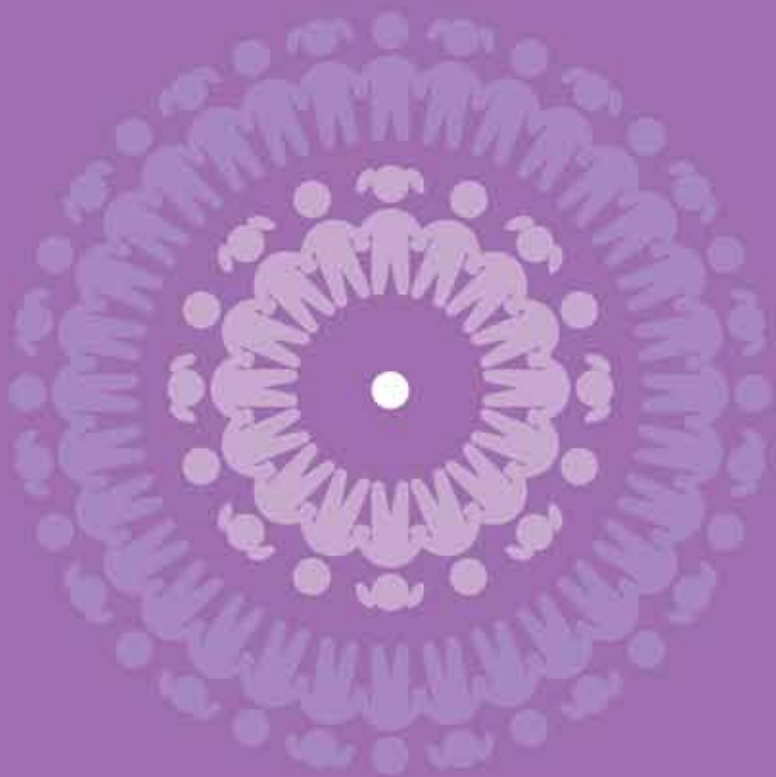


GENERAL LAW ON THE RIGHTS OF CHILDREN AND ADOLESCENTS



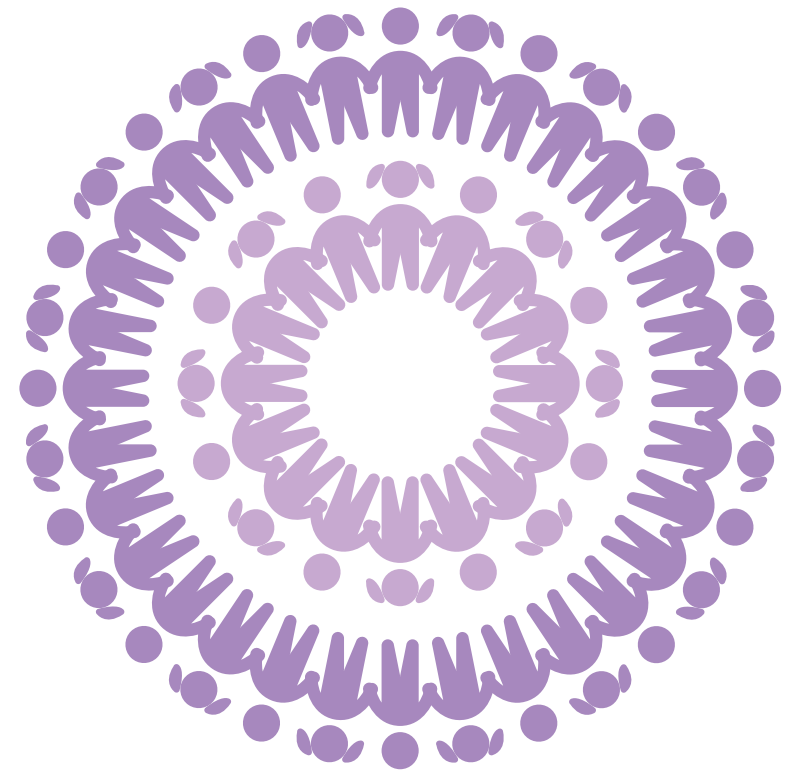
MÉXICO
GOBIERNO DE LA REPÚBLICA



LXI LEGISLATURA
CÁMARA DE DIPUTADOS

DIF
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OFFICIAL JOURNAL OF THE FEDERATION (DOF) 04/12/2014	7
ARTICLE ONE	10
General Law on the Rigths of Children and Adolescents	
● TITLE ONE	10
General provisions	
● From Article 1 to Article 12	11
● TITLE TWO	18
The rights of children and adolescents	
● Article 13	19
Chapter One: The right to life, survival and development	20
● From Article 14 to Article 16	20
Chapter Two: The right to priority	21
● Article 17 and Article 18	21
Chapter Three: The right to identity	21
● From Article 19 to Article 21	21
Chapter Four: The right to live in a family	23
● From Article 22 to Article 35	23
Chapter Five: The right to substantive equality	30
● From Article 36 to Article 38	30
Chapter Six: The right not to be discriminated against	31
● From Article 39 to 42	31
Chapter Seven: The right to live in conditions of well-being and to a comprehensive healthy development	32
● From Article 43 to Article 45	32
Chapter Eight: The right to access a life without violence and to personal integrity	33
● From Article 46 to Article 49	33
Chapter Nine: The right to the protection of health and to social security	35
● From Article 50 to Article 52	35
Chapter Ten: The right of children and adolescents with disabilities to inclusion	37
● From Article 53 to Article 56	37
Chapter Eleven: The right to education	39
● From Article 57 to Article 59	39
Chapter Twelve: The rights to rest and leisure	43
● Article 60 and Article 61	43
Chapter Thirteen: The rights to freedom of ethical beliefs, thought, conscience, religion and culture	44
● Article 62 and Article 63	44
Chapter Fourteen: The rights to freedom of expression and to access information	45
● From Article 64 to Article 70	45
Chapter Fifteen: The right to participation	47
● From Article 71 to Article 74	47

Disclaimer:

This is an unofficial translation of the General Law on the Rigths of Children and Adolescents published by the mexican government in the Official Journal of the Federation (DOF) 04/12/2014. In case of any discrepancy between the Spanish and English versions of the document, the Spanish version will be preferred.

Chapter Sixteen: The right to association and assembly	48	Chapter Six: The National Programme and Local Programmes	94
● Article 75	48	● From Article 141 to Article 145	94
Chapter Seventeen: The right to privacy	49	● TITLE SIX	96
● From Article 76 to Article 81	49	Administrative offences	96
Chapter Eighteen: The right to legal certainty and due process	51	Single Chapter: Administrative offences and sanctions	97
● From Article 82 to Article 88	51	● From Article 146 to Article 154	97
Chapter Nineteen: Migrant children and adolescents	54	ARTICLE TWO	102
● From Article 89 to Article 101	54	Articles 25 and 26 of the General Law on the Provision of Services for	102
● TITLE THREE	60	Comprehensive Child Care and Development are amended as follows:	
Obligations	60	● Article 25 and Article 26	103
Single Chapter: Persons exercising the parental responsibility, guardianship or	61	TRANSITORY PROVISIONS	104
care and custody of children and adolescents			
● From Article 102 to Article 106	61		
● TITLE FOUR	66		
The protection of children and adolescents	66		
Single Chapter: Social assistance centres	67		
● From Article 107 to 113	67		
● TITLE FIVE	74		
The protection and comprehensive restitution of the rights of children	74		
and adolescents			
Chapter One: The authorities	75		
● Article 114	75		
Section One: The allocation of competences	75		
● From Article 115 to Article 119	75		
Section Two: National Welfare System (DIF)	80		
● Article 120	80		
Chapter Two: The Offices of the Attorney-General for Protection	81		
● From Article 121 to Article 124	81		
Chapter Three: The National Comprehensive Protection System	85		
Section One: Members	85		
● From Article 125 to Article 129	85		
Section Two: The Executive Secretariat	88		
● From Article 130 to Article 131	88		
Section Three: The evaluation and diagnosis	90		
● From Article 132 to Article 135	90		
Chapter Four: The Protection Systems of the federal entities	91		
Section One: The Local Protection Systems	91		
● Article 136 and Article 137	91		
Section Two: The Municipal Protection Systems	93		
● Article 138 and Article 139	93		
Chapter Five: The Human Rights Protection Bodies	94		
● Article 140	94		

DOF: 04/12/2014

DECREE enacting the General Law on the Rights of Children and Adolescents,
and amending various provisions of the General Law on the Provision of Services
for Comprehensive Child Care and Development

On the margin appears a seal with the National Coat of Arms, which states:

United Mexican States – Presidency of the Republic.
ENRIQUE PEÑA NIETO, President of the United Mexican States, hereby informs its citizens: That the Honourable Congress of the Union has notified me of the following

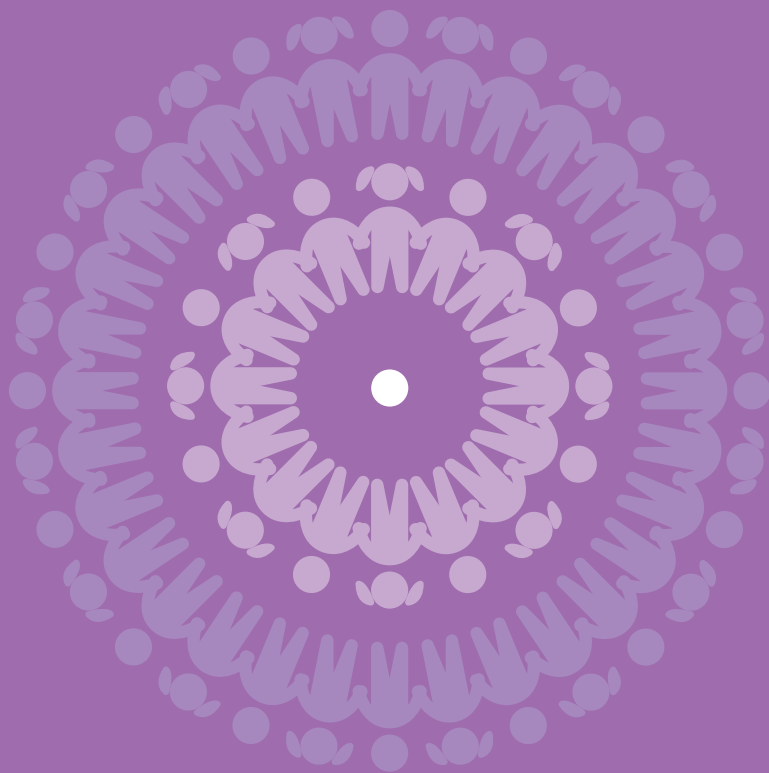
DECREE

THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES ORDERS THAT:

THE GENERAL LAW ON THE RIGHTS OF CHILDREN AND ADOLESCENTS IS ENACTED, AND SEVERAL PROVISIONS OF THE GENERAL LAW ON THE PROVISION OF SERVICES FOR COMPREHENSIVE CHILD CARE AND DEVELOPMENT ARE AMENDED.

ARTICLE ONE

TITLE ONE General provisions



ARTICLE 1

The present Law is a matter of public policy, social interest and general enforcement on the national territory, and aims to:

- I. Recognise children and adolescents as right holders, in compliance with the principles of universality, interdependence, indivisibility and progressive realisation; in the terms provided in Article 1 of the Political Constitution of the United Mexican States;
- II. Ensure the full exercise, respect, protection and promotion of the human rights of children and adolescents, in compliance with the provisions of the Political Constitution of the United Mexican States and international treaties, which the Mexican State is a Party to;
- III. Create and regulate the composition, organisation and functioning of the National System of Comprehensive Protection of the Rights of Children and Adolescents, in order for the State to comply with its responsibility to ensure the comprehensive protection, prevention and restitution of the rights of children and adolescents, which have been violated;
- IV. Establish the guiding principles and criteria, which will guide the national policy on the rights of children and adolescents, as well as the powers, competences, concurrence and the grounds for coordination between the Federation, the federal entities, the municipalities and territorial divisions of the Federal District; and the intervention of the Legislative and the Judicial Branches, and the autonomous constitutional bodies, and
- V. Establish the general grounds for the participation of the private and social sectors in actions aimed at ensuring the protection and exercise of the rights of children and adolescents, as well as at preventing their infringement.

ARTICLE 2

In order to ensure the protection of the rights of children and adolescents, the authorities will carry out actions and take measures in compliance with the principles established in the present Law. To that effect, they will have to:

- I. Ensure a comprehensive, cross-cutting and human rights-based approach in the design and implementation of governmental policies and programmes;
- II. Promote the participation, take into account the opinion and consider the cultural, ethical, affective, educational and health aspects of children and adolescents in all those matters incumbent on them, in accordance with their age, evolving and cognitive development and maturity, and
- III. Set up transparent mechanisms for the follow-up and assessment of the implementation of policies, governmental programmes, legislation and commitments resulting from international treaties in this regard.

The best interests of the child will have to be a primary consideration in making a decision on a debated issue, which involves children and adolescents. When various interpretations are presented, the one that meets most effectively this guiding principle will be chosen.

When a decision is made that affects children or adolescents, whether individually or collectively, the potential implications will have to be assessed and analysed in order to ensure their best interests and procedural safeguards.

The authorities of the Federation, of the federal entities, of the municipalities and the territorial divisions of the Federal District, within the scope of their competences, will have to include, in their draft budgets, the allocation of resources that enable the enforcement of the actions established by the present Law.

The Chamber of Deputies of the Congress of the Union, the local Congresses and the Legislative Assembly of the Federal District will establish, in their respective budgets, the resources that enable to enforce the actions established by the present Law.

ARTICLE 3

The Federation, the federal entities, the municipalities and the territorial divisions of the Federal District, within the scope of their respective competences, will act concurrently in the enforcement of the aim of this Law, for the design, execution, follow-up and assessment of public policies relating to the exercise, respect, protection and promotion of the rights of children and adolescents, as well as to ensure their highest possible well-being, giving priority to their best interests through structural, legal, administrative and budgetary measures.

Public policies will have to contribute to the physical, psychological, economic, social, cultural, environmental and civic development of children and adolescents.

ARTICLE 4

For the purposes of this Law, the following mean:

- I. Affirmative actions: Actions of a temporary character, of policies and practices of a legislative, administrative and judicial nature, which are corrective, compensatory or promotional, aimed at accelerating the substantive equality amongst children and adolescents;
- II. Residential care: Care provided by social assistance centres as a special protection measure with a subsidiary character, which will be a last resort and for the shortest possible duration, giving priority to care options in a family environment;
- III. Intercountry adoption: Adoption undertaken in accordance with the provisions of international treaties in this regard;
- IV. Reasonable adjustments: The necessary and adequate amendments and adjustments, which do not impose any disproportionate or undue load, when required in a particular case, to ensure the enjoyment or exercise of all human rights and fundamental freedoms by children and adolescents with disabilities, on an equal basis with others;
- V. Social assistance centre: The facility, location or setting of alternative care or residential care for children and adolescents without parental or family care, provided by public and private institutions as well as organisations;
- VI. Certificate of eligibility: The document issued by the National Welfare System (DIF) and the Systems of the entities, or by the Central Authority of the country of origin of the adopters in cases of intercountry adoption, according to which it has been determined that the adoption applicants are suitable to adopt;
- VII. CONEVAL: National Council for the Evaluation of Social Development Policy;
- VIII. Universal design: The design of products, settings, programmes and services that children and adolescents may use, as far as possible, without any need to adapt them nor a specialised design. The universal design will not exclude any technical support for children and adolescents with disabilities when necessary;
- IX. Multiple discrimination: The situation of specific vulnerability affecting children and adolescents, who experience a violation or infringement of their rights when they are being discriminated against on grounds of having simultaneously various conditions;

- X. Family of origin: The one consisting of the bearers of parental responsibility, guardianship, care or custody, whom children and adolescents have ascending kinship to up to the second degree;
- XI. Extended family: The one consisting of the direct ascending biological relatives of children and adolescents, without any limitation on the degree, and of collateral relatives up to the fourth degree;
- XII. Foster family: The one with a certification of the competent authority, and which provides care, protection, positive upbringing and the promotion of the social well-being of children and adolescents for a limited period of time until a permanent option can be ensured within the family of origin, the extended family or an adoptive family;
- XIII. Pre-adoptive foster family: The one, which is not the family of origin nor the extended family, which provisionally cares for children and adolescents for adoption purposes, and which assumes all the obligations related to their care and protection, in compliance with the principle of the best interests of the child;
- XIV. Substantive equality: The access to the same treatment and opportunities for the recognition, enjoyment or exercise of human rights and fundamental freedoms;
- XV. Adoptability report: The document issued by the National Welfare System (DIF) and the Systems of the entities, which includes information on the identity, social environment, personal and family development, and which determines the adoptability of children and adolescents;
- XVI. Judicial body: The federal courts or tribunals or those of the federal entities;
- XVII. Offices of the Attorney-General for Protection: The Federal Office of the Attorney-General for the Protection of Children and Adolescents and the Offices of the Attorney-General for the Protection of Children and Adolescents in each federal entity;
- XVIII. Local Programme: The Programme for the Protection of Children and Adolescents in each federal entity;
- XIX. National Programme: The National Programme for the Protection of Children and Adolescents;
- XX. Comprehensive protection: Set of mechanisms that are implemented in the three levels of government, aimed at ensuring the Political Constitution of the United Mexican States and the international treaties, which the Mexican State is a Party to, in a universal and specialised manner in each of the areas relating to the human rights of children and adolescents, in compliance with the guiding principles of this Law;
- XXI. Auxiliary representation: The support provided to children and adolescents in judicial and administrative proceedings, which informally, will be under the responsibility of the Offices of the Attorney-General for Protection, in accordance with their respective scopes of competence, notwithstanding the intervention incumbent on the Public Prosecutor;
- XXII. Primary representation: The representation of children and adolescents under the responsibility of those persons, who exercise parental responsibility or guardianship, in accordance with this Law and other applicable provisions;
- XXIII. Substitute representation: The representation of children and adolescents under the responsibility of the Offices of the Attorney-General for Protection, in accordance with their respective scopes of competence, notwithstanding the intervention incumbent on the Public Prosecutor;
- XXIV. Systems of the entities: The Systems for the Comprehensive Development of the Family in each federal entity;
- XXV. Local Protection System: The System of Protection of Children and Adolescents in each federal entity;
- XXVI. Municipal Systems: The Municipal Systems for the Comprehensive Development of the Family;
- XXVII. National Welfare System (DIF): The national Systems for the Comprehensive Development of the Family;
- XXVIII. National Comprehensive Protection System: The National System of Comprehensive Protection of Children and Adolescents, and
- XXIX. International treaties: Those international treaties in force in the field of human rights of children and adolescents, which the Mexican State is a Party to.

