



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE 1140th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Tuesday, 23 May 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third periodic report of Mexico (CRC/C/125/Add.7; CRC/C/MEX/Q/3 and Add.1; HRI/CORE/MEX/2005)

1. At the invitation of the Chairperson, Mr. de Alba, Mr. Aguilar Valdez, Ms. Barrio Villareal, Mr. Becerra, Mr. Campuzano, Mr. Coarasa, Mr. Domínguez Armengual, Mr. Flores, Ms. González Domínguez, Ms. González Morel, Mr. Hernández Vélez, Mr. Macedo, Ms. Narváez Soto, Ms. Payán Cervera, Mr. Pérez López, Ms. Rosas, Mr. Ruiz Matus and Ms. Sosa (Mexico) took places at the Committee table.
2. Ms. GONZÁLEZ DOMÍNGUEZ (Mexico), introducing the third periodic report of Mexico (CRC/C/125/Add.7), said that Mexico had experienced far-reaching political and social changes and had become one of the world's foremost human rights advocates, at both the international and the national levels. The report had been drafted on the basis of information provided by State institutions, United Nations agencies, academia and civil society. Prior to submission, it had been sent to civil society organizations for comments. The Diagnosis of the Human Rights Situation in Mexico published in 2003 had been used to inform all policymaking on such issues as gender equality, access to education and the rights of indigenous peoples and migrants.
3. Ms. PAYÁN CERVERA (Mexico) said that the programme entitled "A Mexico fit for children", which was being implemented through the National System for the Comprehensive Development of the Family, contained measures on health, education and child protection. Comprehensive policies had been adopted to reduce poverty, which was one of the main obstacles to the implementation of children's rights. Over the past five years, considerable progress had been made in the areas of child nutrition, health, education and the development of indicators to evaluate the situation of children's rights. More than 97 per cent of Mexican children were enrolled in pre-primary education. Some 6 million children benefited from education grants, school dropout rates had been reduced to 15 per cent, and the gender gap in education had been closed. Far-reaching education reforms had been implemented to promote interactive education through the use of computers, the Internet and digital libraries.
4. Over 1 million indigenous families received food subsidies, education grants and health benefits within the framework of the Opportunities Programme, and the number of indigenous children who ate breakfast at school had more than doubled since 2000. Legislation had been adopted to grant poor families and children with cancer and leukaemia access to free health care.
5. Early pregnancy rates had been reduced by 20 per cent. The prevalence of HIV/AIDS and sexually transmitted diseases had dropped significantly and, as of 2003, all persons suffering from HIV/AIDS had access to antiretroviral treatment. Since 2000, the relevant budget allocations had increased fifteen-fold.
6. Adoption proceedings were based on the best interests of the child. The Government cooperated with all stakeholders to monitor the legality of adoptions and ensure professionalism and ethical conduct among all parties involved.

7. The programme “From the Streets Back to Life” was being implemented in cooperation with civil society organizations. Services provided to some 2,435 street children in the Federal District alone included educational support, counselling, drug prevention and rehabilitation, health care, assistance in regularizing official documents, and recreational activities.
8. Special programmes were being implemented to assist working children and their families. Migration often destroyed family ties and exposed children to ill-treatment and abuse. The Government had therefore established 24 shelters in seven federal states to assist child migrants and children living in border areas.
9. Under the assistance programme for child victims of ill-treatment and family violence, over 6,000 complaints had been received in the first half of 2005. The “Niñotel” toll-free hotline had been created to facilitate child abuse reporting.
10. According to a census carried out in 2000, almost 20 per cent of persons with disabilities were under 18 years of age. Thirty-two per cent of disabled persons had access to private health services and 68 per cent used public health services.
11. A national action plan had been adopted to combat child pornography. The plan provided for the protection and care of child victims of commercial sexual exploitation, and their families; it also included measures to assist children at risk. Legislative reforms had been undertaken to increase penalties for sexual offences committed against children, create new indictable offences and establish an effective and professional juvenile justice system.
12. Mr. AGUILAR VALDEZ (Mexico) said that the revised version of article 18 of the Constitution, which had entered into force on 12 March 2006, provided for the establishment of a new juvenile justice system based on the principles contained in the Convention. All judicial personnel involved in juvenile proceedings would receive training in the new provisions. Juvenile justice would be administered through a system of adversarial prosecution, based on the principles of due process and protection of the juvenile’s best interest. The reform also prescribed the use of judicial measures other than detention, which should be applied only as a last resort, for the shortest possible period of time, and only for minors 14 and over who had committed particularly serious offences. The main objective of those measures was social rehabilitation.
13. The minimum age of criminal responsibility was 12. All proceedings involving children under 12 had been suspended. Children under 14 had been released from prison, and all pending cases involving children were being transferred to juvenile courts.
14. Mr. DOMÍNGUEZ ARMENGUAL (Mexico) said that Mexico’s constitutional reform and new legislation provided for the establishment of juvenile detention centres throughout the country, which placed a considerable burden on state budgets. Social reintegration was the main objective of the centres, which sought to involve parents in their children’s education and social rehabilitation. The experience of the diagnosis and treatment centres for boys and girls in the Federal District would be useful in that regard. In order to meet growing needs, the Community Re-educational Residential Treatment Centre had been established in May 2005 with support from civil society; the Centre provided vocational training, therapy, education and personal development coaching.

