



Convention on the Rights of the Child

Distr.: General
25 January 2010
English
Original: Spanish

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2004

United Mexican States^{* **}

[4 November 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** The annexes to the present report are circulated as received.

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List of abbreviations

AFI	Federal Investigation Agency
APF	Federal Civil Service
CIESAS	Centre for Research and Advanced Studies in Social Anthropology
CNDH	National Human Rights Commission
COIA	National Children's and Adolescents' Council
COMAR	Mexican Refugee Assistance Commission
CONAPO	National Population Council
CPF	Federal Criminal Code
CPGMDH	Commission on Governmental Human Rights Policy
CFPP	Federal Code of Criminal Procedure
CROC	Revolutionary Confederation of Workers and Peasants
ECPAT	International NGO network 'End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purpose
ESCI	Commercial Sexual Exploitation of Children
FEVIMTRA	Office of the Special Prosecutor for crimes of violence against women and trafficking in persons
INACIPE	National Institute of Criminological Sciences
INDESOL	National Institute for Social Development
INEGI	National Institute of Statistics, Geography and Information Technology
INM	National Institute for Migration
INMUJERES	National Institute for Women
INSTRAW	United Nations International Research and Training Institute for the Advancement of Women
INTERPOL	International Criminal Police Organization
LEI	International extradition law
OACNUDH	Office of the United Nations High Commissioner for Human Rights in Mexico
OEA	Organization of American States
OIM	International Organization for Migration
ILO-IPEC	International Labour Organization - International Programme on the Elimination of Child Labour
UNODC	United Nations Office on Drugs and Crime
OPI	Child protection officer
PIAMF	Inter-agency Programme for the Care of Border-Area Minors
PFP	Federal Preventive Police

PGR	Office of the Attorney General of the Republic
PND	National Development Plan
PNDH	National Human Rights Programme
PROPAEESCI	Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children
PROTEJA	Programme of Support to Victims of Human Trafficking in Mexico
SALUD	Ministry of Health
SCJN	Supreme Court of Justice
SECTUR	Ministry of Tourism
SEDESOL	Ministry of Social Development
SEGOB	Ministry of the Interior
SEP	Ministry of Public Education
SNDIF	National System for Comprehensive Development of the Family
SRE	Ministry of Foreign Relations
SSP	Ministry of Public Security
STPS	Ministry of Labour and Social Security
UNAM	National Autonomous University of Mexico
UEITMIO	Special Unit for Investigation into Trafficking of Minors, Illegals and Human Organs
UNICEF	United Nations Children's Fund

I. Introduction

1. This document constitutes the initial report of the Government of Mexico pursuant to article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography.

2. It has been drawn up on the basis of the outlines provided by the Committee on the Rights of the Child in keeping with the 'Revised Guidelines regarding initial reports to be submitted by States under article 12, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography' (CRC/C/OPSC/2, of 3 November 2006).

3. The report was compiled in coordination with the Ministry of the Interior (SEGOB), the Ministry of Foreign Relations (SRE), the Ministry of Public Security (SSP), the Ministry of Social Development (SEDESOL), the Ministry of Public Education (SEP), the Ministry of Health (SALUD), the Ministry of Labour and Social Security (STPS), the Ministry of Tourism (SECTUR), the Office of the Attorney General of the Republic (PGR), the National System for Comprehensive Development of the Family (SNDIF), the National Institute for Women (INMUJERES), the National Institute for Migration (INM), the National Population Council (CONAPO), the National Institute of Statistics, Geography and Information Technology (INEGI), and the National Human Rights Commission (CNDH).

4. The Mexican Government signed the Optional Protocol on 7 September 2000 and ratified it on 15 March 2002. The national and international obligations established therein came into force on 15 April 2002.

5. There are no reservations to the Protocol on the part of the Mexican State.

6. The Mexican Government underlines its firm resolve to co-operate with international human rights mechanisms, in particular with the treaty-monitoring bodies, in complying with the obligations deriving from international human rights instruments to which it is Party.

7. In this regard, the Mexican Government extends an open and standing invitation to all international human rights mechanisms. Between 2000 and 2008, it received visits from 12 United Nations mechanisms, four official visits by the United Nations High Commissioner for Human Rights and eight visits by mechanisms of the Inter-American human rights system.

8. Mexico received official visits on two occasions from the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography: in the persons of Mrs Ophelia Calcetas-Santos, from 10 to 21 November 1997, and Mr Juan Miguel Petit, from 4 to 14 May 2007, whose recommendations to the Mexican State were accepted with great interest.

II. General Information

9. According to data collected by the National Population Council (CONAPO) through its Population and Housing Census 2005 and Population Projections 2005-2050, the number of persons under 18 currently residing in the national territory stands at 39,767,920, including 20,221,592 boys and 19,546,328 girls.¹

¹ See Annex 1 for population data disaggregated by Federal entity and age bracket.

10. The study "Infancia robada: niños y niñas víctimas de explotación sexual en México" (Stolen childhood: girl and boy victims of sexual exploitation in Mexico), published jointly by UNICEF, SNDIF and CIESAS, estimates that some 16,000 of these children and adolescents have been used in practices involving prostitution, pornography, sex tourism and trafficking for the purposes of sexual exploitation.² This represents 0.04% of the child population.

11. ECPAT International estimates for its part that between 16,000 and 20,000 children aged under 18 are victims of commercial sexual exploitation in Mexico.³

12. The cities of Tijuana (Baja California), Tapachula (Chiapas), Ciudad Juárez (Chihuahua), Acapulco (Guerrero), Cuernavaca (Morelos), Cancún (Quintana Roo), Guadalajara and Puerto Vallarta (Jalisco), together with the *delegaciones* Venustiano Carranza y Cuauhtémoc in the Federal District, are where the child sex trade is most prevalent.

13. Internet monitoring carried out by the Federal Preventive Police (PFP), through the Child Predator CyberCrime Unit, have identified 1347 sites displaying child pornography, of which 310 are Mexican sites.

14. The Child Predator CyberCrime Unit calculates that 73.6 percent of the pornographic images on the sites concerned involve girls and 26.4 percent boys.

15. It also estimates the characteristics of the children and adolescents used on these sites to be as follows:

- (a) 41 percent are aged between 12 and 17;
- (b) 38 percent are aged between eight and 12;
- (c) 14 per cent are aged between four and eight;
- (d) 7 percent are aged between 0 and four;
- (e) 79 percent are Caucasian;
- (f) 12 percent are Latin;
- (g) 6 percent are Asian;
- (h) 3 percent are Black.

III. Measures to implement the Optional Protocol

A. Mexican legal context

1. Definition of child and adolescent in national legislation

16. The Political Constitution of the United Mexican States was revised in 2000 to accord constitutional status to the right of children to satisfy their basic nutritional, health, educational and recreational needs for their comprehensive development (art. 4).

² Azaola, Elena, 'Stolen childhood: girl and boy victims of sexual exploitation in Mexico', UNICEF/DIF, Mexico, 2000, pp. 137.

³ 'Informe Global de Monitoreo de las acciones en contra de la explotación sexual comercial de los niños, niñas y adolescentes: México' [Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: Mexico], ECPAT International, Thailand, 2006.

17. The Constitution provides that parents, guardians and custodians, as well as the State, shall take the necessary measures to foster respect for the dignity of children and full exercise of the rights of the child.

18. It likewise specifies in article 34 that 18 years is the age of majority for exercising the electoral and political rights characteristic of a rule-governed democratic state and deriving from the constitutionally recognized status of Mexican citizen.

19. With the aim of ensuring the full and comprehensive development of the nation's children, Mexico adopted the Protection of the Rights of Children and Adolescents Act⁴ as the law regulating article 4 of the Constitution, which guarantees the protection and respect of children's human rights.

20. Article 2 of the Act defines those to whom it applies as persons up to the age of 18, in accordance with article 1 of the Convention on the Rights of the Child, and divides them into two age groups: children (up to the age of 12) and adolescents (from 12 to 18).

21. In addition to the Protection of the Rights of Children and Adolescents Act, the Federal District and the States of Aguascalientes, Durango, Morelos, Sinaloa, Sonora, Tamaulipas and Veracruz have legislation for the protection of the rights of the child.

22. It should be pointed out, in view of the importance that Mexico attaches to the gender perspective, that particular care is taken in this context, in both written and spoken Spanish, to refer to girls, boys and adolescents, employing these terms with precision.

2. General principles of the Convention on the Rights of the Child

Best interests of the child

23. Article 4 of the Protection of the Rights of Children and Adolescents Act provides that:

In accordance with the principle of the best interests of the child, rules applicable to children and adolescents shall be aimed primarily at providing them with the care and assistance they need to attain full growth and development in a climate of family and social well-being. In keeping with this principle, exercise of the rights of adults may never at any time or under any circumstances condition exercise of the rights of children and adolescents. Application of this Act shall ensure compliance with this principle and with the fundamental guarantees and rights recognized in the Political Constitution of Mexico.

Non-discrimination

24. Article 1 of the Political Constitution of the United Mexican States provides that

All forms of discrimination are prohibited, whether on grounds of ethnic or national origin, gender, age, disabilities, social status, standards of health, religion, opinions, preferences, marital status or any other form of discrimination that constitutes an attack on human dignity and is intended to nullify or undermine the rights and freedoms of individuals.

25. The Protection of the Rights of Children and Adolescents Act states in article 16:

The rights of children and adolescents are recognized, without discrimination of any kind on grounds of race, colour, sex, language, religion, political opinion, ethnic, national or social origin, economic situation, physical disability, circumstances of birth or any other status not covered by this article.

⁴ Published on 29 May 2000 in the Diario Oficial de la Federación.

26. Article 18 also stipulates that ‘it is the duty of the authorities, ascendant relatives, guardians and members of society to promote and encourage equal development among children and adolescents, by combating or eliminating from the earliest age all customs and prejudices suggesting superiority of one sex over the other’.

Right to life, survival and development

27. The right to life is guaranteed under article 15 of the Protection of the Rights of Children and Adolescents Act, which establishes that ‘Children and adolescents have an inherent right to life. Their survival and development shall be guaranteed to the maximum extent possible’.

28. Similarly, article 19 of the Act provides that “Children and adolescents have the right to live in conditions enabling them to enjoy healthy and harmonious growth, whether physical, mental, material, spiritual, moral or social.”

Respect for the views of others

29. Articles 38, 39 and 41 of the Protection of the Rights of Children and Adolescents Act guarantee respect for the views of children and adolescents, as follows:

(a) Children and adolescents have the right to freedom of expression, which includes expressing views and being informed. Such freedoms are restricted only by the provisions of the Constitution (art. 38).

(b) Children and adolescents have the right to exercise their faculties of judgement, analysis and criticism and to make proposals in all the environments in which they live, including the family, school, society or any other sphere, subject only to the restrictions established by the Constitution or dictated by respect for the rights of others.

(c) The right to express an opinion means that their views must be taken into account with respect to:

- (i) Matters that affect them and the content of decisions concerning them;
- (ii) Their opinions and suggestions regarding family or community matters

3. Applicability of the Protocol in Mexico

30. Mexico ratified the Convention on the Rights of the Child in 1990 and its two Optional Protocols in 2002.

31. According to article 133 of the Constitution, international treaties ratified by Mexico are the Supreme Law of the Nation. This provision was modified by the Supreme Court of Justice in 1999 when it issued an isolated ruling according to which international instruments are of lower rank than the Constitution itself, but higher than that of the Federal laws adopted by the Congress of the Union.

32. On 13 February 2007, the Supreme Court of Justice meeting in plenary ratified this judgement in a decision adopted by a majority of six votes to five, when it admitted 14 appeals for review concerning the contravention of certain standards embodied in international trade treaties.

4. Laws and standards underpinning application of the Protocol

33. In 2007, under a Decree amending, expanding and revoking various provisions of the Federal Criminal Code, the Federal Code of Criminal Procedure and the Organized Crime Act with regard to child sexual exploitation⁵, the crimes of child sex tourism, child

⁵ Published in the Diario Oficial de la Federación on 27 March 2007.

pornography, trafficking in children and the procuring of minors under 18 years of age were classified as offences constituting a violation of the free development of the child's personality.

34. This Decree increased the penalties for crimes involving the corruption of minors, especially when committed by family members, guardians, public officials, teachers, ministers of religion, among others, thereby complying with one of the recommendations made to the Mexican government in 2006 by the Committee on the Rights of the Child.⁶

35. The definition of the offences of child prostitution and pornography stipulated in articles 202 and 204 respectively of the Federal Criminal Code corresponds to that contained in article 2 of the Optional Protocol. The offences of pornography and sex tourism involving minors are likewise stipulated in the Federal Code of Civil Procedure.

36. Mexico furthermore condemns human trafficking as an odious contemporary form of slavery and as an act contrary to universal human rights. In this regard, the Prevention and Punishment of Trafficking in Persons Act⁷ seeks not only to combat human trafficking for the purposes of sexual exploitation (article 5) but also to protect and assist victims of such illicit trafficking nationwide. This Act is in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, which supplements the United Nations Convention against Transnational Organized Crime.

37. The Act establishes penalties for anyone who promotes, solicits, offers, facilitates, procures, transfers, delivers or receives, for himself or for a third party, a person by means of physical or moral violence, deceit or abuse of power in order to submit the said person to sexual exploitation, forced labour or services, slavery or practices akin to slavery, servitude, or the removal of organs, tissue or their components.

38. National law stipulates that when this offence is committed against persons below the age of 18, or someone who is not capable of understanding the significance of the act or of resisting it, no verification of contributory or active means is required. A sentence ranging from 9 to 18 years' imprisonment and a fine of between 750 and 2250 days are applicable if the offence is committed against someone below the age of 18.

39. It also provides for the establishment of an Inter-ministerial Commission to draw up and implement a National Programme to Prevent and Punish Trafficking in Persons, consisting of departments of the Federal Civil Service (APF), representatives of civil society and specialists on the subject of human trafficking.

40. In accordance with article 12 of the Act, the Inter-ministerial Commission will develop prevention and protection campaigns to combat human trafficking, based on the safeguarding of human dignity and human rights, with particular reference to children, adolescents and women (subparagraph II); provide information and training from a gender and human rights perspective and in keeping with the best interests of children (subparagraph IV); offer guidance to staff responsible for the different means of transport, on the measures required to ensure the protection of persons below the age of 18 in particular (subparagraph VIII).

41. This Commission will be responsible, with the help of the National System of Public Security and other relevant bodies, for collecting statistical data relating to the incidence of offences related to human trafficking.

⁶ In its concluding observations on the third periodic report of Mexico, the Committee recommended measures to "(a)mend the Penal Code so as to make the sexual exploitation, trafficking and abduction of children all criminal offences", CRC/C/MEX/CO/3, para. 65 (b).

⁷ Published in the *Diario Oficial de la Federación* on 27 November 2007.

42. It should be mentioned that the definition of the crime of trafficking in persons contained in article 5 of this Act corresponds to the definition of the sale of children in articles 2 and 3 of the Optional Protocol.

43. In addition, the Federal Act to Prevent and Eliminate Discrimination⁸ provides in article 9 for the prohibition of any practice that interferes with the minimum conditions required for growth and sustainable development, particularly of children.

B. General strategy to eliminate the sale of children, child prostitution and child pornography

1. National Development Plan 2007-2012 (PND)

44. Consistent with the principles of the Convention on the Rights of the Child, the Mexican Government included in its National Development Plan 2007-2012 strategies to promote the healthy and comprehensive development of Mexican children, ensuring full respect for their rights and care for their health, nutritional, educational and housing needs, and promoting the full development of their abilities.

45. This National Plan aims to establish the national objectives, strategies and priorities that will govern the action of the Government during the present administration.

46. Objective 12, Strategy 12.2 of the Plan involves the “Establishment of a programme in the Federal Civil Service to strengthen respect for human rights”.

2. National Human Rights Programme 2008-2012 (PNDH)

47. In keeping with the National Development Plan, the agreement adopting the 2008-2012 National Human Rights Programme (PNDH) was published on 29 August 2008, establishing the National Human Rights Policy of the current administration. The PNDH also draws on the agreements embodied in the 1993 Vienna Declaration and Programme of Action.

