



Convention on the Rights of the Child

Distr.: General
8 June 2015

Original: English

**ADVANCE UNEDITED
VERSION**

Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of Mexico*

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Mexico (CRC/C/MEX/4-5) at its 1988th and 1990th meetings (see CRC/C/SR. 1988 and 1990), held on 19 and 20 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of Mexico (CRC/C/MEX/4-5) and the written replies to the list of issues (CRC/C/MEX/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the ratification of/accession to the:

(a) Convention for the Protection of All Persons from Enforced Disappearance, in 2008;

(b) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2007;

(c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2007.

4. The Committee also notes with appreciation the adoption of the following legislative measures:

(a) General Act on the Rights of Children and Adolescents (GARCA), in 2014;

* Adopted by the Committee at its sixty-ninth session (18 May-5 June 2015).

- (b) Reform to the Federal Act on Prevention and Elimination of Discrimination, including specific provisions on children, in 2014;
 - (c) Constitutional reform on Education, recognizing the right to an education of quality, in 2013.
5. The Committee also welcomes the following institutional and policy measures:
- (a) National Strategy to Prevent Adolescent Pregnancies, in 2015
 - (b) National Human Rights Programme 2014–2018;
 - (c) National Programme for the Advancement and Inclusion of Persons with Disabilities 2014–2018;
 - (d) National Development Plan 2013-2018.

III. Main areas of concern and recommendations

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

The Committee's previous recommendations

6. **The Committee recommends that the State party take the necessary measures to address its previous recommendations (CRC/C/MEX/CO/3) that have not been implemented or have not been sufficiently implemented, and particularly those relating to independent monitoring, data collection and training, and dissemination of the Convention.**

Legislation

7. While welcoming the adoption of the GARCA, the Committee is concerned about its effective and timely implementation at federal, state and municipal level. It is particularly concerned that the implementing regulation of the GARCA has not yet been adopted, that many federal laws related to children have still to be harmonized with the GARCA and that many states have not yet adopted legislation on children's rights as required by the GARCA.

8. **The Committee recommends that the State party ensure the effective implementation of the GARCA, at federal, state and municipal level, including through expeditiously:**

- (a) **Adopting the implementing regulation of the GARCA in consultation with civil society and children;**
- (b) **Ensuring that all states adopt the legislation on children's rights required under the GARCA;**
- (c) **Ensuring that all laws at federal and state levels are brought in conformity with the Convention and the GARCA.**

Comprehensive policy and strategy

9. While noting that, according to the GARCA, a National Program for the Protection of Children and Adolescents has to be adopted by the end of 2015, the Committee is concerned about its timely adoption and effective implementation, especially in view of the weak implementation of the Programme of Action 2002-2010: "A Mexico fit for children".

It is also concerned about the timely adoption of the local programmes at state and municipal levels. The Committee notes that the CONEVAL (National Council for the Evaluation of Social Development Policies) has been charged with evaluating children's rights related policies at federal level. However it is concerned about the lack of information on which mechanisms will be established to monitor and evaluate children's rights related policies at state and municipal levels.

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

(a) **Ensure that the National Program for the Protection of Children and Adolescents and the Local Programmes at state and municipal level are timely adopted, cover all areas of the Convention and its Optional Protocols, include a gender perspective, and are provided with sufficient human, technical and financial resources for their effective implementation. The views of children, civil society and relevant international organizations should be duly considered;**

(b) **Adopt measures to ensure that state and municipal entities appoint an appropriate monitoring and evaluation mechanism to evaluate children's rights related policies.**

Coordination

11. The Committee welcomes the National System of Comprehensive Protection (NSCP) set out by the GARCA and which will be chaired by the President of the State party. However, it is concerned about the timely establishment of such a system at federal, state and municipal level so as to address the multiple concerns related to the current lack of a mechanism to coordinate the implementation of the Convention and its Optional Protocols.

12. **The Committee urges the State party to expeditiously establish the NSCP and ensure that it is provided with the necessary human, technical and financial resources for its effective functioning at federal, state and municipal levels. In particular, the Committee recommends that the State party expeditiously:**

(a) **Establish the executive secretariats at federal, state and municipal levels;**

(b) **Establish the Federal and State Protection Offices and ensure that these function in accordance with the GARCA.**

Allocation of resources

13. The Committee notes that the resources allocated to children have increased during the period under review and that there is increased clarity as to the expenditure for children. It is, nevertheless, concerned about:

(a) The fact that an analysis of the budget costs has not yet been included in the GARCA;

(b) The insufficient resources allocated to children's rights, in particular to child protection and participation, and the insufficient transparency regarding the allocation of funds transferred from the federal level to state and municipal levels;

(c) Federal and municipal budgets not adequately outlining projected expenditure for children;

(d) the fact that although there is a high level of perception of corruption in the State party, no records have been kept related to cases of mismanagement of funds allocated to children's rights.

