, on 19 August 2010 the decree to reform and add a number of provisions to the Federal Criminal Code, the Federal Code of Criminal Procedure, the Act on the Protection of the Rights of Children, the General Education Act, the Religious Associations and Public Worship Act, the Consumer Protection Act and the Act implementing article 5 of the Constitution, concerning the exercise of professions in the Federal District, was published in the Official Gazette. Some of the objectives of these reforms are as follows: (1) to establish the criminal offence of pederasty; (2) to compel the Federal Prosecution Service and federal courts to observe the principle of the best interests of the child or adolescent in the substitution, absence or inadequacy of reasons or grounds for protecting their rights; and (3) to increase the number of childminders so as to prevent any ill-treatment, harm, injury, aggression, abuse or exploitation of children.

<sup>1</sup> The constitutional amendments are available at <http://info4.juridicas.unam.mx/ijure/fed/9>.

17. Pursuant to the Committee's recommendation on harmonizing the Act on the Protection of the Rights of Children (2000) with state laws, the 31 states and the Federal District now have legislation in place on the protection of children, in conformity with the Act.

18. Progress has been made on harmonizing migration law with international standards, including the Convention. The Migration Act, promulgated on 25 May 2011,<sup>2</sup> guarantees respect for the rights of unaccompanied migrant children and adolescents. It gives priority to the observance of the best interests of the child and stipulates that SNDIF and the State Schemes for the Comprehensive Development of the Family (SEDIFs) shall provide assistance to families and collaborate with the National Institute for Migration (INM) until the children's immigration status is resolved.

19. The Act on Combating Human Trafficking<sup>3</sup> was adopted in November 2007; 16 states have adopted similar legislation at the local level<sup>4</sup> and 2 states have adopted its statutes.<sup>5</sup>

20. The Government of Mexico will continue to make the necessary efforts for the effective implementation of the Act and for strengthening the protection of the rights of the persons concerned.

21. As announced by the Government during its presentation in 2011 of the report on the implementation of the Optional Protocol of the Convention on the involvement of children in armed conflict, a procedure has been initiated to withdraw the Government's interpretative declaration relative to article 4 of the Optional Protocol, pursuant to the Committee's recommendation. The withdrawal has been approved by the relevant departments and by the executive branch; its final adoption by the Senate is expected during the fourth quarter of 2012. Pursuant to the Committee's recommendation during the same presentation, the Government has been working with the Inter-ministerial Commission on International Humanitarian Law on a draft amendment to domestic criminal law on international crimes. The draft proposes establishing war crimes as criminal offences, including the recruitment or enlistment in the armed forces or armed groups of one or more minors under 18 or their use to participate in hostilities, taking into account the threshold age of 18 called for by the Optional Protocol, which confers greater protection than the minimum age of 15 established under the Convention.

## **B. Whether a comprehensive national strategy and corresponding plan or plans of action for children have been adopted**

22. Taking account of the Committee's recommendation on the establishment of a comprehensive national system for the coordination and implementation of all the rights of the child, including the implementation of the Convention and its Optional Protocols, SNDIF — a public body responsible for implementing, applying and shaping public policies on social assistance, especially policies for children and the family — promotes and disseminates the rights of children and adolescents through two lines of action: (1) promotion and dissemination of rights, and (2) monitoring and supervision.

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<sup>2</sup> [http://dof.gob.mx/nota\\_detalle.php?codigo=5190774&fecha=25/05/2011](http://dof.gob.mx/nota_detalle.php?codigo=5190774&fecha=25/05/2011).

<sup>3</sup> <http://www.ordenjuridico.gob.mx/Documentos/Federal/wo17148.doc>.

<sup>4</sup> Chiapas, Federal District, Hidalgo, Nuevo León, Tamaulipas, Tabasco, Tlaxcala, and Veracruz (the legislation was adopted on 27 October 2010 and published in the Official Gazette on 5 November 2010).

<sup>5</sup> Chiapas and the Federal District.



23. The following action is being taken with respect to the promotion and dissemination of rights:

(a) Training: SNDIF offers direct training to the staff of the State and Municipal Schemes for the Comprehensive Development of the Family (SMDIFs), which in turn act as replicators. The following subjects are dealt with: state committees for following up on and monitoring the implementation of the Convention, a rights-based approach and a handbook on children's participation.

(b) Dissemination: Copies of the Convention are disseminated to the mass media, including the press, radio and television. Dissemination material, flyers, leaflets and posters are distributed as well, along with other items.

(c) Promotion: Children's forums, campaigns focused on the realization of the rights of the child, election of SMDIF and SEDIF disseminators, celebrations of memorable and traditional events from a human rights perspective, fairs, wall murals and parades dealing with human rights.

(d) Evaluation and monitoring: Visits to assess and monitor disseminator groups in municipalities; periodic meetings with municipal leaders and municipal and local SMDIF disseminators; organization of the annual workshop on the Convention; national meeting of operational managers.

### **C. The government authority with the overall responsibility to coordinate implementation of the Convention and its Optional Protocols**

24. In order to contribute to the development of civic awareness, and to the implementation of the Convention, SNDIF coordinates the mechanism for supervising implementation, which is called the National Scheme for Follow-up and Monitoring of the Implementation of the Convention on the Rights of the Child. The scheme is composed of a central commission, two thematic committees and 32 state committees for follow-up and monitoring.

25. The establishment of the state committees was completed in 2009. Committees were set up in:

- 1999 – Baja California Sur, Colima, Durango, Oaxaca, Querétaro and Tamaulipas;
- 2000 – Campeche, Coahuila, Guerrero, México, Nayarit and Zacatecas;
- 2001 – Chiapas, Hidalgo and Tlaxcala;
- 2002 – Aguascalientes, Jalisco, Puebla and Sinaloa;
- 2003 – Baja California;
- 2004 – Guanajuato and San Luis Potosí;
- 2005 – Chihuahua, Quintana Roo and Sonora;
- 2006 – Federal District, Veracruz and Yucatán;
- 2008 – Morelos;
- 2009 – Nuevo León, Tabasco and Michoacán.

26. A workshop-course entitled "Towards the design of the National Scheme for Follow-up and Monitoring of the Implementation of the Convention on the Rights of the Child" was held in 2006 for the technical secretaries of the state committees, in order to draw up lines of action for the establishment and operation of these committees in every

Mexican state. Each state received a budget allocation in 2010 for the committees' operation. During the national meeting of state and municipal operational managers, round tables were held to share best practices and coordinate the work of the follow-up and monitoring committees, as well as to discuss children's participation. In 2011, 16 states were visited and received training on the rights-based approach and on the efficiency and establishment of the committees.

27. As set forth in the Constitution, the Mexican Republic is composed of 31 states and a Federal District, which is the seat of the federal Government. Each state is free, sovereign and autonomous and has its own constitution; it is also separated into the executive, legislative and judicial branches. This contributes to the national coordination of actions to protect children. Efforts to enhance and step up such coordination should therefore be continued as well, so as to harmonize the above-mentioned actions.

#### **Data system**

28. As a part of the institutional commitment by SNDIF to procuring the well-being of children by consolidating relevant information on children in Mexico and by acting as a vehicle for facilitating access to such information, the Scheme prepared a statistical compendium on children in Mexico in 2010, based on the Convention. The compendium is intended as a resource and reference for decision-making about relevant public policies by the various actors who work with children.

### **D. The budget allocated for the implementation of the Convention and its Optional Protocols**

29. Federal budget resources have been earmarked for children and adolescents since 2012. Annex 24, Resources for actions for children and adolescents, lists the programmes of various departments and agencies, which amount to 569,559,380,276.00 Mexican pesos.<sup>6</sup> Annex 23, Resources for the support of vulnerable groups, mentions a total of 26,255,913,868.00 Mexican pesos<sup>7</sup> and, for each of the programmes for vulnerable groups, also enumerates the resources allocated to programmes for young people, basic education for the children of migrant agricultural day labourers, childcare centres, and protection and comprehensive development of children.<sup>8</sup> This represents a considerable increase in the resources earmarked for children and adolescents, making it possible to evaluate their use and impact.

30. Also noteworthy is the budget increase reported for the past five years. In 2006, 85,841,000,000 Mexican pesos were allocated to children's programmes, while in 2011 the amount was 414,264,000,000 Mexican pesos,<sup>9</sup> almost a fivefold increase.

### **E. Whether international assistance and development aid are provided and/or received directly related to the implementation of the Convention, its Optional Protocols**

31. Pursuant to the Committee's recommendation on strengthening international cooperation, in 2009 the United Nations Children's Fund (UNICEF) and the Ministry of Social Development signed a cooperation agreement on strengthening and implementing

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<sup>6</sup> About US\$ 41,725,961,924.98.

<sup>7</sup> About US\$ 1,923,510,173.47.

<sup>8</sup> [http://dof.gob.mx/nota\\_detalle.php?codigo=5226418&fecha=12/12/2011](http://dof.gob.mx/nota_detalle.php?codigo=5226418&fecha=12/12/2011).

<sup>9</sup> About US\$ 6,288,717,948.71 in 2006, and US\$ 30,349,010,989.01 in 2011.

projects on the development and realization of the rights of children and adolescents in Mexico. Within that framework, it was agreed to revise the operating rules for five of the Ministry's social programmes<sup>10</sup> in order to make recommendations on explicitly including a perspective that takes full account of the rights of children and adolescents.

32. Another example of how international assistance has been utilized is the Children's Parliament of Mexico, for which Congress, the Ministry of Public Education, the Federal Electoral Institute, SNDIF and the National Human Rights Commission (CNDH) received UNICEF support<sup>11</sup> from 2002 to 2011 for the organization of eight editions of the Parliament. Some 63,649 children took part in these events, which were intended as a forum in which children could exercise their right to participation and, through their opinions and proposals, be recognized as subjects of law and contribute to the development of harmonious democratic relations.

33. The Parliament's working method is aimed at: (a) promoting the defence and exercise of the rights of the child, as set forth in the national and international legal framework; (b) contributing to the ethics and civic training of Mexican children, strengthening their aptitude for opinion-making, analysing and debating, as well as their interest in helping to solve problems in their own environment; (c) familiarizing children with legislative functions and practices; and (d) encouraging Mexican children to participate in decision-making, agreements and accountability.

34. On 26 August 2009, the framework cooperation agreement was signed by the National Commission for the Development of Indigenous Peoples (CDI) and UNICEF on the design of relevant public policies and development of community participation for children. In 2010, the Commission signed a specific cooperation agreement with the United Nations Development Programme (UNDP) to promote the reduction of disaster risks in southern and south-eastern Mexico, as well as to promote gender equality, intercultural relations and the rights of indigenous children.

35. The National Music Development System has been working with the Ibero-American Secretariat on the development of music programmes since 2007. In 2010, the Secretariat authorized the system to head up the technical unit of the Iberorquestas Programme. This is an international cultural cooperation programme that promotes children's and young people's orchestras in the Ibero-American member countries with an emphasis on vulnerable social groups, seeking equity and equality of opportunities to develop the talents of children and young people. The programme's most important activities include a financial assistance fund for the programme's member countries to train and strengthen children's groups and disseminate concert music to children and their families.

36. In addition, the National Health and Welfare Commission signed a cooperation agreement with UNICEF to intensify actions on behalf of children affiliated with the health scheme, through the Opportunities (Human Development) Programme. It is aimed at developing and promoting joint action enabling children and adolescents in Mexico to exercise fully their right to health. UNICEF and the people's health insurance scheme also signed a preliminary cooperation agreement, which covers technical assistance on incorporating a human rights perspective into policies for children, from the very young to young adults, the evaluation of policies for children, technical assistance for intercultural and indigenous communication and the development of community participation in exercising the right to health.

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<sup>10</sup> Opportunities (Human Development) Programme, Food Support Programme, Child Day-care Support Programme for Working Mothers, Services for Agricultural Day Labourers Programme and Social Milk Supply Programme, run by LICONSA.

<sup>11</sup> UNICEF was not involved in the Eighth Children's Parliament.

37. As has been seen, Mexico maintains close relations with UNICEF, backed by the basic cooperation agreement between the Government of the United Mexican States and UNICEF, which is based on the 2008–2012 Country Programme and Action Plan. This plan involves various federal counterparts, such as the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of Public Education, the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of the Interior, the Ministry of Finance and Public Credit, the Ministry of Public Security, CDI, INM, the Office of the Attorney-General of the Republic, SNDIF, the National Institute of Statistics and Geography and CNDH. According to the Ministry of Foreign Affairs, 18 projects were approved between 2006 and 2011.<sup>12</sup>

38. The Government of Mexico, through the Mexican Commission on Assistance to Refugees (COMAR), maintains cooperation ties with such international bodies as the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF and the International Organization for Migration (IOM) on developing the inter-agency model of support for unaccompanied migrant children and adolescents, which is prepared by the Inter-Agency Round Table.

39. Yet another form of cooperation between the Mexican Government and an international body is that established with the International Labour Organization (ILO) through the International Programme on the Elimination of Child Labour, which, with funding from the United States Department of Labour, launched the project on “Abolishing child labour in agriculture”.

40. Other cooperation agreements signed by Mexico are based on the Joint Mexico-Spain Technical and Scientific Cooperation Fund on the basis of the Basic Scientific and Technical Cooperation Agreement between the Government of the United Mexican States and the Government of the Kingdom of Spain. The following projects that contribute to a better quality of life for children bear mention in that regard:

- Young Teachers Exchange. Initiated in 2009, it is aimed at improving the quality of education in Hispano-Mexican teacher training colleges. The training of teachers participating in the project has resulted in a better quality of education for their students;

<sup>12</sup> (1) The right to identity, with the Ministry of the Interior, the National Scheme for the Comprehensive Development of the Family (SNDIF) and the National Autonomous University of Mexico; (2) prevention of the perinatal transmission of HIV/AIDS, with the National Centre for the Prevention of HIV/AIDS; (3) analysis of poverty and of the situation of children and adolescents in Mexico, with the National Council on the Evaluation of Social Development Policy; (4) educational inclusion and adolescent participation, with the Ministry of Public Education; (5) “intelligent classrooms”, with the Sinaloa State Ministry of Public Education and Culture; (6) gender violence in schools, with the Ministry of Public Education; (7) the Construye-T Programme, with the Ministry of Public Education; (8) study of violence against children, with the National Autonomous University of Mexico; (9) disaster prevention strategy, with the Ministry of Public Education; (10) model for the protection of the rights of unaccompanied migrant children and adolescents, with the Ministry of the Interior, the National Institute of Migration and SNDIF; (11) analysis of poverty and of the situation of children and adolescents in Mexico, with the National Council on the Evaluation of Social Development Policy; (12) national study on violence, with the National Autonomous University of Mexico; (13) early childhood development, with the Ministry of Social Development; (14) “All children in school”, with the Guerrero State Ministry of Education and the Zacatecas State Ministry of Education and Culture; (15) analysis of social policies for children and adolescents and South-South cooperation, with the Ministry of Social Development; (16) training of child protection officers in Central America, with SNDIF; (17) organizing principles of the Protocol for dealing with violence against children, with SNDIF; and (18) informing children and adolescents in migrant holding centres of their rights, with the National Institute of Migration.

- Support for the specialization of the Support System for Victims of Human Trafficking and Extreme Gender Violence of the Office of the Attorney-General. The objectives are to train officials responsible for managing care centres; create a labour training programme for victims, aimed at their reintegration; and finance and improve the infrastructure of care centres in the Federal District, Ciudad Juárez, Tapachula and Veracruz. The system provides support primarily for women, as well as for their daughters and sons.

**F. Whether an independent national human rights institution for monitoring implementation has been established and if it receives individual complaints from children or their representatives**

41. Mexico does not currently have an ad hoc independent institution to monitor compliance with the Convention, but it does have an autonomous constitutional body charged with monitoring full respect for human rights in the country: the National Human Rights Commission.

42. With regard to the Committee's recommendation on the legislative reforms needed to strengthen the independence of the monitoring mechanisms and the mandate of the National Commission and the state commissions, the reform of the constitutional provisions on human rights, enacted in June 2011, grants new powers to the public human rights bodies, investing them with competence in labour matters, prohibiting the employment of persons under 14 and prohibiting the recruitment of child labour, particularly for unhealthy and hazardous work. The reform also lays out a procedure for ensuring compliance with the recommendations to compel all Government officials to follow up on the recommendations of the country's human rights bodies. Should the authorities or government officials not agree to such recommendations, they must justify, explain and make public their refusal to do so. Furthermore, the Senate, or, if it is not in session, the Standing Committee or the state governments, as appropriate, may, at the request of the human rights bodies, call on the authorities or government officials responsible to appear before the legislative bodies to explain the reason for their refusal to comply. The reform also mentions the obligation of the state governments to guarantee the bodies' budgetary autonomy, legal personality and resources.

43. With respect to CNDH monitoring of the rights of children and adolescents, the Commission conducts investigations, issues special reports and general recommendations, prepares legislative reform proposals and creates specific support programmes in order to encourage society to respect those rights. It also directly receives complaints on alleged human rights violations, although it does not record the ages of those submitting them.

44. The public human rights bodies must work even harder, through flexible and simple procedures, to provide its services to children.

**G. Measures that have been taken to make the principles and provisions of the Convention and its Optional Protocols widely known**

45. Pursuant to the Committee's recommendations on dissemination, awareness-raising and training activities on the Convention and its Optional Protocols, such activities are carried out by SNDIF, through the state networks of promoters of the rights of children and

adolescents. As at December 2011, the national network had 17,014 promoters in 29 states.<sup>13</sup>

46. The Ministry of Tourism has taken steps to disseminate information on the Convention, both to children and to the general public, by designing and printing material on the prevention of the commercial sexual exploitation of children and adolescents. The material is distributed in strategic tourism destinations.

47. The Office of the Attorney-General prepared a handbook on combating the commercial sexual exploitation of children. Published jointly with the Human Rights Commission of the Federal District, 40,000 copies were distributed in 2009 to beneficiaries of the Agricultural Day Labourers' Programme of the Ministry of Social Development; users of the services of the Mexican Institute of Youth; members of the Revolutionary Confederation of Workers and Peasants; and basic education schools in the Federal District, through the Federal Administration of Educational Services in the Federal District and the Ministry of Public Education, among others.

48. The Office of the Attorney-General also prepared 13 print materials (flyers, leaflets, posters and pamphlets) to prevent, and to encourage reporting of, human trafficking. These materials were sent for nationwide distribution to federal and state governments, some municipal governments, civil society and religious organizations, and representatives of the Mexican Government abroad. Some 5.2 million copies were printed.

49. In 2010, the Office of the Attorney-General took part in the "Blue Heart" campaign against human trafficking, spearheaded by the United Nations Office on Drugs and Crime (UNODC), producing two radio spots and 2,081 messages disseminated for general programming and news programmes, as well as 49 television spots and 24 inserts in daily newspapers nationwide.<sup>14</sup>

50. The Mexican Institute of Youth ran the "What are Human Rights?" campaign from 2006 to 2011. The campaign links the normative principles of the Convention and its two Optional Protocols to the Universal Declaration of Human Rights, and the organization Young People for Human Rights International Mexico participates. The following campaign materials have been printed and distributed by 31 state youth forums and civil society organizations: (a) 10,000 pamphlets entitled "United, Special Edition: What are human rights? 30 rights we all have, no matter what"; (b) 25,000 pamphlets entitled "What are human rights?"; and (c) 15,000 pamphlets entitled "Human Rights", with the support and images of famous Mexican artists.

51. Yet another vehicle for dissemination on the rights of the child is the CDI-run Indigenous Cultural Radio Network, an outstanding ongoing forum. Through its programmes and campaigns in indigenous languages, the Network has disseminated information on these rights as well as reports of child abuse, malnutrition and discrimination against indigenous children, among other topics.

52. In 2009 CDI collaborated with the Third Investigative Unit of CNDH and the Institute for the Development of Mayan Culture on the drafting and publication of a handbook in the Mayan language, *U Páajtalil Mejen Paalal* (the Rights of the Child). It has since been disseminated to Mayan-speaking children in the states of Campeche, Quintana Roo and Yucatán. In 2011, CDI and SNDIF completed the joint translation and locution of 22 phrases on the rights of children and adolescents in 10 national languages, to be used in the production of posters and radio spots and for dissemination to the indigenous population by CDI.

<sup>13</sup> The network does not operate in the Federal District, Hidalgo or Baja California Sur.

<sup>14</sup> See tables 152, 154, 156, 157 and 159 in the statistical annex, on child victims of human trafficking.

53. The National Council for the Prevention of Discrimination prepared the short story collection *Kipatla*, based on the Convention and its Optional Protocols. The stories constitute a manual for teachers, parents and anyone else interested in the inclusion of the subjects of equality and non-discrimination in primary education.

54. The National Council for the Promotion of Education prepared a poster on the Convention which uses illustrations to promote awareness of the 10 rights enshrined in the text. Materials are also being systematically prepared with a design depicting gender equity and equality, as well as illustrations of fair treatment and the right to education.<sup>15</sup>

55. With respect to the Committee's recommendation on disseminating the Optional Protocol to the Convention on the involvement of children in armed conflict to the general public, the Inter-ministerial Commission on International Humanitarian Law has offered a nationwide course on international humanitarian law each year since 2010. The course is designed for officials of the executive, legislative and judicial branches, the general public, and representatives of academic institutions and civil society organizations at both the federal and state levels. Some 200 people participated in 2010 and 2011. The course looks at the emergence, development and scope of international humanitarian law, violations of that law and forms of repression, as well as progress by Mexico and the challenges which the country still faces.

56. The Chamber of Deputies rolled out the "Know your rights and obligations" campaign to disseminate — clearly, simply and attractively — the rights and obligations of children, in keeping with the Convention. More than 100,000 leaflets, posters and rulers were distributed to schools, state ministries of public education and the 500 Deputies. The Chamber also runs the "For violence-free schools" campaign to promote a culture of peace and reject violence in schools.

57. In addition, the Ministry of Public Education designed and launched the "Gender equity and prevention of violence" strategy in 2008 to give basic education teachers the tools for developing relations based on equality, equity, respect and non-violence among children. Some 1,912 teachers participated, functioning as multipliers in their respective states, and 258 projects on the subject were implemented. At the same time, 1,162,266 books were distributed for teachers in each level of education: *Gender equity and prevention of violence in pre-schools* (2009), *Gender equity and prevention of violence in primary schools* (2010) and *Gender equity and prevention of violence in secondary schools* (2011). An additional 113,431 copies were distributed to public school libraries, along with 14,500 copies for student teachers.

58. In 2008 the Ministry of Public Education, in support of its work with teaching staff, launched the "Equity: respect is the road to take" project to encourage the creative involvement of adolescents and young people with the subjects of gender equity and respect for human rights. Workshops helped to raise awareness of the importance of equitable, non-discriminatory and violence-free relations. Some 30,812 students took part in the project's contests to come up with initiatives promoting respect among peers; 1,262 workshops were held; 8,091 equity promoters were trained; and 48,573 students were sensitized.

## **H. Efforts undertaken or foreseen to make reports and concluding observations widely available to the general public**

59. With a view to increasing the availability of reports and concluding observations, the National Council for the Prevention of Discrimination produced a document on

<sup>15</sup> The following hyperlink may be consulted for further information:  
<http://www.conafe.gob.mx/gxpsites/hgxpp001.aspx>.

discrimination in childhood, which included the recommendations to Mexico contained in the final reports of the Committee on the Rights of the Child. The document gives an overview of the situation of children in Mexico. It was posted on the Council's website and distributed to participants in the Council's training workshops.