48. Observance of the PNDH's provisions is compulsory for all departments of the Federal Civil Service, within their respective spheres of competence, as well as for semi-state entities. The Programme likewise identifies specific linkages with the legislative and judicial branches, the various spheres of government, public human rights bodies and civil society organizations - measures of great importance to ensure that the Federal Government fulfils its human rights commitments.

49. The PNDH is structured around four major themes: (a) the human rights perspective in the framing of public policies; (b) the institutionalization of legal and administrative mechanisms to guarantee the defence and promotion of human rights; (c) a culture of respect for and defence of human rights; and (d) compliance with international commitments stemming from international human rights instruments.

50. Strategy 1.7, ‘Ensure that the human rights of groups subject to discrimination and vulnerability are recognized in the framing of public policies by the Federal Civil Service’, establishes the commitment by the Mexican Government to eliminate the sale of children, child prostitution and child pornography, through the following lines of action:

(APF, SSP, PGR) Promote and consolidate actions and campaigns through the Federal Civil Service to prevent, respond to, punish and eradicate prostitution, pornography and sexual exploitation involving children and adolescents, as well as public policies that avoid criminalizing the victims.

⁸ Published in the Diario Oficial de la Federación on 11 June 2003.

3. Programme actions 2002-2010: A Mexico Fit for Children

51. Based on the objectives set out in the previous administration's National Development Plan (2001-2006), and following the agreements reached at the World Children's Summit, a 'Programme of Action 2002-2010: A Mexico Fit for Children' has been published.

52. The Programme of Action lays down the principles, actions and strategies that the Government of the Republic has initiated to improve the life of children and adolescents. Its overall goal is that Mexican children and adolescents should begin their lives in a context of equality and should enjoy appropriate opportunities for their comprehensive development. This Programme places special emphasis on caring for child victims of commercial sexual exploitation.

53. Twenty-five government departments are working to implement the Programme in a coordinated manner with the aim of providing a favourable environment and dignified lifestyle for children in keeping with the international commitments assumed by Mexico.

C. Government departments and organs ensuring compliance with the provisions of the Protocol

1. National System for the Comprehensive Development of the Family (SNDIF)

54. In Mexico, SNDIF is the government agency responsible for implementing public policies in the sphere of family welfare and for devising preventive and promotional strategies for the comprehensive development of disadvantaged children and adolescents.

55. SNDIF endeavours to ensure that children have the right to satisfy their nutritional, health, educational and recreational needs for their comprehensive development and that the State takes the necessary measures to further respect for the dignity of children and full exercise of their rights. SNDIF is also responsible for establishing the follow-up and monitoring mechanisms for the Convention on the Rights of the Child.

56. In accordance with Mexico's international commitments concerning the commercial sexual exploitation of children (ESCI), in particular those assumed at the 1996 Stockholm and 2001 Yokohama World Congresses, and those embodied in the Optional Protocol itself, the Mexican Government in 2002 adopted the National Action Plan to Prevent, Monitor and Eradicate the Commercial Sexual Exploitation of Children, which includes projects, programmes and activities in the areas of prevention, protection, recovery, reintegration, cooperation and research.

57. The main aim of the Action Plan is to promote systematic preventive and protective policies and measures for child and adolescent victims of commercial sexual exploitation, with the participation of the three levels of government, public and private institutions and civil society organizations at national and international level.

58. The Action Plan implemented by SNDIF establishes guidelines for developing action plans at the state and local levels, with a view to:

(a) Coordinating the activities of governmental bodies and civil society organizations on behalf of child and adolescent victims of commercial sexual exploitation;

(b) Encouraging the design, dissemination and deployment of tools for preventing the commercial sexual exploitation of children and promoting the development of comprehensive strategies to care for child and adolescent victims;

(c) Furthering the necessary legal protection, together with the defence and enforcement of the rights of children and adolescents;

(d) Fostering study, investigation and analysis of this problem.

59. The systemic measures under the National Action Plan are implemented through the Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children (PROPAAEESCI)⁹, comprising activities in the following areas: coordination, prevention, monitoring, legal protection and research.

60. This Programme operates at three levels:

(a) At the individual level, the target population consists of children and adolescents vulnerable to commercial sexual exploitation, i.e. who are liable to be or are already being exploited. The service is provided by institutions in contact with vulnerable children, such as the state or municipal Comprehensive Development of the Family (DIF) systems and civil society organizations;

(b) At the local community level, the programmes place the stress on health problems, educational development, the training of vulnerable children and adolescents, and remedial programmes;

(c) Beyond the community, in the case of measures designed to have an impact at the regional and national level, such as the national 'Living Better' strategy and relevant federal and local laws.

61. The Programme is implemented through a dual strategy involving:

(a) The National Commission for preventing, monitoring and eradicating the commercial sexual exploitation of children;

(b) Implementation of the Action Plans for preventing, monitoring and eradicating the commercial sexual exploitation of children in the Federal entities.

62. The first strategy is centred on the National Commission for preventing, monitoring and eradicating the commercial sexual exploitation of children, established on 23 October 2001 and headed by the national DIF system comprising 32 institutions (18 public and private bodies¹⁰, three academic institutions¹¹, eight civil society organisations¹² and three international agencies¹³) as well as representatives of the Chamber of Deputies and Senate.

63. The work of the National Commission is carried out through five subcommissions, namely:

⁹ See annex 2 for information on the historical coverage of PROPAAEESCI.

¹⁰ Ministry of Health, Ministry of Public Education, Ministry of Foreign Relations, Ministry of the Interior, Ministry of Tourism, Ministry of Labour and Social Security, Ministry of Social Development, National Human Rights Commission, Ministry of Public Security, National Population Council, National Children's and Adolescents' Council, National Institute for Women, National Institute for Migration, Institute for Social Assistance and Integration of the Federal District Government, National Institute of Psychiatry, Federal Preventive Police, National System for the Comprehensive Development of the Family.

¹¹ National Autonomous University of Mexico, National Institute of Criminological Sciences, Centre for Research and Advanced Studies in Social Anthropology.

¹² Asociación a Favor de lo Mejor [Association for Improved Media Content], Asociación Femenil de Ejecutivas de Empresas Turísticas de la República Mexicana A.C. [Association of Female Travel Executives of the Mexican Republic, non-profit organization], Educación con el Niño Callejero EDNICA [Education for the Street Child], Familia y Sociedad A.C. [Family and Society], Fundación Casa Alianza, I. A. P. [Institution of Private Assistance], Fundación Infancia, A.C., THAIS Consultoría en Desarrollo Social, S.C. [Social Development Consultancy]

¹³ United Nations Children's Fund (UNICEF), International Labour Organization (ILO), International Organization for Migration (OIM).

(a) Subcommittee on the Legal Protection and Defence of the Rights of the Child, responsible for promoting legal protection of the rights of the child;

(b) Subcommittee on Coordination, designed to foster joint efforts by the different government departments, private institutions and civil society organizations (national and international) to eradicate the commercial sexual exploitation of children;

(c) Subcommittee on Prevention, responsible for making known and applying tools for preventing the commercial sexual exploitation of children;

(d) Subcommittee on Victim Care, whose main function is to create a centre providing comprehensive care to victims of commercial sexual exploitation of children and to their families;

(e) Subcommittee on Research, to promote study, research and analysis of the commercial sexual exploitation of children with a view to identifying its causes.

64. SNDIF's second strategy is to promote the drawing up and implementation of Action Plans for the prevention, monitoring and eradication of the commercial sexual exploitation of children in the Federal entities, including coordination, prevention, victim care, legal protection and defence of the rights of the child, to be carried out through local committees or commissions.

65. The Programme currently operates in 190 cities¹⁴ in 12 States of the Republic considered most vulnerable: Baja California, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Estado de México, Guerrero, Jalisco, Morelos, Nuevo León, Oaxaca, Quintana Roo, Sonora, Tabasco, Tlaxcala, Veracruz y Yucatán.

66. It should be noted that the Programme is supported by activities under other SNDIF programmes, such as:

- (a) Promotion of the rights of the child;
- (b) Prevention and monitoring of child pregnancy;
- (c) Prevention of addiction;
- (d) Prevention, monitoring, discouragement and eradication of child labour in deprived urban areas;
- (e) Monitoring of street children ("From the streets back to life");
- (f) Monitoring of migrant and repatriated minors;
- (g) Early childhood monitoring.

67. In the research field, 16 local surveys have been undertaken in the States of: Baja California, Coahuila, Colima, Chiapas, Chihuahua, Estado de México, Guerrero, Jalisco, Nuevo León, Oaxaca, Quintana Roo, Sonora, Tabasco, Tlaxcala, Veracruz y Yucatán.

68. The results of these surveys have helped to throw light on the development of the phenomenon at the local level, which has been a key element in shaping action plans and decision-making by the authorities at state and municipal level.

69. The Mexican State has also promoted the establishment of inter-agency committees at the state and municipal level (Coahuila, Colima, Jalisco, Nayarit, Oaxaca y Querétaro) as a tool to stimulate more direct participation by various agencies in combating the commercial sexual exploitation of children. These committees have the following characteristics:

¹⁴ Coverage of the Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children from 2002 to June 2008.

(a) They are established by the governmental authorities through SNDIF to carry out inter-agency activities and programmes to combat the commercial sexual exploitation of children;

(b) They form part of the national follow-up and monitoring system of the Convention on the Rights of the Child promoted by SNDIF, UNICEF and the Ministry of Foreign Affairs;

(c) In both cases, they have helped to coordinate inter-agency action against the commercial sexual exploitation of children.

2. Ministry of Public Security (SSP)

70. The Ministry of Public Security (SSP), through the Child Predator CyberCrime Unit of the Federal Preventive Police (PFP), is responsible for prevention and monitoring operations aimed at identifying, locating and neutralizing organizations or individuals engaged in cybercrime using computer systems and equipment, as well as illegal actions against minors, both nationally and abroad where it concerns Mexico.

71. The PFP has made efforts to eradicate the corruption of minors and child pornography, through preventive measures and by cooperating in investigations with the Public Prosecutor's Office

72. The following are some of the measures adopted by the SSP to prevent the sale of children, child prostitution and child pornography:

(a) Since 2007, merger of the Federal Investigation Agency (AFI) of the Office of the Attorney General with the Federal Preventive Police has enabled the cybercrime units of both institutions to work together;

(b) The Child Predator CyberCrime Unit forms part of the G-8's High-Tech Crime subgroup, i.e. the international body that preserves electronic evidence in the case of cross-border computer crime;

(c) The Child Predator CyberCrime Unit holds meetings with Microsoft personnel on implementation of the *Child Exploitation Tracking System* (CETS), used to help identify persons promoting pornography on the Internet;

(d) The first government-level cybercrime laboratory has been set up in Mexico to support the police and judicial authorities in obtaining digital evidence. The laboratory is run by staff of the Child Predator CyberCrime Unit, and it has acquired state-of-the-art computer-analysis technology including Forensic Toolkit (FTK), EnCase, CellDEK, Parabel Cel and Talón.

(e) Members of the Child Predator CyberCrime Unit have received specialized national and international training. At the international level, Columbian authorities and experts have provided them with two forensic-computing courses of one week's duration each on the use of the FTK and EnCase tools as well as on freeware such as BackTrack and Helix;

(f) Support has been provided to the Public Prosecutor's Office at federal and state level for the extraction of information from various devices seized in operations against organized crime, such as cell phones, personal digital assistants, hard disks, laptops, PCs and memory devices;

(g) Exchanges of information on child predator crimes have taken place with Interpol, and the PFP is currently collaborating in the standardization of procedures and information among the Latin American police for the production of a handbook on computer crimes;

(h) Information received by the INTERPOL office in Mexico on Mexican users of child pornography is passed on to the Federal Police Cybercrimes Unit, which carries out the corresponding investigation;

(i) The PFP is holding meetings with members of the OAS on the creation of the governmental Computer Security Incident Response Team (CSIRT), aimed at responding to computer incidents and streamlining the exchange of information on minors;

(j) From 2004 onwards, talks and meetings have been held at different venues for parents, secondary-school, pre-university and university students, teachers, researchers, public prosecutors, senators, parliamentarians and members of civil society organizations on risk prevention and precautions to be taken when surfing the Internet – the aim being to draw attention to Internet crime and to encourage the public to report it;

(k) The SSP has developed a programme, forming the basis of a so-called “Multiplier” campaign, whereby staff from various branches of the Ministry receive training on topics related to child predator cybercrime so as to replicate the preventive measures against computer crime at state level;

(l) The Federal Police has submitted to the Senate a comparative legislation database drawn up by the legal affairs subgroup in connection with the draft bill on cybercrime.

(m) The SSP has promoted the creation of local police units in the states of Jalisco, Nuevo León, Guerrero y el Distrito Federal;

n) Representatives of various Latin American countries are interested in receiving training by the Child Predator CyberCrime Unit in order to create their own cyber police force. Substantial progress has been made with the Costa Rican government, and a project for the creation of a cyber police in Panama was drawn up and submitted in June 2004;

o) International co-operation has been helpful in identifying models and setting objectives. Each arrest in the world helps to situate the links with Mexico and provides an x-ray photo of the crime.

73. The objectives, strategies and lines of action contained in the SSP’s Public Security Sectoral Programme for 2007-2012 include two policing and social projects. The latter involves addressing social, institutional and environmental (urban and physical) factors impinging on security, relying on civic participation and coordinated action by federal government departments and state and municipal authorities.

74. To this end, the General Directorate of Human Rights has contributed to the social reintegration of street children and adolescents through training in the use of dynamic play therapy based on a reshaping of street children’s self-image and a reconstruction of their self-esteem.

75. The Ministry of Social Security through the General Directorate of Civic Integration and Participation has developed the Safe Community Programme under the ‘Clean up Mexico’ campaign, which now extends to the 150 municipalities with the highest rates of crime in the country, through courses for trainers catering specifically for the child population.

76. Also as part of the “Clean up Mexico” campaign, 121 workshops were held up to October 2008 to provide training for 6700 public servants on the subject of trafficking in persons.

77. The child protection and security topics covered in the information, awareness-raising and guidance workshops organized for children, teachers and parents include:

- (a) Prevention of cybercrime, ill-treatment of children, drug dealing and child sex abuse, in the context of the National Campaign against Cybercrime.
- (b) Implementation of learning-through-play activities to promote a culture of prevention, legality and communal living.
- (c) Child security: self-esteem, prevention of peer violence and security measures.
- (d) Prevention of addictions: factors of risk and protection.
- (e) Family ties: life projects, prevention of commercial sexual exploitation of children.

78. The programme is national in scope and is aimed at children between the ages of 4 and 12, parents, school teachers and the community in general. Training is also intended for public servants responsible for prevention and representatives of civil society organizations concerned and involved with children in the Mexican Republic.

79. In this connection, it should be noted that between 1 March and 31 May 2008 151 workshops were held, at which training for 8825 people was provided by 146 trainers on the topic of the prevention of cybercrime.

3. Attorney General of the Republic (PGR)

80. The PGR, through the General Directorate of Crime Prevention and Community Services, took the following measures in the period 2001-2008 to combat the commercial sexual exploitation of children:

- (a) Analysis of the legislation of the 31 states of the Mexican Republic and Federal District, as well as the relevant federal legislation;
- (b) Analysis of federalization of the crimes of child pornography and the prostitution of minors;
- (c) Preliminary draft bill to reform the Political Constitution and Legislation of the United Mexican States with regard to the commercial sexual exploitation of children;
- (d) Production by the National Institute of Criminological Sciences (INACIPE) of the document 'Analytical study of the prevention and elimination of the commercial sexual exploitation of children, and the protection of child and adolescent victims and potential victims of sexual exploitation';
- (e) Establishment of a National Centre to receive anonymous complaints concerning the commercial sexual exploitation of children;
- (f) Organization of the Campaign against Child Pornography and Prostitution, which had as its slogan 'Prostitution and pornography are crimes that should not go unpunished and must therefore be denounced';
- (g) Design and implementation of the comprehensive care model, consisting of services such as legal counselling, psychological support and social work.

81. Through the forums it organizes on crime prevention (details below), the PGR also fosters greater public awareness of the importance of reporting to the authorities acts that probably constitute criminal conduct against children and adolescents, and promotes existing programmes that address the phenomenon of commercial sexual exploitation of children.

