



# Country fact sheet for the CRC

## COUNTRY: MEXICO (reviewed by a local contact)

REPORT N°	<ul style="list-style-type: none"> <li>▪ N° 4-5 Combined Periodic Report for the CRC</li> </ul>
PRE-SESSION/SESSION	<ul style="list-style-type: none"> <li>▪ Pre-sessional: 69th (22-26 September 2014)</li> <li>▪ Sessional: 69th (35 May – 12 June 2015)</li> </ul>
LAW (THC-1993, GUIDELINES, DOMESTIC LAWS)	<ul style="list-style-type: none"> <li>▪ THC-1993 ratified in 1994;</li> <li>▪ Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors ratified in 1987;</li> <li>▪ <i>Mexico is a federal state with 31 states and the Federal District, which each have their own legislation on alternative care and adoption: These include local Civil Codes, Family Codes, Laws on Adoption or Laws on children's rights. Some aspects of adoption and adoption procedures, for example, vary considerably from one state to another. It is worth mentioning a very recently-approved Law on Alternative Care adopted in the Federal District, with emphasis on the prevention of family separation and family-type alternative care measures.</i></li> </ul>
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> <li>▪ Most children under child protection measures are in this situation due to some form of <b>violence</b>, mostly within their homes, but <b>poverty</b> is also a strong factor in family separation. In fact, <b>many children are placed in residential care directly by their parents or relatives</b> due to socio-economic difficulties with <b>no authority being notified</b>;</li> <li>▪ There are some <b>isolated programmes aimed at supporting single or adolescent mothers</b>, and social programmes are also existent at local, state and national level, either within relevant DIF systems (Systems for the Comprehensive Development of the Family) or managed by private and non-governmental organisations.</li> <li>▪ <b>Limited efforts to support families in order to promote reintegration</b> (given that many children in alternative care are placed by their families and no formal procedure is undertaken, thus no authority notified);</li> <li>▪ <b>Lengthy child protection proceedings</b> at administrative and judicial level.</li> </ul> <p>Sources: Programa de Atención Integral de Embarazo en Adolescentes, PAIDEA in several states, such as Culiacán, <a href="http://dif.culiacan.gob.mx/programas/programa-de-atencion-integral-de-embarazo-en-adolescentes-paidea/">http://dif.culiacan.gob.mx/programas/programa-de-atencion-integral-de-embarazo-en-adolescentes-paidea/</a> or Nuevo León, Programa de Atención a los Riesgos Psicosociales en Prevención del Embarazo en Adolescentes, <a href="http://www.nl.gob.mx/?P=is_paidea">http://www.nl.gob.mx/?P=is_paidea</a></p>
ALTERNATIVE CARE OPTIONS	<ul style="list-style-type: none"> <li>▪ <b>Institutionalisation remains the main form of alternative care</b>; family-type measures remain limited across the country. It is worth mentioning the foster care programme in the state of Nuevo León "<i>Familias Solidarias</i>" or the new law promoting family-type care in the Federal District (Alternative Care Act for Children in Distress – Ley de Cuidados Alternativos para la infancia en situación de desamparo).</li> <li>▪ <b>Exact numbers of children in alternative care and of the different forms of alternative care are very limited</b> for a number of reasons: decentralised statistics not</li> </ul>