60. Under the new General Persons with Disabilities Inclusion Act, there are two vehicles for disseminating reports and concluding observations: the Council's Consultative Assembly, comprising a representative of each of the 32 state governments, five representatives of national organizations of and for persons with disabilities, and five academics or researchers; and the National Scheme for the Development and Inclusion of Persons with Disabilities. The scheme involves federal government departments and agencies, state governments and municipal councils, within their respective areas of responsibility, as well as physical or moral persons from the social and private sectors that provide services to persons with disabilities.

61. In 2011, the Ministry of Foreign Affairs published the initial reports of Mexico on the implementation of the Optional Protocols of the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The publications, which contained the Government's replies to the Committee's observations, were distributed to legislators, members of the judicial branch, local governments, academics, Mexican missions abroad, embassies accredited in Mexico and civil society organizations.

62. That same year, the Ministry of Foreign Affairs, in coordination with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Centre for Research and Teaching in Economics, drafted and published a web page on "International recommendations for Mexico on human rights", which includes the recommendations made to Mexico on the rights of the child.<sup>16</sup>

#### **I. Efforts undertaken or foreseen to make reports and concluding observations widely available to the general public at the national level**

63. The Government's efforts to make reports and concluding observations available have been described in the previous section.

#### **J. Cooperation with civil society organizations in the planning and monitoring of the implementation of the Convention and its Optional Protocols**

64. In reply to the Committee's recommendation on gradually involving civil society in the implementation of policies, laws and programmes, various federal government bodies are engaged in activities coordinated with and in support of civil society organizations.

65. The Commission on Government Policy on Human Rights stands out among the entities that coordinate the departments of the federal administration and civil society organizations. It is chaired by the Ministry of the Interior and was created on 11 March 2003 to coordinate the national and international actions of the various federal government departments and agencies with a view to strengthening the promotion and defence of human rights. The Commission is made up of federal government departments<sup>17</sup> and civil

<sup>16</sup> Available at <http://recomendacionesdh.mx/>.

<sup>17</sup> Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Defence, Ministry of Naval Affairs, Ministry of Public Security, Ministry of Public Education, Ministry of Social Development, Ministry of Health and Ministry of the Environment and Natural Resources. Permanent observers: Office of



society organizations,<sup>18</sup> and comprises 12 subcommissions, including the Subcommission on the Rights of the Child. The Subcommission's meetings are always open, so that any interested organization may participate once it has complied with the applicable regulations.

66. CDI promotes the participation of civil society organizations in activities for children who are cared for in indigenous school shelters. The shelter facilities have been renovated and equipped; computer equipment has been donated, along with teaching and educational materials (school supplies, books and sports equipment); and workshops have been held for beneficiaries and childminders on the promotion and respect of the rights of the child.

67. In 2011, the Inter-Agency Working Group on Adolescent Health drew up an inter-agency working plan that corresponds to the activities of the Plan on Combating Violence and Abuse against Children and Adolescents through training activities and materials on the prevention of violence. Group participants include the Mexican Institute of Youth, the National Institute for Women, the Office of the Attorney-General, SNDIF, Fundación Mexicana para la Planificación Familiar (Mexican Family Planning Foundation), Católicas por el Derecho a Decidir (Catholics for Choice), International Project Assistance Services Mexico, la Red de los Derechos Sexuales y Reproductivos de México DF (Mexican Network for Sexual and Reproductive Rights, Federal District), Save the Children, the United Nations Population Fund (UNFPA), CNDH, the National Council for the Promotion of Education, the National Institute for Adult Education, the Education and Training Centre for Sustainable Development of the Ministry of the Environment and Natural Resources, AFLUENTES and the Centro de Orientación para Adolescentes (Adolescent Guidance Centre). The plan's objectives are to prevent violence and abuse against children and adolescents by means of information and awareness-raising about the causes and consequences of such abuse, and to promote supportive and violence-free child-rearing, care and education in the most relevant spheres of life, namely, the family, the school and the community.

68. Another mechanism for cooperation with civil society organizations is the Social Conversion Programme run by the National Institute of Social Development, which assists initiatives that support such population groups as children and adolescents, facilitating their participation in social development. During the period 2006–2010, 637 projects were backed that focused exclusively on the promotion of the rights of children and adolescents, with a federal budget contribution of 140,238,407.00 Mexican pesos.<sup>19</sup> As to projects concerning public policies for children, during the same period the programme assisted 70 projects with a federal budget contribution of 16,845,224.00 Mexican pesos.<sup>20</sup>

69. Similarly, in order to implement the Act on the Prevention and Punishment of Human Trafficking and the lines of action contained in the National Tourism Plan for 2007–2012, in 2007 the Ministry of Tourism signed a general cooperation agreement with

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the Attorney-General, Ministry of Finance and Public Credit, National Human Rights Commission, Mexican Social Security Institute, Institute of Social Security and Services for State Employees, National Institute for Women and National Commission for the Development of Indigenous Peoples.

<sup>18</sup> Barzón, Movimiento Jurídico Nacional, Cristel House de México, Visión Mundial de México, Red por los Derechos de la Infancia, Fundación Renacimiento, Fundación Dar y Amar I.A.P., Hogares Providencia, I.A.P., Banco de Información y Comunicación sobre Infancia, Alegría Cultural, Asociación de Madres y Padres Separados de México, Juventud por los Derechos Humanos, Comité de Ciudadanos en Defensa de los Derechos Humanos, Código Ayuda, Voz Pública, Corporación Educativa Ardas Bahi, Fundación Casa Alianza, I.A.P., Cátedra Unesco de Derechos Humanos, Academia Mexicana de Derechos Humanos, Fundación Nacional de Investigación de Niños Robados y Desaparecidos, I.A.P. Francisco Villa y Betancourt.

<sup>19</sup> About US\$ 10,273,875.97.

<sup>20</sup> About US\$ 1,234,082.34.

the Revolutionary Confederation of Workers and Peasants to combine efforts and resources for the professionalization of tourism service providers. This was to be done by implementing programmes for training and the development of job skills, and by developing programmes, projects, agreements and other activities of mutual interest. The objective was to help strengthen destinations through high-quality tourism services and to prevent the commercial sexual exploitation of children, for the benefit of minors, workers, their families and the Mexican tourism industry. The Inter-ministerial Commission on the Prevention and Punishment of Human Trafficking and the Advisory Subcommission, with three representatives of civil society involved with prevention or assistance to victims, were established to the same end. Fundación Camino a Casa, Alianza por la Seguridad en Internet and the Coalición Regional contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe (Regional Coalition against Trafficking in Women and Girls in Latin America and the Caribbean) were asked to participate in the creation and implementation of the National Programme for the Prevention and Punishment of Punish Human Trafficking.

70. A noteworthy example of the joint work of the federal Government and civil society organizations is the implementation of the “We are all Juárez” strategy, aimed at rebuilding the social fabric and decreasing the levels of insecurity in Ciudad Juárez, Chihuahua. The working agenda was the result of a dialogue between public departments and institutions, community leaders and representatives of civil society organizations; some of the efforts and resources that went into meeting the objectives were intended for the children and adolescents of Juárez. This work was spearheaded by SNDIF, which for three consecutive years has supported initiatives aimed primarily at reinforcing the training of parents in order to reduce the levels of domestic violence and encourage the development of children and adolescents, as well as to foster the social integration of children and adolescents with disabilities.

## II. Definition of the child (art. 1 of the Convention)

71. The definition of the child is clearly set out in Mexican law in article 2 of the Act on the Protection of the Rights of Children: “For the effects of this law, children are deemed to be persons up to 12 years of age; adolescents, persons from 12 to 18 years of age.”

72. For the Mexican Government the concept of children is based on the following principles: They are persons under 18; adults have obligations towards children arising from their greater authority and from the situation of dependence in which the children find themselves; they are capable of holding and expressing views which adults must learn to heed; and they require special support during their period of growth, in order gradually to begin exercising their rights independently.

73. With respect to the minimum age for marriage, the Federal Civil Code, Title 5 “On Matrimony”, chapter I “Betrothal”, provides that only men over 16 and women over 14 can become engaged<sup>21</sup> (promise of marriage) (art. 140). If the engaged couple are below the legal age, however, the engagement has no legal effect unless it has been approved by their legal representatives. Despite the Code’s provision that, while a man must be at least 16 to marry and a woman 14 (art. 148), a dispensation may be granted for serious and justified reasons. According to article 149, minors under 18 cannot enter into a marriage contract without the consent of their father or mother.

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<sup>21</sup> Chapter V “On Matrimony”, arts. 139–141.

### III. General principles (arts. 2, 3, 6 and 12)

#### A. Non-discrimination (art. 2)

74. With respect to discrimination, it is important to mention the principles set forth in domestic law. Article 1 of the Constitution, for example, prohibits all forms of discrimination, whether on grounds of ethnic or national origin, gender, age, disability, social status, health status, religion, opinions, sexual preferences or marital status. It states that “all persons shall enjoy the human rights enshrined in this Constitution and in the international treaties to which Mexico is a party, as well as the safeguards for the protection of those rights, the realization of which may not be restricted or suspended, except in those cases and under those conditions established hereunder”.

75. The National Programme for the Prevention and Elimination of Discrimination was introduced in 2006. It included the identification of vulnerable groups — women; persons with disabilities; persons living with HIV/AIDS; adults; young people and children; migrants, refugees and displaced persons; persons with non-heterosexual sexual preferences; specific groups (linguistic, religious and ethnic); and indigenous peoples and communities — in relation to four key issues: access to justice, education, health and work. The National Agreement on Equality and against Discrimination was concluded at the same time.

76. As part of this programme, the National Council for the Prevention of Discrimination (CONAPRED) undertook studies on “The construction in the social imagination of self-image, otherness, intolerance, and ethnic and racial discrimination: study and analysis of a survey of children aged 8–12” and “Children in street situations and discrimination against their access to education, health and justice”. It also presented its activity report on the implementation of the Convention. Studies were undertaken in 2008 on “Guarantee of the right to non-discrimination in the domestic legal system concerning the child population” and “Contractual regime, discrimination and employment situation of young people in Mexico”. In 2009, studies were conducted on “Child labour as an outgrowth of discrimination: exploitation or necessity”, “Discrimination against the children of migrant day labourers in Mexico” and “Analysis of school bullying from the perspective of non-discrimination in basic education”.

77. CONAPRED produces the “Equal but different” radio programme, which has been broadcast weekly for four years running. The Council’s 2008 institutional campaign, “For equality and against discrimination”, includes a subcampaign on “Discrimination leaves its mark”, targeting the general public. An online subcampaign, “Amigos de Cora Cora...zón”, targeting children, features a web page ([www.cora-cora.org.mx](http://www.cora-cora.org.mx)) and is aimed at fostering a culture of equality and non-discrimination among children.

78. In 2011, based on the 2010 National Survey on Discrimination in Mexico, information on citizens’ opinions and perceptions about discrimination in Mexico was updated, deepening understanding about people who discriminate, the spheres of life in which the problem occurs most frequently and the relevant sociocultural factors. Information is provided on the perceptions of discrimination among the general public and among women and other groups, such as children and young people, who have historically suffered discrimination, as well as on the structural factors that keep them vulnerable to discrimination. A fact sheet on discrimination in childhood was produced on the basis of the survey’s initial findings.

79. With respect to non-discrimination against indigenous children, CDI runs a project on capacity-building on gender equity in the indigenous population, which, through training activities, capacity-building and strategic action, is aimed at reducing gender inequalities among the country’s indigenous population and ensuring full respect for their rights. The

project provides financial assistance to civil society organizations and academic institutions for developing proposals to achieve this objective, primarily among adolescents.

80. In order to provide the children of families living in indigenous communities with the means to safeguard their security and proper development, and to ensure that the relevant services are of high quality and that their participation is not limited, in 2011 the National Institute of Indigenous Languages translated the working materials for childcare centres into 17 national languages.

## **B. Best interests of the child (art. 3)**

81. As pointed out in the beginning of this report, the constitutional reform of October 2011 reinforces the State party's respect for the best interests of the child. On this basis, social programmes to safeguard those interests have been strengthened, as is the case of the Opportunities (Human Development) Programme, which lays out intersectoral actions for education, health and food as well as actions to promote the general well-being of families living in poverty or whose income is insufficient to develop their basic skills. The funding provided by this programme increased as of 2009, primarily in the form of larger educational support, more attention being paid to food, and workshops for parents, all with a view to safeguarding the best interests of the child.

82. The Services for Agricultural Day Labourers Programme, the Social Milk Supply Programme run by LICONSA, the Rural Supply Programme run by DICONSA and the Opportunities (Human Development) Programme, which cater to the best interests of the child, provide food aid to children and incentives for enrolling and remaining in school.<sup>22</sup>

83. In all cases involving persons under 18 who are the victims of offences under the Optional Protocol, the Office of the Attorney-General observes the doctrine of the comprehensive protection of the rights of the child in implementing the procedural and substantive legislation as well as the international treaties signed by Mexico. It takes the best interests of the child or adolescent into account in all legal, administrative and practical decisions, at all times safeguarding their physical and emotional integrity in the full exercise of their human rights.

## **C. The right to life, survival and development (art. 6)**

**States parties should indicate measures taken:**

### **(a) To guarantee that capital punishment is not imposed for offences committed by persons under 18**

84. Mexico abolished the death penalty in 2005 with the amendments to articles 14, paragraph 2, and 22, paragraph 1, of the Constitution.

### **(b) To register deaths and extrajudicial killings of children**

85. The Ministry of Public Security maintains a national registry of unidentified bodies in order to include and disseminate standardized information on unidentified bodies based on electronic files comprising general data, photographs and fingerprints. These files may be consulted on the Internet by the general public. The files are compiled by the Forensic Medical Services of the 32 state governments. This service facilitates the rapid and efficient

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<sup>22</sup> Source: Operating rules, 2011.

identification of bodies using information technology, making it possible for people to obtain information from the Services nationwide without having to consult them in person.

**(c) To prevent suicide and eradicate infanticide and other problems affecting children's right to life, survival and development**

86. The Ministry of Health, through the National Council for Accident Prevention, implements the general guidelines on driver education parks for children aged 4–7, given that traffic accidents are the number-one cause of child mortality. The guidelines define an educational park as a tool for developing applications and practices in the field of driver education. Such actions, which are preventive and practical, concern the contents, concepts and rules that, when properly applied, develop good habits and safe behaviour. The guidelines also provide information in an entertaining manner on how to eliminate risky behaviour.

87. The Council also prepared the injury prevention code, which describes how to keep children from falling and how to prevent injuries involving staircases, poisoning, fire and drowning. It stresses that children must be supervised by adults at all times.

88. In addition to accident prevention, and as a result of the creation of the Office for Victims of Crime, the Ministry of Public Security and that Office agreed to continue the leisure centre for diagnosing violence against children and for their social reintegration as well as the psychological and educational workshops, among other programmes. The Ministry thus protects the rights of children by implementing a special care model for children and adolescents, which deals effectively, professionally and efficiently with the specific needs of each case, thereby contributing to the healthy emotional development of children who have suffered any form of violence, loss, trauma or abuse. Actions to prevent suicide and address other problems affecting the rights of the child include interventions at the individual, group and community care levels, which has an impact on a number of areas, ranging from the family and interpersonal environment to creating a better society.

**D. Respect for the views of the child (art. 12)**

89. The Federal Electoral Institute organizes children's and young people's participation exercises, as well as the Children's Parliament of Mexico, which are two important vehicles for involving children and adolescents nationwide. Information is gathered from these exercises that is then disseminated and made available to various forums responsible for setting public policies on children in order to develop actions that can meet the needs or interests of the children participating in these exercises.

**IV. Civil rights and freedoms (arts. 7, 8, 13–17, 28, para. 2; 37 (a) and 39)**

**A. Birth registration, name and nationality (art. 7)**

90. Pursuant to the Committee's recommendation on stepping up efforts to ensure that all children's births are registered free of charge, the Office of the Under-Secretary for Population, Migration and Religious Affairs of the Ministry of the Interior, through the Programme for the Comprehensive Modernization of the Civil Registry, has transferred resources to the civil registries of the 31 state governments and the Federal District for increasing the number of birth registrations through special registration campaigns. The following actions are particularly noteworthy:

- Changes introduced to local laws by some state governments in order to facilitate the registration of minors, either through free campaigns or through campaigns involving less cost for the persons concerned;
- Ongoing capacity-building of staff working on civil registries;
- Actions to facilitate the registration of minors at the local level, for example by using the records of origin and neighbourhood issued by each town council; and
- Deployment of mobile units to bring the civil registry services to remote vulnerable communities, helping to reduce under-registration by delivering certified copies of birth certificates to those without them.

91. CDI and UNICEF provide civil registry services for indigenous populations without economic resources. The services are offered in remote communities and give priority to indigenous children.<sup>23</sup>

92. Chiapas was the first state to apply itself to these actions, given that in 2008 the State Civil Registry Directorate, with UNICEF support, identified more than 25,000 children without birth certificates, most of them indigenous children, living in remote communities. In November 2011, in Los Altos, Chiapas, CDI provided more than 11,000 identity documents under the programme to promote agreements in the area of justice, including in particular the issuance and updating of birth certificates and birth registrations. Similar actions were undertaken in the State of Oaxaca, where more than 874,000 of the inhabitants — 23 per cent of the total population — are under-registered.<sup>24</sup> In late November 2011, the programme to reduce under-registration in municipalities with low human development indicators and very high marginalization was launched, which seeks to provide legal security to those still lacking the legal documents to prove their citizenship. The programme will be funded by UNICEF, CDI and the Oaxaca State Council for the Rights of Children and Adolescents, among others.

## **B. Preservation of identity (art. 8)**

93. In early 2011 the Mexican Government began to compile the Registry of Minors and to issue the personal identity card for minors, which will serve as the official identity document for persons aged 4–17. The card lists the certifying data of its holder's identity; its legal validity as a means of identification will be accepted by all Mexican authorities at home and abroad. It contains forgery-proof biometric features and, in addition to identifying the parents or guardians, provides security and a guarantee of legal and juridical identity.

## **C. Freedom of expression and the right to seek, receive and impart information (art. 13)**

94. With regard to freedom of expression, in coordination with the SEDIFs' Offices for the Defence of Minors and the Family, SNDIF ran the first children's drawing contest, "I live without violence", in 2009. The contest offers the country's children and adolescents an opportunity for self-expression and harmonious family relations. Some 21,933 children throughout Mexico took part in the 2009 contest; that number rose to 30,473 in 2010 and to

<sup>23</sup> See table 156 in the statistical annex on birth certificate procedures and the single population registration code for indigenous populations.

<sup>24</sup> Under-registration refers to births not recorded in the Civil Registry.

26,835 in 2011. The contest is thus becoming a key element in the ongoing crusade by SNDIF against child abuse involving children's self-expression.

95. With respect to the right to receive information in a timely and transparent manner, one of the actions undertaken by the Ministry of the Interior was to publicize the federal Government's efforts to guarantee the right of minors to an identity by means of the first biometric identity document, the personal identity card for minors. This was achieved through 13,365 radio spots, 8,979 television spots, 784 print media inserts and announcements in such collateral media as billboards, screens, street furniture, Internet and 561 cineminuto® broadcasts.

96. One of the websites of the Ministry of the Interior, [www.chamacos.gob.mx](http://www.chamacos.gob.mx), gives children a way of experiencing values and civic-democratic practices, thereby contributing to the recognition of their rights and responsibilities.

#### **D. Freedom of thought, conscience and religion (art. 14)**

97. Freedom of belief and religion in Mexico is guaranteed by the Constitution and by the Religious Associations and Public Worship Act, in force since 1992. The Ministry of the Interior, through the Directorate-General for Religious Associations, handles relations between the federal Government and religious institutions.

98. With regard to the guarantee of the rights to freedom of thought, conscience and religion of Mexican children, the Ministry of the Interior in 2010 drafted and in 2011 published a work entitled "Religion and freedom for Mexican children" in order to raise awareness of religious diversity. The work has been widely distributed to the leading religious groups and associations as well as to federal and state public officials, legislators and academia.<sup>25</sup>

#### **E. Freedom of association and of peaceful assembly (art. 15)**

99. Freedom of association and of peaceful assembly, which is also guaranteed by the Constitution and by the Religious Associations and Public Worship Act, encompasses freedom of beliefs and religion, which is exercised through the services of the Directorate-General for Religious Associations of the Ministry of the Interior.

100. Freedom of association is exercised by the issuance of registrations to religious associations, which entitle their members to all the rights and obligations enshrined by law. In 2011 alone, the Ministry issued 132 registrations to new religious associations, bringing the total number of Ministry-registered associations to 7,679.<sup>26</sup> Children may participate in the meetings and training activities of their religious associations, although they may not be registered as ministers.

#### **F. Protection of privacy and protection of the image (art. 16)**

101. The Agreement on Support for Children and Adolescents in Situations of Organized Crime, signed on 16 February 2012 but based on work under way since 2011, places special emphasis on the duty of all the security bodies of the federal Government to protect the identity of children and adolescents and to safeguard their personal data.

<sup>25</sup> The publication is available at [www.asociacionesreligiosas.gob.mx](http://www.asociacionesreligiosas.gob.mx).

<sup>26</sup> Asian, 17 (Hindu, 2; Buddhist, 13; Krishna, 2); Jewish, 10; Christian, 7,646; Muslim, 2; new religious expressions, 4.

102. With respect to the protection of medical files, personal, medical, administrative and all other kinds of data related to the care of persons with disabilities is subject to protection under the law. NOM-168-SSA1-1998 on medical files stipulates that in all medical care facilities, the data contained in the clinical files shall be handled with discretion and confidentiality and may be given to third parties only by order of the competent authority or the National Medical Arbitration Commission.

103. The personal data of children and adolescents registered as qualified family members of the Institute of Social Security and Services for State Employees (ISSSTE) are protected under the terms of article 13 of the ISSSTE Act. This provides that information turned over to the Institute shall be confidential and may not be disclosed to third parties without the express authorization of the Institute and of the member, or without the provision of reasonable legal grounds. Furthermore, all personal, medical, administrative and any other data and information related to the care of children and adolescents are subject to protection because they are considered confidential and private.

#### **G. Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)**

104. In 2012 the Ministry of Public Education, through the Safe School Programme, distributed a handbook to familiarize the parents of more than 24 million basic education students with the inherent risks of social networks in order to protect their “privacy, reputation and security in the digital age”. The handbook was drafted jointly by editors from Connect Safely, with the help of such civil society organizations as Alianza de la Seguridad en Internet and other specialists. It is intended to alert parents to crimes related to social networks, such as harassment, and to prevent adolescent suicides.

105. Likewise, CONAPRED designed the distance education project in order to diversify and expand educational services through the use of information and communication technologies. In 2011, the CONAPRED web page was launched to guarantee and extend access to children and adults with disabilities. As part of the institutional campaign, and taking into account that values are learned in childhood, a series of public radio programmes for children entitled “We all have a grain of sand” was broadcast by Radio Educación between 2006 and 2009 on such subjects as children’s rights and discrimination. The series was aimed at fostering a culture of respect, equal opportunities, integration and fair treatment of children.

