



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Mexico

1. The Committee considered the third periodic report of Mexico (CRC/C/125/Add.7) at its 1140th and 1141st meetings (see CRC/C/SR.1140 and 1141), held on 23 May 2006, and adopted, at its 1157th meeting (see CRC/C/SR.1157), held on 2 June 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, which follows the guidelines for reporting, and the written replies to its list of issues (CRC/C/MEX/Q/3). The Committee also notes with appreciation the frank and open dialogue with the delegation of the State party, which allowed for a better understanding of the complex situation of children in Mexico.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, including:

- (a) The amendments of articles 4 and 18 of the Constitution of Mexico respectively in 2000 and 2006, strengthening the protection of children's rights;
- (b) The promulgation of the Act on the Protection of the Rights of Children in 2000;

(c) The revision of the Federal Penal Code, the Federal Code of Penal Procedure, the Federal Act against Organized Crime, the Federal Code to Prevent and Eliminate Discrimination and the Act establishing Minimum Rules for the Social Rehabilitation of Convicted Persons in 2003;

(d) The introduction of domestic violence as an offence in 15 state penal codes;

(e) The adoption of the Programme of Action 2002-2010: *A Mexico fit for children*, in consultation with civil society organizations, academics and experts;

(f) The ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, both on 15 March 2002;

(g) The ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 4 March 2003;

(h) The ratification of the ILO Convention No. 182 (1999) on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000.

C. Principal subjects of concern, suggestions and recommendations

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

The Committee's previous recommendations

4. While noting that the first part of the State party report provides specific reference to the previous concluding observations, the Committee regrets that some recommendations it made (see CRC/C/15/Add.112) on the State party's second periodic report (CRC/C/65/Add.6 and CRC/C/65/Add.16) have not been sufficiently addressed, including those regarding social inequality and vulnerable groups, non-discrimination, indigenous children, economic and sexual exploitation of children, and the trafficking of migrant children.

5. **The Committee urges the State party to make every effort to address the previous recommendations, which have been implemented only partly or not at all, and the recommendations contained in the present concluding observations.**

Legislation and implementation

6. While welcoming the measures taken to bring national legislation into conformity with the Convention and with other international standards, the Committee is concerned at the lack of effectiveness of the measures taken to implement the rights contained in the Convention and to allow rights holders to claim them. It is also concerned that not all national legislation is in full conformity with the Convention, including the substantive and procedural civil codes that do not give children the opportunity to be heard by judicial authorities. It is also concerned at the complexity of implementation due to the federal structure of the State party, which may result in

new legislation not being fully implemented in practice at the state level. In particular, a number of laws, such as the Act on the Protection of the Rights of Children of 2000, have yet to be fully integrated into state laws.

7. The Committee urges that the State party take all necessary measures to ensure that all federal and state legislation is harmonized with the Convention and relevant international standards thus ensuring their effective implementation. The Committee also urges that the State party ensure that all state laws be adjusted to the federal laws, in particular the Act on the Protection of the Rights of Children of 2000, and that all states implement as a matter of priority the necessary administrative and institutional reforms.

Coordination

8. The Committee welcomes the creation of the National Council for Children and Adolescents to coordinate the implementation of national goals in favour of children. However, the Committee regrets the modest role played by the Council in the design of public policies on children's rights, the lack of resources and legislation giving the Council a formal mandate, the lack of participation of civil society representatives in the Council's work and the absence of coordination mechanisms between the federal and state governments.

9. The Committee recommends that the State party take all necessary measures to ensure that the National Council for Children and Adolescents plays a more vigorous role in the design of public policies in order to fulfil the requirement of the Convention on the Rights of the Child in a holistic way, including by giving it a formal role through appropriate legislation and budget, and that civil society is represented in the membership of the Council.

Independent monitoring structures

10. While appreciating the work done by the National Human Rights Commission (CNDH) in the area of children's rights, the Committee regrets that its previous recommendation (see CRC/C/15/Add.112, para. 11) regarding the mandate and independence of the National Human Rights Commission, as well as the allocation of resources for 32 state procurators for the defence of the rights of the child and the family, has not been fully implemented. Furthermore, the Committee notes that the scope of action of the Follow-up and Monitoring Commissions for the Implementation of the Convention is limited, under-funded, little-known, and that they do not have the authority to work effectively. It also regrets that such Committees have not been established in all states.

