

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON MEXICO^[1]

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) and Palermo Protocol ratified.

The initial report on OP-SRC-SC is due since April 2004.

Issues	National Report	Compilation	Summary
Child sexual exploitation	State mechanisms (110, 112); incidence (112); challenges (113)	Lack of effective systems (24); need for special centers (59)	
HIV/AIDS	State response (132)	Need to prevent and eliminate discrimination against infected/affected children (17)	Threats to national mechanisms, need to improve work on adolescents and youth (37)

Child sexual exploitation

- The **National System for the Family's Holistic Development** (*Sistema Nacional para el Desarrollo Integral de la Familia, SNDIF*) promotes Follow-Up and Monitoring Committees to oversee the enforcement of the Convention on the Rights of the Child. It carries out wide

programs to protect children and adolescents related to *-inter alia-* commercial sexual exploitation of children. (Para 110, National Report)

- It is **estimated** that currently 16,000 girls, boys and adolescents are used in practices of prostitution, pornography, sexual tourism and trafficking for sexual exploitation purposes. In 2007, criminal dispositions were amended to increase penalties against those who commit the crime of child commercial sexual exploitation. In addition, several public policies and programs for prevention, protection, assistance to victims and eradication of child sexual exploitation exist. Special mention deserves the **National Action Plan to Prevent, Assist and Eradicate Child Commercial Sexual Exploitation**, institutionally overseen by the National Coordination to Prevent, Assist and Eradicate child commercial sexual exploitation. (Para 112, National Report) Other **specific challenges** are to create holistic public policies for childhood assistance as well as incorporating and exchange successful practices to assist vulnerable group of children, including those exploited for sexual purposes - at regional level, an initiative that integrates an statistical information system on the situation of vulnerable children. (Para 113, National Report). In 2008, following an official visit to Mexico, the Special Rapporteur on the sale of children indicated that there was **no effective system** to protect and provide assistance to children and young people who have been victims of sexual exploitation or any form of trafficking (Para 24, Compilation)
- The Special Rapporteur on the sale of children recommended *inter alia*, the establishment of **special centers** to provide assistance to minors who have been victims of sexual exploitation (Para 59, Compilation)

HIV/AIDS

- Challenges remain in protecting the rights of other groups. However, Mexico has a solid legal framework, with specialized institutions and public policies to respond specifically to the needs of *-inter alia-* persons living with HIV/AIDS. On the basis of such **infrastructure** and to overcome deficiencies, the National Program for Human Rights contemplates actions like promoting and adopting a Legal Framework for Prevention, Control and Care in HIV/AIDS (Para 132, National Report). JS6 reported that after the current government took office, the existence of the National Center for HIV/AIDS Prevention and Control (Centro Nacional para la Prevención y el Control del VIH/SIDA, **CENSIDA**) was threatened and also formulated several recommendations to guarantee that this Center works with and for adolescents and young people (Para 37, Summary)
- The Committee on the Rights of the Child (CRC) recommended that Mexico intensify its efforts to prevent and eliminate all forms of **de facto discrimination against children infected with and affected by HIV/AIDS** (Para 17, Compilation)

Sexual Rights Initiative's Recommendations

On estupro

Note: Mexican state legislations penalize *estupro* -having sexual intercourse with a person older than 12 and younger than 16, using deception or seduction. In 8 Mexican states, the crime only occurs if the female victim is "modest and/or chaste" and in 10 Mexican states, legal action ceases if the perpetrator marries the victim.

- To harmonize its criminal laws on the issue to eliminate discriminatory contents and protect the underage population's right to sexual liberty^[2], bodily integrity and healthy sexual development
- To review the crimes related to sexual liberty and integrity in each state to later recommend amendments in those legislations that still perpetuate gender role stereotypes that are discriminatory against women and failed to protect sexual liberty.
- To conduct sensitivity and awareness-raising training for public officers dealing with youth and children on their rights, including issues of non-discrimination, gender and sexuality, to ensure that they will be treated with dignity and provided objective, complete, truthful and sufficient information to fully exercise their sexual rights, including the right to sexual liberty.
- To take the highest interest of the child as framework for the treatment of children particularly in cases related to the protection of their sexual liberty.

On HIV/AIDS and youth

- CENSIDA, the State body in-charge of AIDS policies, designs its policies for the age group 15-44 while the IMJ (the national institution for Youth) works with the 12-29 age group. In order to maximize the effects of current policies, we recommend harmonizing both age-group divisions following the IMJ criteria.
- In order to adequately address the needs of youth, we recommend that CENSIDA develops - in cooperation with civil society youth organizations- a Guide on HIV Prevention for Mexican Youth; campaigns addressed specifically to adolescents and youth on HIV prevention and the rights of persons living with HIV; increases the percentage of funded projects focusing on youth, as one of the population sectors that is most affected by the pandemic; and engages in a permanent dialogue with civil society youth organizations.
- That the Mexican Youth Institute (Instituto Mexicano de la Juventud, IMJ) develops the awareness-raising campaign on homophobia on the basis of the agreement signed with CENSIDA and CONAPRED.

[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org

[2] That is, the right to practice consensual sexuality free from coercion.