15. Mr. LIWSKI (Country Rapporteur) asked whether the comments of civil society organizations on the draft third periodic report had been reflected in the final version of the report. He wondered whether the draft report had been made available to children and adolescents, and whether the State party intended to disseminate the Committee's concluding observations.

16. He asked whether the set of indicators used by the newly established system for monitoring the situation of children and adolescents made it possible to ascertain whether or not all rights under the Convention were being observed. He wished to know whether the monitoring system allowed for the evaluation of regional and local disparities.

17. He enquired whether the act on the protection of children's rights had led to the establishment of mechanisms to ensure the full implementation of the Convention. The act had been adopted by only 24 states, some of which had introduced amendments to the original text. He was concerned that some of the amendments might not be in conformity with the provisions of the federal act or the Convention. He asked what measures would be taken to ensure greater consistency between federal and state legislation pertaining to children. He requested detailed information on the new provisions concerning minimum age of criminal responsibility, and asked whether those provisions would be applicable in all states.

18. Although 21 states had established committees to monitor and supervise the implementation of the Convention, they reportedly had failed to produce the desired results. He asked how the State party intended to enhance the effectiveness of the monitoring system. The delegation should comment on the efficiency of the National Children's and Adolescents' Council.

19. While considerable progress had been made in improving education and reducing infant mortality and child malnutrition, 63 per cent of Mexican children were poor and did not share the benefits of the country's economic growth. There were also considerable disparities between and within states.

20. The delegation should explain the reason for the planned reduction in budgetary allocations for children's issues and the reduced expenditure on individual programmes, such as assistance to street children. He wished to learn about the treatment of children in institutions whose cases were under investigation by the National Human Rights Commission, and about measures available for their rehabilitation.

21. He asked whether additional measures would be taken to ensure that indigenous children, particularly those living in the State of Chiapas, were registered at birth.

22. Ms. SMITH said that the delegation should confirm that human rights instruments, such as the Convention on the Rights of the Child, had been incorporated into Mexico's domestic legislation and could be invoked in the courts, including juvenile courts. She wondered how the constitutional reforms would affect children's rights, and whether children would be able to invoke their rights under the Constitution, in the courts. She asked how federal Government could encourage the states to incorporate the Convention into their legislation.

23. She wished to know to what extent children could exercise their right to freedom of religion. She asked whether the State party planned to provide more playgrounds, sports facilities and libraries for children. She asked whether a debate had been held on how the Government should allocate its increased oil revenues.

24. Mr. PARFITT wished to know what guidance was provided by the National Human Rights Commission to the 32 state branches. He asked how the Commission dealt with children's issues and whether the national and state commissions had a children's desk. The delegation should explain what action the Commission would take to follow-up the recommendations made in the Diagnosis of the Human Rights Situation in Mexico. He requested information on the respective roles of the National Human Rights Commission and the 21 state committees of the National System for Monitoring and Supervising the Implementation of the Convention on the Rights of the Child.

25. The delegation should explain to what extent non-governmental organizations (NGOs) participated in policy development and decision-making at the national and state levels, and whether NGOs were involved in the work of the National Children's and Adolescents' Council.