106. The main vehicle for communicating with children of the National Children’s Council for Culture and the Arts – Wings and Roots is the web page [www.a.gob.mx](http://www.a.gob.mx), which contains interactive games; recommendations on books, exhibits, theatre, dance, film and concerts; links to museums; multimedia art pages; and a listing of the country’s best artistic and cultural events.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37 (a) and 28, para. 2)**

107. Female Navy personnel serving on all the operations bases of the Ministry of Naval Affairs have received instructions on special treatment for children and adolescents, on the basis of the Convention, and operate a telephone helpline to which the civilian population can report any arbitrariness on the part of Navy personnel. Complaints are evaluated, responsibility is determined and, where appropriate, the public servant responsible is punished and if necessary turned over to agents of the Military Prosecution Service.



108. The Ministry of Public Security, in turn, has implemented the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Protocol is intended to prevent and detect physical and psychological torture by means of medical and psychological exams conducted by staff from the federal prison system and the Federal Police, as well as by specialists from the Directorate-General for Human Rights. Copies of the Protocol are distributed to all Ministry staff. Joint activities have been carried out with OHCHR, Physicians for Human Rights, the Inter-American Commission on Human Rights, the Ministry of the Interior, the Ministry of Foreign Affairs, the Office of the Attorney-General, CNDH, local human rights commissions, the Latin American Human Rights Institute, the National Institute of Criminological Sciences, the Jalisco Institute of Forensic Sciences and high courts of justice, among others.

109. Since the issuance of Agreement No. A/057/2003 of the Office of the Attorney-General (August 2003), which sets forth the guidelines to be followed by agents of the Federal Prosecution Service, forensic medicine experts and other Office of the Attorney-General staff, that Office has offered courses and workshops on the prevention of torture, particularly in the context of the Istanbul Protocol, given that the Protocol is to be applied without distinction to both children and adults. Some 865 persons were trained between March 2011 and April 2012.

110. The integrity of children and adolescents is also protected in the indigenous school shelters, for which CDI drew up internal regulations for general application. The regulations prohibit all forms of punishment, cruel treatment or violence in general on the part of all those taking part in the daily life of the shelters, and parents are asked to ensure that their children are treated with respect during their stay in the shelters. By the same token, CDI staff monitor the shelters continuously during inspection visits in order to identify any irregular conduct and report it to the authorities concerned.

## **I. Measures to promote physical and psychological recovery and social reintegration of child victims (art. 39)**

111. Pursuant to the Committee's recommendation on necessary measures to protect the rights of children living in insecure areas, the Office of the Attorney-General guarantees the right to freedom from violence by support for victims of crimes committed in the context of power relationships. It provides specialized assistance (including legal and emotional assistance; social work; expert psychological and cultural anthropology reports; referrals and monitoring) to help the victims overcome post-traumatic stress, identify themselves as victims and resolve health problems requiring immediate medical care. These services streamline the reporting process in a caring and trusting environment, making the victim an integral and voluntary part of the preliminary inquiry, which in turn makes it easier to arrest the aggressors. The inquiry is conducted by the children's centres of the regional comprehensive care centres, which provide housing for mothers and protection for their children. In keeping with the children's rights-based approach, and with the principle of progressive autonomy in its interventions with minors, the Office designs the format and duration of interviews in accordance with the victims' cognitive development in order to determine the degree of autonomy with which they can participate in taking decisions that affect them.

## **V. Family environment and alternative care (arts. 5, 9–11, 18 (paras. 1 and 2), 19–21, 25, 27 (para. 4) and 39)**

### **A. Improvement of the family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)**

112. In order to help create safer environments that are free from violence, in 2008 SNDIF began rolling out the RED-DIF model for the peaceful resolution of family conflict. This is achieved using techniques of communication and dialogue that are incorporated into the family dynamics. The objective is to reinforce actions that target the family through institutional coordination (RED-DIF) on training facilitators who offer dialogue, tolerance and family unity so as to prevent any serious conflicts, help reduce domestic violence and avoid the break-up of families. The model was first implemented in January 2010 and, in coordination with the United States Agency for International Development, a training certificate course on managing family conflict is offered to facilitators who deliver these services.

113. SNDIF has been implementing the national family education model since 2005. The model uses comprehensive training activities to support the family's educational role and to promote the development of the cognitive, affective and volitional faculties needed for parents, adolescents, young people and adults to live as a family. The strategy for the model involves the professionalization of family counsellors at the state and municipal level who interact with the population, facilitating harmonious family development. The multiplier phase took place in 2010 in 17 states and the initial phase in 3 states, Coahuila, Chihuahua and Tamaulipas. Updating and modification of the technical standard of labour competence in the provision of counselling services for family integration at the preventive level began in 2011. The objective was to broaden the scope of family counsellors' actions and thus fulfil one of the requirements of the National Council for the Standardization and Certification of Occupational Skills by bringing the concept of standards into alignment with standards of competence at the international level.

114. In addition, the objectives of the Opportunities Programme (Ministry of Social Development) are to promote the commitment and active participation of all members of beneficiary families by encouraging them to fulfil the shared responsibilities associated with the programme's interventions. The programme promotes and improves personal health care through health education communication and emphasizes food and nutrition education, health promotion and disease prevention. Workshops are also offered to beneficiary parents on nutrition and the importance of nutritional monitoring of children, as well as on encouraging children to continue in school.

115. The National Council for the Promotion of Education contributes to the education of children under 4 who live in rural and indigenous communities with high levels of marginalization and educational lags. This is achieved through the early education programme by developing the skills of parents and caregivers responsible for their upbringing, providing counselling for pregnant women and undertaking community promotion activities that foster child development, gender equity and men's participation in caring for infants. The programme is aimed at supporting young children by developing skills that enhance child-rearing practices, through home visits, information and outreach strategies, as well as sessions in which parents, caregivers and pregnant women exchange information, express their ideas and experiences, and think about and contribute to the enhancement of their child-rearing practices. The idea is to promote the comprehensive development of children, starting even before birth and going up to age 4, as well as to foster their human development and that of their community.

116. The Ministry of Health, through the National Centre for Gender Equity and Reproductive and Sexual Health, and in collaboration with the University of Guanajuato, executed a project in 2010 on the prevention of domestic violence for first-time parents. The objectives were as follows: (1) to explore the concepts, attitudes and ideas of first-time parents about child-rearing standards and practices for their future children; and (2) to design and implement a re-educational intervention strategy with first-time parents to prevent violence in child-rearing. The outcomes of this project were presented to the Social Health and Welfare Commission with a view to its inclusion in the “Life Skills” package, which targets the members of the people’s health insurance scheme and the beneficiaries of the new-generation health insurance scheme at the primary care level.

## **B. Parents’ responsibilities, assistance to parents and the provision of childcare services (art. 18)**

117. With respect to assistance to parents and the provision of childcare services, the Child Day-care Support Programme for Working Mothers, created in 2007, supports households in situations of material poverty or with monthly income of up to 1.5 minimum wages per capita<sup>27</sup> through subsidies for childcare or day-care services for mothers who are working, seeking work or studying, and for single fathers caring for children aged 1 to 3 years and 11 months (1 day before their fourth birthday) or children aged 1 to 5 years and 11 months, in the case of children with disabilities.

118. The programme’s objectives are as follows: (a) to give mothers who are working, seeking work or studying, as well as single fathers, time to enter or remain in the labour market, or to study, thanks to childcare or day-care services; (b) to increase the availability of childcare and day care, through a network that meets the needs of mothers who are working, seeking work or studying, as well as single fathers; and (c) to contribute to the progressive realization of children’s right to social security, by giving them access to childcare, day-care and development services.<sup>28</sup>

119. Childcare facilities’ directors and assistants receive training towards a labour skills certificate on childcare in childcare centres, which attests to their skills in improving the physical, psychological and emotional health of minors in their care; the training strategy, as well as being a means for fostering the development of very young children, contributes to the professionalization of women.

120. The child development centres and community child-welfare centres offer another forum for childcare. The educational assistance model for these centres was updated by SNDIF in 2006 with UNICEF support based on the skills taught in the Ministry of Public Education’s new pre-school curriculum, including handbooks for group leaders and parents, in order to bring the staff closer to groups, parents and children and to show children the impact of action by involving families and communities on a regular basis.

121. The handbook for parents provides them with resources for better family relations, ideas for improving the way they deal with their children and fostering their full and harmonious development. The training offered by the SEDIFs and SMDIFs gives their operational and technical staff the tools needed in their daily work with children. From 2003 to 2011, 42 training sessions were offered to specific SEDIFs<sup>29</sup> and SMDIFs<sup>30</sup> on the

<sup>27</sup> Rule in force up to 2011.

<sup>28</sup> Source: 2011 operating rules.

[http://www.sedesol.gob.mx/es/SEDESOL/Reglas\\_de\\_Operacion\\_Estancias\\_Infantiles](http://www.sedesol.gob.mx/es/SEDESOL/Reglas_de_Operacion_Estancias_Infantiles).

<sup>29</sup> Baja California, Baja California Sur, Campeche, Colima, Chiapas, Guerrero, Guanajuato, Jalisco, Michoacán, Morelos, Oaxaca, Puebla, Quintana Roo, Tamaulipas, Tlaxcala, San Luis Potosí, Sinaloa, Yucatán and Zacatecas.

following subjects: the educational assistance model of the child development centres and community child-welfare centres, skills-based educational activities, educational scenarios and children's literature.

122. With respect to the Committee's recommendations on increasing budget allocations to guarantee children's access to pre-school education, SNDIF provides financial support for the SEDIFs every year, allocating funds in line with the number of child development centres and community child-welfare centres operating in each state and in line with the beneficiary population in order to enhance the services offered children. The mission of the community child-welfare centres is to provide comprehensive care as well as recreational and leisure activities to children in communities where there is no Ministry of Public Education pre-school education.

### **C. Separation from parents (art. 9)**

123. With a view to strengthening the work of the Offices for the Defence of Minors and the Family, since 2010 SNDIF has given them financial resources in order to foster the development and implementation of projects to improve the legal, psychological and social conditions of families involved with legal advisory services on family matters, and projects to preserve and reunite the families of minors without a family who are housed in a public or private institution.

124. In addition, SNDIF seeks to foster the development and implementation of projects for children and adolescents under the care of public or private centres or shelters by means of the following actions: identifying the public or private centres or shelters taking care of minors in vulnerable situations; counting the population of sheltered children and adolescents; understanding the reasons for their admission; and working with public or private centres or shelters to reunite them with their nuclear or extended family or to obtain birth certificates or proceedings on the loss of parental authority and adoption procedures, if appropriate.

### **D. Family reunification (art. 10)**

125. The mission of SNDIF is to promote, through the childcare centres, children's family reunification and social reintegration. As a result of its work, from January to December 2011, 136 minors (81 girls and 55 boys) out of a total annual average of 315 children and adolescents were able to leave the centres. Thanks to work coordinated with the Offices for the Defence of Minors and the Family, information is available on 29 states which in 2011 reported the reunification of 1,224 children and adolescents with their nuclear or extended family.

### **E. Recovery of maintenance for the child (art. 27, para. 4)**

126. Although the recovery of maintenance for the child is a matter of special priority for each Mexican state, the federal Government continues to provide the Committee with this information disaggregated by state, and aggregated for the country as a whole.

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<sup>30</sup> Villahermosa, Durango, Tijuana and Acapulco.

## **F. Children deprived of a family environment (art. 20)**

127. SNDIF has six care centres, whose mission is to provide comprehensive care for children and adolescents who receive social assistance and to promote their right to family life, as well as to offer them temporary support in a framework of equality of opportunities, gender equity and the fostering of sibling ties.

128. The centres consider children and adolescents at risk or in need of protection as beneficiaries, in keeping with the Welfare Act, as it does for children and adolescents in the following circumstances: domestic violence; lack of financial resources; lack of housing, or partial or total orphanhood; legal problems of the father, mother or guardian; children whose mothers are unable to look after them; trafficking in children; loss; sexual exploitation; natural disasters; neglect; a request for temporary protection made by a family or community member; children who present themselves voluntarily; and returning citizens and/or migrants. All such cases are referred by the Office of the Attorney-General of the Federal District, the Federal Prosecution Services, or public or private institutions. In 2011, the beneficiary population averaged 315 children and adolescents from the Office of the Attorney-General and from the temporary shelter of the Federal District.

129. SNDIF is strengthening its regulatory role under the Social Welfare Act, concluding cooperation agreements with civil society organizations to which it refers people who, by virtue of their profile or situation of vulnerability, require special care. This support is intended for children and adolescents who have been neglected or totally or partially orphaned, with some form of physical and/or mental disability; young adults with disabilities; neglected adults with severe health problems that prevent their self-sufficiency; and persons of any age or sex who have been neglected or rejected by society, as well as persons with HIV/AIDS or who are terminally ill. SNDIF gives such institutions a monthly amount per beneficiary to ensure high-quality comprehensive care in a supportive environment.

130. In the case of children and adolescents who are housed in 18 private care institutions or civil associations that have cooperation agreements with SNDIF, 18 persons under 18 are currently cared for who require special comprehensive care because of their physical or mental health, or their disabilities. The main objective is to provide with them with specialized care that meets the specific needs of minors, in accordance with their problem, and to ensure that siblings, even when they are of different ages and sex, can remain together without severing their ties.

131. Based on the information provided by the Offices for the Defence of Minors and the Family of 29 states, there are about 93 shelters and 452 private shelters in Mexico, which care for 8,495 girls and 7,706 boys. The reasons for their admission have been identified for 14,895 of all the children in such shelters, as follows: 4,417, neglect; 3,557, abuse; 587, abandonment; and 6,334, other reasons. Some 1,224 children and adolescents have been reunited with their nuclear or extended family through the shelters; 3,126 birth certificates have been issued; 401 proceedings on the loss of parental authority have been initiated; and 202 adoption procedures have been carried out.

## **G. Periodic review of placement (art. 25)**

132. As previously mentioned, SNDIF is in charge of six care centres, which deal with children and adolescents on the basis of a care model designed to improve their social and personal situation, give them a sense of involvement and responsibility through the development and acquisition of competences (manual and other skills, habits, values, attitudes and knowledge). This is achieved by providing comprehensive care:

individualized social, legal, physical and mental care, including assistance in dealing with death, fostering their development and providing the best alternative for their discharge through family reunification; the conclusion of temporary protection at the request of the referring agency (Office of the Attorney-General or INM); national or international adoption; social reintegration; and referral to cooperating institutions, following review by the Interdisciplinary Board.

133. Discharges are monitored in the following manner: for family reunification, every six months until the age of majority; for reintegration at the request of the referring agency (Office of the State Attorney-General, or Office of the Attorney-General of the Republic), no monitoring is conducted; for discharge for adoption, every six months, for two years; and for referral to other institutions, every six months until the age of majority.

134. SNDIF and a group of interdisciplinary professionals is also in charge of coordinating annually scheduled supervision and monitoring, in keeping with current regulations, in order to identify any weaknesses in the care procedures. After this is done, strategies are devised for resolving problems in the short and long term, with the advice and assistance of health professionals.

## **H. Adoption, national and intercountry (art. 21)<sup>31</sup>**

### **National**

135. SNDIF handles the adoption of minors. It has taken the following actions to ensure that appropriate adoption procedures are followed.

136. Four regional adoption forums were held in 2008, with the participation of the State High Courts of Justice and the SEDIFs. The forums identified the problems of inadequate training and specialization of those responsible for adoption procedures, and lack of research, information and statistics. They also noted the need to standardize technical and legislative criteria at the national level and to optimize administrative and judicial adoption procedures as well as judicial proceedings on the loss of parental authority, which are required for their integration into a family environment by means of adoption.

137. SNDIF held three forums in 2009 and 2010 with the local state legislatures, the Federal District legislature and SEDIF staff from several states on challenges to, and the outlook for, adoption in national legislation. This led to the passage of amendments to legislation on the loss of parental authority and adoption.

138. The operating guidelines for the SNDIF Technical Adoption Council were drawn up on 9 March 2009. The guidelines give transparency and legal security to the national and international adoption procedures submitted for the Council's consideration. Also in 2009, two procedures were designed and implemented. The first involved the training and evaluation of social workers and psychologists who conduct assessments of applicants for adoption, in conformity with article 923 of the Code of Criminal Procedure of the Federal District, which empowers SNDIF to authorize social workers and psychologists to carry out the socio-economic and psychological tests required for national and international adoption procedures. The second involved the authorization of international bodies accredited to handle adoptions.

### **International**

139. With regard to international adoptions, the Ministry of Foreign Affairs participates as the central authority within the framework of The Hague Convention on Protection of

<sup>31</sup> See tables 75–81 in the statistical annex on national and international adoption.

Children and Cooperation in Respect of Intercountry Adoption, specifically on the processing of requests from other Contracting States and their submission to SNDIF (which is also the central authority for the implementation of this instrument) in order to initiate the appropriate procedure.

140. In the same manner, the Ministry of Foreign Affairs is the “closing” authority: that is, it is the sole authority empowered to issue the certificate referred to in article 23 of the Convention, which certifies compliance with all the provisions of the Convention, and above all the objective of permanently placing the minor with a family in cases where no appropriate family has been found in his or her country of origin. This protects the best interests of the child, since in most such cases children are placed with a family following institutionalization.

141. As a result of the agreements reached at the workshops for prosecutors for the defence of minors and the family, and in order to give effect to the principle of subsidiarity laid down in The Hague Convention, the SEDIFs agreed to refrain from carrying out international adoption procedures with countries that have not signed the Convention, and also to refrain from adoption procedures involving children and adolescents who might be placed through national adoption.

142. SNDIF proposed an amendment to the Migration Act that was adopted by the legislature in 2011. The amendment entitles foreigners to a visitor’s visa for purposes of undertaking adoption procedures, with the visa authorizing them to enter and remain in the country until such procedures are completed. It also provides that the visa shall be issued only to citizens of countries with which Mexico has signed an adoption agreement.

143. The following actions have been undertaken with a view to strengthening mechanisms for decision-making, review, monitoring and follow-up of adoptions, both national and international.

144. A computerized adoption system has been developed to input all the data on applicants for adoption; streamline the adoption process by reducing the waiting time for applicants and providing high-quality service to users; and obtain complete, systematized statistics that accurately reflect the adoption situation. The system will be put online/implemented in all of the country’s Schemes for the Comprehensive Development of the Family.

145. In 2009, in keeping with The Hague Adoption Convention, the SNDIF Technical Adoption Council implemented the authorization procedure for bodies accredited to undertake international adoptions with Mexico. Seven such bodies have been accredited to date, from Italy, France, the United States and Spain.

146. In 2010, several international clinics on adoption were held for the Offices for the Defence of Minors and the Family and counterparts responsible for adoption procedures from throughout the country (except for the state of Veracruz), along with an international clinic on adoption for family courts of the High Court of Justice of the Federal District, in order to disseminate the best practices guide issued by The Hague under the Adoption Convention and to harmonize the criteria for interpreting and implementing that instrument.

147. In July 2011, the operating guidelines for the Technical Adoption Council were sent to the SEDIFs in order to strengthen and standardize the Council’s operations or to implement the guidelines in states without such a council.

## I. Illicit transfer and non-return (art. 11)

148. Mexico, in keeping with its obligations under article 11 of the Convention, acceded to and signed the Convention on the Civil Aspects of International Child Abduction<sup>32</sup> and ratified the Inter-American Convention on the International Return of Children.<sup>33</sup> To meet the objectives of both these instruments, the Ministry of Foreign Affairs was appointed the central authority to coordinate efforts among the various judicial and administrative authorities, and among the states, in order to secure the return of minors who have been illicitly abducted or detained on national territory.

149. The Ministry of Foreign Affairs takes action only when the illicit abduction or detention has already taken place — as established under the above-mentioned Conventions — since it is not empowered to prevent minors from leaving or entering the country. For this reason, since there is a well-founded fear about the transfer of minors from Mexico to another country, the party concerned with preventing such transfer must apply to the appropriate judicial authority to have the relevant legal provisions enforced. The body responsible for monitoring people's entry into and departure from national territory is the Ministry of the Interior, through INM. The Ministry may receive judicial requests to prevent minors from leaving the country.

150. In this context, the Ministry of Foreign Affairs does not issue any passports to minors without the express authorization of the father and mother or of the person empowered to grant such authorization, or without the appropriate judicial warrant. It also refrains from processing the document upon receipt of a request from the appropriate authority.

151. The Ministry of Foreign Affairs functions as the central authority for cases of abduction, primarily in two regards:

- With regard to minors abducted from Mexico and detained abroad. The Ministry of Foreign Affairs is the authority empowered to request their return and to serve as the liaison between the applicant and the foreign central authority in order to obtain information on how the case is progressing and to transmit any additional documents;
- With regard to ensuring the return of minors present in Mexico to their place of residence abroad. The Mexican central authority is involved throughout the process, explaining to the competent judge what he must determine, and explaining to the administrative authorities the scope of the Conventions on abduction and of other instruments relating to the protection of children, including the Convention itself. It also provides guidance on interpretation and relevant decisions of domestic and foreign courts, and transmits documents produced by The Hague Conference, among other actions.

152. Mexico is internationally recognized for its work in this area and has been invited by the authorities of other countries to share its experiences and achievements on the international return of minors. It has also collaborated closely on relevant multilateral conferences.

153. Among the challenges that have been identified in complying fully with the obligations of Mexico in this area are to increase awareness among judicial and

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<sup>32</sup> Mexico deposited its instrument of accession to this Convention on 29 January 1991.

<sup>33</sup> Mexico signed the Convention on 7 April 1992 and deposited its instrument of ratification on 29 July 1994.



administrative authorities and the general public, although there have already been significant training efforts on the subject.<sup>34</sup>

154. The Office of the Attorney-General deals with cases of illicit transfer and detention of children by means of the strategy for performing substantive tasks more effectively through enhanced inter-agency coordination and collaboration. The strategy involves efforts to promote access to justice, to increase the detection of possible cases and to initiate investigations into human trafficking and related crimes, such as child pornography, for purposes of prosecution and convictions. Within the framework of its legal mandate, the Office of the Attorney-General investigates related crimes, takes legal action and furnishes the technical and criminal tools needed to secure a successful conviction from the federal judiciary.

155. The strategy for performing substantive tasks more effectively through enhanced inter-agency coordination and collaboration has been operating since 2010. Its objectives are as follows: (a) to establish the formal means for accessing the system for the administration of justice by means of collaboration and coordination with civil society organizations; federal, state and municipal governments; international bodies and consular and diplomatic representatives; (b) to increase the number of preliminary inquiries into crimes involving minors, particularly human trafficking; (c) to improve the technical and legal quality of investigations; (d) to increase the number of successful convictions, primarily for human trafficking; (e) to activate mechanisms for the support, assistance and protection of victims; and (f) to contribute to the Mexican criminal law policy on combating the crime of human trafficking. The strategy is implemented through two lines of action: ministerial action and safe reporting strategy.

156. As an innovative mechanism for consolidating institutional efforts, the strategy has helped to counteract impunity and facilitate access to justice. This has led to greater presence and coverage in facilitating a rapprochement with citizens at the national level in the federal sphere, either directly or through civil society organizations; federal, state and municipal institutions; international bodies; and other countries' consular representatives. It also provides civil society organizations with technical assistance; a focused analysis of cases; referral and registry of cases and victims; follow-up on investigations; and updates on the status of investigations.

