

**GUARANTEE OF CHILDREN'S RIGHTS IN MEXICO.  
OVERVIEW AT THE MEXICAN STATE. EXECUTIVE VERSION.**

**ALTERNATIVE REPORT TO THE FOURTH AND FIFTH REPORT  
CONSOLIDATED ABOUT THE FULFILLMENT OF THE CONVENTION ABOUT  
THE CHILDREN'S RIGHTS IN MEXICO THAT ORGANIZATION AND  
ACADEMIC MEMBERS PRESENT FOR THE ALLIANCE OF CHILDREN'S  
RIGHTS IN MEXICO.**

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Cuarto y Quinto Informe Consolidado (2006-2013)

Presenta. Alianza por los Derechos de Niñas, Niños y Adolescentes en México. AlianzaMx.  
Y lo acompañan como adherentes 61 ONGs (Anexo 1)

Información de contacto. alianzannamx@gmail.com. Islote 71. Col. Las Águilas. Álvaro  
Obregón. México Distrito Federal 01710. Tel (52)-55-56353791. Nashieli Ramírez

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The Alianza por los Derechos de Niñas, Niños y Adolescentes en México (Alianza MX) is integrated by 23 civil society organizations, five collectives, and academics from four educative and research institutions. Who together form a space for the defence and advocacy for children's rights. This report is the product of collective work and includes children and indigenous population consultations, which pretend to give information for the analysis that the Children's Right Committee will made of the fourth and fifth Mexico's report. The Mexican government, should have had presented its report in April 2011, however it was sent fifteen months later. This delay has provoked that almost ten years have passed for our country to receive the feedback from the committee, in regard to the obligations derived from the Convention over children's rights. We are aware of the importance that time has in this life stage, a decade for a child means over half of that period. This is how from the origin we are concerned about this delay, which will have an impact over the life of millions of Mexican children that will not receive the benefit of these self-evaluation exercise, evaluation and feedback. We hope that what we present here will encourage the commitment to protect and guarantee the rights of 39 million Mexican children.

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## I. GENERAL MEASUREMENTS OF IMPLEMENTATION

A fragmented and predominant assistance vision still prevails. The minority vision, that places children as private right subjects and not as public right ones, rules.

A significant improvement is the reform to the first article (2011), that recognizes the constitutional hierarchy of the human rights contained in international treaties ratified by the Mexican government. In that same year it is incorporated to the fourth article the notion of *Superior Interés Superior de la Niñez* and the article 73 is reformed, which opens up the opportunity to count with a “Ley General para la Garantía de los Derechos de Niñas, Niños y Adolescentes”, with a compulsory character for the federal states. Since 2012 proposals have been generating, and it is expected that in short time we could count with this frame, that would lead to important advances in the harmonization and development of a system of guarantee and protection for the children’s rights. In addition, in 2013 the Cámara de Diputados created the Comisión Ordinaria de la Niñez, and its homologous is in process of creation in the Cámara de Senadores.

The committee’s recommendation regarding the taking of the necessary steps to ensure the strengthening of the Consejo Nacional de la Niñez y Adolescencia (*CRC/C/MEX/CO/3 Paragraph 9*), was not considered, due to the fact that this office is practically non-existent. The institution that continues looking after the infancy is the Sistema Nacional para el Desarrollo Integral de la Familia (SNDIF) that works focused on assistance to groups in situation of vulnerability. The Comités de Seguimiento y Vigilancia de la CDN have not been able to work in an active manner nor with funds; and the Procuradurías de la Defensa del Menor y de la Familia will only assist in family matters.

Additionally to the inexistence of a specific organism for the coordination of children related policies, a system of information that allows the gathering of data in matters of infancy and that facilitates the analysis and identification of groups with specific needs does not exist yet. Among others, migrated children and data relative to the recruiting in organized crime are absent. In this last aspect, the Mexican government mentions twice in its report the creation of the Sistema Único de Información Criminal (SRE, 2012, p. 20); however, it does not expressly respond to the worries of the committee over the deficiencies of the data gathering for the system.

Regarding the training and diffusion of information about the CDN (*CRC/C/MEX/CO3, paragraph 17*) in 2013, the Comisión Nacional de Derechos Humanos (CNDH) mentioned the urgency to “publish the human rights of children” to “eradicate the practices of violence presented from the family and the society and by many public servants”. The scarce information that one can obtain from these actions, policies and programs is more over the process (i.e., number of games or spots) and does not include information about the distribution among different social groups or the impact over the population.

In the year 2002 the Mexican government created the “Plan de Acción 2002-2010: Un México apropiado para la infancia y la adolescencia.” Nevertheless, even when the committee exhorted to present information about its application (CRC/C/MEX/CO/3, paragraph 12.), a report about the evaluation does not exist to this date nor was a plan designed for further action.

Another instrument that should have a strategy for infancy is the Plan Nacional de Desarrollo (PND). The PND 2007-2012 included an objective that looked to promote the sane and integral child development, however it did not visualize a specific attention strategy. Regarding the actual PND 2013-2018, besides that what is traditionally linked to well-being, the compromise of establishing a new institutional and design of a scheduled program for better infant policies stands out. It additionally incorporates actions to prevent violence, the early child development, the promotion of positive adolescent development and the prevention and eradication of child labor. In this sense, it is important to follow the actions through, which can translate these strategies and lines of action in local and national programs.

As of 2012 the Transverse Annex 24 “Recursos para las atenciones de niñas, niños y adolescents”, which identifies the total resources that are invested in this population, is included in the Presupuesto de Egresos de la Federación. In a study carried out by the Secretaría de Hacienda and UNICEF it is affirmed that during the period 2008-2011 the federal investment in children represented 5.85 percent of the GDP.

### **Recommendations of Public Policy.**

- The generation of a Ley General de Garantía de los Derechos de niñas, niños y adolescentes that incorporates what is established in the reform to the 1° and 4° constitutional articles.
- Creation of a National System, with a state’s reach and municipal guarantee and protection of children’s rights, that counts with autonomy, legal capacity and own and adequate budget to implement, orient, monitor and evaluate practices and public politics that affect childhood.
- Creation of Defenders of Children's Rights, independent of Attorneys of Defence of Children and Family.
- Target specific budget for the implementation and operation of vigilance and following committees of the CDN. It is essential for them to count with autonomy and an institutional frame that lets them monitor, evaluate and guarantee the participation of citizens, including children.
- Creation of a specific information system for children, with disaggregation according to their belonging to different social groups, age and gender. With special interest in the generation of a data base of migrant children, the participation in armed conflict and organized crime; and children without parental care.

- Reaffirm the recommendation *CRC/C/MEX/CO/3 paragraph 14*, concerning the creation of a tracking system about the compliance of recommendations, resolutions of national and international sentences in which children are involved.
- Re-take the efforts for the creation of a National Programme for Children.
- Addition the transversal annex about the resources for children attention in the Ley Federal de Presupuesto y Responsabilidad Hacendaria for it to be of mandatory nature and furthermore for it to establish a legal base in the assignation of resource for children.
- Raise in a substantial way the direct investment in child protection aspects, being that up to date less than 2% of the budget is assigned for it.
- Assign to states and municipalities specific resources for protection and participation.

## II. DEFINITION OF CHILD

For 2013, 23 percent of teenage girls are married when they turn 18 years old and 5 percent of them are married before they are 15 years old (INEGI), a number that has been increasing every year. Mexico has not attended the recommendation in respect to undertaking a legislative reform to raise and equalize the minimum legal age for marriage in children. (CRC/C/MEX/CO3, paragraph 21-22). The minimum age authorized for marriage in the Federal Civil Code and in several states is still less than 18 years old and in 9 of those states it is differentiated in men and women. The minimum age is 18 and equal among men and women only in 13 states, although in every case the dispensation is established with parental or tutor authorization.

Furthermore, the figure of rape prevails and cases of forced marriage, especially in indigenous communities, are still being documented.

### **Recommendations of Public Policy.**

- Homologate in all Civil Codes to make 18 years the minimum legal age for marriage for both sexes and eliminate the dispenses that refer to the adult consent.
- Eliminate the crime of rape, the exclusion of liability for the alleged offender when he marries.
- Establish as a crime the forced obligated marriage.
- Promote and implement a denunciation system with the necessary conditions so that children that have been forced to marry can denounce it in a confidential, safe way and that they count with reintegration and recovery services.
- Implement public politics to raise awareness in children, families, community and/or religious leaders and public servers about child marriage.

### **III. GENERAL PRINCIPLES**

#### **No discrimination**

Laws and offices have been created to prevent and eradicate discrimination (National Council to Prevent Discrimination, Ley Federal para Prevenir la Discriminación, most identities count with legal frames). Despite this advances, discrimination towards childhood continues to be an important challenge. The National Survey on Discrimination 2010, states that 6 out of 10 people think that children should have *the rights the law gives them*, while 3 out of 10 consider that they should have *the rights their parents want to give them*. Little more than three percent consider that *the children do not have rights because they are underage*.

On the other hand, the inequality conditions in Mexico have been emphasized. Even when the Committee expressed in its observations towards Mexico its worries for the existent inequalities, the social indicators about childhood and adolescence reflect that the gaps continue to grow. For example, the incidence of poverty among the total child population (including indigenous and non-indigenous) in Mexico is of 53.8 percent, while for the indigenous child population it is 76.2 percent. Moreover, while the incidence of poverty in children from the north of the country is of 39.1 percent, in the entities of the south it is of 69.3 percent.

#### **Superior Interest of the Child**

In the judicial area, the use of the principles of the ISN in the choice making that regard children has been generalized. Besides, since 2011 the principle of “superior interest of the childhood” has been incorporated in the article 4 of the constitution.

Nevertheless there is still much to advance in the judicial area as there is in the administrative are about its better interpretation and determination.

#### **Respect in the child’s opinion.**

A systematic effort in the jurisdictional field and with an approach of rights by the government in promoting the respect for children’s opinions has not been noted. For 2013 only 11 entities recognize and promote –although some in a restrictive way- through their civil procedures codes, the children’s right to a hearing. The creation of the “Protocolo de actuación para quienes imparten justicia en casos que afecten a niñas, niños y adolescentes” by the Supreme Court is high lightened.

In the public field, child participation has not experimented significant progress. Children are not being consulted for the creation of laws nor for the design of public politics. The exercises of child participation have more of an educational and playful intention than that of real participation.

### **Right to life, survival and development.**

The 53.8 percent of children live in conditions of multidimensional poverty, out of these, 23.8 percent found themselves in multidimensional extreme poverty. Around 100 thousand children under 5 years of age present malnutrition, more than 23 percent of children in preschool age present anemia, and 28 percent of those under 18 years old live in conditions of food poverty (CONEVAL, 2011).

Mexico invests half of what Chile does in its children from 0 to 6 years old and a third part of what South Korea invests in theirs. Without counting with a national strategy that focuses on early childhood, the Mexican government puts in risk the right to survival and development of millions of children.

Additionally, the so called *fight against the organized crime* undertaken by the government took the life of more than 121 thousand people in six years (2007-2012) and this situation continues during the present administration. Even when the committee recommended to establish an information system on the number of affected or involved children in organized crime, it has not been created to this date. (CRC/C/OPAC/MEX/CO/1 paragraph 4).

### **Recommendations of Public Policy.**

- Develop modification of the perception towards childhood and its rights strategies, in order to advance in the principle of non-discrimination.
- Include in programs of attention to poverty: Opportunities and Crusade against Hunger, for example, a childhood perspective, directed particularly to populations in situations of great vulnerability.
- Establish a strategy or program of national reach of attention to early childhood.
- Examine the federal and state legislation in a systematic way so that the article 4 of the constitution, that points out the superior interest in childhood, is applied in every law and national regulations, as well as in the norms that regulate the function of public or private institutions that lend children related services.
- Establish mechanisms and report, complaint and consult procedures, with the purpose of giving plain effects to the child's rights and that its superior interest is systematically integrated in every administrative execution and procedure measurement related with it or that affects it.
- Reforms to Civil and Procedure Codes on a federal and state level in order to give children the opportunity of being listened to in every decision in which they find themselves involved.
- Sign and ratify the Protocol to the Convention on the Rights of the Child relative to a procedure of communications.