14. In the light of its day of general discussion in 2007 on “Resources for the rights of the child – responsibility of States”, the Committee recommends that the State party:

(a) Undertake an assessment of the budget needed to implement the GARCA and ensure that adequate human, financial and technical resources are allocated to its effective implementation;

(b) Strengthen its efforts to undertake comprehensive assessments of the budget needs of children and allocate adequate budgetary resources for the implementation of children’s rights and, in particular, increase the budget allocated to education, health, child protection and participation;

(c) Continue utilizing a child-rights approach when preparing the federal budget, including the budget transferred to states and municipalities, ensure that the state and municipal budgets outline projected expenditure on children, and improve the system for tracking the allocation and use of resources for children throughout the budget;

(d) Carry out impact assessments of how the best interests of the child are taken into consideration in investments or budget cuts in any sector, and ensure that the effects of such investment or budget cuts on girls and on boys are measured;

(e) Strengthen measures to combat corruption, including the institutional capacities to detect, investigate and prosecute corruption effectively.

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

Non-discrimination

15. While taking note of the National Program for Equality and Non-Discrimination (2014-2018), the Committee is concerned about the prevalence of discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations, and children living in poverty and in rural areas.

16. The Committee recommends that the State party:

(a) Adopt a roadmap which includes adequate resources, a timeline and measurable targets requiring authorities at federal, state and local levels to take measures, including affirmative measures, to prevent and eliminate all forms of *de facto* discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations, and children living in poverty and in rural areas;

(b) Ensure that the authorities, civil servants, the media, teachers, children and the general public are sensitized to the negative impact of stereotypes on children’s rights and take all necessary measures to prevent these negative stereotypes notably by encouraging media to adopt codes of conduct;

(c) Facilitate child-friendly complaints mechanisms in educational establishments, health centres, juvenile detention centres, alternative-care institutions and in any other setting and ensure that perpetrators of discrimination are adequately sanctioned.

17. The Committee expresses deep concern about the persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women, resulting in an extremely high prevalence of violence against women and girls in the State party.

18. The Committee urges the State party to accord the utmost priority to the elimination of patriarchal attitudes and gender stereotypes that discriminate against girls and women, including through educational and awareness-raising programmes.

Best interests of the child

19. While noting the constitutional recognition of the right of the child to have his/her best interests taken into account as a primary consideration, the Committee is concerned at reports that this right has not been consistently applied in practice.

20. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

21. The Committee is seriously concerned that the situation of armed violence, drug trafficking and fight against organized crime has resulted in numerous killings of children, including cases of extrajudicial killings such as the Tlatlaya case, and continue to threaten the right to life, survival and development of many children. It is also concerned about:

(a) The high number of disappearances of children, especially girls from 10 years of age;

(b) The fact that the State party has not yet ensured an effective access to justice for the families of some child victims of accidents or violence, such as the child victims of the fire accident in the kindergarten ABC of the State of Sonora or the child José Luis Tlehuatle from La Puebla;

(c) Reports of a very high number of feminicides of women and girls, the lack of official disaggregated data and the prevalent impunity in this regard.

22. **The Committee urges the State party to:**

(a) **Expediently adopt the general law on enforced disappearances and ensure that these are criminalized at federal and state level in accordance with the International Convention for the Protection of All Persons from Enforced Disappearance. The law should include specific measures to address the disappearances of children, particularly girls;**

(b) **Take urgent measures to prevent the violent deaths, killings and disappearances of children and their parents, including by addressing the root causes of those violent acts, such as the armed violence, organized crime, drugs trafficking, gender inequality poverty and marginalization;**

(c) **Ensure that child-friendly mechanisms to investigate complaints of violent deaths, killings and disappearances are available, that such acts are expediently and thoroughly investigated, the alleged perpetrators brought to justice, including when the alleged perpetrator is a public official, such as in the Tlatlaya case, and the families of the child victims provided with psycho-social support and adequately compensated;**

(d) **Simplify and harmonize at state level the existing procedures to activate the Amber Alert with a view to launching the search of disappeared children and their parents without delay;**

(e) **As recommended by the CEDAW (CEDAW/C/MEX/CO/7-8, para. 19 (a)), ensure that femicide is criminalized in all states' penal codes, based on objective elements which allow its proper qualification in accordance with international standards and standardize the police investigation protocols for femicide across the country. The State party should also ensure the effective enforcement of the provisions criminalizing femicide in the federal and state penal codes;**

(f) **Collect disaggregated data on killings, including feminicides and disappearances of children, as well as on the mothers and fathers who have been killed or disappeared and the number of children they have left behind.**

23. The Committee is also concerned about the high number of children killed in traffic accidents.

24. **The Committee recommends that the State party adopt further measures to prevent traffic accidents, continue raising awareness on accident prevention, as well as devise and implement adequate sanctions, in particular for those driving under the influence of alcohol or other drugs.**

Respect for the views of the child

25. While noting the initiatives taken to foster child participation, such as the annual organization of the “Parliament of the Girls and Boys of Mexico”, the Committee regrets the lack of permanent child participation fora. It is also concerned at reports that children’s opinions are not consistently heard in judicial and administrative proceedings.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **In line with article 72 and 125.III of the GARCA, ensure that permanent child participation fora are established at federal, state and municipal level and closely monitor their impact on the development and implementation of relevant laws and policies.**

(b) **Effectively implement legislation recognizing the right of the child to be heard in relevant judicial and administrative proceedings, including by monitoring the implementation of the Protocol for the Administration of Justice in Cases Involving Children.**

C. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration

27. While welcoming the constitutional reform of 2014 recognising the right to birth registration, the Committee is concerned that birth registration of indigenous, Afro-Mexican and migrant children and children living in remote areas remains low.