ARTICLE 5

Children are persons under the age of 12 years, and adolescents are persons aged between 12 years and under 18 years.

In the case of doubt as to whether a person is older than 18 years, it will be presumed that this person is an adolescent.

In the case of doubt as to whether a person is older or younger than 12 years, it will be presumed that this person is a child.

ARTICLE 6

For the purposes of Article 2 of this Law, the following are guiding principles:

- I. The best interests of the child;
- II. The universality, interdependence, indivisibility, progressive realisation and comprehensiveness of the rights of children and adolescents, in accordance with the provisions of Articles 1 and 4 of the Political Constitution of the United Mexican States as well as international treaties;
- III. Substantive equality;
- IV. Non-discrimination;

- V. Inclusion;
- VI. The right to life, survival and development;
- VII. Participation;
- VIII. Interculturality;
- IX. The shared responsibility between members of the family, society and authorities;
- X. The cross-cutting approach in legislation, public policies, administrative, economic and cultural activities;
- XI. Progressive autonomy;
- XII. The *pro persona* principle;
- XIII. The access to a life without violence, and
- XIV. Accessibility.

ARTICLE 7

The federal laws and the laws of the federal entities will have to ensure the exercise, respect, protection and promotion of the rights of children and adolescents; as well as envisage, primarily, those actions and mechanisms, which will enable their full growth and comprehensive development.

ARTICLE 8

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will further a culture of respect, promotion and protection of the rights of children and adolescents, based on the guiding principles of this Law.

ARTICLE 9

In the event of absence of an express provision in the Political Constitution of the United Mexican States, in international treaties, in this Law or in other applicable provisions, the general principles resulting from these instruments will be observed, and in the absence of the latter, the general principles of law will be observed, always giving priority to the guiding principles of this Law.

ARTICLE 10

The particular conditions of children and adolescents in the various population groups will be taken into account in the application of the present Law, in order to protect the equal exercise of all their rights.

The federal authorities, the authorities of the federal entities, of the municipalities

and of the territorial divisions of the Federal District, within the scope of their respective competences, will adopt measures of special protection of the rights of children and adolescents, who are in a situation of vulnerability due to specific circumstances of a socio-economic, alimentary, psychological, physical character, disability, cultural identity, ethnic or national background, migrant or stateless situation, or related to aspects of gender, sexual preference, religious beliefs or cultural practices, or others that restrict or limit the exercise of their rights.

ARTICLE 11

The respect and help for the protection of the rights of children and adolescents, as well as ensuring them an adequate standard of living, are the duty of the family, of the community, which they belong to, of the State and, in general, of all members of society.

ARTICLE 12

It is the obligation of any person, who is aware of cases of children and adolescents, who suffer or have suffered, in any form, a violation of their rights, to notify immediately the competent authorities, so that the relevant investigation may proceed and, should it be the case, arrange those comprehensive precautionary, protection and restitutionary measures that are appropriate in accordance with the applicable provisions.

The competent authority will have to take into account the child's best interests to determine the most adequate option and, if appropriate, to restore his or her right to live in a family.

The National Welfare System (DIF) and the Systems of the entities will be responsible, at all times, for the follow-up of the situation, which children and adolescents are in, once the placement has ended.

ARTICLE 27

Those persons interested in adopting children and adolescents under the guardianship of the Offices of the Attorney-General for Protection, will be able to submit the relevant request to these bodies.

The Offices of the Attorney-General for Protection, within the scope of their respective competences, will undertake the psychological, economic, social and all other necessary assessments to determine the suitability of those persons requesting the adoption, in accordance with the provisions of applicable laws. The competent Office of the Attorney-General for Protection will issue the respective certificate of suitability.

The matching of children and adolescents will only be granted to a pre-adoptive foster family, which has a certificate of suitability. To that effect, the following will be observed:

- I. Children and adolescents, whenever it is possible in accordance with their age, cognitive development and maturity, will be heard and their opinion will be fundamental for the determination decided by the competent judicial body;
- II. It will be taken into account that the conditions in the pre-adoptive foster family are adequate for the comprehensive development of children and adolescents, in compliance with the best interests of the child;
- III. The degree of kinship; the relationship of affinity and affection; the origins, community and cultural conditions, which children and adolescents evolve in, will be taken into consideration, and
- IV. It will be tried not to separate siblings, but if this should be necessary, measures will be taken in order for them to spend time together, and maintain contact and permanent communication.

ARTICLE 28

The Offices of the Attorney-General for Protection, which, within the scope of their respective competences, have authorised the matching of children or adolescents

with a pre-adoptive foster family, will have to follow up on their life together and on the process of adjustment in accordance with their new situation, in order to prevent or overcome the difficulties that may arise.

In those cases, in which the Offices of the Attorney-General for Protection have ascertained that the conditions of adjustment of children or adolescents with the pre-adoptive foster family have not been met, they will initiate the procedure in order to reintegrate them to the relevant system and will undertake, if necessary, a new matching.

When some form of violation of the rights of matched children or adolescents has been ascertained, the competent system will revoke the matching and exercise its powers as granted by the present Law and other applicable provisions.

Adoption procedures will be carried out in compliance with applicable civil legislation.

ARTICLE 29

It is incumbent upon the National Welfare System (DIF), as well as upon the Systems of the entities and the Municipal Systems, within the scope of their respective competences, to:

- I. Provide advice and legal assistance services to those persons, who wish to assume the role of pre-adoptive foster family of children or adolescents, as well as their training;
- II. Undertake assessments of the suitability of the conditions of those, who intend to adopt, and issue the appropriate decisions, as well as issue the relevant recommendations for the judicial body, and
- III. Have an information system, that enables to register children and adolescents, whose legal or family situation makes them adoptable, as well as the list of persons wishing to adopt, concluded adoptions, and inform the Federal Office of the Attorney-General for Protection on a quarterly basis.

ARTICLE 30

In matters of adoption, the federal laws and the laws of the federal entities must include those minimum provisions that address the following:

- I. Provide for children and adolescents to be adopted in full respect of their rights, in compliance with the principle of the best interests of the child;
- II. Ensure that the opinion of children and adolescents is heard and taken into account in accordance with their age, evolving and cognitive development and degree of maturity, in accordance with the present Law;

- III. Ensure that those, who consent to the adoption, as well as those, who accept it, are provided with legal advice, in order for them to know the legal, family and social implications of the adoption;
- IV. Arrange the necessary actions to ascertain that the adoption is not motivated by economic gains for those involved in it, and
- V. The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will ensure that the legal provisions governing adoption procedures are respected in the latter.

ARTICLE 31

With regards to intercountry adoption, the applicable legislation will have to provide for the necessary provisions to ensure that the rights of children and adolescents, who are adopted, are safeguarded at all times and comply with the best interests of the child, as well as ensure that this adoption is not being undertaken for purposes of sale, abduction, illicit non-return or concealment, smuggling, human trafficking, exploitation, the worst forms of child labour or any illicit act contrary to these.

In judicial proceedings relating to intercountry adoption, the adoptability report will have to be requested from the National Welfare System (DIF) or the Systems of the entities and, once the competent judicial body has granted the adoption, upon a request by the adopters, the Ministry of Foreign Affairs will issue the relevant certificate, in compliance with international treaties.

The State will follow up on the life together and on the process of adjustment in accordance with their new situation, in order to prevent or overcome the difficulties that may arise.

Those persons, who exercise professions in Social Work or Psychology in public and private institutions intervening in intercountry adoption procedures, in accordance with the provisions of international treaties, will have to be authorised and registered by the National Welfare System (DIF) and the Systems of the entities within the scope of their competence.

The intercountry adoption of a child or adolescent of Mexican nationality will proceed when the appropriate authorities will have ascertained that it is in the best interests of the child, after having examined adequately the possibilities for matching the child or adolescent for domestic adoption.

ARTICLE 32

Persons, who exercise professions in Social Work or Psychology or in related fields in public and private institutions, which undertake socioeconomic and psychological studies and psychosocial reports in the field of adoption, will have to comply with the following requirements:

- I. Have a degree and professional identification card of a bachelor's degree in Social Work, Psychology or related fields;
- II. Evidence experience in the fields of child and adolescent development, family, couples or adoption;
- III. Evidence professional experience of minimum two years, in Social Work or Psychology, or in the care of children or adolescents subject to social assistance or adoption applicants;
- IV. Submit a letter of commitment issued by the institution of private assistance, which proposes the professional, to the National Welfare System (DIF), and the Systems of the entities, in the case of professionals, who wish to join private institutions;
- V. Not to have been sentenced on grounds of intentional crimes;
- VI. Submit a proof of the institution of private assistance, which states that the professionals in Social Work, Psychology or related fields, are wage-earning employees with a fixed monthly remuneration, and
- VII. The National Welfare System (DIF) and the Systems of the entities will issue the relevant authorisations and will keep a register of authorisations.

ARTICLE 33

When persons working in public and private institutions violate the rights of children and adolescents or commit acts that are contrary to the best interests of the child, the National Welfare System (DIF) and the Systems of the entities will revoke the authorisation and register the cancellation mentioned in the previous article.

Professionals, whose authorisations have been revoked, will be disqualified and registered on a circular by the National Welfare System (DIF) and the Systems of the entities, in order to avoid adoptions that are contrary to the best interests of the child; the latter notwithstanding any punishment provided for in applicable legal provisions.

For the revocation of authorisations and the disqualification referred to in this article, the provisions on administrative procedures that are applicable at federal level and at the level of the federal entities, as appropriate, will be complied with. Any person will be able to submit a complaint to the National Welfare System (DIF) and the Systems of the entities if it considers that the allegations provided for in the first paragraph of this article have been met.

ARTICLE 34

The federal laws and the laws of the federal entities ensure compliance with the obligations stated in the present Chapter.

ARTICLE 35

The authorities that are competent in the comprehensive development of the family and public and private institutions will offer guidance, courses and free advice, as well as therapeutic services on couple relationships, motherhood and fatherhood, amongst others.

Chapter Five

The right to substantive equality

ARTICLE 36

Children and adolescents have the right to access equal treatment and opportunities for the recognition, enjoyment or exercise of their human rights and fundamental freedoms.

ARTICLE 37

To ensure substantive equality, the authorities of the Federation, of the federal entities, of the municipalities and of the territorial divisions of the Federal District will have to:

- I. Cross-cut the gender perspective in all their actions and ensure the use of non-sexist language in their official documents;
- II. Design, implement and assess programmes and public policies through affirmative actions aimed at eliminating those obstacles, which impede equal access and opportunities to food, education and medical care amongst children and adolescents;
- III. Implement specific actions to achieve the elimination of customs, traditions, prejudices, roles and stereotypes of a sexist or any other nature, which are based on the idea of inferiority;
- IV. Establish measures directed preferentially at child and adolescent girls, which are members of groups and regions with the most considerable educational gap, or who face disadvantaged economic and social conditions for the exercise of the rights enshrined in this Law;

- V. Establish the institutional mechanisms, which would guide the Mexican State towards compliance with substantive equality in the public and private spheres, thus promoting the empowerment of child and adolescent girls;
- VI. Develop permanent awareness-raising campaigns on the rights of child and adolescent girls.

ARTICLE 38

The legal provisions applicable to child and adolescent girls will have to be aimed at providing visibility, promoting, respecting, protecting and ensuring, at all times, their rights in order to achieve substantive equality with regards to child and adolescent boys and, in general, with society.

Chapter Six

The right not to be discriminated against

ARTICLE 39

Children and adolescents have the right not to be subject to discrimination of any kind, nor to any limitation or restriction of their rights, on grounds of their ethnic, national or social origin, language, age, gender, sexual preference, civil status, religion, opinion, economic conditions, circumstances of birth, disability or health situation, or any other status relating to them or to their mother, father, guardian or person in charge of their care and custody, or other family members.

Likewise, the authorities are obliged to carry out special measures to prevent, address and eradicate multiple discrimination, which children and adolescents in situations of social exclusion, street situations, of African descent, in the worst forms of child labour or any other condition of marginalisation, are the object of.

ARTICLE 40

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to adopt those measures and to undertake those affirmative actions that are necessary to ensure the substantive equality, equality of opportunities and the right to non-discrimination of children and adolescents.

The adoption of these measures and the enforcement of affirmative actions will be part of the anti-discriminatory perspective, which will be incorporated cross-cuttingly and progressively into public tasks, and particularly in the design, implementation and assessment of public policies.

Gender differences, as causes of vulnerability and discrimination against child and adolescent girls, will be factors of priority analysis.

ARTICLE 41

Public bodies of the federal and local authorities, as well as the autonomous constitutional bodies, will have to report biannually to the National Council for the Prevention of Discrimination or to the respective local body, on the leveling-out and inclusion measures and affirmative actions that they have adopted, for their registration and monitoring, in accordance with the Federal Law for the Prevention and Elimination of Discrimination and with relevant local laws.

These reports will have to disaggregate the information, at least, by age, sex, grade of school education, federal entity and type of discrimination.

ARTICLE 42

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will adopt measures for the elimination of traditions, customs, cultural practices and prejudices, which violate the equality of children and adolescents on grounds of gender, or which promote any type of discrimination, taking into account the best interests of the child.

Chapter Seven

The right to live in conditions of well-being and to a comprehensive healthy development

ARTICLE 43

Children and adolescents have the right to live in a healthy and sustainable environment, and in conditions that enable their development, well-being, healthy and harmonious growth, physically as well as mentally, materially, spiritually, ethically, culturally and socially.

ARTICLE 44

The primary obligation to provide sufficient living conditions for the healthy development of children and adolescents, within their possibilities and economic means, is incumbent on those exercising parental responsibility, guardianship or care and custody. The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will contribute to this aim through the adoption of appropriate measures.

ARTICLE 45

The federal laws and the laws of federal entities, within the scope of their respective competences, will establish the minimum age to marry at 18 years.

Chapter Eight

The right to access a life without violence and to personal integrity

ARTICLE 46

Children and adolescents have the right to live a life free from any kind of violence, and to have their personal integrity safeguarded, in order to achieve the best conditions of well-being and the free development of their personality.

ARTICLE 47

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to take the necessary measures to prevent, address and punish those cases affecting children or adolescents due to:

- I. A lack of care, negligence, abandonment or physical, psychological or sexual abuse;
- II. The grooming of persons under the age of 18 years;
- III. The trafficking of persons under the age of 18 years, sexual child abuse, sexual child exploitation with or without commercial purposes, or any other type of exploitation, and other offences established in applicable provisions;
- IV. Child smuggling;

- V. Labour under the minimum age of 15 years, provided for in Article 123 of the Political Constitution of the United Mexican States and other applicable provisions;
- VI. The labour of adolescents over the age of 15 years, which may be detrimental to their health, education or hinder their physical or mental development, labour exploitation, the worst forms of child labour, as well as forced labour, in accordance with the provisions of the Political Constitution of the United Mexican States and other applicable provisions; and
- VII. The incitement or duress to participate in offences or in criminal associations, in armed conflicts or in any other activity that may hinder their comprehensive development.

