

NGO ALTERNATIVE REPORT

TO THE UNITED NATIONS
COMMITTEE ON THE RIGHTS OF
THE CHILD IN COMPLIANCE WITH
THE CONVENTION ON THE RIGHTS
OF THE CHILD AND ITS TWO
OPTIONAL PROTOCOLS

MÉXICO, 2023.





Red por los Derechos
de la Infancia en México

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MEXICO, 2023



Introduction

1. As of 2023, Mexico has a total population of 131,230,255 people. Out of which, 39,135,901 are children and adolescents, which accounts for 29.8% of the population.
2. Not only children and adolescents see their rights violated due to their age and development, but they are directly and indirectly affected by the serious human rights violations, the violence and the impunity currently faced by Mexico.

General measures of enforcement (art. 4, 42, 44(6))

Measures adopted to fully harmonize the national legislation and public policy with the Convention and the Optional Protocols

3. The General Law on the Rights of Children and Adolescents (LGDNNA, by its Spanish acronym), enacted in 2014, constituted an unprecedented achievement in the protection and guaranteeing of children's rights in Mexico. Nonetheless, its enforcement has made little progress. As per the provisions of the LGDNNA, the State designed and implemented the **National Program for the Protection of Girls, Boys and Adolescents (PRONAPINNA)**, by its Spanish acronym) a federal program that articulates the institutional efforts and public policies to guarantee the full exercise, respect, protection and promotion of the human rights of children and adolescents.
4. The PRONAPINNA 2019-2024 states four main objectives: 1) To guarantee the respect, protection and promotion of the right to protection and survival, which includes access to health and social security, adequate food, mental health, prevention and treatment of addictions, identity, and sexual and reproductive rights. In 2022, the lack of access to healthcare was a reality for 42.3% of the people between 0 and 17 years old in the countryⁱ; as per food, one in every five people between 0 and 17 years old (21.2%) showed a lack of access to nutritious and quality food.ⁱⁱ Regarding mental healthⁱⁱⁱ, it was identified that there were 504,000 children and adolescents with a mental health condition in Mexico, which accounted for 1.3% of the national population between 0 and 17 years old, from which 22.6% had no healthcare membership.
- 2) To guarantee the exercise, respect, protection and promotion of the rights related to development, which include access to education, decent housing, well-being and environment. In 2022, 11.6% of the national population between 3 and 17 years old showed educational lag^{iv}. This meant that 3.8 million children and adolescents in the country did not attend school and did not receive the mandatory education that year. An alarming fact is that, from 2016 to 2022, the percentage of children and adolescents with educational lag increased in the country by 0.9 percentage points, going from 10.7% to 11.6%. As per housing, 21.6% of the people between 0 and 17 years old in Mexico lacked basic house utilities in 2022.^v
- 3) To comprehensively protect and restore the human rights of children and adolescents who had their rights violated or were victims of crimes. Yet, the increase in crimes suffered by them is evidence of the lack of public policies to face this problem. Just from January to September 2023, an increase of crimes against children and adolescents was registered in comparison to 2022, especially three crimes: 1 extortion, 2. injuries, and 3. kidnapping.^{vi}
- 4) To generate a cultural shift to acknowledge children and adolescents as holders of rights and make them the focus in the design and execution of the actions required to protect their human rights and best interest. There are no official indicators about the compliance with this right.



5. Finally, Mexico has not yet ratified the **Optional Protocol to the Convention on the Rights of the Child on a communications procedure**. The ratification of said Protocol is stagnated in an interinstitutional consultation process coordinated by the Ministry of Foreign Affairs since, at least, 2020.

National System for the Comprehensive Protection of Children and Adolescents (SIPINNA)

6. The National System for the Comprehensive Protection of Children and Adolescents (SIPINNA, by its Spanish acronym) created in 2015 represents the sum of all the federal public administration bodies, it is led by the President of the Republic, and it gathers all the ministries with deliberative and deciding character to agree and implement in an articulated and coordinated manner policies, programs, strategies and actions for the comprehensive compliance with the rights of children and adolescents. Their agreements are binding for the different sectors and government levels.
7. Since 2021, the Federal Government has reduced its budget, downsized its staff, and it has not appointed a head in more than two years. This has affected its capacity to design, implement, monitor and assess public policies on children and adolescents.
8. Additionally, in April 2023, the Executive Branch presented an initiative to dismantle the SIPINNA and integrate it as administrative unit to the National System for Integral Family Development (DIF, by its Spanish acronym), the entity in charge of social assistance. Said initiative will be analyzed by the Congress in its next legislative period (September-December 2023).
9. The DIF system lacks the operational and technical capacities and the focus on children's rights required to guarantee the compliance with the functions appointed by law to the SIPINNA. It is fundamental to preserve and strengthen the SIPINNA with its current level and structure since the creation of comprehensive public policies requires a cross-sectoral approach that involves different authorities and government levels in a coordinated manner.
10. The SIPINNA does not only exist at a federal level, but also at state and municipal levels. The SIPINNA has presence in the 32 states and in 1,885 municipalities.

Budget allocated to the application of the Convention and Alternative Protocols

11. The budget allocated to children and adolescents in Mexico increased nominally from \$706,115,522,447 Mexican pesos in 2015 to \$831,728,488,250 in 2022. Nonetheless, this increase was not enough to overcome the inflation of that same period. When adjusting the prices to the deflation index of the Gross Domestic Product (GDP) of Mexico, it is concluded that the budget allocated to children and adolescents actually decreased by 18.4% in real terms.^{vii} So, while in 2015 the budget allocated to children and adolescents accounted for 3.8% of the GDP and 15% of the Expenses of the Federation, in 2022 it accounted for only 2.9% and 11.17%, respectively. Some of the programs that suffered a cutoff were: the Program for the Assistance to Diversity in Indigenous Education (PADEI, by its Spanish acronym), the Program Educational Assistance for School Migrant Population (PAEPEM, by its Spanish acronym) and the Program for the Assistance to Federal Schools of Upper Secondary Education with Disabled Students (PAPFEMS, by its Spanish acronym).