	<p>based on same system/criteria; different authorities in charge of alternative care at national, state and local levels; very high number of private institutions under very limited supervision as to the quality of care provided (see recent case under <i>Risks</i>). There has been some information gathered through the 2013 UNICEF report and the Inter-American Human Rights Commission Report, but these are based on information provided through questionnaires to the States, taking into account the limitations previously mentioned;</p> <ul style="list-style-type: none"> <li>▪ Very limited initiatives promoting family-based care and family support/reintegration, thus <b>considerable permanency in alternative care</b> (need to strengthen administrative and judicial procedures with clear timelines).</li> <li>▪ <b>Need for more professionalism among alternative care staff and in child protection authorities</b>, to ensure implementation of principles and standards in the Guidelines.</li> <li>▪ In general, <b>absence of standards of care and of a supervision system</b> of alternative forms of care (see recent case under <i>Risks</i>) in the country. However, some progress were identified such in the Nuevo Leon State.</li> <li>▪ Need to <b>develop information system on alternative care</b>.</li> </ul> <p>Sources: Comisión de Derechos Humanos del Distrito Federal, 9 June 2014, release: <a href="http://cdhdfbeta.cdhdf.org.mx/2014/06/celebra-cdhdf-aprobacion-de-ley-de-cuidados-alternativos-para-la-infancia-en-situacion-de-desamparo/">http://cdhdfbeta.cdhdf.org.mx/2014/06/celebra-cdhdf-aprobacion-de-ley-de-cuidados-alternativos-para-la-infancia-en-situacion-de-desamparo/</a> ; “Familias Solidarias”, Nuevo Leon Foster Care Program: <a href="http://www.nl.gob.mx/?P=pmf_familiassolidarias">http://www.nl.gob.mx/?P=pmf_familiassolidarias</a>; <i>La Situación e los niños, niñas y adolescentes en las instituciones de protección y cuidado de América Latina y el Caribe</i>, 2013 UNICEF report, :  <a href="http://www.unicef.org/lac/La_situacion_de_NNA_en_instituciones_en_LAC_-_Sept_2013.pdf">http://www.unicef.org/lac/La_situacion_de_NNA_en_instituciones_en_LAC_-_Sept_2013.pdf</a>; <i>El derecho del niño y la niña a la familia. Cuidado alternative. Poniendo fin a la institucionalización en las Américas</i> , Inter-American Human Rights Commission, October 2013: <a href="http://www.oas.org/es/cidh/infancia/docs/pdf/Informe-derecho-nino-a-familia.pdf">http://www.oas.org/es/cidh/infancia/docs/pdf/Informe-derecho-nino-a-familia.pdf</a> ; Nuevo Leon government: <a href="http://www.nl.gob.mx/?P=pmf_rpch">http://www.nl.gob.mx/?P=pmf_rpch</a>;</p>
ADOPTION	<ul style="list-style-type: none"> <li>▪ <b>Principle of subsidiarity</b>: it appears that there are more domestic than intercountry adoptions, although the search for domestic adoption is often limited to the local state and no subsequent search is undertaken for domestic families in other states prior to considering intercountry adoption.</li> <li>▪ There are very limited statistics available and the numbers provided do not take into account adoptions undertaken privately (i.e. by private institutions and agencies).</li> <li>▪ Need to strengthen adoption procedures in order to fully comply with international principles and standards: <b>need to prohibit private adoption</b> (only a couple of states, so far, appear to make it obligatory for matching to be undertaken by professionals and prohibit private adoptions), consider <b>adoptability as a multidisciplinary issue</b> (staff are undertrained or in insufficient numbers, often left in the hands of staff in children’s homes), etc; need to <b>develop an information system on adoption</b>.</li> </ul>
STATISTICS	<ul style="list-style-type: none"> <li>▪ There is currently <b>no public information on the number of children placed in alternative care in Mexico</b>. This is of serious concern, as no policy or programme can be developed efficiently in order to respond to their situation.</li> <li>▪ Similarly, <b>no statistical information is available in relation to the number of domestic or intercountry adoptions</b> undertaken in the country in recent years (in particular given the possibility to undertake private adoptions and each state having its own adoption procedure and system, see also below for recent case of concern).</li> </ul>
RISKS	<ul style="list-style-type: none"> <li>▪ In relation to alternative care, the case known as <i>Casitas del Sur</i> (in the Federal District, 2009) reflected the concerns and risks that may arise across the country: children separated from their families are placed in private children’s homes by the authorities or their parents/relatives, <b>no follow-up to their situation</b> is undertaken, 11 children disappeared from a home, <b>no supervision of children’s homes is undertaken</b>. The local Human Rights Commission in Mexico City issued a recommendation in this case, requesting that the local authorities initiate a programme of supervision of</li> </ul>

	<p>children’s homes, in order to know their number as well as that of the children in alternative care in Mexico City. (Sources: Comisión de Derechos Humanos del Distrito Federal, Recomendación 04/2009 (this recommendation includes a summary of the case): <a href="http://cdhdfbeta.cd hdf.org.mx/2009/04/recomendacion-042009/">http://cdhdfbeta.cd hdf.org.mx/2009/04/recomendacion-042009/</a>; “El Caso “ Casitas del Sur””, <i>Milenio</i>, <a href="http://www.milenio.com/policia/caso_Casitas_del_Sur-Casitas_del_Sur_0_277172831.html">http://www.milenio.com/policia/caso_Casitas_del_Sur-Casitas_del_Sur_0_277172831.html</a>.)</p> <ul style="list-style-type: none"> <li>▪ <b>Private adoptions</b> are still allowed in most states in the country, which raises <b>serious concerns for the protection of the rights of children as well as those of their biological families</b>. Although adoptions must be formalised administratively and judicially, there is no guarantee as to the matching procedure and potential abuses in the initial stages of the adoption. The state of Veracruz was the first one to prohibit private adoptions, and only a few other states are following on its steps (Source: “Aprueban Ley de Adopciones en Veracruz”, <i>El Universal</i>, 9 June 2011, <a href="http://www.eluniversal.com.mx/notas/771645.html">http://www.eluniversal.com.mx/notas/771645.html</a> ).</li> <li>▪ With regards to intercountry adoption, concerns relating to <b>potential child trafficking</b> have been reflected in a case of adoptions between Mexico and Ireland. (Source : ‘Mexican baby-trafficking ring operated for 20 years’, <i>Irish Examiner</i>, 24 January 2012, <a href="http://www.irishexaminer.com/ireland/health/mexican-baby-trafficking-ring-operated-for-20-years-181245.html">http://www.irishexaminer.com/ireland/health/mexican-baby-trafficking-ring-operated-for-20-years-181245.html</a> )</li> </ul>
<p>POTENTIAL QUESTIONS</p>	<ul style="list-style-type: none"> <li>▪ What efforts are undertaken to develop a comprehensive foster care programme?</li> <li>▪ What initiatives are being developed to establish a supervisory system and harmonised standards for alternative care, as well as a reliable registration system (in particular in the light of recent cases)?</li> <li>▪ What is being undertaken to promote the prohibition of private adoptions and to impose an obligation to undertake adoptions only via the relevant administrative and judicial authorities?</li> <li>▪ There is a need to develop an information and statistical system on alternative care and adoption in order to have a clear quantitative and qualitative picture of the situation, to be able to assess it and to have statistics and information on causes of alternative care, is this being considered?</li> <li>▪ What could be done to harmonise at national level the procedures, standards and systems on child protection, alternative care and adoption?</li> </ul>