The competent authorities will have to consider a gender perspective in situations of violence.

The general laws, federal laws and laws of the federal entities will have to establish the provisions, which will guide the policies of prevention, protection, care, punishment and eradication of the situations referred to in the above paragraphs.

The competent authorities are obliged to implement special measures to prevent, punish and provide reparation for the behaviours provided for in this article for children and adolescents with disabilities.

ARTICLE 48

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to adopt appropriate measures to promote the physical and psychological recovery and the restitution of the rights of children and adolescents to achieve the full exercise of their rights and to ensure their return to daily life.

The recovery and the restitution of rights referred to in the previous paragraph will be undertaken in an atmosphere, which promotes the physical and psychological health, respect and dignity of children and adolescents.

ARTICLE 49

In those cases, in which children are the victims of crimes, the provisions of the General Law on Victims and other applicable provisions will be applied. In any case, the protocols of care will have to take into account their age, evolving and cognitive development, and maturity, for the implementation of the respective actions of assistance and protection, as well as the comprehensive reparation of the harm.

In order to comply with the provisions of the previous paragraph, the National Comprehensive Protection System referred to in the present Law will have to coordinate itself with the National System for the Care of Victims, which will intervene through its Executive Commission, in accordance with applicable legislation.

Chapter Nine

The right to the protection of health and to social security

ARTICLE 50

Children and adolescents have the right to enjoy the highest attainable standard of health, as well as to receive the provision of free and quality medical care services, in compliance with applicable legislation, in order to prevent, protect and recover their health. In relation to the rights of children and adolescents, the federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, will have to coordinate themselves in order to:

- I. Reduce morbidity and mortality;
- II. Ensure the provision of medical and sanitary assistance that is necessary for children and adolescents, with an emphasis on primary care;
- III. Promote the basic principles of health and nutrition, the benefits of breastfeeding, hygiene and environmental sanitation, and the measures for the prevention of accidents, amongst all groups in society and, in particular, amongst those exercising the parental responsibility, guardianship or care and custody of children and adolescents;
- IV. Adopt measures aimed at the elimination of cultural practices, traditions and customs that are detrimental to the health of children and adolescents;
- V. Develop preventive health care, guidance for those exercising the parental responsibility, guardianship or care and custody of children and adolescents, and education and services on sexual and reproductive health;
- VI. Establish measures aimed at preventing pregnancies in child and adolescent girls;
- VII. Ensure the provision of respectful, effective and comprehensive medical care services during pregnancy, birth and the postnatal period, as well as for their children, and promote exclusive breastfeeding within the first six months and continued and supplementary breastfeeding until the age of two years, as well as ensure access to contraceptive methods;

- VIII. Fight chronic and severe malnutrition, over-weight and obesity, as well as other eating disorders, through the promotion of a balanced diet, the consumption of drinking water, the promotion of physical exercise, and advance programmes of prevention and information on these issues;
- IX. Promote and carry out immunization programmes and the control of a healthy childhood and adolescence to monitor periodically their growth and development;
- X. Address, in particular, respiratory, renal, gastrointestinal, epidemic diseases, cancer, HIV/AIDS and other sexually transmitted diseases, and advance programmes of prevention and information on the latter;
- XI. Provide advice and guidance on sexual and reproductive health;
- XII. Arrange what may be necessary in order for children and adolescents with disabilities to receive appropriate care in their situation, to rehabilitate them, improve their quality of life, facilitate their interaction and social inclusion, and allow for an equal exercise of their rights;
- XIII. Prohibit, punish and eradicate the forced sterilisation of children and adolescents and any form of obstetric violence;
- XIV. Establish measures in order for health services to identify and address, in particular, the cases of victims of crime or of violations of their rights, or subjects of sexual and domestic violence, in compliance with applicable provisions in this regard;
- XV. Establish measures aimed at the prevention, care, fight against and rehabilitation of public health problems caused by addictions;
- XVI. Establish measures aimed at identifying and addressing within health services, in particular, the cases of children and adolescents with mental health problems;
- XVII. Establish measures for the early identification of disabilities, in order to prevent and reduce, as far as possible, the appearance of new disabilities, and ensure the highest levels of care and rehabilitation, and
- XVIII. Provide access to the goods, services, technical support and rehabilitation needed by children and adolescents with disabilities.

Likewise, they will ensure that all sectors in society have access to education and assistance on the basic principles of health and nutrition, the benefits of exclusive breastfeeding within the first six months and continued and supplementary breastfeeding until the age of two years, as well as on the prevention of pregnancies, hygiene, measures of prevention of accidents and other aspects relating to the health of children and adolescents.

The National and state Health Systems will have to ensure full compliance with the right to health, by taking into account the right to priority, the best interests of the child, substantive equality and non-discrimination, as well as establish affirmative actions for children and adolescents.

In all cases, the right of children and adolescents to privacy will be respected.

ARTICLE 51

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, and in compliance with applicable provisions, will have to ensure the right to social security.

ARTICLE 52

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, must develop policies to strengthen maternal and child health and to increase life expectancy.

Chapter Ten

The right of children and adolescents with disabilities to inclusion

ARTICLE 53

Children and adolescents with disabilities have the right to substantive equality and to enjoy the rights enshrined in the present Law, the Political Constitution of the United Mexican States, international treaties and other applicable laws.

In case of doubt or perception as to whether a child or adolescent is a person with disabilities, it will be presumed that he or she is a child or adolescent with disabilities.

Children or adolescents with disabilities are those who, due to a congenital or acquired reason, have one or more impairments of a physical, mental, intellectual or sensory nature, whether permanent or temporary, and which, in interaction with the barriers imposed by the social environment, may hinder their full and effective inclusion, in equal conditions with others.

Children and adolescents with disabilities have the right to live included in the community, in equal conditions with other children and adolescents.

ARTICLE 54

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to implement leveling-out and inclusion measures and affirmative actions in accordance with applicable provisions, in consideration of the principles of full and effective participation and inclusion in society, respect for differences and acceptance of persons with disabilities as part of the human diversity and condition, respect for the evolving capacities of children and adolescents with disabilities and of their right to maintain their identity.

Discrimination on grounds of disability also includes the denial of reasonable adjustments.

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to undertake what may necessary to promote the social inclusion, and will have to establish the universal design for the accessibility, of children and adolescents with disabilities, in accordance with applicable legislation.

In addition to the universal design, facilities that offer procedures and services to children and adolescents will have to be equipped with signposting in Braille and with accessible forms that are easy to read and understand. Likewise, they will ensure that they offer other measures of assistance and intermediaries.

The inclusion of children and adolescents with disabilities, the right to education and their participation in recreational, sports, play and cultural activities in public, private and social facilities, cannot be denied or restricted.

Specific measures that may be necessary to accelerate or achieve the substantive equality of children and adolescents with disabilities will not be considered as discriminatory.

ARTICLE 55

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will undertake actions in order to raise the awareness of society, including within the family, to become more aware of children and adolescents with disabilities, and to promote the respect of their rights and dignity, as well as to fight against stereotypes and prejudices relating to their disability.

The federal laws and the laws of the federal entities will establish provisions aimed at:

- I. Recognising and accepting the existence of disabilities, in order to prevent the concealment, abandonment, negligence and segregation of children and adolescents with disabilities;
- II. Offering educational and training supports to those exercising the parental responsibility, guardianship or care and custody of children and adolescents with disabilities, in order to provide them with the necessary means for them to promote their development and decent life;
- III. Promoting interdisciplinary actions for the study, early diagnosis, treatment and rehabilitation of the disabilities of children and adolescents needed in each case, ensuring that these are accessible given the economic circumstances of their family members;
- IV. Arrange actions that would allow to offer them free basic care, access to programmes of early stimulation, services of health, rehabilitation, recreation, occupational activities, as well as training for work, and
- V. Establish mechanisms that would allow for the periodic and systematic compilation of information and statistics on children and adolescents with disabilities, which would enable the adequate formulation of public policies on this issue.

These reports will have to be disaggregated, at least, by age, sex, grade of school education, federal entity and type of discrimination.

ARTICLE 56

Children and adolescents with disabilities have the right, at all times, to be provided with an interpreter or the technological means that would enable them to obtain information in an understandable manner.

Chapter Eleven

The right to education

ARTICLE 57

Children and adolescents have the right to quality education, which contributes to the knowledge of their own rights and, based on a human-rights and substantive-equality approach, ensures the respect for their human dignity; the harmonious

development of their potentialities and personality, and strengthens the respect for human rights and fundamental freedoms, in accordance with Article 3 of the Political Constitution of the United Mexican States, the General Law on Education and other applicable provisions.

Those, who exercise parental responsibility, guardianship or care and custody, will have the right to intervene in the education, which will have to be provided to children and adolescents, in accordance with the provisions of Article 103 of this Law.

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will ensure the attainment of quality education and substantive equality in accessing and remaining in the latter, for which they will have to:

- I. Provide the educational care that children and adolescents require for their full development, for which the respective programmes will have to consider the age, maturity, particular circumstances and cultural traditions;
- II. Adopt measures directed at the full exercise of the right to education;
- III. Establish measures to ensure free compulsory public education and to ensure the material, economic and geographical accessibility to education, without any discrimination;
- IV. Establish the necessary conditions to strengthen the educational quality, such as the relevance and appropriateness of the syllabus, the availability of adequate infrastructure and equipment for learning and for teaching practices, the evaluation of the teaching personnel, amongst others;
- V. Allocate adequate and sufficient human, material and budgetary resources to ensure the quality education of children and adolescents;
- VI. Adapt the educational system to the specific conditions, interests and contexts of children and adolescents to ensure that they remain in the educational system;
- VII. Establish affirmative actions to ensure the right to education of children and adolescents of groups and regions with the most considerable educational gap, that are dispersed, or which face situations of vulnerability due to specific circumstances of a socio-economic, physical, mental character, cultural identity, ethnic or national origin, migratory situation or related to aspects of gender, sexual preference, religious beliefs or cultural practices;
- VIII. Provide educational services in conditions of minimum normality, understood as the set of essential conditions that must be complied with in each school for a good performance of the teaching task and the achievement of learning of those being educated;
- IX. Implement mechanisms for the care, referral and follow-up of cases that constitute violations of the right to education of children and adolescents;

- X. Promote a harmonious cohabitation at school and the generation of mechanisms for discussion, debate and peaceful conflict resolution;
- XI. Create a responsible multidisciplinary body, which would establish mechanisms for the prevention, care and referral of cases of maltreatment, damage, harm, assault, abuse or any other form of violence against children and adolescents that occur in educational centres;
- XII. Draft protocols of intervention in situations of harassment or violence at school for staff and for those, who exercise parental responsibility, guardianship or care and custody;
- XIII. Ensure the full respect of the right to education and the inclusion of children and adolescents with disabilities in all levels of the National Educational System, by developing and applying standards and regulations that prevent their discrimination and the conditions of accessibility in educational facilities, that provide the teaching, material and technical means of support, and that have qualified teaching staff;
- XIV. Adopt measures to respond to the needs of children and adolescents with outstanding abilities, so as to enable their progressive and comprehensive development, in accordance with their personal capacities and abilities;
- XV. Establish mechanisms for the expression and participation of children and adolescents, in accordance with their age, evolving and cognitive development, and maturity, which allows to address and take into account their interests and concerns on educational matters;
- XVI. Contribute to ensuring that children and adolescents remain in and conclude their compulsory education and to reduce school absenteeism, abandonment and drop-out;
- XVII. Apply school discipline in a compatible approach with human dignity, thus preventing the enforcement of disciplinary measures that have not been established beforehand, whether they are contrary to the human dignity or infringe upon the life or physical or mental integrity of children and adolescents;
- XVIII. Eradicate discriminatory or selective teaching practices, which infringe upon the human dignity or integrity, in particular humiliating and degrading treatments;
- XIX. Teach children and adolescents the respect for the environment;
- XX. Establish mechanisms to promote the responsible and safe use of information and communication technologies, and
- XXI. Establish affirmative actions that ensure that pregnant child and adolescent girls access and remain in, that facilitate their return to and promote their graduation from the national educational system.

The educational authorities, within the scope of their competence, will have to adopt the necessary measures to ensure the protection of the rights of children and adolescents.

ARTICLE 58

Education, in addition to what is stated in applicable provisions, will have the following aims:

- I. Promote, in children and adolescents, the fundamental values and the respect for one's own identity, as well as cultural differences and diverse opinions;
- II. Develop the personality, abilities and potentialities of children and adolescents;
- III. Teach children and adolescents the feelings of identity and belonging to their school, community and nation, as well as their active participation in the educational process and civic activities in accordance with applicable provisions;
- IV. Guide children and adolescents in relation to professional training, employment opportunities and career possibilities;
- V. Support children and adolescents, who are the victims of maltreatment, and the special care of those in a situation of risk;
- VI. Prevent crime and addictions, through the design and implementation of programmes;
- VII. Undertake, in cooperation with those exercising parental responsibility, guardianship or care and custody, as well as with groups in the community, the planning, organisation and development of extra-curricular activities that are of interest to children and adolescents;
- VIII. Promote the sexual education of children and adolescents, in accordance with their age, evolving and cognitive development, and maturity, which allows children and adolescents to exercise, in an informed and responsible manner, their rights, as enshrined in the Political Constitution of the United Mexican States, in laws and in international treaties, which the Mexican State is a Party to;
- IX. Promote the value of justice, of compliance with the law and the equality of persons before the latter, foster a culture of legality, of peace and non-violence in any of its forms, as well as the knowledge of human rights and the respect for the latter, and
- X. Disseminate the human rights of children and adolescents and the forms of protection available to them to exercise them.

ARTICLE 59

Notwithstanding what is stated in other applicable provisions, the competent authorities will carry out the necessary actions to foster the suitable conditions to create an environment without violence in educational institutions, in which the harmonious cohabitation and comprehensive development of children and adolescents are

promoted, including the creation of permanent mediation mechanisms, in which those exercising parental responsibility or guardianship participate.

For the purpose of the previous paragraph, the federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, and academic bodies will coordinate between themselves to:

- I. Design strategies and actions for the early identification, containment, prevention and eradication of harassment and violence at school in all their forms, which consider the participation of the public, private and social sectors, as well as indicators and mechanisms of monitoring, assessment and oversight;
- II. Develop training activities for public servants and for administrative and teaching staff;
- III. Establish free mechanisms of care, advice, guidance and protection of children and adolescents in a situation of harassment or violence at school, and
- IV. Establish and apply appropriate sanctions to persons, heads of social assistance centres, teaching personnel or public servants, who carry out, promote, foster, tolerate or do not report acts of harassment or violence at school, in compliance with the provisions of this Law and other applicable provisions.

Chapter Twelve

The rights to rest and leisure

ARTICLE 60

Children and adolescents have the right to rest, leisure, play and recreational activities appropriate to their age, as well as to participate freely in cultural, sports and artistic activities, as essential factors of their development and growth.

Those exercising the parental responsibility, guardianship or care and custody of children and adolescents will have to respect the exercise of these rights and cannot, therefore, impose on them any lifestyle, study, work or disciplinary rules that are disproportionate to their age, evolving and cognitive development and maturity, which imply a renunciation or restriction of the latter.

ARTICLE 61

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to ensure the right of children and adolescents to rest and leisure, and to promote appropriate opportunities, under equal conditions, for their participation in cultural, sports and artistic activities in their community.

Chapter Thirteen

The rights to freedom of ethical beliefs, thought, conscience, religion and culture

ARTICLE 62

Children and adolescents have to right to freedom of ethical beliefs, thought, conscience, religion and culture. The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will safeguard this right within the framework of the secular State.

The freedom to practise one's own religion or beliefs will be subject only to the limitations provided for by law, which are necessary to protect the rights and fundamental freedoms of others.

Children and adolescents cannot be discriminated against in any form for the exercise of their freedom of ethical beliefs, thought, conscience, religion and culture.

ARTICLE 63

Children and adolescents have the right to freely enjoy their language, culture, traditions, customs, cultural practices, religion, resources and specific forms of social organisation and all those elements that constitute their cultural identity.

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will be obliged to establish policies aimed at ensuring the promotion, dissemination and protection of the diversity of cultural, regional and universal expressions amongst children and adolescents.

What is stipulated in this article will not limit the exercise of the right to education, in accordance with the provisions of Article 3 of the Political Constitution of the United Mexican States, nor the guiding principles of this Law.

Chapter Fourteen

The rights to freedom of expression and to access information

ARTICLE 64

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will have to ensure the right of children and adolescents to freely express their opinion, as well as to search, receive and disseminate information and ideas of any kind and through any means, without any limitations except for those established in Article 6 of the Political Constitution of the United Mexican States.