Recommendations

12. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure
13. Maintain SIPINNA as a body decentralized from the Ministry of the Interior, with a deliberative and deciding character, and with its current organic structure, appointing a high-level head and increasing the budget allocated so that it has sufficient technical, financial and operational resources to comply with its function of coordinating public policies.
14. Increase the budget allocated to children and adolescents so that it keeps up with inflation and guarantee that the real resources do not decrease, reflecting it in the GDP percentage and the Expenses of the Federation destined to said sector.
15. Carry out impact studies before doing cutoffs to the budget destined to children and adolescents to make sure that said cutoffs do not have a negative impact on the best interest of children.
16. Review and reconsider the cutoffs done to specific programs that benefit children and adolescents, especially those destined to historically discriminated populations.

General Principles

Non-discrimination (art. 2)

17. Children and adolescents account for 29.8% of Mexico's population. 5.3% of the population between 3 and 17 years old speaks an indigenous language and 1.7% of the population between 0 and 17 years old self-identifies as Afro-Mexican or Afro-descendant. 6.8% of the population had a disability in 2020.
18. The budget allocated to the protection of children has decreased, which means a reduction of programs destined to provide assistance to this population group, such as disabled children (Program of Assistance for People with Disabilities, -24.9%) and girls and female adolescents (maternal, sexual and reproductive health, -35.7%).
19. Likewise, there is great inequality in the enjoyment of children's rights. In 2022, 82.3% of the indigenous population between 3 and 17 years old in Mexico lived in poor conditions, this accounted for 1.3 million indigenous children and adolescents. In comparison, the percentage of the non-indigenous population that lived in poor conditions was 43.7%, a figure that was 38.5 points below. In addition, in 2020, almost one out of four indigenous people between 3 and 17 years old in Mexico did not attend school, this accounted for 403,000 indigenous children and adolescents. On the other hand, in 2020, almost one out of 13 indigenous women between 12 and 17 years old in Mexico was married or lived with their couple, this accounted for almost 28,000 indigenous female adolescents.^{viii}
20. Children with disabilities are particularly vulnerable to discrimination since they are more institutionalized than those without disabilities. Said discrimination shows in the lack of alternatives and assistance in the community for their families, which oftentimes results in institutionalization.

Best interest of the child (art. 3)

21. The LGDNNA establishes the articulation of interinstitutional efforts so that the principle of best interest of the child is the guiding principle in all actions of authorities, in the judicial and administrative levels, and in the design of public policies. During the procedures for special protection and restitution of children's rights, the Federal Attorney for the Protection of Children and Adolescents (PFPNNA, by its Spanish acronym) and the Attorney Offices for the Protection of Children and Adolescents (PPNNA) can have legal representation of children, and make decisions in the best interest of the child to issue measures that guarantee their rights.



22. **In the jurisdictional field**, the Supreme Court of Justice of the Nation (SCJN, by its Spanish acronym) issued the first edition of the Protocol of action for those delivering justice in cases affecting children and adolescents. Said Protocol became an action benchmark for the authorities, not only the jurisdictional ones, but authorities in all fields and government levels, since it sets forth in a practical manner action guideline based on international and national standards for the protection of children. In spite of the importance of the Protocol, there continues to be resistance towards the way in which children and adolescents should participate, especially in criminal matters where there is an alleged conflict between the principle of best interest of the child as procedural standard and the presumption of innocence, the due process and/or the adversarial principle.^{ix} Additionally, it is worrisome that some federal entities do not consider special mechanisms to reduce information that revictimizes children and adolescents, such as evidence produced before trial or the reproduction of videotaped interviews.^x
23. **In the migration field**, the Migration Law establishes that the migration authority that is in touch with children or adolescent shall immediately notify the Attorney Office for the Protection of Children and Adolescents so that it determines the best interest of the child or adolescent and prepares a personalized Plan for the Restitution of Rights. Nevertheless, in practice, it is observed that the Protection Attorney Offices do not carry out plans for the restitution of rights for every child and adolescent as established by the law, but only for a minimum percentage of cases due to a lack of staff and training. This results that children and adolescents are returned to their countries without a diagnosis or analysis of their best interest.^{xi}

Recommendations

24. Strengthen the Federal Attorney for the Protection of Children and Adolescents and Attorney Offices for the Protection of Children and Adolescents of the federal entities so they can carry out diagnoses on the impacts suffered by children and adolescents who were victims of crimes and/or are part of a criminal proceedings because of a violation to their rights, and determine the measures that the authorities need to implement for the restitution. Additionally, they should provide legal assistance and representation as acting or assisting party for children and adolescents in any jurisdictional or administrative procedure.
25. Guarantee an adequate and close coordination in criminal proceedings between the prosecutors and the judiciary to reduce repetitions that revictimize children in trials, by using the mechanism of evidence submitted before, so that both authorities are committed and bound to act on the best interest of children.
26. In the case of children in the context of international migration, the Attorney Offices for Protection shall consider all the options of protection in the Plans of Restitution, including family reunion in Mexico or abroad, when it is in the best interest of children.

The right to life, survival and development (art. 6)

Homicide

27. Between 2018 and 2021, 5,819 children adolescents died due to homicide, out of which 4,456 were boys and 1,358 were girls, this means that 30.5% of the people under 18 murdered between 2018 and 2021 were women, while in the case of people of legal age who were murdered, only 11.5% were women.^{xii}

Femicides and orphans due to femicide

28. There is a significant concern about how government authorities present the figures of violence against women, particularly in relation to femicides. Civil society organizations have pointed out that the data are manipulated, classifying as willful homicide cases that should be catalogued as femicides.^{xiii} Such is the case of the entity of Veracruz, where,



according to the University Observatory of Violence against Women (OUVM, by its Spanish acronym), the femicide cases reported in said entity are significantly higher than those reported in the General District Attorney's Office of the State (FGE, by its Spanish acronym). For example, in 2020, the FGE reported 73 cases, while the OUVM reported 137. Such discrepancy is also observed in the following years.

