

# **The rights of children, adolescents and youth in Mexico**

## **Universal Periodic Review, Mexico 2024**

### **1.Introduction**

In 2023, Mexico had a total population of 131 million 230 thousand 255 people. Of this number, 39 million 135 thousand 901 are children and adolescents, representing 29.8% of the population. In addition, there are 25 million 896 thousand 449 young people between 18 and 29 years of age in Mexico, representing 19.7% of the total population (CONAPO, 2023).

Children, adolescents and young people, in addition to suffering specific violations of their rights due to their age and development, are directly and indirectly affected by the serious human rights violations, violence, and impunity that Mexico is currently facing.

### **2.Children and adolescents**

#### **2.1 Ratification of the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure**

The ratification of said Protocol has been stalled in an inter-institutional consultation process, coordinated by the Ministry of Foreign Affairs, since 2020.

#### **2.2 Comprehensive System for the Protection of Children and Adolescents (SIPINNA)**

The Comprehensive System for the Protection of Children and Adolescents (Sistema Integral de Protección de Niñas, Niños y Adolescentes, SIPINNA), created in 2015, represents the sum of all the instances of the federal public administration and is chaired by the President of Mexico. It brings together all the ministries, with a deliberative and decision-making nature, to agree and execute in an articulated and coordinated manner policies, programs, strategies, and actions for the comprehensive fulfillment of the rights of children and adolescents. Its decisions are binding for the different sectors and orders of government. Since 2021, the Federal Government has reduced its budget, cut staff, and has not appointed a head for more than two years. This has undermined its capacity to design, implement, monitor and evaluate public policies on children and adolescents.

In addition, in April 2023, the Federal Government drafted a bill to dismantle SIPINNA and incorporate it as an administrative unit of the National System for the Integral Development of the Family (Sistema Nacional para el Desarrollo Integral de la Familia, DIF System), the entity in charge of social assistance. This bill will be considered by the Congress in its next session (September-December 2023).

The DIF System lacks the operational, technical and human rights-based approach capabilities to ensure the fulfillment of the functions that SIPINNA must carry on by law. The preservation and strengthening of SIPINNA with its current level and structure is fundamental, since the development of comprehensive policies requires a multisectoral vision that involves different authorities and orders of government in a coordinated manner.

## **2.3 Disappearance**

From 1<sup>st</sup> of January 2019 to 31 of March 2023, 27 974 persons aged 0 to 17 have been reported once as missing or not located in Mexico. On 4th of April in 2023, 7 382 of these children and adolescents are still missing, being 4 199 females (56.9%) and 3 172 males (43%). The states with highest disappearances rate of children and adolescents during this period have been the State of Mexico, Mexico City and Jalisco (SEGOB, RNPDO, 2023).

The approval of the additional protocol for the search of children and adolescents represented a great advance: it establishes that in all cases of children's and adolescent's disappearances their immediate search must be activated, and the authorities must coordinate among themselves to carry out specific and differentiated actions, attending to the particular needs of children and adolescents.

However, the implementation of this protocol has progressed unevenly, in some cases due to lack of knowledge and/or lack of training of the authorities, in others due to resistance - especially of the Prosecutor's Offices (Fiscalías) - in applying it. In this sense, serious coordination difficulties persist between the Search Commissions (Comisiones de Búsqueda) and the Prosecutor's Offices (Fiscalías), which hinders the effective implementation of search tasks and other judicial proceedings.

## **2.4 Recruitment and use by criminal groups**

In 2023, there is no official data in Mexico on the number of children and adolescents who are victims of recruitment and use by criminal groups. In a study conducted by REDIM, it was revealed that between 145,000 and 250,000 children and adolescents are at risk of being recruited or used by some criminal group throughout the country (REDIM-ONC, 2021). Involvement in organized crime goes hand in hand with development in complicated environments within violent communities, as well as social marginalization and the lack of opportunities. Children and adolescents are used in multiple tasks by the armed groups: hawking, cooking, cleaning, processing and selling illegal substances, committing serious crimes. At the same time, they are subjected to abuse and exploitation, suffer injuries or even die as a result of forced recruitment.

In Mexico does not exist the crime of recruitment and use of children and adolescents, so criminal groups recruit them with total impunity, finding in these young people an opportunity to expand their ranks, since, having many needs, they are easy target. Neither are there public policies or programs for the disengagement and reinsertion of adolescents who have committed crimes, providing them options for effective and comprehensive reintegration (familiar, communitarian, educational and professional).