- Create a childhood budget that covers children from the negative effects of the economic politics or financial downturns, as well as from emergency situations in which they find themselves involved.
- Implement a monitoring and vigilance system for the results of child consults and parliaments.
- Establish a juvenile national parity and binding council which includes teenagers and that counts with specialized mechanisms of participation.
- Reiterate the Committee's recommendation concerning the establishment of mechanism so that the National Human Rights Commission can be able to receive complains of children (*CRC/C/MEX/CO/3 paragraph 11.*) Extending it to the Human Rights State Commissions (the only one in Mexico City that counts with this mechanism).
- Develop a statistical analysis disaggregated by age categories, gender and localization about affected children (murdered, displaced, raped) by the fight against organized crime.

#### **IV. RIGHTS AND CIVIL LIBERTIES**

##### **Birth Registrations.**

Nowadays we count with significant advances in this matter, in April 2013, the National Campaign for Universal and Timely Birth Registrations, headed by the national DIF, was presented, and within a year of operation, it reported 560 thousand 314 children registered in all the country. Together with the above, since 17 June of 2014, the incorporation of the eighth paragraph to the article that establishes the right that in the Civil Register one must not to be charged for the expedition of the first Birth Certificate was formalized. With this, substantive progresses are made to bring down the under registration of 30 percent of births that are nowadays reported in the country (INEGI). It is important to mention that the Mexican government has compromised the register of universal birth for 2015.

##### **Recommendations of Public Policy.**

- Follow the compromise of universal birth registration for 2015.
- Establish a registration strategy in the main points of transit or destiny of migrants so that they can have easy access to the registration of their children.

##### **Stateless Children**

In general, there are problems to identify the total population in a stateless condition, especially because it groups itself with foreigners of an unspecified origin and numbers about children are not presented in reports. Even if one speaks of undocumented migrants,

of migrated, non-accompanied or refugee children, it is possible that the stateless population remains invisible behind those qualifications, since there are situations in which children could not have a register and would not be recognized in their places of origin. Stateless children are not listed for the government nor academic sector and are scarcely included to the agenda of some NGO's. This problem requires more study, in particular that of stateless children, including numbers, country of origin and life conditions.

### **Recommendations of Public Policy.**

- Include in the Ley sobre Refugiados y Protección complementaria, a title to the stateless population, in order to establish a general frame of this figure of international protection in our country that until now is only mentioned in some articles of the Ley de Migración.
- Recognize the stateless constitutionally and subsequently ratify the Convention on the Reduction of Statelessness, 1961.
- Develop a study with a complementary register by the National Institute of Migration about stateless children, the causes of their situation and with clear distinction between undocumented migrants, refugees and stateless.

### **Torture and other cruel, inhuman or degrading treatments.**

In Mexico it turns out to be extremely difficult to determine the magnitude of torture and other abuses in a large extent due to the weak complaint and investigation system. The Attorney General's Office has established institutional guidelines to determine the cases, but children are not mentioned within them. We do not count with specific information in the cases where underage children are involved.

The cases, however, multiply, documented specially by non- governmental organizations. There is specially a presence of torture and abuse towards migrant teenagers, with street connections and in general with belongings to groups or collectives. Cases in of police operations are also documented, as is the case of an operation in which underage children were victims of abuse in an unjustified display.

### **Recommendations of Public Policy**

- Harmonize the federal and state legislation to uniform classification of torture and other abuses of conformity with the Convention against Torture and the Inter-American Convention to Prevent and Punish Torture.
- Establish a data system with national reach, with broken down data about complaints, processes and convictions for torture and abuse.

- Include in the institutional guidelines a differentiated point of view when regarding children for the application of the Medical / Psychological Opinion for possible cases of torture and / or abuse.
- Implement and direct a public policy in the matter of migration that fights off the cases of torture, missing cases and children executions' in Mexican territory.

## **V. VIOLENCE TOWARDS CHILDREN.**

Violence towards children has not only not being contained in the last eight years, but it has also increased, in every space that that World Report on Violence Towards Children (2006) covers. The percentage of violent deaths with regard to the total deaths is of 8% in children under 5 years, 30% in ages between 5 to 9, 41% between ages 10 to 14; and 64% in ages between 15 and 19 (INEGI 2012).

According to official reports in Mexico, one out of three children, are reported to be treated with violence in their families (DIF, ENADIS). We continue with a legal frame that justifies the physical punishment and, worryingly, with a society that has improved little in its denaturalization. An example is what teenagers between the ages 15 and 17 propose in the survey of exclusion, intolerance and violence in secondary education (2013), where 48% of boys and 40% of girls agree with the idea that violence that is produced at home is a family business and must not get out of there.

In the last five years more violence between pairs at school is being documented. The surveys document an incidence from 10% up to 50% of bullying victims. The media exposure in grave and extreme cases has been intense, which has provoked the construction of a social point of view of panic, and the generation of laws and some programs of attention to the phenomena. Until this moment, those projects seem insufficient because of their lack of integrity and their reduction to one victim problem –victimizer. In some entities, the procedure of what was the Safe School Program continues to operate, that includes backpack revision and anti-doping application, which in addition of being violations to children's rights, demonstrate insufficiency during the administration 2006-2012. The criminalizing point of view and fragmented vision is worrying, due to the fact that the school violence in Mexico is not limited to the one generated by children, but also to the violence that is inflicted to them by some adults and teachers within the school space and that impacts the school environment. In the first case, the child consult 2012 indicates the 4% of children expressed that they suffered from sexual violence at school and almost 220,000 reported abuse by teachers. In se second, the selling of legal and illegal drugs around the environments continues to be present, in particular in those located in the cities, the level of violence around provokes that more schools are being kept safe with bars and

security measures and nowadays it is more common, besides the operation of exercises of civil protection for cases where episodes of confrontation are linked with organized crime.

A complex phenomena that should be considered is that 55% of teenagers do not always realize that they can count with the companion of their teachers in case of aggression or intent of it (National Survey of Exclusion, Intolerance and Violence in EMS 2013). And aspects like the ever growing use of social networks, where 47 percent of teenagers between 12 and 16 years old in Mexico have suffered some type of aggression through the different social networks. (McAfee 2012). As well as the permanence of discriminatory attitudes where a little more than half of teenager students manifest that they would not like to have as classmates people who are sick with AIDS, non-heterosexual people or people with disability. (ENEIV 2012).

Out of the teenagers from 10 to 19 years old victims of violence, 54% received punches and the third part verbal aggressions; 46% of these occur on the street (ENSANUT 2012) what happens is that the street is not a safe place in a lot of the country's municipalities.

The actual federal administrations, recognizes and points out attention and prevention strategies for the social abuses, placing children as attention subjects, up to date it is not yet possible to determine the impact of such actions. While this is happening, the life of many Mexican children is impacted in an indirect and direct way by this violence. In this sense, although there is an agreement between principle massive media to avoid the exposure of underage children, it does not seem enough. Additionally omissions in the state regulation regarding the transmission of material with violence promoting contents are present.

The security strategy of the presidential term 2006 – 2012 provoked a raise in violence on the streets, the entrance and use of guns, impacting not only in homicides but also orphanage and especially in mental health repercussions for the population, especially children; without having a program that would attend such repercussions. Up to date, the principle main strategies such as the Program of Social Prevention of Violence and Crime, its interagency Commissions and the corresponding Ley General, occupy most of the prevention efforts when there exists a special need of contention strategies of social abuses and attention to its effects.

The teenagers in emarginated urban zones are the main victims of institutional violence, through police operations and a society that criminalizes them, 1 out of 9 adults would call the police at some point if they see a lot of teenagers gathered on a street corner. (ENADIS 2010).

On the other hand, institutional violence is still present in both attention centers for juvenile offenders and attention spaces for children without parental care or victims of violence,

without an existing legal frame that specifically forbids the corporal punishment and abuse in general.

### **Recommendations of Public Policy.**

- Undertake a national diagnosis that provides statistical elements about the dimensions and types of violence towards children in familiar, school, institutional, community and social aspects.
- Value the reforms from the 4<sup>o</sup> constitutional article to determine from the highest normative level the children's right to not to be abused of.
- Modifications of the Article 423 in the Federal Civil Code and of the equivalents in 31 states and Mexico City, to suppress the "faculty of correcting" as a justifier of the use of strength in a family environment.
- Establish in the Ley General de Educación and in the state legislations with the specific prohibition of corporal punishment.
- Incorporate to the Reforma Educativa in course a prevention strategy and attention to school violence, that is does not limit itself to violence among pairs and that it incorporates attention protocols in the management of school spaces.
- Incorporate in every Penal Code a general aggravating for the mortal or wound underage victims.
- Establish in the Ley de Asistencia Social and in the corresponding Norma Oficial in a precise way the prohibition of corporal abuse in institutions that attend children.
- Evaluate in a systematic way the impact and actions directed towards children taken into account in the Program of Social Prevention of Violence and Crime and other programs directed towards their attention.
- Implement and operate the established mechanisms in the Protocol of Children's protection in Scenarios of Organized Crime.
- Place the education for peace in the center of every action of prevention against violence linked with children, the generation of values such as tolerance, respect; the non-violent conflict solving.
- Regulation of the exposition in media of children and the television programs and games that are at their access to avoid that their contents promote violence.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE MODES.**

### **Families.**

From the almost 26 million families in Mexico, four out of ten have different arrangements from those who are traditional, single parents and the ones integrated by same sex-parents stand out.

The economic policies have had a negative effect in the life of families that have made its adult members destine most of their time to work at the expense of time dedicated to the reproduction chores or the care economy, as well as the coexistence and recreation. In addition of what is derived from what was mentioned, Mexican families live complex processes of violence.

In the matter of public policies directed to a broader protection towards families and their members, Mexico is in debt, despite the existence of an institution that, in theory, dedicates itself to them such, as the National System for Integral Family Development, the crisis that Mexican families undergo require an integrated action. Additionally the social programmes like Oportunidades, overload women even more, conditioning the services to their participation in activities of co-responsibility.

Despite the permission of paternity that has already been announced in the Ley Federal del Trabajo, measurements that urge men to get involved in child raising are not promoted. The government's day-cares for early childhood are only for working mothers, men do not have this benefit in their working spaces.

### **Alternative care modes**

Very little advance has been made in the matter of adoption, despite that in the administration of 2006-2012 a National Convention on Expediting the Adoption Process was established, it was not possible to harmonize the 32 local civil codes. Both in national adoptions as in international ones continue to develop from unequal process and with serious deficiencies related to its following and resolution times.

The number of children without parental care is calculated to be around 400 000 and a million. For 2013 there was a register of 25 700 children in approximately 117 public shelters and 805 private ones; 11 981 find themselves there because of abandonment or parental abuse, 199 because of orphanage, 99 because of organized crime and the rest because of voluntary choice or because of disposition of the Public Ministry or traffic. Nevertheless this data is an approximate due to the non-existence of an institution register. Together with what was mentioned before, we do not count with the supervision and following of those institutions, which derives in a multitude of complaints of abuse and irregularities, that summed up 213 for 2012; there are also thoroughly documented cases

through media such as Villa de las Niñas en Chalco (2007) and Casitas del Sur (2008), in this last one human trafficking was documented.

There is still a lot to advance in the transformation of a public vision that places above all the right to a family and thus the care alternatives that take the international guidelines into matter. Sadly, the institutionalization keeps on being the dominant way. Local efforts are starting, as is the law in process in Mexico City, which establishes alternative modes.

### **Recommendations of Public Policy.**

- Generate public policies that start in a central way from the guarantee of the child's right to a family. In that sense the residential or institutional fostering must be considered as an extreme measure.
- Count with a register system, supervision and evaluation of institution that foster children without parental care.
- Modify the legislation to recognize figures such as foster family or substitute family.
- Close, in a gradual way the denominated mega institutions, which are the ones that, up to now, house more than 85 children and rule out immediately the institutionalization of children under 3 years.
- Generate the necessary conditions to guarantee the children's right to a family with parents in custody.
- Approve the legal frame of national and international adoptions and generate mechanisms to make them more efficient.
- Check the public policy in matter of housing, due to its impact in the family life and the social fabric.
- Design a public policy of co-responsibility between family and work life. In which nurseries must be considered and support the men in raising a child.