26. Ms. VUCKOVIC-SAHOVIC asked whether there had been further developments since the meetings of the Children's Parliament in 2003 and 2004. She asked why only fifth- and sixth-graders had been involved in the parliaments, and who had been responsible for selecting the children. She wondered what preparation the children had received to enable them to consider the serious topics raised before the parliaments. She wished to know how adolescents were prepared for political participation and full citizenship. She requested additional information on the rights of children to participate in legal proceedings concerning family matters, including cases relating to custody, adoption and guardianship.

27. Mr. ZERMATTEN asked whether the minimum age at which children could be deprived of liberty by a court could be raised to 14 throughout Mexico.

28. Mr. POLLAR enquired whether sufficient measures were being taken to raise awareness of the Convention among children, and professionals who worked with children. He asked whether the Convention had been included in the school curriculum, and whether it had been translated into any indigenous languages. He asked to what extent the principles of the Convention had been incorporated in codes of conduct and regulations, and whether those principles were disseminated in the media. He enquired whether the Government had sought multilateral and bilateral assistance in implementing the Convention, and whether funding had come from the region or from the international financial institutions.

29. He requested clarification on the minimum age for marriage under articles 148 and 149 of the Federal Civil Code. He asked why a minimum age for sexual consent was not stipulated in legislation. He asked at what age young people could volunteer for the armed forces. The delegation should provide information on the age of conscription and the minimum age for participation in armed conflict.

30. The CHAIRPERSON enquired what efforts the State party was making to ensure the systematic implementation of children's rights in Mexico. She asked to what extent the

programmes described in the written replies (CRC/C/MEX/Q/3/Add.1) were rights-based. She pointed out that decentralization might increase disparities among Mexico's states and regions. The delegation should explain how the content of paragraph 152 of written replies related to the subheading "Harmonization of federal and state legislation with the provisions of the Convention".

The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.

31. Mr. AGUILAR VALDEZ (Mexico) said that the State party would welcome the Committee's advice on amending the age of criminal responsibility. While the federal Government could not guarantee that the state authorities would enforce all the provisions of the Convention, Congress had been taking steps to ensure that adequate legislation was introduced throughout Mexico.

32. Mr. FILALI asked what measures the federal Government was taking to overcome any resistance on the part of state authorities to the enforcement of the provisions of the Convention.

33. Ms. GONZÁLEZ DOMÍNGUEZ (Mexico) said that the federal Government was making efforts to encourage state authorities to adopt the necessary legislation to enforce the rights guaranteed under the Convention.

34. Mr. AGUILAR VALDEZ (Mexico) said that the provisions of the Convention concerning juvenile justice were currently enforced in about half of the Mexican states. The federal Government expected the other states to introduce legislation in line with the Convention in response to the recent constitutional reforms.

35. Mr. DOMÍNGUEZ ARMENGUAL (Mexico) said that, under article 18 of the Constitution, all states had to establish juvenile justice systems. Any child whose rights had been violated could appeal to the federal courts for protection of those rights.

36. Ms. PAYÁN CERVERA (Mexico) said that, to date, 24 state committees of the National System for Monitoring and Supervising the Implementation of the Convention on the Rights of the Child had been established. There were libraries in almost all primary schools and in many communities. In 2006, 98 per cent of children attended compulsory preschool education. Since birth registration was a prerequisite for preschool enrolment, the Government could confirm that most births had been registered. Everyone under the age of 18 was considered to be a child in Mexico. Adolescents were persons between 13 and 17 years of age. The budget for the protection and integration of street children would increase significantly in 2006.

37. Mr. FILALI requested additional information on measures to improve the birth registration system, particularly in rural areas.

38. Ms. PAYÁN CERVERA (Mexico) said that digital technology had improved the birth registration system, and mobile networks had been sent to remote areas. While the Government could not yet ensure that all communities had access to birth registration facilities, significant progress had been made.