29. Even though there is a General Law on Women's Access to a Life Free of Violence, femicides keep happening and increasing. From 2018 to 2022, 500 femicides of girls and female adolescents between 0 and 17 years old were registered: 83 in 2018; 95 in 2019; 115 in 2020; 111 in 2021, and 96 in 2022. The femicides of women between 0 and 17 years old accounted for 10% of the total femicides registered in the country from January 2015 to January 2023, according to the registry of the Executive Secretary of the National System of Public Security.^{xiv}
30. On the other hand, from December 2018 to April 2021, 5,072 people between 0 and 17 years old have become orphans due to femicides in Mexico.^{xv} In average, 177 cases of orphans due to femicide have been registered each month from December 2018 to March 2021, which is more than five children and adolescents orphans per day.^{xvi}
31. In 2021, the Comprehensive Protocol for the Attention to Girls, Boys and Adolescents Orphaned Due to Femicide was issued. Its objective is to provide elements that guide and facilitate the actions of the staff in charge of protecting child rights to effectively restore rights. Nevertheless, two years later, there still is no national census to quantify said population, or comprehensive attention models in all entities, neither is there a budget fund to provide attention to children and adolescents orphaned due to femicide.^{xvii}

Disappearance

32. From January 1 2015 to August 30 2023, 53,894 people between 0 and 17 years old were reported disappeared or missing in Mexico. From these children and adolescents, 10,645 continue disappeared as of August 30 2023, from which 5,909 are women (55.5%) and 4,678, men (43.9%). The states with the highest number of recorded disappearances of children and adolescents during said period are the State of Mexico, Mexico City and Jalisco.^{xviii}
33. The sanctioning of the Additional Protocol for the Search of Children and Adolescents represented a great step, since it establishes that in every case of disappearance of a child or adolescent the immediate search needs to be activated and the authorities shall work with each other to implement specific and differentiated actions, covering the specific needs of children and adolescents.
34. Yet, the implementation of said Protocol has not been equal, sometimes due to a lack of knowledge and/or training of the authorities, others due to the resistance – mainly from the prosecution's offices – to apply it. In that sense, there continue to exist serious difficulties in the coordination among the Search Commissions and the prosecutors, which hinder the efficiency of the search and other judicial tasks.
35. Mexico's report to CRC Committee acknowledged the need to harmonize this Protocol with the existing protocols, like the Amber Alert Mexico Program and the Alba Protocol. Yet, this has not happened, mainly due to the lack of collaboration between the prosecutors and the National Search Commission.

Recommendations

36. Review and adequate the existing legal frameworks and protocols on the investigation of violent deaths of women under 18 so as to apply specific considerations to guarantee a specialized investigation with an approach on children in the case of femicides of girls and female adolescents.
37. Have an immediate intervention, under the principle of best interest of the child, whenever prosecutors, police or authorities from the Attorney Offices for the Protection of Children



and Adolescents know of alleged crimes against children. Authorities must also assess the risk children may face under those circumstances.

38. Guarantee the effective implementation of the Additional Protocol for the Search of Children and Adolescents through: 1) the creation of "Areas or Units of Context Analysis" in the search commissions; 2) the initial and continuous training for all the officials in all the agencies involved; 3) the development of procedures and tools to measure the implementation of the Protocol by the authorities enforced to do so; 4) based in the aforementioned, the publication of an annual report on the implementation.
39. Harmonize the Additional Protocol for the Search of Children and Adolescents with the Amber Alert Mexico Program and the Alba Protocol to avoid the duplication of duties and procedures.

Civil rights and liberties

Child participation (art. 12)

40. The General Law on the Rights of Children and Adolescents (LGDNNA) establishes that the authorities are bound to provide and implement mechanisms that guarantee the permanent and active participation of children and adolescents in the family, school, social and community spheres. It also provides the obligation of authorities to promote the active and effective participation of children and adolescents in the political, economic, social and cultural activities of the country, and to encourage their participation in decision-making processes.
41. In spite of this, in 2022 there were records of repressive acts criminalizing the protests where children participated to exercise their right to protest and demand a life free of violence. Such was the case of the feminist protest of May 1 in Irapuato, Guanajuato, where at least five (5) women under 18 years old were detained for protesting against the violence against women in Mexico.^{xix}
42. In the same sense, it was concerning to learn about the death of Angel, 14 years old, hosted by the National System for Integral Family Development DIF Fabriles, in Monterrey, which may have been motivated by the violence to which he was subjected after protesting in an act qualified by the authorities as "riot" when they did not get a group of adolescents to follow their orders, which back then required precautionary measures requested by the State Commission of Human Rights.^{xx}

Respect for children's and adolescents' views (art. 12)

43. In spite of the progress in the legal framework, the practical implementation of the participation mechanisms has been unequal. Consultation Boards, consultations and public audiences, programs and participation projects have been established, but the lack of updated data and the limited transparency in the monitoring of strategies suggests insufficient implementation. It is concerning that only 40.6% of the state SIPINNA^{xxi} have guidelines and/or mechanisms for the participation of children and adolescents.
44. Additionally, in spite of the creation of the National System of Information of Children and Adolescents (INFOSIPINNA) in 2016, the data on the participation of children and adolescents were only updated up to 2012.^{xxii}

Recommendations

45. Establish the priority objectives of the PRONAPINNA, integrate the participation of children and adolescents, and not reduce the strategies. Guarantee the creation and strengthening of boards and networks of children and adolescents that are part of the state, municipal and, of course, national SIPINNA through transparent and democratic processes that guarantee the plural representation of children and adolescents.



46. REDIM children's participation group, **"Together for our Rights"**,^{xxiii} composed of children and adolescents, points out that 1) "We want to bring forward the importance of being heard and of truly being taken into account, we do not want others to pretend they listen to us." This needs to be guaranteed and it is their obligation as authorities to listen to us."; 2) "We want the views of all girls, boys and adolescents to be respected; we want them to take us into account because just because we are under age it means we don't know anything, as many people think. And we also have the right to give our opinion on what is going on currently"; 3) "Take into account the views of girls, boys and adolescents when it comes to something that impacts them and is of their interest, and not take away their voice and concerns just because of their age because their problems are not 'important' in comparison with those of adults".

