



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-ninth session

Summary record of the 1990th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 May 2015, at 10 a.m.

Chairperson: Ms. Winter (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

Combined fourth and fifth periodic reports of Mexico (continued) (CRC/C/MEX/4-5; CRC/C/MEX/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mexico took places at the Committee table.*

2. **Ms. Ayoubi Idrissi** asked what specific measures the State party had taken to investigate the growing number of cases of enforced disappearance of children and adolescents in Mexico.

3. **Mr. Gastaud** requested further information about the prevention and support strategy for street children, including its objectives, the specific measures it contained, the results achieved and any assessments conducted. He also wished to know what measures were being taken to prevent street children who had been placed in foster homes or residential care from returning to life on the streets.

4. **Mr. Kotrane** said that he wished to know the current status of the State party's adoption of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and whether it also intended to ratify the ILO Domestic Workers Convention, 2011 (No. 189). He asked whether the State party intended to enact federal and state laws that explicitly prohibited hazardous work for children under 18 years of age, including domestic and agricultural work. He wished to know what measures were being taken to strengthen the labour inspectorate.

5. He was concerned about reports that the bill on a national juvenile justice system was not fully in line with the Convention. He wished to know the current maximum length of pretrial detention for minors, which should be different from the maximum set for adults; minors should be brought before a judge within 24 hours from the time of their arrest.

6. He asked whether forced child labour was defined as a form of sale of children in Mexican law. He wished to know whether crimes committed against children or adolescents could be prosecuted under universal jurisdiction laws in Mexico. Lastly, he requested disaggregated data on the offences covered in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and asked what targeted measures were being taken to prevent and punish such crimes.

7. **Ms. Oviedo Fierro** (Country Rapporteur) requested further information on the bill concerning the non-applicability of statutes of limitations to sexual offences and asked whether it had already been submitted to the Senate. She wished to know whether, under Mexican law, any case of child sexual abuse perpetrated by a priest was to be treated as a case of paedophilia and whether church authorities who attempted to cover up such crimes were to be treated as accomplices.

8. **Mr. Rodríguez Reyes** asked whether there was a unified register that could be used to compile statistics on child abuse victims in Mexico, and he wondered how the State party's strategy to combat organized criminal violence would ensure that children did not fall victim to such violence. He asked what measures were being taken to protect children and adolescents from enforced disappearance and whether there were any oversight mechanisms to monitor the conduct of law enforcement authorities when dealing with children. Lastly, he asked if there were any plans to establish a mechanism to ascertain whether child migrants were in point of fact asylum seekers.

9. **Mr. Sepúlveda Iguíñez** (Mexico) said that combating poverty — which was seen as a root cause of human rights violations — was a key aspect of the State's social development policy and that more than 6 million children and adolescents were receiving education grants through the PROSPERA social inclusion programme. The Government was currently reviewing its guidelines on providing care to children who lived with their mothers in prison, with a view to safeguarding the best interests of those children and providing a safe environment for their development. Prisoners and their children who lived with them had the right to receive visits and to communicate by phone or by mail. Information about state prisons would be provided in writing at a later time.

10. **Ms. Cárdenas Miranda** (Mexico) said that an initial plan had been developed for the establishment of a national register of social assistance centres in cooperation with the National Statistics and Geography Institute. The recently enacted Children's and Adolescents' Rights Act addressed the issue of children deprived of parental care, and individual states would gradually adopt their own legislation on the matter. A protocol was in place for informing migrant children about their eligibility for international protection. Mexico pursued a policy of family reunification when it was in the best interests of the child.

11. **Mr. Madrazo Ubach** (Mexico) said that the best interests of the child were a key consideration when dealing with child migrants and that the principle was set out in several laws and regulations. The number of requests for complementary protection received and granted had risen dramatically in 2015 compared with 2013. Children who were repatriated were handed over to the competent welfare authorities in their country of origin.

12. **Ms. Oviedo Fierro** asked what measures the State party planned to take to protect migrant children from crimes such as sexual abuse and enforced disappearance and to bring the perpetrators of such crimes to justice. She also asked what alternative measures would be established in lieu of placing migrant children in holding centres and what was being done to prevent sexual abuse in those centres.

13. **Ms. Cárdenas Miranda** (Mexico) said that specialized units for crimes against migrants had been established within state attorney general offices. Child migrants were transferred to shelters run by the National System for the Integral Development of the Family. Child protection officers conducted initial interviews with migrant children to help determine what was in their best interests. Efforts to protect migrant children had been strengthened in recent months, and a number of meetings had been held with authorities of the three Central American countries from which most migrant children in Mexico originated.