11. The Committee recommends that the State party consider amending the federal and state protection laws so as to strengthen and improve mechanisms for accountability, including by allowing the National Human Rights Commission to receive complaints from children. It also recommends that State Committees of the National System for Monitoring and Supervising the Implementation of the Convention on the Rights of the Child be established in all states of the Republic. The Committee refers the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The State party is encouraged to seek

technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the Inter-American Children's Institute in this regard.

National Plan of Action

12. The Committee notes the 2002-2010 Programme of Action: "*A Mexico fit for children*" as a follow-up to the agreements reached at the 2002 United Nations General Assembly Special Session on Children. **The Committee recommends that the State party submit information on the budget allocated for the Programme of Action, as well as its implementation and on the results achieved, in its next periodic report. The Committee also recommends that the State party promote the adoption of a holistic National Programme for the Protection of the Rights of the Child, as established under article 7 of the Law of Protection of the Rights of Children and Adolescents.**

Data collection

13. While noting some improvements in the system of data collection, the Committee remains concerned that the data available does not allow for a comprehensive and systematic analysis of the situation of child rights in the State party. Existing data are not systematically disaggregated at the state and municipal level, making it difficult to visualize and address regional disparities. In addition, the Committee is concerned about the lack of up-to-date and disaggregated data on the number and geographic location of children out of school, working children between ages 6 and 14, cases of violence and abuse of children, commercially and sexually exploited children, trafficked children, children deprived of liberty, migrant and indigenous children, and children who were not registered at birth.

14. **The Committee recommends that the State party continue to strengthen its efforts to develop a system for the comprehensive collection of data covering all children below the age of 18 years and disaggregated by sex and by groups of children who are in need of special protection. The Committee recommends that the State party develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and to assess the impact of policies that affect children. The State party is encouraged to seek technical assistance from UNICEF, the United Nations Statistics Division and the Inter-American Children's Institute in this respect.**

Resources for children

15. The Committee notes with concern that, despite some increase in social expenditure over the last decades, budget allocations for children are low and remain insufficient, in particular for those social expenditures concerned with health and education.

16. **The Committee recommends that the State party strengthen its efforts to significantly increase the proportion, in nominal and real terms, of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources", giving special attention to children belonging to economically disadvantaged groups.**

Training/dissemination of the Convention

17. The Committee notes the preparation of inter-institutional public policies to promote children's rights and the activities led by the National Human Rights Commission to initiate public dialogue, in particular the trainings of judicial staff held in 1998 and 2003, the Programme for the Promotion of Children's Rights "*DIFusores Infantiles*" of the National System for the Full Development of the Family (DIF), and the Promoter Children's Programme. However, the Committee remains concerned about the low awareness of the Convention among professionals working with and for children as well as among the general public, especially among children themselves, and regrets that the Convention is not available in indigenous languages.

18. **The Committee encourages the State party to:**

(a) Take effective measures to disseminate information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, and to seek active participation of the media in that regard;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel) and, especially, children themselves;

(c) Provide information as much as possible in indigenous languages and taking into account the cultural context on the Convention and make it widely available in indigenous communities.

Cooperation with civil society

19. The Committee regrets the lack of systematic consultations with non-governmental organizations (NGOs) in the process of drafting and planning of policies and programmes on the rights of the child, and in the implementation of these programmes and of the Convention.

20. **The Committee recommends that the State party ensure that the process is systematically more participatory, and that relevant NGOs be actively involved in the drafting, planning and implementation of policies, legislation and programmes.**

2. Definition of the child (art. 1 of the Convention)

21. The Committee is concerned at the low legal minimum age for marriage and that different minimum legal ages for marriage are set for girls (14) and boys (16).