82. In this regard, the PGR can draw on its existing programme of social support for the families of lost, abducted or missing persons, involving the nationwide dissemination of the

identity number of those concerned, in all probability linked to commercial sexual exploitation of children and other crimes, through cooperation with the municipal, state and federal authorities.

83. It should be pointed out that complaints to the PGR can be made anonymously in order to safeguard the physical safety of the complainant. The relevant ministerial staff receives and analyses the information, which is immediately forwarded to the appropriate department, unit or substantive service, within the common or federal jurisdiction, with the aim of initiating the relevant investigations and, where justified, directing the victims to rehabilitation centres.

84. The Federal Investigation Agency (AFI) moreover incorporates within its structure the central national INTERPOL office in Mexico, which has played an important role in locating missing minors.

85. The AFI, through the Directorate of International Police Affairs and INTERPOL, participates in the information exchange programme monitoring the illegal abduction of minors, developed jointly with the authorities of the United States of America, which has made it easier to locate children illegally transferred to other countries¹⁵. INTERPOL promotes the publication of green notes, disseminating alerts and police information on the authors of serious crimes against minors, as well as yellow notes in the case of the disappearance of minors.

86. It should be mentioned that a mechanism exists for information exchange between the central national INTERPOL offices on the users of child pornography. When the police in one country encounter users of other nationalities involved in this crime, they are handed over to the country concerned; when the users come from Mexico, the information is received by the Mexico INTERPOL office and sent to the SSP cyber police, which carries out the corresponding investigation.

87. Meanwhile, forming part of the Assistant-Attorney-General's Office for the Specialized Investigation of Organized Crime, the Special Unit for Investigation into Trafficking of Minors, Illegals and Human Organs (UEITMIO) was created in 2003 as the body responsible for monitoring the crimes listed in the Optional Protocol¹⁶ where these are committed by organized crime members.

88. In accordance with article 2 of the Federal Organized Crime Act¹⁷, in cases where the crimes of corruption of minors under 18, child pornography, sex tourism, child prostitution and human trafficking are committed by three or more persons organized to conduct themselves in this way permanently or repeatedly, the offenders will be treated as involved in organized crime.

89. Another development was the establishment on 31 January 2008 of the Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons (FEVIMTRA), which is empowered to investigate and prosecute offences under the Prevention and Punishment of Trafficking in Persons Act, except where committed by organized crime members; together with acts of violence against women coming within the jurisdiction of the Federation.

90. FEVIMTRA's work is based on four operational criteria: (a) a human rights perspective, (b) a gender perspective, (c) a theory of the comprehensive protection of children's rights, and (d) interagency co-operation.

¹⁵ See Annex 3 for the number of children recovered between 2001 and 2007.

¹⁶ See Annex 4 for the investigations initiated by UEITMIO

¹⁷ Published in the *Diario Oficial de la Federación* on 7 November 1996.

91. Apart from prosecuting crime, FEVIMTRA provides for victim support through three regional comprehensive care centres in Ciudad Juárez, Mexico City and Tapachula, and a fourth centre in the process of being established in Veracruz. It also offers victims two telephone helplines, one serving Mexico City and the metropolitan area and the other being a national free phone service. Finally, FEVIMTRA provides mobile care in places where need is detected or where the service is expressly requested.

92. FEVIMTRA offers training to public servants working in ministries and concerned with the victims of violence against women and children and trafficking in persons; it is developing two protocols - one in association with the International Organization for Migration (IOM) on the provision of care for victims of human trafficking, and the other on the investigation of crimes of violence against women and human trafficking; and it also has a programme to inform and alert the general public with regard to these crimes.

93. FEVIMTRA is furthermore compiling a databank of quantitative information on gender violence and human trafficking, as well as a geo-codified system of statistical information on human trafficking in Mexico, making it possible to compare crime and socio-demographic variables.

4. Ministry of Labour and Social Security (STPS)

94. Through the STPS, specific programmes are developed to provide comprehensive care for minors. In the work sphere, these programmes include:

(a) Preventing and Combating Child Labour and Protection of the Rights of Minors, aimed at focusing, promoting and disseminating information on child labour in Mexico and on its worst forms, as well as the STPS's programmes in this regard;

(b) Prevention, protection and monitoring of work by minors who have attained the legal age for work, which protects the young worker and promotes compliance with the standards laid down in article 123¹⁸ of the Constitution, in the Federal Labour Act and in International Conventions;

(c) Work Policy Programme Regarding Child Labour

(d) STPS/IPEC-ILO Assistance Programme for the Prevention and Elimination of the Commercial Sexual Exploitation of Children (ESCI) and the Protection of the Victims of ESCI in Mexico.

Under this programme, a national-level Technical Committee has been formed, consisting of representatives of STPS, the national DIF, PGR and ILO. At the state-level, a technical committee has been tasked with developing programme activities in the cities of Acapulco, Guadalajara and Tijuana.

5. Ministry of the Interior (SEGOB)

95. In March 2003, a permanent Commission on Government Policy on Human Rights (CPGMDH) was created to promote coordination between Mexican institutions and national and international non-governmental organizations.

96. The aim of the Commission is to coordinate the activities of the different departments and entities of the Federal Civil Service (APF) at the national and international level with regard to human rights policy. The CPGMDH is thus an important mechanism in

¹⁸ Article 123: "Every person has a right to work in a dignified and socially useful way; in order to enforce such a right both employment creation and labour organization shall be promoted under the law (...) A. III. The work of individuals under fourteen years old shall be forbidden. The work of individuals in between fourteen and sixteen years old shall never exceed six hours".

strengthening the participation of civil society and the APF's different branches and departments in shaping public policies to improve the human rights situation of children and adolescents.

97. The Ministry of the Interior chairs the CPGMDH, whose technical secretariat is provided by the Ministry's Unit for the Promotion and Defence of Human Rights.

98. The Agreement setting up CPGMDH provides for the possibility of establishing subcommissions, technical committees and working groups, either permanent or temporary, to carry out specific tasks to support the Commission in the framing and monitoring of public policy and government measures to strengthen the promotion and defence of human rights.

99. The subcommissions forming part of the CPGMDH include the Subcommission on the Rights of the Child, reflecting the importance of the topic and the existence of numerous international commitments on the subject assumed by the Mexican Government.

100. The Subcommission on the Rights of the Child is currently engaged in following up the recommendations made by the United Nations Committee on the Rights of the Child in response to Mexico's third report.

101. This Subcommission is currently engaged in harmonizing national legislation with the provisions of the Convention on the Rights of the Child and is composed for this purpose of six thematic working groups, namely the:

- (a) Working Group on General Measures and Principles;
- (b) Working Group on Civil Rights and Freedoms;
- (c) Working Group on the Family Environment and Alternative Care;
- (d) Working Group on Basic Health and Well-being;
- (e) Working Group on Education, Recreation and Cultural Activities;
- (f) Working Group on Special Protective Measures.

6. Ministry of Social Development (SEDESOL)

102. The Ministry of Social Development (SEDESOL) chairs the National Children's and Adolescents Council (COIA), an inter-ministerial body established on 24 July 2001 with the aim of devising coordinated public policies and strategies to ensure the full and comprehensive development of children and adolescents and to promote measures contributing to the well-being, development and improvement of the quality of life of this key section of the population.

103. Through the COIA technical secretariat, SEDESOL also implements the Programme of Action 2002-2010 - A Mexico Fit for Children, published in December 2002, which embodies a set of objectives, strategies and action lines designed to produce measurable changes in the living conditions of children and adolescents, together with a cross-cutting vision of gender equity and respect for cultural and ethnic diversity.

104. The Programme of Action has to date produced four annual reports, detailing the progress made by Mexico in realizing the rights of the child through social policies, measures and programmes in support of children and adolescents.

105. SEDESOL's National Institute of Social Development (INDESOL) has moreover created the Social Conversion Programme with the aim of promoting co-responsibility between the government, social organizations and academic institutes in furthering the comprehensive social development of persons living in situations of poverty, exclusion, marginalization, gender inequality or social vulnerability.

106. The Institute supports projects in a variety of problem areas including the environment, human rights, gender, social capital, education, community development and health, aimed at population groups such as the elderly, women, the indigenous population, children and adolescents.

107. The Institute has associated itself with civil society initiatives and proposals in supporting projects concerning children and adolescents, with particular reference to community development, health and education, and human rights.

7. Ministry of Health (SALUD)

108. On the occasion of the presentation in Mexico City in April 2007 of the results of the United Nations Secretary-General's Study on Violence Against Children, the Mexican Government – through the Ministries of Education and Health and the National System for Comprehensive Development of the Family (SNDIF) – undertook to respond to the Study's recommendations by formulating and developing an inter-ministerial strategy and specific plan of action.

109. SALUD's National Centre for Child and Adolescent Health is responsible for following up this undertaking and is including specific measures to this effect in adolescent and child healthcare programmes to prevent violence against children and adolescents.

110. These measures have included the creation of the National Committee for Comprehensive Care of the Ill-Treated Child, which is headed by the Council of National Health Institutes and is taking various steps to improve the services for dealing with the problem.

111. In collaboration with members of the Committee, a preliminary draft of an official Mexican standard for the prevention of violence against children and adolescents is being drawn up.

112. The ground is likewise being prepared for a national awareness campaign for the prevention of violence against children and adolescents, to be launched in 2009.

113. The Committee is also collaborating with the international organization Save the Children in establishing a coordinating group as recommended by the United Nations Secretary-General's Study on Violence against Children, which will be joined by international organizations and institutions in the social, educational, health and social welfare sectors.

114. Finally, the government health service training centres are used as a platform to train staff responsible for primary care units concerned with early detection of violence against children.

8. National Institute for Women (INMUJERES)

115. The measures taken to eliminate all forms of trafficking in women include the "Project to Combat the Trafficking of Adolescent Women and Children in Mexico", an initiative by the Inter-American Commission on Migration, with the support of INMUJERES and the National Institute for Migration (INM), aimed at helping to combat trafficking in women in Mexico by raising awareness among the actors and sectors involved.

116. The Project has produced two publications: "Trafficking in Persons. Basic Aspects" and "Trafficking in Women, Adolescents and Children in Mexico".

117. One of the Project's results has been the provision of basic training on trafficking in persons, particularly women and girls, to institutions at federal and state level and representatives of civil society, including the media.

118. Given the importance of this topic and the interest in it, the Institute maintains a microsite on trafficking in persons on its web page, providing information on the training materials and publications it has produced in coordination with other Federal Government bodies.

119. Sensitizing and training civil servants involved in combating trafficking in persons is a priority concern of the Mexican Government. From October 2007 to the present, courses have been provided in almost all the Federal entities, resulting in the training of over 300 persons, including public servants concerned with migration policy, and 170 officials in other departments, the key aim being that they are able to identify victims and safeguard their physical and psychological integrity.

9. National Institute for Migration (INM)

120. The Inter-agency Programme for the Care of Border-Area Minors (PIAMF) has been operating since 1996 with the aim of protecting the physical and mental integrity of migrant and repatriated children and adolescents, pending their return to their families and places of origin. The Programme is co-ordinated by the National System for Comprehensive Development of the Family with the participation of the Ministry of the Interior, the Ministry of Foreign Relations and the National Institute for Migration.

121. The aim of PIAMF is to safeguard the physical and mental integrity of migrant children and adolescents travelling alone and to ensure respect for their human rights from the moment they are taken into care until they rejoin their families or communities of origin.¹⁹

122. PIAMF comprises a network of 21 transit hostels all along the northern border, providing care for repatriated migrant children and adolescents with the participation of three levels of government and civil society organizations. On the southern border, the Programme has a hostel in the city of Tapachula in Chiapas.

123. In addition, a Board for Inter-agency Discussion on Unaccompanied Migrant Children and Adolescents and Migrant Women was established on 30 March 2007. It is concerned with strategic issues regarding the situation and problems of the vulnerable migrant population, particularly unaccompanied children and adolescents and migrant women.

124. The purpose of the Board is to assess inter-agency coordination, exchange information, agree on the measures and mechanisms needed to guarantee the rights and protection of unaccompanied children and adolescents and migrant women and to make recommendations to the Inter-agency Board on Gender and Migration and to PIAMF.

125. The Board is composed of institutions and organizations of recognized standing with a proven interest in finding solutions to the problems of migrant children and women, including SEGOB, INM, SRE, SNDIF, INMUJERES, CNDH, IOM, SALUD, COMAR, SEDESOL, UNICEF and UNHCHR.

126. The Board has developed a model for protecting the rights of all unaccompanied migrant children. INM and SNDIF have also worked on the introduction of modules for caring for unaccompanied repatriated migrant children in the following states: Baja California, Sonora and Chihuahua, soon to be followed by Coahuila and Tamaulipas.

127. In this connection, a Cooperation Agreement between INM and SNDIF was signed on 11 June 2007 with the aim of undertaking joint activities in support of migrant and repatriated children and adolescents, Mexican and foreign alike, so as to ensure full

¹⁹ See Annex 5 for statistics on the distribution of children and adolescents-

exercise of the rights conferred on them by Mexican laws and other international and multilateral instruments.

128. The Institute, in coordination with SNDIF, is to establish specific modules in migrant holding centres in four Mexican States for children in INM's charge: Veracruz, Chiapas, Oaxaca and Tabasco. The modules will be operated by DIF, to ensure that unaccompanied and undocumented migrant children and adolescents are cared for properly.

129. The Board has also been the setting for the creation of posts of Child Protection Officers (OPIs). These are INM immigration officials who have received specialized training in protection of the rights of migrant children, especially unaccompanied children. The training of these officials is continuous and undertaken with the participation of SNDIF, UNICEF, ACNUR, COMAR, IOM and PROTEJA.

130. The creation of the OPIs was made possible through the support of members of the Board for Inter-agency Discussion, particularly SNDIF and UNICEF, which were involved in establishing the required profile.

131. A joint work plan signed on 17 September 2008 by INM and UNICEF makes provision for activities under the following headings:

(a) Model for protecting the rights of unaccompanied migrant and repatriated children, including the production of a handbook for its proper application, a legal study of the population at risk and the design of a flowchart to accompany the model;

(b) Monitoring of OPIs, promoting their in-service training and the preparation of new groups;

(c) Children's right to communicate. Unaccompanied children and adolescents received in the INM migrant holding centres will be able to make free telephone calls to their families. They will be able to do so thanks to a project that INM is developing jointly with UNICEF and with the support of Nextel-Mexico, a company that covers the installation costs and use of the telephone lines in the centres concerned;

(d) Distribution of information on the rights of children and adolescents in migrant holding centres. INM is to produce an information video, in cooperation with UNICEF and DIF, to be shown in the holding centres.

(e) Preparation of an information and communication plan concerning the above-mentioned activities.

132. In the framework of the Regional Conference on Migration (CRM), the Mexican Government proposed the drawing up of regional guidelines on unaccompanied migrant children and adolescents. From 24 to 26 September 2008, INM held a meeting to draft those guidelines, which are aimed at providing guidance to the member countries of the CRM to ensure that the return of unaccompanied migrant children and adolescents takes place in keeping with the best interests of the child, in full compliance with their rights and ensuring non-discrimination on grounds of sex, ethnic origin, age and socio-economic and cultural background.

10. National Human Rights Commission (CNDH)²⁰

133. The CNDH has a programme on women's, children's and family affairs, which focuses on promoting awareness and recognition of the human rights of children, women,

²⁰ CNDH is the national human rights institution with managerial and budgetary autonomy, legal status and its own funding.

adolescents, older persons and the family, from a gender perspective and having regard to the best interests of the child.

134. Under this programme, the Commission carries out preventive and protective activities on behalf of child and adolescent victims of sexual exploitation, operating jointly at state level with human rights commissions and attorney-generals' offices. These measures include talks for children, adolescents, fathers, mothers and guardians, aimed at alerting the general public to the existence of the crimes listed in the Protocol.

135. Materials and leaflets have been prepared for public distribution in support of these activities. The leaflets published are:

- (a) "Preventing and reporting on the sexual abuse of children and adolescents";
- (b) "Prevention is better than...!";
- (c) "Identify the types of sexual behaviour!";
- (d) "Children and adolescents. Victims of sexual behaviour?"