39. Mr. de ALBA (Mexico) said that mobile units staffed by civil society organizations travelled to remote communities to raise awareness of birth registration and to collect the relevant data.
40. Ms. PAYÁN CERVERA (Mexico) said that children's participation in the democratic process had increased since the introduction of a programme in which groups of children were informed about their rights by adults and then disseminated that information among their peers in their own words. During the federal elections, a children's consultation had been organized to give children a forum in which to ask questions about their rights. Although the Children's Parliament currently involved children in the fifth grade of primary education, the Government planned to increase participation to all primary grades.
41. Ms. SMITH asked whether all schools had sports facilities and whether there were playgrounds in large cities.
42. Ms. PAYÁN CERVERA (Mexico) said that sport was compulsory in schools and all schools had sports facilities. Most cities and municipalities also had sports grounds.
43. Mr. COARASA (Mexico) said that, according to a 2002 survey, children spent more time in cultural and leisure pursuits than adults.
44. Mr. LIWSKI asked how the Government planned to ensure that all children had access to preschool education by 2008, since the education budget did not seem to make any provision for that purpose.
45. Ms. PAYÁN CERVERA (Mexico) said that access to preschool education would be introduced gradually with a view to ensuring universal coverage by 2008. Documentation on the rights of the child was currently being translated into indigenous languages; the Mayan version was being distributed through schools in Yucatán.
46. Ms. GONZÁLEZ DOMÍNGUEZ (Mexico) said that the National Human Rights Commission and other national human rights bodies were independent and could examine cases from any state. While they played an important role in providing guidelines and advice, their recommendations were not enforceable. In the case of the Jehovah's Witnesses children, the National Human Rights Commission had ruled that those children could not be expelled from school for refusing to respect patriotic symbols. While information on the Convention was being disseminated throughout the country, progress was faster in some regions than others. Members of the judiciary attended workshops and courses on the provisions of the Convention.
47. Mr. DOMÍNGUEZ ARMENGUAL (Mexico) said that children and adults had the right to practise any religion they wished in detention centres. The National Human Rights Commission visited detention centres to monitor conditions and investigate complaints by parents of children in the centres. Children could live with their mothers in detention centres until a specified age, after which they lived with relatives or in an institution. Pregnant women who gave birth in detention centres kept their children with them. Children living in detention centres attended nursery school once they reached the appropriate age. The federal Government

was urging all state authorities to ensure that minors, particularly those imprisoned for a first offence, were held in separate facilities from adults. The budget for all juvenile detention centres in the Federal District had increased from 37 million pesos in 2005 to 55 million pesos in 2006.

48. Mr. LIWSKI requested additional information on the role, budget and authority of the National Children's and Adolescents' Council. He was particularly interested in the Council's role in coordinating the efforts of the various stakeholders working to promote children's rights. He wished to know what progress the federal Government had made towards establishing mechanisms to improve implementation of its children's policies.

49. Ms. PAYÁN CERVERA (Mexico) said that in 2005 her Government had published a report on efforts to implement its children's policy, including the work of the National Children's and Adolescents' Council and the National System for the Comprehensive Development of the Family. Every three months, the National System for the Comprehensive Development of the Family held a meeting that brought together stakeholders from the federal and state governments and members of civil society working in the area of children's rights.

50. Every effort was being made to ensure that indigenous children received bilingual education, in Spanish and in their native language; the children were taught about their people's customs and about their rights. Between 2000 and 2006, the education budget for indigenous children had increased from 15 to 26 million pesos, and there were currently bilingual schools in 24 states which were attended by 1 million children.

51. Current legislation prohibited girls in the States of Chiapas and Nayarit from marrying at the age of 12.

52. Mr. PARFITT requested information on measures taken by the State party to meet the needs of the large numbers of migrant indigenous workers.

53. The CHAIRPERSON welcomed the State party's efforts to educate indigenous children in their own language and asked what was being done to integrate such children into society as a whole.

54. Mr. COARASA (Mexico) said that the National Children's and Adolescents' Council was an inter-ministerial body responsible for coordinating all actions undertaken by the federal Government with regard to the objectives set out in the outcome document of the twenty-seventh special session of the General Assembly on children in 2002. The Council also served as a forum for exchange of information among stakeholders with a view to avoiding duplication of effort and strengthening community-level programmes. Although civil society organizations were not directly involved in the work of the Council, those organizations were encouraged to maintain close contacts with the Council.

55. With regard to effective follow-up of efforts to promote children's rights, he said that national indicators were being developed for the evaluation of progress made. He took note of the Committee's concern regarding the need to improve data collection at the State level. In the context of the 2002-2010 programme of action for children and adolescents, annual progress reports were prepared; the reports for 2003, 2004 and 2005 were available on the Internet.

56. Despite poor economic growth in 2000-2002, his Government had increased spending on social programmes, and the poverty level had continued to drop. Between 2000 and 2006, social spending on poverty reduction, education and health had increased by more than 43 per cent. The number of children under 18 living in poverty had fallen from 63 per cent in 2000 to 58 per cent in 2004. During 2000-2006 the budget allocations for indigenous language teaching had increased from 7 million to 14 million pesos.