## **2.5 Several forms of violence**

### **a) Sexual violence**

While children and adolescents are exposed to different forms of violence (family, peer, digital, etc.), national data indicate a significant and exponential increase in sexual violence from 2020, due to the COVID-19 pandemic. Thus, it can be observed that the number of women aged 15 years and older who experienced sexual violence during their childhood at the national level increased 45% between 2016 and 2021, rising from 4.8 million to 6.4 million (ENDIREH,2021). In addition, 8,179 people aged 1 to 17 years were treated in the country's hospitals due to sexual violence during 2021 (93% females and 7% males); this figure represented an increase of 46.8% with respect to the registers in 2019 (5,571 cases in total) (SALUD, 2022).

Survivors of sexual violence can experience a range of negative physical and psychological effects, either in the short or long term; therefore, it is important to implement a comprehensive strategy with respect to response and care, including psychological, medical and legal attention.

## **b) Homicides**

Between 2018 and 2021, 5,819 children and adolescents have died from homicidal violence, of which 4,456 of the victims are male children and adolescents and 1,358 are female children and adolescents, meaning that 30.5% of the people under 18 years of age who were murdered between 2018 and 2021 are female, while in the case of persons assassinated older than 18 years, only 11.5% of the people are female (INEGI, Mortality Records, 2021). The states where there were more homicides of children and adolescents between 2018 and 2021 are Zacatecas, Chihuahua and Guerrero.

## **c) Femicide and orphanhood due to femicide**

The General Law on Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, LGAMVLV) establishes the coordination between the Federation, the states, Mexico City and the municipalities to prevent, punish and eradicate violence against women, as well as the principles and modalities to guarantee their access to a life free of violence that favors their development and wellbeing. However, femicides continue to occur and increase. 500 femicides of girls and adolescents aged 0 to 17 years have been registered from 2018 to 2022: 83 in 2018, 95 in 2019, 115 in 2020, 111 in 2021 and 96 in 2022. Femicides of women aged 0 to 17 years represented 10% of the total number of femicides registered in the country from January 2015 to January 2023 (SESNSP, 2023).

Orphanhood due to femicide in Mexico has had little clarity since the Executive Secretariat of the National Public Security System (Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública) has registered indirect victims of femicide segmented by age; there are also cases of femicide records where it is unknown if there were indirect victims. From 2018 to February 2023, more than 5,000 cases have been registered (SESNSP, 2023).

As part of the recommendations to the Mexican State in the Universal Periodic Review (UPR) 2018, the National Protocol for the Comprehensive Attention to Children and Adolescents in condition of Orphanhood due to Femicide (Protocolo Nacional de Atención Integral a Niñas,

Niños y Adolescentes en Condición de Orfandad por Femicidio) was generated in 2021, which establishes the procedures and actions to be followed by the authorities to guarantee access to justice and comprehensive care for children and adolescents in this condition. Two years later, a national registry has not yet been created to quantify this population, nor have comprehensive care models been created in all entities, nor has a budget fund been secured to attend to children and adolescents in orphanhood.

## **2.6 Migration**

In recent years, the Mexican State has reported an increase in migration flows of children and adolescents in the country. From 2019 to 2022, there was a record of 212,396 children and adolescents between the ages of 0 and 17 years in mobility (42.5% female and 57.5% male) of which 78.4% were accompanied and 21.6% were unaccompanied (UPM, 2022).

In 2020, the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum were reformed to harmonize them with the General Law on the Rights of Children and Adolescents (LGDNNA), thereby: 1) the detention of children and adolescents was prohibited; 2) it was established that the Procuradurías de Protección de Niñas, Niños y Adolescentes will be the authority in charge of evaluating the best interest diagnosis and preparing the restitution plans for each migrant child; 3) the National Migration Institute (Instituto Nacional de Migración, INM) will only be able to execute the assisted return if the restitution plan issued by the Procuraduría de Protección de Niñas, Niños y Adolescentes so determines. The reform represented a great advance, but its implementation presents serious deficiencies.

The increase in the number of children and adolescents in a situation of mobility has overwhelmed the capacity of the Social Assistance Centers (CAS), both public and private, so that, to meet this great demand, other spaces have been set up where children and adolescents are kept in conditions of deprivation of liberty. Some of these spaces operate outside the regulations for the protection of children and adolescents and do not have the necessary conditions to provide them with adequate care for example, the Modules for Unaccompanied Migrant Children and Adolescents set up inside or outside the migration stations, and the offices of People Channeling of the INM.