## **J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

157. Child abuse is considered a worldwide public health problem, and in Mexico today it is viewed as an emerging medical, social and legal pathology that must be dealt with comprehensively. Given the need for strategies to address the problem properly, SNDIF contributes through its nationwide preventive actions. Its advanced theoretical and practical certificate course on child abuse trains SNDIF, SEDIF and SMDIF staff on the medical, social and legal aspects of child abuse in Mexico, and also offers strategies for its prevention and treatment so that high-quality services can be provided.

<sup>34</sup> An example is the meetings of the Mexican Network on Judicial Cooperation for the Protection of Children, which, together with The Hague Conference on International Private Law, held the second training meeting on international abduction of children for officially designated judges on 21–22 February 2011. The meeting took place at the High Court of Justice of the Federal District. It preceded the Inter-American Meeting of the Network of Judges of The Hague and Central Authorities on international abduction of minors, held on 23–25 February 2011 at the Ministry of Foreign Affairs in Mexico City.

158. In 2009 SNDIF devised a methodology for the preventive strategy on the promotion of proper treatment in families, which focuses on strengthening protective skills and behaviour in families to keep them out of risky situations, within the framework of a culture of respect for human rights.

159. Activities are focused on two lines of action: fostering a culture of proper treatment through the campaign “Let’s encourage proper treatment in families”, through cultural, sport, recreational and educational activities, and through the development of skills for proper treatment in families, based on the didactic tools provided in the 12-session workshop for children and adolescents and parents, guardians and caregivers. The strategy involves training and professionalizing state and municipal staff on how to use the methodological tools and educational materials.<sup>35</sup>

160. The strategy on proper treatment is based on the premise that the principal responsibility for children’s education and development lies with the families and with the persons responsible for the care and protection of children. Actions must accordingly be aimed at: (a) supporting mothers, fathers and others responsible for the care of children in exercising their educational, nutritional and socializing roles based on proper treatment and respect for the rights and needs of children, in accordance with their age; (b) reinforcing parenting skills that foster healthy lifestyles and better relations between adults and children; and (c) providing tools for dealing with gender issues, focused on non-violent, constructive and positive forms of discipline that promote healthy relations, taking into account the evolving abilities of children and the importance of respecting their views.

161. The governing rules of Ministry of Health institutions provide that when an abused child is identified he or she should be cared for comprehensively and consultations held with the child abuse clinic on inter-agency referral.

## **VI. Disability, basic health and welfare (art. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3), and 33)**

### **A. Survival and development (art. 6, para. 2)**

162. The National Programme for the Development of Persons with Disabilities for 2009–2012 was prepared. It calls for strategies and actions to promote a change in attitudes towards disabilities among the general public, as well as strategies and actions to encourage children with disabilities to enrol and remain in the national education system, including basic and secondary education.

163. In 2002 the Ministry of Public Education implemented the Programme for the Strengthening of Special Education and Educational Integration. This is a nationwide programme involving all 32 states, with full respect for educational federalism. The target population is public schools for early and basic education that support students with special educational needs and offer special education services.

164. The programme’s lines of action for the period 2007–2012 are to strengthen the normative and legal framework of the educational care process by improving the basic education curriculum and the normative and legal framework for basic education, as well as by drafting legislative proposals. It also assists basic education schools and special education services by transferring funds to individual states. These funds are used to support the implementation of the strategic planning put together by each state, based on

<sup>35</sup> See table 17 in the statistical annex for training offered on proper treatment in families.

the number of special education schools and services, the number of special education teachers and the enrolment of special education students in each state.

165. Various actions are undertaken, including the following:

- Coordination between the educational authorities at each level: early, pre-school, primary and secondary education, special education, and initial teacher training (higher education);
- Provision of educational resources: teaching materials and technological resources for public early education schools, multiple care centres and resource and information centres for educational integration, as well as public basic education schools that help students who have difficulties in learning and participating;
- Refresher training for senior staff and teachers, as well as awareness-raising for the school community about legal issues and strategies for supporting students who have difficulties in learning and participating.

166. The following special education services are offered:

- Support services: The Mainstream Support Service Units and the Pre-school Education Centre for Psycho-pedagogical Support are the technical operational units for encouraging and collaborating on the process of improving and transforming the mainstream early and basic education schools. Their technical and methodological support provides high-quality care for students, particularly those with disabilities or special educational needs and gifted students;
- School-based services: The multiple care centres offer early, pre-school, primary and secondary education services, as well as life schools and training for quality employment to children and young people with disabilities, multiple disabilities and serious development disorders, conditions that make it difficult for them to attend mainstream schools. They also offer vocational training for students aged 15–22;
- Career guidance services: The Pre-school Education Centre for Psycho-pedagogical Support and the Public Guidance Units provide information, legal advice and training to staff in the national education system, as well as to families and the community, on educational options and support strategies for students with special educational needs. They also offer guidance on the use of specific materials and conduct research. There is no Pre-school Education Centre in the Federal District, but rather a Special Education Digital Resource Centre, which undertakes similar activities.

167. It should also be noted that the Child Day-care Support Programme has been serving children with disabilities since 2007.<sup>36</sup> Another measure adopted during this period (2007–2010) is the training of directors of day-care centres serving children with disabilities in the Federal District and Estado de México, providing them with basic information as well as theoretical and practical guidance on caring for children with intellectual and neuromotor disabilities. In late 2010 the programme's centres cared for 2,631 children with disabilities in 1,951 day-care centres, 42.1 per cent of whom were girls and 57.9 per cent boys. The children cared for in the programme's network of centres had the following types of disabilities: blindness, deafness, muteness, mental disabilities, and the partial or total lack of a limb, in which case the children require the help of another person or of an apparatus to walk.<sup>37</sup>

<sup>36</sup> Section (F) (a) of the statistical annex cites the number of children with disabilities who are cared for.

<sup>37</sup> Source: Ministry of Social Development, Directorate-General for Social Policy.

168. The child development centres and community child-welfare centres also care for children with minor disabilities; two at the most are cared by the former and are supervised by the centres' medical service. The children most frequently cared for are those with Down syndrome, deafness, sequelae of polio and other types of disabilities that prevent them from taking care of themselves.

169. The Mexican Social Security Institute (IMSS) adopted the Inclusive Childcare Centre Care Scheme in 2004, which provides specialized childcare both for children without disabilities and for those with minor or moderate disabilities. The two groups share the same building, which fosters their gradual integration in accordance with each child's abilities. There are currently 33 inclusive childcare centres operating at the national level.<sup>38</sup>

170. The School Programme for Children with Disabilities operates in the SNDIF rehabilitation centres. Its mission is to guide the parents and other family members of persons with disabilities who use the rehabilitation centres, educating them about the disability and helping them to accept it and to support the rehabilitation process so as to enable the person's social and family integration. The programme is administered through courses, sessions and workshops.

171. In order to care for minors with disabilities and those at risk of developing disabilities, as well as their families, the SNDIF Programme for the Prevention, Rehabilitation and Social Integration of Persons with Disabilities and Their Families has implemented the following substantive programmes:

- Multiple early stimulation. The objectives are to detect and provide timely treatment for infants who show signs of neurological dysfunction and to reduce the emergence of debilitating sequelae among those who have developed neurological damage;
- Educational inclusion of minors with disabilities. The objectives are to promote equality of opportunities for minors with disabilities by enrolling them from the outset in regular and/or special schools, as appropriate, and encouraging their development and adaptation to the social environment within the framework of the Persons with Disabilities Programme;
- Early detection of debilitating conditions. The objectives are the early detection of disorders that can trigger disabilities, through external detection by medical and paramedical staff.

172. These efforts will continue until all children with disabilities are cared for, particularly in rural and remote areas.

## **B. Health and health services, in particular primary health care (art. 24)**

173. The National Health and Welfare Commission, in conjunction with the states, runs the new-generation health insurance scheme. The scheme provides such benefits as preventive care, the early detection of illnesses and health services for children born after 1 December 2006 who are not covered by any social security scheme and whose families voluntarily request coverage. The programme currently covers 128 specific health interventions for children under 5. These interventions complement the coverage of the Universal List of Essential Health Services, which covers primary and secondary care, and of the Fund for Protection against Catastrophic Expenditures, which covers tertiary care.

174. In order to help reduce infant mortality and meet the fourth Millennium Development Goal, the National Centre for Child and Adolescent Health has begun

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<sup>38</sup> Source: INFORME 2007–2009, National Council for Children and Adolescents.

developing specialized human resources for comprehensive child health care. The training programme for health professionals includes: integrated management of childhood illnesses; ongoing training on diarrhoeal and respiratory illnesses; safe sleep; increased breastfeeding; vaccination; care, prevention and monitoring of congenital defects; timely diagnosis and treatment of malignant diseases; and accident prevention. In addition, technical procedure manuals have been prepared on infants under 1; the diagnosis of diarrhoeal diseases; respiratory diseases; nutrition; early stimulation; and updating of NOM-031-SSA2-1999 on health care for children and adolescents.

175. There is no doubt that institutional efforts to ensure access to health care must be continued and increased, particularly in more remote regions where the infant mortality rate is higher than the national average.

176. The National Centre for Child and Adolescent Health has also stepped up training of primary- and secondary-care health professionals on effective children's health-care management, which gives them the basic knowledge needed to provide appropriate and comprehensive care for mothers and their children. It also provides the necessary medicines for this purpose.

177. Among the comprehensive health programmes<sup>39</sup> of the IMSS Educational and Preventive Action Programme for Health is the programme for children under 10 and adolescents aged 10–19. All its beneficiaries receive an action kit for improving health; monitoring nutrition; preventing, detecting and controlling diseases; and, in the case of adolescents, promoting reproductive health.

178. The IMSS Opportunities Programme was incorporated into the National Promotion and Prevention Strategy for Better Health in February 2007. This led to all institutions adopting a single work scheme that includes the standardization of health cards. For IMSS Opportunities, that involved replacing the cards of the IMSS Preventive Health Programme with new national health cards, which give continuity to the programme and divide the population into five groups: children under 10, adolescents aged 10–19, women aged 29–59, men aged 20–59 and adults over 60. In 2011, 158,832 national health cards were issued to children under 9 and 152,702 cards to adolescents aged 10–19, which provide coverage for newborns and for those requiring coverage. The cards record all the preventive actions that have been taken.

179. The Opportunities Programme also helped reduce the mortality rate from 12.76 per 1,000 live births in 1976 to 7.4 in 2011. This was the result of such programmes as universal vaccination; prevention, diagnosis and early treatment of diarrhoeal diseases and acute respiratory infections; prevention of malnutrition; specific maternal and perinatal health measures; and health prevention and promotion.

180. The Family Medicine Units run the Healthy Child Monitoring Programme, in which the family doctor and/or nurse specialized in family medicine carries out the following activities, which are scheduled over pre-determined periods based on the child's age: administration of iron and vitamin A supplements and of antiparasitic treatment; detection of congenital metabolic diseases; defective vision or visual acuity disorders; orthopaedic defects and overweight or obesity; assessment of psychomotor development; nutritional assessment based on weight, height and other anthropometric indicators; health education for nutrition; disease prevention; accident prevention; prevention of violence and healthy lifestyles; assessment of oral health and, where appropriate, referral to a stomatologist; and review of the immunization plan and, where appropriate, a complementary referral.

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<sup>39</sup> See table 6 in the statistical annex, with information on expenditures on the Preventive Health Programme for 2006–2011.

181. The disease prevention vaccination campaigns now cover virtually the entire target population. There are also vaccinations against rotavirus and pneumococcal infections for infants under 1, and vaccinations against human papillomavirus for children and adolescents.

182. The health component of the Opportunities Programme takes a cross-cutting approach to efforts for the most vulnerable families, with high mortality rates. Given the sharing of responsibilities which the programme calls for, members of the beneficiary families, in particular pregnant women, infants and children under 5, must take part in visits to the health unit (or receive care from the health caravans and other mobile health units). They must also participate in community workshops on personal health care and best practices for the care and treatment of children. These activities have helped to improve such care and treatment as well as other basic indicators of mother-child development.

183. The component provides a basic guaranteed health package based on the age, sex and life event of each person, free of charge, and promotes the best possible nutrition of the beneficiary population, particularly with a view to preventing and treating malnutrition among children from gestation onwards and among pregnant and breastfeeding women, by means of surveillance and monitoring.

### **C. Efforts to address the most prevalent health challenges and promote the physical and mental health and well-being of children, and to prevent and deal with communicable and non-communicable diseases**

184. With respect to legislative advances, the official Mexican standard for health care for children (NOM-031-SSA2-1999)<sup>40</sup> is to be applied to preventive measures to reduce the frequency and complications of the most common childhood illnesses.

185. The following strategies are being implemented by the National Centre for Child and Adolescent Health to reduce malnutrition among children and adolescents:

- Ongoing diagnosis, monitoring and surveillance of children's and adolescents' nutrition in order to:
  - Prevent, detect and treat malnutrition and iron deficiency anaemia in a timely fashion;
  - Prevent and detect overweight, obesity and vitamin A deficiency;
  - Encourage exclusive breastfeeding during the first six months of life and continued breastfeeding up to 2 years, particularly among pregnant and breastfeeding adolescents;
  - Provide prophylactic iron treatment for children under 5 and for pregnant and breastfeeding adolescents;
  - Provide vitamin A supplements for the newborn and children under 5;
  - Train the states' nutrition specialists on the timely prevention, detection and treatment of nutrition-based diseases among children and adolescents;
  - Inform and train the population on nutrition-related issues: breastfeeding, food supplements, proper diet for treating diarrhoeal diseases and acute respiratory infections, identification of warning signs of malnutrition, overweight, obesity and anaemia;

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<sup>40</sup> Link: <http://www.salud.gob.mx/unidades/cdi/nom/031ssa29.html>.

- Promote nutritional health for the prevention of nutrition-based diseases among children under 10 and adolescents;
- Prepare and disseminate materials on nutrition-related issues dealt with by the National Centre for Child and Adolescent Health;
- Increase social participation in the timely prevention, detection and treatment of nutrition-based diseases among children and adolescents;
- Work with the Directorate-General for Reproductive Health and Gender Equity and the Directorate-General for Health Promotion on strategies to encourage breastfeeding and to prevent and treat nutrition-based diseases;
- Strengthen follow-up and monitoring mechanisms for the programme in all the states;
- Organize national meetings on nutrition;
- Conduct operational research to improve children's nutrition with respect to iron, zinc and vitamin D supplements.

186. In line with the Committee's recommendation to reduce regional disparities in access to health care and to reduce the high rates of malnutrition among children under 5 in rural areas and among children belonging to indigenous groups, the Comprehensive Social Food-Aid Strategy Programmes, run by the SEDIFs, promote proper nutrition. Two programmes for children stand out in this regard:

(a) Care of at-risk under-fives who are not in school. The programme promotes proper nutrition for this population group through the delivery of food aid appropriate to the child's age and nutritional guidance for the parents;

(b) School breakfasts. The programme promotes proper nutrition for the school-age population receiving social assistance through the delivery of hot or cold breakfasts or lunches prepared on the basis of nutritional quality criteria (the inclusion of whole grains, vegetables, fruit and legumes, and low sugar, fat and sodium content) developed by SNDIF in 2008, along with nutritional counselling and community development activities.

187. The strategy's guidelines call for promoting the participation and involvement of parents in these programmes, primarily of mothers in the case of children under 5, and of members of the school community in the case of school breakfasts, so that the support becomes the main vehicle for promoting proper nutrition and so that relevant nutritional guidance is provided for child beneficiaries and their parents on promoting healthy habits and lifestyles.

188. IMSS talks and workshops educate children about physical exercise and health. One of the subjects most emphasized in the education strategy of the Rural Centres for Services for Adolescents is the prevention of overweight and obesity as public health problems that contribute to Diabetes Mellitus. The topic is covered in a workshop on physical activity and exercise that aims to encourage adolescents to engage in regular physical activity. The sports classes offer information on the benefits of exercise. In 2011, 4,433 workshops were held, involving 76,433 young people aged 10–19.

189. The Ignacio Chávez National Institute of Cardiology runs the "Let's keep on learning in hospital" and "vital support" programmes, which enable hospitalized children and adolescents to continue their schooling and to receive moral and spiritual support during their stay.

### **National School Physical Activity Programme**

190. One of every four children aged 5–11 in Mexico is overweight or obese; the same applies to one of every three adolescents (National Health and Nutrition Survey, 2006).

191. This situation led to the creation of the National School Physical Activity Programme, whose mission is to have the entire Mexican school population engage in physical activities for at least 1 hour each school day. The hour is divided into sessions of at least 30 minutes throughout the school day, in 15-minute sessions at the start of classes, during recreation and/or before leaving school, and the rest (30 minutes or more) in extracurricular activities. The goal is to have the students make a lifelong habit of physical activities that will improve their health and enhance their quality of life. The programme operates in all 32 states, with the participation of the National Polytechnic Institute, and involves a total of 11.3 million students in 62,696 schools. The states of Guanajuato, Morelos, Colima, Tabasco, Yucatán and Nuevo León deserve special mention for having signed a cooperation agreement with the National Commission of Physical Culture and Sports. The agreement has led to the incorporation into the programme of a much greater number of schools.

### **HIV/AIDS**

192. The Special Plan of Action for 2007–2012 of the National Centre for the Prevention of HIV/AIDS calls for the early diagnosis, treatment and care of men, women and children. The affected population is cared for by trained medical staff in specialized treatment centres, hospital units and 70 ambulatory centres for the prevention and treatment of HIV/AIDS and sexually transmitted diseases (STDs) located in all 32 states.

193. The federal Government, through the Ministry of Health, prioritized universal access to anti-retroviral medicines in its response to the epidemic. Through the Trust Fund for Catastrophic Expenditures of the people's health insurance scheme, these medicines are guaranteed to be available for free distribution to all persons with HIV/AIDS who do not have social security and who need to receive them on doctor's orders. This applies to all children in the country who require them. As at 31 December 2011, 672 girls and 725 boys under 16 who did not have social security were receiving anti-retroviral treatment through the scheme; 29 girls and 23 boys under 16 who do not yet require the treatment are being monitored by the ambulatory centres and services. Access to psychological services is under consideration for 100 per cent of the children and their family or caregivers in order to help the family to integrate into society, which allows them to continue with the treatment and improve the children's quality of life.

194. The promotion of reproductive, maternal and perinatal health has been considered the central element of the strategy to eliminate the vertical transmission of HIV and congenital syphilis. Efforts are under way to increase the systematic administration of HIV and syphilis testing to all women during prenatal care or delivery and, as follow-up, the referral of all pregnant women living with HIV and their babies to HIV treatment centres for monitoring in order to keep their babies HIV-free.

195. Another line of action is aimed at meeting the health commitments of the Ministerial Declaration on Prevention through Education, which promotes comprehensive sex education and sexual health as being of the utmost importance for preventing new infections in present and future generations. In 2011 the priority was to intensify work with the states on institutionalizing actions for meeting the goals of the Declaration. Collaboration was undertaken with the States of Hidalgo, Jalisco, Querétaro, Chihuahua, Quintana Roo, Sinaloa and Sonora to offer seminars and workshops for the legal profession on the importance of implementing the Declaration in conjunction with state health and educational authorities as well as civil society organizations. In August 2011 the first



Category 8 Meeting on Prevention through Education was held, which resulted in implementation funding for 23 civil society organizations. The projects were intended to benefit children, adolescents and young people through the actions outlined in the Declaration.

196. The Comprehensive Care Group for Adolescent Health was set up in 2010 to standardize and strengthen the various health components targeting adolescents and to improve federal and state coordination of their comprehensive health care. Participants include the National Centre for Child and Adolescent Health, the Directorate-General for Health Promotion, the National Centre for the Prevention of HIV/AIDS, the National Centre for Gender Equity and Reproductive Health, the National Anti-Addiction Council and the technical secretariat of the National Council for Accident Prevention.

197. One of the group's main activities in 2010 was to collaborate on the planning and implementation of the workplan for the National Adolescent Health Week, which was held on 19–23 September 2011 and emphasized accident prevention among adolescents. The principal objective was to promote healthy lifestyles among adolescents (aged 10–19) through the provision of services, information and counselling. The Week reached 10 million adolescents nationwide. Its activities on HIV/AIDS and STDs included 1,529 informative talks for adolescents and the distribution of condoms and information material on HIV and STDs.

#### **D. Reproductive health rights of adolescents and measures to promote a healthy lifestyle**

198. The Adolescent Health-care Programme for 2007–2012 looks after the 10–19 age group and involves the relevant public and private institutions. Its objective is to improve adolescent health through universal, targeted and selective interventions on health promotion and prevention, enabling adolescents to play an active role in personal and collective health care. It focuses on the combination of four main elements: risk avoidance factors, adolescents' rights, gender, and health promotion. The programme outlines the adolescent health services package which is covered by the national health card, including health promotion, nutrition, vaccination plan, disease prevention and control, and sexual and reproductive health.

199. Adolescent health is viewed holistically, covering biological, psychological and social aspects. This means that consideration is given not just to the organism as such, but to behaviour modification as well. The programme's main strategies include the following:

(a) Adolescent Health Promoters Groups. Their overall mission is to train groups of adolescents in primary care units on how to develop their full potential and take an active part in health care and the promotion among other adolescents of behaviour and habits that protect life and health. The groups comprise adolescents aged 10–19, who are divided into groups of 10 to 25 each. There are now 789 such groups throughout the country and some 9,468 adolescent health promoters;

(b) National Adolescent Health Week. Its purpose is to promote healthy adolescent lifestyles by offering services, information and counselling, under the direction of state officials responsible for adolescent health. These officials, in coordination with other government bodies, public and private institutions and civil society organizations, conduct various social, cultural, academic, sports and recreational activities to familiarize adolescents with the health services on offer;

(c) National Plan for the Prevention of Violence and Abuse. Its objective is to prevent violence and abuse of children and adolescents by means of information and

awareness-raising about the causes and consequences of such behaviour, promoting affectionate and violence-free child-rearing, care and education in the most relevant spheres of life. These are: (i) training and sensitization of health workers; (ii) counselling for mothers, fathers, teachers and caregivers on positive forms of child-rearing and violence-free education; (iii) information for children and adolescents on the forms taken by violence and abuse, as well as their consequences, and developing skills to prevent them; (iv) information and awareness-raising campaign to prevent abuse; and (v) evaluation and monitoring of the actions outlined in the plan and the registration of cases in the health units.

200. With respect to the Committee's recommendation on improving sexual and reproductive health education for adolescents, especially in schools, in order to reduce the incidence of teenage pregnancies and STDs and to provide pregnant adolescents with the necessary assistance and access to health care and education, in 2006 SNDIF implemented the Programme for the Prevention and Comprehensive Care of Pregnancy, whose mission was to prevent and deal with the risks of social exclusion arising from adolescent pregnancy and unplanned maternity. In accordance with the adolescents' profile, and based on a gender perspective, the Programme provides them with counselling as well as appropriate and comprehensive assistance to help them develop a responsible attitude towards their sexuality and lead full and productive lives.

201. The programme took two main components into account for its implementation:

- A preventive component, targeting adolescents of both sexes who are at risk and under 17 years, 11 months. Workshops provided information and counselling on three main topics: human development, social environment and sexuality. Artistic, cultural, sports and recreational activities were encouraged that would foster healthy development and the best use of free time;
- A care component, targeting vulnerable mothers and pregnant women under 20. The objective was to offset the impact of social exclusion and to help them remain in, or be reintegrated into, their family, school and work environments, through a sexual and reproductive health workshop.