136. The CNDH's Programme to Combat Trafficking in Persons, established in 2007, approaches the problem of trafficking in persons for purposes of sexual exploitation from three main standpoints: legal, institutional and social, making coordination and cooperation with public institutions and civil society the main focus of its action. The main principle guiding its strategies and actions is furthermore the safeguarding of the human rights of victims of this crime.

137. Under this Programme, again in 2007, the Commission and the United Nations Children's Fund (UNICEF) convened the discussion forum 'Migrant Children, Trafficking and Child Exploitation', with the aim of furthering knowledge of the trafficking and exploitation of migrant children and generating a collective awareness of the scale and growth of the abuse of such children on the part of ordinary and organized crime, and the need for public policies to address the issue.

138. The CNDH also signed a Cooperation Agreement with the Programme of Support to Victims of Human Trafficking in Mexico ((PROTEJA), which includes liaising with the authorities to ensure that Mexico meets its obligation to protect the rights of persons in its territory. Through coordinated efforts and the participation of other institutions and organizations, PROTEJA's and CNDH's Programme to Combat Trafficking in Persons will promote a unified national legal framework and will explore ways of promoting social awareness of this contemporary form of slavery.

D. Budget allocated for implementation of the Protocol

139. Measures to implement the Optional Protocol are financed from the budget allocated to the various agencies and institutions for carrying out specific programmes in the areas of prevention, training, punishment and victim care with regard to child sexual exploitation, at federal and state level.

140. Each government department and institution has its own budget, which is used to implement the plans and programs described in this report. Through the Federal Institute for Access to Public Information, anyone can consult the amounts assigned to each of the activities and programmes, in accordance with the Federal Act on Transparency and Access to Public Government Information. The budget statement of the Federal Civil Service is also audited systematically by the Ministry of the Public Service.

141. Specifically, through the Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children administered by DIF, the Mexican

Government allocated over 50 million pesos between 2002 and 2006 for implementing action plans at the local level and for developing specific projects in the field.

IV. Information on implementation of the articles of the Optional Protocol

A. Prevention (article 9, paragraphs 1 and 2)

142. In the area of prevention, the Mexican Government has coordinated a range of activities with various agencies to develop awareness-raising and reporting campaigns on the commercial sexual exploitation of children and to disseminate information materials and studies on the subject.

143. Awareness-raising campaigns take place throughout the country through the radio, television and press. In addition, DIF promoted 230 local campaigns between 2003 and June 2008²¹.

144. Measures taken under this heading include:

1. Activities aimed at public officials and the general public

- National awareness-raising campaign to encourage the reporting of offences, in two phases: “Open Your Eyes” and “Open Your Eyes but Don’t Hold Your Tongue” (PGR/DIF/INMUJERES).
- The first phase of the campaign was informative and the second designed to encourage anonymous reporting of these crimes through a central national office for anonymous complaints and confidential reports concerning the commercial sexual exploitation of children, with a national toll-free number 01 800 02 10 343 known as NIÑO-TEL.
- NIÑO-TEL remained in operation until August 2006, when it was replaced by the number 01-800-0085-400 belonging to the Citizens Help Bureau in the Attorney General’s Office, which takes calls related to child sexual exploitation and provides personalized legal, psychological and social guidance by telephone, letter or email.²²
- Campaign against child pornography and prostitution (PGR).
- Training course for future officials in the Attorney General’s Office, in the form of a postgraduate diploma in the administration of federal justice, and support for the training of officials in the administration of justice (PGR, INACIPE).
- Preparation and publication of the “Handbook of basic Ministry procedures concerning the commercial sexual exploitation of children” and the “Manual for the prosecution of crimes involving the commercial sexual exploitation of children”
- Working groups with legislators from Baja California, Guerrero and Jalisco to present studies and promote legal reforms on the subject (IPEC-ILO/STPS).

²¹ Coverage of SNDIF’s Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children from 2003 to June 2008.

²² This measure is in keeping with the recommendation of Special Rapporteur Juan Miguel Petit in his report on Mexico A/HRC/7/8/Add.2, para. 80 (d), concerning the installation of a national toll-free telephone line to receive complaints and provide assistance to minors.

- Second Congress on combating the commercial sexual exploitation of children, held in Puerto Vallarta. 1000 copies of the report of the meeting were published and distributed (SNDIF, IPEC-PIT/STPS).
- Video conference to present legal and criminological studies on the commercial sexual exploitation of children in 28 states (IPEC-ILO/STPS).
- Drawing competition on the topic: ‘What in your view are the worst forms of child labour?’. The strategy was implemented nationally with the help of the federal labour offices over a five-year period
- Forum “Combating the Commercial Sexual Exploitation of Children”
- Training meeting for staff responsible for state and municipal DIF systems in 18 Federal entities (SNDIF, 2002-2007)
- Training workshops for members of the Quintana Roo Preventive Police, on gender perspective and caring for victims of sexual crimes, especially sexual exploitation (FEVIMTRA and the ECPAT network of civil society organizations, 2008)
- Forum-workshop held in the States of Chiapas, Quintana Roo, Jalisco, Sonora, Oaxaca, Baja California and Puebla: Intersectoral participation in preventing and combating child labour including its worst forms, designed to provide participants with basic knowledge and tools concerning this problem and how to establish coordination mechanisms with employers’ and workers’ organizations, civil society, governmental bodies and educational institutions for preventing and eradicating the problem in Mexico
- Training of ministerial officials concerned with victim care and the drafting of two protocols: the first on caring for victims of human trafficking, in collaboration with IOM; and the second on investigating crimes of violence against women and human trafficking (FEVIMTRA, IOM)
- Establishment of the Grupo DC Mexico (Inter-agency Coordination Group for Combating Cybercrime), comprising all the federal and state police forces as well as Internet service providers and public and private companies offering computer security in the country. The main tasks of DC Mexico are the identification, monitoring and investigation of any sign of untypical behaviour involving computers connected on Mexican territory or outside it when affecting’ interests within the legitimate purview of the Mexican legal system.
- The National Autonomous University of Mexico (UNAM) participates in this Group through UNAM-CERT (Computer Incident Security Response Team), which is tasked with responding to potential computer security incidents on the Internet, relating to commercial sexual exploitation of children and pornography.
- Forum on the commercial sexual exploitation of children, at which the participating institutions reported on progress and made proposals on coordination, prevention and legislation for the eradication of this kind of exploitation (SNDIF/UNICEF/ Senate of the Republic, 2002)
- Roundtable on the subject of child pornography, organized jointly by the Social Development and Human Rights Commissions of the Senate, with the participation of criminology experts from academic institutions (SNDIF, 2002)
- Circulation of the identity cards of lost, abducted or missing minors in border zones, state DIF departments, schools and tourist centres (PGR and the Pascual Workers Cooperative)

- Publication of the first full study on the commercial sexual exploitation of children in Mexico, entitled *Stolen Childhood*, by Elena Azaola (CIESAS-UNICEF-SNDIF, 2001)
- Preparation of a compilation of existing state legislation in the field (SNDIF, 2002)
- International Forum on the commercial sexual exploitation of children: Analysis and Proposals (STPS, PGR, INACIPE, 2004)
- Preparation of a handbook on combating the commercial sexual exploitation of children, intended for public officials, civil society organizations and researchers concerned with the prevention, treatment and study of this phenomenon (DIF, UNICEF and CIESAS, 2005)
- Preparation of a guide for the preparation of inter-agency plans and actions to combat the commercial sexual exploitation of children - a tool designed for public officials responsible for preventing and addressing the commercial sexual exploitation of children. It sets out guidelines for devising activities consistent with the instruments signed by Mexico and, accordingly, with the National Action Plan; it also draws on the experience of the state DIF systems, makes recommendations for overcoming obstacles and underlines the importance of developing studies and diagnoses based on strict respect for the dignity of victims (SNDIF-UNICEF, 2006)
- Permanent seminar on the current situation and perspectives concerning measures in support of children and adolescents vulnerable to commercial sexual exploitation (SNDIF)
- Roundtable on the commercial sexual exploitation of children and the cinema. Women in the cinema and on television (Cineteca Nacional, Save the Children, ILO, INMUJERES, Casa Alianza, 2006)
- National meetings of the Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children (2002-2007)
- Regional Consultation for the Americas on the protection of children against commercial sexual exploitation in tourism (2003)
- Organization of the Forum on the Commercial Sexual Exploitation of Children, with the participation of legislators, experts, public officials and civil society organizations (2007)
- Preparatory Forum for the Third World Congress to Combat the Sexual Exploitation of Children and Adolescents (SNDIF, 2008)
- Staging of 4395 local events (symposia, forums and workshops) in 18 states with the participation of 255,290 children and adolescents and 130,449 adults ²³(SNDIF)
- Training workshops on the implementation and monitoring of the Optional Protocol, for public officials and representatives of civil society organizations, in Acapulco, the Federal District, Guadalajara and Tijuana (IPEC-ILO/STP S, 2004-2005)
- Preparation and publication of 2000 copies of the Basic Information Package on the commercial sexual exploitation of children, including texts on the problem of child commercial exploitation, the international legislative framework, the role of the different social actors and good practices in combating the phenomenon (SNDIF, PGR, STPS, ILO/IPEC)

²³ Coverage of SNDIF's Programme for the Prevention, Monitoring and Eradication of the Commercial Sexual Exploitation of Children from 2003 to June 2008

- Design and distribution of instructional and information materials for children, adolescents and parents, in 18 Federal entities (SNDIF)
- Preparation of five interactive discs containing information on victim-centred models of action and the legal basis for the work of FEVIMTRA, and a pamphlet intended for members of the security forces, with recommendations on caring for the victims of violence against women and trafficking in persons (FEVIMTRA)
- Preparation of a series of technical notebooks containing basic information on the commercial sexual exploitation of children, aimed at public officials and staff in municipal and state institutions concerned with the topic. The notebooks cover the following subjects: the commercial sexual exploitation of children and adolescents; psychosocial risk factors regarding the health and social development of children and adolescents subject to sexual commerce; commercial sexual exploitation of children from the legal perspective; measures by Mexico to combat the commercial sexual exploitation of children; preventing and addressing the commercial sexual exploitation of children: Federal Preventive Police and the Casa Alianza Foundation Mexico; ethical problems of investigating the commercial sexual exploitation of children in Mexico (CONAPO, INACIPE, PFP, SNDIF, Casa Alianza Foundation)
- Preparation and publication of 6000 copies of three juridical-penal studies of the commercial sexual exploitation of children (STPS, IPEC/ILO, INACIPE), in the states of Baja California, Guerrero and Jalisco (IPEC-ILO/STPS)
- Publication of 2000 copies of the study "Commercial Sexual Exploitation of Children; Analysis of the Victims or Injured Parties from the Standpoint of Procedural Law" (STPS, IPEC/ILO, INACIPE)), containing specific proposals for future procedural reform (IPEC-ILO/STPS)
- Publication of 89,965 notebooks on preventing the commercial sex exploitation of children, for children in basic education, with the aim of training secondary-school principals and teachers in handling the topic (SEP)
- Preparation and publication of 1000 copies of the handbook on the prosecution of offences relating to the commercial sexual exploitation of children (IPEC-ILO/STPS)
- Preparation and publication of 1000 copies of "An Approach to the Commercial Sexual Exploitation of Children from the Adult Perspective. Exploratory study in Ensenada and Tijuana" (IPEC-ILO/STPS)
- Preparation and publication of "Commercial Sexual Exploitation of Children from the Standpoint of Children and Adolescents. Case studies in Ensenada and Tijuana " (IPEC-ILO/STPS)
- Preparation and publication of 1000 copies of "An Approach to the Commercial Sexual Exploitation of Children from the Adult Standpoint. Exploratory study in Guadalajara and Puerto Vallarta" (IPEC-ILO/STPS)
- Preparation and publication of 1000 copies of "Commercial Sexual Exploitation of Children from the Standpoint of Children and Adolescents. Exploratory study in Guadalajara and Puerto Vallarta (IPEC-ILO/STPS)
- Preparation and publication of 500 copies of "Childhood in the media". Analysis of childhood in the written press from the standpoint of law and gender
- Preparation and publication of 10,000 copies of the Community Networks Notebook on dealing with the commercial sexual exploitation of children
- Publication and distribution of the information newsletter NOTIESCI (SNDIF)

- Awareness-raising materials are currently being prepared in the form of pamphlets specially intended for adolescents and young people at the secondary and upper-middle education level on gender violence and trafficking in persons. It is planned to produce other leaflets aimed at the same population groups to encourage complaints and provide information on procedure (FEVIMTRA).

2. Activities aimed at the media

- Analytical study on the media's treatment of the commercial sexual exploitation of children, which resulted in the publication of 3000 copies of "Media Participation in the Prevention and Denunciation of the Commercial Sexual Exploitation of Children", offering information and guidance on addressing the problem from a human rights perspective (a PEC-ILO/STPS).
- Training workshops for student journalists and representatives of the media on the problem of the commercial sexual exploitation of children, the national and international legal framework, the Support Programme for the prevention and elimination of the commercial sexual exploitation of children and the protection of victims of the commercial sexual exploitation of children in Mexico (IPEC-ILO-STPS), together with guidance on treating the topic from a human rights perspective. These workshops were held in Acapulco, the Federal District, Guadalajara and Tijuana (SNDIF).
- Organization of a number of press conferences with the printed, audiovisual and electronic media to promote social awareness of the problem and provide information on activities under the Support Programme at national and international level in the States of Guerrero, Baja California and Jalisco (SNDIF)

3. Activities aimed at the tourist industry

- "Campaign to Combat Commercial Child Sex Tourism", aimed at promoting awareness among groups such as hotel proprietors, restaurant owners, chambers of commerce and haulage contractors and to join forces with the state and municipal authorities in preventing and eradicating this problem (SNDIF)
- Preparation of a training manual for professionals in the tourist industry on preventive and protective measures with regard to the commercial sexual exploitation of children and adolescents in Mexico, which includes a facilitator manual, course guide and compact disc (IPEC-ILO/STPS, 2004)
- Organization in Cancun, Quintana Roo, of the inaugural meeting with the private sector on the commercial sexual exploitation of children in tourism for the launching of the Code of Conduct, at which the Code was signed by over 300 tourist industry firms and the state DIF system (2005)
- Training workshops for managers and extension workers in government institutions and civil society organizations, in the States of Baja California, Guerrero and Jalisco and in the Federal District (IPEC-ILO/STPS)
- Training workshops for hotel proprietors and managers of travel agencies, airlines, employers' and workers' organizations as well as university representatives in Acapulco, Mexico City, Guadalajara and Tijuana, at which practical tools and general guidance was provided for use in awareness-raising and/or training sessions for workers in tourist companies (STPS-IPEC/ILO and the Fundación Infancia, A.C.).

4. Activities aimed at tourists

- The campaign "Our Children Are Not for Sale", to discourage visits by tourists bent on commercial sexual exploitation (IPEC-ILO/STPS, World Federation of Tourist Guide Associations).
- Distribution of 2000 luggage labels offering information on preventing the commercial sexual exploitation of children, for distribution to travellers at airports, bus depots and other strategic points (IPEC-ILO/STPS)
- Dissemination of the video "The Commercial Sexual Exploitation of Children is a Crime: Do Not Tolerate it", distributed to foreign buses for showing on each journey (IPEC-ILO/STPS)
- Preparation of one and a half million information and guidance leaflets for national and foreign tourists, distributed at bus terminals in the holiday season (DIF/INAMI/SEGOB)
- Leaflet aimed at tourists entering the country at the three main airports (SNDIF)
- Inclusion of articles in specialized tourist reviews, aimed at informing readers of the consequences and risks of the commercial sexual exploitation of children (STPS, TURISMO/DIF/UNICEF).