Protection of the private sphere (art. 16) and access to information (art. 17): new technologies

47. The digital gap is one factor that violates the digital rights of children since there is a structural barrier that limits their participation in technology. These limitations are boosted by the inequalities in the access to and use of ICTs, both from one federal entity to the other, as well as between urban and rural environments. In 2022, in Mexico, at least 30% of children and adolescents between 6 and 17 years old still lacked access to the Internet at home.^{xxiv}
48. In 2020, the National Survey on Availability and Use of Information Technologies in Households (ENDUTIH, by its Spanish acronym) pointed out that the second age group among which the use of the Internet is more generalized is that of adolescents, with 90.2%. In the case of children between 6 and 11 years old, 68.3% use it.
49. Cybersecurity and privacy issues have been identified online for children and adolescents, including cyberbullying and aggressions of sexual nature. In spite of the protection measures that have been implemented, such as the Cyber Police, there is still the need for more collaboration in the civil society to improve their effectiveness.^{xxv}
50. On the other hand, the access to pornography through ICTs can be a risk for the development of children and adolescents, leading to situations of violence, cyberbullying, doxing, grooming, sexting, and challenges and proofs of love.

Recommendations

51. Set forth an action protocol for digital platforms operating in Mexico, which details specific measures to filter and eliminate content that is harmful for children and adolescents. Said protocol should be developed in collaboration with representatives of the main companies operating in the country.

Forms of violence (art. 19)

Domestic violence

52. The number of domestic violence crimes in Mexico increased from one year to the next, from 127,424 in 2015 to 270,544 in 2022.^{xxvi} This increase was mainly observed during the period of the pandemic, when the number of domestic violence cases at a national level went from 210,189 in 2019 to 220,028 in 2020, and up to 253,739 in 2021.
53. The number of persons between 1 and 17 years old who received attention in hospitals in Mexico due to domestic violence also increased from 13,338 in 2015 to 22,904 in 2022 (88.6% women and 11.4% men).^{xxvii}
54. Especially the survivors of femicide violence are vulnerable, among whom we find children and/or adolescents of the nuclear family and/or immediate circle of the victim. Judicial authorities do not carry out investigations ordered by law to dismiss possible sexual crimes or aggressions against children and/or adolescents of said family environment.



Sexual violence

55. From 2015 to 2022, the number of people between 1 and 17 years old who were in a hospital in Mexico due to sexual violence increased by 239.7%: from 2,932 to 9,959. 92.9% of the victims of sexual violence recorded in the country during 2022 were women. Additionally, the adolescent population was especially vulnerable to this type of aggression; 76.2% of the victims of sexual violence between 1 and 17 years old who received attention in the hospitals of the country in 2022 were between 12 and 17 years old.^{xxviii}
56. On the other hand, 702,900 people between 12 and 17 years old (555,200 women and 147,700 men) received upsetting sexual proposals or innuendos through cell-phone or the Internet in the last 12 months, during 2022.^{xxix} The latter accounts for 5.4% of the users in the same age range at a national level. This percentage increased up to 8.8% in the case of women between 12 and 17 years old.

Recommendations

57. Strengthen the response and attention services for sexual violence through the implementation of the National Protocol of Interinstitutional Coordination for the Protection of Children and Adolescents Victims of Violence (2021), approved by the National System for the Comprehensive Protection of Children and Adolescents. It is specifically recommended to: a) Increase the financial, human and technical resources destined to the existing centers of attention and response to sexual violence, and have the corresponding interinstitutional coordination; b) Strengthen reporting and emergency response mechanisms in a coordinated manner to provide special (immediate) protection; c) Create new short-term crisis centers to provide specialized medical, psychosocial and legal assistance; d) Implement compensation mechanisms for the victims/survivors of sexual violence.
58. When observing an imminent risk against the life, integrity or freedom of children and adolescents, issue urgent measures for special protection immediately through the jurisdictional authority.
59. Strengthen the federal, state and municipal Attorney Offices for the Protection of Children and Adolescents so that they have enough specialized staff and the required resources to adequately coordinate and implement the Comprehensive Protocol for the Attention to Children and Adolescents Orphaned Due to Femicide, as well as the Comprehensive Protocol for the Attention to Children and Adolescents Victims of Crime and in Vulnerability Conditions.

Family environment and alternative care

Children and adolescents in alternative care (art. 20)

60. The LGDNNA establishes different alternative care options, including extended family, foster family, pre-adoption foster care, adoption and residential care.^{xxx} Nevertheless, these options have limitations in terms of budget, implementation, supervision and evaluation.
61. In the first place, there is no detailed and updated record of children and adolescents who are in alternative care. In 2020, for the first time, a Population Census included the Tabulation "Social Welfare Accommodations", which shows that over 64,000 people between 0 and 19 years old live in Welfare Accommodations (CAS, by its Spanish acronym).^{xxxi} The majority of them are adolescents and young people between 15 and 19 years old, accounting for 40% of this population. More than 9,000 children and adolescents living in said houses have a period of stay registered of three years or more.
62. In the shelters for indigenous peoples, 85% of the users are children and adolescents. In the shelters for women or victims of domestic violence, almost half of the population are



children and adolescents, and 91% are female adolescents. In the shelters for migrants, 34% of the users are children and adolescents between 0 and 19 years old.

63. Family reunion has not been a priority as an alternative care option in practice. The option of foster families has only been implemented in some entities and for a few cases. Even though there is a National Plan for Foster Families, the demand of trained human resources exceeds the offer.^{xxxii}
64. Mexico's policy for years has been to place children with disabilities in institutions. The main drivers of institutionalization are poverty and the lack of alternatives and support in the community for children and their families.

National and international adoption (art. 21)

65. From January 2015 to June 2023, the DIF system received 567 adoption applications (528 national and 39 international). From said applications, 110 were completed during the same period (90 national and 20 international).^{xxxiii}
66. Additionally, from 2015 to 2023, the DIF systems of the country registered 2,841 children and adolescents protected with special measures, from which 632 lived in a Welfare Accommodation, 63 lived with extended family, 755 lived with a foster family, and 1,391 lived in another non-identified address.^{xxxiv} As per the same source, the number of children and adolescents who were adopted in these DIF systems of the country between 2015 and 2023 was 1,734 (1,330 national and 19 international, it is unknown why the total is different).
67. On the other hand, the number of adoptions completed by the DIF systems of the country between 2015 and 2023 was 1,306.^{xxxv} It is unknown why this figure is different from that of children and adolescents adopted provided by the same source.