In addition, it is observed that the Offices of the Procuraduría de Protección de Niñas, Niños y Adolescentes do not carry out plans for the restitution of rights for each child or adolescent, as mandated by law, but only in a minimum percentage of cases, due to lack of personnel and training. As a result, children and adolescents are often returned without an evaluation of their best interests.

Finally, it should be noted that in the channeling carried out by the Instituto Nacional de Migración, family separation is systematic, taking women and their children to DIF shelters, while the adult men who accompany them are detained in immigration detention centers, with little or no possibility of communication.

## **3. Youth**

### **3.1 Education**

With respect to youth, the Federation Expenditure Budget for Fiscal Year 2023 reduced its allocation for programs focused on economic support at the education level by 73% compared to 2019, without forgetting the previous cuts made by the former Government. This implies greater difficulties for the development of young people in the field of research and academia, especially for the incorporation of indigenous and afro-descendant populations in these areas, which already suffer greater inequality.

The greater dependence on information and communication technologies (ICTs) has made visible the pending issues that Mexico has in relation to compliance with Article 6 of the Mexican Constitution that mentions its responsibility to guarantee access to information and communication technologies. According to the National Survey on Availability and Use of Information Technologies in Households (ENDUTIH, 2021), there was an increase (2018-2020) and, subsequently, a decrease (2021) in the use of ICTs for education. This change suggests that, despite the increase in the demand for Internet access or communication equipment, the lack of access to them due to the health and economic crisis also generated school dropouts, making visible the digital divide that the most precarious contexts still experience.

The educational permanence of young people depends not only on their individual economy but also on the family and social context of which they are a part. The socioeconomic needs of young people will not be reduced if their realities are not taken into account in educational support programs.

### **3.2 Labor Conditions**

The impact in terms of labor rights for youth from the 2017 Labor Reform has not been measured, which is worrisome since the outlook is not encouraging (IMJUVE, 2021). To mention a few aspects, the increasing labor supply without social security has generated greater uncertainty in the future, and less opportunities for savings and access to housing. The foregoing is reaffirmed by the National Council for the Evaluation of Social Development Policy (CONEVAL), which mentions that more than half of the employed population does not have access to medical service as a labor benefit (CONEVAL, 2020).

In accordance with SDG 8 of the 2030 Agenda, referring to Decent Work and economic growth, in its target 8.5 and 8.6 it stresses the importance of achieving jobs and decent jobs for youth and finally in target 8.8 it has committed to protecting labor's rights. The "Jóvenes Construyendo el Futuro" program of the Ministry of Labor and Social Welfare, (Secretaría del Trabajo y Previsión Social) launched in January 2019, has been an important effort to incorporate young people into the labor field, but without long-term proposals and without the participation of the various business and institutional sectors that direct efforts to transform working conditions, youth will continue under an uncertain employment future.

### **3.3 LGBTI**

Although there is a National Equality Policy between Women and Men, young people belonging to the LGBTI+ community remain invisible. According to the people surveyed (mainly young people between the ages of 18 and 29) in the Survey on Discrimination based

on Sexual Orientation and Gender Identity (ENDOSIG, 2018), there is a perception of little respect for their rights.

It is not until 2021 when INEGI makes a first approximation to the LGBTI+ population through the National Survey on Sexual and Gender Diversity (ENDISEG, 2021) and counts only the population aged 15 and over, even when between 12 and 17 years of age (adolescence) there is a significant percentage of recognition regarding their sexual orientation or gender identity. An equality policy that includes sexual diversity, intergenerationality and intersectionality is necessary, as well as clearer statistics on the conditions faced by LGBTI+ youth, in order to ensure their free exercise of rights.

### **3.4 Youth human rights defenders**

Young people are also involved in the defense of human rights. According to the monitoring carried out by the Fray Francisco de Vitoria O.P. A.C. Human Rights Center, from 2005 to 2022, approximately 35 young human rights defenders have been killed, but there is no more data and/or statistics on this (CDH Vitoria, 2022). Therefore, it is essential to continue working from a youth perspective, especially in the midst of the dialogues for the strengthening of the Protection Mechanism for Human Rights Defenders and Journalists.