202. Most of the SEDIFs are coordinated with other bodies, such as the Ministry of Health, general hospitals, the National Institute for Adult Education, the Ministry of Labour and Social Security and the Ministry of Public Education. The idea is to provide short-term additional support and comprehensive services for the programme's adolescent beneficiaries, such as free medical and dental care, legal advice and psychological counselling, training in several arts and crafts (dressmaking, baking, beauty parlours, etc.); childcare in child development centres; referrals to health units for pregnancy monitoring and care; and education and training grants.

203. The programme's operating rules were changed in 2008, and the programme was henceforth known as Adolescent Psychosocial/Pregnancy Risk Subjects (although work continued on the above-mentioned components). In 2010, in order to update national strategies and implement them in response to the actual situation of adolescents, SNDIF prepared two implementation handbooks for community workers:

(a) Workshop on the prevention of adolescent pregnancy, to encourage adolescents to think about the importance of the responsible use of sexuality and decision-making, and to prevent adolescent pregnancy;

(b) Prenatal and postnatal workshop for adolescents, to give pregnant adolescents basic knowledge about the personal care required during pregnancy, childbirth and puerperium, as well as about how to care for their babies during the first year of life, so as to help improve their quality of life in the individual, family and social settings.

204. In addition to these national strategies, the SEDIFs continue to implement local strategies, including early stimulation workshops, workshops on violence in courtship, STD prevention, adolescent sexuality, and productive workshops (dressmaking, beauty parlours, nail polish application, handicrafts, baking, silk screen printing, etc.). The SEDIFs also maintain inter-agency ties in order to continue providing comprehensive services or to refer the target population to the service required.<sup>41</sup> To support these initiatives SNDIF allocates federal resources to each state every year for such activities as training SMDIF operational staff; reproduction of materials (handbooks, manuals, factsheets) for community workers to use in workshops; assessment and monitoring visits to SMDIF staff, so that communities can see the work under way; productive workshops to teach adolescents arts and crafts that will help them improve their social and economic condition; and complementary activities (cultural, recreational, sports) that contribute to the comprehensive development of adolescents.

205. CDI cares for indigenous adolescents through the Indigenous Women's Houses, which are coordinated and run by indigenous women's organizations with CDI funding. They deal with the sexual and reproductive health of indigenous women and gender violence. Some of these houses carry out activities with young people and adolescents, particularly on the subject of prevention of adolescent pregnancies. The activities include forums, workshops and talks with young people in secondary schools and in the last year of high school on sexual and reproductive rights, the promotion of sexual health (use of contraception, STD prevention, etc.) and the prevention of adolescent pregnancies, which is one of the most serious problems of the indigenous population. Some of the houses focus on childbirth in order to prevent maternal deaths, and some of the women they support are adolescents and young people (under 29).

206. The Mexican Institute of Youth carries out continuous preventive activities to promote sexual health. One such activity involves disseminating clear, scientific information on sexual guarantees and rights, using print materials with educational content. This is accompanied by training and counselling for adolescents and young people, teachers and parents in order to raise their awareness of young people's problems by involving them directly in the design and implementation of public policies with proposals for viable solutions that take into account their social situation and personal history, along with their role in national development.

**E. Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24, para. 3)**

207. In 2010 the National Commission for the Prevention and Elimination of Violence against Women asked an expert group to look at how Mexican criminal law incorporates the country's obligations under international treaties on the human rights of women. The study was sent to governors, state congresses and state institutes for women, along with various proposals for reforming the statutory and procedural codes in accordance with international and domestic standards, including (a) the Convention on the Elimination of All Forms of Discrimination against Women; (b) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000; (c) the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará); and (d) the General Act on Women's Access to a

<sup>41</sup> See table 126 in the statistical annex on the beneficiary population of the Programme for the Prevention and Comprehensive Care of Adolescent Pregnancy for 2006–2011.

Life Free from Violence. This paves the way for redressing current inequalities in the law that discriminate on the basis of sex, and for establishing non-discriminatory laws that guarantee access to justice and respect for the human rights of women.

208. The criminal law reform proposals put forward by the Commission reinforce the following:

- (a) The State party's obligations under international treaties;
- (b) The State party's duties in keeping with its commitment to guarantee women's right to justice, by:
  - Repealing laws that violate or discriminate against women's rights;
  - Reclassifying criminal offences committed by or against women victims of violence;
  - Adopting new laws that recognize rights and encourage their realization;
  - Increasing protection under the new adversarial criminal procedure;
  - Amending the laws on prosecution and the administration of justice in order to put an end to impunity;
  - Reviewing and reshaping any federal, state and municipal laws that are discriminatory and that impede women's access to justice;
  - Conducting investigations rapidly and effectively so as to punish acts of violence against women, and ensuring effective cooperation among federal, state and municipal authorities.

209. With regard to criminal law reform, the laws on effective reparation should be amended so as to allow for the restitution of property, including indirect damage and loss of income; satisfaction; rehabilitation; guarantees of non-repetition; and the payment of physical, material, psychological and moral damages.

210. The rights of victims must at the minimum include the following:

- Knowledge of the legislation in force that applies to their situation;
- Free legal assistance from a lawyer experienced in dealing with victims;
- Emergency and subsequent medical and psychological assistance;
- Effective protection measures from the moment the complaint is made;
- Being kept informed of how the complaint and the trial are proceeding, and of the legal meaning and scope of any pardons granted;
- Full and effective compensation.

211. Ad hoc reforms and amendments are being proposed with respect to compensation, exemption from criminal liability, criminal acts that endanger life and health, criminal acts that endanger sexual freedom and normal physical and psychosexual development (indecent assault; child rape; aggravated rape; aggravating circumstances of rape, sexual abuse, statutory rape, statutory sexual abuse and indecent assault); criminal acts against the family (incest, the avoidance of support obligations, the avoidance of maintenance, family fraud, domestic violence) and criminal acts committed by officials responsible for dispensing and administering justice. Amendments to, and reforms of, several provisions (induced sterilization, crimes against reproductive rights) are also being put forward.

## F. Measures to protect children from substance abuse (art. 33)

212. In 2006, SNDIF launched the Programme for the Prevention of Psychosocial Risks to encourage the development among children and adolescents, families and communities of skills and attitudes that will enhance their self-management. This involves promoting SEDIF and SMDIF models, programmes and actions to prevent the psychosocial risks associated with addictions and to promote healthy lifestyles. Such actions were based on the Chimalli-DIF psychosocial risk prevention model for minors, adolescents and their families, which is aimed at enhancing the protective and social skills required for a positive and proactive approach to problem-solving. The model involves communities in the creation of networks that foster a social climate of protection and development that respects human rights.

213. The SEDIFs and SMDIFs applied this model from 1999 to 2009 as a national strategy; nonetheless, given the complicated and time-consuming implementation of the methodology on the ground, the programme's operating rules were changed in 2008 and the programme was henceforth known as the psychosocial risks/addictions topic.

214. In tandem with those changes, the federal Government, through the National Anti-Addiction Council and in coordination with SNDIF, launched the national information campaign for a new life to address the addiction problem. The strategy on detection, counselling and advice on addiction is based on cognitive behaviour therapy and motivational interviews. It is aimed at the timely detection of users or abusers of psychoactive substances and at motivating them to change through a brief intervention (IDEAS method), as well as to refer addicts to New Life Centres or other specialized treatment centres. Other strategies were subsequently added to the campaign, including: (1) detection, counselling and advice on addiction; (2) intervention strategy to reduce the impact of psychosocial risk factors on children (skills for living in institutions); (3) myths and realities of drugs: from one young person to another; (4) 10 recommendations on keeping your children from using drugs; (5) life skills for children and young people; (6) teacher training on the prevention of addiction in basic education (secondary) schools; (7) teacher training on the prevention of addiction in primary schools; (8) prevention of addiction in the workplace; (9) prevention of drug use by women; and (10) the family: the best fortress.

215. The national information campaign for a new life involves coordination between the National Centre for Addiction Prevention and Control, the Ministry of Social Development, *Petróleos Mexicanos* (PEMEX), ISSSTE, the Ministry of Public Security and SNDIF, among other institutions.

216. SNDIF actions are preventive,<sup>42</sup> since there are other health sector bodies that provide care and treatment, including the National Centre for the Prevention and Control of Addictions, the National Anti-Addiction Council's New Life Centres and the Youth Integration Centres.

217. ISSSTE has adopted the same sectoral strategy, training health professionals to set up the national network of first-contact promoters for early detection and timely referral to specialized centres (New Life Centres; Youth Integration Centres) and offering training on health promotion and addiction prevention in order to prevent drug abuse from worsening.

218. The Comprehensive Adolescent Health-care Group was created under the National Adolescent Health-care Programme; its workplan continues the national information campaign for a new life. The campaign trains health promoters on the subjects covered by

<sup>42</sup> See table 130 in the statistical annex on the population participating in these actions from 2006 to 2011.

the campaign, protecting children against psychotropic substance abuse and promoting their recovery.

219. Along with the creation of the 330 New Life Centres, the campaign represents the most important government effort to prevent addiction. A model for the prevention of addiction in basic education schools was developed, comprising five preventive components (resilience, life skills, promotion of healthy lifestyles, creation of supportive environments and life plan). Using the curriculum from each level of primary education, teachers of any subject can prepare lesson plans and undertake preventive activities in the classroom throughout the school year in a continuum that for the time being covers the six primary school grades and three secondary school grades.

220. In addition to the New Life work, the Mexican Institute of Youth prepares information materials, educational subject matter and on-site training for young people, teachers, medical and social workers, as well as parents, on the prevention and consequences of risky behaviour, particularly the abuse of legal psychoactive substances such as alcohol and tobacco, but also the abuse of such illegal substances as solvents, marijuana, cocaine and designer drugs.

221. The Ministry of Public Security implements the Children's Security Programme, which is emerging as an alternative for the prevention of crime and violence and for personal care. The programme uses playful activities with the following objectives: to promote universal values among Mexican children in basic education schools, civil society and the family, as a means of preventing anti-social and criminal behaviour, creating lifestyles that strengthen family and institutional ties (school-family-community) and thereby preventing the use of narcotics and noxious substances.

#### **G. Measures to ensure the protection of children with incarcerated parents and children living in prison with their mothers**

222. In December 2011, the Government of Mexico decreed the reform to the Act establishing Minimum Rules for the Social Rehabilitation of Convicted Persons, which stipulates that adequate areas shall be set aside for the children of inmates living in prison with their mothers so as to ensure their comprehensive development, including food, health and education services, up to 6 years of age when so determined by trained staff, with the mother's consent and taking into account the best interests of the child. Mothers shall be held in separate locations from men, and infrastructure, information and trained staff shall be made available to care for the children living with them and to enable them to carry out all their activities. The reform also provides that when children who are living in prison with their mothers remain in the institution, they shall receive paediatric care as well as early and pre-school education.

223. The implementation of this Act is urgent in order to ensure the best possible development of children whose mothers are incarcerated.

#### **H. Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

224. As has already been mentioned, the childcare centres are devoted exclusively to childcare and support services and are run by a director trained by SNDIF and the Ministry of Social Development; the number of assistants for each director depends on the number of children in his or her care. They are open to the general public, but support households in

situations of material poverty or with monthly income of up to 1.5 minimum wages per capita.<sup>43</sup>

225. The child development centres and community child-welfare centres are another alternative for childcare, providing high-quality services in a caring environment that meet the needs expressed by the beneficiary children and their family while also ensuring the comprehensive development of children and offering training on the values, attitudes and habits needed to overcome the challenges and risks to which they are exposed.

226. The IMSS nursery services offer high-quality childcare for the children of working mothers, starting 43 days after birth and ending at 4 years of age, as well as for the children of widowed workers, divorcees and legally appointed guardians. The Institute has made great efforts to increase the number of available places in the nurseries so as to meet current demand as quickly as possible.

227. In recent years the Institute has set new standards for security and civil protection in nurseries and revamped the procedures for enhancing the quality of care to the user's satisfaction. In order to involve beneficiary parents by soliciting their feedback on the comprehensive security conditions in the nurseries, the Institute asked the organization Transparencia Mexicana to design a mechanism for facilitating, structuring and systematizing this participation, in keeping with the principles of random selection, voluntary participation and standardization of all the data, which are inputted through a system under that organization's supervision. Transparency is achieved by making public the reports of each visit.<sup>44</sup>

228. Such actions as the recent promulgation of the General Act on Service Provision for Childcare and Comprehensive Child Development, and the ongoing supervision of the implementation of security measures in nurseries, reflect the Government's concern with raising the quality of childcare and renew its commitment to continuing compliance with the care and security measures set forth in the Act.

## **I. Standard of living and measures, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure the child's physical, mental, spiritual, moral and social development and reduce poverty and inequality (art. 27, paras. 1–3)**

229. SNDIF Comprehensive Social Food-Aid Strategy Programmes have a positive impact on the physical development and health of children by developing healthy food habits and delivering food aid in keeping with nutritional quality criteria that address the current situation of malnutrition and obesity, primarily among children. Since 2007 SNDIF has worked with the SEDIFs on modifying and improving those programmes in order to create synergies and complement related federal government measures.

230. The criteria have promoted the inclusion in school breakfasts of fruit, vegetables and whole grains, the replacement of flavoured or unflavoured whole milk with unflavoured semi-skimmed or skimmed milk, and the elimination of foods with high sugar, fat or sodium content. An increase in the number of hot school breakfasts is also being encouraged, as the animal protein they contain provides greater nutritional benefits than cold school breakfasts, which are composed of whole grains, semi-skimmed milk and fruit or vegetables. Moreover, the typical operating model, especially in hot school breakfasts, is

<sup>43</sup> Requirement in force up to 2011.

<sup>44</sup> The micro-website <http://www.imss.gob.mx/guarderias> of the mechanism for social participation in nurseries was launched in 2011 to inform the general public about the outcome of parental visits.

conducive to socialization among children, parents and teachers while the meals are being prepared and consumed.

231. SNDIF has established agreements and commitments with the 31 SEDIFs and the Federal District Scheme for the Comprehensive Development of the Family (DIF) to encourage exchanges and improvements in the strategy. Coordination has been stepped up between the strategy's programmes and the comprehensive community development strategy, and specifically the "A Different Community" subprogramme. This is achieved through productive projects linked to food programmes, which involve community participation and regional development by including local production inputs in food aid.

232. In 2011, with the participation of the Nutrition Department of Veracruz University, the first phase of the study on incorporating the food security concept in the strategy was concluded. It validated the survey measurements of household food security, taking into account socio-economic factors, quality of diet and access to food.

233. Although this was not the objective, these programmes have a direct impact on access to and availability of high-quality food for the beneficiary population, by distributing food that meets the criteria laid down by the SNDIF Directorate-General for Food and Community Development, and also by promoting productive projects linked to the programmes, such as school and community orchards.

234. The Ministry of Social Development is executing 20 programmes that help reduce poverty and inequality in the population at greatest risk, including children and adolescents. The objective of the "Your house" Programme is to help Mexican households in situations of material poverty improve their quality of life through housing assistance. Its subsidies for improving living conditions are given to persons with high levels of poverty; those with disabilities, or those who have an economic dependant with disabilities; single mothers; and households with children under 14.

235. The Opportunities (Human Development) Programme provides direct monthly financial support to beneficiary families to help improve the quantity, quality and diversity of their food and improve their nutrition. Food supplements are also delivered every month or two months in order to improve the nutrition of children and of pregnant and breastfeeding mothers. In addition, cash resources are transferred to beneficiary families to purchase healthy food, and as of 2008, during the economic crisis, the delivery of "Living Better" food aid was begun in order to protect the purchasing power of the poorest households and ensure proper nutrition.

236. With respect to malnutrition, the National Institute of Public Health executes the Early Stimulation Programme on opportunities for nutrition, health and development of children under 4. It also conducts its own research on malnutrition, aimed at creating and disseminating knowledge about the magnitude and distribution of malnutrition; designing and testing small-scale interventions to decrease and control the prevalence of malnutrition, which are scalable to the public level; and assessing public nutrition programmes.

237. Researchers from the Institute were consulted on the design of the Opportunities Programme and were influential in the inclusion of a nutrition component for the programme's beneficiaries. The component included the Nutrisano baby formula, which was proposed and evaluated scientifically by a group from the National Health Institutes and coordinated by the National Institute of Public Health. Scientific evidence suggests that the programme has a direct impact on the increased height of young children as a result of their consumption of the formula.

238. The programme currently distributes fortified food to pregnant and breastfeeding women (Nutrívvida) and children aged 6–23 months. The Institute has rolled out an intervention for issuing recommendations to the programme on the cost and effectiveness



of different types of supplements (powder, syrup and tablets) for urban populations. The study's findings were used in the design of a nutrition strategy in the Comprehensive Nutrition Programme.

239. Other projects being launched by the Ministry of Social Development to foster the development of Mexican families are as follows:

- The Food Aid Programme, which cares for poor populations living in remote areas not covered by the Opportunities Programme. It is aimed at improving the food and nutrition levels of children under 5 and pregnant or breastfeeding women. The programme gives families cash or in-kind support equivalent to 530 pesos every two months,<sup>45</sup> along with "Living Better" financial support equivalent to 240 pesos every two months,<sup>46</sup> as well as talks and advice on health and well-being. Children under 5 and/or pregnant or breastfeeding women receive food supplements and nutritional monitoring every two months;
- The Social Milk Supply Programme, run by LICONSA, aimed at improving the nutritional standards of families in situations of material poverty, particularly for children under 12. It distributes between 4 and 24 litres of high-quality milk at a price of 4 pesos per litre<sup>47</sup> to each beneficiary household each week. As with the Opportunities Programme, the LICONSA programme was intended to deal with another common malnutrition problem in Mexico: anaemia. One of the country's longest-standing programmes was used to address the problem of micronutrient deficiency, and by enriching the LICONSA milk with an iron formula of proven efficiency and various micronutrients, it has been possible to reduce and prevent anaemia in hundreds of thousands of young children and have a positive impact on their psychomotor development;
- The Rural Supply Programme contributes to the development of basic skills by improving the food and nutrition of rural populations through the supply of basic and supplemental consumer goods to community shops in rural areas;
- The Programme for the Development of Priority Zones is intended to help reduce regional inequalities by strengthening the physical capital of actions and taking steps to integrate underserved or impoverished regions, or those lagging behind, into the development process. One of the main preconditions for the comprehensive development of children and adolescents is decent housing;
- The Short-term Employment Programme is aimed at contributing to social protection. It operates at the national level, granting temporary cash support to persons over 16 whose incomes are declining as the result of low demand for labour or as the result of an emergency, on condition that they participate in projects of benefit to the family or the community, such as: health improvement, preservation of historical heritage, local infrastructure improvement, conservation and reconstruction of the rural food network, environmental conservation and citizens' educational communication;
- The Productive Options Programme is aimed at contributing to the development of skills for accessing sustainable income sources for impoverished populations through funding for productive initiatives and technical and organizational assistance;

<sup>45</sup> About US\$ 38.82.

<sup>46</sup> About US\$ 17.58.

<sup>47</sup> About US\$ 0.29.

- The Rural Housing Programme is aimed at helping households in rural and indigenous areas and in situations of material poverty to improve their quality of life through better housing. This is provided through subsidies to households in situations of material poverty and households living in very and highly marginalized rural areas, which enable them to build, expand or improve their housing.

240. Through its Indigenous School Shelters Programme, CDI coordinates actions with health-sector, federal and state bodies that extend their services to indigenous children. Its specific objectives include providing adequate food to programme beneficiaries, and managing, in conjunction with the three branches of Government, actions to expand their health care.

241. To meet these objectives the Programme provides food to the beneficiaries of the school shelters and cafeterias<sup>48</sup> in accordance with their nutritional requirements so as to contribute to their healthy growth and development. To that end, the programme works closely with LICONSA<sup>49</sup> and DICONSA<sup>50</sup> to provide the shelters with subsidized milk and non-perishable foods. The Fresh Food Procurement and Management Scheme is being implemented as well. It delivers three daily hot food rations to more than 60,000 beneficiaries throughout the school year (200 school days). Furthermore, in order to ensure a service of sufficient quality and quantity, various forms of food counselling are offered to the people in charge of preparing food and managing the food service in the school shelters on relevant aspects of their jobs, including good meals; menu preparation; food for schoolchildren and adolescents; personal hygiene, as well as food and food service hygiene, during the preparation of food, equipment and utensils; food storage; and recipe preparation.

242. In addition, the Tertiary Care Project is being implemented by CDI. It has emerged in response to the needs of the country's indigenous population, and particularly children, for specialized medical care. The project manages and supports indigenous patients during their referral to hospital medical care units in order to ensure their tertiary care. A care strategy in the operational unit known as the House of a Thousand Colours Indigenous Shelter was initiated in 1993 to offer indigenous patients and their family members comprehensive quality care in a supportive environment that will contribute to their recovery. The shelter is located in the Federal District and offers patients from indigenous regions, and those accompanying them, food services, lodging, nursing, psychological assistance, transportation to hospital medical care units and to their places of origin, facilities for manual work and recreational activities and, where necessary, the coverage of funeral expenses.

<sup>48</sup> The school shelters and cafeterias grant support in the form of food, lodgings, personal hygiene articles, school supplies, water, fuel and firewood, financial compensation for the shelters' directors and cooks; and shelter repair, equipment, maintenance and construction. This support is offered at the basic education level and may be requested by indigenous children and young people attending Ministry of Public Education schools who come from communities without educational services or where such services are incompletely organized or multi-grade. There are also community shelters offering food and personal hygiene and cleaning articles. To date, a population has been cared for at the upper-secondary and higher education levels, with 12,058 beneficiaries and 209 shelters throughout the country.

<sup>49</sup> LICONSA was established as a company with a majority State shareholding that works to improve the nutritional standards of millions of Mexicans, thereby contributing to their integration in the country's development. It delivers food aid to families in situations of material poverty, along with high-quality milk at subsidized prices, primarily for children under 12. For more information, see [www.liconsa.gob.mx](http://www.liconsa.gob.mx).

<sup>50</sup> DICONSA is a company with a majority State shareholding that is part of the social development sector. Its mission is to help overcome food poverty through the provision of basic and complementary goods to very and highly marginalized rural areas, based on community organization and participation. For more information, see [www.diconsa.gob.mx](http://www.diconsa.gob.mx).

## VII. Education, leisure and cultural activities (arts. 28–31)

### A. The right to education, including vocational training and guidance (art. 28)

243. On 14 February 2011, the Mexican Government signed the Decree on the amendment to article 176 on the income tax, enabling physical persons to deduct pre-primary to *bachillerato*-level education expenses from their tax return, which should benefit 3,500,000 children and young people.

244. The education component of the Opportunities Programme provides support to beneficiary families to help their children enrol in, remain in and regularly attend primary, secondary and upper-secondary school. The programme can also grant educational scholarships<sup>51</sup> to all children and young persons under 18 who are enrolled in grades between the third level of primary and the third level of secondary school, as well as to young people under 21 with special education needs who are enrolled in special education schools. The basic education scholarship recipients receive cash resources for purchasing school supplies or school supply kits, along with scholarships for the first two months of the school year. Primary school scholarship recipients later receive additional cash resources for replacing school supplies, along with scholarships for the third and fourth months of the school year.