145. Various awareness-raising measures have also been taken at the state level, including:

State	Activities
Aguascalientes	• Signing of the Agreement by society and Government to combat the exploitation of child labour and its worst forms (STPS-CROC). • Distribution of printed matter "Benchmarks for preventing the commercial sexual exploitation of children".
Baja California	• Collaboration in the draft amendment to the Baja California Criminal Code on the sexual exploitation of children (Decree No. 330, published in the Official Journal of the State of Baja California on 11 May 2007).
Baja California Sur	• Training, registering of complaints and expression of gratitude to 314 workers belonging to the Revolutionary Confederation of Workers and Peasants (CROC), aiming to become social workers to prevent child sexual exploitation in the workplace.
Campeche	• Participation in the workshop on detecting, addressing and preventing the commercial sexual exploitation of children, organized by the State DIF; • Support to the First State Forum on the Commercial Sexual Exploitation of Children.
Chihuahua	• The State Council to Combat Child Sexual Exploitation was established in association with CROC,.
Guanajuato	• Establishment of the Committee on the Eradication of Commercial Sexual Exploitation and Child Labour (CROC-STPS).
Guerrero	• Training workshops: Focusing on the Rights of the Child: Guiding Principles for Victim-Care Programmes, in coordination with the State DIF and ILO.
Hidalgo	• Distribution of printed matter on the problem of the commercial sexual exploitation of children.
Jalisco	• Distribution of printed materials supplied by ILO's IPEC programme on

<i>State</i>	<i>Activities</i>
	the conceptual and social framework for the eradication of the exploitation of child labour;
	• Distribution of ankle bracelets supplied by ILO with the legend "Child Sexual Exploitation is a Crime that must not be Tolerated";
	• Organization of three conferences on the worst forms of child labour for psychology students at the University of Guadalajara, representatives of municipal DIFs and representatives of the Jalisco Workers Federation;
	• Information and awareness-raising sessions organized jointly with CROC on eradication of the commercial sexual exploitation of children in Jalisco.
Michoacán	• Permanent monitoring of media reporting on the topic.
Nuevo León	• Participation in an awareness-raising course on caring for victims of trafficking and trafficking in persons, provided by the group PROTEJA and staff of the National Institute for Migration.
Oaxaca	• Drawing competition "Proposal for combating child exploitation. Your opinion counts!".
Quintana Roo	• Coordination of activities under the municipal DIF programme for at-risk adolescent minors.

B. Prohibition and related topics (articles 3, 4 (paras. 2 and 3), 5, 6 and 7)

1. Definition of the offences related to the Optional Protocol

146. The boxes below summarize the information on the federal legislation defining the offences of child pornography and prostitution, the sale and trafficking of children and other related crimes²⁴:

Federal Criminal Code

<i>Offence</i>	<i>Attenuating or aggravating circumstances</i>	<i>Penalty</i>
Corruption of minors under 18 years of age	Article 200.- Anyone who sells, distributes, displays, circulates or offers to minors under 18 years of age, books, writings, recordings, films, photographs and printed materials, images or objects of a pornographic nature, real or simulated, whether through a physical object or any other medium	From 6 months' to 5 years' imprisonment and a fine of between 300 and 500 times the daily minimum wage.
	Article 201 – Anyone who obliges, induces, facilitates or procures minors under 18 years of age or a person or persons unable to understand the significance of the act, or a person or persons unable to resist it, to perform any of the following acts is guilty of the crime of corruption: (a), (b), (c), (d), (e)...	From seven to twelve years' imprisonment and a fine of between 800 and 2500 times the daily minimum wage.
	(f) Acts of physical or sexual exhibitionism, whether simulated or otherwise, with lascivious or sexual intent.	

²⁴ See Annex 6 for a definition of the offences related to the Optional Protocol in the federal states.

<i>Offence</i>	<i>Attenuating or aggravating circumstances</i>	<i>Penalty</i>
Pornography involving minors under 18 years of age	When it is not possible to determine the exact age of the person or persons against whom the offence has been committed, the judge will seek the necessary expert reports.	
	Article 202.- Anyone who procures, obliges facilitates or induces, by any means, a minor or minors under 18 years of age, or persons unable to understand the significance of the act, or persons unable to resist it, to perform sexual acts or acts of physical exhibitionism, whether real or simulated, with lascivious or sexual intent, with the aim of video filming, photographing, filming, exhibiting or describing them through printed matter or the transmission of data archives on a public or private telecommunications network or electronic or other form of computer system commits the crime of child pornography	From 7 to 12 years' of imprisonment and a fine of between 800 and 2 000 times the daily minimum wage.
	Anyone who fixes, prints, video records, photographs, films or describes exhibitionist, obscene or sexual acts, real or simulated, involving the participation of one or more minors under 18 years of age.	From 7 to 12 years' imprisonment and a fine of between 800 and 2500 times the daily minimum wage, as well as the confiscation of the objects, instruments and proceeds of the offence
	Anyone who reproduces, stores, distributes, sells, purchases, rents, displays, advertises transmits, imports or exports the materials referred to in the preceding paragraphs.	From 7 to 12 years' imprisonment and a fine of between 800 and 2500 times the daily minimum wage, as well as the confiscation of the objects, instruments and proceeds of the offence
Sex tourism involving minors under 18 years of age.	Article 202 Bis.- Anyone who stores, purchases or rents (pornographic) material ...other than for the purpose of marketing or distribution	From 1 to 5 years' imprisonment and a fine of between 100 and 1500 times the daily minimum wage. The person will also be subject to specialized psychological treatment.
	Article 203 – Anyone who promotes, advertises, invites, facilitates or manages, by whatever means, a service aimed at inducing a person or persons to travel within or outside the national territory with the aim of committing any kind of sexual act, real	From 7 to 12 years' imprisonment and a fine of between 800 and 2500 times the daily minimum wage-

<i>Offence</i>	<i>Attenuating or aggravating circumstances</i>	<i>Penalty</i>
	or simulated, with a minor or minors under 18 years of age, or with a person or persons unable to understand the significance of the act, or with a person or persons unable to resist it, commits the crime of sex tourism.	
	Article 203 <i>bis</i> . Anyone who commits any kind of sexual act, real or simulated, with a minors or minors under 18 years of age..., by way of sex tourism.	From 12 to 17 years' imprisonment and a fine of between 2000 and 3000 times the daily minimum wage. The person will also be subject to specialized psychological treatment.
Procuring of minors under the age of 18 years of age	Article 204. I. Anyone who exploits the body of the aforementioned persons through sexual intercourse or derives any profit from it; II. Anyone person who induces or solicits the aforementioned persons to sell their bodies for money or facilitates the means for them to engage in prostitution; III. Anyone who manages, administers or directly or indirectly supports brothels or meeting places designed to exploit the prostitution of minors under 18 years of age, or persons unable to understand the significance of the act, or persons unable to resist it, or to obtain any kind of benefit from its proceeds (...) commits the crime of procuring.	From 8 to 15 years' imprisonment and a fine of between 1000 and 2500 times the daily minimum wage, as well as the definitive closure of the establishment concerned.
Trafficking in minors	Article 366, Section III. When the deprivation of freedom takes place with the aim of transferring a minor aged under sixteen years outside the national territory, with the aim of obtaining improper gain from the sale or delivery of the said minor. Article 366 <i>ter</i> . Anyone who transfers a minor under sixteen years of age, or illicitly delivers a minor to a third party, outside the national territory, with the aim of obtaining improper economic benefit from the transfer or delivery of the minor commits the crime of trafficking in minors The above crime is committed by: I. Any persons exercising parental authority over the minor, or custody of the minor, even if undeclared, when they physically make the transfer or delivery or have consented to it;	From 25 to 50 years' prison and a fine of between 4000 and 8000 times the daily minimum wage From 3 to 10 years' prison and a fine of between 400 and 1000 times the daily minimum wage Furthermore, anyone exercising parental rights, guardianship or custody shall be deprived of those rights where they commit the offence referred to in this article.

<i>Offence</i>	<i>Attenuating or aggravating circumstances</i>	<i>Penalty</i>
	II. The ascendants without restriction of degree and collateral family to the fourth degree, as well as any third party not related to the minor.	The penalties referred to in this article shall be applied in the amount of two-thirds when the transfer or delivery of the minor takes place on the national territory.
	III. The person or persons receiving the minor (...)	
	commit the crime referred to in the previous paragraph.	

147. The forms of behaviour mentioned in the above boxes is often linked to related crimes, such as trafficking in persons and the sale of children. However, such sales are not necessarily related to the forms of behaviour referred to in Article 3 of the Optional Protocol, but may reflect the habits and customs of the country's indigenous and rural communities.

148. The Federal Criminal Code (CPF) provides in article 13 that:

The authors or participants in the crime include:

- I. Those agreeing or preparing to carry it out;
- II. Those carrying it out in practice;
- III. Those carrying it out jointly;
- IV. Those using another person to commit it;
- V. Those knowingly inducing another person to commit it;
- VI. Those knowingly helping or assisting another person to commit it;
- VII. Those who after the crime has been committed assist the criminal to redeem a previous promise;
- VIII. Those who without prior agreement are involved with others in committing the crime, where it is not possible to determine the precise role of each person.

149. The CPF likewise provides in Article 209 that anyone who, where able to do so by acting immediately and without personal risk or at risk to others, fails to prevent one of the stipulated crimes being committed shall be liable to a penalty of between 6 months' and 2 years' imprisonment and 50 to 200 days' fine.

150. The same penalties shall be imposed on anyone who, where able to do so, fails to report to the authorities or their agents in order to prevent a crime of which the person concerned has prior knowledge.

151. Similarly, in accordance with Article 205 *bis* of the CPF, the amount of the penalties stipulated in Articles 200, 201, 202, 203 y 204 shall be double where the perpetrator is related to the victim in any of the following ways:

- (a) Exercises the function of parent, guardian or custodian
- (b) Ascendant or descendant irrespective of degree;
- (c) Collateral family relationship to the fourth degree;
- (d) Guardianship (*tutores* or *curadores*);

- (e) Exercises authority over the victim as a result of a work, teaching, domestic, medical or any other kind of relationship that implies a subordination of the victim.
- (f) Takes advantage of a public position to commit the crime;
- (g) Lives in the same house as the victim;
- (h) Is a minister of religion;
- (i) When the perpetrator employs physical, psychological or moral violence against the victim;
- (j) When the perpetrator is related to the victim through ties of affection, friendship, gratitude or any other kind of sentiment that can play a part in obtaining the other person's confidence.

152. In the case of subparagraphs (a), (b), (c) y (d), in addition to the penalties indicated, the perpetrators of the crime will forfeit the function of parent, guardian or custodian, as the case may be, with regard to all their descendants, such rights to food as may accrue to them by virtue of their relationship to the victim, as well as any rights in relation to the latter's property.

153. In the case of subparagraphs (e), (f) y (h), in addition to the penalties indicated, the perpetrator shall be dismissed and disqualified from holding any public or similar position, post or office for a period equivalent to the length of the prison sentence imposed.

154. In all cases, the judge shall order the relevant measures to ensure that the offender is permanently prohibited from having any kind of contact or relationship with the victim.

Federal Code of Criminal Procedure

<i>Crime</i>	<i>Attenuating or aggravating</i>
Serious crimes	Article 194. The offences listed in the following statutes are categorized as serious offences for all legal intents and purposes because of their significance in relation to fundamental values of society: I. In the Federal Criminal Code, the following offences: 1), 2), 3), 4), 5), 6), 7), 8), 9), 10), 11), 12)... 13) Corruption of minors under 18 years of age: pornography of minors under 18 years of age; sex tourism involving minors under 18 years of age; procuring of minors under 18 years of age; trafficking in minors under 18 years of age 14)... 15) Exploitation of a minor's body through sexual intercourse.

Law to Prevent and Punish Trafficking in Persons

<i>Crime</i>	<i>Attenuating or aggravating</i>	<i>Penalty</i>
Trafficking in minors under 18 years of age.	Article 5. Anyone who promotes, solicits, offers, facilitates, obtains, transfers, delivers or receives, on their own behalf or for a third party, a person by means of physical or moral violence, deceit or abuse of power in order to submit the said person to sexual exploitation, forced labour or services, slavery or similar practices, servitude, or the extraction of an organ, tissue or its components, commits the crime of trafficking in persons.	Article 6, Section II. From 9 to 18 years' imprisonment and a fine of between 750 and 2250 times the minimum daily wage if the crime is committed against a minor under 18 years of age.

155. Other crimes defined in Mexican legislation that are important for the purposes of implementation of the Optional Protocol include:

Federal Criminal Code

<i>Crime</i>	<i>Attenuating or aggravating</i>	<i>Penalty</i>
Employment of minors in saloon, taverns and places of vice	Article 201 <i>bis</i> . It is prohibited to employ minors under 18 years of age, or persons unable to understand the significance of the act, in saloons, taverns, bars, dens, places of vice and any other place having a negative effect on their healthy physical, mental or emotional development. For the purposes of this provision, a person under 18 years of age will be regarded as employed in the saloon, tavern, bar or centre of vice if he or she works in the place in return for wages, meals, commission of any kind or any other kind of stipend or emolument, or free of charge.	From 1 to 3 years' imprisonment and a fine of between 300 and 700 times the minimum daily wage; in the case of reoffending, an order for the definitive closure of the establishment will be made.
Sexual abuse	Article 261. Anyone who commits, even without the intention of copulating, a sexual act with a person under 12 years of age Article 262. Anyone who copulates with a person over 12 years of age and under 18 years of age, while obtaining their consent by deceit.	From 2 to 5 years' imprisonment. If physical or moral violence has been used, the minimum and maximum sentences shall be increased by up to half. From 3 months to 4 years' imprisonment.

2. Persons sentenced

156. The National Institute of Statistics, Geography and Information Technology (INEGI) provides the following judicial statistics concerning offences relating to the commercial sexual exploitation of children during 2007²⁵:

(a) 7907 alleged offenders charged in the ordinary courts with sexual abuse; corruption of minors; child rape; abandonment of children; incitement to prostitution; procuring; child theft; supposing and concealment of children; abduction of minors; trafficking of minors; trafficking of persons; and rape.

(b) 63 alleged offenders charged in the federal courts with sexual abuse, corruption of minors, procuring, trafficking of minors and rape.

(c) 4991 criminals convicted in the ordinary courts of sexual abuse; corruption of minors; employment of a minor in a place of vice; rape; abandonment of children; incitement to prostitution; procuring; maltreatment of children; child theft; supposing and hiding the child, abduction of minors; trafficking of minors; and rape.

(d) 39 criminals convicted in the federal courts of sexual abuse, corruption of minors, trafficking of minors and rape.

3. Materials used to commit any of the offences stipulated in the Optional Protocol

157. With regard to the fate of the confiscated objects, article 40 of the Federal Criminal Code states that the instruments of the offence, together with its objects or proceeds, shall be confiscated if their use is prohibited. If their use is legal, they shall be confiscated when the offence is intentional. If they are the property of a third party, they shall only be confiscated when the third party possessing them or having acquired them on whatever grounds is in some way implicated in the alleged facts to which the charge relates, irrespective of the legal nature of the aforesaid third-party owner or possessor and of the latter's relationship with the offender, as applicable. The competent authorities shall take immediate steps to secure the goods which may be subject to confiscation, for the duration of the investigation or trial.

158. With regard to the instruments of the offence, or its object or proceeds, the competent authority shall determine their fate, having regard to their usefulness in the administration and imparting of justice, or otherwise, in accordance with the relevant provisions.

159. As noted in the preceding tables, the person responsible for the crime of procuring a minor under 18 years of age shall be punished with the permanent closure of brothels or meeting places for the exploitation of prostitution.

4. Prescription of the offence

160. Article 100 of the Federal Criminal Code (CPF) provides that the criminal proceedings and the corresponding penalties are subject to prescription limits.

161. The criminal proceedings are subject to a prescription of one year if the offence qualifies for no more than a fine. If the offence qualifies, in addition, for a custodial sentence or alternative penalty, the prescription is set aside to allow for the imposition of a custodial sentence. The same will apply when the imposition of an accessory penalty is appropriate (article 104 of the CPF).

²⁵ The data cited are to be found disaggregated by sex and offence in Annex 7.

162. The criminal procedure will in this case be subject to a prescription limit equal to the average length of the custodial sentence prescribed by the law for the offence in question, but shall in no case be less than three years (article 105 of the CPF).

163. In accordance with the CPF and the Federal Act to Combat Organized Crime (article 6), the prescription limits for the prosecution and sentencing of offences and ordering of the corresponding security measures shall be doubled in the case of crimes involving the abduction and trafficking of minors, when committed by persons involved in organized crime.