14. **Ms. Morales Garza** (Mexico) said that it was true that one of the major challenges facing her Government was that of providing equal access to education without discrimination. Substantial efforts were being made to ensure that education was inclusive, not just for children with disabilities but for children from all types of backgrounds. Different sectors of the Government were working together to simultaneously combat hunger and improve education, for example by providing meals at school.

15. Improvements had been made to one out of every three schools and hostels for indigenous students, including arrangements to ensure broad community participation. Seventy per cent of teachers in indigenous schools and 80 per cent of teachers in schools for migrant children held teaching qualifications. Forums had been established in several states to ensure that the voices of girls in particular were heard, and many sectors were working together to prevent teenage pregnancy and to keep girls in school.

16. **Mr. Casillas Macedo** (Mexico) said that the State wished not only to change attitudes about adoption but also to establish legislation and good practices to ensure that adoption procedures were properly carried out. There were a number of specialized courts

throughout the country with judges trained in adoption matters, and adoption procedures were now much quicker than before and could be completed in as little as one month. The State authorities processed both national and international adoptions. Nine out of every ten adoptions were handled by public as opposed to private institutions.

17. **Mr. Cardona Llorens** (Country Rapporteur) asked whether the State party planned to explicitly prohibit private adoption, treating it as a form of sale of children and criminalizing it accordingly.

18. **Mr. Casillas Macedo** (Mexico) said that no such law was currently envisaged given the lack of objective evidence that any such sale of children had occurred.

19. **The Chairperson** said that there was a strong link between private adoption and the covert sale of children, and she asked whether there were any plans to attempt to collect the necessary evidence in that regard.

20. **Mr. Casillas Macedo** (Mexico) said that mechanisms were in place to ensure that private adoptions were conducted in accordance with the law. Private adoptions remained a very topical issue, however, and continued to be a matter of debate.

21. **Ms. Ayoubi Idrissi** asked to what extent the best interests of the child were taken into consideration in adoption proceedings and how old the child must be for his or her views to be heard. In the case of full adoptions, what means were available for children to exercise their right to know about their origins?

22. **Mr. Casillas Macedo** (Mexico) said that, while in the past the format of simple adoption had been the norm in Mexico, current legislation now provided for full adoption. Children who possessed the capacity to decide — which was generally interpreted to mean children 4 or 5 years of age or older — could give their views during adoption proceedings.

23. **Ms. Vargas Carrillo** (Mexico) said that children 3 years of age or older were sent to live with the prospective adoptive family for short periods of time before the adoption was finalized. Financial resources had been allocated to establish offices for the defence of children's rights in all states. Civil society organizations also had a voice in the child protection system.

24. **Mr. Moreira Valdez** (Mexico) said that the state authorities in Puebla had investigated the death of José Luis Alberto Tehuatlie and that charges had been brought and administrative sanctions imposed on those responsible. The state government had complied with the recommendations made by the National Human Rights Commission regarding the case.

25. **Ms. Cárdenas Miranda** (Mexico) said that protection for unaccompanied migrant children was a priority for her Government. The Mexican Commission on Assistance to Refugees had recently established a new protocol for the identification of children who needed international protection. The National System for the Integral Development of the Family was currently drafting its own protocol, which would be finalized by June 2015 and would include a series of profiles to help identify children who were victims of trafficking, exploitation or other crimes. The Children's and Adolescents' Rights Act included a chapter devoted to migrant children, which also established guarantees for unaccompanied migrant children. While it was true that there were not enough shelters to house the increasing number of unaccompanied migrant children arriving in Mexico, the Government nevertheless made every effort to provide them with immediate care and to find a place for them to stay.

26. **Ms. Colchero Aragónés** (Mexico) said that a study undertaken by the United Nations Office on Drugs and Crime had found serious problems in Mexico with the collection of data on human trafficking, in particular trafficking for the purpose of sexual

exploitation. A project had been launched to resolve those problems and to consolidate data. One obstacle encountered was that a given criminal offence might be categorized as human trafficking in one state but not in another. The reporting of such offences was in any event very low. At the federal level, the Office of the Attorney General had conducted preliminary investigations into slightly more than 200 cases of alleged sexual exploitation of children over the period 2012–2014; some 20 per cent of those investigations had led to prosecution.

27. **The Chairperson** asked whether the State party's courts had ever convicted a trafficker of having facilitated the sexual exploitation of a child.

28. **Ms. Colchero Aragonés** (Mexico) said that the question would be put to the state-level authorities and that the answer would be submitted to the Committee shortly.