22. **The Committee encourages the State party to increase the minimum age of marriage for girls and for boys and that it set this minimum age at an equal and internationally acceptable level. The State party is also advised to undertake awareness-raising campaigns and other measures to prevent early marriages. In this regard, the Committee also refers to the recommendation of the Committee on Economic, Social and Cultural Rights (see E/C.12/CO/MEX/4, para. 40).**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

23. The Committee is deeply concerned about the significant disparities in the State party in the implementation of the rights enshrined in the Convention, reflected in a range of social indicators such as enrolment in and completion of education, infant mortality rates and access to health care, indicating persistent discrimination against indigenous children, girls, children with disabilities, children living in rural and remote areas and children from economically disadvantaged families.

24. **In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts including through awareness-raising campaigns to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities, girls, children living in rural and remote areas and children from economically disadvantaged families.**

Best interests of the child

25. The Committee is concerned that the principle of the best interests of the child is not given adequate attention in national legislation and policies and that awareness of its significance is low among the population.

26. **The Committee recommends that the State party take measures to raise awareness of the meaning and practical application of the principle of the best interests of the child, and to ensure that article 3 of the Convention is duly reflected in its legislation, judicial proceedings and administrative measures, such as the allocation of public resources.**

Respect for the views of the child

27. The Committee welcomes the efforts of the State party to promote and implement the right of children to express their views and actively participate at various levels of society. In particular it notes with interest the 2003 and 2004 sessions of the Children's Parliament and the holding of the Children's and Young People's Survey 2003. However, it remains concerned at the persistence of traditional attitudes in the State party which, among other things, limit children's right to participate and to express their views. It notes with concern the limited possibilities available to children to participate in and express their views in decision-making procedures affecting them, particularly in courts, schools and communities.

28. **In light of article 12 of the Convention, the Committee recommends that the State party:**

(a) Strengthen its efforts to promote, within the family, schools, and other institutions, respect for the views of children, especially girls, and to facilitate their participation in all matters affecting them;

(b) Amend the procedural civil codes to ensure that children are heard in judicial proceedings affecting them;

(c) Strengthen national awareness-raising campaigns to change traditional attitudes that limit children's right to participation;

(d) Regularly review the extent to which children participate in the development and evaluation of laws and policies affecting them, both at national and local levels, and evaluate the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

Right to life, survival and development

29. The Committee notes with concern the lack of information in the State party report on the situation of children internally displaced because of the conflict that ended in 1994, and on the current situation of insecurity in some areas of the country, which could have an impact on the children's right to life, to access to health care and to education.

30. The Committee recommends that the State party take all necessary measures to protect the rights of all internally displaced children and of children living in insecure areas, in particular the right to life, to health and to education.

4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

31. While noting the efforts made by the State party to ensure that all births are registered and that all children are issued birth certificates, including by the establishment of mobile units, the Committee is concerned that a large number of children in the State party, in particular indigenous children and children living in remote areas, do not have birth certificates.

32. The Committee recommends that the State party strengthen its efforts to ensure that all children are registered free of charge, giving special attention to those children who were not registered at birth, to indigenous children and to children who live in remote areas, using innovative and accessible methods. The Committee also recommends that the State party undertake targeted and innovative efforts to raise awareness of the importance of birth registration for children for the full enjoyment of their rights.

Torture and other cruel, inhuman or degrading treatment or punishment

33. The Committee is gravely concerned at the reports of cases of torture and cruel and degrading treatment, in particular against street children, migrant children, youth groups and groups of marginalized children, and child victims of sexual and economic exploitation. The Committee is further concerned that most cases are not reported or prosecuted due to the lack of appropriate instances and procedures to register and process complaints of torture and cruel and degrading treatment against children.

34. The Committee reiterates its previous recommendation (CRC/C/15/Add.112, para. 23) and that of the Committee against Torture (A/52/44, paras. 166-170), and urges the State party to:

(a) Adopt measures to prevent and eliminate all kinds of institutional violence, including torture, cruel, inhuman and degrading treatments;

(b) Reinforce its judicial mechanisms to deal effectively with complaints of police brutality, ill-treatment and abuse of children;

(c) Duly investigate cases of violence and abuse against children in order to avoid the impunity of perpetrators;

(d) Ensure that child victims are provided with appropriate services for care, recovery and social reintegration;

(e) Continue its efforts in training professionals working with and for children, including law-enforcement officials, social care workers, judges and health personnel, in the identification, reporting and management of cases of torture and other inhuman and degrading treatment or punishment. The Committee refers the State party to the Economic and Social Council Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005).