Recommendations

68. Create effective mechanisms for the supervision and monitoring of the alternative care centers, as well as allow the participation of the civil society organizations as external observers.
69. Create a National Adoption System within the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA) that makes it possible to accurately know how many children and adolescents are institutionalized, their living conditions and in which cases adoption is an alternative to guarantee their rights to family life.
70. Provide continuous and permanent training to the officials, caregivers and technical teams involved in determining the plans to restore rights, their due support and updating, case management, reintegration processes, independent life plans and their monitoring after the exit to guarantee the principles of necessity and suitability of alternative care.
71. Promote and encourage collective actions aimed at a gradual deinstitutionalization that considers family strengthening and avoiding separation, as well as diversification and expansion of the alternative care options.

Disability, basic health and well-being

Access to health and social security (arts. 24, 26)

72. Regarding access to health, the country has faced a concerning increase in the lack of affiliation to health services by the population between 0 and 17 years old. In 2020, 9.7 million children and adolescents, or 25.4% of the population of said age range, did not have a membership in a health service.^{xxxvi}
73. On the other hand, regarding social security, even though there has been a decrease in the lack of access to it, the situation is still serious. In 2022, 58% of children and adolescents, or 21.6 million people, showed a lack of access to social security.^{xxxvii}



Impact of the COVID-19 pandemic on children and adolescents

74. As of April 25 2023, 494,293 children and adolescents in Mexico (93,522 from 0 to 5 years old; 143,710 from 6 to 11 years old, and 257,061 from 12 to 17 years old) had been infected with COVID-19.^{xxxviii} As of the same date, 1,469 children and adolescents in Mexico (782 from 0 to 5 years old; 204 from 6 to 11 years old, and 483 from 12 to 17 years old) had died of COVID-19.
75. Additionally, until December 31 2022, around 215,300 children and adolescents in Mexico had lost at least one mother or father due to causes related to COVID-19.^{xxxix}

Food health and child obesity

76. Mexico has one of the highest rates of obesity among the OECD countries, taking the second place in the obesity index. One out of three children between 5 and 11 years old, and four out of ten adolescents between 12 and 19 years old in Mexico lived with overweight and obesity in the period 2020-2022.^{xi}
77. It is estimated that one out of two Mexican children born after 2010 will develop diabetes throughout their life if urgent prevention measures are not taken.
78. Between 2018 and 2021, a new food labeling system was implemented, the subject Healthy Life was included in the syllabus of basic education, and teachers were trained on the topic.
79. The objective of "Food Services for 2022 and 2023" was incorporated to the School is Ours (LEEN) program, providing resources to basic education schools in priority and high-vulnerability areas.
80. In spite of the modifications done to mandatory regulations, school environments continue to be obesogenic and schools lacking regulation are not sanctioned for their lack of compliance.

Children and adolescents with disabilities (art. 23)

81. Children and adolescents with disabilities are particularly vulnerable to discrimination since they are more institutionalized than those without disabilities.
82. The organization Disability Rights International documented dismal living conditions and abuse against disabled children in several institutions. In some of them, children lived and slept in spaces mixed with adults without separation or privacy, which increases the risk of physical and sexual abuse. There is documentation on the use of physical and chemical restraints and/or the use of some type of seclusion or isolation in most of the institutions visited.

Sexual and reproductive health (art. 24)

83. Sexual and reproductive health in Mexico faces several challenges and concerns. Comprehensive sexual education has been obstructed by conservative groups, limiting its effective implementation. The access to contraceptive methods is restricted, especially in rural areas, and the high rates of adolescent pregnancy are a national concern.^{xii}
84. The barriers in the medical attention, such as stigma and the lack of confidentiality, affect the reproductive health of adolescents. Moreover, gender violence and sexual abuse negatively impact their well-being.
85. The State took measures like the creation of State Groups for the Prevention and Eradication of Adolescent Pregnancy and the NAME Route, but an homologous implementation in all federal entities is required.

Recommendations

86. Implement and expand programs that facilitate the affiliation to health services, especially in states with high levels of unaffiliated population.



87. Increase the investment in health infrastructure in rural and marginalized areas to guarantee equal access.
88. Create and adopt a "Food policy for school environments" that includes a regulatory and an educational axis. The regulatory axis shall access to potable water, forbidding food advertising in schools and forbidding ultra-processed foods in schools and their perimeters. The educational axis shall include nutrition, food systems and the right to health in the syllabi.
89. Harmonize the Mexican laws with the standards of the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child to guarantee the right of all children and adolescents to family life, creating alternatives and support systems so that disabled children grow up with a family and not in an institution.

Education, leisure and cultural activities

Right to education (arts. 28, 29)

90. Regarding the progress done on legislation covering the recommendations of the Committee we can highlight the constitutional amendment to article 3 from May 2019, which acknowledges initial education as part of basic education and allowed the instrumentation of the National Strategy for the Attention to Early Childhood (ENAPI, by its Spanish acronym), the publication of the New General Law on Education, as well as the constitutional amendment to articles 4 and 73 which establishes the obligation to create a National Care System. In 2022, Mexican children were victims of the lack of progress and of a setback in their human rights to education because of the elimination of the full-time school program (27,063 basic education schools in 2019). The decision of the Ministry of Education (SEP, by its Spanish acronym) violated the human right to education and food of 3.6 million children and adolescents in the country who benefitted from the program and have not recovered from the impact of the pandemic. There is evidence that a great number of schools under this program were located in municipalities with a high degree of marginalization and with indigenous population, and provided what could be the only sufficient and balanced meal to the children who attended them.
91. Between 2015 and 2020, the number and people between 3 and 17 years old who did not attend school in Mexico increased by 11.6% (from 4.8 million^{xliii} to 5.3 million^{xliii}). In the same period, the percentage of children and adolescents who did not attend school in the country increased by two percentage points, from 14.4% to 16.4%, increasing the percentage to 27.1% for adolescents 15 to 17 years old, and up to 36.5% among children 3 to 5 years old during 2020.
92. Additionally, since 2016 the dropout rates in Mexico had decreased in different levels of basic education. Nevertheless, they continued to elevate to 11.6 for upper secondary education, 2.9 for secondary education and 0.5 for primary education during 2020.^{xliv} In particular, 1.5 million people between 3 and 18 years old in the country did not enroll in the 2020-2021 school cycle for reasons linked to COVID-19. Also, 529,000 did not enroll because of a lack of money or resources, and 310,000 between 13 and 18 years old did not neither because they had to work.^{xlv}
93. Curriculum implementation, books and educational materials, equality and inclusion activities, social and emotional education, and information technologies are five areas that contribute to maintaining the well-being of students in the basic level schools and open the possibility to learn more and better, nonetheless, currently less than half of the education expenditure is destined to these five areas. Two of them (curricular implementation and equality and inclusion activities) have a decreasing trend and two (social and emotional education and information technologies) disappeared. The resources taken away from the five axes of expenditure are now destined to scholarships, even though in the last five years the percentage thereof has also decreased. In 2019,



57% of the education expenditure was destined to the scholarship program and for 2023, said proportion was of only 41%. This explains why the investment in education decreased from 11.32% of the federal expenditure in 2018 to 9.46% in 2023.