The freedom of expression of children and adolescents entails the right to have their opinion taken into account in relation to those matters that affect them directly, or affect their families or communities. These authorities, within the scope of their respective competences, will have to establish those actions that allow for the gathering of opinions and the undertaking of interviews of children and adolescents on topics of general interest to them.

In mostly-indigenous populations, the authorities referred to in this Article, have the obligation to disseminate institutional information and the promotion of rights in the local indigenous language.

Likewise, the authorities referred to in this article, will make the necessary arrangements to ensure that children and adolescents with disabilities have support systems to exercise their right to freedom of expression, access to information and a support system for the expression of their wishes.

ARTICLE 65

Children and adolescents have the right to free access to information. The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective compe-

tences, will promote the dissemination of information and materials aimed at their social and ethical well-being, as well as their cultural development and physical and mental health.

The National Comprehensive Protection System will agree on general guidelines on the information and materials to be disseminated amongst children and adolescents, in accordance with the provisions of this Law.

ARTICLE 66

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will promote mechanisms for the protection of the interests of children and adolescents in relation to the risks resulting from access to the media and the use of information systems that objectively affect or hinder their comprehensive development.

ARTICLE 67

Notwithstanding what is provided for in the provisions applicable to the media, the competent federal authorities, within the scope of their respective competences, will ensure that these disseminate information and materials relating to:

- I. Social and cultural interests for children and adolescents, in compliance with the objectives of education as provided for in Article 3 of the Political Constitution of the United Mexican States;
- II. The existence, in society, of services, facilities and opportunities directed at children and adolescents;
- III. Guidance for children and adolescents in the exercise of their rights;
- IV. The promotion of the prevention of violations of the human rights of children and adolescents and the commission of criminal acts, and
- V. A perspective of inclusion, substantive equality, non-discrimination and a human-rights approach.

ARTICLE 68

In compliance with the provisions of the Federal Law on Telecommunications and Broadcasting on the programming directed at children and adolescents, as well as the classification criteria issued in compliance with the latter, the licences granted in matters of broadcasting and telecommunications will have to consider the obligation of the licencees to refrain from disseminating or broadcasting information, pictures or sound that objectively affect or hinder the comprehensive development

of children and adolescents, or which offer an apology for crime, in violation of the principle of the best interests of the child.

ARTICLE 69

The competent authorities will monitor that movies, radio and television programmes are classified in accordance with the provisions of the Federal Law on Telecommunications and Broadcasting, as well as video recordings, video games and printed materials.

ARTICLE 70

The Offices of the Attorney-General for Protection and any interested person, through the latter, will be able to file actions before the competent administrative authorities for the enforcement of penalties on the media, in accordance with the provisions of this Law and other applicable provisions.

Likewise, the Offices of the Attorney-General for Protection will be authorised to file collective actions before the competent judicial body, in order for the latter to order the media to refrain from disseminating information or contents that jeopardise, individually or collectively, the life, integrity, dignity or other rights of children and adolescents and, if appropriate, to provide reparation for the harm that may have been caused, notwithstanding the powers held by the competent authorities on this matter.

The latter notwithstanding any other responsibility established in compliance with applicable provisions.

Chapter Fifteen

The right to participation

ARTICLE 71

Children and adolescents have the right to be heard and taken into account in matters of their interest, in accordance with their age, evolving and cognitive development and maturity.

ARTICLE 72

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to arrange and implement mechanisms that ensure the permanent and active participation of children and adolescents in decisions that are taken in relation to the family, educational, social, community or any other environment, which they grow in.

ARTICLE 73

Children and adolescents have the right to participate, to be heard and to be taken into account in all judicial and law enforcement proceedings relating to cases that affect them, in accordance with the terms stated in Chapter Eighteen.

ARTICLE 74

Children and adolescents also have the right to be informed of the manner, in which the various governmental bodies, in all three levels of government, have assessed their opinion and taken into account their request.

Chapter Sixteen

The right to association and assembly

ARTICLE 75

Children and adolescents have to right to join together and to gather, without any limitations other than those established in the Political Constitution of the United Mexican States.

Those exercising parental responsibility, guardianship or care and custody will represent the children and adolescents for the exercise of the right to association, when this may be necessary to meet the formalities established in applicable provisions.

Chapter Seventeen

The right to privacy

ARTICLE 76

Children and adolescents have the right to personal and family privacy, and to the protection of their personal data.

Children and adolescents cannot be subjected to any arbitrary or unlawful interference with their private life, their family, their home or their correspondence; nor to the illicit disclosure or dissemination of personal information or data, including that of an informative nature to the public opinion or which are news that would enable to identify them and that infringe their honour, image or reputation.

Those exercising parental responsibility, guardianship or care and custody, will have to guide, supervise and, if appropriate, restrict the behaviours and habits of children and adolescents, provided that they serve the best interests of the child.

ARTICLE 77

The following will be considered a violation of the privacy of children and adolescents: a direct use of their image, name, personal data or mentions that allow for their identification in the media that are licensed to provide broadcasting and telecommunication services, as well as printed media, or in electronic media under the control of the licensee or any printed media, which jeopardises their honour or reputation, is contrary to or jeopardises their rights, in accordance with the principle of the best interests of the child.

ARTICLE 78

Any communication media, which disseminates interviews of children and adolescents, will proceed as follows:

- I. It will have to seek the consent in writing or through any other means of those exercising parental responsibility or guardianship, as well as the opinion of the child or adolescent, in compliance with the provisions of the previous article and the provisions of the second paragraph of Article 76 of the present Law, and
- II. The person carrying out the interview will be respectful and cannot show any attitude or express comments, that objectively affect or hinder the

comprehensive development of children and adolescents.

Should it not be possible to seek the consent of those exercising parental responsibility or guardianship over an adolescent, the latter may give his or her consent provided that this does not affect his or her right to privacy by jeopardising his or her honour or reputation.

The consent of those exercising the parental responsibility or guardianship of children or adolescents will not be required when the aim of the interview is for the latter to freely express their opinion, in the exercise of their right to freedom of expression, on matters that affect them directly, provided that this does not affect their rights, in particular their honour and reputation.

ARTICLE 79

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will ensure the protection of the identity and privacy of children and adolescents, who are victims, affected parties, witnesses or who are linked in any way to the commission of a crime, in order to avoid their public identification. The same protection will be granted to adolescents, who have allegedly carried out or participated in a crime, in compliance with the legislation applicable in this regard.

ARTICLE 80

The media will have to ensure that images, voice materials or data that will be disseminated do not put at risk, individually or collectively, the life, integrity, dignity or violate the exercise of the rights of children and adolescents, even if their identities are changed, blurred or not specified, and will avoid the dissemination of images or news that foster or are aimed at their discrimination, criminalisation or stigmatisation, in violation of applicable provisions.

In the case of breach of the provisions of the present Article, children or adolescents, who are affected, will be able, via their legal representative or, if appropriate, the competent Office of the Attorney-General for Protection, acting on its own motion or in substitute representation, to file civil actions for the reparation of the harm, and initiate proceedings for the administrative responsibility that may arise; as well as follow up on the proceedings until their conclusion.

Children or adolescents, who are affected, taking into consideration their age, evolving and cognitive development and maturity, will request the intervention of the Offices of the Attorney-General for Protection.

In civil or administrative proceedings initiated or filed by those exercising parental responsibility, guardianship or care and custody over children and adolescents, the competent Office of the Attorney-General for Protection will exercise auxiliary representation.

ARTICLE 81

In proceedings before judicial bodies, the suspension or disabling of user accounts on electronic media may be requested as an interim measure, in order to prevent the dissemination of information, images, sound or data that may violate the best interests of the child.

The judicial body, on the basis of this Article and applicable provisions, may request companies that provide services related to electronic media to undertake the necessary actions in order to comply with the interim measures that it has ordered.

Chapter Eighteen

The right to legal certainty and due process

ARTICLE 82

Children and adolescents enjoy the rights and safeguards of legal certainty and due process established in the Political Constitution of the United Mexican States, international treaties, this Law and other applicable provisions.

ARTICLE 83

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, which conduct judicial or administrative proceedings, or which carry out any act of authority that involves children or adolescents, in accordance with their age, evolving and cognitive development and degree of maturity, are obliged to comply with, at least, the following:

- I. Ensure the protection and prevalence of the best interests of the child referred to in Article 2 of the present Law;
- II. Safeguard the exercise of the rights of children and adolescents, established in the Political Constitution of the United Mexican States, international

- treaties, this Law and other applicable provisions;
- III. Provide clear, simple and understandable information to children and adolescents on the judicial or administrative procedure at stake and the importance of their participation in the latter, including, if relevant, accessible forms of an easy understanding and reading for children and adolescents with disabilities;
 - IV. Implement mechanisms of support to submit a complaint, participate in an investigation or in a judicial process;
 - V. Ensure the right of children and adolescents to be represented in accordance with the provisions of Title Five, Chapter Two, of the present Law, as well as information on available protection measures;
 - VI. Provide the assistance of specialised professionals when the nature of the procedure requires the latter;
 - VII. Provide the assistance of a translator or interpreter;
 - VIII. Analyse, before calling a child or adolescent to a hearing, the relevance of the latter, considering his or her age, maturity, psychological state, as well as any other specific condition;
 - IX. Ensure the support of the person exercising parental responsibility, guardianship, or care and custody in the course of all the proceedings, except if there is a judicial order against it
 - X. Keep children or adolescents separate from those adults, who may influence their behaviour or emotional stability, when determined by the competent authority, before and during the respective hearing or appearance;
 - XI. Allocate ludic areas of rest and bathrooms for children and adolescents in those facilities that host proceedings, which they must intervene in;
 - XII. Adapt the maximum length of time of participation for the intervention of children or adolescents during the proceedings in accordance with the principles of progressive autonomy and procedural celerity, and
 - XIII. Implement measures to protect children or adolescents against sufferings during their participation and ensure the protection of their privacy and personal data.

ARTICLE 84

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will ensure that children, who are alleged to have committed or participated in a act described in law as a criminal offence, are recognised as being exempt from criminal responsibility, and will ensure that they are not deprived of their liberty nor subjected to any procedure, but that they will only be subjected to social assistance in order to reconstitute them the exercise of their rights, if relevant.

The latter, notwithstanding the civil responsibilities incumbent on those exercising parental responsibility, guardianship or care and custody, in accordance with applicable provisions.

ARTICLE 85

In those cases, in which the Public Prosecutor or any other authority, is aware of the alleged commission or participation of a child in an act described in law as a criminal offence, it will notify immediately the competent Office of the Attorney-General for Protection.

In no circumstances can children be detained, retained or deprived of their liberty for the alleged commission or participation in an act described in law as a criminal offence.

The Office of the Attorney-General for Protection, within the scope of its duties, if relevant, will immediately request the competent authority those necessary measures for the comprehensive protection, social assistance and, if relevant, restitution of their rights, and ensure that children are not the object of discrimination.

Any adopted measures will be liable for review by a competent judicial body in an adversary procedure, which ensures, at the least, the right to be heard and the assistance of a specialised lawyer.

ARTICLE 86

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, will ensure that, in judicial proceedings that involve children or adolescents as potential victims of crime or witnesses, they have at least the following rights, in accordance with their age, evolving and cognitive development and degree of maturity:

- I. To be informed about the nature of the procedure and the character of their participation in the latter, which will never be that of potential accused or perpetrator;
- II. To having their participation in a procedure carried out in the most expeditious manner, assisted by a legal professional and in compliance with the provisions of Paragraph XI of Article 83 of this Law;
- III. To having the support of the person exercising parental responsibility, guardianship or care and custody ensured in the course of all the proceedings, except if there is a judicial order against it, based on the best interests of the child;

- IV. To have their right to privacy protected, that their identification data are not disclosed in accordance with the provisions of this Law and other applicable provisions;
- V. To have free access to legal, psychological and any other necessary assistance, taking into account the characteristics of the case, in order to safeguard their rights in accordance with applicable provisions, and
- VI. To have the necessary measures adopted to avoid the revictimisation of children and adolescents, who are the alleged victims of the commission of a criminal offence or a violation of their human rights.

ARTICLE 87

Whenever a child or adolescent is identified in the context of the commission of a crime, those exercising parental responsibility, guardianship or care and custody, as well as the Office of the Attorney-General for Protection, will be notified immediately.

ARTICLE 88

The legislation on comprehensive justice for adolescents in conflict with criminal law will determine the procedures and measures that are applicable to those allegedly having committed or participated in an act described as a criminal offence when they were adolescents.

The legislation mentioned in the previous paragraph will have to ensure the fundamental rights recognised in the Political Constitution of the United Mexican States to any individual, as well as the specific rights recognised to them on the basis of their condition as developing persons.

Chapter Nineteen

Migrant children and adolescents

ARTICLE 89

The present Chapter refers to the special protection measures that authorities will have to adopt to ensure the rights of migrant, accompanied, unaccompanied, separated, citizen, foreign and repatriated children and adolescents in the context of human displacement.

The authorities in all levels of government will have to provide, in accordance with their competences, appropriate services to children and adolescents in a situation of migration, regardless of their nationality or migratory status.

While the National Migration Institute determines the migratory condition of the child or adolescent, the National Welfare System (DIF) or the Systems of the entities, as appropriate, will have to offer the protection provided for in this Law and other applicable provisions.

The principle of the best interests of the child will be a primary consideration that will be taken into account during the administrative procedure of migration, which migrant children and adolescents are subjected to, and that will consider the potential consequences of the decision made in each case.

ARTICLE 90

The competent authorities will comply with the procedures for the care and special protection of migrant children and adolescents, provided for in the Law on Migration, its Regulations and other applicable legal provisions, having to comply at any time with the principle of the best interests of the child and international standards relating to this matter.

ARTICLE 91

The competent authorities, once they are in contact with the child or adolescent, will have to adopt the appropriate measures for the protection of their rights. Consequently, they will offer a solution that resolves all their protection needs, taking into account their opinions and giving preference to family reunification, except if this is contrary to their best interests or wishes.

ARTICLE 92

The safeguards of due process that will have to be applied in migratory processes that involve children and adolescents are the following:

- I. The right to be notified of the existence of a procedure and of the decision that is adopted in the framework of the migratory process;
- II. The right to be informed of their rights;
- III. The right to migratory processes being carried out by a specialised public servant;
- IV. The right of the child and adolescent to be heard and to participate in the various procedural stages;

- V. The right to be assisted free-of-charge by a translator and/or interpreter;
- VI. The effective access to consular communication and assistance;
- VII. The right to be assisted by a lawyer and to freely communicate with him or her;
- VIII. The right, if relevant, to substitute representation;
- IX. The right for the adopted decision to have assessed the best interests of the child and adolescent and to be duly grounded;
- X. The right to appeal the decision before the competent judicial authority, and
- XI. The right to know the duration of the procedure that will take place, and which will have to comply with the principle of celerity.

ARTICLE 93

During the administrative migratory procedure, the family unit or, if appropriate, family reunification may prevail, in accordance with the present Law and other applicable provisions, provided that the latter is not contrary to the best interests of the child.

In order to decide on family reunification, the opinion of migrant children and adolescents, as well as all elements that are necessary to this effect, will have to be taken into account.

ARTICLE 94

In order to ensure the comprehensive protection of rights, the National Welfare System (DIF), the Systems of the entities, and the Municipal Systems will prepare areas of accommodation or shelters to welcome migrant children and adolescents.

Likewise, they will adopt minimum standards in order for areas of accommodation and shelters to offer adequate care to migrant children and adolescents.

ARTICLE 95

Areas of accommodation for migrant children and adolescents will respect the principle of separation and the right to family unity, so that unaccompanied or separated children or adolescents will be accommodated in different areas to those for adults. With regards to accompanied children or adolescents, they will be able to be accommodated with their relatives, except if it is more convenient to separate them in accordance with the principle of the best interests of the child.

ARTICLE 96

It is prohibited to send back, expel, deport, return, reject at the border or not accept, or transfer or remove in any form, a child or adolescent when his or her life, safety and/or liberty are at risk due to persecution or threat on the latter, widespread violence or massive violations of human rights, amongst others, as well as where he or she may be subjected to torture or other cruel, inhuman or degrading treatments.

ARTICLE 97

Any decision on the return of a child or adolescent to the country of origin or to a safe third country may only be based on grounds of his or her best interests.

ARTICLE 98

If the DIF Systems identify, through an initial assessment, foreign children or adolescents, who may be recognised as refugees or asylum-seekers, they will notify the latter to the National Migration Institute for the adoption of special protection measures.