Corporal punishment

35. The Committee is deeply concerned about the fact that corporal punishment is still lawful in the home, and is not explicitly prohibited in the schools, in penal institutions and in alternative care settings. It is further concerned that children have limited protection from violence and abuse under the law, and consequently that corporal punishment is widely used within the family, and in schools and other institutions.

36. **The Committee recommends that the State party, taking into account its general comment No. 8 (2006) on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment:**

(a) Amend all relevant federal and state laws to ensure that corporal punishment is explicitly prohibited in all settings, including the family, schools, penal institutions, and alternative care settings, and ensure the effective implementation of these laws;

(b) Take effective measures, including through public awareness campaigns, to promote alternative, positive, participatory and non-violent forms of discipline.

5. Family environment and alternative care

(arts. 5, 18, paras. 1-2, 9-11, 19-21, 25, 27, para. 4, and 39 of the Convention)

Children deprived of their family environment

37. The Committee notes with interest the Programme for Strengthening the Family aimed at raising awareness of parents about child rights and at strengthening families. The Committee takes note of the activities of the National System for the Full Development of the Family (DIF), aiming at supplementing the care received by children from vulnerable groups, in particular the "Children's Matters" programme and the Child Development Assistance Centres. The

Committee is concerned about lack of information (number, conditions of living, etc.) on children separated from their parents who are living in institutions. The Committee notes the large number of children in institutions managed by the private sector, and regrets the lack of information and oversight by the state on these institutions.

38. The Committee recommends that the State party strengthen existing measures to prevent separation of children from their families, and take effective measures to assess the number and situation of children living in institutions, including in those institutions managed by the private sector. In particular, the Committee recommends that the State party establish regulations based on the rights of the child and adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, by introducing effective legislation, reinforcing existing structures such as the extended family, improving training of staff and allocating increased resources to relevant bodies. The State party is encouraged to seek technical assistance in this regard from, among others, UNICEF and the Inter-American Children's Institute.

Children with an imprisoned parent

39. The Committee reiterates its concern about the situation of children living in prisons with one of their parents, and about the living conditions of these children and the regulation of their care if they are separated from their parent in prison.

40. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their parent in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison), in instances where this is considered to be in the best interests of the child, and ensure that the living conditions, including health care, in prisons are adequate for the child's development, as required by article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison, and that such care is regularly supervised and allows these children to maintain personal relations and direct contact with the parent remaining in prison.

Adoption

41. The Committee is concerned about:

- (a) The lack of a central control mechanism registering adoptions;
- (b) The limited understanding and acceptance in the State party that the best interests of the child should be paramount in all adoption proceedings;
- (c) The fact that adoptions by rich families are reportedly prioritized, without giving due consideration to the best interests of the child and her or his cultural origins;
- (d) The lack of mechanisms to monitor intercountry adoptions and to protect children internationally adopted.

42. **The Committee recommends that the State party:**

(a) **Ensure that its legislation and practice on national and intercountry adoptions is brought into line with the Convention and with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993, which the State party ratified in 1994;**

(b) **Establish and strengthen effective mechanisms to review, monitor and follow-up adoption of children;**

(c) **Systematize the hearing of the views of the child concerning her or his placement, and ensure that the best interests of the child is paramount in all adoption proceedings;**

(d) **Ensure that the competent authority deciding on the adoptability of the child confirms that all efforts have been made for the child to maintain links with her or his [extended] family and community, and that adoption is used as a last resort.**

Abuse and neglect, ill-treatment and violence

43. While noting the DIF's Programme of Care for Family Violence, the Committee regrets the lack of data and of a clear national policy to combat these phenomena. As the Committee on Economic, Social and Cultural Rights (see E/C.12/CO/MEX/4, para. 19), the Committee remains concerned at the high number of reported cases of domestic violence and child abuse and at the lack of measures taken to address these serious practices. The Committee is also concerned about the lack of preventive measures and of psychological and social support measures for victims.