94. On the other hand, there continues to be an absence of information on the learnings. There are no data on the actions carried out to revert the loss of learning caused by the pandemic and on the measures for its recovery, the learning results of the National Plan for Learning Assessment (PLANEA) or the diagnostic evaluations carried out by the SEP and MejorEdu, nor about the creation of strategies to implement the ongoing curricular reform.
95. Lastly, in relation to school safety and its management, it is concerning to see the attempts to apply a measure that has been declared inadmissible by the Supreme Court of Justice in relation to the program "Safe Backpack", which violates articles 14, 16 and 18 of the Federal Constitution because it goes against the human rights of children, including the right to intimacy and privacy by assuming all young people have the willingness to commit a crime.

The right to rest, play and leisure (art. 31)

96. The General Law on the Rights of Children and Adolescents (LGDNNA) acknowledges the right to rest and leisure and play, nevertheless, at the moment there is no national policy that guarantees spaces or infrastructure to play.
97. 81.2% of children between 1 and 4 years old in Mexico participated in four or more activities with adult members of their household during 2022.^{xlvi} The percentage of children between 1 and 4 years old with whom adult members of the household participated in four or more activities at a national level during 2022 was higher in urban environments than rural ones (84.5% and 71.6%, respectively), higher in households with mothers with upper secondary education than in those with mothers with primary education or lower (87.3% and 70%, respectively), and higher in household with a high well-being index than those with a low well-being index (88.8% and 72.2%, respectively).

Recommendations

98. Guarantee that the Expenditure Budget for 2025 guarantees sufficient resources to cover the schools that were already operating full-time and includes the creation of additional budgets so that more schools can count on the program.
99. Improve the education infrastructure in rural and marginalized areas, and expand the scope of digital services.
100. Continuously train teachers on the prevention and attention to violence in schools, and adopt all the necessary measures to prevent and attend to the cases that come up.
101. Guarantee the creation of more play areas, also taking into account the disabled and early childhood population.
102. Improve the infrastructure in recreational parks and increase play areas in places that do not have them or where the conditions do not allow playing.

Special protection measures

Migrant and refugee children and adolescents (art. 22)

103. In the last years, Mexico has reported an increase in the flow of migrant children and adolescents in the country. From 2019 to 2022 there was registry of 212,396 children and



- adolescents between 0 and 17 years in a situation of mobility (42.5% women and 57.5% men), out of which 78.4% were accompanied and 21.6% were not accompanied.^{xlvii}
104. In 2020, the Law on Migration and the Law on Refugees, Complementary Protection and Political Asylum were reformed so that they were in line with the General Law on the Rights of Children and Adolescents (LGDNNA), which represented a big step. Yet, their enforcement has serious deficiencies.
105. Family separation is systematic, since women and their children are taken to DIF shelters, while adult men who travel with them are detained in migrant detention centers, with little or no possibility of communication.
106. The increase in the number of children and adolescents in a situation of mobility has surpassed the capacity of the social welfare centers (CAS), both public and private ones, thus, to cover such great demand, other places have been enabled, where these women and men are kept in conditions of deprivation of liberty. Some of these places operate outside the laws, and they do not have the conditions required to give them adequate attention (for example, the Modules for Unaccompanied Migrant Girls, Boys and Adolescents enabled inside and outside the migration stations, and the "channeling centers" of the National Institute of Migration, INM, by its Spanish acronym).

Indigenous children and adolescents (art. 30)

107. According to data from the Population and Housing Census 2020 of the INEGI,^{xlviii} 1,000,728,265 of them spoke an indigenous language, from which at least 328,857 did not speak Spanish.
108. From this, 1.3 million lived in a situation of poverty in 2022, and around 780,000 indigenous children and adolescents in Mexico lived in extreme poverty.^{xlix}
109. In spite of the existence of the Program of Support for Indigenous Education (PAEI, by its Spanish acronym), which contributes to access thereto and school permanence, the number of indigenous people between 3 and 17 years old who showed educational lag in Mexico increased from 296,400 in 2016 to 319,300 in 2022.^l
110. The lack of access to healthcare affected 1 million indigenous children and adolescents in Mexico during 2022.

Child labor and economic exploitation (art. 32)

111. At a national level, 3.26 million children and adolescents (between 5 and 17 years old) were in a situation of child labor in 2019. This accounts for 11.5% of the population in that age range: 38.9% of these children and adolescents were women, while 61.1% were men. From them, 1.13 million children and adolescents carried out a dangerous activity in sectors like construction, farming or bars, and 1.51 million carried out dangerous house chores or in inadequate conditions.^{li}
112. The National Survey of Child Labor (ENTI, by its Spanish acronym) shows that the labor rate of children and adolescents in more urbanized areas was of 7.9%, while in less urbanized ones it was 14%. The work of children and adolescents in economic activities that are usually developed in rural areas, such as agriculture and livestock farming, has been characterized for setting long and exhausting work days. This situation does not only decrease their possibility to continue their studies, but it negatively impacts their physical development. Since 2019, Mexico's government stopped generating national modules or surveys to know the number of child in labor. Nevertheless, with the Survey to Measure the Impact of COVID-19 on Education (ECOVID-ED) it is possible to set forth that 529,000 people between 13 and 18 years old did not enroll in the 2020-2021 school cycle because of a lack of money or resources, and 310,000 people between 13 and 18 years old did not do it because they had to work.^{lii}
113. On the other hand, even though there are inspection mechanisms^{liii} and federal and state-level labor inspectors can supervise sectors of the informal economy, in most cases said



inspections are carried out due to a report. This situation becomes serious since a big part of the activities with dangerous, forced or exploitation situations is carried out in the informal economy sectors.