245. The Services for Agricultural Day Labourers Programme provides financial assistance to day labourers' households whose children regularly attend school (a maximum of three unexcused absences are allowed each month). These financial incentives can be delivered either directly to the workplace, or electronically. At the secondary level, they allot a higher amount to women than to men in order to meet the specific needs of women.

246. Inter-agency efforts are being boosted to promote intercultural education at the pre-school and primary level for the children of migrant and resident agricultural day labourers who are in the basic education age group (aged 3–15), both in their communities of origin and in transit points (where they remain for 1–2 months) and places of destination (where they remain for 3–11 months). An education model suited to the living conditions of migrant and resident agricultural day labourers is being implemented to that end. The process began in June 2011 with the creation of a technical committee comprising researchers specialized in intercultural and plurilingual education, as well as government bodies involved with indigenous education. The reference tool, which is currently being designed, calls for indigenous children and adolescents to participate in the state education committees.

247. The youth power forums of the Mexican Institute of Youth contribute indirectly to reducing the school drop-out rate. By means of psychological assessments and vocational counselling from the Counselling and Prevention Unit, each of these forums endeavours to give the young beneficiaries sufficient support to prevent their dropping out. The Institute's academic scholarship service promotes education among young people aged 12–29 by encouraging them to start or complete their studies at all levels of education and thus enhance their academic advancement. Offering discounts to private educational institutions also helps them improve their economic and social status. In addition, there are young people with children of their own, who receive partial scholarships in the form of 20-to-50-per cent discounts on pre-school, primary and secondary education.

<sup>51</sup> The scholarships are cash resources delivered every two months during the 10 months of the school year, from September to June for basic education, and from September to January and March to July for upper-secondary education. The amount increases as the child advances in school.

248. The National Institute for Adult Education began applying the education model for life and work in 2000. Its basic objective is to offer young people and adults over 15 educational options that match their needs and interests in order to develop their skills for performing better in their personal, family, work and social life. A wide range of modules<sup>52</sup> offer knowledge and skills to children aged 10–14 who could not or cannot attend school.

249. The Institute also uses the bilingual indigenous education model for life and work, which covers literacy through secondary school, targeting populations who speak indigenous languages in various Mexican states. It takes account of which languages they speak and applies different forms of education, particularly for literacy and early education. All basic education must be provided by bilingual advisors. The bilingual indigenous education component of the model covers literacy and basic education in people's mother tongues and takes into account their degree of monolingualism or bilingualism and their cultural framework. The materials are organized by ethnic group or language so as to achieve greater regional coverage. The component uses the bilingual indigenous education model for life and work with Spanish as a second language as an avenue of learning.

## **B. Aims of education (art. 29) with reference also to quality of education**

250. On 15 May 2009, the Ministry of Public Education and the National Education Workers' Union entered a new stage in their joint work with the creation of the Alliance for Quality in Education,<sup>53</sup> which is building an agenda of commitments on a clear and inclusive strategy to make education an effective state policy for transforming and modernizing the education system.

251. The key objective of the Alliance is to generate broad mobilization around education, getting society to watch over and take on board the commitments required to overhaul the national education system. The Alliance views educational federalism as an opportunity for the various actors to participate in the transformation of education, take on explicit, clear and precise commitments and work together to meet the needs and demands of each educational institution.

252. In accordance with article 3 of the Constitution, the Alliance works in five core areas:

- (1) Modernization of schools, to ensure that schools are decent, risk-free places that serve their community and have the necessary infrastructure and equipment, as well as the appropriate cutting-edge technology, for teaching and learning;
- (2) Professionalization of teachers and educational authorities, to ensure that those who manage the education system, schools and teachers are appropriately selected, duly trained and receive the stimuli and incentives they deserve based on the academic achievement of children and young people;
- (3) Well-being and integral development of students. The transformation of the national education system depends on improving the well-being and comprehensive development of children and young people, a prerequisite for academic achievement;

<sup>52</sup> Words; getting started; mathematics for beginners; reading and writing; numbers; useful stories; we are Mexicans; learning to read; figures and measurements; let's get to know ourselves; let's live better; a well-rounded young person; look out for addictions!; staying off drugs; violence-free households; young people and work; I manage my money and family finances; our democratic values; protecting ourselves: a task for everyone; pregnancy: a life project; introduction to computers; I write on a computer.

<sup>53</sup> The text on the Alliance for Quality in Education is available at [http://alianza.sep.gob.mx/pdf/Alianza\\_por\\_la\\_Calidad\\_de\\_la\\_Educacion.pdf](http://alianza.sep.gob.mx/pdf/Alianza_por_la_Calidad_de_la_Educacion.pdf).

(4) Comprehensive training of students for life and work. Schools must provide training based on values and high-quality education that helps students develop a sense of citizenship, encourages their productivity and promotes their competitiveness, allowing them to develop their full potential;

(5) Evaluate in order to improve. Evaluation must serve as an incentive for raising the quality of education, encouraging transparency and accountability, and providing a basis for the appropriate design of education policies.

### C. Cultural rights of children belonging to indigenous and minority groups (art. 30)

253. The Mexican Government is responsible for promoting and running the Early and Basic Education Programme for Rural and Indigenous Populations, which takes a differentiated approach to their educational lags, ensuring they have equal educational opportunities and guaranteeing their right to education. The programme reinforces the achievement of the second objective of the Sectoral Education Programme for 2007–2012, namely, to expand educational opportunities as a means of reducing inequality, closing gaps and promoting equality between social groups. Strategy 2.7 of the programme involves caring for children and young people in areas and municipalities with the greatest social lags, focusing on those with the lowest human development indicators, on indigenous populations and on the children of immigrant and emigrant agricultural day labourers. The strategy revolves around the creation of state agendas for equality in early and basic education that are prepared jointly by the states and the National Council for the Promotion of Education.

254. Initial teacher training was accordingly undertaken that focused on designing a curriculum for the bilingual intercultural primary school degree course, which has been offered since 2004 to train teachers who can provide education that addresses the country's diversity. This training is intended to ensure that future education professionals possess the theoretical and methodological tools for handling diversity from an intercultural perspective, and to ensure that indigenous languages are treated not just as vehicles for communication and teaching but also as subject matter in their own right. The course is currently offered in 18 of the country's teacher-training schools in states with large indigenous populations, including Oaxaca, Guerrero, Chiapas, Michoacán, Campeche, Hidalgo, Tabasco, Veracruz, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Sonora and Yucatán.

255. The Council's community education provides pre-school, primary and secondary education in the 31 states, primarily in areas marked by serious and very serious social backwardness or marginalization, by means of the following:

- Indigenous Education Programme (operating since 1995): Intervention strategy to support intercultural bilingual education, working in educational communities with populations speaking indigenous languages;
- Intercultural Education for Migrant Children (operating since 1998): Education strategy covering the pre-school and primary levels, meeting the needs, characteristics and interests of the children of agricultural migrant day labourers, but using the national curriculum.

256. At the upper secondary level, the intercultural *bachillerato* (secondary education certificate programme), instituted by the General Coordinating Office for Bilingual Intercultural Education and administered by the College of Bachelors, maintains six schools in the States of Chiapas and Tabasco, with a total of 792 students. The Higher College of

Integral Intercultural Education of Oaxaca maintains 30 schools with a total of 3,466 students.

257. With respect to cultural rights, the National Institute of Indigenous Languages has undertaken the following:

- In 2006, it helped organize the VII National Storytelling Contest for Indigenous Children, working with the Directorate-General for Indigenous Education and the Ministry of Public Education to interest indigenous children in Mexico in literature and writing;
- In 2007, it advised the Federal Electoral Institute on the inclusion of indigenous languages in the Sixth Children's Parliament of Mexico, held in 2008. Beginning with the Sixth Parliament, the Parliament's policy documents and support materials were adapted to ensure that the event guaranteed conditions of equality to indigenous children interested in participating. These adaptations allowed such children to speak in their own language and enabled the simultaneous interpretation of their interventions for the benefit of other children taking part;
- It prepared teaching material for the Enciclomedia programme to promote knowledge, respect and appreciation of indigenous languages among primary-school children, as well as the inclusion of recordings in the Zapotec and Náhuatl languages for use in the programme's materials;
- Since 2009 it has been devising strategies for collaboration with public media to expand the number of outlets using indigenous languages. The Institute is currently featured on the School Network website, which is one of the largest educational portals in Latin America. It is also featured on channels 13, 15 and 16 of the Edusat network, administered by the Latin American Institute for Educational Communication. The same content is transmitted on open television channel 22.

258. Inter-agency cooperation has been developed to give children and young people better access to literary collections of the best contemporary children's literature in public libraries and reading rooms. To publicize its cultural programme, the National Children's Council for Culture and the Arts – "Wings and Roots" is running an extensive strategic and specialized dissemination campaign (targeting various publics: children, young people, parents, teachers and civil society in general) in the national media (print, radio, television and new media).

259. The Council disseminates information on the rights of the child among indigenous children and fosters their respect. In several states, in addition to workshops, community radio stations have broadcasts on various subjects relating to the rights of the child and the needs of children in indigenous communities. There are also plans to prepare printed material for indigenous children on their rights and to disseminate them with the support of municipal bodies, civil society and business.

#### **D. Education on human rights and civic education**

260. In order to organize the work and commitments arising from the strategic framework of the Civic Education Strategic Programme for 2005–2010, which outlines the institutional education policy, in November 2006 the strategy for training children and young people on exercising their citizenship was adopted. It was directly linked to Objective I of the Programme, "to raise awareness of the limits and scope of democracy", in its first planned line of action, "to prepare children and young people for the exercise of their citizenship", which defines the school as an "ideal environment for socialization and training in democracy".

261. The strategy was intended to develop three integrated civic skills: (1) collective identity: the individual views himself or herself as a political actor, interested in and participating in collective life, able to influence his or her social and political environment; (2) peaceful settlement of disputes: the individual manages disputes peacefully, endeavouring to consider and further the interests of all parties concerned; and (3) democratic participation: the subject actively exercises his or her right to participate by organizing him/herself, expressing his/her views and taking decisions on matters of interest to or affecting him/her. A workplan was developed for this purpose along two lines: awareness-raising and promotion; and development of civic skills in school.

262. With respect to actions taken to ensure that children and adolescents acquire knowledge of their human rights and receive a civic education in accordance with their social and cultural dynamics, CDI, through its Indigenous School Shelters Programme, coordinates the operation of the shelters and cares for their beneficiaries with the Ministry of Public Education's Directorate-General for Indigenous Education. The programme coordinates training on the rights of the child with the state human rights commissions and holds workshops for school shelter staff with the support of civil society organizations.

263. The Ministry of the Interior's Commission on Government Policy on Human Rights is a forum for dialogue and communication between the federal Government and civil society. One of the priorities of this working group was to prepare the National Human Rights Education Programme in order to meet the Government's international obligations in the field of education, and specifically, the proclamation of the United Nations Decade for Human Rights Education (1995–2004) and General Assembly resolution 49/814, which calls for the drafting of national action plans and/or programmes for human rights education.

264. This programme considers the Government's obligations in the field of education, and human rights education in particular, including its obligations under the Universal Declaration of Human Rights (art. 26), the Convention on the Rights of the Child (art. 26), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 7) and other international instruments signed and ratified by Mexico. The programme seeks through this frame of reference to strengthen the right to education and link it to the right to human rights education, taking into account the following priority areas involving children and adolescents: human rights education in basic education, and human rights education, non-formal and informal education.

#### **E. Rest, play, leisure, recreation and cultural and artistic activities (art. 31)**

265. As part of the Ministry of Public Education policies to strengthen the National Physical Education and Sports System, the school and municipal sports centres were set up in educational institutions or public sports facilities suitable for sports, for use by primary or upper-secondary school students (the school centres) or the general public (the municipal centres) interested in a particular sport. The idea is also to unearth new athletic talent and join efforts, resources and procedures to encourage and develop physical education and sports in Mexican society.

266. The strategy known as "My school is always open" has been part of the National Physical Education and Sports Programme since March 2011. The programme operates in 227 primary schools in the 16 municipalities of the Federal District, and all of these schools possess the necessary infrastructure (ball courts, multiple-use patios and classrooms) for using the facilities during the afternoon shift. This enables primary school students to practice sports and promotes opportunities for learning, development and improvement of their abilities, skills and dexterity as well as for reinforcing healthy values and habits. In

December this strategy covered about 76,378 students by training 650 physical education teachers.

267. Another initiative is the work undertaken in conjunction with the National Council for the Development of Physical Education and Sports in Basic Education, aimed at expanding the role of sports in basic education. The Council is composed of physical education directors in all the country's schools, who plan, manage and assess physical education, school sports and recreation in basic education in a manner that helps develop the students' abilities.

268. With regard to cultural and artistic activities, the National Institute of Anthropology and History offers courses on national and pre-Hispanic history; workshops on clay modelling, silk screen printing, dance, puppetry and musicals; book fairs; and storytelling. Child guide programmes are offered that encourage children to act as museum or archaeological site guides and work with primary education groups.

## **VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 38–40)**

### **A. Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration**

269. The legal framework on migration was recently reinforced, in the first instance by the promulgation of the Migration Act, published in the Official Gazette on 25 May 2011, which guarantees the protection of the rights of unaccompanied migrant children and encourages the observance of the best interests of the child. The Act provides that SNDIF, SEDIFs and the Federal District DIF shall provide assistance to this group and, in conjunction with INM, help arrange for their immigration status. The immigration status is supported under a circular issued in the Official Gazette of 7 June 2011, which mentions that child crime victims should immediately be referred to a specialized shelter or refuge for care while their immigration status is being settled.

270. The framework was reinforced in the second instance by the publication of the Act on Refugees and Complementary Protection in the Official Gazette of 27 January 2011. Article 5, section III, of the Act provides that the best interests of the child shall be considered in enforcing the Act. Article 9 stipulates that "in recognizing refugee status, the organization and development of the family must be protected, as well as the best interests of the child". With respect to the granting of institutional assistance to applicants for refugee status, article 20 establishes that for unaccompanied children, the best interests of the child must be determined. Such determination gives rise to a procedure for recognizing refugee status and a care model for unaccompanied children and adolescents requesting refugee status, in accordance with instruments of international law.

271. As part of the efforts to ensure the protection and safeguard of the rights of migrant children in Mexico, the Board for Inter-Agency Discussion on Unaccompanied Migrant Children and Adolescents and Migrant Women was created on 30 March 2007. Its objective is to encourage inter-agency coordination and agree on the measures and mechanisms needed to guarantee the rights and protection of unaccompanied children and adolescents and migrant women. The Board is composed of institutions and organizations



of recognized standing with a proven interest in finding solutions to the problems of migrant children and women.<sup>54</sup>

272. Within the framework of the Board, a model for the protection of the rights of unaccompanied migrant and repatriated children and adolescents was drawn up, which provides for the creation of child protection officers. These officers are federal migration officers who work to uphold the rights of child migrants, especially those who are unaccompanied. Circular No. 001/2010 was published in the Official Gazette of 12 February 2010; it sets out the procedure for caring for unaccompanied migrant children and adolescents and establishes the official status of these officers.

273. INM now has 341 federal migration officers who work as child protection officers in the Institute's 32 regional offices. They are selected in keeping with a profile prepared by SNDIF. Their duties are as follows: to safeguard the physical and mental integrity of children and adolescents; to provide immediate basic health, food, clothing and relief services; to help them make contact with their families through free telephone calls; to keep them informed about their immigration status, using friendly language and in keeping with their age; and to help migrant children and adolescents throughout the repatriation process. The fourth-generation training of 64 officers from the Institute's regional offices in Coahuila, Tabasco, Sonora and Nuevo León was held on 23–27 May 2011.

274. The child protection officers receive ongoing specialized training. The training programme was developed with SNDIF, with the participation of IOM, the Mexican Commission on Assistance to Refugees, UNICEF, UNHCR, the Youth Integration Centres, CONAPRED and the civil society organization Proteja. The training concerned human rights; emotional literacy; tips for communicating effectively with migrant children and adolescents; crisis care; the rights of children and adolescents; international protection (asylum and refuge); communication with migrant children and adolescents and its challenges; violence, ill-treatment and abuse; human trafficking and smuggling; care model for unaccompanied children and adolescents; non-discrimination; and gender equity.

275. In addition, in 2009 the Board prepared a reference manual on the model for the protection of the rights of unaccompanied migrant and repatriated children and adolescents to serve as a simple, practical tool for officials responsible for their care in their daily work. The manual offers a quick guide to improving coordination among the institutions charged with guaranteeing the rights of migrant children and adolescents. In order to professionalize the work of the child protection officers, also in 2009 the Board drafted a guide for officers on how to provide comprehensive and efficient protection to unaccompanied migrant children and adolescents, guaranteeing the observance of their rights.

276. The regional guidelines for special protection in cases of return of children and adolescent victims of human trafficking were adopted in 2007, on the initiative of the Governments of Mexico, Panama and Belize. As part of the agreements reached by the Regional Conference on Migration, and of the commitment by Mexico to expand the protection of migrant children and adolescents in the region, the regional guidelines on unaccompanied migrant children and adolescents were signed in July 2009 with a view to

<sup>54</sup> The Board is composed of: the Ministry of the Interior, the Office of the President of the Republic, the National Institute for Migration, the Mexican Commission on Assistance to Refugees, the Directorate-General for Civil Registration and Identity, the Ministry of Foreign Affairs, the National Scheme for the Comprehensive Development of the Family, the Ministry of Social Development, the Ministry of Health, the National Institute for Women, the National Human Rights Commission, the office of the special prosecutor for crimes of violence against women and human trafficking, the Youth Integration Centres, UNICEF, the International Organization for Migration, the United Nations Development Fund for Women and the Office of the United Nations High Commissioner for Refugees.

fostering collaboration on protection and repatriation among the Conference's member countries and to serving as a guide from the moment such children are first discovered to the moment of their repatriation. The guidelines were proposed by Mexico.

277. With a view to the regional replication of the child protection officer model, INM, with the support of IOM, UNICEF and UNHCR, has conducted training in Guatemala, El Salvador, Honduras, Costa Rica, Nicaragua and the Dominican Republic. A workshop was also held in Panama for Conference focal points. To date, 419 officials have been trained in these countries.

278. The child protection officer model has also been promoted in the Platform of Alliances of the Global Forum on Migration and Development. So far, Chile and Senegal have expressed interest in receiving training from the Mexican Government.

279. The general cooperation agreement between the Institute and SNDIF was signed on 11 June 2007 to lay the foundations for cooperation between the two bodies on joint activities for migrant and repatriated Mexican and foreign children and adolescents. As part of this inter-agency collaboration, SNDIF began setting up the care modules for migrant and repatriated children and adolescents as premises for safeguarding the physical integrity of unaccompanied migrant children and adolescents. The following actions are carried out in the modules: (a) social and psychological assessment; (b) provision of food and clothing; (c) review of their legal status; and (d) locating their family (if family members are not found on the same day, they are referred to the shelter network). The following modules are currently operating on the northern border: Tijuana, Mexicali, San Luis Río Colorado, Agua Prieta, Nogales, Ciudad Juárez, Nuevo Laredo, Piedras Negras, Acuña and Reynosa. This cooperation takes place within the framework of the general cooperation agreement.

280. Specific cooperation agreements have also been signed between the Institute and SEDIFs to set up care modules for unaccompanied foreign migrant children and adolescents on the southern border in premises shared with the migrant holding centres of Tapachula, Chiapas; Tenosique, Tabasco; Acayucan, Veracruz and La Ventosa, Oaxaca. All the modules are run by DIF. Once they are admitted to the holding centres or shelters, all foreign children and adolescents in the care of the Institute are administered a questionnaire-interview to identify any situations of vulnerability requiring special assistance. This has led to the discovery of crime victims (human trafficking) and to a substantial increase in the number of asylum seekers.

281. INM, the COMAR General Council, IOM and the Office of the Attorney-General, through the office of the special prosecutor for violent crimes, have developed a joint procedure for providing adequate care to asylum seekers who are the victims of human trafficking, including unaccompanied children. The procedure also offers comprehensive protection by referring the children to special shelters and assessment of their vulnerability through interviews conducted to review their application. In addition, it guarantees the right of unaccompanied children and adolescents to request recognition of their refugee status, even if they are not accompanied by an adult. The children and adolescents are also kept informed at all times of the status of their request and of progress on their eligibility.

282. The COMAR General Council negotiates with INM on the regularization of unaccompanied children and adolescents as permanent residents with migrant status who are authorized to live under the care of the institution that takes them in after referral from the Council. This guarantees the protection of child refugees and keeps them from living in the streets.

283. With respect to access to education, the Council has signed a cooperation agreement with the Federal Administration of Educational Services in the Federal District, a decentralized agency of the Ministry of Public Education, to guarantee access to basic education (primary and secondary) schools and the recertification of academic

qualifications at those levels. One of the main benefits is the consideration of the refugees' departure conditions from their country of origin and their difficulties in presenting all the required documents pertaining to previous schooling, as well as such identity documents as authenticated or stamped birth certificates. With regard to access to the right to health, the Ministry of the Interior signed a cooperation agreement with the National Health and Welfare Commission on membership in the people's health insurance scheme for families of refugees who have no other form of social security.

284. With respect to the Committee's recommendation on the special care that should be given to asylum-seeking children or those with an irregular immigration status in order to ensure their social reintegration, SNDIF, as the federal public agency responsible for unaccompanied migrant children and adolescents, in coordination with other government bodies from the three branches of government and with civil society organizations, provides care through the strategy of prevention and support for unaccompanied migrant and repatriated children and adolescents,<sup>55</sup> which was previously known as the Inter-Agency Project for Children in Border Areas.

285. The strategy operates in three geographic areas: northern border, southern border and places of origin, with three levels of intervention: prevention, care and institution-building. During the reporting period, and particularly in the past three years, several of the strategy's lines of action have been strengthened within these three levels.

286. The infrastructure on the northern border comprises 10 modules and 23 shelters, 10 of which are run by civil society organizations collaborating with SNDIF. The modules take in Mexican children and adolescents who have been repatriated by United States authorities and turned over to INM, which in turn hands them over to one of the SNDIF modules in order to continue the protection scheme. The scheme begins by assessing the suitability of family reunification and locating the children's family members. Where more time or investigation is required for family reunification, taking into account the best interests of the child, the children and adolescents are referred to the shelters, where they receive comprehensive protection that includes caring for their basic needs (food, clothing and shelter) in facilities deemed suitable for a safe and decent stay. In addition to these services, the children and adolescents receive psychological, medical and legal assistance.

287. On the southern border, the four above-mentioned modules care primarily for foreign children and adolescents who have been taken in by INM for repatriation or regularization in Mexico while their status is determined. The process consists of caring for them in DIF modules located within the migrant holding centres. The most vulnerable children and adolescents are referred to the Tapachula shelter. SNDIF, as well as providing the above-mentioned services, works with those children and adolescents who are potential candidates for asylum, offering them protection and support to ensure that their best interests are respected and that they are referred to the appropriate institutions for care.

288. Although the care of the increasing numbers of unaccompanied migrant children and adolescents on the borders is a matter of concern to the Government, prevention has become a key factor in dealing with their migration. For this reason SNDIF, through the strategy, has taken action in their places of origin. It looks after not just children and adolescents who have been repatriated from the United States, but all children and adolescents at risk of migrating.