28. **The Committee recommends that the State party strengthen efforts to ensure universal birth registration, including by undertaking the necessary legal reforms and adopting the required procedures at state and municipal levels. Registry Offices or mobile units should be available in all maternity units, in the main points of transit or destination of migrants and in communities where children are born with traditional birth attendants.**

D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

Violence in the context of the organized crime

29. The Committee is deeply concerned about the lack of criminalization of the recruitment of children by armed groups such as organized crime groups. It is also concerned about the insufficient measures taken to prevent the continuous recruitment of children by armed groups and protect and provide psycho social support for the child victims.

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

(a) **Explicitly criminalizes the recruitment of children by armed groups such as organized crime groups;**

(b) **Ensure that no children are recruited by armed groups, inter alia by identifying and monitoring the various armed groups in the country, including organized crime groups;**

(c) **Ensure access to justice and compensation for children who have been recruited illegally;**

(d) **Review the strategy against organized crime with a view to ensuring that children are protected from violence, and effectively implement the joint protocol for the protection of the rights of children during federal operations against organized crime groups by military, security, justice and social welfare bodies.**

Freedom of the child from all forms of violence

31. While welcoming the GARCA provisions providing for the adoption of legislation and policy, at federal and state levels, to prevent, address and sanction violence against children, the Committee is concerned about the effective implementation of these provisions and that extensive impunity prevails for violence against children. It is also particularly concerned about:

(a) The prevalence of torture and other cruel or degrading treatment or punishment of children, particularly migrant children, children in street situations, children in police custody and detention;

(b) The high incidence of corporal punishment of children, domestic violence and gender-based violence and the lack of access to justice for child victims;

(c) The increasing violence, including sexual violence, and bullying in schools, and the high rate of adolescents suffering from abuse through the internet;

(d) The physical and mental well-being of children involved in training for bullfighting, and performances associated with it, as well as the mental and emotional well-being of child spectators who are exposed to the violence of bullfighting.

32. **In the light of its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to adopt, at federal and state level, comprehensive laws and policies to prevent and sanction all forms of violence and protect and assist child victims. The State party should also:**

- (a) Harmonize the definition of the crime of torture in all states, in accordance with international standards, and ensure that the protocols related to the investigation and prosecution of cases of torture include a child rights perspective;
- (b) Ensure that corporal punishment in all settings is explicitly prohibited at federal and state level and the “right to correct” repealed from the federal and state civil codes. The State party should also raise awareness of positive, non-violent and participatory forms of child-rearing;
- (c) Effectively implement the General Act on Women’s Access to a Life Free of Violence, including by executing entirely the National Programme to Prevent, Treat, Punish and Eradicate Violence against Women, in accordance with the recommendation of the CEDAW (CEDAW/C/MEX/CO/7-8, para. 16 (a));
- (d) Ensure child victims’ access to justice, including by establishing the planned specialized services within the Attorney’s General Office, facilitating child-friendly and confidential complaints mechanisms in institutions, schools, detention centres, hospitals, and other relevant settings, providing legal support, prosecuting the alleged perpetrator and rehabilitating and compensating the child victims;
- (e) Conduct a study on the scope of violence against children through the internet, and strengthen its efforts to prevent and address the phenomenon, targeting children enrolled in school and out of school;
- (f) Develop programmes for play, leisure, recreation, culture, arts and sports, as well as infrastructures and safe public spaces as a means to counteract the negative effects of violence, to learn non-violent communication skills and ensure children’s adequate development;
- (g) Adopt measures to enforce the prohibition regarding the participation of children in bullfighting training and performances, as a worst form of child labour and take measures to protect them in their capacity as spectators and raise awareness of the physical and mental violence associated with bullfighting and its impact on children.

Sexual exploitation and abuse

33. While noting the adoption of the Protocol to assist child victims of sexual abuse, the Committee is concerned about the high prevalence of sexual violence against children, in particular girls. The Committee is seriously concerned that perpetrators of rape can escape punishment if they marry the victim. It is also concerned that the current proposal to reform the Federal Penal Code in relation to crimes of sexual abuse against children does not protect their rights adequately in regard to the statute of limitation. It is also concerned about the insufficient efforts to identify, protect and rehabilitate child victims as well as about the increasing cases of sexual violence in education centres.