The National Welfare System (DIF) and the Systems of the entities, in coordination with the competent bodies, will have to identify foreign children and adolescents, who require international protection, as refugees or any other kind, through an initial assessment with safeguards of safety and privacy, in order to provide them with the adequate and individualised treatment that may be necessary through the adoption of special protection measures.

ARTICLE 99

The National Welfare System (DIF) will have to design and manage the databases of foreign unaccompanied migrant children and adolescents, including, amongst other aspects, the causes for their migration, the conditions in transit, their family ties, risk factors at the place of origin and transit, information on their legal representatives, data on their accommodation and legal situation, amongst others, and share them with the Federal Office of the Attorney-General for the Protection of Children and Adolescents, in compliance with the provisions of the Federal Law on Transparency and Access to Public Governmental Information and other applicable provisions on transparency.

The Systems of the entities will send the information as it is generated to the National Welfare System (DIF) in order to be incorporated into the databases mentioned in the previous paragraph.

The National Migration Institute will have to provide the information and cooperate with the National Welfare System (DIF) for the purpose of this Article.

ARTICLE 100

The National Migration Institute, in coordination with the National Welfare System (DIF), will have to keep safe the databases of migrant children and adolescents, including, amongst other aspects, the cause for their migration, the conditions in transit, their families ties, risk factors at the place of origin and transit, information on their legal representatives, data on their accommodation and legal situation.

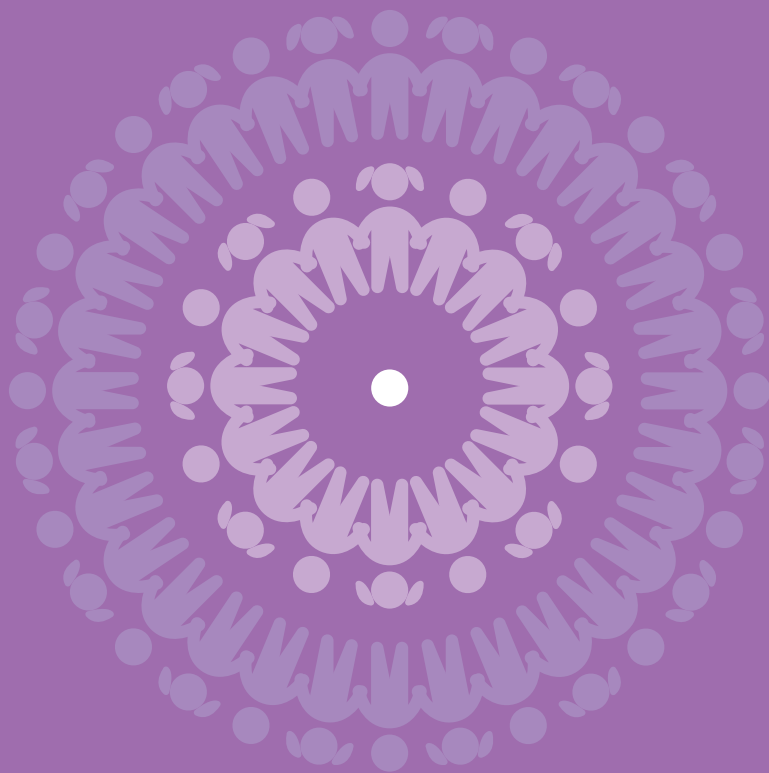
In order to ensure, as a priority, the social assistance and consular protection of migrant children and adolescents, who are abroad in the process of repatriation, it will be incumbent on the Ministry of Foreign Affairs, through the Consular offices, to coordinate itself with the National Migration Institute and with the appropriate DIF Systems.

ARTICLE 101

Under no circumstances will the migratory status of a child or adolescent, in itself, constitute the commission of a crime, nor will the commission of an illicit act be alleged on the basis of being in an illegal migratory condition.

TITLE THREE

Obligations



Single Chapter

Persons exercising the parental responsibility, guardianship or care and custody of children and adolescents

ARTICLE 102

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, are obliged to provide medical, psychological assistance and comprehensive preventive care to those exercising the parental responsibility, guardianship or care and custody of children and adolescents or persons, who have them under their care, in relation to the obligations established by this Law and other applicable provisions.

ARTICLE 103

The following are obligations of those exercising parental responsibility, guardianship or care and custody, as well as of other persons, who, due to their functions or activities, have children or adolescents under their care, in proportion to their responsibility and, when they are public bodies, in accordance with their scope of competence:

- I. Ensure their rights to maintenance, the free development of their personality and the exercise of their rights, in compliance with the provisions of the present Law and other applicable provisions.

For the purposes of this paragraph, the rights to maintenance include, substantially, the satisfaction of the needs for food and nutrition, housing, education, clothing, comprehensive medical and preventive psychological health care, medical assistance and recreation. The federal laws and the laws of the federal entities will have to provide for the necessary procedures and legal counseling as well as for support measures to ensure compliance with the duty to ensure the rights to maintenance;

- II. Register them within the first sixty days of life;
- III. Ensure that they enrol in compulsory education, participate in their educational process and provide them with the conditions for them to continue and remain in the educational system;
- IV. Provide appropriate directions and counselling to children and adolescents, in accordance with their evolving capacities, provided that this cannot justify any form of limitation, violation or restriction in the exercise of their rights;
- V. Ensure an affective, understanding and violence-free environment for the full, harmonious and free development of their personality;
- VI. Foster, amongst children and adolescents, the respect for all persons, as well as the care of one's belongings, of the family and of the community, and the use of available resources for their comprehensive development;
- VII. Protect them against all forms of violence, maltreatment, prejudice, harm, assault, abuse, sale, human trafficking and exploitation;
- VIII. Refrain from any offence against their physical and psychological integrity or from acts that infringe upon their comprehensive development. The exercise of parental responsibility, guardianship or care and custody of children and adolescents cannot be a justification for the non-compliance with the obligation provided for in the present paragraph;
- IX. Avoid behaviours that may violate an environment of respect and generate violence or rejection in the relationships between children and adolescents, and between the latter and those exercising parental responsibility, guardianship or care and custody, as well as with other members of the family;
- X. Consider the opinion and preference of children and adolescents in making decisions that affect them directly, in accordance with their age, evolving and cognitive development and maturity, and
- XI. Educate on the knowledge and responsible use of information and communication technologies.

In cases of dispute, the competent judicial body will determine the degree of responsibility of whoever is responsible and cares for children and adolescents, by taking into account the guiding principles of this Law.

The federal laws and the laws of the federal entities will have to state provisions, which regulate and enact the obligations established in the present article.

ARTICLE 104

Those exercising the parental responsibility, guardianship or care and custody of children and adolescents, regardless of whether they live in different places of residence, will comply with the obligations incumbent on them in a coordinated and respectful manner.

The authorisations referred to in this Law will have to be granted by those exercising parental responsibility or guardianship, in the same terms and in accordance with the same formalities.

ARTICLE 105

The federal laws and the laws of the federal entities will state what is necessary in order to comply with the following obligations, in accordance with the provisions in the present Law and within the scope of their respective competences:

- I. That those exercising the parental responsibility, guardianship or care and custody of children and adolescents, care for and look after them; protect them against any form of abuse; treat them with respect for their dignity and guide them, in order for them to know their rights, to learn to defend them and to respect those of other persons;
- II. That the migratory authorities ascertain the existence of the authorisation of those exercising parental responsibility, guardianship or, if relevant, of the competent judicial body, which authorises the entry to and exit of children or adolescents from the national territory, in compliance with applicable provisions;
- III. That the management and staff of health, social assistance, academic, sports, religious or any other type of body, refrain from exercising any form of violence, maltreatment, prejudice, assault, harm, abuse, harassment and exploitation against children or adolescents, and that they design programmes and offer ongoing training courses to prevent and eradicate them, and
- IV. That those having contact with children and adolescents refrain from exercising any form of violence against them, in particular corporal punishment.

ARTICLE 106

In the absence of those exercising the primary representation of children and adolescents, or when determined by the judicial body or competent administrative

authority for any other reason, based on the best interests of the child, substitute representation will be incumbent on the competent Office of the Attorney-General for Protection.

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, will ensure that, in any judicial or administrative procedure, participation is granted to the competent Office of the Attorney-General for Protection, in order for the latter to exercise auxiliary representation, in compliance with the provisions of this Law and any other applicable provisions.

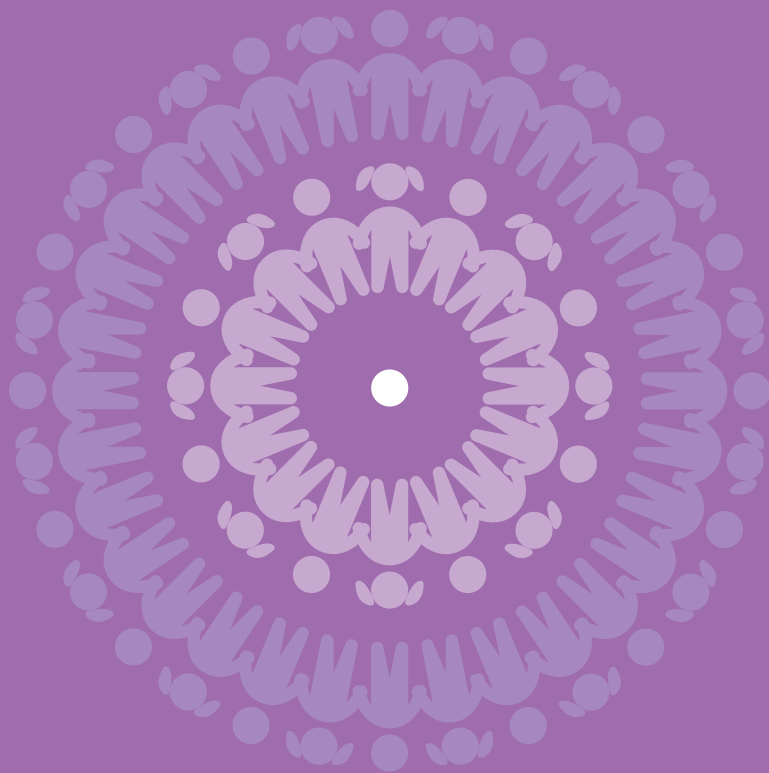
Likewise, when there are signs of conflict of interest amongst those exercising primary representation or between the latter and the children and adolescents, or due to a deficient or fraudulent representation, upon a request by the Public Prosecutor, the competent Office of the Attorney-General for Protection or on its own motion, they will make arrangements in order for the judicial or administrative body that hears the case to proceed through incidental proceedings, a summary procedure of restriction, suspension or revocation of the primary representation, as is appropriate, in order for the competent Office of the Attorney-General for Protection to exercise substitute representation.

The Public Prosecutor will be granted the participation provided for in the laws relating to judicial or administrative procedures involving children or adolescents. In criminal matters, the provisions of the Political Constitution of the United Mexican States, this Law and other applicable provisions will be applied.

An expiry or prescription that is detrimental to children and adolescents cannot be declared.

TITLE FOUR

The protection of children and adolescents



Single Chapter

Social assistance centres

ARTICLE 107

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, in accordance with the provisions of this Law, the General Law on Health and the Law on Social Assistance, will establish, within the scope of their respective competences, the requirements to authorise, register, license and supervise social assistance centres, in order to ensure compliance with the rights of children and adolescents deprived of parental or family care, who are cared for in these centres.

ARTICLE 108

The facilities of social assistance centres will adhere to the requirements stated in the General Law on Health and will have to comply with the following:

- I. Be managed by a public or private entity, or by an association, which offers the service of alternative or residential care for children and adolescents without parental or family care;
- II. Its building infrastructure will have to comply with the physical dimensions relating to the services that they provide and with measures of safety and civil protection in accordance with applicable legislation;

- III. Be in line with the universal design and accessibility in accordance with applicable legislation;
- IV. Have the necessary measures of safety, protection and security to ensure comfort, hygiene, suitable space in accordance with the age, sex or physical or mental condition of the placed children and adolescents, in order to allow for an affective and violence-free environment, in accordance with applicable provisions;
- V. Accommodate and group children and adolescents in accordance with their age and sex in the dormitory areas, and under no circumstances may these be shared with adults, except if they need to be assisted by an adult;
- VI. Have areas specially aimed at each of the activities, which children and adolescents participate in;
- VII. Address the requirements established by civil protection, public health and social assistance authorities,
- VIII. Ensure an environment that provides the necessary means of support in order for children and adolescents with disabilities to live included in their community.

Children and adolescents with temporary or permanent disabilities, without distinction as to the cause or degree of disability, cannot be discriminated against for being cared for or for remaining in social assistance centres.

ARTICLE 109

Any social assistance centre is responsible for ensuring the physical and psychological integrity of the children and adolescents it has under its care.

The services provided by social assistance centres will be directed, in compliance with their rights, at:

- I. A safe, affective and violence-free environment;
- II. Care and protection against acts or omissions that may affect their physical or psychological integrity;
- III. A diet that enables them to have a balanced nutrition, and which benefits from the periodic approval of the public health authority;
- IV. Comprehensive and multidisciplinary care, which provides them with comprehensive medical services, first aid, psychological, social and legal follow-up, amongst others;
- V. Counselling and education that is appropriate for their age, aimed at achieving a physical, cognitive, emotional and social development to the maximum of their possibilities, as well as the understanding and the exercise of their rights;

- VI. Enjoy in their daily life the rest, recreation, play, leisure and activities that promote their comprehensive development;
- VII. Quality and friendly services provided by trained, qualified, suitable and sufficient staff, with training focusing on the rights of children;
- VIII. The persons in charge and the staff of social assistance centres will refrain from undertaking activities that affect the physical and psychological integrity of children and adolescents. Likewise, those in charge will avoid that the staff, who undertakes activities that differ from the care of children and adolescents, have contact with the latter;
- IX. Fora of participation to freely express their ideas and opinions on matters that affect them, and that these opinions are taken into account;
- X. Offer them the possibility to undertake external activities that enable them to maintain contact with their community, and
- XI. Foster the inclusion of children and adolescents with disabilities, in line with applicable legislation.

Likewise, and aimed at offering them better alternatives of protection for the enforcement of their rights, the periodic review of their situation, of that of their family and of the special protection measure upon which they were admitted in the social assistance centre, will have to be undertaken, ensuring contact with their family and significant persons whenever this is possible, taking into account their best interests.

The child or adolescent will have to have a complete file, in order for his or her situation to be reviewed and assessed individually as well as to determine procedures to admit him or her and for him or her to leave with the support of the competent authorities, and which facilitate his or her family or social reintegration.

Likewise, he or she will have to be ensured the protection of his or her personal data, in compliance with applicable legislation, and be informed, at all times, of his or her legal situation.

ARTICLE 110

Social assistance centres will have to have, at least, the following personnel:

- I. A person responsible for the coordination or management;
- II. Specialised staff in providing care in activities of stimulation, training, promotion and self-health care; medical care and social activities and activities of promotion of a culture of civil protection, in compliance with applicable provisions;
- III. The number of persons, who provide services, in each social assistance centre, will be determined in accordance with the economic capacity of the

- latter, as well as with the number of children and adolescents in their direct or indirect care, having to have, at least, one carer for every four children under the age of one year, and a carer for every eight children over this age;
- IV. In addition to the personnel mentioned in the present Article, the social assistance centre will be able to request the collaboration of institutions, organisations or departments that offer support in psychology, social work, law, pedagogy and others for the comprehensive care of the children and adolescents;
 - V. Provide, permanently, capacity-building and specialised training to its personnel, and
 - VI. Periodically supervise and assess its personnel.

ARTICLE 111

The obligations of the social assistance centres' managers or of the persons legally responsible for them are:

- I. To ensure compliance with the requirements established in this Law and other applicable provisions relating to being included on the National Register of Social Assistance Centres of the National Welfare System (DIF);
- II. To have a register of children and adolescents in their care with information on their legal situation, and submit it biannually to the Office of the Attorney-General for Protection of the federal entity;
- III. To ensure that the facilities have, in a visible place, evidence of the registration on the National Register of Social Assistance Centres;
- IV. To ensure that the social assistance centre has Internal Regulations, approved by the National Welfare System (DIF);
- V. To have an internal civil protection programme in accordance with applicable provisions;
- VI. To provide the facilities to the Offices of the Attorney-General for Protection in order for them to undertake the appropriate periodic supervision in accordance with applicable provisions; and, if relevant, address their recommendations;
- VII. This supervision will have to ascertain the monitoring of the legal and social situation, as well as the medical and psychological care, of the child or adolescent, and the process of family or social reintegration;
- VIII. To duly inform the competent authority when the admission of a child or adolescent is a situation that differs from a referral by an authority, or when it is aware that his or her physical integrity is at risk in its care, in order to initiate the special protection proceedings in a timely manner, identify the best solution for the child or adolescent and, if appropriate, avoid his or her permanency in the social assistance centre, given its nature as a last resort and exceptional;

- IX. To provide children and adolescents in its care with medical care by trained personnel;
- X. To undertake timely follow-up to the recommendations issued by the competent authorities;
- XI. To undertake specific actions to strengthen the professionalisation of the personnel in social assistance centres, and
- XII. Other obligations established in the present Law and other applicable provisions.