## **VII. BASIC HEALTH AND WELFARE.**

### **a) Welfare**

Whereas that in 2010 the percentage of people over 18 years old that lived in some level of poverty, was of 42%, for 2012 such proportion grew to 53.8%. Regarding extreme poverty, 12.8% of the total children find themselves in such condition, that is to say, a total of 5.1 million live daily a situation of hunger and radical deficiencies.

The group of children under 5 years old is the one that presents the higher poverty and extreme poverty percentage; being the teenagers the group that present less incidence. In

the case of indigenous population the poverty heightens, 78.5 percent of children found themselves in poor situation and 33.4 percent in extreme poverty.

#### **b) Mortality**

In the last years the child mortality in children under five years has been reduced in a significant way in more than 50% percent, in 2012 for every thousand children under five years old born alive, 16.1 died; nevertheless in the states that are characterized by having the most of rural and indigenous population, the mortality rate places itself above the national average, such is the case of the southern states: Oaxaca (20.5 deaths for every thousand births), Puebla with 19.7, Chiapas (19.5) and Guerrero (19.4). (Millennium Goals).

#### **c) Disability**

The main causes of disability that the ENSANUT 2012 reports are problems derived from birth which represent 67.4 percent; followed by the disability due to illness with 17.8 percent, and accidents with a 4.9 percent.

Regarding the indicators of risk of disability, the National Institute of Public Health indicates that 29 percent of children have a disability or are at risk of developing one in the future if they do not receive attention for it.

#### **d) Right to food**

The 85 percent of children born in Mexico do not count with the protection that the maternal lactation exclusively provides.

The National Health and Nutrition Examination Survey 2012 indicates that during 2006 and 2012, there was a decrease in the prevalence of malnutrition, it is estimated that 2.8 percent of children under five years present underweight, 13.6 percent stunting and 1.6 percent emaciation. Even if the strategies and programs have been effective in the decrease of chronic malnutrition, between 2006 and 2012 the decrease has been less than in 1999 and 2006, which means that the policy towards the prevention of malnutrition should be checked. Almost 14 of every 100 pre-schoolers have low height for their age, indicator of chronic malnutrition, which represent almost 1.5 million children under five years old.

In relation to overweight and obesity, in children under five years a rise of 1.4 percentage points at national level from 2006 to 2012 has been registered; the main gain was registered in the north region of the country that in 2006 presented an 8.7 percent and in 2012 went to a 12 percent.

#### **e) Environmental Health**

Additionally to the relationship between air and water contamination with the incidence of acute diarrheic diseases and of Acute Respiratory Infections (ARI), studies in different regions of the country continue to find lead concentrations that are above the Center for Disease Control and Prevention's recommended levels. In general, in the mine zones of gold a silver extraction. It is worrying not only because of the great quantity of mine zones in operation and more than 800 new projects of explorations and mine exploitation that will eventually damage the child population's health. Arsenic continues to be found in regions such as La Comarca Lagunera, Zimapán, and some regions of Guanajuato, and the higher concentrations of manganese have been found in the mine regions of Molango in the state of Hidalgo, with known effects on intellectual capacity in children. Additionally, children exposure to pesticides in rural areas is still not being controlled.

#### **f) Mental Health**

Around 3% of children suffer from depression. And we still do not know the effects that social violence will have in thousands of Mexican children. Almost a quarter of teenagers find themselves affected by one or more mental health problems, the most common ones: anxiety, depression and suicide attempts.

In 1990 suicide in men represented a rate of 4 and in women one of 1.4 for every 100 thousand teenagers, as for 2011 the rate was of 10.8 and 4.7 for 100 thousand teenagers respectively. (INEGI -2012). Of the deceased registered for this cause in 2011, 12.6 percent where children aged between 10 and 17 years old.

#### **g) Sexual Health**

In the last 10 years the increase in teen pregnancy from 12 and 19 represents half a percentage point; in 2000 it was of 7.5 percent and in 2010 of 8 percent.

Despite of what was mentioned before, there is an incidence in the use of condoms, even though the unsatisfying demand for contraceptives is higher in teenage girls. There are no nationwide studies about the epidemiology of STD's in teenage population.

Mexico is considered a country of low HIV/AIDS prevalence. The transmission from mother to child is almost totally under control. Even though there are scarce data about children that live with HIV/AIDS.

#### **h) Addictions, alcohol, drugs and tobacco**

According to the National Survey of Addictions 2011, 1.7 million teenagers consume tobacco with a consumption start of 14.6 years in average. From 2008 to 2011 an increase is presented of teenagers from 12 to 17 years old that consume alcohol. About the age of first consumption of alcohol, 55.2 percent indicated that they began at 17 years. The

prevalence of illegal drug consumption in teenagers does not present significant changes with respect to 2008, it is still of 1.5 percent.

### **i) Basic Health**

Vaccination in Mexico is part of the Program of Health Attention for Children and Adolescents, from 2008 it was expanded. The most vaccination coverage, above 95%, is presented in infants from 0 to 23 months old; in the group of 6 year-olds the coverage is of 93 percent and only 63% in teenagers. The incorporation of the human papillomavirus vaccine vaccination for teenagers as of 11 years of age is highlighted.

With the implantation of the “Programa Seguro Médico para una Nueva Generación”, the number of children covered in 2011 is 7 times greater than that of 2007. Nevertheless, although they are affiliated, 37% of the total affiliated homes in 2011 resorted to private services and other forms of financing to attend children’s health.

In Mexico, 152 certified pediatric oncologists work, from which 72 are in the 49 credited hospitals to attend those who are affiliated to the Popular Insurance. Because of their number, the specialists are not enough to attend a disease that represents the second cause of death within the population between 5 and 14 years old.

### **Recommendations of Public Policy.**

- It is necessary that programs such as Oportunidades (monetary transfers), count with components that focalize on children.
- Strategies and programs oriented towards the prevention of HIV/AIDS in children are required, as well as the generation of information and analysis of such that allows to instrument specific actions.
- Impulse programs and actions that attend in an integral manner the mental health problems, to make them tend to reduce the suicide rates and depression in teenagers, considering the updated information.
- Strengthen the educational actions regarding sex health in teenagers, as well as the campaigns of access and appropriate use of contraceptive methods, that it has an impact in the reduction of pregnancy and sexually transmitted infections.
- Develop programs and nutrition policies directed to the indigenous population, including aspects of quality of service delivery and demand and usage by the target population.
- Develop programs of integral character for the care of child and teenage overweight and obesity.
- Develop a National Environmental Health Program whose core objective is to prevent and mitigate the risks and health damages product of degradation and environmental pollution.

- Increase the percentage of primary health care centers; make them count with protocols for communitarian attention for mental health seeing that only three out of ten count with them.
- Check critical and scientifically the generalization of the human papillomavirus vaccine as done in Japan, France, Australia and United Kingdom.

## VIII. EDUCATION, PLAYTIME AND CULTURAL ACTIVITIES

Students from the most disadvantaged socio-economic contexts are the ones that attend schools with greatest needs and in these schools the largest deficits in learning results can be seen (INEE). The *Informe de Resultados del Diagnóstico de Inmuebles Escolares* (SEP, 2007) registers 7,000 outdoor schools, a third without electricity and half of school facilities in bad conditions. 48 country's municipalities lack of secondary schools and 448 municipalities count only with one tele secondary where almost 135,000 young people live and among them 27% do not attend; 94% percent of indigenous pre-school and primary schools are in precarious conditions.

The teachers are overloaded with functions, as two third parts of indigenous schools are multi-grade out of necessity, without the system counting with a corresponding pedagogic model.

Conditions of extreme poverty define the child population of the 30,000 communities that are attended by Conafe instructors that count with a secondary school level and do not have a teacher training; two third parts of indigenous schools are like this,

If we take the range from 3 to 14 year olds of the child population according to the Census of Population and Housing 2010, 13.42 percent are registered without school. In absolute numbers, this is equal to having 3.5 million out of the 26.3 million children out of the school system only within that age range. Most of them are migrants, indigenous and with some disability.

Ten percent of teenage population from 12 to 17 years old finds itself out of school, it is here where the gender inequality is clearly seen, as it reaches a 15 percent in the case of girls, with a gap of 10 percentage points with respect to the boys.

With respect to the initial education, the statistics of the initial education services are not found in the official reports as part of the national education system, and the services of this education sector are found *fragmented with program diversification in the states and with a more assisting point of view rather than an educational in the first ones. This is accompanied with a lack of national normativity for the loan of such services.*

What is included in “regular” education is tried to be implemented or “compensated” in several targeted programs that sometimes compete against each other. The diversity keeps being visualized in the future as “particularities of vulnerable groups” that limit the exercise of the right to a quality education.

There are forty five basic education programs to promote equality, quality education, teacher training and the organization and school management with a highly unequal evaluation of its impact.

### **Recommendations of Public Policy.**

The worries and recommendations in educational matter in the Committee on the Rights of the Child in the UN, expressed in 2006, can sadly be applied nowadays: the persistent low enrollments are worrying, especially among children that come from indigenous and migrant families; the insufficient resources assigned to education; the considerable disparities in the reaching and quality of education between urban and rural zones; the high dropout rates, especially among teenagers, as well as among children from rural zones, indigenous and migrated children; the low quality of teaching. The insufficient of bilingual intercultural teaching in indigenous zones is also a worrying issue, as it has a negative effect on the rate of school dropouts in those areas. The Committee is also worried about the fact that the necessary funds may have not been assigned so that institutions of pre-school teaching can count with enough human resources and material to assure free and accessible schools for everyone in the year 2008.

- Incorporate in each school of the country an intercultural view: with linguistic and cultural relevance with indigenous; with attention to diversity in multicultural context; with knowledge, respect and appreciation of diversity in mixed race contexts and with emphasis on the initial training of teachers and practicing teachers.
- Assure that the Reforma Educativa in course contemplates the necessary actions to achieve a quality education for all children.
- Foresee what is necessary to count with the required conditions to achieve the compulsory senior high level in 2020.
- Assure the free education and fight indirect costs.
- Strengthen extended day schools, full time schools and always open school.
- Incorporate in a gradual way all the target populations of compensatory programs: migrants and indigenous, to the offer of the national education system.
- Promote the children’s participation in spaces of school management.
- Establish a Comprehensive Program for Early Childhood Development.
- Make modification to set the pre-school education to 2 years (4 and 5 year olds) and the initial education from 0 to 3 years 11 months.

- Develop a national program for the maintenance of primary schools. Assuring minimal infrastructure to all the schools in the country.
- Assure the educative inclusion for children with disability, through their participation at regular school.
- Need of a data base with transparency regulations, articulated both vertically and horizontally by levels, educational modalities including extracurricular, and that it is articulated with health base, social security and demography (like what the Programa Oportunidades is trying to do).
- Horizontal mainstreaming into education policy with axes like inclusion, diversity, gender. Vertical mainstreaming in a generational policy that articulates first childhood, childhood, adolescence, youth, adulthood and elderly policies.

### **Right to play**

In the last report handed to the Committee by the Mexican State, (July of 2012), the creation of sport facilities is mentioned, but it does not refer to actions for playing nor children's rest.

There is a partial legislative recognition of the rights mentioned in the article 31 of the Convention: the national law and 9 of the state mention the right to recreation and/or playful activities and 2 do not have any mention of the right to play.

The culture, playtime and recreation are being managed as preventive activities of crime, upsetting their value; an example is the frame of the Rescue Program for Public Spaces.

The access to green spaces is a serious problem in the cities, considering that in Mexico City there are 5 meters of green area per habitant, 6 meters in Colima and Tampico, whereas in Monterrey, Guadalajara, Tijuana and Puebla have 4 or less.

### **Recommendation of Public Policy.**

- Development of legislation and public policies that recognize the children's rights in the article 31.
- Raise awareness among society about the children's rights to play and its importance for their development. This requires campaigns and educative actions for all adults involved in the children's care.
- The planning must take the creation of safe and accessible environments as a priority, in order for children to be able to play freely: park availability, green areas, community centers, sport facilities, playgrounds and natural areas.
- Adoption of public security measures to protect playgrounds and recreation zones (speed limits, crosses at schools, etc.).

### **Cultural Activities**

The National Time Use Survey 2010, indicates that 9.3 million of the population over 12 years old reported to have assisted some cultural, sports or entertainment event, comparing such quantity with the almost 80 million people around that age, it is clear that the access and enjoyment of such activities seems to be still quite limited, which includes the child population.