34. **The Committee urges the State party to:**

- (a) Review the legislation at federal and state level to ensure that rape is criminalized in line with international standards and remove all legal provisions that can be used to excuse perpetrators of child sexual abuse;
- (b) Ensure that the reform of the Federal Penal Code provides for no statute of limitation regarding both the sanctions and the criminal action in relation to crimes of sexual abuse against children, and that it covers both the perpetrators and the abettors. Similar provisions should be adopted in all state penal codes;

(c) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation and ensure the availability of child-friendly complaints mechanisms, in particular in schools;**

(d) **Prevent, investigate and prosecute all cases of sexual abuse of children and adequately punish those convicted;**

(e) **Provide training for judges, lawyers, prosecutors, the police and other relevant persons on how to deal with child victims of sexual violence and on how gender stereotyping by the judiciary affects girls' right to a fair trial in sexual violence cases, and closely monitor trials in which children are involved;**

(f) **Effectively implement the Protocol to assist child victims of sexual abuse and ensure quality services and resources to protect them, provide them with physical and psychological recovery and social reintegration and compensate them;**

(g) **Conduct awareness-raising to prevent child sexual abuse, inform the general public that it is a crime, and address victim stigmatization, particularly when alleged perpetrators are relatives.**

35. The Committee is deeply concerned about corroborated reports that hundreds of children have been sexually abused for years by clerics of the Catholic Church and other religious faiths. The Committee is particularly concerned about the general impunity which perpetrators have enjoyed so far, as recognized by the State party's delegation, about the low number of investigations and prosecutions of the perpetrators as well as alleged complicity of state officials, as well as about the lack of complaints mechanisms, services and compensation available to children.

36. **The Committee strongly urges the State party to:**

(a) **Take immediate measures to investigate and prosecute all members of the Roman Catholic clergy and other religious faiths involved in or accomplices of sexual abuse and exploitation of children, and ensure that those found guilty be provided with sanctions commensurate with the gravity of their crime;**

(b) **Provide children victims of sexual abuse with all necessary services for their physical and psychological recovery and social reintegration, and adequately compensate them;**

(c) **Ensure that specific measures taken to prevent sexual abuse by clerics become part of all policies related to violence against children and that empowered children learn how to protect themselves from sexual abuse and are aware of the mechanism they can refer to in case of such abuses;**

(d) **Take concrete measures to raise awareness on this type of abuse in order to overcome social acceptance and taboo surrounding these crimes;**

(e) **Collect disaggregated data related to cases of sexual abuse against children involving the Roman Catholic clergy and provide detailed information in its next report on the convictions and sentences pronounced.**

Harmful practices

37. While noting that in accordance with article 45 of the GARCA federal and state laws should set the minimum age for marriage at 18 years for both boys and girls and that the Federal Civil Code has already been modified accordingly, the Committee is concerned about the effective implementation of this provision at state level. It is also concerned about the high prevalence of child marriages and about reported cases of forced marriage, especially of girls belonging to indigenous communities.

38. In the light of general comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party ensure the effective implementation of article 45 of the GARCA by ensuring that the minimum age of marriage is set at 18 years of age for both girls and boys in the laws of all states. The State party should also undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting in particular parents, teachers and indigenous leaders.

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

39. The Committee welcomes that the GARCA includes the prohibition of separating children from their families because of poverty and orders the establishment of federal and state protection offices to, among others, protect children deprived of a family environment. It is concerned, nevertheless, that:

- (a) There are insufficient policies to support families in fulfilling their parental responsibilities;
- (b) The total number of children deprived of a family environment is unknown;
- (c) Institutionalization continues to be prioritized over foster care;
- (d) There is inadequate supervision of alternative care institutions, resulting in notorious cases of child abuse and neglect, such as the case "Casitas del Sur" and "La Gran Familia" (Mama Rosa).

40. **The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and, in particular:**

- (a) Adopt further policies to support families in fulfilling their parental responsibilities in order to effectively ensure that children are not separated from their families because of poverty or for financial reasons;**
- (b) Adopt a strategy for the deinstitutionalization of children and establish a system of foster care for children in all states giving preference to kinship care;**
- (c) Provide foster families and personnel working in institutions with training on children's rights and the particular needs of children deprived of a family environment;**
- (d) Collect data on and ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of the care, including by allocating adequate resources to the Protection Offices at federal and state level and creating the National Register of alternative care institutions as provided in Article 112 of the GARCA;**
- (e) Investigate and prosecute alleged perpetrators of violence against children in alternative care institutions and compensate the child victims.**

Adoption

41. While noting that the GARCA sets a framework for adoptions applicable at federal and state level, the Committee is concerned that this law does not explicitly prohibit the still

prevalent practice of private adoptions, which entails a risk of improper financial and other gain, including a risk of children being sold for adoption.

42. **The Committee recommends that the State party ensure that private adoptions are explicitly prohibited and sanctioned in the federal and state penal codes. It should also ensure the effective implementation of the provisions on adoption within the GARCA at federal and state level, including by reforming legislation as needed and establishing a system to register disaggregated data on national and international adoptions.**

Children in prison with their mothers

43. The Committee notes that children up to six years of age can remain with their mothers in prison and that the State party is currently reviewing the guidelines related to children living with their mothers to ensure their rights. It is concerned, however, about the timely adoption of those guidelines and about the insufficient alternatives to detention for mothers.