29. **Ms. Oviedo Fierro** said that she wished to remind the delegation that the Committee would welcome information on the measures taken to protect child victims of trafficking and to restore their rights.

30. **Ms. Nava Trujillo** (Mexico) said that, by law, child victims of trafficking were entitled to comprehensive, specialized support in which the child's best interests were the foremost consideration. The Executive Commission on Victim Support had developed a guide to the rights of child victims of sexual abuse with a view to raising awareness among parents, teachers and the public in general and helping to identify children at risk of sexual abuse. An inter-institutional effort was under way to develop a protocol on the comprehensive care, including individualized psychosocial assistance, of child and adolescent victims of sexual violence. The protocol was designed to ensure both immediate assistance to the victim and full compensation for the harm done.

31. **Ms. Ayoubi Idrissi** asked what arrangements were in place to ensure that children were aware of the protective measures available to them, what was done to keep child victims from being revictimized when they were questioned by law enforcement or court officials and to whom they were referred after they had filed a complaint with the police.

32. **Ms. Nava Trujillo** (Mexico) said that child victims of exploitation were assisted by psychologists who ensured that they were properly informed about their rights. Informational campaigns targeted at primary and secondary schools had been launched, and a fund had been established for the purpose of making full compensation available for child victims of exploitation. The Executive Commission on Victim Support had concluded agreements with the state attorney general offices whereby a representative of the Commission could directly assist victims, in particular minors, in their dealings with law enforcement officials.

33. **Ms. Morales Garza** (Mexico) said that teacher training was the linchpin in the authorities' efforts to effect the necessary change in attitude so that children with disabilities could attend school alongside their peers without disabilities. In 2013 alone, more than 130,000 teachers had taken courses relating to human rights or diversity issues, including diversity in terms of student learning abilities. Textbooks were made available in large type as well as in Braille, and schools were required by law to be accessible to persons with disabilities. Guidance had been developed for teachers in remote areas so that they would know how to seek support for including children with disabilities in the classroom. A new regulation on motorized transport was expected to enable more children with physical disabilities to attend school. More than 150,000 children with disabilities attended mainstream schools and nearly 430,000 were in ordinary school support service units, sometimes while enrolled concurrently in mainstream schools. Inclusiveness was a tenet of the national educational system.

34. **Mr. Cardona Llorens** asked whether the Mexican authorities intended to increase the number of children moving from special education programmes to mainstream schools or whether they intended to maintain the special education system as it was. He also asked whether there was information on the number of children with disabilities who did not attend school at all.

35. **Ms. Morales Garza** (Mexico) said that one of the aims of the support service units was to enable children with disabilities to transfer to mainstream schools. An inclusive education plan had been put in place. It involved teacher training, technical assistance for schools and the appointment of special education teachers to support inclusive education in mainstream schools. The number of children with disabilities who did not go to school was available from the National Statistics and Geography Institute and would be provided to the Committee shortly.

36. **Mr. Valdés Trejo** (Mexico) said that families who were not eligible for health coverage under the programmes for the families of government workers, military personnel or private-sector employees were enrolled in the Seguro Popular national health insurance programme, which had a component that covered common childhood diseases. Mobile medical units, which included a doctor, a nurse, a community health worker and in some cases a dentist, treated patients in remote rural areas. The Government had taken a number of steps to revive the healthy practice of breastfeeding, including the creation of human milk banks and the development of a national breastfeeding strategy.

37. **Ms. Vargas Carrillo** (Mexico) said that the State managed a large network of rehabilitation centres for children and adults with disabilities. The network provided services to more than 1.2 million people a year, about one fourth of whom were minors. Regarding the protection of children's privacy, she said that chapter 17 of the Children's and Adolescents' Rights Act stipulated that no child could appear in the media without the consent of a responsible adult.

38. **Mr. Sepúlveda Iguíñez** (Mexico) said that, as a result of observations made by the Committee on the Rights of Persons with Disabilities, the Mexican authorities had met with officials from the Office of the United Nations High Commissioner for Human Rights, representatives of Mexican NGOs and the administrators of the Teletón Foundation in Mexico, which provided assistance to persons with disabilities; those meetings had led to a number of proposed changes in the way the Foundation worked. He would gladly provide the Committee with more detailed information.