289. One of the main such actions is the creation of community centres to protect children, of which there are now 52 in the country's main states of origin. The centres are shared living spaces that offer information and care of children and adolescents at risk of

<sup>55</sup> See section 3 of the statistical annex for quantitative data.

migrating or who have already gone through a migration procedure and have been returned to their places of origin.

290. As part of the process of family reintegration and community involvement, the strategy's operating staff design and implement family and community settlement plans for each child or adolescent who has been returned to his or her place of origin. Covering various aspects of intervention — education, food, productive activities, family, psychological care, cultural activities and so forth — these individualized plans deal with the causes of migration, in order to offer services and social assistance that contribute to the children's reintegration.

291. The community centres have developed a prevention model in the form of community leaders, composed of groups of children and young people who promote community settlement in their places of origin by implementing artistic, cultural, sports and other projects that are chosen by the young people themselves. This is also achieved through their cohabitation and community leadership. The recent initiation of the "Safe summer at home" project stands out in this respect, aimed at providing socio-educational services that help to strengthen the family and community ties of children and adolescents experiencing the risks associated with unaccompanied migration. Such risks are particularly associated with the summer holidays, since — without the supportive environment of the sort provided by schools — the summer holidays are a period conducive to migration.

292. In addition to its active participation on the Board for Inter-Agency Discussion on Unaccompanied Migrant Children and Adolescents, whose secretariat is administered by INM, SNDIF has forged strategic alliances with the private sector and civil society organizations to strengthen the strategy.

293. Given the regional dimension of this problem, the experience of Mexico with the care of unaccompanied migrant and repatriated children and adolescents has been recognized by other Latin America countries. A bilateral cooperation project is currently under way with Guatemala, coordinated by the Inter-American Children's Institute of the Organization of American States. The project has led to the analysis and exchange of experiences and proposals between SNDIF and the Guatemalan Social Welfare Secretariat for joint procedures to care for children and adolescents.

294. With respect to training, strategy operating staff have been professionalized through certificate courses, congresses, forums, seminars, workshops, and regional and/or national meetings. The certificate course on psychological care for migrants (both Mexican and foreign) is noteworthy in this regard; it is offered to staff of the network of transit units and shelters on the country's northern and southern borders, who deal directly with unaccompanied migrant and repatriated children and adolescents.

295. With regard to the training of staff in places of origin, SEDIF and SMDIF staff are currently being trained to devise a mechanism for dialogue with groups of children considered at risk of unaccompanied migration or who have had some experience with migration. The idea is to allow the children to express their opinions on a variety of issues so that, by sharing experiences with their peers, they can deepen their understanding of unaccompanied child migration.

## B. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

296. Although Mexico is not in a situation of armed conflict,<sup>56</sup> the Government takes steps to ensure timely compliance with the preventive obligations set forth in article 38 of

<sup>56</sup> The Mexican Government defines a “situation of armed conflict” in accordance with international humanitarian law and the relevant international instruments.

The Protocol Additional to the Geneva Conventions Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) is the key instrument for understanding the scope of two fundamental concepts for determining the field of application of the Convention on the Rights of the Child: “non-international armed conflicts” and “armed groups”. While Mexico is not a party to the Protocol, the provisions relevant to its field of application and definitions constitute the recognized international standards on the subject, as set forth in international jurisprudence and in the rules of international customary law.

Article 1 of the Protocol establishes that its provisions shall apply “to all armed conflicts [...] which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol. [...] This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts”.

In accordance with this precept, the existence of an armed conflict meets two specific criteria: the existence of confrontations, and the parties involved in such confrontations.

With respect to the first criterion, the current situation of violent crime in Mexico is the result of the illegal acts of organized criminal groups, which are dealt with through the Government’s comprehensive strategy for ensuring public security, and is also the result of disputes between criminal groups.

Without prejudice to the intensity of the violence they generate, such situations are far removed from the concept of non-international armed conflict, since they constitute measures to combat a wholly identified phenomenon: organized crime, which involves the commission of illegal acts.

The second criterion referred to in article 1 of the Protocol concerns the conditions to be met by the parties involved in order to consider that a non-international armed conflict exists.

On the one hand, there are armed forces — i.e., Government Armed Forces — which include other bodies that would probably not be covered by the traditional notion of an army (for example, the National Guard or the police). On the other hand, there are either dissident armed forces (armed forces which, having once been part of the Government, rise up against the State) or “armed groups”.

Although international humanitarian law and its instruments do not offer a specific definition of the term “armed group”, they do specify the objective criteria to be met by such groups.

According to article 1 of the Protocol, and the interpretation thereof by the International Committee of the Red Cross (ICRC) in its commentaries on the Protocol, armed groups must fulfil the following conditions:

- (a) **The existence of a responsible command.** This involves a minimum degree of organization of the armed group (see *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, decision of 2 September 1998, para. 620), which presupposes the existence of a command structure enabling it to plan and carry out sustained and concerted military operations and impose disciplinary measures. (See International Tribunal for the Former Yugoslavia, *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, judgement of 30 November 2005, paras. 94–134. The following text appears verbatim in the Appeals Chamber decision of the International Tribunal for the Former Yugoslavia on the judicial review of the Tadic case, Case No. IT-94-1-AR72, *Prosecutor v. DU[KO TADI]*, 2 October 1995: “The test applied by the Appeals Chamber to the existence of an armed conflict for the purposes of the rules contained in Common Article 3 focuses on two aspects of a conflict; the intensity of the conflict and the organization of the parties to the conflict. In an armed conflict of an internal or mixed character, these closely related criteria are used solely for the purpose, as a minimum, of distinguishing an

the Convention and in its Optional Protocol on the involvement of children in armed conflict.

297. The Mexican Government wishes to inform the Committee that the State has taken specific measures to protect the human rights of its people, including children and adolescents, in the context of the acts of violence that occur in the country, particularly those resulting from organized crime. The Government reiterates that the full realization of the right to security is a basic precondition for the protection of the human rights of all Mexicans.

298. As has already been stated in this report, the Inter-ministerial Commission on International Humanitarian Law has been drafting a reform bill of federal criminal legislation that proposes classifying war crimes at the national level, including the recruitment or enlistment in the Armed Forces or in armed groups of one or more persons under 18, or their use to participate in hostilities. The Commission is in the process of meeting the requirements laid down in the guidelines for drafting, reviewing and monitoring draft bills and decrees of the Federal Executive so that the bill can be sent to the Legal Services Department of the Federal Executive prior to its submission to Congress.

299. Through the Commission, the Government is disseminating the Optional Protocol to the general public as part of the annual nationwide course on international humanitarian law, referred to in previous sections of this report.

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armed conflict from banditry, unorganized and short-lived insurrections, or terrorist activities, which are not subject to international humanitarian law.”)

(b) **Control over part of the territory.** By “control” is meant “dominance” over part of the territory, although this cannot be quantified. The control must be such as to enable sustained and concerted military operations.

(c) **The sustained and concerted nature of military operations that can be carried out.** The operations that can be carried out must not be sporadic or possible, but rather planned or prepared by organized armed groups which can then function in a concerted manner. (Neither the duration nor the intensity is taken into account.)

(d) **The ability to implement the Protocol.** This criterion implies that the insurgents are in a position to implement the Protocol, since they possess the minimum infrastructure required, for example, to care for the wounded and sick or to detain prisoners and treat them properly.

ICRC has added another criterion in its commentary on Protocol II, concerning the **motivations behind the insurgency**. By way of example it notes that in non-international armed conflicts, “insurgents fighting against the established order seek to overthrow the Government in power or to bring about a secession so as to set up a new State”, and that “insurgents (usually part of the population) fight against the Government in power acting in the exercise of the public authority vested in it”.

In these circumstances, and with respect to organized criminal groups against which the Mexican Government takes action, such groups can in no way be considered to fulfil the conditions of the above-mentioned criteria for constituting armed groups under international humanitarian law or, consequently, under the Convention.

In addition to the fact that such groups clearly fall within the definition of criminal groups or organized crime groups contained in the United Nations Convention against Transnational Organized Crime (Palermo Convention) and in Mexican law, the leaders of such groups, and their internal organization, cannot be considered as a responsible command in the sense described above, nor can they be said to exercise such control over part of the territory as to enable sustained and concerted military operations. In any event, their violent acts are focused and have more to do with settling accounts between organized criminal groups, or with resistance to federal government actions to combat the phenomenon.

The Mexican Government in no way considers that there are armed groups in its territory, for the purposes of the Convention or of international humanitarian law in general.

300. In the same vein, military service is a civic duty to be discharged by all Mexicans by birth or naturalization, in keeping with articles 5, paragraph 4, and 31, section II, of the Constitution. To that end, they must register with the municipal or Federal District draft boards. Mexicans by birth, Mexicans by naturalization, and Mexicans by birth who have acquired another nationality must be at least 18 but no older than 40 when they register with the draft boards.

301. In accordance with article 31, section II, of the Constitution, with respect to article 25 of the Military Service Act, the only Mexican citizens authorized to perform their compulsory military service in advance are those who wish to leave the country during the time when, under army regulations, they would ordinarily be required to receive civic and military instruction, as well as those who must do so because of their studies, as long as they are older than 16 at the time they request early enlistment. In these cases, minors aged 16-18 who make the request must, under article 44 of the Military Service Act, have the prior authorization of the person who has parental authority.

302. The military education system is voluntary and is intended primarily to train future professional military personnel of the Armed Forces who can be useful to the country by ensuring it has an army and air force that are professional, well-trained, and able to carry out their constitutional missions efficiently and to participate in national development. The system is headed and run by the Directorate-General for Military Education and the Office of the Rector of the University of the Mexican Army and Air Force, which establish academies, schools, study centres and various courses on implementation, training and development. Its administrative and academic structure is aimed at meeting the needs of the Army and Air Force for higher-level knowledge of the humanities and of the military, scientific and technical fields; training; refresher courses; implementation; and development.

303. In no case are minors who are enrolled in military education establishments allowed to participate in hostilities. In that regard, article 17 of the Rules for the Recruitment of Personnel for the Mexican Army and Air Force provides that applicants to the Mexican Army and Air Force must be at least 18.

304. Pursuant to the Committee's recommendations on increasing the human rights training of members of the Armed forces, the Ministry of Defence, since the creation in 2008 of the Directorate-General for Human Rights and as part of the Programme for the Promotion and Strengthening of Human Rights and International Humanitarian Law, has been holding conferences and talks on the following topics: how to prevent children from becoming the victims of prostitution, pornography and sexual exploitation, and the rights of women, children and vulnerable groups. The Optional Protocol to the Convention on the involvement of children in armed conflict was added to the programme's topics in 2011.

305. The military education system offers courses on human rights to teach the students how to act in strict conformity with the principle of legality. It also holds lectures on such human rights topics as human rights and the Armed Forces, the basic principles of using force and firearms for law enforcement officers, gender equity, international humanitarian law and peacekeeping operations.

306. The Ministry of Defence training on international humanitarian law, which covers subjects related to the Optional Protocol to the Convention on children's involvement in armed conflict, was imparted to 243,084 members of the Mexican Army and Air Force between 2008 and 2011.

307. The Ministry of Naval Affairs, in turn, has been offering daily academies (talks) on human rights to naval command staff over the past six years, and has trained 142,915 persons to date. Activities have been coordinated with the Ministry of Defence and the International Committee for the Red Cross (ICRC), which have engaged in various

activities focused on human rights and international humanitarian law that are regularly attended by naval staff.

### **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

#### **(i) Economic exploitation, including child labour (art. 32), with specific reference to applicable minimum ages**

308. The Constitution protects the human rights of children by declaring, in article 4, paragraph 6, that: “Children have the right to satisfy their basic nutritional, health, educational and recreational needs for their comprehensive development. Parents, guardians and custodians have the duty to protect these rights. The State shall provide whatever is required to preserve the dignity of children and ensure the full exercise of their rights. In accordance with that precept, the Constitution explicitly prohibits child labour: “The employment of minors aged under 14 years is prohibited. Persons aged over 14 and under 16 shall have a maximum working day of six hours.”

309. With respect to child labour in agriculture, labour migration is considered to involve not just workers but entire families, including children and the children of day labourers who may at times be involved in agricultural work. The precariousness of migrant worker families and the demanding nature of the farming season can lead in some situations to a vicious circle for the use of child labour.

310. The Government is committed to this issue, and the National Development Plan for 2007–2012 accordingly calls for the following: “To foster equity and labour inclusion and to enhance social security by creating conditions for decent, well-remunerated work with training, security and health”. It emphasizes giving “priority attention to vulnerable groups through focused policies, particularly with regard to the seasonal work of migrant groups in the fields”. It further establishes that “equality of opportunities must contribute to the advancement and development of the standard of living of the most vulnerable persons and groups. These opportunities must include access to health, education and labour services in accordance with their needs. The situation of these groups requires comprehensive actions that will enable them to lead a decent life with better possibilities for well-being”.

311. The Ministry of Labour and Social Security is implementing a policy for the prevention of child labour and protection of minors of employable age. The policy has four main components: (1) to produce periodic statistical data; (2) to develop mechanisms for inter-agency coordination; (3) to prevent and eliminate child labour in agriculture; and (4) to promote labour rights and strengthen the legal framework.

312. One of the more noteworthy activities implemented under the first component is the child labour module, annexed to the National Occupational and Employment Survey, which has been conducted biannually since 2007.

313. With respect to the second component, the public, social and private sectors collaborate on coordinated actions for combating child labour and protecting minors of employable age through the signature of state and intersectoral citizens’ charters, using the achievements of the 2007 and 2009 child labour modules as the basis for more efficient action.

314. The intersectoral charters that have been signed in the states for the prevention and elimination of child labour, and for the protection of minors of employable age, include the following:



- Implementing intervention strategies in the economic sectors with the highest incidence of the employment of children and adolescents aged 5–17;
- Encouraging, among other measures, the development of conditional cash transfer programmes to improve children and adolescents' access to, retention in and reintegration into the education system;
- Harmonizing state laws with the obligations undertaken by the ratification of the ILO Convention concerning the elimination of the worst forms of child labour (No. 182);
- Drawing up lists of hazardous work by sector and identify where the worst forms of child labour are practised, so as to deal urgently with the problem and, among other measures, to rescue and rehabilitate children and adolescents in such situations;
- Promoting the adoption of specific clauses in collective labour contracts and/or general working conditions or similar conditions in order to prevent the recruitment of children under 14 and to ensure compliance with legislation on the employment of children aged 14–17;
- Implementing programmes for reintegration into the family, school and society of those children and adolescents who have been removed from child labour and its worst forms.

315. Under the third component, in 2010 the Ministry of Labour and Social Security introduced the “agricultural enterprises free of child labour” award to recognize enterprises that have adopted a policy for childcare and protection. The award programme works for the comprehensive development of the children of day labourers, rejecting the use of child labour and promoting the protection of child workers. In 2010, the programme was promoted and disseminated to more than 60 of the country's agricultural enterprises, and the award was given to 21 enterprises in Baja California (3), Jalisco (1), Sinaloa (14) and Sonora (3). In 2011, it was given to 17 enterprises in Baja California (5), Jalisco (1), Nayarit (2), Sinaloa (8) and Yucatán (1).

316. Related efforts are undertaken by the Federal Labour Inspectorate, under article 173 of the Federal Labour Act, which is responsible for monitoring and protecting child workers. Accordingly, in the course of inspection visits to all workplaces under federal jurisdiction, the Inspectorate checks for the presence of child workers. The 217,851 inspections conducted between December 2006 and January 2012 identified 4,323 such children.

317. In order to strengthen this monitoring, and to be in a position to care for vulnerable groups, including child agricultural labourers, the national expenditures budget for fiscal year 2012 authorized the creation of 400 federal labour inspector posts, which, in addition to the 376 existing posts in the Federal Labour Inspectorate, makes a total of 776 posts.

318. With a view to fulfilling the commitments under ILO Convention No. 182, the Ministry of Labour and Social Security established a tripartite expert group comprising the Ministry of Labour and Social Security, IMSS, the Ministry of Health, the Mexican Workers Confederation, the National Chamber of Sugar and Alcohol Industries, Save the Children Mexico, SNDIF and ILO in order to draw up a list of hazardous and unhealthy jobs involving child workers. The list has been referred to the Subcommittee on the Prevention of Workplace Risks for submission to the National Advisory Commission on Labour Safety and Hygiene and for inclusion in the Federal Safety, Hygiene and Working Environment Regulations.

**(ii) Child labour involving children from deprived urban areas**

319. In order to protect the rights of children and child labour, the Ministry of Labour and Social Security conducted an analysis of the 332 reform initiatives of the Federal Labour Act which have been submitted to Congress over the past 12 years and which propose classifying the employment of minors under 14 as a crime. Thus, whenever the Labour Inspectorate discovers that a minor is working outside the family circle, it orders that the work should cease immediately. The employer responsible is punished by one to four years in prison and fined between 250 and 5,000 minimum wages (between 13,700 and 274,000 Mexican pesos).<sup>57</sup> In addition, the National Agreement for Public Security, Justice and Legality commits the Ministry and the productive sectors to combating the worst forms of child exploitation and labour and to encouraging their being reported.

320. In addition to the Ministry's efforts to prevent child labour and protect child workers, SNDIF, aware that children who engage in economic activities in the country's big cities and marginalized areas are one of the most vulnerable groups, and one of the groups most at risk of labour and sexual exploitation, promotes the prevention, care, discouragement and elimination of child labour involving children from deprived urban areas<sup>58</sup> through:

- Community intervention, based on the informal education model for child workers, which makes it possible to identify the strengths of the community and of the family as key factors in social reintegration through the development of minimal skills for a productive life;
- Education and training grants, which contribute to academic development and training for children and adolescents who work in the informal sector;
- Basic social welfare package, consisting of public and private social assistance activities (health, education, food, legal advice and psychological counselling, vocational training, productive projects, recreation and culture);
- Diagnostic study of child labour involving children from deprived urban areas, to create an understanding of this phenomenon and to provide follow-up and assessment of the impacts and actions of policies and programmes under way to address it.

321. Greater institutional priority must be given to combating child labour, which means that efforts must continue to prevent children from working.

322. With respect to the prevention, care, discouragement and elimination of child labour involving children from deprived urban areas, between 2006 and 2011 efforts were undertaken in the 31 states, particularly in 688 municipalities, and 491,465 child workers were cared for, along with 735,333 children at risk of working and 661,648 families.

**(iii) Sexual exploitation and sexual abuse (art. 34)**

323. The SNDIF Programme for the Protection and Full Development of Children, and particularly with regard to the prevention of and response to the sexual exploitation of children, takes systematic action aligned with the National Plan of Action to Prevent, Address and Eliminate the Commercial Sexual Exploitation of Children. The plan's objectives are as follows: (1) to coordinate actions of government bodies and civil society

<sup>57</sup> About US\$ 1,003.66 to US\$ 18,095.23.

<sup>58</sup> Child labour involving children from deprived urban areas is defined as the labour of children and adolescents in the formal or informal sector in open and closed public spaces, such as streets, crossroads, squares, markets, cemeteries, garbage dumps and shopping centre packing areas, which the children engage in for their own livelihood or that of their family. Such labour is obviously undertaken without any of the legal or social protection provided by the states' labour laws.

organizations to care for child victims of sexual exploitation; (2) to promote the design, dissemination and implementation of tools to prevent child sexual exploitation; (3) to encourage the necessary judicial and legal protection, as well as the defence and realization of the rights of children and adolescents; and (4) to encourage the study, investigation and diagnosis of the problem.

324. Two strategies are being executed to implement the National Plan of Action:

1. *National Commission for the Prevention, Monitoring and Elimination of the Sexual Exploitation of Children*

This Commission was set up on 23 October 2001 and involves 32 public, private and academic institutions, civil society organizations and international bodies, coordinated by SNDIF. It is an implementing mechanism of the National Plan of Action and works through five subcommissions: coordination, prevention, monitoring, legal protection and defence of the rights of the child, and research.

In 2010, the Commission began rolling out a dynamic process for the continuing preparation and updating of a national agenda for children and adolescents with respect to sexual exploitation in fulfilment of the commitments undertaken by Mexico at the three World Congresses against Sexual Exploitation of Children and Adolescents, the recommendations of the Committee on the Rights of the Child, the report of the independent expert for the study on violence against children, the universal periodic review of the Human Rights Council and the provisions of ILO Convention No. 182 that have been ratified by Mexico. The process also involves compiling the conclusions of the 2009 regional Round Tables on the rights of children and adolescents.

As part of the reorientation of the National Plan of Action, the subcommissions are engaged in the following activities:

- **Subcommission on Monitoring.** Development of the National System against Human Trafficking and preparation of a glossary on the sexual exploitation of children;
- **Subcommission on Research.** Identification of municipalities of origin, transit and destination of the sexual exploitation of children and preparation of standardized diagnostic criteria;
- **Subcommission on Legal Protection and Defence of the Rights of the Child.** An analysis of federal and state legislation in force on the sexual exploitation of children and human trafficking, in order to identify those laws and bodies where reforms are *needed*.

2. *Implementation of Plans of Action for the prevention, monitoring and elimination of the sexual exploitation of children in the states*

SNDIF promotes, through the SEDIFs, the design and implementation of local plans of action that are aligned with the National Plan of Action for the coordination, prevention, monitoring, legal protection and defence of the rights of the child. These actions are executed by local committees or commissions.

325. It should be noted that SNDIF has a regulatory role, and thus does not provide direct support to victims or to persons at risk of sexual exploitation. The SEDIFs are also regulatory bodies, and in some respects operational and autonomous. They come under the executive level of each state and are thus not required to report or provide information about activities they carry out with state funds.

326. In this context, in order to promote the prevention and monitoring of specific problems, including sexual exploitation of children, SNDIF enters into yearly cooperation agreements with the SEDIFs, 22 of which are involved in addressing the sexual exploitation of children. This mechanism has led to actions in 256 cities in those states considered to be most exposed to the problem.<sup>59</sup>

327. Preventive actions have included forums, meetings, workshops, talks and games using teaching materials intended for children and adolescents from pre-school to 18 years of age. These activities deal with the risks linked to sexual exploitation, information on the different forms of sexual exploitation of children (such as prostitution and pornography), the identification of risky situations (including forms of trickery, both in person and on the Internet) and self-protection, among others. The activities target communities at high risk.

328. Examples of the educational and information materials used to help children and adolescents avoid sexual exploitation include the marathon for the prevention of sexual exploitation of children, designed by the Colima SEDIF, which has already been replicated by other SEDIFs; the rally for the prevention of sexual exploitation of children, organized by the Baja California Sur SEDIF in coordination with the Ministry of Public Security, and which is also being organized by other SEDIFs and schools as part of the “Blue Heart” campaign; the puppet theatre performances of the Chihuahua SEDIF; and the theatrical productions staged by the Coahuila, Oaxaca and Tlaxcala SEDIFs.

329. In order to bring together all the actors involved in preventing the problem, congresses, forums, workshops and classes have been held for parents, teachers, public officials, private officials and civil society officials involved with the protection of children, as well as service providers.<sup>60</sup>

330. Campaigns like “Voices without borders”, in the state of Quintana Roo, represent the joint efforts of Government, civil society and international organizations. The purpose of the campaign is to promote and disseminate a culture of respect for the status and dignity of children and adolescents, eliminating all forms of ill-treatment and sexual abuse, and to foster equality of opportunities by providing them with protection and encouraging them to exercise their rights as a daily practice within the family. It is based, among other things, on the agreements adopted in Panama on the Code of Conduct for the Travel and Tourism Industry.