164. It should be noted that the legal framework at the local level as regards the sale of children, prostitution and child pornography is inconsistent in its drafting with respect to the offences listed in the Optional Protocol. Furthermore, the penalties in the state legislations are lower than those prescribed in the CPF.

165. In this connection, with a view to framing a proposal for harmonizing national legislation with international legal provisions, a “Juridical-Criminal Study on the Commercial Sexual Exploitation of Children. Bases for legislative unification in Mexico”²⁶ was undertaken in 2004. It served as the basis for the initiative that led to the reform of the Federal Criminal Code, the Code of Criminal Procedure and the Federal Law to Combat Organized Crime²⁷, designed to address shortcomings in federal criminal legislation.

5. Legal persons

166 With regard to the criminal responsibility of legal persons for the crimes and activities listed in article 3 of the Optional Protocol, the CPF provides in article 11 that ‘when any member or representative of a legal person, or of a society, corporation or enterprise of any kind, with the exception of institutions of the State, commits a crime using the means provided to him for that purpose by the entities concerned, so that it is effectively committed in the name or under the protection of the social institution or for its benefit, the judge can, in those cases exclusively specified by the law, decree the suspension of the grouping or its dissolution when he considers it necessary in the interests of public security’.

167. The Federal Civil Code proceeds in article 25 to consider the following as moral or legal persons:

- I. The Nation, the Federal District, States and municipalities;
- II. Other public corporations recognized by the law;
- III. Civil or commercial societies;
- IV. Trade unions, professional associations and other bodies referred to in section 16 of article 123 of the Federal Constitution;
- V. Cooperative and mutual-benefit societies;
- VI. Associations other than the above that pursue political, scientific, artistic, recreational or other lawful goals, provided they are recognised by law;

²⁶ Conducted in 2004 by the International Labour Organization, the Ministry of Labour and Social Security and the National Institute of Criminological Sciences.

²⁷ The ‘Decree amending, expanding and revoking certain provisions of the Federal Criminal Code, the Federal Code of Criminal Procedure and the Federal Law on Combating Organized Crime, with respect to the sexual exploitation of children’ was published in the *Diario Oficial de la Federación* on 27 March 2007.

VII. Foreign moral persons of a private character, within the meaning of article 2736.

168. In addition, both the Commercial Societies (General) Act (LGSM) and the Cooperative Societies (General) Act (LGSC) provide a broad definition of legal or moral persons.

169. A general partnership enterprise is understood as one having a registered name and whose members all have joint subsidiary and unlimited social responsibility (article 25, LGSM).

170. For its part, the Inter-American Convention on Personality and Capacity of Legal Persons in Private International Law, to which Mexico has been a party since 1987, defines a legal person as "any entity having its own existence and being responsible for its own actions, separately and distinctly from those of its members or organizers, and classified as a juridical person in accordance with the law of the place of its organization".

6. Adoption

171. At the international level, Mexico is party to two multilateral instruments on adoption:

(a) Inter-American Convention on Conflict of Laws concerning the Adoption of Minors, ratified on 11 February 1987.

(b) Hague Convention on Protection of Children and Cooperation in respect of Intercountry Development, ratified on 14 September 1994. In force since 1 May 1995-

172. At the national level, adoptions in Mexico are regulated by the civil codes of the different states and must therefore take place within the relevant jurisdictions in accordance with the applicable laws.

173. On 3 October 2007, in the context of measures to promote the proper use of good adoption practices and improve administrative processes for evaluating adoption requests, SNDIF signed an agreement with all the national DIF systems to improve adoption procedures.

174. At the same time, with the aim of promoting the content and use of international instruments in adoption proceedings, SNDIF on 9 August 2007 signed the Cooperation Agreement between the National Commission of the High Courts of Justice and SNDIF, aimed at protecting the best interests of the child in processes involving the loss of parental authority and adoption, and contributing in particular to the qualitative and quantitative improvement of adoption procedures so as to ensure that Mexican children and adolescents are integrated within a family circle with adequate legal safeguards.

175. Four working forums were organized with judges and magistrates throughout the country²⁸, with the participation of the Inter-American Children's Institute, the Federal

²⁸ The First Regional Forum on Adoption took place on 22 and 23 April 2008, in the city of Toluca, in the State of Mexico, with 75 participants, of whom 41 belonged to the state DIF systems in the central part of the country and 34 were judges and magistrates of the High Courts of Justice in the same region.

The Second Regional Forum on Adoption took place on 28 and 29 August 2008 in the city of Merida, Yucatan, attended by 100 participants, of whom 38 belonged to the state DIF systems and 62 were judges and magistrates of the High Courts of Justice in the southern region of the country.

The Third Regional Forum on Adoption took place on 3 and 4 September 2008 in the city of Guanajuato, attended by 114 participants, of whom 44 belonged to the state DIF systems, 65 were judges and magistrates of the High Courts of Justice in the north-central region of the country, and

Judicial Authorities and Mexico's DIF systems. The forums were attended by 363 participants.

176. The forums examined the topic of the involvement of intermediaries in adoption procedures, highlighting the need for specific supervision in adoptions between individuals to ensure that the wishes of the mother or parents were not overridden by interests alien to their circumstances or their wish to have their children adopted.

177. It was also argued that the different legislative authorities in the country should examine whether it would not be appropriate to incorporate in local legislations the provision that national adoption procedures should be authorized and endorsed by SNDIF so as to ensure that the mother could express her wishes freely without interference from outside interests.

178. Adoption takes place without the consent of one of the parents only when the birth is registered by a single parent, in which case the consent of the person responsible for the minor is needed; or when one of the parents has been deprived of parental authority for the child – something calling for prior judicial decision.

179. It should be pointed out that in judicial adoption processes the judge interviews the parents personally, verifying that there is no pressure on them to grant their consent.

180. Moreover, through Mexico's model child-care, research and rehabilitation centres ('casas cuna' and 'casas hogar'), SNDIF provides temporary support services for periods of up to 3 months for minors whose parents for various reasons are unable to fulfil their parental duties, providing help to mothers who find themselves in a desperate situation and thereby relieving them of any pressure to have their children adopted.

7. Jurisdiction

181. With respect to article 4, paragraph 1, of the Optional Protocol, it is noted that according to articles 1 and 2 of the Federal Criminal Code (CPF), the Mexican State has jurisdiction over offences of a federal nature committed throughout the Republic, as well as over 'offences that are initiated, prepared or committed abroad when they produce or are designed to have effects in the territory of the Republic; or where, in the case of offences initiated, prepared or committed abroad, a treaty binding on Mexico establishes the obligation to extradite or try the alleged offender and the latter has not been extradited to the requesting State, and in the case of offences committed in Mexican consulates against its staff, where they have not been judged in the country in which the offences were committed'.

182. The offences listed in article 5 of the CPF are likewise considered to have been committed in the territory of the Mexican Republic, namely:

(a) Those committed by Mexicans or by foreigners on the high seas when on board national vessels.

(b) Those committed on board a Mexican warship at anchor in port or in the territorial waters of another nation.

five participants represented the Senate of the Republic and the Office of the Attorney- General of the State of Zacatecas..

The Fourth Regional Forum on Adoption took place on 8 and 9 September 2008 in the city of Durango, Durango, attended by 100 participants, of whom 26 belonged to the state DIF systems and 38 were judges and magistrates of the High Courts of Justice in the northern region of the country.

(c) Those committed on board a foreign vessel anchored in a Mexican port or in the territorial waters of the Republic, where the public peace has been disturbed or where the criminal or injured party was not a crew member.

(d) Those committed on board national or foreign aircraft in Mexican or foreign territory, airspace or territorial waters, in similar cases to those mentioned concerning vessels in the previous subparagraphs.

(e) Those committed in Mexican embassies and delegations.

183. With respect to article 4, paragraph 2, subparagraph ((a), of the Optional Protocol, concerning the jurisdiction of the Mexican State when the alleged offender is a Mexican national or has his habitual residence in its territory, article 4 of the CPF provides that crimes committed in foreign territory by a Mexican against Mexicans or against foreigners or by a foreigner against Mexicans, shall be punished in the Republic, in accordance with federal law, if the following conditions are met:

(a) Where the accused is in the Republic;

(b) Where the offender has not been finally judged in the country in which the offence was committed;

(c) Where the offence of which the person is accused is classified as a crime in the country in which it was committed and in the Republic.

184. Under article 72 of the Population Act, the country's judicial authorities are obliged to inform the Ministry of the Interior of the line of descent of foreigners subject to court proceedings from the moment these are initiated, indicating in addition their alleged offence and the sentence for which they are liable. The Civil Registry judges or officials and the judges in the civil or family courts are required to inform the Ministry of the Interior of changes in the civil status of foreigners within five days of signing the relevant action, judgement or decision.

185. Likewise, article 221 of the Implementing Regulations of the General Population Act provides that the administrative authority will base and justify its decision regarding the administrative penalties stipulated in this law having regard to:

(a) The damage that has resulted or could result;

(b) The intentionality or otherwise of the action or omission constituting the offence;

(c) The nature and seriousness of the facts;

(d) The repeated nature of the offender's conduct;

(e) The offender's economic situation.

186. In accordance with article 222 of the same Regulations, when the offence implies that a crime has been committed the immigration authorities are required to draw up an official report in which the facts, documents and, in general, relevant evidence are clearly indicated. The original of this document, with its annexes, must be sent to the designated official in the Federal Public Prosecutor's Office for appropriate action and a copy to the relevant coordination units of the National Institute for Migration (INM).

187. In this connection, the Ministry of the Interior is required to deliver to the competent authority the vehicles and other goods related to the offences listed in the corresponding law (articles 2 to 3 of the Implementing Regulations of the General Population Act).

188. Finally, article 224 stipulates that where the offence is punishable with arrest, the detainee is to be handed over to the relevant authorities, who will be responsible for making the arrest.

189. With reference to article 4, paragraph 2, subparagraph (b), of the Protocol concerning the jurisdiction of the Mexican State when the victim is a national of the State, it is pointed out that when the Mexican State has no knowledge of the commission of an offence by a national in another country, or indeed by an individual of a nationality other than Mexican in another country, the Mexican State is not legally empowered to take proceedings against such an individual, irrespective of the nationality proclaimed. This is in accord both with the Mexican Constitution and with the legal provisions concerning due process.

190. With regard to article 4, paragraph 3, on the measures to be taken by the State party to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and has not been extradited to another State party on the ground that the offence has been committed by one of its nationals, article 7 of the Federal Code of Criminal Procedure (CFPP) provides that the competent court will be that in whose territorial jurisdiction the offender is present; but that if the person should be located abroad, the competent court to seek extradition, hear and rule on a case shall be the court of equal category in the Federal District, where the Public Prosecutor is instituting proceedings.

191. It should be pointed out that article 102, paragraph 2, of the Constitution stipulates that it is for the Federal Public Prosecutor to pursue cases in all offences of a federal nature and that the same office is responsible for requesting all seizure orders against the accused; for seeking and presenting the evidence pointing to the latter's responsibility; for ensuring that trials take place regularly so that justice is administered promptly and expeditiously; for calling for the application of penalties and intervening in all the negotiations determined by law.

192. However, in the case of requests for extradition made by the State in which the offence is said to have taken place, article 119, paragraph 3, of the Mexican Constitution stipulates that extradition requests by a foreign State are to be transmitted through the Federal Executive, with the involvement of the judiciary to the extent indicated by the Constitution, relevant international treaties to which Mexico is Party and regulatory provisions. In these cases, the ruling of the judge ordering the execution of the request is sufficient to justify the detention of the accused for up to sixty calendar days.

8. Extradition of persons accused of having committed one or more offences related to the Optional Protocol.

193. In the international sphere, Mexico has signed the following multilateral instruments providing for the extradition of fugitives from justice:

- (a) 1933 Convention of the American States on Extradition;
- (b) United Nations Convention against the Illicit Traffic in Narcotic and Psychotropic Substances,
- (c) United Nations Convention against Organized Transnational Crime;
- (d) Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) Inter-American Convention against Corruption;
- (f) Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography

194. Bilateral extradition treaties and the International Extradition Act (LEI) are equally applicable in dealing with extradition requests related to the presumed commission or commission of the offences envisaged in article 3 of the Optional Protocol, since the only requirement in this regard is that the act allegedly committed in the requesting State is identified in the Mexican criminal code and in the requesting State as a crime punishable by a prison sentence of at least one year.

195. Article 5 of the LEI clearly lays down the conditions under which individuals against whom criminal proceedings have been instituted as the alleged authors of a crime may be handed over, or may be sought in order to serve a sentence passed by the judicial authorities of the requesting State.

196. For its part, article 6 of this same law provides that offences classified as wilful or culpable in the Mexican Criminal Code will qualify for extradition if they meet the following conditions:

(a) In the case of offences of deception, they are punishable in accordance with the Mexican Criminal Code and that of the requesting State with a prison sentence averaging at least one year in length; and in the case of culpable offences considered serious by the law are punishable under both codes with a prison sentence;

(b) They are not covered by any of the exceptions provided for by this law.

197. In addition, article 7 of the LEI states that extradition will not be granted when:

(a) The person sought has been the subject of an acquittal, pardon or amnesty or when he or she has served the sentence relating to the offence that motivates the request;

(b) There is no legitimate party to the accusation, if under Mexican law the offence requires such a party;

(c) If the action or sentence are subject to a prescription limit under Mexican law or that applicable in the requesting State;

(d) If the offence has been committed within the jurisdiction of the Courts of the Republic.

198. In the case of a formal extradition request made by the State party in which the offence has been committed and relates to a Mexican, article 14 of this law provides that no Mexican can be handed over to a foreign State other than in exceptional cases in the judgement of the Executive. However, article 15 stipulates that the fact of being a Mexican shall not be an obstacle to the handing over of the person sought when the nationality has been acquired subsequently to the facts on which the request for extradition is based.

199. In relation to article 5 of the Optional Protocol, the LEI establishes that a bilateral treaty signed by Mexico with another country is not necessary for the processing of extradition requests; in this case, it will only be necessary for the requesting State to meet the requirements stipulated in article 10 of the said law, including the commitment to reciprocity.

200. Currently, the Mexican Government has signed bilateral treaties regarding extradition with Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, France, Greece, Guatemala, Netherlands, Italy, Korea, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland (Bahamas), United States of America, Uruguay and Venezuela.

201. There also exist a number of draft extradition treaties in the process of negotiation with countries such as Algeria, Azerbaijan, Cyprus, Dominican Republic, Germany, Honduras, Ireland, Lithuania, , Russia, South Africa, Ukraine and United Arab Emirates.

202. The Mexican Government has not refused extradition requests in connection with any of the offences covered in article 3 of the Optional Protocol, and has not had any request refused in relation to such offences.

203. Currently, there are three international extradition requests before the Government of Mexico:

<i>Requesting Country</i>	<i>Alleged offences</i>	<i>Year of request</i>	<i>Date of detention</i>	<i>Stage of procedure</i>
United States of America	Child pornography	2008		Under investigation by the district judge
United States of America	Child pornography	2007		Submitted on 18 July 2008
United States of America	Prostitution and child pornography	2007	7 December 2007	Under investigation

204. With regard to international extradition requests submitted by Mexico, the records of the Ministry of Foreign Affairs show five applications to the Government of the United States of America.

<i>Requesting Country</i>	<i>Alleged offences</i>	<i>Year of request</i>	<i>Date of detention</i>	<i>Stage of procedure</i>
United States of America	Child prostitution	2007		Submitted on 1 October 2008
United States of America	Trafficking in minors	2004		Under investigation
United States of America	Child prostitution	2007		Under investigation
United States of America	Trafficking in minors	2007		United States of America has already granted extradition, but it has been deferred.
United States of America	Child prostitution	2007		United States of America has already granted extradition, which is to take place shortly.

205. When a request for extradition is made to the Mexican Government, six months is regarded as the normal time from which the person requested is detained in the territory of the Republic. However, the decision granting the extradition, and constituting its final phase, can be contested before the federal authorities through the *amparo* judge, with the result that the final stage in the extradition procedure can last up to two years.

206. On 30 July 2005 and 1 April 2004, the Mexican Government received by way of international extradition two fugitives from justice, accused of the crimes of corruption of minors and child prostitution and pornography.