The Inventory of Federal Programs and Actions for Social Development 2012 only reports the registration of 8 social programs that support recreational and cultural activities. CONACULTA is the instance that promotes programs targeted to child population on a national level, among which *Alas y Raíces* stands out, nevertheless its coverage is limited and the actual strategies based in great measure on the use of new technologies of information are exclusive if we consider that 67% percent of Mexican children do not have their web access secure; and indigenous childhood in conditions of rural poverty are the most excluded sector in digital development.

#### **Recommendation of Public Policy.**

- Evaluation of the offices and specific attention programs for childhood population to count with reliable information on its impact.
- Promote affirmative and inclusive actions to benefit girls, especially those that are part of sectors in vulnerable state.
- Take into account the direct opinion of children from all ages in data gathering regarding the issue of culture.

## **IX. SPECIAL PROTECTIVE MEASURES**

### **Migrating childhood**

#### **a) Internal Migrations**

According to the Ministry of Social Development, it is estimated that in 2009 there were 2 million migrant farm workers, of which 762, 265 are children. As of five years of age children are incorporated in farm work, which is seen as one of the worst ways of child labor. They cover similar adult working days and as of age ten they are formally considered workers.

The 67.1 percent of children that come from migrant laborer families are in school age and from these, only 41.8 percent assist to school. Composed by mostly indigenous people, this population is out of the programs of monetary transfer, due that their mobility places them out of the operation rules. All of this, despite of their contribution of 40% to the educative

delay in basic education together with their families, is considered as one of the poorest population groups.

Only two actions of the Care Program for Farm Workers are targeted directly to the child population: the ones of Food Support and Incentives for School Attendance Stay. And on the other hand, the education program targeted to them –PRONIM- reduced its budget by 50% in 2013 and disappeared in the federal budget from 2014.

Additional to the laborer migration, that is temporal; in the last years there has been an increase of migration of the rural population towards middle cities. An agreement with the Population Census 2010, “in three of every four homes where there is at least a migrant child, the head of the household has a migration record, that is, he changed residence in the last five years”.

Within the cities they gather in urban zones, in irregular settlements, without clean water services, drainage and electrification, they lack of official identification documents which prevents them from being beneficiaries of the institutional programs in urban zones. The children that are not attending school is associated with social and cultural matters; in girls cases, they do not assist school due to gender prejudices present in the family, or for economic reasons, in boys cases work development is privileged.

#### **b) International migration**

Mexico is a country of origin, traffic, destination and return of migrants; thousands of children migrate because of various reasons: family gathering, the search of better life and job opportunities, the social violence lived in their country of origin, domestic violence and the search of protection and security; and in the case of teenagers it is also due to gang harassing and persecution. The child population is more vulnerable to work exploitation, human trafficking, to being victims of crime, and in the case of teenagers between 14 and 17 years, they tend to be criminalized by migration authorities. The lack of precise data about the migration situation is persistent, as well as the inconsistency of information among different institutions.

According to the data from the National Institute for Migration, in the last five years, unaccompanied child migration has increased, especially in the age range of 8 to 17 years.

The detention of migrant children must be a measure adopted in an exceptional way and for the least time possible. Nevertheless, it is not only a rule in Mexico, but it is also applied without any distinction at both boys and girls and infants that migrate accompanied by their parents, to those who are unaccompanied, or asylum seekers.

A high number of transnational families with bonds both in Mexico as in the United States exist, that due to the strong deporting policies implemented by the USA have been separated, many of them in a permanent way being that their children are given in adoption

in the USA. It is estimated that between 2010 and 2010, 205,000 mothers and fathers of American children are deported from the country and that, at least in 2011, 5,100 children whose mothers and fathers were arrested and/or deported, found themselves under the child welfare authorities in the United States' custody.

Unaccompanied child migration, which is estimated reaches two thirds of child migration, is bound to administrative migrating procedures without counting with a tutor that legally represents its interest and it is rarely assisted by a lawyer during the substantiation of immigration procedures, recognition of refugee status or to defend their rights and interests in court.

The Republic's DIF instances do not perform the effective protection to the children's rights. In most cases, they lend assistance services to a limited DIF number of children. Between 2007 and 2012, the Mexican government encouraged the creation of an Interinstitutional Board, from which mechanisms of coordination were designed and figures like the Officers Child Protection (OCP) were created. Such strategy was presented in September 2012 to the Committee on the Child's Rights and received recognition from such office. It is important to point out that the coordination strategy was suspended since January 2013.

Meanwhile, we continue with the signs of the need for the OCP to be capacitated figures in the determination of superior interest. The number of modules and shelters is not enough to attend the quantity of migrated children. The shelter are in charge of the DIF's State System, nevertheless, foreign migrated children, are received as "sheltered", for which "close regimes that do not let them go out or abandoned the place by free will are mentioned".

Torture, punishments and degrading treatment by the migration authority persists, especially towards teenagers between 12 and 17 years old. Additionally in the last years, the kidnapping of migrants has increased; Oaxaca, Veracruz and Tamaulipas are the entities in which there are more registered people, victims of this crime. Only in the National Forum for Migration in Honduras, it was indicated that in 2010, approximately 50% of Honduran children that crossed the south border in their passage through Mexico were victims of human trafficking, extortions and kidnap.

In the case of Mexican children, even though the main reasons they migrate or try to migrate to the United States are work and family gathering, more violence in their communities of origin as ejector factor is more present. Especially linked to organized crime.

The ACNUR estimates that six out of ten Honduran, el Salvador and Guatemalan children leave their country in a forced way due to an actual or potential need of international protection. The lack of data an public statistics about the number of migrating children with

need of international protection that are returned is persistent. We have knowledge that asylum and refuge seeking childhood and adolescence does not represent, in total, even a tenth part of applications.

Children that are returned to their country of origin in an almost prompt way as done in the United States with child and adolescent Mexican migration; due to the differences and omissions in the determination of age, as well as in the valuation and determination of their superior interest in an attention and protection frame of their rights.

The detention of asylum seeking children continues, both to the unaccompanied and the separated ones. Despite that the Ley de Migración established that it is no longer necessary to proof the “legal stay” of the Mexican born minors’ parents, some judges and officers from the Civil Registration continue to ask this documentation as a requisite, because if they do not do it, they could assume the responsibility of public servants (it is stated like that in the regulations of the Civil Register of each state in the Republic).

Lack of political will for the assignation of resources and the execution of actions aimed at local integration for the migrated child that decides to live in Mexico, even though the new normative frames regarding migration and asylum matters establish the responsibility of the state to encourage integration of such population. Example of it are the different social programs to which the migrant population is not able to access due to the requisites established by them or they simply do not consider these populations as a possible beneficiary one, besides that the conducts of discrimination and xenophobia are increasing.

The lack of available data related to child migration is repeated, above all, international, this does not let us analyze in a broad and systematic way the situation of this population’s rights. Besides, the small amount of available data does not break down country of origin, nationality and age, making it difficult to conceive and board the disparities between different countries of origin, know their profiles and causes for their migration.

### **Recommendation of Public Policy.**

- Develop specific attention action to working migrant children and their families. Both in places of reception as in communities of origin.
- Visualize the migrating children, mostly indigenous, in medium cities and metropolitan areas.
- It is essential to implement programs and alternative mechanisms for the detention of migrating children (both accompanied as unaccompanied), in order to stop them and their families from being held in migration stations or in other places where they find themselves deprived from their liberty. For which asylums or temporary open door or semi open shelter for migrant children, accompanied or unaccompanied by their families that find themselves in migration process or waiting to be deported or returned to the country of origin, should be created in

collaboration with civil society organizations, state governments, public and private institutions or systems within the DIF.

- It is expeditiously required that procedures for the determination of the Child's Superior Interests are established in a punctual manner.
- Strengthen the identification of needs of child protection, of the returned children that are not identified nor access the recognition procedure of asylum, as well as adopting alternative measures towards the non-detention of unaccompanied children or children separated from their family.
- It is urgent for the figure of the Officer Child Protection to be independent from the migration agents and for it to count with a profile of child attention specialists, the creation of a specialized body in children and migration rights that can determine and execute in an interdisciplinary coordinated way the attention to children is recommended.
- Carry out the necessary reform to the rules of the civil register in the 32 entities to guarantee the migrant children their identity right in a human right frame and according to the international legislation. Also, it is urgent to encourage awareness among the Civil Register personnel and judges regarding matters of migrant and refugee rights, as well as the normative frame.
- It is a priority that necessary measurement should be made in order to establish a procedure that guarantees the right to legal representation stated by the Ley de Migración y su Reglamento. The National Institute for Migration must implement agreements that establish an operative mechanism of free legal and specialized representation of children's rights with children defenders, bodies of lawyers / as pro bono and civil society organizations that give legal assistance, to fulfill what is established in the Ley de Migración and several international treaties about due process guarantees.
- Finish with the children policy of repatriation as the only solution, without considering that returning to their country may be a risk, as they may be chased or re-victimized; besides there is no evidence in practice of a real implementation of protection mechanisms according to the superior interest.
- Complete the tutor figure in the Ley sobre Refugiados y Protección Complementaria and its regulation in the Ley de Migración.
- Publish the Reglamento de la Ley de Migración in order to make both the migrant child protection mechanisms in general and in particular the unaccompanied one, operable; as well as the determining the best interests of the child, that is established there.
- Follow the Advisory Opinion about migrant childhood that the Interamerican Court of Human Rights will issue on September 2014.

## **Indigenous Children**

Mexico is recognized by its ethnic and cultural diversity, represented in more than 60 indigenous villages, with specific social and cultural traits, from which the spoken language is one of the most important identity sign. Indigenous children in Mexico are one of the populations with most needs and in less degree of fulfilling fundamental rights, especially due to the lack or legal regulation (the Indigenous Rights were constitutionally recognized until 2001) and the absence of public sector policies that tend to their materialization. That is why, it is important to follow the evolution of the instruments that will be created from the Reforma Constitucional de Derechos Humanos of 2011 (DOF 11<sup>TH</sup> June 2011) and that will prove juridical instruments for the safekeeping of children's rights. Especially in that, regarding the use of consistent interpretation and pro persona principle in favor of the Convention on the Rights of the Child's principles.

According to the criteria of belonging to a home where one of the member speaks a indigenous tongue used in the Poverty and children's social rights Mexico 2008-2010 (CONEVAL – UNICEF, 2013), the population between 0 and 17 years that spoke a indigenous language was equal to 14.3 percent, while in the non- indigenous speaking population it equaled 27.6 percent.

It should be noted that the states with very high and high migration ratings, form a macro region in the south of the country, where the inequality of participation opportunities in the process of develop and enjoyment of it benefits puts significant population proportions in a clear situation of social disadvantage.

Indigenous children drop out of school because they have to start working at an early age. Data from the National Institute of Statistics and Geography (INEGI) about child labor tells us that, 36% of indigenous children between 6 and 14 years old work, double than what is calculated in the national average in 15.7 percent. In the rural communities, 68.8 percent of the occupied population of 12 year olds, even more indigenous speakers dedicate themselves to agricultural activities.

Cases of early marriage and teen pregnancy present themselves, as well as the prevalence of practices such as daughter sales and forced marriage.

It is clear that the Mexican education should provide an adequate institutional system for this population through a bilingual and intercultural education system, where the existence of a professor that speaks the same language is necessary. What is mentioned before, especially for infants from 3 to 5 years, as 22.5 percent of them are still monolingual.

To be born in a indigenous community or in a rural zone, determines the level of access to the fulfillment of human and social rights. Children are more the most vulnerable and are the ones that have to face the worst social conditions with the most number of limitations to access necessary opportunities for their rights' fulfillment.

The right of more than half a million indigenous children to develop in different cultural surroundings and to acquire their indigenous tongue (more than 90 dialect variation of approximately 60 indigenous tongues) has been impaired, leading to a displacement and loss of linguistic vitality of such languages, due in part to the education policy that is still Hispanicizing and monolithic. Even though around 450,000 children have as only language a indigenous language, only as of the last presidential term was it able to incorporate the indigenous language as school subject in the indigenous education.