57. Children of migrant farm workers received grants that enabled them to have access to education. Efforts were being made to provide migrant farm workers and their families with adequate housing and living conditions. In cooperation with the United Nations Children's Fund (UNICEF), a programme was under way to analyse the needs of migrant farm workers, to develop a pilot programme of subsidies to ensure that migrant children received an education equal to that of non-migrant children, and to identify the problems faced by migrant workers and their families.

58. Mr. LIWSKI requested information on the organization and operation of children's institutions run by the private sector or NGOs. He wished to know whether any efforts were being made to ensure that children in such institutions maintained contact with their families.

59. He welcomed the decline in under-five infant mortality, the increase in vaccination rates and improvements in nutrition levels, especially among the rural and indigenous populations. He requested additional information on specific initiatives, such as the Opportunities Programme, the Habitat Programme and the Programme for the Prevention and Full Care of Pregnancy among Adolescents. Although HIV/AIDS rates among young people had dropped, there was still a high rate of mother-to-child transmission. He requested information on the availability of antiretroviral drugs for all persons with HIV/AIDS, and on any obstacles encountered in obtaining such drugs.

60. He expressed concern at the situation of migrant children, both accompanied and unaccompanied. He enquired whether the State party had any strategies to protect minors in border areas, including minors deported from the United States.

61. Mr. FILALI asked whether or not indigenous children enjoyed the same rights to education, health and recreation as non-indigenous children. He wondered whether such children were active in children's parliaments. The delegation should explain the attitude of Mexican society towards indigenous peoples. He wished to know whether indigenous peoples were integrated into society and the education system or whether they tended to be segregated. He stressed the need for the State party to allocate resources to ensure equal development in all regions in order to improve the living conditions of children throughout Mexico.

62. He asked why the State party had not yet ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment. He wondered whether there was any system for monitoring the illegal employment of minors and whether any employers had been prosecuted under the Labour Code for hiring minors under the age of 14.

63. He welcomed the State party's efforts to prevent the sexual exploitation of minors and to increase awareness of that problem. He wondered whether children were involved in prevention

programmes and whether such programmes existed in all regions. He expressed concern at the large number of disappeared children, and requested information on investigations and prosecutions in that regard. Given the growing number of children and young persons addicted to drugs, he asked whether the possession of small quantities of drugs was considered a minor offence, and whether any legislation was envisaged in that regard.

64. Mr. ZERMATTEN asked whether the draft act on the protection of the children's rights would be applicable in the states and whether the draft included sanctions or punishment other than imprisonment; the right to counsel, appeal and a closed-door hearing; and designation of a competent authority for minors under the age of 12. He wished to know whether there was any mechanism to monitor the operation of and conditions in detention centres for young people. Such centres were often situated in isolated areas, which made it difficult for families to maintain contact with detainees. According to some reports, there were virtually no activities for detainees, health care was inadequate, living conditions were deplorable and ill-treatment was common.

65. He expressed concern at the situation of children in areas of armed conflict. Child victims of armed conflict had not been included in the 11 categories of vulnerable children identified by the National Programme of Action in Favour of Children 1990-2000. He noted that the States of Chiapas and Oaxaca, which had been conflict areas until the ceasefire of 1994, were still highly militarized and still contained armed groups. He recalled the State party's obligations under the Optional Protocol on the involvement of children in armed conflict, particularly with regard to the use of children under 18 in such conflicts. The conflict in Chiapas and Oaxaca had displaced thousands of families, and he wondered what measures had been taken to ensure that those families and their children had access to health and education.

66. He was surprised that the number of domestic and international adoptions had decreased, even though there were large numbers of orphaned children. He wondered whether the low adoption rate could be explained by the complicated and costly nature of adoption procedures. He asked whether it was true that there was no central registry of adoptions. He wished to know whether any adoption registries existed at the regional or municipal levels. He requested additional information on the national free adoption programme. He recalled the State party's obligations under the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and stressed that accurate records must be kept of all domestic and international adoptions.

67. Ms. SMITH expressed concern at the low number of orphans and unaccompanied children living in childcare institutions. She wondered whether the use of foster homes was being promoted as an alternative in order to provide children with a good family environment. She enquired whether the State party was encouraging a public debate on how to make best use of Mexico's increasing oil revenues.

The meeting rose at 1 p.m.