44. **The Committee recommends that the State party consider all possible alternatives to detention for mothers. It should also complete the revision of the guidelines related to children living with their mothers in prison and effectively implement them to ensure that their living conditions, including access to food, health, hygiene and education, are adequate for the child's physical, mental, moral and social development and that they are protected from violence.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

45. The Committee welcomes the National Development Plan which includes the achievement of quality inclusive education as a goal. It also welcomes the measures taken by the State party on notably the early childhood development and early detection of disabilities. However, the Committee is concerned about:

(a) The many children with disabilities who still do not have free access to health and rehabilitation services, do not receive education and are victims of violence and exploitation;

(b) The high rate of child abandonment and the institutionalization of children with disabilities, as well as reports that these children suffer from violence and abuse and girls with disabilities are submitted to forced sterilization;

(c) The limited access to justice of children with disabilities, especially girls with disabilities who are the victims of violence and abuse;

(d) The existence of a special education model which prevents the development of a fully inclusive education system accommodating the needs of all children, including those with disabilities,

(e) The lack of accessible schools, educational materials, and trained teachers, which particularly affect children with disabilities belonging to indigenous communities and children living in rural and remote areas;

(f) A substantial part of the resources for support services for children with disabilities being administered by a private entity (Teleton), without proper supervision of projects and of the image of children with disabilities conveyed by such entity.

46. In the light of its general comment No. 9 (2006) on the rights of children with disabilities and in line with the recommendations of the Committee on the Rights of Persons with Disabilities (CRPD/C/MEX/CO/1), the Committee urges the State party to fully assume its primary responsibility to ensure all rights of all children with disabilities and apply a human rights-based approach to disability. The State party should:

(a) Ensure that all children with disabilities effectively enjoy their rights to health and rehabilitation services, attend school and are free from violence and exploitation. Specific measures should be adopted to address the particular challenges faced by indigenous children in these areas;

(b) Prevent abandonment of children with disabilities and their institutionalization;

(c) Adequately supervise institutions where children with disabilities reside and investigate and sanction cases of forced sterilization of girls;

(d) Ensure that all children with disabilities have access to justice and can express their opinion in the course of the determination of their best interests, through procedural accommodations appropriate to their age and specific disability-related needs, and provide legal aid to children with disabilities, particularly those living in poverty or in institutions;

(e) Step up efforts to establish an inclusive education system for all children at all levels, as mandated in the GARCA, including by providing accessible schools and educational materials, trained teachers and transportation in all areas of the country;

(f) Effectively supervise all resources and projects administered by private institutions in order to ensure that all children with disabilities benefit from these resources without discrimination, and ensure that children with disabilities are no longer portrayed as objects of charity but as rights holders, including by private entities;

(g) Establish a disaggregated data collection system on children with disabilities, including, among others, information on children living in institutions, victims of violence and enrolled in education/schools.

Health and health services

47. The Committee notes the measures taken by the State party to reduce child and maternal mortality. However, it is concerned that:

(a) Access to health services is not equal for all children due to the existence of various health systems providing services which differ in terms of coverage and quality. This situation results in a high percentage of children not having access to health care services, or only having access to poor quality health care services;

(b) Child and maternal mortality rates among indigenous and rural population remain higher than the average;

(c) Child chronic malnutrition is persistent especially among indigenous and rural children;

(d) Exclusive breastfeeding is decreasing;

(e) Overweight and obesity are increasing among children.

48. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) Ensure the availability and accessibility of quality health services for all children, in particular rural and indigenous children, including by allocating adequate resources;

(b) Strengthen its efforts to reduce maternal and child mortality, including by implementing the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(c) Evaluate the initiatives taken to reduce malnutrition, overweight and obesity among children, and based on the results draft a national strategy on nutrition, which also includes measures to ensure food security, in particular in rural and indigenous areas;

(d) Increase efforts to promote breastfeeding through educational campaigns and training to professionals, adequately implement the International Code of Marketing of Breast-Milk Substitutes and the Child-Friendly Hospital initiative;

(e) Continue raising awareness at national, federal and local level on the negative health impacts of processed food, and strengthen regulations to restrict advertising and marketing of junk, salty, sugary and fatty foods and their availability for children.

Adolescent health

49. The Committee notes the adoption in 2015 of the National Strategy to Prevent Adolescent Pregnancies. However, it is concerned about:

(a) The increasing rate of adolescent pregnancies from 12 years of age, often resulting from sexual violence;

(b) The high rate of maternal mortality among adolescents as a result of inadequate access to sexual and reproductive health services and information, as well as a low use of contraceptives;

(c) Restrictive laws on abortion in the majority of the states forcing girls to resort to unsafe abortion at the risk of their health and life;

(d) The increased use of drugs by adolescents, as young as 12 years of age, mainly due to the climate of social violence;

(e) The high number of suicides and depression among adolescents.

50. Referring to its general comments No. 4 (2003) on adolescent health and No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Effectively monitor the implementation of the National Strategy to Prevent Adolescent Pregnancies;

(b) Reduce adolescent maternal mortality by ensuring adequate and confidential sexual and reproductive health education and services, including access to contraceptives. The State party is encouraged to consider the OHCHR technical guidance on the application of a human rights-based approach to the implementation

of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22);

(c) Review and harmonize the federal and state legislations with a view to decriminalizing abortion and ensuring access to legal abortion at least in cases of rape, incest and danger to the life and health of the girl, and that access to legal abortion do not require special authorization from a judge or prosecutor. The State party should ensure access to post-abortion care services, irrespective of whether abortion itself is legal. It should also guarantee the best interests of pregnant adolescents and ensure that the views of the child always be heard and respected in abortion decisions by medical personnel;

(d) Evaluate the consumption patterns of drugs by adolescents and strengthen the existing programs aimed at preventing and assisting children using drugs. Those programs should provide children, in particular in schools, with accurate and objective information as well as life skills education on preventing substance abuse — including tobacco and alcohol —, and develop accessible and youth-friendly drug dependence treatment and harm reduction services;

(e) Adopt measures to provide quality access to mental health services with the aim of eliminating the prevalence of suicides and depression among adolescents.