Street children and adolescents

114. There are no national or state measurements of the number of children and adolescents living on the streets.
115. In November 2021, the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA) approved the Comprehensive Attention and Protection Strategy for street children and adolescents 2022-2024. Said Strategy mandates an interinstitutional and coordinated work and it promotes an approach that guarantees access to the rights of street children and adolescents; nonetheless, over one year after its publication, it is not a reference in the design or application of public policies for said sector.
116. The public policies aimed at that sector continue to have an assistance and/or criminogenic approach, which consists of "rescuing" them from the street or forcing them to go into institutions since they are perceived as victims or objects on whom decisions are made without taking into account their opinions; additionally, there is a repressive approach that sees children and adolescents and their families as criminals.
117. The actions aimed at this population are not designed with a human rights approach that effectively responds to their reality, on the contrary, they criminalize poverty and promote "anonymous reports" of the children who work and/or live in the street, which leads to institutionalization and family separation. Different cities of the country^{liv} implement strategies based on the so called "child labor eradication", which has caused that dozens of children are forced to go into shelters that are managed or subrogated by the State, without any possibility for them to reintegrate with their families.

Adolescents alleged as, accused of, or recognized as having infringed the penal law (arts. 37, 40)

118. In 2015, 36,604 penal investigations have been filed against adolescents in Mexico.^{lv} The same year has a registry of 7,785 people between 12 and 18 years old or more who were admitted in centers for adolescents of the country; and there is registry of 3,844 people of the same age being inside the same centers that year.^{lvi}
119. For 2021, the number of active investigation files and preliminary inquiries on matters of justice for adolescents had reduced to 20,857.^{lvii} The number of adolescents between 14 and 18 or more years old who were in detention or treatment centers for adolescents during 2022 was 1,534 (137 women and 1,397 men).^{lviii}
120. The National Human Rights Commission,^{lix} the total population of adolescents in detention centers is 91% men, 19% of them have children. As per their occupation, before going into the detention center, only 22.79% studied, the rest either worked or were unemployed. Likewise, it is worth highlighting that 70.95% of said population mentioned having consumed substances or drugs before going into the detention center.
121. The National Law of the Comprehensive System of Criminal Justice for Adolescents affirms in its article 236 that it is the duty of the State party to create rules for the detention centers; yet, only 7 (out of 32) states of the Republic have said rules.^{lx}
122. According to the Comprehensive System of Criminal Justice for Adolescents in Mexico, 56.5% adolescents had non-custodial measures; 30.2% had custodial ones during 2022.^{lxi} From the same number of people in the Comprehensive System of Criminal Justice for Adolescents in the country in 2022, 65.9% suffered psychological violence and 45.9% suffered physical violence when they were detained.



Recommendations

123. Implement an efficient coordination among the Protection Federal Attorney Offices and the National System for Integral Family Development (DIF) and the National Migration Institute (INM) to immediately channel children and adolescents to adequate spaces where their best interest can be evaluated and they have access to special protection.
124. Adopt comprehensive measures so that indigenous and Afro-Mexican children enjoy all their rights in practice, particularly in the health field, by improving the distribution of infrastructure, giving priority to rural, indigenous and geographically hard-to-reach communities, as well as in education by guaranteeing the availability of bilingual schools for all educational levels so that they have culturally relevant classes in their mother tongue, especially during the first years of education, as well as a mechanism to guarantee and protect the linguistic and cultural identity rights.
125. Put a halt to all forced withdrawal measures, family separation and institutional violence against street children.
126. Create national, state and municipal information data base on street children and adolescents, as well supervise the conditions of the shelters where children and adolescents from families surviving in the street are.
127. Increase the budget, number and training for labor inspectors from the Ministry of Work and Social Welfare and the Federal Labor Law (STPS, by its Spanish acronym) who supervise and guarantee the human rights of children and adolescents, carrying out labor inspections in formal and informal productive sectors without previous notice, at federal and state levels.
128. Not criminalizing the labor of children and adolescents who come from families in survival conditions.
129. Guarantee, for the benefit of adolescents in detention centers, that their interaction with authorities of the juvenile centers is carried out through a multidisciplinary intervention in which actions are based and guided by an approach that guarantees from the outset the interest of the child, so as to provide adolescents with the maximum comprehensive and adequate attention.
130. Guarantee that the authorities in the detention centers of the entities of the country who do not have internal rules or with obsolete rules swiftly issue the corresponding rules.
131. Design and implement specific programs in the detention centers for the rehabilitation and specialized treatment of adolescents with problematic substance consumption.

Supervision of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

132. Figures from the Executive Secretariat of the National System of Public Security (SESNSP, by its Spanish acronym) show that from 2015 to July 2023, nationally, there were at least 6,741 victims of human trafficking, out of whom 2,265 were children and adolescents aged 0 to 17 (1,677 women and 588 men). Only between 2021 and 2022, the total number of cases increased by over 24%, while in the case of minors, the crime in that period increased by 15%.^{lxii}
133. When it comes to pornography there is little research in Mexico about its consumption by children and adolescents through ICTs.^{lxiii}
134. During the pandemic, there was an increase of 150% in the circulation of pornography in social networks.
135. In December 2022, the National Program to Prevent, Punish, and Eradicate Human Trafficking Crimes was published. It had the objective of establishing the way in which the actions to combat human trafficking in Mexico were going to be deployed. Yet, due to the



lack of clarity and the lack of institutional coordination, it is insufficient to tackle the complexity of the human trafficking phenomenon.

136. Impunity is a significant factor that contributes to the perpetuation of trafficking and exploitation. In addition, there is a generalized lack of knowledge about the problem among the work teams in charge of documenting and carrying out the experts' reports, which leads to a lack of training and a superficial approach, obstructing the prevention and attention for the victims.