### **3.5 Indigenous people**

Support for the professional training of indigenous youth has been significant: through the "Support Program for Indigenous Education" of the National Institute of Indigenous Peoples, it benefited 441 girls and boys in preschool education; 32,631 in primary education; 21,698 secondary school students; 14,104 high school students; and 1,320 in higher education (IMJUVE, 2021). But this does not solve the problems that the communities have historically had. It is also important to incorporate actions that contribute to the development of young peasants, who do not see education as a tool for their future, instead considering their involvement into organized crime as an option for progress.

Programs such as "Sembrando vida" of the Welfare Secretariat have been some efforts to modify this reality, but they do not recognize the main agrarian problem that young people are going through, which is the lack of land, since very specific requirements are requested to access this type of support (Cruz, T.: 2020).

### **3.6 Political participation**

Although the participation of youth is important for the construction of policies aimed at this sector, it is essential to make efforts to dismantle the adult-centric perspective that, on many occasions, interferes with the advocacy role of this group.

In addition, it is important not to continue reducing the political exercise of the youth to issues only of electoral processes or surveys, but to provide spaces for strengthening, observation and exchange of work or political projects that are promoted from the youth, either with the organizations of the civil society or other forms of organization. This is consistent with the IMJUVE, which considers that "the participation of young people should not be limited only to the electoral and political sphere, but should consider their substantive impact on decision-making processes on matters of collective interest" (IMJUVE, 2021).

## Recommendations

- 1) Ratify the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- 2) Maintain the Comprehensive System for the Protection of Children and Adolescents (SIPINNA) as a decentralized body of the Ministry of the Interior, with the deliberative and decision-making character and organizational structure it currently has, appointing a high-level head and increasing the budget allocated to it so that it has sufficient technical, financial and operational resources to fulfill its function of coordinating public policies;
- 3) Ensure the effective implementation of the Additional protocol for the search of children and adolescents (Protocolo Adicional para la Búsqueda de Niñas, Niños y Adolescentes), through: 1) the initial and continuous training of the officials of all the agencies involved; 2) the development of indicators to measure the application of the Protocol by the authorities obliged to comply with it; 3) based on the above, the publication of an annual implementation report;
- 4) Typify in the Federal Penal Code the crime of recruitment and use of children and adolescents by criminal groups as an autonomous crime, explicitly recognizing the character of victim that recruited children and adolescents have, which allows them access to resources for aid and assistance, comprehensive reparation and compensation;
- 5) Strengthen services for response and attention to sexual violence through the application of National Inter-institutional Coordination Protocol for the Protection of Child and Adolescent Victims of Violence (Protocolo Nacional de Coordinación Interinstitucional para la Protección de Niñas, Niños y Adolescentes Víctimas de Violencia, 2021), approved by the Comprehensive System for the Protection of Children and Adolescents (SIPINNA). Specifically, it is recommended to generate the following strategies: a) Increase the financial, human and technical resources allocated to the existing centers for attention and response to sexual violence, and make the relevant inter-institutional coordination; b) Strengthen the complaint and emergency mechanisms in a coordinated manner to provide special (immediate) protection; c) Create new emergency crisis centers, short-term, where specialized medical, psychosocial and legal assistance is provided; d) Introduce compensation mechanisms for victims/survivors of sexual violence;
- 6) Implement efficient coordination between Procuradurías de Protección de Niñas, Niños y Adolescentes (federal and local), the National System for the Integral Development of the Family (DIF System) and the National Migration Institute (INM), in order to immediately channel children and adolescents to appropriate places where their best interests can be evaluated and where they can have access to special protection processes. Likewise, to increase the budget for the federal, state, and municipal of the Procuradurías de Protección de Niñas, Niños y Adolescentes, in order to increase the number and technical training of the personnel assigned to the care of migrant children. Finally, ensure that the Procuradurías de Protección de Niñas, Niños

y Adolescentes include all protection options for children and adolescents within rights restitution plans (regularization for humanitarian reasons, family reunification in Mexico or a third country) and offer new forms of alternative care, such as foster families, departmental groups and other models that promote the transition to an independent life;

- 7) Incorporate the youth perspective in the statistics, research, and reports of the Mechanism for the Protection of Human Rights Defenders and the Mexican Youth Institute, in order to establish preventive and protective actions against violence in the country;
- 8) Generate mechanisms for monitoring and evaluation in the administration of justice, from the perspective of gender identity, gender diversity, intersectional perspective and children's rights.

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