### **Recommendations of Public Policy.**

- Apply a transversal and holistic approach of targeted and universal policies that attend to the challenges that persist to guarantee the plain exercise of the social rights of indigenous children population.
- Integral actions that respond to the accumulation and simultaneity of social needs in the indigenous child population are required.
- The creation of a normative frame in terms of inclusive, bilingual education with cultural pertinence.
- Creation of study programs and materials for teachers with cultural pertinence and bilingual.
- Modify the criteria of focalization programs, such as Oportunidades, in order to make indigenous children and their families eligible.
- Create a governance strategy in Cities, so that children can practice their rights creating the conditions needed to recreate cultural and sacred spaces and that they develop under the indigenous perspective.
- Recognize in an official way the proper education for indigenous children, called cosmo education for the full development and cosmological relevance of indigenous children.

### **Children in Situation of Human Traffic in Mexico.**

From 2007 to 2012, the Mexican government recognized Human Trafficking as public security and national problem. The efforts were translated, mainly in legal aspects. The Ley para Prevenir y Sancionar la Trata de Personas (2007) was created, the Regulation of the same (2009) and the National Prevention and Punishment for Human Trafficking Program, same ones that were modified with the law's repeal from 2007 to give way to the Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos (2012) and the regulation of the same law (2013).

The matter of Human Trafficking was linked directly with women's rights, where children's rights were included for gender reasons. Nevertheless, boys' and men's rights, especially for their attention once they were victims of human trafficking have not been

exercised, unless they are under 12 years of age and the situation is directly linked with violent acts towards women.

Another of the situations that has not allowed the prevention, protection and persecution of the crime of human trafficking to have a real impact on the child population, is that the actions that have been made from within the government, have in their majority been aimed towards the commercial sexual exploitation of girls and adult women, leaving aside the modalities and finalities of Human Trafficking to which Mexican and foreign children are vulnerable, high-lightening nowadays, their recruiting by groups of organized crimes.

The identification, attention and persecution of Human Trafficking in Mexico has been aimed to Mexican and Central American girls aged between 15 and 17 years old, victims of sexual exploitation in the country. Also, in rescue actions for children that have been separated from their mothers with the finality of using them for submitting, threatening or forcing women to practice prostitution in Mexico or abroad, mainly United States of America.

In the current administration, it seems that the scenario will be similar, that is because in the Plan Nacional de Desarrollo (2013-108), human trafficking and the exploitation as “some forms of violence against childhood” are mentioned, without making a distinction between the both of them, making the possibility of the creation of programs and effective policies for the eradication of human trafficking and child exploitation, even though the multiple legislative reforms proposed nowadays, difficult.

Among the actions that the Mexican government has implemented for prevention, attention and persecution of the crime of Human Trafficking there have been contemplating the selling, prostitution and child pornography as Human Trafficking. Nevertheless this has also provoked the *in discriminated use of sanctions for this crime*.

One of the main problems in relationship with child Trafficking in Mexico is the *lack of statistics and geo-referential data that allow to identify both the profiles and the risk zones for an adequate prevention and protection actions for childhood, as well as investigation and prosecution of those responsible* for these acts.

According to the Prosecutor General's Office in the Republic, in 2012 there were 790 anonymous complaints about child sexual exploitation, whereas in 2011, 1, 113 were reported. The Report does not specify whether the Prosecutor started preliminary investigations regarding allegations nor the modalities of exploitation.

These numbers are far from the ones reported by the UN relator for the Human Rights Council, Juan Miguel Petit in 2008, who estimated that in Mexico, there were approximately 20 thousands children in prostitution situation and child pornography.

According to the information from the Special Prosecutor for Crimes of Violence Against Women and Human Trafficking, in 9 months of 2013 at least 12 300 personal internet accounts were detected that diffuse photographs or videos where images of underage sexual exploitation of children is exhibited. Even though it is important to count with numbers that allow us to know the use of child pornography, it is also necessary to identify the children that are victims of commercial sexual exploitation for the creation of pornographic material. If Mexico is the second producer and distributor, it is urgent to implement detection, protection and, when necessary, rescue and child attention measurements.

The Mexican government is presenting significant delays in the detection, prevention, protection and attention to children victims of these crimes, the inexistence of shelters created and developed for child population do not facilitate de detection of children in situations of exploitation or trafficking. There are no specialized shelters that give attention and protection to children that have survived within national territory.

The SNDIF lends attention to these cases in a discretionary way, if they are girls, they can be sheltered in the Shelter that the Office of the Prosecutor General's Office for Crimes of Violence Against Women and Human Trafficking administrates, but in most cases they are channeled towards shelters or asylums administrated by civil society organization, it is not so if they are boys, notoriously complicating the impact in the authority's acting.

### **Recommendations of Public Policy.**

- The Recommendations issued to the Mexican government in the frame of creating an identification system of cases and risk zones continue to not being fulfilled; generate disaggregated data bases that disaggregate information by age, sex, nationality, ethnic origin, state, municipality: creation of effective mechanisms that allow to determine the causes and dimensions of sexual exploitation in both Mexican and foreign children accompanied or not, in transit – regular and irregular – by national territory, so that measurements that address the problem considering children's specific needs can be implemented, identifying the risk that they are facing. Besides, it urges the development of actions with a human rights point of view for the rescue of victims of child trafficking. (CRC/C/OPSC/MEX/CO/1 paragraph. 46)

### **Child and Adolescent Labor**

Around 3 million children between 5 and 17 years old work. 7 out of 10 working children live in rural zones of Mexico. 600 000 do dangerous chores, like mining, street vending or urban street work and work in brickworks. Seven out of ten children engage in unpaid domestic chores in their own homes, proportion that increases with age and affects mostly women. Conditions of work exploitation in farm working migrant children prevail. In the

last 8 years, seven child deaths have been reported, only among the groups that leave from the Montaña de Guerrero.

Since 2012 there have been significant progresses in the legislative and operative frame regarding the prevention and eradication of child labor. The modifications to the Ley Federal de Trabajo stand out, in which the list of dangerous child labor was included (Article 176); the incorporation of the line of action for the prevention and eradication of child labor in the National Development Plan 2013 – 2017; the creation of the Interministerial Commission for the Prevention and Eradication of Child Labor and Protection of Young Workers in Age Allowed in Mexico (CITI), that has for objective the coordination of the dependencies and entities of the Federal Public Administration in the design, execution and evaluation of policies, programs and action in the matter of prevention and eradication of child labor, as well as the protection of the teenage worker within allowed age, based on the applicable regulations. From this, State Commissions have been derived, with the projection of establishing them in every entity before the 12<sup>th</sup> of June 2014. Likewise, the Article 123 of the Constitution was modified in which the minimum age for admission to employment increased to 15 years.

### **Recommendations of Public Policy.**

- Ratify the Convention 138 of minimum age for admission to employment.
- Ratify the Convention 189 and harmonize with the Recommendation 201 to avoid violations of basic rights of more than 2 million domestic workers and child exploitation.
- Ratify the Convention 176 of the OIT about security and health in mines.
- It is recommended to create protection programs for working teenagers in ages of 15 to 17, to avoid them being exposed to exploiting situations. On the other hand, working hours must be revised allowed with in order that they do not have double or triple workdays and can develop completely.
- Take the necessary actions to fulfill in 2016 the compromises from the routing for the elimination of worst forms of child labor (OIT). Do a tracing, especially of children working in mines and brickworks.
- Integrate a national strategy of prevention and eradication of child labor. Emphasize the attention to migrated child and adolescent farm worker population.
- Increase the number of job inspectors and apply the law to companies that hire child workers under the minimum age allowed.
- Re-take the experience of the Program “Alto al Trabajo Infantil n la Agricultura”, developed by the International Program on the Elimination of Child Labor (IPEC/OIT) between 2010 and 2013. Both in their local experiences focused on indigenous children and adolescents and migrant; and in relation to good practice in

the sugar sector, on the recognition of the eradication of child labor from value chain and as a factor of production improvement and promoter of decent work.

- Integrate a work program that allows the operation of the Program IPE/OIT in Mexico again, in order to continue with the technical cooperation on the subject.
- Although there are child labor statistics that need to be detailed with help from within the same institutions, in order to reflect the reality and create local programs and actions depending on the location in order to have more impact on both prevention and action.

### **Children with Street Connections**

The modalities of street phenomena have varied significantly in the last years. It is necessary to approach this population from what is established in the “Informe de Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la protección y promoción e los derechos humanos de los niños que trabajan y/o viven en la calle” (A/HRC/19/35: 2011), choosing the term of *children that have street connections*, that defines *those for whom the street is a central reference point, that plays an important role in their everyday life and their identity*”. In this sense, we can divide the population:

The street as main place of rooting. Unlike a decade ago, the presence of children is less, and that of teenagers too. In the recent years, summed with the feminization of the population that lives in the street , a family conformation and the presence of children that are born and raised on the streets hast emerged. There is also a strong relation of this population with the use of drugs and phenomena of sexual exploitation.

The street like main workplace. In this category most underage children can be found, they do not live on the streets but they find themselves in crossings, roads and other public spaces. In the case of children under 12, they are mostly found with their families, quite a number of them are of indigenous origin and there is a significant presence of children in early childhood. In the case of teenagers, they come from marinated urban areas and are generally alone or in pairs.

The street as a reference tangential. Teenagers that reliance a sort of “urban nomadism”. This process is made up of several milestones, such as the permanence on street, the alternation between street and home, the alternation between school and institutions.

The governments programs and actions target to the street population are not taking into consideration the different connections, nor are most of the organization, that in their moment attended what they call children in street situation or street populations, doing it.

Government approaches are mostly repressive and without a prevention and protection view. This group of children faces in a systematic way, acts of criminalization and violence

associated with their image and activities that they develop. We do not count with data or statistics that include this complex characterization.

The different national strategies contain terminology inaccuracies that come from and promote (a) an inconsistent analysis of the phenomena and (b) fundamental approximation errors. Such inaccuracies allow the invisibility of children to social paradigms, making the possibility of quantifying, measuring and estimating that magnitude of the phenomena difficult, and therefore complicating even more the design and implementation of intervention strategies.

### **Recommendations of Public Policy**

- Generate a critical diagnosis about populations with street connections, in order to account for their transformations.
- Generate programs and actions that approach dimensions of attachment, work and mobility in the street, with a differentiated strategy that is targeted to elderly people.

### **Children of African Descent**

Mexico can be recognized as multicultural by its indigenous component, but in this imaginary and national cultural reference the population of African descent is ignored. It is estimated that this population is between 400 000 and 450 000 people and some other sources refer that they could represent up to 2 to 9 percent of the total population. The invisibility of the “African descendants” or “afro Mexican” parts from the fact the we do not count with demographic information about them.

In most of the locations considered as afro Mexican the proportion of children under 14 years old is between 30 and 32 percent, which is a slightly higher proportion than that of the national average. In this type of locations, the illiteracy and the educational gap is similar to those of indigenous communities.

The invisibility of African descending population and its children in particular, derived for many years in the absence of public policies aimed at them. For the first time, to instruments of planning are incorporated: the Programa Sectorial de Educación 2013 – 2019, in one of its lines of actions and in the Programa Especial de Educación Intercultural 2014-2018, that incorporates them in their diagnostic, objectives, strategies and line of action.

This is also the first time that an inform to the Committee on the Rights of the Child of the UN contemplates this population and we hope that for the first time, this office, issues recommendations to the Mexican governments relative to this Mexican children’s group.

### **Recommendations of Public Policy.**

- Track the African descending child population according to the recommendations of the Committee for the Elimination of Racial Discrimination (CERD-ONU 12<sup>th</sup> march 2011), in relation to insufficient data about health indicators and about the adopted measurements to improve them.
- Elaboration of a diagnostic with a generational point of view over African descending population in Mexico, its auto definition and life conditions.
- Reform the second article of the Constitution, making it recognize the identity of the afro descending people.
- Promote the participation of afro descending children for the implantation of programs and public policies that reaffirm their identity and reinforce their development.
- Develop diffusion and awareness campaigns to promote the acknowledgment and respect towards the afro descending children's rights with the objective to eliminate stereotypes and promote intercultural dialogue and the values linked to multiculturalism.
- Reinforce actions to fight discrimination and racism in school environment, especially afro descending children that suffer from it.
- Elaborate a strategy targeted to the inclusion of afro descending children that demonstrated the compromise of the Mexican government in the frame of the International Decade of African Descent (2015 -2025), whose theme is: "African Descent: Recognition, Justice and Development".