ARTICLE 112

The Offices of the Attorney-General for Protection of the federal entities, in coordination with the Federal Office of the Attorney-General for Protection, will be the competent authorities to authorise, register, license and supervise social assistance centres that provide the services described in the present Chapter, which they will establish the National Register of Social Assistance Centres for.

The National Register of Social Assistance Centres will have to include, at least, the following data:

- I. Name or business name of the social assistance centre;
- II. Registered office of the social assistance centre;
- III. Census of the placed population, which includes their sex, age and legal situation, and the monitoring of the process of family or social reintegration, and
- IV. Records of the personnel that works in the social assistance centre, including the general director and legal representative, as well as the legal nature, which it operates under.

To that effect, the Offices of the Attorney-General for Protection of the federal entities will have to report biannually to the Federal Office of the Attorney-General for Protection, on the update of their records, as well as on the results of the supervision visits undertaken as auxiliaries.

The Register referred to in this Article will have to be public and available for consultation on the website of the National Welfare System (DIF).

ARTICLE 113

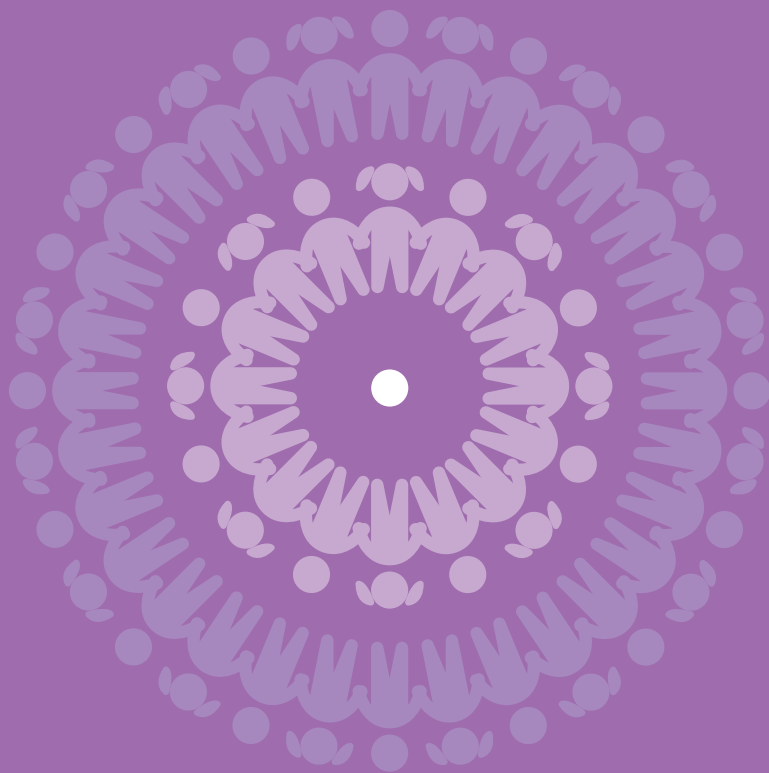
Notwithstanding the duties that applicable provisions assign to other authorities, it will be incumbent on the Offices of the Attorney-General for Protection to supervise social assistance centres and, if relevant, exercise those legal actions that are

appropriate in cases of non-compliance with the requirements established in the present Law and other applicable provisions.

The Offices of the Attorney-General for Protection of the federal entities will assist the Federal Office of the Attorney-General for Protection in the supervision that it undertakes of the facilities of social assistance centres, in accordance with the provisions of the Law on Social Assistance.

TITLE FIVE

The protection and comprehensive restitution of the rights of children and adolescents



Chapter One

The authorities

ARTICLE 114

The federal authorities, the authorities of the federal entities, of the municipalities, of the territorial divisions of the Federal District and of the autonomous constitutional bodies, within the scope of their competence, will have to establish and ensure compliance with the national policy on the rights of children and adolescents.

The public policies undertaken by these authorities will ensure the exercise of the rights of children and adolescents, for which they will have to observe the best interests of the child and ensure the priority allocation of resources in accordance with applicable provisions.

Section One

The allocation of competences

ARTICLE 115

All levels of government will assist in the fulfilment of the objectives of this Law, in compliance with the competences provided for in the present instrument and other applicable legal provisions.

ARTICLE 116

The following duties will be incumbent concurrently on the federal and local authorities:

- I. To coordinate the implementation and execution of actions and public policies that result from the present Law;
- II. To encourage knowledge of the rights of children and adolescents, as well as a culture of respect, promotion and protection of the latter, in compliance with the guiding principles of this Law;
- III. To ensure the thorough enforcement of the present Law and of applicable international instruments;
- IV. To adopt measures of special protection of the rights of children and adolescents in a vulnerable situation due to specific circumstances of a socio-economic, psychological, physical character, disability, cultural identity, ethnic or national origin, migratory situation or related to aspects of gender, sexual preference, religious beliefs or cultural practices, or other that restrict or limit their rights;
- V. To provide medical, psychological assistance and integrated preventive health care, as well as legal advice and social counselling to those exercising the parental responsibility, guardianship or care and custody of children and adolescents, or persons, who have them under their responsibility, in relation to the obligations established in this Law;
- VI. To ensure the development and survival, as well as investigate and effectively punish acts of deprivation of life, of children and adolescents, and ensure appropriate reparation of the harm;
- VII. To collaborate in the search, tracing and obtaining of necessary information to evidence or reestablish the identity of children and adolescents;
- VIII. To establish family strengthening policies to avoid the separation of children and adolescents from those exercising parental responsibility, guardianship or care and custody;
- IX. To establish the legal provisions and necessary mechanisms to facilitate family tracing and reunification of children and adolescents, when they have been deprived of the latter, provided that this is not contrary to their best interests;
- X. To assist in the tracing of children and adolescents, who have been abducted, transferred or not returned illicitly;
- XI. To implement measures of full inclusion and undertake affirmative actions to ensure children and adolescents an equality of opportunities and treatment, as well as to ensure that they are not discriminated against;
- XII. To adopt measures for the elimination of traditions, customs, cultural and religious practices, sexist stereotypes or prejudices that affect the equality of children and adolescents on grounds of gender or which promote any type of discrimination;

- XIII. To adopt appropriate measures to promote the physical and psychological rehabilitation and the restitution of the rights of children and adolescents, who are victims of any form of violence;
- XIV. To ensure that all sectors of society have access to education and assistance on the basic principles of health and nutrition, the benefits of breastfeeding, as well as on the prevention of pregnancies, hygiene, measures of prevention of accidents and other aspects relating to the health of children and adolescents;
- XV. To foster suitable conditions to create a violence-free environment in educational establishments;
- XVI. To establish the universal design, accessibility and policies for the prevention, care and rehabilitation of children and adolescents with disabilities, in accordance with applicable legislation;
- XVII. To undertake actions in order to raise the awareness of society, in order for it to become more aware of children and adolescents with disabilities, and foster the respect for their rights and dignity, as well as to fight against stereotypes and prejudices relating to their disability;
- XVIII. To make arrangements and implement mechanisms that ensure the permanent and active participation of children and adolescents in decisions made in the family, school, social, community or any other environment they are involved in;
- XIX. To ensure the attainment of quality education and substantive equality in accessing and remaining in the latter;
- XX. To foster the development and update of inter-institutional coordination agreements amongst the various governmental departments;
- XXI. To conclude cooperation, coordination and consultation agreements in this field;
- XXII. To support public and private institutions dedicated to the care of children and adolescents;
- XXIII. To ensure the protection of the rights of children and adolescents, and ensure that violations of the latter are addressed on a preferential basis by all authorities, within the scope of their respective competences;
- XXIV. To develop all necessary mechanisms for the enforcement of the present Law, and
- XXV. To ensure that children and adolescents have access to drinking water for their consumption and hygiene.

ARTICLE 117

The following duties will be incumbent on the federal authorities, within their respective competences:

- I. To ensure, within the scope of their competence, the thorough enforcement of the present Law and applicable international treaties;
- II. To apply the National Programme referred to in this Law;
- III. To establish, use, supervise and maintain all the instruments and actions aimed at improving the National Comprehensive Protection System and the National Programme;
- IV. To review and assess the efficacy of state actions, public policies and programmes in this field, based on the results of the assessments undertaken for this purpose;
- V. To foster the participation of private organisations dedicated to the promotion and defence of the human rights of children and adolescents in the execution of federal programmes;
- VI. To foster the development and update of inter-institutional coordination agreements amongst various governmental departments, to facilitate the intervention of the Executive Secretariat of the National Comprehensive Protection System;
- VII. To impose penalties in the case of the offences established in the present Law at federal level;
- VIII. To temporarily or permanently revoke, through the competent authority, the authorisation to operate social assistance centres due to non-compliance with the obligations and requirements provided for in this Law;
- IX. To ascertain, via the National Migration Institute, the existence of an authorisation granted by those exercising parental responsibility, guardianship, or, if appropriate, the competent judicial body, that allows the entry into and exit of children or adolescents from the national territory, in compliance with applicable provisions;
- X. To determine, via the National Migration Institute, the migratory condition of migrant children and adolescents, and
- XI. Any other duty for the enforcement of this Law.

ARTICLE 118

The following duties will be incumbent on the local authorities, within their respective competences:

- I. To arrange and organise their public policies, taking into consideration the National Programme for the adequate safeguarding and protection of the rights of children and adolescents;
- II. To develop the Local Programme and participate in the design of the National Programme;
- III. To strengthen existing, and foster the creation of, public and private institutions that have contact with children and adolescents;

- IV. To promote, in coordination with the Federal Government, programmes and projects on the care, education, training, research and culture of human rights of children and adolescents;
- V. To foster local programmes for the advancement and development of children and adolescents in a situation of vulnerability;
- VI. To disseminate the content of this Law through all means of communication;
- VII. To develop and apply the Local Programmes referred to in this Law, as well as submit an annual progress report to the National Comprehensive Protection System;
- VIII. To review and assess the efficacy of state actions, public policies and programmes in this field, based on the results of the assessments undertaken for this purpose;
- IX. To foster the participation of private organisations dedicated to the promotion and defence of the human rights of children and adolescents in the execution of state programmes;
- X. To receive, from private organisations, proposals and recommendations on the protection of the rights of children and adolescents, in order to improve the mechanisms in this field;
- XI. To provide those bodies in charge of producing statistics and of providing inputs to the national information system, with the necessary information for the development of the latter;
- XII. To coordinate with the authorities of the various levels of government for the implementation and execution of actions and public policies that result from the present Law;
- XIII. To foster reforms, within the scope of their competence, for the enforcement of the objectives of the present Law, and
- XIV. Any other duty for the enforcement of this Law.

ARTICLE 119

The following duties are incumbent on the municipalities, in compliance with this Law and relevant local laws:

- I. To develop their Municipal Programme and participate in the design of the Local Programme;
- II. To undertake actions of dissemination that promote the rights of children and adolescents in the municipality, in order for the latter to be fully known and exercised;
- III. To promote the free expression of ideas of children and adolescents in matters concerning their municipality;
- IV. To act as the link between the public municipal administration and children and adolescents, who wish to express concerns;

- V. To receive complaints and reports on violations of the rights enshrined in the present Law and other applicable provisions, as well as to refer them immediately to the competent local Office of the Attorney-General for Protection, notwithstanding that it may receive them directly;
- VI. To support the competent local Office of the Attorney-General for Protection in urgent protection measures that the latter may determine, and coordinate those actions that are appropriate within the scope of its duties;
- VII. To promote the conclusion of coordination agreements with competent authorities, as well as other public or private bodies, for the care and protection of children and adolescents;
- VIII. To disseminate and apply the specific protocols on children and adolescents that are authorised by the competent bodies of the Federation and of the federal entities;
- IX. To coordinate with the authorities of the various levels of government for the implementation and execution of actions and public policies that result from the present Law;
- X. To support the development of the information system on children and adolescents at national level;
- XI. To foster the participation of private organisations dedicated to the promotion and defence of the human rights of children and adolescents in the execution of municipal programmes, and
- XII. Any other duty established in local legal instruments and those resulting from the agreements assumed by the National Welfare System (DIF) and the Systems of the federal entities in compliance with the present Law.

Section Two

The National Welfare System (DIF)

ARTICLE 120

Notwithstanding the duties established in other applicable provisions, it is incumbent on the Federation, via the National Welfare System (DIF):

- I. To protect the rights of children and adolescents, when the latter are restricted or violated, in accordance with this Law and other applicable provisions. Institutionalisation will proceed as a last resort and for the shortest possible period of time, giving priority to care options in a family environment;
- II. To foster the cooperation and coordination of the federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective com-

petences in matters of protection and restitution of the rights of children and adolescents, in order to establish the mechanisms that are needed for the latter;

- III. To conclude collaboration agreements with the Systems of the entities and the Municipal Systems, as well as with organisations and institutions in the public, private and social sectors;
- IV. To promote the training, capacity-building and professionalisation of the personnel of institutions related to the protection and restitution of the rights of children and adolescents, as well as to undertake and support studies and research in this field;
- V. To provide support and technical and administrative collaboration in matters regulated in this Law to the federal entities, municipalities and territorial divisions of the Federal District, and
- VI. Any other duty established in other provisions on the protection of children and adolescents that are within the scope of its competence.

Chapter Two

The Offices of the Attorney-General for Protection

ARTICLE 121

For an effective protection and restitution of the rights of children and adolescents, the Federation, within the structure of the National Welfare System (DIF), will have an Office of the Attorney-General for Protection.

The federal entities will have Offices of the Attorney-General for Protection, whose organisational affiliation and legal nature will be determined in accordance with the provisions that will be issued for this purpose.

In the exercise of its functions, the Offices of the Attorney-General for Protection will be able to request the support of authorities in all three branches of government, which will have an obligation to provide it in compliance with applicable provisions. For the due determination, coordination of the execution and monitoring of measures of comprehensive protection and restitution of the rights of children and adolescents, the Offices of the Attorney-General for Protection will have to establish contact and work jointly with the administrative social assistance, health services, education, social protection, culture, sports authorities and all those with whom it may be necessary to ensure the rights of children and adolescents.

ARTICLE 122

The Offices of the Attorney-General for Protection mentioned in the previous Article, within their scopes of competence, will have the following duties:

- I. To ensure the comprehensive protection of children and adolescents as provided for in the Political Constitution of the United Mexican States, international treaties, this Law and other applicable provisions. This comprehensive protection will have to include, at least:
 - a) Medical and psychological care;
 - b) Follow-up on academic activities and activities in the social and cultural environment, and
 - c) The inclusion, if appropriate, of those exercising the parental responsibility, guardianship or care and custody of children and adolescents in measures of rehabilitation and assistance;
- II. To provide advice and substitute representation to children and adolescents involved in judicial or administrative proceedings, notwithstanding the duties incumbent on the Public Prosecutor, as well as intervene, on its own motion, as auxiliary representation, in all judicial and administrative proceedings, which children and adolescents participate in, in compliance with the provisions of the present Law and other applicable provisions;
- III. To coordinate the execution of and monitor the measures of protection for the comprehensive restitution of the rights of children and adolescents, in order for the competent bodies to act in a timely and coordinated manner;
- IV. To act as a conciliator or mediator in cases of family conflict, when the rights of children and adolescents have been restricted or violated, in compliance with applicable provisions. Conciliation will not proceed in cases of violence;
- V. To report to the Public Prosecutor those facts that allegedly constitute an offence against children and adolescents;
- VI. To request the competent Public Prosecutor to impose suitable urgent special protection measures, when there is an imminent risk against the life, integrity or freedom of children and adolescents, which will have to declare them, at the latest, within the following three hours of the reception of the request, and immediately inform the competent judicial body. In addition to those established in the National Code of Criminal Procedure, the following are urgent special protection measures relating to children and adolescents:
 - a) The admission of a child or adolescent into a social assistance centre, and
 - b) Immediate medical care provided by any institution of the National Health System.Within 24 hours of the imposition of the urgent protection measure, the competent judicial body will have to pronounce itself on the cancellation, confirmation or amendment of the measure in force;

- VII. To order, based on grounds and justifications, and under their strictest responsibility, the application of the urgent special protection measures established in the previous paragraph, when there is an imminent risk against the life, integrity or freedom of children or adolescents, and to immediately notify the Public Prosecutor and the competent judicial authority. Within 24 hours of the imposition of the urgent protection measure, the competent judicial body will have to pronounce itself on the cancellation, confirmation or amendment of the measure in force.
For the imposition of urgent protection measures, the Attorney-General for Protection will be able to request the support of competent police bodies. In cases of non-compliance with urgent protection measures, the Attorney-General for Protection will be able to request the imposition of appropriate enforcement measures to the competent authority;
To promote the participation of the public, social and private sectors in the planning and execution of actions for the care, defence and protection of children and adolescents;
- VIII. To advise the competent authorities and the public, social and private sectors on the enforcement of the legal framework relating to the protection of children and adolescents, in compliance with applicable provisions;
- IX. To develop the guidelines and procedures, which they will comply with, for the restitution of the rights of children and adolescents;
- X. To support the National Welfare System (DIF) and the Systems of the entities in the development of the guidelines and procedures to register, train, assess and license those families that are considered suitable, taking into consideration the requirements stated for pre-adoptive care, as well as to issue certificates of suitability;
- XI. To provide information to set up and systematise the National Register of Social Assistance Centres;
- XII. To supervise the due operation of social assistance centres and, if relevant, exercise those legal actions that are appropriate in cases of non-compliance with the requirements established in the present Law and other applicable provisions;
- XIII. To supervise the execution of special measures of protection of children and adolescents, who have been separated from their family of origin on the basis of a judicial resolution;
- XIV. To undertake and promote studies and research to strengthen actions for the care, defence and protection of children and adolescents, in order to disseminate them amongst competent authorities and the public, social and private sectors for their inclusion in the respective programmes, and
- XV. Any other duties granted by other applicable provisions.