C. Protection of the rights of victims (articles 8 and 9, paragraphs 3 and 4)

1. Best interests of the child and legal protection

207. To guarantee recognition of the rights and best interests of child victims of the offences listed in the Optional Protocol, the victim support provided by the State embodies a human rights approach that avoids further victimization and seeks to reinstate the rights violated.

208. To this end, article 48 of the Protection of the Rights of Children and Adolescents Act provides that:

To ensure better defence and protection of the rights of children and adolescents at the national level, the institutions established by the Federation, the Federal District, the federal states and the municipalities, within their respective fields of competence, will include the necessary trained staff and will be specialized bodies with the authority to ensure effective respect for such rights.

209. Article 49 likewise stipulates that:

The institutions listed in the preceding article shall be responsible for:

A. Monitoring observance of the constitutional guarantees that safeguard the rights of children and adolescents, the provisions of international treaties signed by Mexico under article 133 of the Constitution and the relevant legislative provisions.

B. Representing the legal interests of children and adolescents to the judicial or administrative authorities, without contravening the relevant legal provisions.

C. Reconciling any conflicts within the nuclear family where the rights and guarantees of children and adolescents are compromised.

D. Reporting to the Public Prosecutor any acts deemed to constitute an offence, assisting in the prior investigation.

E. Promoting the participation of the public, social and private sectors in the planning and implementation of measures to monitor, defend and protect the rights of children and adolescents.

F. Advising the relevant authorities and the social and private sectors concerning protection of their rights.

G. Conducting, promoting and distributing studies and research to strengthen measures to monitor, defend and protect the rights of children and adolescents and submitting them to the relevant authorities and to the social and private sectors for inclusion in their respective programmes.

H. Defining, developing and implementing policies and mechanisms to ensure protection of the rights of children and adolescents.

I. Applying the penalties prescribed by the law.

J. Any other functions specifically assigned by the relevant legal provisions.

210. For its part, the Political Constitution of the United Mexican States provides in article 20 that the accused, victim or injured party in any criminal proceedings shall enjoy the following guarantees:

- C. Concerning the victim or injured party:
 - I. Receive legal advice; be informed about the rights conferred by the Constitution; and, when so requesting, be informed about the progress of criminal proceedings;
 - II. Assist the Public Prosecutor's Office so that all the data and evidence in the victim or injured party's possession is received during the preliminary investigation and during the trial, so that the corresponding enquiries are pursued exhaustively, and so that the victim or injured party can intervene in the trial and lodge an appeal in accordance with the terms of the law. When the Public Prosecutor's Office considers further enquiries to be unnecessary, it must justify and explain its refusal.
 - III. Receive emergency medical and psychological treatment from the time the offence is committed.
 - IV. Be entitled to damages. Where it is admissible, the Public Prosecutor's Office is obliged to seek compensation without prejudice to the fact that the victim or injured party may press for damages directly, and the judge cannot dispense the convicted person from making such compensation if a guilty verdict has been passed. The law will determine the flexible procedures for carrying out sentences with regard to redress for the harm suffered.
 - V. Be granted protection of identity and other personal data in the following cases: when the case involves minors; when the offence concerns rape, kidnapping or organized crime; and when in the view of the judge it is required for protection of the victim or injured party, having due regard for the rights of the defence. The Public Prosecutor's Office should guarantee the protection of victims, injured parties, witnesses and in general all those who participate in the trial. Judges should be vigilant in ensuring compliance with this obligation.
 - VI. Request preventive measures and injunctions for protection and restitution of the plaintiff's rights
 - VIII. Appeal to the court concerning the omissions of the Public Prosecutor's Office in investigating the crimes as well as decisions to postpone, dismiss or discontinue criminal action or suspend proceedings, where the plaintiff is not satisfied with the redress obtained.

211. The Federal Code of Criminal Procedure (CFPP) lays down in article 123 the special rules governing procedures and the collection of evidence during the initial enquiry when the Federal Public Prosecutor or the officers responsible for carrying out preliminary enquiries on the latter's behalf are aware of the probable existence of an offence that should be prosecuted *de officio*: taking all necessary measures and precautions to provide security and help to the victim; avoiding the loss, destruction or alteration of any prints or traces, instruments and evidence as to the purpose and effect of the offence; establishing the identity of witnesses; ensuring that the offence does not continue to be committed and, in general, preventing any interference with the investigation by detaining those involved in committing the crime in cases of *flagrante delicto*.

212. Article 115 of the CFPP provides that when the defendants are minors, but over 16 years of age, they can lodge a complaint themselves or through whoever is empowered to do so. In the case of minors over 16 or others legally incapacitated, the complaint should be lodged by those exercising parental authority or guardianship.

213. It should be noted that the Treatment of Juvenile Offenders Act published in the *Diario Oficial de la Federación* on 24 December 1991 states in article 122: “For the purposes of this Act, the subject’s age shall be checked against the corresponding certificate issued by the Civil Registry offices, in accordance with the provisions of the Civil Code. If this is not possible, it will be established through a medical certificate delivered by the experts appointed to that effect by the Council; in the case of doubt, the person shall be presumed to be a minor.

214. In accordance with article 4 of the Social Welfare Act, the social welfare services cater for all those children and adolescents at risk or affected as a result of being victims of human trafficking, pornography and sexual commerce.

215. For the purposes of this act, social welfare is understood as a particular set of measures tending to modify and improve the social circumstances interfering with the individual’s rounded development, together with the physical, mental and social protection of persons in a state of physical and mental need, defenselessness or disadvantage, pending their successful integration in a full and productive lifestyle.

216. With regard to legal protection, the state DIF systems through the Offices of the Attorney General for the Defence of Minors and the Family provide care and, where necessary, direct support for children and adolescents who are victims or at risk of sexual exploitation.

2. Victim care, social reintegration and physical and psychological recovery

217. In accordance with its founding statute, DIF is responsible for operating social welfare establishments for abandoned minors; providing legal help and social guidance to minors and persons lacking resources in general; and helping to fulfil the State’s role of exercising guardianship over those who are legally incapable.

218. DIF also offers rehabilitation to minors who are victims of any of the offences mentioned in the Optional Protocol, by promoting and providing social welfare services; it promotes and furthers the healthy physical, mental and social growth of children and devises rehabilitation and special education programmes.²⁹ The aim is that minors who have been victims of this form of exploitation can be integrated and develop fully within society, ensuring by the participation of family members and society that they will not be subject to discrimination in their future activities.

219. In 2004, the first Centre for Victims of the Commercial Sexual Exploitation of Children and Their Families was established in the State of Jalisco, with the participation of the national DIF system, the Jalisco state DIF system, municipal DIF systems and the IPEC-ILO/STPS project. The Centre caters for an average of 90 children and adults monthly.

220. The model developed in this Centre is based on total respect for the rights of children and adolescents, taking account of the special characteristics of each so as to provide them with comprehensive and individualized care in accordance with their particular needs. It is important to note that the Centre and its model have been most

²⁹ Founding Statute of the National System for the Comprehensive Development of the Family, article 2.

valuable in providing feedback and training to other state DIF systems in the matter of victim care.

221. Given that the commercial sexual exploitation of children is linked to other problems placing children and adolescents at high risk, a temporary shelter for migrant children was opened in April 2005 in the city of Tapachula, Chiapas, run by the state DIF system. It caters for children and adolescents living in the border zone of the State of Chiapas, who have been referred to it by the Mexican migration authority pending their repatriation, providing them with accommodation that ensures their physical and psychological integrity.

222. Moreover, to strengthen victim care activities, an 'Operational Protocol for the Detection, Protection and Care of Child and Adolescent Victims of Commercial Sexual Exploitation' has been drawn up and published jointly by the PGR, STPS, ILO and SNDIF to support the work of welfare service providers in detecting possible cases of child sexual exploitation, as well as in providing protection and effective care.

223. Along the same lines, a manual on a proposed "Propuesta de intervención comunitaria a favor de la niñez vulnerable a la ESCI" (Proposed community intervention on behalf children at risk of commercial sexual exploitation) (SNDIF, UNICEF and the National Institute of Psychiatry) was developed to promote community participation in action to prevent the commercial sexual exploitation of children and the detection of possible cases of such abuse. This manual is used in 18 Federal entities.

224. Likewise, in 2005, in response to the high incidence of the phenomenon in the State of Baja California, the first Specialized Network for children and adolescents at risk or victims of sexual exploitation was set up and is operating in the cities of Tijuana and Mexicali, with the involvement of civil society organizations and government agencies (state and municipal).

225. With the aim of giving voice to the victims of this crime, the national DIF system, the National Institute of Psychiatry and UNICEF undertook a study of the needs highlighted by the child victims themselves through focus groups in the cities of Cancún, Quintana Roo and Jalisco.

226. In addition, a Guide to drawing up inter-agency plans and measures to combat the commercial sexual exploitation of children was developed and published jointly by the national DIF system and UNICEF.

227. As a result of the activities promoted by the national DIF system between 2003 and the first half of 2008, care was provided to 19,275 girls and 18,451 boys at risk and to 1,642 girl and 997 boy victims.

228. The following agreements have been signed to assist child victims in the areas of physical and psychological recovery, social reintegration and repatriation:

(a) Work plans signed on 17 September 2008 between UNICEF and the National Institute for Migration, and between UNICEF and SNDIF, to protect the security of unaccompanied migrant children and adolescents and ensure respect for their human rights from the time they are located until their reintegration in the nuclear family or their community of origin;

(b) Cooperation Agreement signed on 12 July 2007 between the National Institute for Migration, the National System for the Comprehensive Development of the Family and DIF Chiapas;

(c) Cooperation Agreement signed on 11 June 2007 between the National Institute for Migration and SNDIF for the protection of migrant and repatriated Mexican and foreign unaccompanied children and adolescents.

229. Moreover, FEVIMTRA possesses a comprehensive victim-centred care model, which operates through a ministerial sector providing psychological help, legal advice and social work respectively and channelling the victims to the various services for their physical and emotional recovery and social reintegration.

230. FEVIMTRA has also begun to establish and operate a shelter specializing in the comprehensive care and protection of victims of trafficking. The shelter will include provision for psycho-emotional and multidisciplinary care for child and adolescent victims of commercial sexual exploitation, who will be provided through therapeutic games and workshops with support helping them to express the exploitation they have suffered as well as through information on human rights and peaceful conflict resolution.

231. This shelter will include specialized professional help in the recovery of physical and psychological health, the protection of physical integrity, property and legal security and the safeguarding of human rights, support being provided to victims until they are able to enjoy and exercise their rights fully.

232. For its part, the Ministry of Public Security is implementing a programme of preventive action and care for victims of the crime of trafficking in persons, directed at public officials, tourist firms and traders in seaports, airports, bus terminals, train companies and border posts. From April to October 2008, 12 workshops were organized, with the participation of 300 persons.

233. The aim of this programme is to develop information and training strategies on the national and international legal context of the crime of trafficking in persons, targeting those responsible for the security of users, workers and plant as well as service providers in the transport, hotel, food and tourism sectors and commercial and civil enterprises in general, with a view to preventing and, where necessary, caring for the victims of this crime.

234. It should be noted in this connection that the PROVICTIMA programme of the National Human Rights Commission and the National Victim Care Network - coordinated by the Ministry of the Interior and consisting of departments in the three levels of government, academia and civil society organizations specialized in victim care and assistance – are focal points for channelling victims of the commercial sexual exploitation of children to specialized care centres.

3. Compensation for child victims

235. Article 20 of the Constitution provides that the victim shall have the right to compensation for the harm suffered. In cases where this is appropriate, the Public Prosecutor's Office is obliged to request compensation for damages, without prejudice to the right of the victim or injured party to seek redress directly, and the judge cannot relieve a convicted person from paying damages if he has pronounced a guilty verdict. The law will determine flexible procedures for effecting sentences for damage compensation.

236. The Prevention and Punishment of Trafficking in Persons Act stipulates with regard to the payment of damages to victims:

Article 9 – When a convicted person is declared criminally responsible for the crime of trafficking in persons, the judge shall also sentence the person to pay compensation to the victim. This shall include:

- I. The cost of medical treatment;
- II. The cost of physical and occupational therapy and rehabilitation;
- III. Transport costs, including return to the victim's place of origin, and the cost of food, temporary accommodation and the care of persons under 18

or over 70 years of age, as well as persons unable to understand the significance of the act, who have different abilities, or who are indigenous persons;

IV. Lost income;

V. Redress for harm caused;

VI. Compensation for moral damage;

VII. Redress for any other loss suffered by the victim as a result of the crime.

237. Articles 1910 to 1934 of Chapter V of the Federal Civil Code, concerning the obligations arising from unlawful acts, provide among other things that any person operating unlawfully or contrary to good custom who causes damage to another shall be liable to compensate that person. Likewise when in exercising a right someone causes damage to another that person shall be obliged to compensate the latter if it is shown that the right was exercised for the purpose of causing the damage.

238. As regards the victim, compensation shall consist, at the choice of the injured party, in restoration of the prior situation, where possible, or in the payment of damages and loss. When the damage results in death or total permanent, partial permanent, total temporary or partial temporary incapacity, the degree of compensation shall be determined with regard to the provisions of the Federal Labour Act.

239. The basis for calculating the compensation shall be four times the highest minimum daily salary applicable in the region, multiplied by the number of days specified by the Federal Labour Law for each of the relevant disabilities.

240. Moreover, article 1916 of the Federal Civil Code defines moral damage in terms of the impact on a person's feelings, affections, beliefs, sense of honour, reputation, private life, physical aspect and appearance or indeed the regard that others have for the individual concerned. In this respect, moral damage will be presumed to have occurred when the freedom or physical or mental integrity of a person is unlawfully undermined or diminished.

241. Furthermore, when an unlawful act or omission produces moral damage, the person responsible shall be obliged to repair it through financial compensation, irrespective of whether any material damage has been caused, by way of both contractual and extracontractual responsibility.

242. The amount of the compensation shall be determined by the judge taking account of the rights injured, the degree of responsibility, the economic situation of the offender and the victim, as well as the other circumstances of the case.

243. When the moral damage affects the victim's self-respect, honour, reputation or standing, the judge will order, at the victim's request and the expense of the guilty party, the publication through media outlets deemed appropriate of an extract of the judgement adequately reflecting its nature and scope.

244. Both physical and moral persons are responsible for damage compensation, the former from the standpoint of solidarity and the latter by virtue of the damage and harm caused by their legal representatives in the exercise of their functions.

245. Similarly, those persons exercising parental authority are obliged to answer for the damage or prejudice caused by the acts of minors under their authority and who live with them. This responsibility ceases when the minors perform acts that give rise to this responsibility when they are under the control and authority of other persons, such as

school heads or workshop supervisors, since these persons then assume the responsibility in question.

246. Under the terms of the Federal Civil Code, the action for compensation for damage lapses after two years, counting from the day on which the damage was caused.

247. Article 30 of the Federal Criminal Code includes, among the forms of compensation, returning the thing obtained by criminal means and, where this is not possible, payment of its cost; as well as compensation for the material and moral damage caused, including the cost of medical treatment that, as a result of the crime, is required to restore the victim's health. In the case of offences against freedom and normal psychosocial development and of family violence, payment for the psychotherapeutic treatment needed by the victim will likewise be paid together with compensation for the injury caused.

248. Article 30 *bis* of this same Code provides that the injured party in the first instance has the right to compensation for damage; in the case of death of the injured party, the wife or concubine inherits the right or the minor children; or, in the absence of the latter, the other descendants or ascendants financially dependent on the injured party at the time of his or her death.

249. For its part, the Federal Code of Criminal Procedure (CFPP) provides under article 2, paragraph II, that the Federal Public Prosecutor's Office is responsible at the preliminary investigation stage for carrying out and ordering all measures leading to verification of the substance of the offence and the probable responsibility of the accused, as well as compensation of the damage.

250. Similarly, article 136, paragraph III, states that in instituting criminal proceedings the Public Prosecutor's Office should make a precautionary seizure of property for the purpose of damage compensation. Article 141, paragraph V, provides for its part that the victim or injured party shall have a right to compensation for damage in any criminal proceedings.

251. The CFPP also provides that the Public Prosecutor's Office, the injured party or his/her legitimate representatives can request the judge to place a temporary distraining order on property to serve as a surety for the compensation of damage or harm sustained (article 149).