### **Children with Disability.**

Problems in the generation of statistical information related to children with disability are persistent, this starts from census information to administrative registers, which limits the necessary elements in order to identify and eliminate barriers.

We must recognize that most programs targeted to children make a positive discrimination: programs of childcare to early childhood, Oportunidades and programs of educational offer, just to mention the most important one. Nevertheless, there is an incoordination about the attention to these populations among the DIF System, the Secretary of Health, Secretary of Public Education and the CONADI.

Despite counting with a *Strengthening Program for Special Education and Educational Integration*, it is included in the reports the attention to special needs, that are the ones that determine the growth in this attention and that, in its majority of the cases, do not attend to children with disability. Only 5% of schools reported adjustments during 2009 to guarantee the integral accessibility and this is reflected in the fact that only four out of ten children with mobility problems can attend school.

Finally, attention has been given to children with musculoskeletal disability in hands of the private body (Teletón), transferring public resources without any type of supervision. The severity lies in the public state organisms that must operate without resources. The Committee on the Rights of People with Disabilities has already called the Mexican government's attention because of it.

### **Recommendations of Public Policy.**

- It is necessary for the Mexican government to make an improvement in the fulfillment of the observations made based on its initial inform of the Convention on the Rights of People with Disabilities and from which its first report was derived (2014).
- Take measures to prohibit the media exposure that is detrimental for disabled children's dignity.
- The constitution of the National Information System on Disability is requires, established in the article 2 of the Ley General para la Inclusión de las Personas con Discapacidad.
- Repeat the experience of the National Register of Children with Disabilities, raised by the Secretary of Public Instruction in 1996. In order to have data for immediate decision making towards an educative inclusion.
- Promote the participation of populations with disability, specially children, for the implementation of programs and public policies that reinforce development, taking into account their age and maturity, under the scheme of reasonable adjustments that the Convention on the Rights of People with Disabilities proposes.

### **Teenage Justice**

In the Mexican case, the problem about the effectiveness in the contents of the Convention on juvenile justice has been presented mainly in a federal level, being that nowadays the majority of the federal entities have systems of adolescent functioning criminal justice. Despite that since 2005 there is an obligation of the Federation to create a justice system for teenagers consistent with the Convention, the Union Congress approved the relative federal law until 2012, but it will go into operation as of December 2014.

Another obstacle for the harmonization of the CDN is the absence of preventive policies for teenager crime commission. While these lagoons persist, according to the official numbers that we know, for example, there are 4, 520 institutionalized children in centers for minors under 18 years old and more than 40% of them, despite being interns, have not received resolution.

### **Recommendations of Public Policy.**

Reformulation of the Ley de Justicia para Asolescnetes with progressive and guaranteed criteria that harmonize its contents with the Constitution, modifying among others:

- Elimination of preventive detention for teenagers.
- Adaptation to the Constitution as it does not regard the process will be accusatory and oral.
- Clear and precise rules for indigenous teenagers, as it does not foresee their right of interpret or translator.
- Include migrant foreign teenagers and their consular assistance.
- It is necessary that the legal age to be criminally responsible is justified, as it would nullify the possibility of implementing public policies of preventive cut.
- Attend the lagoons that are abundant in this law regarding the isolation measurement that is decided discretionary by an administrative authority and not a judicial one; besides the precautionary confinement.
- It is necessary that the law contemplates the principle of “social reintegration” that is both national and internationally accepted as the least harmful according to guaranteed principles.

### **Children in Armed Conflict.**

During the last presidential term and the actual one, the national security has suffered both in action and in perception, which can be directly related with the increase in the number of legal and illegal actors in the care of security. This implies directly the number of street confrontation, which on one side puts the civil population at risk, while it defies the number of children under 18 forces to witness or get involved in an armed conflict; being easy prey because of their social conditions, their underage before Mexican justice, their death or their orphanage statuses.

More than 300,000 participants aged between 10 and 15 years stated in the child consultation 2012 that near where they live there are conditions of violence associated with shooting and deaths. 10% of teenagers from 13 to 15 years old manifested that the offenders have asked them to be part of their groups.

Homicidal violence in Mexico occurs because of special characteristics, in which states of disputed territories by groups of organized crime prevail, the states of the Republic that exceed that national average in violence are: Sonora, Morelos, Tamaulipas, Estado de México, Baja California, Nayarit, Guerrero, Durango, Sinaloa and Chihuahua; being the last two, the ones with the highest homicide number. The Zetas, the Cártel de Sinaloa or Pacífico, Los Arellano Félix, La Familia Michoacana, Los Caballeros Templarios, El Nuevo Cártel de Juárez, El Cártel de la Barbie, and the Cártel de los Beltrán Leyva are the ones that give origin or cover the 80 criminal groups, according to reports issued by the

PGR. It is noteworthy that the case of the Zetas in collaboration with the Maras to recruit underage children is known just as the Cartel de Sinaloa with the M18.

From 2006 to 2010, 1,685 people from 0 to 14 years old have been murdered in the fight against organized crime, 354 were babies of less than a year old; 30 thousand children collaborate with organized crimes in many ways (from drug traffic to person kidnapping, from smuggling extortions to human trafficking, from child prostitution to training of paramilitary gunmen) all in all there are almost 22 types of crime.”

According to presidential data, there was an increase of more than 100% from 2009 to 2010 in the number of population deaths between the ages of 16 to 20. This means more than 2000 deaths.

The balance of armed confrontation caused until 20120 more than 100,000 deaths, 27,000 missing and around 250, 000 displaced. The states with the most displacements are those found in the south: Guerrero, Chiapas, Oaxaca, mostly by religious affiliations, and it increases in the north in: Chihuahua, Tamaulipas, even if the actual number of displaced people has incremented in Michoacán. According to experts, the sequel and violence spiral in Mexican children cannot be measured yet.

According to estimations made in 2006 by some civil organizations, there are around 30000 orphans. The State Commission for Human Rights of Chihuahua alone has certified that 12000 children are orphan because of this violence. Academic and civil society organization estimations report that there are around 10 000 and 14 000 orphan children with a recent violent past lived in their town. Children that have not had access to professional attention nor necessary assistance by the Mexican government. A high percentage of these children belong to margined classes that have been re-victimized with the omission of the Mexican government to implant public policies for the integral attention.

In 24 states clandestine graves have been found, whose responsibility lies in the drug cárteles. In some graves, children remains have been found, like in Tacotalpa-Tabasco where they found 3 indigenous children of 8, 10 and 7 years old, in other cases they have found entire families which include children and even a baby.

The persecution of children that live in sounding areas start to have an impact, not only because of the general violence but also for the stress that they are beginning to present. This is causing new generations to be acquainted with violence, creating pathologies of hate, revenge and thus, generating more violence and with no fear of using guns to achieve their objectives; in the meantime health programs have not noticed this and do not have programs that contrast the actual situation of children in armed confrontation zones.

The hidden war or armed confrontation has meant an increase in gun provision to the country, which has opened both the access and the generation of usage skills for children and above all, teenagers.

The violence that organized crime executes in Mexico has made since 1995 an increase in groups of self-defense and communitarian policies, which have been arming themselves because of several reasons in southern states such as: Guerrero, Morelos, Michoacán, Veracruz and Oaxaca. To this we must add the armed movements where the center of armed group documentation talks to 45 for Mexico. In all these cases the recruitment of children is documented.

### **Recommendations for Public Policy.**

- A classification in the Federal Criminal Code, forced isolation and/or participation of children under 18 years old in armed conflicts.
- The regulation of the attention given to children involved actively or passively in armed encounters such as the crossing of organized crime or recruitment of legal or illegal organized structures.
- The usage of guns to be raised to 21 years old.
- The appliance of the Federal Criminal Code and the Ley Contra la Trata de Personas for any children involvement in armed conflict.
- The right process of juridical obligation relative to freedom and speech and the best interests for the child to those who have supposedly participated in activities of organized crime, are carried out.
- Generate clear mechanisms that allow the application of the Optional Protocol to the Convention on the Rights of the Child relative to the participation of children in armed conflicts to guarantee the free development of childhood. (CRC/C/OPAC/MEX/CO/1 paragraph 10).
- Elaborate measurements that avoid the recruiting of children by organized crime and paramilitary groups; such as data bases that allow the prevention by region and according to the type of exploitation or finality of trafficking. (CRC/C/OPAC/MEX/CO/1 paragraph 12, 14, 22)
- Implement adequate health and educational services that allow reducing child trafficking. (CRC/C/OPAC/MEX/CO/1 paragraph 26).
- All crimes committed against children must be investigated and juridical mechanisms that guarantee human rights and child protection, as well as the prosecution and punishment of those responsible. (CRC/C/OPAC/MEX/CO/1 paragraph 30 subsection a, b)
- Creation of protocols for military and security forces that guarantee children's integrity during investigations in which they are the subject of matter by armed groups. (CRC/C/OPAC/MEX/CO/1 paragraph 30 subsection d, e)

## ANNEX 1

### **Present, organizations and academics that integrate the Alliance for the Rights of Children and Adolescents in Mexico.**

#### **Organizations**

Cauce Ciudadano A.C

Centro de Actividades Artísticas para la Infancia. Mojiganga Arte Escénico A.C.

Centro de Derechos Humanos de la Montaña, Tlachinollan AC.

CEIDAS A.C. (Centro de Estudios e Investigación en Desarrollo y Asistencia Social A.C.)

CEPADES AC. (Capacitación, educación para Adultos y Desarrollo Social, AC.)

Cuidarte A.C. ®

Incluye A.C. (Compromiso, Solidaridad y Ayuda Social A.C.)

Dibujando un Mañana A.C.

Equidad para la Infancia

Fundación Pro Niños de la Calle I.A.P.

Fundación Telefónica

GENDES A.C. (Género y Desarrollo A.C.)

Infancia Común AC.

IDEAS A.C. (Información y Diseños Educativos Saludables A.C.)

Mueve... Derechos de la infancia. Ba Jichi A.C.

Organización Fuerza Ciudadana A.C.

Organización Popular Independiente A.C.

Ririki Intervención Social S.C.

Save the Children México

Sin Fronteras I.A.P.

Stímulo Centro de Estimulación y Desarrollo Neurocognitivo A.C.

Visión Solidaria AC.

World Vision México (Visión Mundial México)

#### **Groups and networks.**

Alianza por la Infancia y sus familias, Distrito Federal (AIFAM – DF).

Colectivo contra la TDP A.C. (Colectivo contra la TDP A.C.)

Mesa Social contra la Explotación de Niñas, Niños y Adolescentes

Red por los Derechos de la Infancia en Ciudad Juárez A.C.

## **Academics**

Universidad Autónoma Metropolitana. Programa Infancia

Universidad Iberoamericana. Maestría de Derechos Humanos

Universidad Nacional Autónoma de México. Instituto de Investigaciones Jurídicas

Universidad Pedagógica Nacional. Área Académica “Diversidad e Interculturalidad”

## **In addition**

1. Acción para el Bienestar Ciudadano ABC Estado de México
2. Afrodescendencias en México. Investigación e Incidencia A.C.
3. Amigos la Revista.
4. Asamblea de Migrantes Indígenas de la Ciudad de México.
5. Asociación Multidisciplinaria para el Mejoramiento de las Funciones y Capacidades del Cerebro Humano A.C. (AMMCE A.C.)
6. Asociación para la Protección del Menor A.C.
7. Barrio Activo A.C.
8. Casa de la Sal A.C.
9. Casa Amiga Centro de Crisis A.C.
10. Casas de Cuidado Diario Infantiles de Ciudad Juárez A.C.
11. Casa YMCA del Menor Migrante de Ciudad Juárez
12. Centro de Estudios para el Desarrollo, Itzamná A.C.
13. Centro de Apoyo y Defensa de los Derechos Humanos de la Infancia A.C.
14. Centro de Asesoría y Promoción Juvenil A.C.
15. Centro de Capacitación Infantil y Familiar A.C.
16. Centro de Derechos Humanos Paso del Norte A.C.
17. Centro Educativo e Integración Familiar A.C.
18. Centro Familiar Ayuda A.C.
19. Centro Familiar para la Integración y Crecimiento A.C.
20. Centro Internacional de Investigación pro derechos humanos y desarrollo inclusivo A.C (CIPDHI A.C.)
21. Centro Humano de Liderazgo A.C.
22. Colectiva: Arte, Comunidad y Equidad A.C.
23. Colectivo Muñeca Fea A.C.
24. Comité Médico Ciudadano de Ciudad Juárez Chihuahua.
25. Comisión de Solidaridad y Defensa de los Derechos Humanos A.C.
26. Consejo Ciudadanos por el Desarrollo Social de Ciudad Juárez A.C.
27. Cuerpo Académico Transformación Social. Universidad de Guadalajara.
28. Formación y Desarrollo Familiar A.C.
29. Derechos de la Infancia y la Adolescencia A.C. Casa DIA
30. Derechos Humanos Integrales en Acción A.C.
31. Desarrollo Juvenil del Norte A.C.
32. Educación con el Niño Callejero I.A.P. (EDNICA I.A.P.)
33. El Deporte como Valor Universal A.C.
34. Espacio Social para el Diálogo Estratégico
35. Espacio Libre Independiente Marabunta A.C.