44. **The Committee recommends that the State party strengthen its current efforts to address the problem of domestic violence and child abuse, including through:**

(a) **Ensuring that preventive measures are developed and implemented, including awareness-raising campaigns;**

(b) **Ensuring that all victims of violence have access to counselling and assistance with recovery and social reintegration, and are provided, when appropriate, with compensation;**

(c) **Ensuring that perpetrators are brought to justice and rehabilitated;**

(d) **Providing adequate protection to child victims of abuse in their homes.**

45. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Latin America held in Argentina from 30 May to 1 June 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the**

protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

**6. Basic health and welfare
(arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1-3, of the Convention)**

Children with disabilities

46. While noting the existence of the *Programa de Atención a Personas con Discapacidades* and the creation of the Office of Representation for the Promotion and Social Integration for People with Disabilities, the Committee regrets the lack of official data on the number of children with disabilities in the State party and that children with disabilities continue to face various forms of discrimination. The Committee also notes with concern the large number of children with disabilities who do not receive any form of school education, especially in rural areas, and the general lack of an integration policy for these children.

47. **The Committee recommends that the State party take all necessary measures:**

(a) To gather data and information on the situation of children with disabilities in the State party and assess the impact of the action undertaken;

(b) To address all issues of discrimination, including societal discrimination and discrimination against children with disabilities in rural areas, taking into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex);

(c) To provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.

Basic health and welfare

48. The Committee welcomes the emphasis on children's health of the National Development Plan for 2001-2006 and the National Health Programme for 2001-2006. The Committee also welcomes the decrease of malnutrition rates in urban areas, the decrease of the mortality rates for children under 1 year and for children under 5 years of age related to infection diseases, as well as the high vaccination coverage. The Committee remains concerned at the high rates of maternal mortality, the emergence of obesity and the low percentage of the GDP allocated to health. The Committee remains deeply concerned that post-natal health care is still inadequate and that mortality and malnutrition rates, as well as other health indicators, are significantly worse in rural and remote areas and for indigenous mothers and children.

49. **The Committee reiterates its previous recommendations (see document CRC/C/15/Add.112, paras. 26 and 27), in particular, its recommendation that the State party implement all necessary measures to reduce the persistence of regional disparities in access to health care, the high rates of malnutrition among children under 5 years of age and those of school age, especially in rural and remote areas and among children belonging**

to indigenous groups. It also recommends developing interventions programmes for the new challenges that emerge from the globalization and the urbanization process: child obesity as well as environmental health.

Adolescent health

50. While noting the decrease in the number of teenage pregnancies, the Committee remains concerned about the prevalence of suicides in indigenous communities, the high number of teenage pregnancies and sexually transmitted infections (STIs), and the lack of programmes to promote sexual and reproductive health, as well as mental health.

51. **The Committee recommends that the State party pay close attention to adolescent health, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party:**

(a) **Strengthen sexual and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of teenage pregnancies and STIs, and to provide teenage pregnant girls with the necessary assistance and access to health care and education;**

(b) **Strengthen programmes dedicated to mental health issues such as child and adolescent suicide;**

(c) **Seek technical cooperation from the World Health Organization and UNICEF.**

HIV/AIDS

52. The Committee welcomes the 2001-2006 Programme of Action for the Prevention and Control of HIV/AIDS and STIs, the decrease in the prevalence rate, particularly in the neonatal infections; and the commitment to free access to anti-retroviral medication. However, the Committee remains concerned at the lack of data on children infected by HIV/AIDS and on orphans because of HIV/AIDS disaggregated by age; at the relatively high prevalence rate of infection among adolescents; and at the lack of strategies to attend HIV/AIDS orphans and other vulnerable children.

53. **The Committee recommends that the State party, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights:**

(a) **Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns;**

(b) **Prevent discrimination against children infected with and affected by HIV/AIDS;**

(c) **Ensure access to child-sensitive and confidential counselling, without the need for parental consent, when such counselling is required by a child;**

(d) Continue and strengthen its efforts to prevent mother-to-child transmission of HIV/AIDS and other STIs;

(e) Ensure the free access to anti-retroviral treatment;

(f) Develop programmes to protect and assist HIV/AIDS orphans and other vulnerable children;

(g) Seek international assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund (UNFPA) and UNICEF, to that effect.