Environmental Health

51. The Committee is concerned that the State party has not taken sufficient measures to address air, water, soil and electromagnetic pollution, which gravely impact on children and maternal health. The import and use of pesticides or chemicals banned or restricted for use in third countries, which particularly affect indigenous children in the state of Sonora, is also a reason of deep concern.

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

(a) **Assess the impact of air, water, soil and electromagnetic pollution on children and maternal health as a basis to design a well-resourced strategy at federal, state and local levels, in consultation with all communities and especially indigenous peoples, to remedy the situation and drastically decrease the exposure to pollutants;**

(b) **Prohibit the import and use of any pesticides or chemicals that have been banned or restricted for use in exporting countries;**

(c) **Further examine and adapt its legislative framework to ensure the legal accountability of business enterprises involved in activities having a negative impact on the environment, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.**

Standard of living

53. The Committee remains deeply concerned about the prevalence of child poverty which affects more than half of the child population, a higher percentage as compared with the adult population. It is concerned that indigenous, Afro-Mexican, migrant and displaced children, children in single parent-headed households and children living in rural areas are particularly affected by poverty and extreme poverty.

54. **The Committee recommends that the State party strengthen its efforts to eliminate child poverty, by adopting a public policy, in consultation with families, children and civil society organizations, including those from indigenous, Afro-Mexican, displaced, migrant and rural communities, and allocating adequate**

resources for its implementation. Measures to promote early childhood development and further support families should be part of the policy.

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

55. The Committee notes the educational reform undertaken in 2013, aimed at ensuring quality education from pre-school to senior high school. However, it is concerned about:

- (a) Millions of children from 3 to 17 not attending school;
- (b) Persistent challenges for children in vulnerable situations in accessing quality education;
- (c) High rates of school drop-out particularly affecting students in secondary level education, pregnant adolescents and adolescent mothers.
- (d) The low coverage of early childhood education and the lack of public policy in this regard.

56. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee reiterates its recommendations (CRC/C/MEX/CO/3, para. 57 (a-e)) and recommends that the State party:**

- (a) **Increase its efforts to improve the quality of education and its availability and accessibility to girls, indigenous, Afro-Mexican and displaced children, children in rural areas, children living in poverty, children in street situations, national and international migrant children and children with disabilities, by substantially increasing the education budget and reviewing relevant policies;**
- (b) **Strengthen its efforts to ensure education in Spanish and in indigenous languages for indigenous children and ensure the availability of trained teachers;**
- (c) **Strengthen measures to address school drop-out taking into consideration the particular reasons why boys and girls drop out;**
- (d) **Step up its efforts to ensure that pregnant adolescents and adolescent mothers are supported and assisted in continuing their education in mainstream schools;**
- (e) **Develop and expand early childhood education from birth, based on a comprehensive and holistic policy of early childhood care and development.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

57. The Committee is concerned about the:

- (a) Lack of adequate measures to identify, assist and protect asylum-seeking and refugee children, including lack of legal representation for unaccompanied children;
- (b) Prolonged detention of asylum-seeking children;
- (c) Lack of data on the number of asylum claims made by children and information by the State party that only 18 children were granted refugee status in 2014.

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

(a) Increase its efforts to identify, assist and protect asylum-seeking and refugee children, including by adopting the necessary legislative, administrative and logistical measures. Legal guardians, free legal representation, interpretation and consular assistance should be ensured for them;

(b) Take the necessary measures to end the administrative detention of asylum seeking children and expeditiously place unaccompanied children in community-based shelters, and accompanied children in appropriate facilities that ensure family unity and are compliant with the Convention;

(c) Collect disaggregated data on asylum-seeking and refugee children;

(d) Complete the withdrawal of the remaining reservations to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Children in situations of migration

59. The Committee welcomes the adoption of the Protocol for Consular Assistance of Unaccompanied Migrant Children as well as the attention given by the State party to the plight of unaccompanied children on its territory, in particular its increasing collaboration with countries in the region to assist those children and protect them from violence. It is nevertheless concerned about:

(a) Migrant children being kept in detention centres for migrants and reports of violence and abuse against children in those centres;

(b) Migrant children being subjected to killings, kidnappings, disappearances, sexual violence, exploitation and abuse and about the lack of official disaggregated data in this regard;

(c) Reports that many migrant children are deported without a preliminary process to determine their best interests, in spite of the legal recognition of the principle in the Law on Migration and the GARCA;

(d) The insufficient measures taken to ensure the rights of national migrants as well as the rights of the many children displaced as a result of the armed violence.