Recommendations

137. Build a comprehensive public policy that tackles the social inequalities that facilitate the crime of human trafficking; spread information that is adapted to the contexts and realities of the communities to raise awareness on the risks and dangers of human trafficking; build a mechanism that studies and analyzes the contexts that favor human trafficking, nationally and per federal entity; train public servants who provide attention to the victims of human trafficking on the topics of human rights, gender perspective, and a child and adolescent rights approach.

Supervision of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Children and adolescents recruited by criminal groups

138. As of 2023, there are no official data in Mexico on the number of children and adolescents victims of recruiting or used by criminal groups. A study carried out by REDIM found 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.^{lxiv} Participation in organized crime is linked to the development in complex environments inside violent communities, as well as social marginalization and lack of opportunities. Children and adolescents are used for multiple tasks by armed groups: lookout (*halconeo*), kitchen, cleaning, processing and sale of illegal substances, and 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.
139. In Mexico the recruitment of children does not constitute a crime. The criminal groups recruit them in total impunity, finding in these young people an opportunity to expand their ranks, since they become an easy prey. Neither are there public policies or programs for the demobilization and reintegration of adolescents who have committed crimes which provide them with opportunities for an effective and comprehensive reintegration (family, community, educational and labor reintegration).
140. In 2021, the National Observatory for the Prevention of Child Recruitment was created. It was convened by the Secretariat of Public Security and Citizen Protection and integrated by other agencies, the civil society and members of the academy with the objective of creating strategies focused on the prevention, attention and demobilization of recruitment by criminal groups. Nonetheless, it has taken slow steps in its work and its actions have not come with a strategy for interinstitutional coordination nor with the resources required for its implementation.

Recommendations

141. Include in the Federal Criminal Code the crime of recruitment and use of children and adolescents by criminal groups as a separate offense than human trafficking, explicitly acknowledging the victim nature of the recruited children and adolescents, which shall allow them to access resources for help and assistance, and comprehensive reparation and compensation.
142. Design a demobilization program for recruited adolescents, adapting the existing institutional structure (CAS, for example) and guaranteeing an effective coordination



among institutions, as well as granting sufficient budget, staff and material resources to operate the program.

Annex 1: Civil society organizations

About REDIM

REDIM (Red por los Derechos de la Infancia en México) is a coalition of 76 Mexican civil society organizations that develop programs in favor of Mexican children and adolescents to influence public policies and that operate in 18 States of the Mexican Republic. REDIM operates in the following states: Baja California Sur, Campeche, Chihuahua, Coahuila, Chiapas, Mexico City, State of Mexico, Hidalgo, Guanajuato, Jalisco, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, Sinaloa, Tamaulipas, Veracruz.

Civil society organizations that contributed to this report

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DIA A.C.

Disability Rights International - México

Educación para Compartir

Educando en los Derechos y la Solidaridad A.C.

El Caracol A. C.

El Poder del Consumidor A.C.

Fundación México Juega A.C.

Más Humanas Más Paz A.C.

Melel Xojobal A.C.

Movilizar, Innovar y Aprender, A.C.

Fundación JUCONI México A.C.

Instituto para la Mujer en la Migración IMUMI A.C.

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Annex 2: Methodology

This report seeks to provide an updated assessment of the situation of children and adolescent rights in Mexico. This assessment is based on specific, reliable and objective information that comes from non-state stakeholders, such as civil society organizations, members of the academy, as well as official sources.

The content herein was mainly obtained through enquiries to civil society organizations that are members of the Children's Rights Network in Mexico (REDIM). Apart from carrying out an analysis with the experiences of the organizations, we reviewed the report submitted by the State (CRC/MEX/6-7) before the Committee on the Rights of the Child (CRC), and we assessed the



recommendations issued by the CRC to Mexico in 2015, as well as the status of the compliance therewith. Likewise, we carried out an analysis of data, laws and public policies, based on empirical evidence, data, figures and provable details from official sources. In the span of three months, organizations and experts provided inputs and comments on the different topics contained herein and there was a thematic forum with organizations and experts on the different topics, who validated the information contained herein.

ⁱ According to statistics on Poverty Measurement 2016-2022 from CONEVAL, consulted in: <https://blog.derechosinfancia.org.mx/2023/08/16/acceso-a-servicios-de-salud-en-la-infancia-y-adolescencia-de-mexico-2016-2022/>

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ⁱⁱⁱ Consulted in <https://blog.derechosinfancia.org.mx/2023/06/19/ninez-y-adolescencia-con-condicion-mental-en-mexico/>

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^{vi} According to [figures on criminal incidence of the common jurisdiction](#) of the Executive Secretary of the National System of Public Security (SESNSP).

^{vii} INEGI, Producto Interno Bruto 2015-2022. Disponible en: <https://www.inegi.org.mx/temas/pib/>

^{viii} INEGI, Censo 2020.

^{ix} In some federal entities it has been observed that the judicial authorities do not weigh in the best interest of the child by using a criterion issued by the First Chamber of the Supreme Court of Justice, which when ruling on the amparo under review 2902/14 held that in criminal law matters there is a conflict between the best interest of the child and the human right to a due criminal proceeding and to the defense of a person accused of a crime. In the aforementioned ruling, the supreme court holds that it is inadmissible that the best interest of the child and the adolescent it is understood in prejudice of the right to a fair and impartial trial. This means that children and adolescents victims or witnesses to a crime shall stand before criminal audiences to participate in the proceeding, even if this means revictimizing them.

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^{xv} El Universal, Más de 5 mil huérfanos por feminicidio, desde 2018, 10/05/2021 <https://www.iecm.mx/www/ut/ucs/INFORMA/mayo21m/INFOM100521/L1.pdf>

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^{xix} More information: <https://www.animalpolitico.com/sociedad/golpes-forcejeos-policia-detienen-manifestantes-marcha-irapuato/>; <https://www.jornada.com.mx/notas/2022/05/02/estados/gresca-entre-policia-de-irapuato-y-feministas-deja-28-detenidoas/>; <https://gatopardo.com/noticias-actuales/guanajuato-policia-feministas-tortura/>



- xx More information: <https://derechosinfancia.org.mx/v1/el-gobierno-del-estado-de-nuevo-leon-esta-obligado-a-informar-sobre-presuntas-irregularidades-en-la-muerte-del-nino-con-discapacidad-angel-manuel-moreno-en-instalaciones-del-dif-fabriles/>
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