Standard of living

54. The Committee welcomes the *Oportunidades* Programme, which aims at reducing poverty. The Committee, however, remains very concerned at the high number of children living in poverty and at the persistent and wide social disparities, despite the economic growth of the country. It further notes that the Mexican Social Security Institute (IMSS) offers social security to children of working parents. It also notes that children attending school are entitled to medical care for accidents occurring within the school. However, the Committee remains concerned at the large number of children who do not benefit from social security, such as children of unemployed or self-employed parents.

55. The Committee recommends that the State party strengthen measures to significantly reduce poverty and social disparities in order to meet the Millennium Development Goals (MDGs) in that regard, and ensure that all children have equitable and adequate access to quality health care, social services, food, shelter and education. In particular, the State party is encouraged to take all necessary measures to ensure that social protection programmes, such as the *Oportunidades* Programme, reach all children who need it and have a positive impact on the enjoyment of the human rights of the beneficiary families.

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

56. The Committee welcomes the establishment of the *Oportunidades* Programme and of the “Programme for Reducing Arrears in Initial and Basic Education”, the reform of article 3 of the Constitution adopted in 2001 making preschool education compulsory for all as of 2008/9, as well as measures taken to increase the quality of education, in particular in remote areas. However, the Committee is concerned at continuing low enrolment rates, especially among migrants and indigenous children; the insufficient resources allocated to education; the considerable disparities in the coverage and quality of education between urban and rural areas; high dropout rates, particularly among adolescents as well as rural, indigenous and migrant children; and the low quality of teaching. The insufficient bilingual intercultural education in indigenous areas is also a cause of concern as it negatively affects the dropout rate in these areas. The lack of access to educational programmes for juvenile offenders is also a cause of concern.

The Committee is also concerned that necessary resources have not been allocated to ensure that preschools will have sufficient human and material resources to be free and accessible to all by 2008.

57. The Committee recommends that the State party:

(a) Increase budget allocation and take effective measures to ensure free quality education at all levels of primary and secondary education in all regions;

(b) Strengthen efforts to bridge the gaps in the coverage and quality of education throughout the country, in particular by improving the training of teachers and the teacher-pupil ratio;

(c) Strengthen measures to reduce the high dropout rate among indigenous children, inter alia, by providing them with bilingual and bicultural education;

(d) Take measures to identify the causes of the high dropout rate in schools, particularly in rural areas and in secondary schools, and to take steps to address the situation;

(e) Strengthen educational and vocational programmes, in particular for children who do not attend regular school education, especially migrant children;

(f) Ensure that all juvenile offenders have access to adequate educational and vocational programmes;

(g) Allocate necessary resources to ensure that quality preschool education will effectively be available to all children in the country by 2008.

Sport and leisure

58. The Committee is concerned about the lack of recreational activities, in particular sports facilities and playgrounds, and about the insufficiency of resources and infrastructure to guarantee the right to sport and leisure. The Committee notes with concern the relation between the lack of implementation of this right and the increase of child obesity.

59. The Committee recommends that the State party ensure that all children have access to sport and recreational activities by:

(a) Increasing the hours and quality of sports programmes in schools;

(b) Developing specific sports and leisure programmes for children and adolescents;

(c) Increasing allocation of resources for the development of infrastructure and of recreational and cultural activities.

**8. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Refugee children

60. The Committee notes the introduction in 2002 of the “Programme for the Protection of and Assistance to Asylum-Seeking Unaccompanied Children” and the Memorandum of Understanding signed in 2004 with the United States of America “for the safe, ordered, dignified and human repatriation of Mexicans”. However, the Committee remains concerned at the large number of unaccompanied children who are returned to their country of origin from Mexico, and at the absence of measures to protect unaccompanied migrant and refugee children. It is further concerned at the large number of unaccompanied children who are returned to Mexico and at the lack of capacity of the State party to protect and reintegrate all of them.