252. In cases where the unlawful activity arises from the irregular activities of public servants, article 113 of the Constitution stipulates that the State's responsibility for damage that, as the result of irregular administrative activity, is caused to the property or rights of individuals, shall be objective and direct. Private individuals shall have the right to compensation in accordance with the bases, limits and procedures prescribed by law.

253. In addition, the Federal Act on State Responsibility for Financial Injury establishes the bases and procedures for recognizing the right to compensation of persons who, without any legal obligation to do so, sustain damage to their property and rights as a result of irregular administrative activities of the State. The extra-contractual liability of the State is objective and direct.

254. With regard to the Federal Act on the Responsibilities of Public Officials (LFRSP), articles 76, 77 *bis* and 78 provide that if the allegedly liable public official confesses responsibility for failure to comply with the obligations specified in the Act, a ruling shall be given immediately under the procedure laid down for the receipt of evidence to support the truthfulness of the confession; in this way, if the confession is accepted as wholly valid, the person concerned shall be subject to two-thirds of the relevant penalty, where financial in nature, but with regard to compensation this should be adequate to cover the damage and harm caused, while any property or proceed derived as a result of the offence must always

be returned. Moreover, it will be for the person ruling to decide whether or not to suspend, dismiss or debar the public official in question.

255. As regards the content of article 77 *bis* of the LFRSP, where the administrative disciplinary procedure has established the liability of the public official and the administrative offence has caused damage and injury to individuals, the latter can have recourse to the offices, entities or the Secretariat of Administrative Oversight and Development in order for them to recognize directly the responsibility for compensating the damage in cash and for ordering payment of the corresponding amount, without the need for the individuals concerned to have recourse to the courts or any other legal body.

256. Moreover, the State can make public officials liable for the payment of compensation to individuals if the State entity refuses compensation, or if the amount does not meet the claimant's demands; in such cases, the recourse available involves a choice between the administrative and legal options.

257. In the case of recommendations by the National Human Rights Commission for the compensation of damage and injury, the relevant authority will confine itself to determining the amount in cash and issuing the appropriate payment order.

258. In addition, article 78 of the LFRS sets out the powers of the administrative supervisor and the Secretariat in imposing the penalties prescribed by law, observing the following criteria

(a) A prescription of one year will apply if the benefit derived or the damage caused by the offender does not exceed ten times the current minimum monthly salary in the Federal District;

(b) A prescription of three years will apply in other cases.

259. The prescription limit will be calculated from the day following that on which liability was incurred or from the time when it ceased, if it was continuous in character,

(a) The right of individuals to seek compensation for damage and injury will be subject to a prescription of one year, calculated from the notification of the administrative ruling declaring the administrative offence to have been committed.

D. International assistance and cooperation (article 10)

260. One of the guiding principles of Mexican foreign policy in the human rights field is active participation and leadership in international forums. To this end, the Mexican delegation plays an active role in resolutions on the rights of the child in the United Nations General Assembly and the Human Rights Council, promoting international and regional cooperation to effectively fight this evil.

261. In the context of international cooperation promoted by the Mexican Government in support of social and psychological recovery, social reintegration and repatriation of child victims, special mention should be made of the broad cooperation pursued in this regard by the relevant ministries with international bodies such as UNICEF, ILO, OHCHR and IOM.

262. Mexico promotes international cooperation as a fundamental tool for combating the causes that make children vulnerable to practices such as the sale of children, child prostitution, child pornography and sex tourism, in particular poverty and underdevelopment. In this connection, it has taken the following measures:

(a) At the 5th Meeting of the Joint Mexico-Colombia Technical and Scientific Commission held on 18 June 2008 in the framework of the Cooperation Programme for the 2008-2010 biennium, SNDIF asked the Colombian Government for assistance in carrying

out the 'Urban Poverty' and 'Rescuing the Social Fabric' programmes in support of Mexico.

(b) On 22 September 2008, SNDIF submitted information to the Directorate of Technical and Scientific Cooperation of the Ministry of Foreign Relations on the 'Programme of Day Nurseries and Child Day Centres for Single Working Mothers and Fathers', which will serve as the basis for the formulation of a tripartite cooperation project involving Chile, South Africa and Mexico.

(c) In the context of the 5th Meeting of the Joint Mexico-Guatemala Commission held from 12-15 July 2008, questions relating to migration and human trafficking were discussed, the problems linked to unaccompanied child migration being regarded as an important topic for both countries. The 'Inter-Agency Project for Border-Area Children' and the project on 'Addiction Prevention' were described on that occasion.

(d) At the 2nd Meeting of the Mexico-Paraguay Technical and Scientific Commission on 14 November 2007, in the framework of the Mexico-Paraguay Technical and Scientific Cooperation Programme 2007-2009, it was agreed to implement the project 'Strengthening the Family and the Community for the Protection of Children and Adolescents', involving the exchange of SNDIF and Paraguayan civil servants with the aim of strengthening and optimizing the process of establishing local preventive and protective networks for children and adolescents, based on programmes designed to prevent and monitor ill-treatment and child sexual abuse as well as to prevent HIV/AIDS.

(e) On 30 October 2007, INMUJERES and IOM signed a Cooperation Agreement, involving a number of activities and joint projects on the topic of trafficking in persons. In the framework of the Agreement, a training session led by IOM officials was held on 14 January 2008 for officials of INMUJERES and operators staffing the telephone helpline 'A life without violence'.

(f) During the 8th Meeting of the Joint Mexico-Spain Commission held from 15 to 16 October 2007, it was agreed to strengthen cooperation between both countries in the areas of mutual legal assistance, cooperation on security questions, migratory themes, consular topics and protection of their nationals.

(g) In August 2005, an amendment was signed to the Letter of Understanding between the Government of the United States and the Government of Mexico, originally signed in September 2001, whose purpose was to eliminate drug trafficking and organized crime. The framework for the amendment is provided by the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, for which both countries undertake to establish and support government-to-government projects aimed at intensifying bilateral collaboration in combating human trafficking. The two projects that are specified and governed by the amendment are: establishment of research groups on human trafficking/ technical procedural assistance; and establishment of a technical subgroup on human trafficking.

263. To complement these projects, others are being put into operation, including: (1) establishment of a support network to provide comprehensive care for victims on Mexico's northern and southern borders; 2) measures to combat the practice of travellers who circulate inside the country or abroad for the purpose of obtaining sexual services; 3) the distribution of messages to prevent human trafficking; 4) awareness-raising on the risks of human trafficking; 5) technical assistance to providers of shelters and care for victims. In addition:

(a) A Memorandum of understanding was signed on 17 May 2005 between the Government of the United Mexican States and the Government of the Republic of El Salvador for the protection of the victims of unlawful trafficking, especially women and

minors, which provides for the establishment of a technical subcommittee to draw up the annual work programme and includes coordinated measures on the training of public officials in both countries, the preparation of a joint study, the establishment of mechanisms for the voluntary repatriation of women and minors with a view to family reunions, etc.

(b) A Memorandum of Understanding was signed on 22 February 2005 between Mexico and Guatemala for the protection of women and minors who are victims of human trafficking on the border between the two countries. It provides for the establishment of a technical commission responsible for drawing up an annual work programme, which is to include coordinated measures for training migration officials in victim support; preparation of a joint study on the problem of women and minors who are victims of trafficking; the establishment of mechanisms for the voluntary repatriation of minors with a view to family reunification; exchanges of information; and the organization of prevention and information campaigns.

(c) In the framework of the Regional Conference on Migration (established on the initiative of Mexico in 1996 and comprising Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States), a Network of Liaison Officials was established to combat human smuggling and the unlawful trafficking in migrants;

(d) The Programme of Support for the prevention and elimination of the commercial sexual exploitation of children and the protection of its victims in Mexico (IPEC-OIT/STPS) received major financing of 1.8 million dollars from the Department of Labour of the United States of America, with the aim of collaborating in the prevention and elimination of the commercial sexual exploitation of children, as well as in the protection of victims, nationwide and in the cities of Tijuana, Acapulco y Guadalajara.

264. The Programme was initiated in November 2002 for a duration of 32 months. In light of the evaluation report's recommendations and the request of the partner country, the donor will underwrite a second phase of the project corresponding to the addendum, with a budget of 1,099,302 dollars for the period November 2005 to April 2007.

265. During the months of March and April 2007, external consultants contracted by the ILO-IPEC Design, Evaluation and Documentation Section will undertake a final evaluation of the addendum to the Programme of Support for the prevention and elimination of the commercial sexual exploitation of children and the protection of its victims in Mexico (IPEC-OIT/STPS) through the organization of visits to the cities of Guadalajara, Acapulco and Chilpancingo; meetings with representatives of the participating institutions and organizations; and the holding of interviews with the participants involved.

266. The Programme's good practices mentioned in the final evaluation report include:

(a) Links between public and private institutional actors contributing to joint platforms of action;

(b) Efforts to increase knowledge and awareness of the topic among federal and state actors, which contributed to the development of processes of cultural change in different sectors of society and in greater participation in combating the problem;

(c) Legal and criminological studies on the commercial sexual exploitation of children enabled proposals for legislative reform to be submitted and contributed to their adoption;

(d) The design, application and ownership of the model of comprehensive care for the victims of the commercial sexual exploitation of children, and systematic experimentation in applying the model;

- (e) The importance of understanding and integrating the gender perspective and human rights focus and of incorporating them in the Programme's practices and strategies;
- (f) Prioritizing target populations for awareness-raising and training activities and processes relating to the commercial sexual exploitation of children;;
- (g) Strengthening institutional capacities and existing protection networks, at both governmental and civil society level;
- (h) Preparation of materials of high technical quality and excellent content, for different kinds of social actors, with the aim of informing them and sensitizing them to their personal and institutional role in detecting, preventing and combating the commercial sexual exploitation of children.

267. On 31 July 2007, the Government of Mexico requested ILO to support a third phase in the IPEC-ILO Cooperation Project to strengthen and open up new strategic areas of intervention. The Project has not yet started since the ILO Office is seeking donors to finance the undertaking³⁰.

268. In addition, a Convention was signed in March 2008 between the Ombudsmen of Mexico, El Salvador and Honduras, in which it was agreed to exchange information on the origin, transit and reception of migrants so as to confront in an coordinated manner the accelerating and alarming increase in the illegal trafficking of persons. Its activities include: training the staff concerned in defending the human rights of migrants; increasing legal assistance; and regional actions in favour of persons affected by human trafficking.

269. Furthermore, in collaboration with the Network of National Institutions of the American Continent for the Promotion and Protection of Human Rights and on the proposal of the National Human Rights Commission (CNDH), the Regional Committee to Combat the Trafficking of Persons in Mexico, Central America and the Caribbean was established in May 2008, consisting of the national human rights institutions of Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic. The Committee has undertaken an analysis of the scale of human trafficking, its trends, evolution and the response of the national authorities and will also monitor compliance with and application of international and regional commitments by the authorities of each country.

E. Other legal provisions

270. In the framework of Mexico's participation in multilateral human rights forums and with a view to strengthening the prevention, detection, investigation, prosecution and punishment of those responsible for the crimes mentioned in the Optional Protocol, the Mexican State is a Party to the following international instruments:

- United Nations Convention against Transnational Organized Crime (Palermo Convention), ratified by Mexico on 4 March 2003;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by Mexico on 4 March 2003;

³⁰ This measure is in compliance with the recommendation by the Special Rapporteur, Juan Miguel Petit, in his report on Mexico A/HRC/7/8/Add.2, paragraph 80, subparagraph f), concerning the strengthening of relations with ILO, particularly with its International Programme for the Elimination of Child Labour

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by Mexico on 15 March 2002;
- Optional Protocol to the Convention against All Forms of Discrimination against Women, ratified on 5 March 2002;
- ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified by Mexico on 30 June 2000;
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém Do Pará Convention) ratified 11 December 1998;
- Convention on the Civil Aspects of International Child Abduction, ratified on 6 March 1992;
- Convention on the Rights of the Child, ratified by Mexico on 21 December 1990;
- Convention on the Elimination of All Forms of Discrimination against Women, ratified on 23 March 1981;
- International Convention for the Suppression of the Traffic in Women and Children: Mexico acceded to the instrument on 10 May 1932;
- International Agreement for the Suppression of the White Slave Traffic, signed in Paris on 18 May 1904, amended by the Protocol Signed at Lake Success, New York, 4 May 1949; Mexico adhered to the instrument on 21 February 1956;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

F. Factors and difficulties affecting compliance with the Protocol (article 11)

271. Despite institutional efforts at the federal and local level to combat the crimes relating to the commercial sexual exploitation of children, Mexico still faces major challenges.

272. The Mexican State recognizes the importance of consolidating a common front involving the three orders and levels of government, academic institutions, civil society, private firms and the media, so as to combat and eradicate the commercial sexual exploitation of children in a comprehensive and cross-cutting manner

273. This calls for greater coordination between the executive and legislative branches to ensure the effective prosecution and punishment of crimes relating to the commercial sexual exploitation of children, since there has been no systematic review to date at either federal or state level of all the crimes associated with the sale of children, child prostitution and child pornography, with the result that crimes relating to the commercial sexual exploitation of children coexist in the criminal codes alongside crimes relating to the corruption of minors or statutory rape, which carry considerably lighter sentences.

274. Coordination with the legislative branch should concentrate, among other things, on establishing a provision to the effect that the mere display on the Internet of a pornographic image involving minors constitutes sufficient grounds for prosecuting the crime in the federal courts, even if the Internet is one of the main media used for the perpetration of this offence.

275. Permanent communication and coordinated action by Government, the private sector and the media constitute a great challenge for Mexico in the promotion of a responsible

form of tourism, since our country is a major tourist destination and derives great benefit from the income from this industry.

276. The concern expressed by both Special Rapporteurs with regard to the lack of statistics and data on the extent of the commercial sexual exploitation of children is therefore shared. There has been no recent official study on the number of children and adolescents who have been sold or been the victims of prostitution or child pornography, which makes it difficult to devise public programmes and policies on the question, as well as to measure its impact.

277. The Special Report on the Commercial Sexual Exploitation of Children in the Federal District drawn up by the Federal District Human Rights Commission³¹ pointed to the lack of any mechanisms for evaluating the impact and outcomes of the programmes and activities carried out by the agencies, *delegations* and decentralized organs of the Federal District. It also noted that there are no data on the effectiveness and efficiency of such measures.

278. The consolidation of a common front and the promotion of research projects by civil society organizations and Mexican academic institutions concerning children and adolescents affected by commercial sexual exploitation can fill the statistical gaps and further the development of a methodology to measure the impact of the public policies introduced, disaggregating the information as far as possible by sex, religion, age, nationality and locality.

279. Likewise, better coordination between government and civil society would address the deficiencies in rehabilitation and social reintegration programmes for child victims, which as pointed out by Special Rapporteur Juan Miguel Petit³² constitute one of the main causes of further victimization.

280. Finally, the Mexican Government received with interest the recommendations by the Mexico Office of the United Nations High Commissioner for Human Rights in its 'Survey of Human Rights in Mexico',³³ in particular:

(a) The Federal Government should adopt as matter of priority special measures to protect street children, since they are faced by an exponentially growing risk of being sexually exploited, above all in the large cities, tourist regions and border posts;

(b) Programmes aimed at preventing sexual exploitation should take account of poverty and marginalization, gender inequality, illiteracy, discrimination, violence, AIDS, dysfunctional families and the operation of organized crime;

(c) Given that adolescent motherhood in the case of unmarried girls has been identified as one of the main risk factors after sexual exploitation, it is vital that the needs of single mothers should be taken into account in the various federal programmes;

(d) Awareness campaigns should be organized in primary and secondary schools on the risks of commercial sexual exploitation;

(e) The judicial authorities should take measures to avoid criminalizing the victims of commercial sexual exploitation and should investigate those who are responsible for their exploitation and trafficking.

³¹ Special Report on the Commercial Sexual Exploitation of Children in the Federal District, Federal District Human Rights Commission, 2007.

³² A/HRC/7/8/Add.2, 24 January 2008. Report by the Special Rapporteur on the sale of children, child prostitution and child pornography. Visit to Mexico.

³³ 'Survey of Human Rights in Mexico', Mexico Office of the United Nations High Commissioner for Human Rights, 2003.