39. **Ms. Oviedo Fierro** invited the delegation to comment on a regional road map to preventing violence against children and on the State party's efforts to promote early childhood development. She wished to know what recourse was available to the family members of the 49 children who had died in a fire at a day-care centre in Hermosillo, Sonora, and what was being done for the surviving children.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

40. **Mr. Sepúlveda Iguíñez** (Mexico) said that protecting children and adolescents was one of the primary goals of the authorities' efforts to prevent violence and crime in the country. Drug addiction was no longer being addressed simply by the imposition of criminal penalties: addiction treatment courts had been set up in four states and the Federal District with the objective of making appropriate treatment available for drug users and for juveniles charged with minor offences stemming from drug use. Other action to combat drug abuse and violence included the organization of workshops, forums and sporting events. He would be happy to provide the Committee with detailed written information on each of the violence prevention programmes.

41. **Mr. Gómez Robledo** (Mexico) said that, at the request of Mexico, the General Assembly would be convening a special session in part to evaluate the effectiveness of the global war on drugs. Mexico favoured a strategy that did not hinge on criminalizing the user. A reply to Mr. Cardona's question about the use of pesticides in Yaqui indigenous communities would be provided before the concluding observations were adopted. An answer to the question regarding the submission of the report of Mexico on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict would also be provided in due time.

42. **Mr. Moreira Valdez** (Mexico) said that surrogacy was indeed legal in the State of Tabasco but not anywhere else in Mexico. The local authorities, assisted by civil society and the National Human Rights Commission, were currently undertaking a thorough review of that practice.

43. **Ms. Ayoubi Idrissi** said that the Committee would welcome information on whether a child born to a surrogate mother would be entitled to know, insofar as possible, who his or her biological parents were. Could the father of such a child disclaim paternity?

44. **Mr. Moreira Valdez** (Mexico) said that the Tabasco surrogacy laws dated from long ago and, although the intentions had been good, it appeared that profit-seeking interests had begun using the law to their advantage. It was precisely to clarify the rights issues brought up by Ms. Ayoubi Idrissi that that legislation was undergoing a thorough review.

45. **Mr. Cardona Llorens** said that he would welcome responses to his questions about mental health, obesity, child malnutrition in rural areas and deaths of teenage mothers during childbirth.

46. **Mr. Kotrane** asked what measures the State party planned to take to ensure that the repatriation of any unaccompanied minor to Central America would be carried out in a manner consistent with international standards.

47. **Mr. Valdés Trejo** (Mexico) said that the three pillars of the effort to combat obesity were: levying a special tax on carbonated sweet drinks; banning the sale of certain foods and beverages on school grounds, installing water fountains and restricting advertising; and promoting physical activity. The Seguro Popular health insurance scheme covered a number of medical procedures to treat obesity.

48. Progress had been made in the area of mental health with the forthcoming implementation of the so-called Hidalgo model, in which the focus was on deinstitutionalizing persons with mental disabilities. The psychiatric hospitals operated by the Ministry of Health had no children inpatients. He would be able to provide information from state-level hospitals in due course upon request.

49. A programme had been implemented to ensure that girls who were close to giving birth received appropriate medical care and were not denied treatment. A similar programme was in place for persons with mental health disorders. The Act on the Protection of Persons on the Autism Spectrum had appeared in the Official Gazette in April 2015.

50. **Ms. Colchero Aragónés** (Mexico) said that a number of steps had been taken since 2013 to address the matter of enforced disappearances. Acts of enforced disappearance had been criminalized in accordance with international conventions, and the Victims Act had been passed into law. A national register of disappeared persons had been established, and searches for missing or disappeared persons were launched within 72 hours of their being reported missing. A national database containing both ante-mortem and post-mortem data had been created, and a protocol on forensic identification was being drawn up. The Office

of the Attorney General of the Republic had an enforced disappearances unit with 170 persons on staff, and cases of enforced disappearance had already been tried in some states.

51. **Mr. Moreira Valdez** (Mexico) said that the Ayotzinapa case had galvanized the entire country and that new federal procedures had been instituted as a result. New legislation had been enacted on enforced disappearance, and some states had made it a criminal offence, tried cases of enforced disappearance and handed down convictions.

52. **Ms. Cárdenas Miranda** (Mexico) said that a strategy to assist street children was already in place and that there was a national network of institutions that helped street children. The strategy had yet to be evaluated.

53. **Mr. Morales Vélez** (Mexico), in response to a question from Mr. Kotrane, said that Mexico had ratified the ILO Minimum Age Convention, 1973 (No. 138). In 2012, the Government had embarked on a major labour reform that included preparing a list of all activities deemed hazardous to the health and safety of children and adolescents. A new labour inspection protocol had made it easier to detect child labour and identify its causes and consequences. The Government had formulated various policies to eradicate child labour and protect adolescent workers and had established a commission to coordinate action in that regard. Mexico had given priority to the ratification of ILO Convention No. 138 because it was a core convention, but it was also considering ratification of the ILO Domestic Workers Convention, 2011 (No. 189).