331. Monitoring networks have also been created in which public bodies and civil society organizations cooperate on caring for children and adolescents who have been the victims of, or are at risk of, sexual exploitation. For example, the Baja California SEDIF runs the monitoring network for children and adolescents at high risk of, or victims of, sexual exploitation, composed of civil society organizations and government departments (state and municipal). Its mission is to provide care for children and adolescents at high risk as well as for victims.

332. Pursuant to the Committee’s recommendation on the need for preventive and awareness-raising measures to combat child sex tourism, as well as on investigating, prosecuting and punishing all cases, the Ministry of Tourism is raising awareness in states where the phenomenon is prone to exist and to expand. One example is the Programme for the Prevention of Human Trafficking and the Commercial Sexual Exploitation of Children and Adolescents in the travel and tourism industry. It is aimed at tourism service providers

<sup>59</sup> Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chipas, Chihuahua; Estado de México, Guerrero, Jalisco, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz and Yucatán.

<sup>60</sup> See table 15 in the statistical annex on the number of training courses on the prevention and monitoring of the sexual exploitation of children.

and their families and seeks to sensitize and train facilitators on the characteristics of human trafficking, and the sexual exploitation of children in particular, as well as on how to prevent the crime. The objective is to create a national network of trainers and promoters on prevention in the main tourist destinations in Mexico.

333. Using the budget assigned by the Equity and Gender Committee of the Chamber of Deputies, the Ministry of Tourism conducted the following activities in 2010:

- Awareness-raising forums on human trafficking and the commercial sexual exploitation of children and adolescents, targeting tourism service providers. Some 1,971 service providers (1,221 men and 750 women) participated. There were also 572 participants in the facilitator training seminars (359 men and 213 women);
- Assessment of the enabling factors of human trafficking in four Mexican tourist destinations; implementation of preventive mechanisms in the academic, business, labour and institutional sectors; and identification of the legal and social aspects of preventing commercial sexual exploitation of children and its impact on the tourism industry. This involves analysing the situation in four tourist destinations (Acapulco, Guerrero; Cancún and Riviera Maya, Quintana Roo; and Puerto Vallarta, Jalisco);
- Design and printing of material on the prevention of commercial sexual exploitation of children and adolescents in Mexico, with the support of Ediac México.<sup>61</sup>

334. The second stage of the Comprehensive Awareness-Raising and Training Programme on the Prevention of Human Trafficking in the travel and tourism industry, along with the development of the National Code of Conduct for the Protection of Children and Adolescents, aimed at tourism service providers, was initiated in 2011. The publication of the code of conduct<sup>62</sup> is intended to comply with the Committee's recommendation on guaranteeing the protection of children and adolescents against sex tourism. The agreement was signed by chambers and associations of travel agencies, hotels and motels, the restaurant industry, passenger and tourist transportation companies, the Executive Women's Association of the Mexican Tourism Industry, exhibition wholesalers, Convivencia Femenina, the Revolutionary Confederation of Workers and Peasants and the office of the special prosecutor for violent crimes against women and human trafficking. The code of conduct was signed by 164 industry leaders that same year.

**(iv) Sale, trafficking and abduction (art. 35)**

335. With regard to the Committee's recommendation on conducting a study to assess the causes and extent of sexual exploitation, trafficking and abduction, in 2010 the National Commission for the Prevention and Eradication of Violence against Women conducted a study on "enhancing the status of indigenous women in the Chiapas highlands: men and women building equitable gender relations and human rights from their own world view". It encompassed ethnographic research into the cultural patterns of femininity and masculinity in indigenous communities and a description of customs and practices, such as bride price, which have been used by outside agents to facilitate trafficking in girls and women.

336. The study was conducted by the Coalition against Trafficking in Women and Girls in Latin America and the Caribbean, a specialized organization that is a leader on the issue.

<sup>61</sup> Espacios de Desarrollo Integral (EDIAC) is a non-profit association founded in 1993, comprising a team of professionals from various disciplines and fields who are committed to contributing to the understanding and prevention of commercial sexual exploitation of children and adolescents.

<sup>62</sup> The National Agreement for the implementation of the National Code of Conduct for the Protection of Children and Adolescents in the travel and tourism industry was signed on 22 August 2011, with funding from Fundación INFANTIA.

In addition to the qualitative information, the research involved drafting a community intervention model to enhance the status of girls and women in communities based on the recognition and promotion of respect for their human rights.

337. Also in 2010, the Commission conducted an analytical study on the prevention and punishment of the crime of human trafficking as a form of violence against women and girls in Mexico. Its objective and final outcome was the drafting of an analytical study that systematized the current domestic legal framework on human trafficking and compared it to the international instruments signed by Mexico, particularly the Palermo Protocol, in order to determine the level of compliance with the standards of research, punishment and suppression of this crime, which principally affects minors and women.

338. With respect to the follow-up given by the Commission to requests from women and girls facing violence, during the period from October 2010 to July 2011 care and counselling services were provided to 47 women and girls facing violence: 2 cases of human trafficking; 4 cases of femicide; 3 cases of sexual crimes; 2 cases of violence in courtship; and 25 cases of domestic violence, among others. Of the 43 cases, 4 involved children, who were referred to the competent institutions for legal advice, protection measures, medical care and psychological assistance.

339. In addition, in order to increase the number of care centres for women and girls facing violence, the Commission funds and promotes the creation of Women's Justice Centres in the states, pooling the efforts of government and civil society bodies that offer medical, psychological and legal services in a coordinated, integrated manner from a gender perspective.

340. The Office of the Attorney-General, in turn, developed the intervention protocol for monitoring possible cases of human trafficking and caring for the victims, which is intended to facilitate, in accordance with the powers and scope of competence of the Office, coordinated actions among its departments to guarantee the security and protection of victims of trafficking; to avoid their being revictimized; to facilitate their access both to a platform of services for their physical and emotional recovery and to justice; and to ensure respect for the human rights enshrined in Mexican law and the international instruments ratified by the country.

341. The Office also has a national directory of care centres for victims of violence against women and human trafficking, through which it can identify the institutions offering services to the victims of human trafficking and gender violence in the various states; some 2,114 Government and civil society bodies are listed.<sup>63</sup>

342. In addition, the Office is rolling out mechanisms for alerting the indigenous population to the crime of human trafficking in order to prevent the crime and encourage reports of its occurrence by disseminating materials that express various indigenous world views to high-impact media. In 2009 and 2010, scripts for seven TV spots and two radio announcements were produced on the ways in which people can be exploited and fall into the hands of traffickers, as well as on the importance of reporting human trafficking. The mechanisms were designed in conjunction with indigenous women community leaders, who provided data and ideas on the best language, format and media for dissemination among the indigenous population. The spots were co-produced with CDI. In January 2011, the CDI-run Indigenous Cultural Radio Network began broadcasting them to a potential public of almost 6 million indigenous persons in 1,695 municipalities in 15 states.

343. The Office also has a comprehensive care model for victims of human trafficking and extreme violence, which provides comprehensive (medical and psychological)

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<sup>63</sup> The directory may be consulted at [http://www.pgr.gob.mx/servicios/DINCEAVIT/fevimtra\\_intro.asp](http://www.pgr.gob.mx/servicios/DINCEAVIT/fevimtra_intro.asp).

assistance, monitoring and advice in accordance with the victim's specific problem, within the framework of his or her rights and of the legal and social protection required by the particular case. The model encourages the re-establishment of family ties during the process of reintegration and recovery, and also monitors victims after they have left the care centres so as to reduce the risk of revictimization. Its activities are carried out in the legal, psychological, medical, social work, anthropology and childcare fields. The centres have a programme of training and recreational activities that encourage and enhance the empowerment of each victim throughout their stay. Using techniques drawn from cultural anthropology, personalized strategies are developed for users to enable them to continue their lifestyle once they have left the centre.

344. The Office has also developed working relations with such bodies as IOM. Through the Office's human trafficking and gender programme, these bodies have contributed to the assisted return of victims to their countries of origin and to the beneficiaries' reunification with their children. The Office also works closely with INM on issuing humanitarian visas and with the embassies of Honduras and Guatemala on processing passports and other papers needed by victims during their stay in Mexico and for their return to their country of origin.

345. The Office of the Attorney-General, through the office of the special prosecutor for violent crimes against women and human trafficking, has furthermore implemented the safe reporting strategy on violence against women and human trafficking. This is an innovative proposal on working with and improving the quality of access to justice, based on intra- and inter-agency collaboration and cooperation. The strategy has strengthened the formal ties between civil society organizations and federal, state and municipal government agencies, ensuring a reply within the special prosecutor's sphere of competence, in order to seek new solutions to the challenges that constantly arise from the prosecution of these crimes.

346. From May 2010 to December 2011, the Office of the Attorney-General carried out more than 120 promotional activities to publicize the strategy in the following federal entities: Aguascalientes, Baja California, Baja California Sur, Sinaloa, Nayarit, Jalisco, Tabasco, Veracruz, Hidalgo, Tlaxcala, Puebla, Morelos, Campeche, Chiapas, Oaxaca, Federal District, Querétaro, Michoacán, Guanajuato, Yucatán and Zacatecas. The strategy was presented at forums in Las Cruces, New Mexico, and San Diego, California, and was also made available to women's state and municipal institutes and the SNDIF Offices for Minors and the Family in the 31 states and the Federal District.

347. These actions have helped strengthen the network for collaboration with 45 civil society organizations. Between 2010 and 2011, a total of 118 cases were processed.

348. Another strategy contributing to the prevention of trafficking in children and adolescents has been coordinated by the Ministry of Public Security since 2009 through the "Community Dialogue" human trafficking prevention programme, under the UNODC Blue Heart campaign. The campaign's mission is to provide playful teaching tools to public servants, representatives of social organizations and basic education teachers, who serve as multipliers to prevent children and adolescents from being tricked into human trafficking. In order to ensure that the campaign has a real impact nationwide, the state governments were invited to join this effort and replicate similar activities. To date, Baja California, Baja California Sur, México, Guerrero, Morelos, Puebla, San Luis Potosí and Chiapas have announced their participation in the campaign, while others have expressed an interest in doing so later.

349. The campaign involves the design of educational and information materials to serve as tools for children and adolescents in preventing sexual exploitation. Of particular note is the Blue Heart rally against human trafficking, which seeks to inform vulnerable people of this crime and the persuasive recruitment strategies used and thereby foster a culture of

legality. The rally was first run by the Baja California Sur SEDIF in conjunction with the Ministry of Public Security, and is now being run by other SEDIFs and schools as part of the Blue Heart campaign.

350. Another task of the Ministry of Public Security is the distribution to its public servants, primarily those engaged in operational functions, of materials that serve as tools for better protecting the rights of minors with whom they come into contact. These materials include the handbook on the prevention and care of violence against children, the harmonization of gender-related legislation on fundamental rights, prevention and detection of torture, community promoters against gender violence, an information pamphlet on the human rights of women and alternative methods for the peaceful settlement of disputes.

351. In addition, on 6 January 2011 the National Programme for the Prevention and Punishment of Human Trafficking for 2010–2012 was published in the Official Gazette. It was prepared under the coordination of the office of the special prosecutor for violent crimes against women and human trafficking and the Unit for the Promotion and Defence of Human Rights of the Ministry of the Interior, by a group of 25 institutions dealing with human trafficking. This composition gives the group the interdisciplinary and inter-agency vision needed to combat the crime. The programme envisages 56 actions to be carried out by the federal Government and implemented in the 31 states and the Federal District. Its specific objectives are to understand the current situation of human trafficking in Mexico, its causes and consequences, as well as to prevent the crime, by changing the cultural patterns of tolerance of human trafficking, helping to improve the administration of justice and providing comprehensive, high-quality care to victims and members of their families, while also creating mechanisms for coordination between the public, social and private sectors.

352. The principal actions include the implementation of dissemination strategies to warn the members of vulnerable groups about this crime. The strategies take into account the specific needs of each group; regional, sectoral, cultural and other differences; and the different forms of trickery that are involved. There are strategies to discourage engaging in human trafficking and others that target businesspeople and businesses on how they might unwittingly be participating in human trafficking and on the need for a code of conduct. Finally, there are strategies to encourage the media to refuse advertisements that incite trafficking.

353. Yet another activity of the national programme is the preparation of a national survey on the crime of human trafficking and a study of the criminal profile, for which the Ministry of the Interior signed an agreement with UNODC. The survey's objectives are as follows: (1) to reflect comprehensively on related aspects of this crime in both the federal and state sphere; (2) to compile information on the legislative scenario for human trafficking in each state, including the competences of government bodies at the federal, state and municipal level; (3) to identify the routes, the role of transnational organized crime and the profile of those committing the crime; (4) to identify the possible causes of human trafficking in Mexico, with an emphasis on the most vulnerable populations; (5) to analyse the gender policies resulting from current Mexican legislation and from the country's international obligations and their implementation in public policies to prevent and combat human trafficking, as well as to provide assistance to its victims; (6) to penetrate the human trafficking market in Mexico and identify trends in the demand for products and services associated with this crime; (7) to assess the implications of international human trafficking on Mexican territory; (8) to generate the necessary information for the subsequent drafting of an earth map on the crime of human trafficking in Mexico; (9) to fulfil one of the commitments undertaken in the Global Plan of Action to Combat Trafficking in Persons; and (10) to identify the strengths, opportunities, weaknesses, threats and needs of the various competent bodies in order to identify what



actions are needed to formulate and implement the public policies and actions called for in the National Programme for the Prevention and Punishment of Human Trafficking for 2010–2012.

(v) **Other forms of exploitation (art. 36)**

354. In order to sensitize the population to violence against women, which is often associated with child pornography, and to encourage reporting, the following actions were conducted between 2008 and 2010:

In 2008, 60,000 posters were distributed to sensitize the population to violence against women and to support the search for and location of missing women.

In 2009 and 2010, print materials were distributed on violence against women, which is often associated with child pornography, human trafficking, sale and exploitation in prostitution and the forced labour of girls. Some of the materials were sent for distribution to municipal governments in international tourist areas, border zones and areas with heavy migrant flows; to Mexican Government missions abroad, in coordination with the Ministry of Foreign Affairs; to the state mechanisms for the promotion of women; to some of the SEDIFs; to the Ministries of Education and Health and the Offices of the State Attorneys-General; to such civil society organizations as Dimensión Pastoral de la Movilidad Humana, Servicios a la Juventud, Red de Mujeres Justicia y Paz, Infancia Común, Fundación Diarq, Centro Lindavista, Organización Misión para la Superación de la Mujer and Origen Fundación Pro Ayuda a Mujer; and to such institutions as the Catholic Church, through the dioceses and archdioceses, among others.

**D. Children in street situations**

355. Pursuant to the Committee's recommendation on the assistance which the State party should provide to street children, including health care, SNDIF executes the strategy for the prevention and support of street children, which operates in the country's largest metropolitan areas. Its frame of reference is the comprehensive protection of children and the best interests of the child. To date, the strategy is operating in eight federal entities: Baja California, Chihuahua, Nuevo León, Jalisco, Puebla, Federal District, Guanajuato and México. The strategy fosters ties and coordination between the public and private sectors on the prevention and support of street children through specialized technical assistance, research and the development of intervention models, giving equal priority to sensitization and dissemination to the media and to training the staff of relevant SEDIFs, SMDIFs and civil society organizations.

356. The strategy focuses on vulnerable children and adolescents who are living in circumstances that endanger their physical and/or mental health; who live on the streets; or whose physical, psychological and social well-being is at risk, even if they live with their families, due to different types of exclusion, violence and unequal access to opportunities for development.

357. The strategy provides the following services: the funding of research on the specific characteristics and needs of street children and their families; the funding of special support projects, food allowances and scholarships, with a view to developing responsible and meaningful learning skills, strengthening emotional health, restoring family ties and reducing the likelihood of their returning to the streets, recidivism and drug abuse; and the funding of projects to strengthen vocational training institutions for staff who coordinate

and implement intervention projects for children and adolescents living in vulnerable situations and in situations of violence associated with life on the streets.

358. From 2006 to 2010, 65 SMDIFs and 64 civil society organizations involved with street children and their families participated on average each year.<sup>64</sup>

## **E. Children in conflict with the law, victims and witnesses**

**Training activities for all professionals of the juvenile justice system, including judges and magistrates, prosecutors, lawyers, law enforcement officers, immigration officers and social workers, on the Convention, its Optional Protocols where appropriate, and other relevant international instruments pertaining to juvenile justice, as well as on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annex to Economic and Social Council resolution 2005/20 of 22 July 2005)**

359. The Supreme Court of Justice issued the Procedural Protocol for Justice Administrators in Cases concerning Children and Adolescents as a tool for the national judicial authorities in February 2012. The Protocol lists and explains general principles and practices to be applied to all children and adolescents subject to the juvenile justice process, so as to ensure that their human rights are respected, regardless of whether they are victims, witnesses or suspects.

### **Organized crime**

360. The Inter-Agency Round Table on Assistance for Children and Adolescents Involved in Organized Crime was established as part of government strategies for dealing with people affected by organized crime. Its overall objective is to establish and strengthen the inter-agency coordination needed to safeguard physical and psychological integrity as well as to protect the human rights of children and adolescents who are victims of violent crimes linked to organized crime.

361. The Round Table's technical group is working on a protocol for a system for the comprehensive protection of children and adolescents who are victims of or witnesses to organized crime. The protocol involves the following stages.

- (1) **First contact:** This refers to the protection offered during a law-enforcement operation. The main objective is to provide care and protection to children and adolescents who are present at the scene of a crime, with strict respect for their best interests.
- (2) **Contact during the justice process:** This refers to care and support of children and adolescents who must make a statement at criminal proceedings, in order to ensure that the statement is made without fear, regardless of whether it is made by a victim, witness or accused. The authorities taking part in the proceedings must comply with the procedures and guidelines of the technical group, avoiding the revictimization of children and adolescents, assessing and taking account of their age and degree of development at all times. The necessary steps for locating members of their families are also taken.
- (3) **Monitoring and coordination of the restitution of rights:** This involves the provision of legal and physical security as well as psychological assistance to children and adolescents. It also entails drafting a plan for the restitution of rights

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<sup>64</sup> See table 13 in the statistical annex for the budget of the 2006-2011 preventive support strategy for street children.

through inter-agency coordination, beginning with a diagnostic study to identify the specific needs to be addressed and the resources available.

362. The Inter-Agency Round Table began its work on 18 February 2011, with the participation of various federal departments, civil society organizations and international bodies.<sup>65</sup>

363. The protocol for the first-contact protection of the human rights of children and adolescents involved in organized crime scenes has now been finalized, as has the training course-workshop for law enforcement officers (Ministry of Defence, Ministry of Naval Affairs, Ministry of Public Security and Office of the Attorney-General). The course teaches them how to provide assistance and special protection during a violent operation or act, with strict respect for the protection of the human rights of the child.

364. From May to June 2011, the first training stage for control groups and law enforcement instructors was conducted to evaluate the contents and methodology of pilot training. After making the appropriate adjustments, the second stage was completed, primarily for instructors who will replicate the training in their own units.

365. Similarly, as part of the victim protection measures, the Office of the Attorney-General, through the Federal Prosecution Service in charge of investigations, promulgates the appropriate measures to protect the rights of victims or potential victims in accordance with domestic and international legal instruments.<sup>66</sup> The Office provides mobile services for comprehensive care as part of the comprehensive care services strategy. The services can send care teams to the places they are needed at the express and specific request of the persons concerned, or at the request of a body, group or institution where cases of violence have presented themselves.

## **F. Children belonging to a minority or an indigenous group (art. 30)**

366. The activities of the Indigenous School Shelters Programme are in keeping with the postulates of the Convention, since lags in education, food and health are the programme's main concern. The programme provides indigenous children and young people with lodgings and food, as well as promoting health care, strengthening cultural identity and encouraging recreational and leisure activities. The benefits for the children in indigenous school shelters are of great importance to indigenous families who lack the means to support their children's education. The shelters are recognized by the communities, and can be considered to be a part of the communities' social capital.

<sup>65</sup> The National Scheme for the Comprehensive Development of the Family (SNDIF), the Ministry of Public Security, the Office of the Attorney-General of the Republic, the Ministry of Naval Affairs, the Ministry of Defence, the Ministry of the Interior, the Supreme Court of Justice, the National Human Rights Commission, the Human Rights Commission of the Federal District, UNICEF México, the SNDIF Citizens' Advisory Council, Save the Children, Infancia Común, Oficina de Defensoría de Derechos de la Infancia, REDIM, Ririki Intervención Social.

<sup>66</sup> Article 20 of the Constitution, Act on the Prevention and Punishment of Human Trafficking and its regulations, Federal Criminal Code, Federal Code of Criminal Procedure, Migration Act, Act on Refugees and Complementary Protection, American Convention on Human Rights, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, Convention on the Elimination of All Forms of Discrimination against Women, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), ILO Convention concerning the worst forms of child labour (No. 182), Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

367. The CDI Basic Infrastructure Support Programme for Indigenous Communities is aimed at reducing deficits in basic infrastructure (highways and secondary roads, electrification, drinking water and sanitation) for people living in locations with an indigenous population of 40 per cent or more; 50 to 15,000 inhabitants; and high or very high marginalization.

368. CDI has been implementing the Programme for Displaced Indigenous Persons since 15 June 2006. Its mission is to assist indigenous populations that are displaced violently or as the result of conflict in recovering some of their material losses and thus ease their reintegration into community and economic life, with full respect for their cultural diversity. During the period from June 2006 to December 2010, the programme helped 3,702 displaced indigenous families in the states of Chiapas, Guerrero, Hidalgo, Jalisco, Nayarit and Oaxaca, providing them with support to purchase arable land, urban sites, housing construction materials and input for their productive activities.

369. In 2011, in order to offer high-quality health care that is linguistically and culturally appropriate to people speaking indigenous languages, the standard of competence for the promotion of health care among people speaking indigenous languages was established. It is now under review by the National Council for the Standardization and Certification of Occupational Skills prior to publication in the Official Gazette. This will make it possible to train the trainers of indigenous-language interpreters specialized in the field of health, which will foster trust among indigenous users and contribute to their social inclusion.

370. The campaign on preventive measures for low temperatures has been translated into 10 dialects: Tepehuan, Maya, Mazahua (State of México), Náhuatl (the Huastecs of Hidalgo), Náhuatl (Puebla), Náhuatl (Tlaxcala), Purépecha, Tarahumara, Huastec and Mixtec. The campaign on the prevention of risks of floods, rain and cyclones was translated into eight dialects: Maya, Totonac (Puebla), Chontal (Tabasco), Tzotzil (Chiapas), Mixtec (Oaxaca), Náhuatl (Guerrero), Huichol (Nayarit) and Náhuatl (Veracruz). Finally, the preventive measures against influenza A (H1N1) were translated into 41 dialects.

371. The IMSS Opportunities Programme has a presence in a large number of indigenous localities, which means that its actions for this population are extensive. The programme has 7,693 health volunteers and 91,694 indigenous volunteers, who work on behalf of their own communities, counsel families in their own languages and provide education information on health.

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