ARTICLE 123

In order to request the protection and comprehensive restitution of the rights of children and adolescents, the Offices of the Attorney-General for Protection will have to observe the following procedure:

- I. Identify or receive cases of restriction or violation of the rights of children and adolescents;
- II. Approach the family, or the place where the children and adolescents are, to diagnose the situation of their rights when there is information on a potential restriction or violation of the latter;
- III. Determine, in each of the identified cases, the rights that are being restricted or violated;
- IV. Prepare, on the basis of the principle of the best interests of the child, a diagnosis of the situation of violation and a plan for the restitution of rights, which includes proposals of measures for their protection;
- V. Agree on and coordinate the enforcement of the plan for the restitution of rights with relevant institutions, and
- VI. Follow-up on each of the actions of the plan for the restitution of rights, until they make sure that all the rights of the child or adolescent are being safeguarded.

ARTICLE 124

The requirements in order to be appointed head of the Federal Office of the Attorney-General for the Protection of Children and Adolescents are the following:

- I. Be a Mexican citizen with full enjoyment of his or her civil and political rights;
- II. Be over the age of 35 years;
- III. Have a duly registered professional title of a Bachelor's degree in Law;
- IV. Have minimum five years of experience in law enforcement or in the defence of children and adolescents;
- V. Not to have been sentenced for a criminal offence or disqualified as a public servant;

The appointment of the Federal Attorney-General for the Protection of Children and Adolescents will have to be approved by the Governing Board of the National Welfare System (DIF), upon a proposal submitted by its Head.

The laws of the federal entities will establish the necessary measures to allow for the regional deconcentration of the Offices of the Attorney-General for Protection, for the purpose of achieving the largest possible presence and coverage in the municipalities and, in the case of the Federal District, in its territorial divisions.

Chapter Three

The National Comprehensive Protection System

Section One

Members

ARTICLE 125

To ensure an adequate protection of the rights of children and adolescents, the National Comprehensive Protection System is created, as the authority in charge of establishing instruments, policies, procedures, services and actions of protection of the rights of children and adolescents.

The National Comprehensive Protection System will have the following duties:

- I. To disseminate the domestic and international legal framework of protection of the rights of children and adolescents;
- II. To establish the participation of the public, social and private sectors and of civil society in the definition and implementation of policies for the safeguarding and the comprehensive protection of the rights of children and adolescents;
- III. To generate the necessary mechanisms to ensure the direct and effective participation of children and adolescents in processes of development of programmes and policies for the safeguarding and comprehensive protection of their rights;
- IV. To promote, in the three levels of government, the establishment of budgets directed at the protection of the rights of children and adolescents;
- V. To foster the inclusion of the child and adolescent rights-based approach into the national planning for development;
- VI. To ensure that the child and adolescent rights-based approach is cross-cutting in the development of programmes, as well as in the policies and actions of departments and bodies of the Federal Public Administration;
- VII. To approve the National Programme in the framework of the National Development Plan;
- VIII. To ensure the coordinated execution of the National Programme by its members, with the participation of the public, social and private sectors, as well as of children and adolescents;

- IX. To ensure collaboration and cooperation amongst the Federation, the federal entities, the municipalities and the territorial divisions of the Federal District, for the development, execution and implementation of policies, programmes, strategies and actions in the protection and exercise of the rights of children and adolescents, with the participation of the public, social and private sectors as well as of children and adolescents;
- X. To give effect to the concurrence, correlation and coherence of the programmes and actions of the federal government, of the governments of the federal entities, of the municipalities and of the territorial divisions of the Federal District with the objectives, strategies and priorities of the national policy on protection of the rights of children and adolescents;
- XI. To ensure the participation of children and adolescents in the exercise of their human rights, taking into consideration the special measures that are required;
- XII. To strengthen actions of shared responsibility and proximity between public and private bodies in relation to children and adolescents;
- XIII. To promote the conclusion of collaboration and coordination agreements, as well as of actions of consultation, with public and private, domestic and international, bodies that contribute to the enforcement of the present Law;
- XIV. To establish mechanisms of coordination with other national systems that develop programmes, actions and policies for the benefit of children and adolescents, in accordance with applicable provisions;
- XV. To create a system of information at national level, with the purpose of having disaggregated data that allow to monitor the progress achieved in the enforcement of the rights of children and adolescents in the country, including qualitative and quantitative indicators. This system of information will be coordinated and shared with other national systems, in accordance with the coordination agreements that are concluded to this effect, in compliance with applicable provisions;
- XVI. To undertake training and capacity-building actions in a systemic and ongoing manner, on the knowledge and respect for the human rights of children and adolescents, mainly for those persons, who work in the safeguarding of their rights in various fields;
- XVII. To promote public policies and review those that already exist in relation to the rights of a programmatic character provided for in this Law, and
- XVIII. Any other duty that is necessary for the enforcement of this Law.

ARTICLE 126

Coordination between the authorities of the Federation, of the federal entities, of the municipalities and of the territorial divisions of the Federal District, in a framework of respect for duties, will be the pillar of the National Comprehensive Protection System.

ARTICLE 127

The National Comprehensive Protection System will comprise:

- A. The Federal Executive:
 - I. The President of the Republic, who will preside it;
 - II. The Minister of the Interior;
 - III. The Minister of Foreign Affairs;
 - IV. The Minister of Finance and Public Credit;
 - V. The Minister of Social Development;
 - VI. The Minister of Education;
 - VII. The Minister of Health;
 - VIII. The Minister of Labour and Social Welfare, and
 - IX. The Head of the National Welfare System (DIF).
- B. The federal entities:
 - I. The Governors of the States, and
 - II. The Head of Government of the Federal District.
- C. Public bodies:
 - I. The General Public Prosecutor of the Republic;
 - II. The President of the National Human Rights Commission, and
 - III. The Commissioner-President of the Federal Telecommunications Institute.
- D. Representatives of civil society, who will be appointed by the System, in accordance with the regulations of this Law.

For the purposes of the provision in Paragraph D, the regulations will have to provide the terms for the issuance of a public announcement, which will include the complete stages for the procedure, its deadlines and timeframes.

The Presidents of the Presiding Boards of the Chamber of Deputies and Chamber of Senators of the Congress of the Union, a representative of the Federation's Judiciary, as well as representatives of the National Commission of High Courts of Justice of the United Mexican States and of the associations of municipalities that are legally established, will be permanent invitees, who will participate with a right to speak but without a right to vote.

The President of the Republic, in exceptional cases, may be replaced by the Minister of the Interior, in the terms provided for in Paragraph I of Article 27 of the Organic Law of the Federal Public Administration.

The members of the National Comprehensive Protection System will appoint an alternate, who must hold the position of deputy minister or an equivalent position.

The President of the System will be able to invite to the respective sessions representatives of other departments or bodies of the Federal Public Administration, of autonomous constitutional bodies, of the governments of the federal entities, of the municipalities, of the territorial divisions of the Federal District, depending on the nature of the matters to be dealt with, and who will participate with a right to speak but without a right to vote.

Children and adolescents will participate in a permanent manner in the sessions of the National Comprehensive Protection System, only with a right to speak; they will be selected by the System itself. Likewise, national or international individuals or bodies, specialised in this field, may be invited.

ARTICLE 128

The National Comprehensive Protection System will meet at least twice a year. In order to hold a valid session, a quorum of the majority of its members and the attendance of its President will be required; its decisions will be made by a majority of votes and, in the case of a tie, the President will hold the casting vote.

ARTICLE 129

For a better enforcement of its functions, the National Comprehensive Protection System will be able to establish commissions in charge of addressing specific matters or subjects, and will issue the guidelines for their establishment, organisation and operation, which will have to be published in the Official Journal of the Federation.

Section Two

The Executive Secretariat

ARTICLE 130

The operational coordination of the National Comprehensive Protection System will be incumbent on a deconcentrated administrative body of the Ministry of the Interior, which will exercise the functions of the Executive Secretariat.

The Executive Secretariat will have the following duties:

- I. To coordinate actions between the competent departments and bodies of the Federal Public Administration that result from the present Law;

- II. To prepare the draft National Programme in order to submit it for the consideration of the members of the System;
- III. To carry out the follow-up and monitoring of the execution of the National Programme;
- IV. To draft and keep updated the Manual for the Organisation and Operation of the National Comprehensive Protection System;
- V. To compile the agreements reached in the National Comprehensive Protection System, manage the filing of the latter and of the legal instruments that result from them, and issue evidence of the latter;
- VI. To support the National Comprehensive Protection System in the execution and follow-up of the agreements and resolutions that have been issued;
- VII. To conclude coordination, collaboration and consultation agreements with public and private, national and international, bodies;
- VIII. To manage the system of information at national level, which is referred to in Paragraph XV of Article 125;
- IX. To undertake and promote studies and research to strengthen actions for the care, defence and protection of children and adolescents, in order to disseminate them amongst competent authorities and the social and private sectors for their inclusion in the respective programmes;
- X. To disseminate, amongst the relevant authorities and the population in general, the results of the works it undertakes, as well as any public information that tends to the generation, development and consolidation of an approach in this field, disaggregated, at least, by age, sex, federal entity, grade of school education and disability;
- XI. To advise and support the governments of the federal entities, as well as the federal authorities that require it, in the exercise of their duties;
- XII. To inform the National Comprehensive Protection System and its President of its activities every four months;
- XIII. To provide the necessary information to CONEVAL for the assessment of social development policies relating to the protection of children and adolescents;
- XIV. To act as a body of dialogue with civil society organisations, academia and other bodies in the social and private sectors;
- XV. To coordinate the articulation of the national policy with the Executive Secretariats of the Systems in the entities, as well as the exchange of necessary information, for the purpose of the enforcement of the objective of this Law, and
- XVI. Any other responsibilities entrusted to it by the President or the National Comprehensive Protection System.

ARTICLE 131

The head of the Executive Secretariat will be appointed and removed freely by the President of the System and will have to comply with the following requirements:

- I. Have Mexican citizenship and full enjoyment of his or her civil and political rights;
- II. Be over the age of 30 years;
- III. Have a duly registered professional title of a Bachelor's degree;
- IV. Have minimum five years of experience in fields that are relevant to his or her function, and
- V. Not to have been sentenced for a criminal offence or disqualified as a public servant.

Section Three

The evaluation and diagnosis

ARTICLE 132

The evaluation of social development policies that are linked to the protection of the rights of children and adolescent will be incumbent on CONEVAL, in accordance with the provisions of the Political Constitution of the United Mexican States, this Law, the National Programme and other applicable provisions.

ARTICLE 133

The evaluation will consist of periodically reviewing the enforcement of this Law and of the National Programme, goals and actions relating to the rights of children and adolescents.

ARTICLE 134

Depending on the results of the evaluations, CONEVAL will issue, if appropriate, those suggestions and recommendations that it considers relevant for the National Comprehensive Protection System.

ARTICLE 135

The results of the evaluations will be submitted to the Chamber of Deputies and Chamber of Senators of the Congress of the Union.

Chapter Four

The Protection Systems of the federal entities

Section One

The Local Protection Systems

ARTICLE 136

In each federal entity, a Local System of Protection of the rights of children and adolescents will be created and set up, will comprise the departments and bodies of the local administrations linked to the protection of these rights, in accordance with what will be determined in their respective legal instruments, and will be presided by the person, who is the Head of the State's Executive and by the Head of Government of the Federal District. They will be organised and operate in a similar manner to the National Comprehensive Protection System, will have an Executive Secretariat and ensure the participation of the social and private sectors as well as of children and adolescents.

The National Comprehensive Protection System will link itself up with the Local Protection Systems through their respective Executive Secretariats.

ARTICLE 137

The Local Protection Systems will have, at least, the following duties:

- I. To implement and arrange their public policies in consistency with the national policy;
- II. To contribute to the adoption and consolidation of the National Protection System;
- III. To ensure that the child and adolescent rights-based approach is cross-cutting in the development of specific sectoral or, if relevant, institutional programmes, as well as in the policies and actions of departments and bodies of the local public administration;
- IV. To disseminate the local, domestic and international legal frameworks of protection of the rights of children and adolescents;
- V. To include the public, social and private sectors in the definition and implementation of policies for the protection of children and adolescents;

Section Two

The Municipal Protection Systems

- VI. To generate the necessary mechanisms to ensure the direct and effective participation of children and adolescents in processes of elaboration of local programmes and policies for the comprehensive protection of their rights;
- VII. To earmark, in their budgets, categories for the protection of the rights of children and adolescents, which will be subjected to progressive enforcement;
- VIII. To ensure that the child and adolescent rights-based approach is cross-cutting in the elaboration of programmes, as well as in the policies and actions for the protection of the rights of children and adolescents;
- IX. To participate in the elaboration of the National Programme;
- X. To develop and execute the Local Programme with the participation of the public, social and private sectors as well as of children and adolescents;
- XI. To carry out the follow-up, monitoring and assessment of the execution of the Local Programme;
- XII. To issue an annual report of the progress achieved by the Local Programme and submit it to the National Protection System;
- XIII. To participate in the development, execution and implementation of programmes, strategies and actions relating to the protection and exercise of the rights of children and adolescents with the participation of the public, social and private sectors as well as of children and adolescents;
- XIV. To ensure the participation of children and adolescents in the exercise of their human rights, by taking into consideration the special measures that are required;
- XV. To strengthen actions of shared responsibility and proximity between public and private bodies in relation to children and adolescents;
- XVI. To manage the state system of information and contribute to the establishment of the system of information at national level;
- XVII. To undertake training and capacity-building actions in a systemic and ongoing manner, on the knowledge and respect for the human rights of children and adolescents, mainly for those persons, who work in the safeguarding of their rights in various fields;
- XVIII. To foster reforms, within the scope of their competence, for the enforcement of the objectives of the present Law;
- XIX. To conclude coordination agreements in this regard;
- XX. To support the local Office of the Attorney-General for Protection in the urgent protection measures determined by the latter, and coordinate those actions that are appropriate within the scope of its duties, and
- XXI. Any other duties granted by other applicable provisions.

The laws of the federal entities will determine the form and terms of the participation of the Municipal Systems in the Local Protection System and, in the case of the Federal District, the form of participation of its territorial divisions.

ARTICLE 138

The Municipal Systems will be presided by the Mayors or Heads of Delegations, and will comprise the departments and bodies related to the protection of children and adolescents.

The Municipal Systems will have an Executive Secretariat and will ensure the participation of the social and private sectors, as well as of children and adolescents.

ARTICLE 139

The laws of the federal entities will require that the general basis of the municipal public administration provides for the obligation for the town councils to have a programme of care and an area or public servants, who will act as the authority of first contact with children or adolescents, and which will be the liaison with the competent local and federal authorities.

These same provisions will be applicable to the territorial divisions of the Federal District in the Governmental Statute of the Federal District.

The body referred to in the present Article will coordinate itself with municipal public servants or public servants of the territorial divisions of the Federal District, when the operation, verification and supervision of the functions and services incumbent on them, identify cases of violations of the rights enshrined in the present Law, in order to notify immediately the competent Office of the Attorney-General for Protection.

The bodies referred to in this Article will have to exercise, notwithstanding any others provided for in the laws of the federal entities, the duties provided for in Article 119 of this Law.

Chapter Five

The Human Rights Protection Bodies

ARTICLE 140

The National Human Rights Commission and the human rights protection bodies of the federal entities, within the scope of their competences, will have to set up specialised departments for the effective protection, abidance, promotion, study and dissemination of the rights of children and adolescents.