36. Fundación Juárez Integra A.C.
37. Fundación México Juega A.C.
38. Fundación Nacional de Investigaciones de Niños Robados y Desaparecidos I.A.P.
39. Fundación Renacimiento I.A.P.
40. Impulsa al Joven Emprendedor A.C.
41. Iniciativa Ciudadana y Desarrollo Social, INCIDE Social, A. C.
42. Instituto de Acción Ciudadana para la justicia y Democracia A.C.
43. Instituto de Atención Especial a Niños A.C.
44. Juntos es posible A.C.
45. Las Hormigas Comunidad en Desarrollo A.C.
46. Mensajeros de la Paz I.A.P.
47. ObservaLatrata Capitulo México.
48. Panpétalo: Acciones contra el Hambre A.C.
49. Planeta de Comunicación, Arte, Orientación, Sociedad y Salud A.C. (Planeta CAOSS A.C.)
50. Programa Compañeros A.C.
51. Programa Educación en Valores A.C.
52. Red Retoño
53. Salud y Bienestar Comunitario A.C.
54. Sembradores de Paz y Esperanza A.C.
55. Servicios Educativos de Promoción y Asesoría Familiar A.C.
56. Sumando Esfuerzos por Juárez A.C.
57. Techo Comunitario A.C.
58. Vida y Familia Juárez A.C.
59. Voluntarias Vicentinas de Ciudad Juárez A.C.
60. Y...quién habla por mi? A.C.
61. Yelmo Colectivo

## ANNEX II

### RECOMMENDATIONS

#### I. GENERAL MEASUREMENTS OF IMPLEMENTATION

- The generation of a Ley General de Garantía de los Derechos de niñas, niños y adolescentes that incorporates what is established in the reform to the 1° and 4° constitutional articles.
- Creation of a National System, with a state's reach and municipal guarantee and protection of children's rights, that counts with autonomy, legal capacity and own and adequate budget to implement, orient, monitor and evaluate practices and public politics that affect childhood.
- Creation of Defenders of Children's Rights, independent of Attorneys of Defence of Children and Family.
- Target specific budget for the implementation and operation of vigilance and following committees of the CDN. It is essential for them to count with autonomy and an institutional frame that lets them monitor, evaluate and guarantee the participation of citizens, including children.
- Creation of a specific information system for children, with disaggregation according to their belonging to different social groups, age and gender. With special interest in the generation of a data base of migrant children, the participation in armed conflict and organized crime; and children without parental care.
- Reaffirm the recommendation *CRC/C/MEX/CO/3 paragraph 14*, concerning the creation of a tracking system about the compliance of recommendations, resolutions of national and international sentences in which children are involved.
- Re-take the efforts for the creation of a National Programme for Children.
- Addition the transversal annex about the resources for children attention in the Ley Federal de Presupuesto y Responsabilidad Hacendaria for it to be of mandatory nature and furthermore for it to establish a legal base in the assignation of resource for children.
- Raise in a substantial way the direct investment in child protection aspects, being that up to date less than 2% of the budget is assigned for it.
- Assign to states and municipalities specific resources for protection and participation.

## **II. DEFINITION OF CHILD**

- Homologate in all Civil Codes to make 18 years the minimum legal age for marriage for both sexes and eliminate the dispenses that refer to the adult consent.
- Eliminate the crime of rape, the exclusion of liability for the alleged offender when he marries.
- Establish as a crime the forced obligated marriage.
- Promote and implement a denunciation system with the necessary conditions so that children that have been forced to marry can denounce it in a confidential, safe way and that they count with reintegration and recovery services.
- Implement public politics to raise awareness in children, families, community and/or religious leaders and public servers about child marriage.

## **III. GENERAL PRINCIPLES**

- Develop modification of the perception towards childhood and its rights strategies, in order to advance in the principle of non-discrimination.
- Include in programs of attention to poverty: Opportunities and Crusade against Hunger, for example, a childhood perspective, directed particularly to populations in situations of great vulnerability.
- Establish a strategy or program of national reach of attention to early childhood.
- Examine the federal and state legislation in a systematic way so that the article 4 of the constitution, that points out the superior interest in childhood, is applied in every law and national regulations, as well as in the norms that regulate the function of public or private institutions that lend children related services.
- Establish mechanisms and report, complaint and consult procedures, with the purpose of giving plain effects to the child's rights and that its superior interest is systematically integrated in every administrative execution and procedure measurement related with it or that affects it.
- Reforms to Civil and Procedure Codes on a federal and state level in order to give children the opportunity of being listened to in every decision in which they find themselves involved.
- Sign and ratify the Protocol to the Convention on the Rights of the Child relative to a procedure of communications.
- Create a childhood budget that covers children from the negative effects of the economic politics or financial downturns, as well as from emergency situations in which they find themselves involved.
- Implement a monitoring and vigilance system for the results of child consults and parliaments.

- Establish a juvenile national parity and binding council which includes teenagers and that counts with specialized mechanisms of participation.
- Reiterate the Committee's recommendation concerning the establishment of mechanism so that the National Human Rights Commission can be able to receive complains of children (*CRC/C/MEX/CO/3 paragraph 11.*) Extending it to the Human Rights State Commissions (the only one in Mexico City that counts with this mechanism).
- Develop a statistical analysis disaggregated by age categories, gender and localization about affected children (murdered, displaced, raped) by the fight against organized crime.

#### **IV. RIGHTS AND CIVIL LIBERTIES**

- Follow the compromise of universal birth registration for 2015.
- Establish a registration strategy in the main points of transit or destiny of migrants so that they can have easy access to the registration of their children.

##### **Stateless Children**

- Include in the Ley sobre Refugiados y Protección complementaria, a title to the stateless population, in order to establish a general frame of this figure of international protection in our country that until now is only mentioned in some articles of the Ley de Migración.
- Recognize the stateless constitutionally and subsequently ratify the Convention on the Reduction of Statelessness, 1961.
- Develop a study with a complementary register by the National Institute of Migration about stateless children, the causes of their situation and with clear distinction between undocumented migrants, refugees and stateless.

##### **Torture and other cruel, inhuman or degrading treatments.**

- Harmonize the federal and state legislation to uniform classification of torture and other abuses of conformity with the Convention against Torture and the Inter-American Convention to Prevent and Punish Torture.
- Establish a data system with national reach, with broken down data about complaints, processes and convictions for torture and abuse.

- Include in the institutional guidelines a differentiated point of view when regarding children for the application of the Medical / Psychological Opinion for possible cases of torture and / or abuse.
- Implement and direct a public policy in the matter of migration that fights off the cases of torture, missing cases and children executions' in Mexican territory.

## **V. VIOLENCE TOWARDS CHILDREN.**

- Undertake a national diagnosis that provides statistical elements about the dimensions and types of violence towards children in familiar, school, institutional, community and social aspects.
- Value the reforms from the 4° constitutional article to determine from the highest normative level the children's right to not to be abused of.
- Modifications of the Article 423 in the Federal Civil Code and of the equivalents in 31 states and Mexico City, to suppress the "faculty of correcting" as a justifier of the use of strength in a family environment.
- Establish in the Ley General de Educación and in the state legislations with the specific prohibition of corporal punishment.
- Incorporate to the Reforma Educativa in course a prevention strategy and attention to school violence, that is does not limit itself to violence among pairs and that it incorporates attention protocols in the management of school spaces.
- Incorporate in every Penal Code a general aggravating for the mortal or wound underage victims.
- Establish in the Ley de Asistencia Social and in the corresponding Norma Oficial in a precise way the prohibition of corporal abuse in institutions that attend children.
- Evaluate in a systematic way the impact and actions directed towards children taken into account in the Program of Social Prevention of Violence and Crime and other programs directed towards their attention.
- Implement and operate the established mechanisms in the Protocol of Children's protection in Scenarios of Organized Crime.
- Place the education for peace in the center of every action of prevention against violence linked with children, the generation of values such as tolerance, respect; the non-violent conflict solving.
- Regulation of the exposition in media of children and the television programs and games that are at their access to avoid that their contents promote violence.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE MODES.**

- Generate public policies that start in a central way from the guarantee of the child's right to a family. In that sense the residential or institutional fostering must be considered as an extreme measure.
- Count with a register system, supervision and evaluation of institution that foster children without parental care.
- Modify the legislation to recognize figures such as foster family or substitute family.
- Close, in a gradual way the denominated mega institutions, which are the ones that, up to now, house more than 85 children and rule out immediately the institutionalization of children under 3 years.
- Generate the necessary conditions to guarantee the children's right to a family with parents in custody.
- Approve the legal frame of national and international adoptions and generate mechanisms to make them more efficient.
- Check the public policy in matter of housing, due to its impact in the family life and the social fabric.
- Design a public policy of co-responsibility between family and work life. In which nurseries must be considered and support the men in raising a child.

## **VII. BASIC HEALTH AND WELFARE.**

- It is necessary that programs such as Oportunidades (monetary transfers), count with components that focalize on children.
- Strategies and programs oriented towards the prevention of HIV/AIDS in children are required, as well as the generation of information and analysis of such that allows to instrument specific actions.
- Impulse programs and actions that attend in an integral manner the mental health problems, to make them tend to reduce the suicide rates and depression in teenagers, considering the updated information.
- Strengthen the educational actions regarding sex health in teenagers, as well as the campaigns of access and appropriate use of contraceptive methods, that it has an impact in the reduction of pregnancy and sexually transmitted infections.
- Develop programs and nutrition policies directed to the indigenous population, including aspects of quality of service delivery and demand and usage by the target population.

- Develop programs of integral character for the care of child and teenage overweight and obesity.
- Develop a National Environmental Health Program whose core objective is to prevent and mitigate the risks and health damages product of degradation and environmental pollution.
- Increase the percentage of primary health care centers; make them count with protocols for communitarian attention for mental health seeing that only three out of ten count with them.
- Check critical and scientifically the generalization of the human papillomavirus vaccine as done in Japan, France, Australia and United Kingdom.

## **VIII. EDUCATION, PLAYTIME AND CULTURAL ACTIVITIES**

The worries and recommendations in educational matter in the Committee on the Rights of the Child in the UN, expressed in 2006, can sadly be applied nowadays: the persistent low enrollments are worrying, especially among children that come from indigenous and migrant families; the insufficient resources assigned to education; the considerable disparities in the reaching and quality of education between urban and rural zones; the high dropout rates, especially among teenagers, as well as among children from rural zones, indigenous and migrated children; the low quality of teaching. The insufficient of bilingual intercultural teaching in indigenous zones is also a worrying issue, as it has a negative effect on the rate of school dropouts in those areas. The Committee is also worried about the fact that the necessary funds may have not been assigned so that institutions of pre-school teaching can count with enough human resources and material to assure free and accessible schools for everyone in the year 2008.

- Incorporate in each school of the country an intercultural view: with linguistic and cultural relevance with indigenouss; with attention to diversity in multicultural context; with knowledge, respect and appreciation of diversity in mixed race contexts and with emphasis on the initial training of teachers and practicing teachers.
- Assure that the Reforma Educativa in course contemplates the necessary actions to achieve a quality education for all children.
- Foresee what is necessary to count with the required conditions to achieve the compulsory senior high level in 2020.
- Assure the free education and fight indirect costs.
- Strengthen extended day schools, full time schools and always open school.
- Incorporate in a gradual way all the target populations of compensatory programs: migrants and indigenouss, to the offer of the national education system.