61. **The Committee recommends that the State party, taking into account the Committee’s general comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin, take all necessary measures to:**

- (a) Ensure that an appropriate legal and operational framework for the guardianship of foreign unaccompanied children is developed;**
- (b) Identify unaccompanied and asylum-seeking children along the southern border within the massive migratory flow, and ensure that they receive appropriate care;**
- (c) Enhance the capacity of DIF and of the Mexican Commission of Help to Refugees (COMAR) to protect unaccompanied migrant children, including by organizing trainings and awareness-raising programmes on the specific rights and vulnerability of unaccompanied minors;**
- (d) Ensure that asylum-seeking children and children who have an irregular migratory status are not detained and have access to special reception and care arrangements, such as that provided by the Tapachula centre;**
- (e) Ensure that all unaccompanied children who are returned to the State party receive appropriate protection and care, in particular verifying that social reinsertion measures are available to them;**
- (f) Engage in further bilateral or multilateral discussions with neighbouring States to provide for appropriate treatment of unaccompanied children throughout the region;**
- (g) Seek technical assistance in this respect from, among others, UNHCR.**

Economic exploitation

62. While noting the activities undertaken by the State party to reduce child labour and the decrease in the number of working children in the country, the Committee expresses its concern at the widespread occurrence of child labour, in particular of indigenous children, and at the

insufficiency of rights-based policies to protect the rights of children and adolescents involved in child labour. The Committee is particularly concerned about the large number of child domestic workers, who are vulnerable to abuse.

63. The Committee urges the State to strengthen measures to combat child labour. It recommends that the State party:

(a) Formulate, in a participatory manner, a strategy and plan of action to reduce child labour and to safeguard the rights of working children;

(b) Strengthen the labour inspectorate to ensure the effective implementation of child labour laws, including the prohibition against employing children under the minimum age;

(c) Ratify ILO Convention No. 138 regarding the Minimum Age for Admission to Employment (1973);

(d) Seek assistance from ILO/IPEC in this respect.

Sexual exploitation and trafficking

64. The Committee notes with interest the different programmes and initiatives existing in the State party to combat sexual exploitation of children as well as the signing of the Memorandum of Understanding, in this regard, with Guatemala. It remains concerned about the extent of sexual exploitation, trafficking and abduction of children in the State party, in particular in Ciudad Juárez, and about the lack of effective legislation to address this problem, both at the state and at the federal level.

65. The Committee urges the State party to ensure that the legislative proposals under review both in the Senate and in the Congress concerning trafficking and sexual exploitation will provide effective protection for child victims and children at risk. The Committee also recommends that the State party:

(a) Conduct a comprehensive study to assess the causes, nature and extent of trafficking in children for various purposes, including commercial sexual exploitation;

(b) Amend the Penal Code so as to make the sexual exploitation, trafficking and abduction of children all criminal offences;

(c) Strengthen measures and adopt multidisciplinary and multisectoral approaches to prevent and combat trafficking in children and the sexual exploitation of children and adolescents;

(d) Undertake awareness-raising campaigns, particularly for parents and children;

(e) Ensure that trafficked children and children who have been subjected to sexual and economic exploitation are treated as victims and that perpetrators are prosecuted;

(f) Provide adequate programmes of assistance and social reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(h) Collaborate with NGOs working on these issues and seek technical assistance from, among others, the Inter-American Children's Institute and UNICEF.

Drug and substance abuse

66. While noting the existence of the "Programme against Addictions", the Committee is concerned at the widespread use of drug and abuse of alcohol in the State party.

67. **The Committee recommends that the State party continue its efforts to eradicate the use of drugs and abuse of alcohol within its territory, including by:**

(a) Strengthening existing measures to prevent drugs and other substances from being produced in the State party and from entering the State party;

(b) Providing children with accurate and objective information about the harmful consequences of substance abuse;

(c) Considering children and adolescents affected by the use of drugs and harmful substances as victims, and providing them with easily accessible drug abuse treatment and social reintegration, as well as a measure of penal protection;

(d) Developing recovery and social reintegration services for child victims of substance abuse;

(e) Formulating a rights-based plan of action for the protection of children and adolescents from the dangers of drugs and harmful substances, and involving children in its formulation and implementation.

Street children

68. The Committee notes the indication that the number of street children has decreased in recent years, and the Programme for the Educational Development of Street Children ("*de la Calle a la Vida*"). However, the Committee expresses concern at the still high number of street children in the State party, at the absence of comparative research, and at the insufficient measures taken to prevent this phenomenon and to protect these children. In particular, the Committee regrets the violence to which these children are subjected by the police and others.