Chapter Six

The National Programme and Local Programmes

ARTICLE 141

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, within the scope of their respective competences, via the National Comprehensive Protection System, as well as the private and social sectors, will participate in the development and execution of the National Programme, which will have to be compliant with the National Development Plan and with the present Law.

ARTICLE 142

The National Programme will include the policies, objectives, strategies and priority lines of action for the exercise, respect, promotion and comprehensive protection of children and adolescents.

ARTICLE 143

The Local Programmes will provide for medium and long-term actions, will state the objectives, strategies and priority lines of action, and will have to be in line with the National Programme.

ARTICLE 144

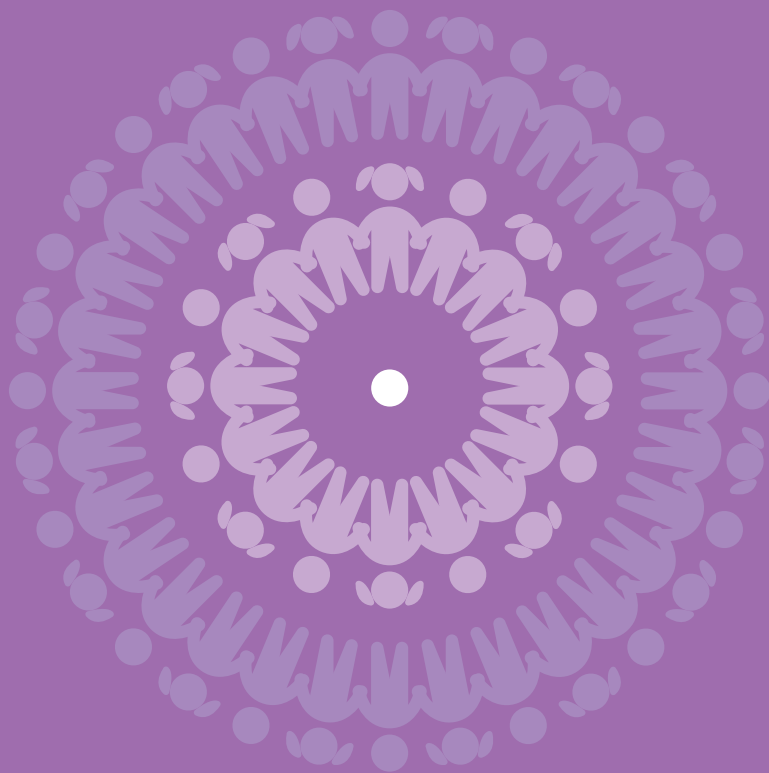
The National Programme and the Local Programmes will have to include transparent mechanisms that allow for their assessment and follow-up, as well as mechanisms of citizen participation, and will be published in the Official Journal of the Federation and in the official gazettes or journals of the federal entities, as appropriate.

ARTICLE 145

The National, Local and Municipal Systems will have advisory support bodies, which competent authorities and representatives of the social and private sectors will participate in, for the implementation and application of the programmes.

TITLE SIX

Administrative offences



Single Chapter

Administrative offences and sanctions

ARTICLE 146

The laws of the federal entities will establish the offences and sanctions that are applicable within their respective competences, and the procedures for their enforcement and appeal, as well as the authorities that are competent for the latter.

ARTICLE 147

Federal public servants, the personnel of health, education, sports or cultural institutions, employees or workers of facilities subject to the control, administration or coordination of the latter, who, in the exercise of their functions or activities or on grounds of the latter, illegally hinder the exercise of any right or deny the provision of a service, which they are obliged to, to any child or adolescent, will be subjected to the administrative and any other sanctions that may be applicable, in accordance with relevant provisions.

The troubles that result from legal sanctions that are inherent or incidental to the latter or that result from a legitimate act of authority will not be considered a denial of the exercise of a right.

ARTICLE 148

At federal level, the following constitute infringements of the present Law:

- I. With regards to federal public servants, the personnel of health, education, sports or cultural institutions, employees or workers of facilities subject to the control, administration or coordination of the latter, as well as social assistance centres or of any other nature under federal jurisdiction, when, in the exercise of their functions or activities or on grounds of the latter, they are aware of a violation of any right of a child or adolescent, and inappropriately refrain from notifying it to the competent authority, in violation of the provisions of Article 12 of this Law and other applicable legal instruments;
- II. With regards to federal public servants, the personnel of health, education, sports or cultural institutions, employees or workers of facilities subject to the control, administration or coordination of the latter, as well as social assistance centres or of any other nature under federal jurisdiction, when they foster, tolerate or refrain from preventing any type of abuse, harassment, assault, injury, intimidation, violence, maltreatment or harm against children and adolescents that they are aware of;
- III. With regards to the licensees of radio, television, the dissemination or broadcasting of images, sound or data that objectively affect or hinder the comprehensive development of children or adolescents, or which offer an apology for crime, in violation of Article 68 of this Law and of the specific provisions that regulate the dissemination and broadcasting of contents;
- IV. With regards to the licensees of radio and television and to those managing printed media, the violation of the personal or family privacy of children or adolescents, referred to in Article 77 of this Law;
- V. With regards to the licensees of radio and television and to those managing printed media, the undertaking of interviews or their dissemination, without the authorisation referred to in Article 78 of this Law;
- VI. With regards to the licensees of radio and television and to those managing printed media, the dissemination of the personal data of children or adolescents relating, in any form, to criminal proceedings or to those, who have been imposed measures of reparation, reintegration, restitution or assistance, in accordance with applicable provisions, in violation of Article 78 of the present Law;
- VII. With regards to the licensees of radio and television and to those managing printed media, the dissemination of the images or voices of children or adolescents, in violation of the provisions of Article 80 of this Law;
- VIII. With regards to the professionals in social work and psychology, who intervene in adoption proceedings, and who do not have the authorisation of the National Welfare System (DIF) referred to in Article 31 of this Law, in cases of competence of the mentioned System, and

- IX. Any other violations of the provisions of this Law that are under federal jurisdiction.

ARTICLE 149

Those, who commit the offences provided for in paragraphs I, II and VIII of the previous article, will be imposed a fine of up to one thousand five hundred days of the general minimum salary in force in the Federal District at the time of the sanctioned behaviour.

The offences provided for in paragraphs III, IV, V, VI and VII of the previous article will be sanctioned with a fine of three thousand and up to thirty thousand days of the general minimum salary in force in the Federal District at the time of the sanctioned behaviour.

In the case of the offences provided for in Paragraphs III, V, VI and VII of the previous article, an additional fine of one thousand five hundred and up to seven thousand days of the general minimum salary in force in the Federal District, will be imposed for every day, which the information, data, images and sound are disseminated or available on electronic media, over which the licensee or printed media has control.

In cases of recidivism, the fine applied may be up to double the one provided for in this article. The following will be considered as recidivists:

- a) Having committed an offence that has been sanctioned, to commit another violation of the same provision of this Law;
- b) At the beginning of the second or subsequent procedure, when there is a previous resolution that has become effective, and
- c) That no more than ten years have elapsed between the beginning of the procedure and the resolution that has become effective.

ARTICLE 150

For the determination of the sanction, the competent authorities will have to consider:

- I. The seriousness of the offence;
- II. The intentional or unintentional character of the action or omission that constitutes the offence;
- III. The harm that could have been generated or that may be generated;
- IV. The economic condition of the offender, and
- V. The recidivism of the offender.

ARTICLE 151

The sanctions provided for in this Law will be applied by the following authorities:

- I. The competent department or body of the Federal Public Administration, in the cases of paragraphs I and II of Article 148 of this Law;
- II. In relation to public servants, as well as employees or workers of facilities subject to the control, administration or coordination of the Federation's Judiciary, the Chamber of Deputies or the Chamber of Senators of the Congress of the Union; autonomous constitutional bodies, or the Federal Court of Fiscal and Administrative Justice or the Employment or Agrarian Tribunals, the sanctions will be imposed by the bodies established in their respective legal instruments;
- III. The Ministry of the Interior in the circumstances provided for under Paragraphs III, IV, V, VI and VII of Article 148 of this Law, and
- IV. The National Welfare System (DIF) in the cases of Paragraph VIII of Article 148 of this Law.

ARTICLE 152

A judicial review, as provided for in the Federal Law on Administrative Procedure, may be filed against the sanctions that the federal authorities may impose for the enforcement of this Law.

ARTICLE 153

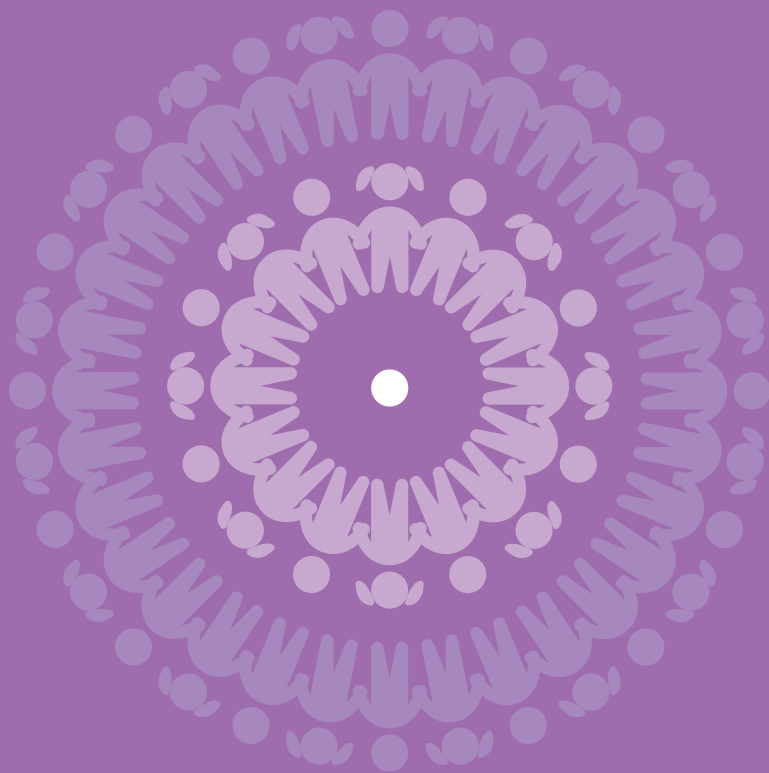
For the purposes of this Title, the Federal Law on Administrative Procedure will be applied in cases of absence of express provisions, and to the extent that it does not infringe this Law.

ARTICLE 154

The federal entities will have to establish the offences and administrative sanctions applicable within the scope of their competence.

ARTICLE TWO

Articles 25 and 26 of the General Law on the Provision of Services for Comprehensive Child Care and Development are amended as follows:



ARTICLE 25

The Council [TN: National Council for the Provision of Services of Comprehensive Child Care and Development] shall comprise the Heads of the following departments and bodies of the Federal Public Administration:

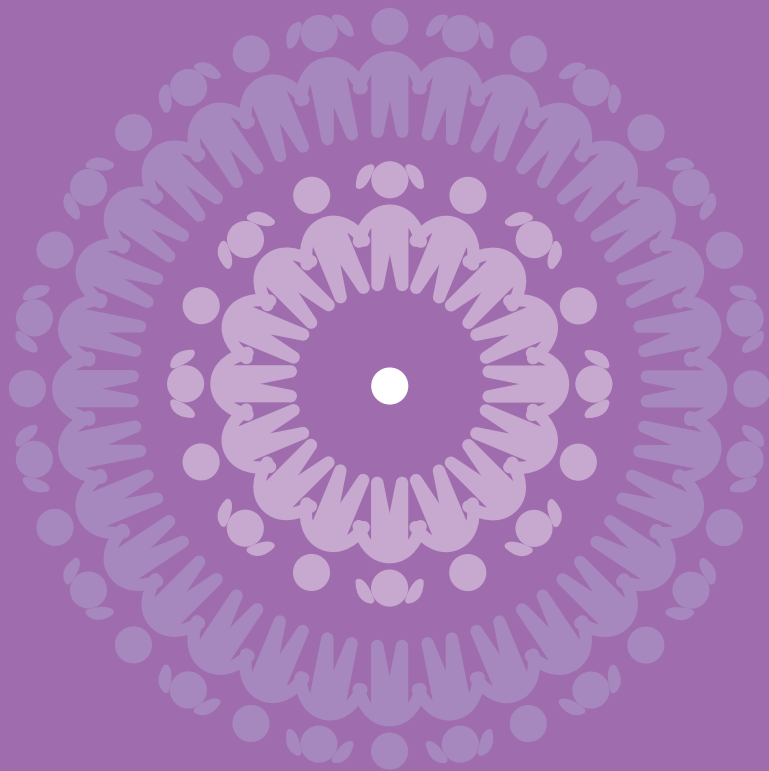
- I. The National Welfare System (DIF), which will preside it;
- II. The Ministry [TN: Ministry of Health];
- III. The Ministry of the Interior;
- IV. The Ministry of Social Development;
- V. The Ministry of Education;
- VI. The Ministry of Labour and Social Welfare;
- VII. The Institute of Social Security for the Mexican Armed Forces;
- VIII. The Mexican Social Security Institute;
- IX. The Social Security and Social Services Institute for State Employees;
- X. The National Commission for the Development of Indigenous Peoples, and
- XI. A representative of the labour sector and another one of the corporate sector, who will be the representatives in the Mexican Social Security Institute.

...
...

ARTICLE 26

The Federal Executive, via the National Welfare System (DIF), will be able to include in the Council the heads of other federal departments and bodies, which provide services of comprehensive child care and development, or whose scope of duties is linked to these services.

TRANSITORY PROVISIONS



FIRST

The present Decree will enter into force on the day following its publication in the Official Journal of the Federation.

SECOND

The Congress of the Union and the legislatures of the federal entities, within the scope of their respective competences, will undertake the legal amendments in accordance with the provisions of the present Decree within 180 calendar days from its entry into force.

THIRD

The Local and Municipal Protection Systems will have to be set up within maximum 90 days from the entry into force of the legal amendments referred to in the previous transitory provision.

FOURTH

The Law for the Protection of the Rights of Children and Adolescents is repealed.

FIFTH

The regulations resulting from this Law will have to be issued by the Federal Executive within maximum 180 calendar days from the entry into force of the present Decree.

SIXTH

The Federal Office of the Attorney-General for the Protection of Children and Adolescents will have to be established as from the fiscal period following the publication of the present Decree.

For the purposes of the previous paragraph, the National Welfare System (DIF) will have to reform its Organic Statute, in order to formalise the creation of the Federal Office of the Attorney-General for the Protection of Children and Adolescents, with its respective administrative units, within maximum 90 calendar days from the entry into force of the present Decree.

SEVENTH

The National Comprehensive Protection System will have to be established within 180 calendar days following the publication of the present Decree. In its first session, the President of the National Comprehensive Protection System will submit, for consideration of and approval by the latter, the guidelines for its composition, organisation and operation, as well as the appointment of the Head of the Executive Secretariat of the System.

The Head of the Executive Secretariat of the System, once the National Comprehensive Protection System has been established, will have to submit, within the following 30 calendar days, the draft guidelines referred to in Article 129 of the General Law on the Rights of Children and Adolescents for the consideration and, if appropriate, approval of the members of the Plenary.

The President of the National Comprehensive Protection System will undertake the necessary actions for the development of the National Programme, which will have to be approved within 180 calendar days from the establishment of the National Protection System.

EIGHTH

The references of this Law to the Office of the General Public Prosecutor of the Republic must be understood as undertaken by the Office of the Attorney-General of the Republic until the entry into force of the constitutional autonomy of this Office of the General Public Prosecutor.

NINTH

The federal authorities, the authorities of the federal entities, of the municipalities and of the territorial divisions of the Federal District, will conclude special

agreements and programmes to reduce the gap in the birth registration of children and adolescents.

TENTH

For the purposes of the provisions in Paragraph VI of Article 122 of the Law enacted by virtue of the present Decree, the measures established in the relevant criminal procedure legislation will be applied until the provisions of the National Code on Criminal Procedure come into force.

ELEVENTH

Those assistance centres, which have been operating prior to the entry into force of the present Decree, will have 180 days from its publication in the Official Journal of the Federation, to carry out the relevant adjustments in accordance with the provisions of the General Law on the Rights of Children and Adolescents.

TWELFTH

The Chamber of Deputies of the Congress of the Union, upon a proposal by the Federal Executive, will establish a budgetary line item to support the implementation of the adjustments referred to in the previous transitory provision and the operation of social assistance centres.





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General Law on the Rights of Children and Adolescents
Decree in the Official Journal of the Federation: 04/12/2014

GENERAL LAW ON THE RIGHTS OF CHILDREN AND ADOLESCENTS