- Promote the children's participation in spaces of school management.
- Establish a Comprehensive Program for Early Childhood Development.
- Make modification to set the pre-school education to 2 years (4 and 5 year olds) and the initial education from 0 to 3 years 11 months.
- Develop a national program for the maintenance of primary schools. Assuring minimal infrastructure to all the schools in the country.
- Assure the educative inclusion for children with disability, through their participation at regular school.
- Need of a data base with transparency regulations, articulated both vertically and horizontally by levels, educational modalities including extracurricular, and that it is articulated with health base, social security and demography (like what the Programa Oportunidades is trying to do).
- Horizontal mainstreaming into education policy with axes like inclusion, diversity, gender. Vertical mainstreaming in a generational policy that articulates first childhood, childhood, adolescence, youth, adulthood and elderly policies.

### **Right to play**

- Development of legislation and public policies that recognize the children's rights in the article 31.
- Raise awareness among society about the children's rights to play and its importance for their development. This requires campaigns and educative actions for all adults involved in the children's care.
- The planning must take the creation of safe and accessible environments as a priority, in order for children to be able to play freely: park availability, green areas, community centers, sport facilities, playgrounds and natural areas.
- Adoption of public security measures to protect playgrounds and recreation zones (speed limits, crosses at schools, etc.).

### **Cultural Activities**

- Evaluation of the offices and specific attention programs for childhood population to count with reliable information on its impact.
- Promote affirmative and inclusive actions to benefit girls, especially those that are part of sectors in vulnerable state.
- Take into account the direct opinion of children from all ages in data gathering regarding the issue of culture.

## **IX. SPECIAL PROTECTIVE MEASURES**

### **Migrating childhood**

- Develop specific attention action to working migrant children and their families. Both in places of reception as in communities of origin.
- Visualize the migrating children, mostly indigenous, in medium cities and metropolitan areas.
- It is essential to implement programs and alternative mechanisms for the detention of migrating children (both accompanied as unaccompanied), in order to stop them and their families from being held in migration stations or in other places where they find themselves deprived from their liberty. For which asylums or temporary open door or semi open shelter for migrant children, accompanied or unaccompanied by their families that find themselves in migration process or waiting to be deported or returned to the country of origin, should be created in collaboration with civil society organizations, state governments, public and private institutions or systems within the DIF.
- It is expeditiously required that procedures for the determination of the Child's Superior Interests are established in a punctual manner.
- Strengthen the identification of needs of child protection, of the returned children that are not identified nor access the recognition procedure of asylum, as well as adopting alternative measures towards the non-detention of unaccompanied children or children separated from their family.
- It is urgent for the figure of the Officer Child Protection to be independent from the migration agents and for it to count with a profile of child attention specialists, the creation of a specialized body in children and migration rights that can determine and execute in an interdisciplinary coordinated way the attention to children is recommended.
- Carry out the necessary reform to the rules of the civil register in the 32 entities to guarantee the migrant children their identity right in a human right frame and according to the international legislation. Also, it is urgent to encourage awareness among the Civil Register personnel and judges regarding matters of migrant and refugee rights, as well as the normative frame.
- It is a priority that necessary measurement should be made in order to establish a procedure that guarantees the right to legal representation stated by the Ley de Migración y su Reglamento. The National Institute for Migration must implement agreements that establish an operative mechanism of free legal and specialized representation of children's rights with children defenders, bodies of lawyers / as

pro bono and civil society organizations that give legal assistance, to fulfill what is established in the Ley de Migración and several international treaties about due process guarantees.

- Finish with the children policy of repatriation as the only solution, without considering that returning to their country may be a risk, as they may be chased or re-victimized; besides there is no evidence in practice of a real implementation of protection mechanisms according to the superior interest.
- Complete the tutor figure in the Ley sobre Refugiados y Protección Complementaria and its regulation in the Ley de Migración.
- Publish the Reglamento de la Ley de Migración in order to make both the migrant child protection mechanisms in general and in particular the unaccompanied one, operable; as well as the determining the best interests of the child, that is established there.
- Follow the Advisory Opinion about migrant childhood that the Interamerican Court of Human Rights will issue on September 2014.

### **Indigenous Children**

- Apply a transversal and holistic approach of targeted and universal policies that attend to the challenges that persist to guarantee the plain exercise of the social rights of indigenous children population.
- Integral actions that respond to the accumulation and simultaneity of social needs in the indigenous child population are required.
- The creation of a normative frame in terms of inclusive, bilingual education with cultural pertinence.
- Creation of study programs and materials for teachers with cultural pertinence and bilingual.
- Modify the criteria of focalization programs, such as Oportunidades, in order to make indigenous children and their families eligible.
- Create a governance strategy in Cities, so that children can practice their rights creating the conditions needed to recreate cultural and sacred spaces and that they develop under the indigenous perspective.
- Recognize in an official way the proper education for indigenous children, called cosmo education for the full development and cosmological relevance of indigenous children.

### **Children in Situation of Human Traffic in Mexico.**

- The Recommendations issued to the Mexican government in the frame of creating an identification system of cases and risk zones continue to not being fulfilled; generate disaggregated data bases that disaggregate information by age, sex,

nationality, ethnic origin, state, municipality: creation of effective mechanisms that allow to determine the causes and dimensions of sexual exploitation in both Mexican and foreign children accompanied or not, in transit – regular and irregular – by national territory, so that measurements that address the problem considering children’s specific needs can be implemented, identifying the risk that they are facing. Besides, it urges the development of actions with a human rights point of view for the rescue of victims of child trafficking. (CRC/C/OPSC/MEX/CO/1 paragraph. 46)

### **Child and Adolescent Labor**

- Ratify the Convention 138 of minimum age for admission to employment.
- Ratify the Convention 189 and harmonize with the Recommendation 201 to avoid violations of basic rights of more than 2 million domestic workers and child exploitation.
- Ratify the Convention 176 of the OIT about security and health in mines.
- It is recommended to create protection programs for working teenagers in ages of 15 to 17, to avoid them being exposed to exploiting situations. On the other hand, working hours must be revised allowed with in order that they do not have double or triple workdays and can develop completely.
- Take the necessary actions to fulfill in 2016 the compromises from the routing for the elimination of worst forms of child labor (OIT). Do a tracing, especially of children working in mines and brickworks.
- Integrate a national strategy of prevention and eradication of child labor. Emphasize the attention to migrated child and adolescent farm worker population.
- Increase the number of job inspectors and apply the law to companies that hire child workers under the minimum age allowed.
- Re-take the experience of the Program “Alto al Trabajo Infantil n la Agricultura”, developed by the International Program on the Elimination of Child Labor (IPEC/OIT) between 2010 and 2013. Both in their local experiences focused on indigenous children and adolescents and migrant; and in relation to good practice in the sugar sector, on the recognition of the eradication of child labor from value chain and as a factor of production improvement and promoter of decent work.
- Integrate a work program that allows the operation of the Program IPE/OIT in Mexico again, in order to continue with the technical cooperation on the subject.
- Although there are child labor statistics that need to be detailed with help from within the same institutions, in order to reflect the reality and create local programs and actions depending on the location in order to have more impact on both prevention and action.

### **Children with Street Connections**

- Generate a critical diagnosis about populations with street connections, in order to account for their transformations.
- Generate programs and actions that approach dimensions of attachment, work and mobility in the street, with a differentiated strategy that is targeted to elderly people.

### **Children of African Descent**

- Track the African descending child population according to the recommendations of the Committee for the Elimination of Racial Discrimination (CERD-ONU 12<sup>th</sup> march 2011), in relation to insufficient data about health indicators and about the adopted measurements to improve them.
- Elaboration of a diagnostic with a generational point of view over African descending population in Mexico, its auto definition and life conditions.
- Reform the second article of the Constitution, making it recognize the identity of the afro descending people.
- Promote the participation of afro descending children for the implantation of programs and public policies that reaffirm their identity and reinforce their development.
- Develop diffusion and awareness campaigns to promote the acknowledgment and respect towards the afro descending children's rights with the objective to eliminate stereotypes and promote intercultural dialogue and the values linked to multiculturalism.
- Reinforce actions to fight discrimination and racism in school environment, especially afro descending children that suffer from it.
- Elaborate a strategy targeted to the inclusion of afro descending children that demonstrated the compromise of the Mexican government in the frame of the International Decade of African Descent (2015 -2025), whose theme is: "African Descent: Recognition, Justice and Development".

### **Children with Disability.**

- It is necessary for the Mexican government to make an improvement in the fulfillment of the observations made based on its initial inform of the Convention on the Rights of People with Disabilities and from which its first report was derived (2014).
- Take measures to prohibit the media exposure that is detrimental for disabled children's dignity.

- The constitution of the National Information System on Disability is requires, established in the article 2 of the Ley General para la Inclusión de las Personas con Discapacidad.
- Repeat the experience of the National Register of Children with Disabilities, raised by the Secretary of Public Instruction in 1996. In order to have data for immediate decision making towards an educative inclusion.
- Promote the participation of populations with disability, specially children, for the implementation of programs and public policies that reinforce development, taking into account their age and maturity, under the scheme of reasonable adjustments that the Convention on the Rights of People with Disabilities proposes.

### **Teenage Justice**

Reformulation of the Ley de Justicia para Asolescnetes with progressive and guaranteed criteria that harmonize its contents with the Constitution, modifying among others:

- Elimination of preventive detention for teenagers.
- Adaptation to the Constitution as it does not regard the process will be accusatory and oral.
- Clear and precise rules for indigenous teenagers, as it does not foresee their right of interpret or translator.
- Include migrant foreign teenagers and their consular assistance.
- It is necessary that the legal age to be criminally responsible is justified, as it would nullify the possibility of implementing public policies of preventive cut.
- Attend the lagoons that are abundant in this law regarding the isolation measurement that is decided discretionary by an administrative authority and not a judicial one; besides the precautionary confinement.
- It is necessary that the law contemplates the principle of “social reintegration” that is both national and internationally accepted as the least harmful according to guaranteed principles.

### **Children in Armed Conflict.**

- A classification in the Federal Criminal Code, forced isolation and/or participation of children under 18 years old in armed conflicts.
- The regulation of the attention given to children involved actively or passively in armed encounters such as the crossing of organized crime or recruitment of legal or illegal organized structures.
- The usage of guns to be raised to 21 years old.
- The appliance of the Federal Criminal Code and the Ley Contra la Trata de Personas for any children involvement in armed conflict.

- The right process of juridical obligation relative to freedom and speech and the best interests for the child to those who have supposedly participated in activities of organized crime, are carried out.
- Generate clear mechanisms that allow the application of the Optional Protocol to the Convention on the Rights of the Child relative to the participation of children in armed conflicts to guarantee the free development of childhood. (CRC/C/OPAC/MEX/CO/1 paragraph 10).
- Elaborate measurements that avoid the recruiting of children by organized crime and paramilitary groups; such as data bases that allow the prevention by region and according to the type of exploitation or finality of trafficking. (CRC/C/OPAC/MEX/CO/1 paragraph 12, 14, 22)
- Implement adequate health and educational services that allow reducing child trafficking. (CRC/C/OPAC/MEX/CO/1 paragraph 26).
- All crimes committed against children must be investigated and juridical mechanisms that guarantee human rights and child protection, as well as the prosecution and punishment of those responsible. (CRC/C/OPAC/MEX/CO/1 paragraph 30 subsection a, b)
- Creation of protocols for military and security forces that guarantee children's integrity during investigations in which they are the subject of matter by armed groups. (CRC/C/OPAC/MEX/CO/1 paragraph 30 subsection d, e)



*"Hemos estado viendo en nuestro país este tema que es la corrupción, aunque muchos políticos no son así, ha habido muchos corruptos, por eso la gente ya no cree en ellos, los políticos lo que tienen que hacer es que tienen que cumplir con lo que prometen las leyes no sirven si se quedan en un papel guardadas, en un librero empolvándose años, meses, semanas, días, las leyes tienen que cumplirse"*  
9º Parlamento Infantil H. Congreso de la Unión  
Adrián García, legislador infantil.