54. **Ms. García Gómez** (Mexico), in response to questions from Mr. Kotrane, said that a federal law on juvenile justice had been enacted in 2012 and would come into effect in June 2016, thus bringing national legislation into line with international standards in that area. State-level legislation had not yet been harmonized. Proposals had been submitted to the Congress with a view to having a single, Convention-compliant law on juvenile justice and a comprehensive juvenile justice system that would apply to adolescents between the ages of 12 and 18. Due process guarantees, separation of law enforcement and court functions, and alternate dispute resolution mechanisms would all be considered, and sanctions would have to be proportional to the offence, with the focus remaining on the rehabilitation and reintegration of adolescents.

55. **Ms. Colchero Aragónés** (Mexico), referring to the sale of children, reiterated that section 366 of the Criminal Code defined trafficking in persons and the handing over of children to third parties for money as criminal offences. Moreover, offences involving three or more perpetrators were considered acts of organized crime.

56. **Mr. Cardona Llorens** said that the State party had referred to trafficking in persons but not to the sale of children *per se*. The two crimes were not synonymous, as a child could be sold for labour exploitation or adopted without leaving the State's territory. He also wished to know if the selling of organs was an offence under Mexican law?

57. **Ms. Colchero Aragónés** (Mexico) said that the selling of organs as such was not a criminal offence.

58. **Mr. Kotrane** said that Mexico had excellent laws on the trafficking of women and children, but that the sale of children — which included forced labour by children — was not fully covered by its current legislation.

59. **Ms. García Gómez** (Mexico), referring to a question from Ms. Oviedo Fierro, said that a number of initiatives had been taken in relation to the statute of limitations for sexual offences committed against minors, including the stipulation that the statute of limitations would begin to run when the victim reached the age of majority.

60. **Mr. Sepúlveda Iguíñez** (Mexico) said that paedophilia was a criminal offence under Mexican legislation both at the federal and local level. Various reforms had been

undertaken with a view to combating impunity, and some members of the clergy had been prosecuted for sexual offences. The Children's and Adolescents' Rights Act addressed sexual and reproductive health issues, and victims of sexual offences were encouraged to file complaints and were provided with support.

61. **Ms. Oviedo Fierro** asked for clarification regarding sanctions against members of the clergy, as the Committee had received reports indicating that no penalties had been imposed.

62. **Mr. Sepúlveda Iguíñez** (Mexico), responding to that request, said that the State party would provide the Committee with more specific information as soon as possible. Referring to questions from Mr. Rodríguez Reyes, he said that strategies to combat crime and provide support to child victims were constantly being reviewed and revised to ensure that human rights were not being violated. Protocols on the use of force by police had recently been issued with a view to upholding human rights and protecting children. Numerous protective mechanisms were in place to ensure the rights of children.

63. **Mr. Madrazo Ubach** (Mexico) said that progress had been made in mounting a regional response to migration issues in the region, and Mexico had been working with Honduras and Guatemala to streamline administrative procedures. No mass expulsions of child migrants had taken place, and steps were being taken to ensure that children were returned to their parents more quickly. As repatriating migrants involved significant coordination, various mechanisms had been put in place governing the relevant procedures.

64. **Ms. Oviedo Fierro** said that, while the Committee acknowledged the State party's efforts to answer its questions, it would have appreciated more specific answers, as well as information regarding internally displaced persons. Violence and poverty formed a vicious cycle that seemed to underpin many of the problems in Mexico. If children and adolescents received affection, respect and consideration, they would develop self-respect and self-esteem.

65. **Mr. Gómez Robledo** (Mexico) thanked the Committee for its comments and questions and said that the dialogue had allowed the State party to discuss the progress that had been made and to identify the remaining challenges. The recently adopted Children's and Adolescents' Rights Act was a watershed event, and the Government would focus on its effective implementation to ensure that its provisions became a reality for the children and adolescents of Mexico. The State party welcomed any recommendations issued by the Committee and would keep it informed of further progress. Mexico was committed to upholding the rights of children and adolescents and was convinced that the only way to achieve palpable results was by working closely with international and civil society organizations.

66. **The Chairperson** thanked the delegation for their responses and said that she hoped their dialogue would shape a brighter future for the children of Mexico.

The meeting rose at 1 p.m.