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

(a) Take all necessary measures to end the administrative detention of migrant children and continue establishing community-based shelters for them, in accordance with articles 94 and 95 of the GARCA, ensuring that these shelters comply with the Convention and are regularly monitored. The Protocol for Assisting Unaccompanied Migrant Children in Shelters should be effectively implemented and regularly evaluated;

(b) Increase efforts to prevent killings, kidnappings, disappearances, sexual violence, exploitation and abuse of migrant children, and investigate, prosecute and punish perpetrators, including when the perpetrator is an agent of the State;

(c) Establish a Best Interests Determination Process for decisions relating to migrant children and always undertake a due process with procedural safeguards to determine the individual circumstances, needs and best interests of the child prior to making a decision on children's deportation. Special attention should be given to family reunification;

(d) Ensure that migrant children are informed about their legal status, ensuring that they fully understand their situation and provide public defence services and/or guardians throughout the process. Children should also be informed about their possibility to contact their Consular Services;

(e) Ensure that all relevant professionals working with or for migrant children are adequately trained and speak their native language, in particular border and immigration personnel, social workers, defence lawyers, guardians and police.

(f) Adopt comprehensive measures to provide assistance to national migrant and displaced children and ensure their access to education and health and their protection from violence;

(g) Collect disaggregated data related to cases of violence against migrant and displaced children, including disappearances and enforced disappearances.

Children belonging to minority or indigenous groups

61. The Committee remains concerned that indigenous and Afro-Mexican children continue to face discrimination and violence, and remain the most affected by extreme poverty, malnutrition, maternal and child mortality, early marriages, adolescent pregnancies, environmental contamination and lack of access to quality education and civil registration services.

62. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Adopt comprehensive measures, including affirmative measures in accordance with article 40 of the GARCA, to ensure that indigenous and Afro-Mexican children enjoy all their rights in practice, in particular in the area of health, education, nutrition and access to justice and civil registration services. Indigenous children and their families should be able to effectively participate in all decisions affecting them;**

(b) **Strengthen measures to protect indigenous and Afro-Mexican children from exploitation and violence, including in shelters for indigenous children attending school. Such measures should be developed in consultation with indigenous Afro-Mexican leaders;**

(c) **Collect disaggregated data on indigenous and Afro-Mexican children related to all areas covered by the Convention and its Optional Protocols.**

Economic exploitation, including child labour

63. The Committee notes the constitutional reform raising the minimum age of employment to 15 years. However, it remains deeply concerned that hundreds of thousands of children, at times as young as five years old, continue to work and that a high percentage of them is involved in the worst forms of child labour, such as mining and agriculture, and/or do not receive any salary. It is further concerned at the insufficient measures taken to address child domestic labour, which particularly affects girls, as well as the involvement of children in agriculture, especially affecting children of migrant farmworkers.

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

(a) **Review its legislation to ensure compliance with international standards, including ILO Convention No.182, and ensure that domestic work and work in agriculture and brickyards, among others, are explicitly included as a hazardous form of labour, and prohibited for children under 18 years of age, and take measures to eliminate them;**

(b) **Strengthen its inspection system and effectively enforce in practice penalties on those who economically exploit and abuse children, including children working as beggars, in domestic labour, both paid and unpaid, and in agriculture;**

(c) Provide adequate resources for the effective implementation of the National Program on Prevention and Elimination of Child Labour and Protection of the Adolescent Worker., and adopt specific measures to address the situation of child domestic workers, children in mines and brickyards and migrant children in agriculture should be included;

(d) Ensure that data collected on child labour are disaggregated and includes information on children working as beggars, in temporary agricultural labour and in domestic labour in their homes.

(e) Expedite the ratification process of the ILO Convention No. 138 (1973) regarding the Minimum Age for Admission to Employment;

(f) Continue seeking technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office.

Children in street situations

65. The Committee notes the implementation of a strategy to prevent and assist children in street situations. However, it is concerned that these efforts have not been sufficient to prevent and address the phenomenon and that the strategy is only implemented in some States. It is also concerned about reports that these children continue to suffer from violence and abuse and to be viewed as criminals. The Committee is also deeply concerned that many girls are victims of sexual exploitation and abuse and have early pregnancies.

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

(a) Conduct a study at federal and state level of the scope and root causes of the phenomenon of children in street situations, with disaggregated data, and regularly update the information;

(b) Develop with the full participation of children and relevant NGOs, a comprehensive and well-resourced policy, at federal, state and municipal level, to assist children in street situations and prevent and eliminate the phenomenon. The policy should address the different needs of boys and girls;

(c) Strengthen its efforts to protect children from all forms of violence, including sexual exploitation, and ensure that they are not viewed as criminals.

Administration of juvenile justice

67. The Committee notes the project under discussion to reform the Constitution and establish a comprehensive juvenile justice system. However, it is concerned about:

(a) The lack of harmonization of the juvenile justice legislation in all states and the fact that children can be subjected to a sentence of 5 to 20 years of prison for the same crime, depending on the state where they live or have committed a crime;

(b) The recent trend by the states to increase penalties and the range of crimes for which serious penalties apply;

(c) The insufficient use of alternative and non-custodial measures and that detention, including provisory detention, is given priority;

(d) The precarious conditions in which children are placed in detention centres, and the frequent cases of violence against adolescents.

68. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully**

into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Step up its efforts to harmonize the juvenile justice legislation among all states by reducing the penalties, promoting alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensuring that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(b) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings. Indigenous and migrant children should be provided with interpretation and/or consular assistance as required;

(c) In cases where detention is unavoidable, ensure that detention conditions are compliant with international standards, including with regard to access to education and health services;

(d) Strengthen measures to prevent violence against children in detention, including by facilitating child-friendly complaints mechanisms in juvenile detention centres and ensuring regular supervision of those centres.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

69. The Committee welcomes the adoption of the General Act for the Protection, Punishment and Eradication of Human Trafficking Offences and for Victim Protection and Assistance in 2012 and the establishment of a related Intersecretariat Commission in 2013. However, it is concerned that most of the concerns raised in its previous concluding observations have not been addressed. It is particularly concerned about:

(a) Not all offences covered by the Optional Protocol, such as sale of children, having been fully incorporated into the federal and state penal codes;

(b) The regulation on surrogacy in the state of Tabasco not providing sufficient safeguards to prevent its use as a means to sell children;

(c) The persistence of trafficking of children for sexual exploitation and for forced labour purposes, migrant and indigenous children and girls being particularly affected, the high prevalence of sexual exploitation of children, including child sex tourism, and the general impunity enjoyed by perpetrators of crimes covered by the Optional Protocol;

(d) The insufficient programmes implemented to prevent the crimes covered by the Optional Protocol and to identify, protect and rehabilitate child victims;

(e) The lack of disaggregated data related to the crimes covered by the Optional Protocol.

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

(a) **Revise and bring its federal and state penal codes into full compliance with article 3 of the Optional Protocol by criminalizing the sale of children and other offenses covered by the Optional Protocol, as previously recommended (CRC/C/OPSC/MEX/CO/1, para. 30 (a-e));**

(b) **Ensure that the state of Tabasco review its legislation on surrogacy and introduce safeguards to prevent its use as a means for the sale of children;**

(c) Ensure the effective implementation of the General Act for the Protection, Punishment and Eradication of Human Trafficking Offences and for Victim Protection and Assistance at federal and state level and the effective functioning of the related Intersecretariat Commission, including by allocating adequate resources;

(d) Identify, investigate and prosecute offences under the Optional Protocol in a child-friendly manner and adequately sanction the perpetrators;

(e) Strengthen prevention, protection, recovery and social reintegration and compensation programmes, allocate adequate resources and ensure that the programmes for child victims of sexual exploitation are in accordance with the outcome documents adopted at the world congresses against the commercial sexual exploitation of children;

(f) Continue strengthening the international cooperation for the prevention and prosecution of the crimes covered under the Optional Protocol;

(g) Improve the training provided to professional groups dealing with child victims of crimes under the Optional Protocol;

(h) Continue undertaking awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism;

(i) Collect disaggregated data on the crimes covered under the Optional Protocol and conduct a study on the extent of the phenomenon that also addresses root causes and risk factors, including poverty, conflict, discrimination, violence—including gender-based violence—and the absence of parental care.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

71. The Committee welcomes the State party's withdrawal of its interpretative declaration to article 4 of the Optional Protocol. However, it is deeply concerned that most of the concerns raised in its previous concluding observations have not been addressed. It remains particularly concerned about:

(a) Voluntary recruitment and enlistment in the compulsory military service of children from 16 years of age still being permitted under certain circumstances;

(b) The lack of criminalization of the recruitment of children and their use in hostilities, including by non-State armed groups;

(c) Children who study in military schools being subjected to the Military Code of Justice and only allowed to leave the school according to its internal regulations; military schools being solely managed by the Ministry of Defence;

(d) The insufficient measures to identify children who may have been used in conflict in the State party, and migrants, refugee and asylum-seeking children who may have been recruited or used in hostilities abroad.

72. The Committee urges the State party to:

(a) **Revoke article 25 of the Military Service Act, end the practice of early enlistment in military service for 16- and 17-year-old children, and raise the minimum age for voluntary recruitment to 18 years, without exceptions;**

(b) **Explicitly criminalize the recruitment and involvement of children in hostilities, including by non-State armed groups, and include a definition of direct participation in hostilities;**

(c) Ensure that children in military schools receive an education in accordance with the Convention monitored by the Ministry of Education and do not participate in the fight against drug trafficking;

(d) Establish an identification mechanism for migrant, refugee and asylum-seeking children, who may have been recruited or used in hostilities, including by non-State armed groups, and take the necessary measures for their protection, physical and psychological recovery and social reintegration;

(e) Establish a disaggregated data collection system on children, including migrants, refugee and asylum-seeking children, who may have been recruited or used in hostilities in the territory of the State party and/or abroad, particularly those recruited or used by non-State armed groups.

I. Ratification of the Optional Protocol on a communications procedure

73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

J. Ratification of international human rights instruments

74. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and recognize the competence of the Committee on Enforced Disappearances to receive and consider individual and interstate communications under articles 31 and 32 of the Convention for the Protection of All Persons from Enforced Disappearance.

K. Cooperation with regional bodies

75. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

IV. Implementation and reporting

A. Follow-up and dissemination

76. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

77. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 20 October 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

78. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).