69. **The Committee recommends that the State party strengthen its efforts to provide assistance to street children, including health care; reintegration services for victims of physical, sexual and substance abuse and those with mental health problems; services for reconciliation with families; as well as education, including vocational and life-skills training. The Committee also recommends that the State party take measures to prevent violence against street children and to protect their rights. The Committee further recommends that the State party cooperate and coordinate its efforts with civil society and**

undertake regularly comparative studies on the nature and extent of the problem. The State party is also encouraged to strengthen technical assistance with, among others, UNICEF.

Administration of juvenile justice

70. The Committee takes note with appreciation of the 2005 amendment of article 18 of the Constitution, which establishes a unified juvenile justice system. It welcomes in particular the development of alternatives to detention, most notably regarding rules of procedure and the specialization of courts. However, the Committee is concerned about the implementation of these dispositions, as they require enactment laws in each state to be drafted and implemented, as well as additional financial and human resources. The Committee is further concerned at the very poor living conditions of juveniles detained in police stations and other institutions.

71. **In the light of the Committee's day of general discussion on the administration of juvenile justice, the Committee urges the State party to ensure that juvenile justice standards are fully implemented, notably articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). In particular the Committee recommends that the State party:**

(a) Take all necessary measures to ensure that the States implement as a matter of priority the revised article 18 of the Constitution;

(b) Ensure that due process is guaranteed, including the hearing by a judge, before deprivation of liberty is carried out;

(c) Given the provision of article 18 of the Constitution, which establishes 14 years as the minimum age for deprivation of liberty, consider raising the minimum age of criminal responsibility to that same age;

(d) Ensure that persons under the age of 18 are not charged as adults;

(e) Develop and implement alternatives to pretrial and other forms of detention in order to ensure that deprivation of liberty is really a measure of last resort for the shortest time possible;

(f) Develop and implement adequate socio-educational programmes and appropriate arrangements for juvenile offenders, including mediation and community service;

(g) Conduct a thorough study of the conditions of deprivation of liberty and take the necessary measures to significantly improve the living conditions of juveniles deprived of their liberty;

(h) Continue and strengthen the training on the Convention and other relevant standards for those responsible for administering juvenile justice;

(i) **Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the United Nations Interagency Panel on Juvenile Justice, regional institutions and UNICEF.**

Indigenous children

72. While welcoming the measures taken to encourage indigenous children to attend schools, the Committee remains deeply concerned at the limited enjoyment of rights by indigenous children, especially indigenous migrant workers, in particular their very limited access to education and health, their disproportionately high malnutrition rate and their infant and maternal mortality rates. It is particularly concerned about the disproportionately high number of working children among indigenous children.

73. **The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention. The Committee further recommends that the State party provide indigenous communities in their own language as well as in a child-friendly format, with sufficient information regarding birth registration procedures; child labour; education and health; HIV/AIDS; child abuse and neglect, including corporal punishment; and on themes covered by the Optional Protocols to the Convention. In this regard, the Committee refers the State party to its recommendations adopted following its day of general discussion on the rights of indigenous children at its thirty-fourth session in 2003 and to the recommendations issued by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, contained in his report E/CN.4/2004/80/Add.2.**

9. Optional Protocols to the Convention on the Rights of the Child

74. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to the Optional Protocol on the sale of children, child prostitution and child pornography.

75. **The Committee encourages the submission of its initial reports under both Optional Protocols in a timely manner, and if possible, at the same time, to facilitate the review process.**

10. Follow-up and dissemination

Follow-up

76. Noting with appreciation the pledge made by the State party in support of its candidacy to the Human Rights Council to implement the recommendations from the treaty bodies, the Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia by transmitting them to the members of the National Congress, departmental councils and municipal governments for appropriate consideration and further action.

Dissemination

77. **The Committee further recommends that the third periodic report, the written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, especially to civil society organizations, youth groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.**

11. Next report

78. The Committee invites the State party to submit a consolidated fourth and fifth report by 20 April 2011 (that is, 18 months before the due date of the fifth report). This is an exceptional measure due to the large number of reports received by the Committee every year and the consequent delay between the date of submission of a State party's report and its consideration by the Committee. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.
