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Child protection in Mexico: A review of policy, system structure and current challenges

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ABSTRACT

In 2014 Mexico created the General Law for the Protection of Children and Adolescents, which establishes a new organization of the child protection system that legally complies with the requirements of international treaties. Since this change, the focus of attention of policy makers, civil society organizations and society in general has been on child protection. However, not many studies have addressed the Mexican child protection system. This research aims to present the evolution of the system, its structure, remaining gaps and provide suggestions for policy, research, and practice. We conclude that the system is legally well embedded, however, it is necessary to strengthen the institutions with economic resources and trained personnel to carry out adequate practices to implement the system that is legally portrayed. There is a need to update the available information on the situation of children in order to evaluate the system and carry out appropriate research that will serve as a basis for new practices.

1. Introduction

In December 2014, Mexico published The General Law for the Protection of the Rights of Children and Adolescents (in Spanish: Ley general de los derechos de niños, niñas y adolescentes, from now on The General Law). Through this law, and with the creation of the National System of Comprehensive Protection for Children and Adolescents (in Spanish: Sistema Nacional para la Protección Integral de Niños, Niñas y Adolescentes, referred to as the National Protection System), Mexico has developed the strongest legal framework for the protection of children in its history (SIPINNA, 2018). As a result of these institutional changes, the country is in a process of transition to adapt protection laws and practices that support the rights of children and adolescents.

The process of implementation of these institutional changes aimed at improving the rights of children and adolescents represents an ideal moment to analyze policies and practices and compare them to similar efforts worldwide. Thus far, there are limited published articles describing the new child protection system in Mexico. The purpose of this

review is to present a critical overview and analysis of the child protection system in Mexico that can inform academics, policy makers, and future comparative studies.

This study is based on the policy analysis framework developed for the Hestia research project (see: www.projecthestia.com), which compares the child protection systems of England (Biehal, 2019), Germany (Witte, Miehlbradt, van Santen, & Kindler, 2019) and the Netherlands (López, Bouma, Knorth, & Grietens, 2019). The goal is to address six primary questions about child protection in México: How is child abuse defined? Who is responsible for reporting suspected cases of abuse? What is the state's response to this problem? What is the process for providing child protection? What are the protective measures? Which services are offered to children and their families?

2. The Mexican context of child protection

From 1910 to the 1980s Mexico's welfare regime featured a conservative approach to gender as well as protective dualism, or the

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protection of urban areas and exclusion of groups that did not participate in the formal economy (Barba & Valencia, 2013). In 1983, the Mexican government began to implement a neoliberal model (Vázquez, 2005).

Children's rights are protected by federal and state laws. The most significant and extensive initiatives on children's rights in Mexico are regulated by federal law (Law Library of Congress, 2007). Mexico has historically been characterized by its legalistic interventions (Studsrod, Ellingsen, Guzmán, & Espinoza, 2018) orienting its system towards child protection; however, the changes brought about by The General Law are on the way to a child-centered orientation.

Children represent a third of Mexico's total population, with a relatively constant flow of migration. In 2015, there were 39.2 million children in the country, which represented 32.8% of its total population (50.6% men and 49.4% women). The age distribution is 32.4% aged 0–5 years, 33.7% aged 6–11 years, and 33.9% aged 12–17 years (INEGI, 2015b). Additionally, Mexico is a channel location for migrant children and adolescents, which results in a continuously fluctuating population both entering and leaving the country.

Abuse and neglect are serious issues faced by children in Mexico. In 2012, the National Institute of Statistics and Geography reported that 8 out of 10 aggressions suffered by children and adolescents occur at school and on public roads with home being the third most common location (INEGI, 2012). According to data from the Social Cohesion Survey for the Prevention of Violence and Crime (INEGI, 2014) which interviewed 4 million individuals, in 2014 approximately 4 out of 10 children between the ages of 12–17 across 47 cities in Mexico were victims of crime or abuse; additionally, 5.1% were victims of offensive touching and 1.8% were victims of rape or statutory rape.

Many children and adolescents in Mexico confront significant challenges such as lack of access to healthy food, dangerous working conditions, familial difficulties, and poverty. The Intercensal Survey (INEGI, 2015b), indicated that 34% of children live in food deprivation, which means that they do not have access to enough food to lead a healthy life. In addition, 2,474,989 children work, and of this population, 89.6% perform some economic activity that is dangerous to their health, morality or safety (INEGI, 2015c). Moreover, 63% of children between the ages of 1–14 experienced psychological aggression or physical punishment; 4.1% of children between the ages of 0–17 did not live with either of their biological parents; and 4.9% of children between the ages of 0–17 had at least one biological parent who died (National Institute of Public Health & Unicef México, 2015). In 2016, 51% of children were living on poverty (CONEVAL, 2016) while 24,730 children died in their first year of life and 2163 child deaths were the result of homicide (INEGI, 2016a).

Finally, the impact of child migration in Mexico represents a major concern. In 2017 there were 8,907 repatriations of Mexican children from the United States; 82% of these cases were unaccompanied adolescents (Secretariat of the Government and National Institute of Migration, 2017). In the same year, 2.1 million children and adolescents worked in occupations for which they were not allowed due to age or associated risk and 714,326 children and adolescents from 5 to 17 years old worked in the agricultural sector (INEGI, 2017).

Lack of standardized, accessible information on child abuse and neglect represents an obstacle in accurately assessing the degree of the problem. Relevant data in Mexico are fragmented due to the lack of systematized statistical information and standardized uniformity of how violence is defined at the various governmental and institutional levels (INEGI, 2016b). It is often necessary to consult numerous surveys with disparate definitions to get a holistic perspective on the problem. As a result, researchers often depend on civil society organizations to amalgamate research and produce overviews on child abuse and neglect issues facing the country.

2.1. Development of the child protection system

The structure of the child protection system is presented in accordance with the document for the creation of a care model for residential care centers prepared by the National System for the Integral Development of the Family (2018a).

In Mexico, the protection of children initially appears as social welfare in the colonial era with charitable and religious groups that provided welfare services to the underprivileged sectors of society with the intention of helping them satisfy their basic survival needs. It was not until 1961 that a specific body for the protection of children was created. The National Institute for the Protection of Children focused their actions on the care of children through school breakfasts, health services, and primary education. However, poverty was on the increase and the needs of the population surpassed the capabilities of the institution. In response, the Mexican Institute of Assistance to Children was created in 1968 with the goal of implementing specialized programs to provide care for children who were abandoned, orphaned, marginalized, impoverished, or in situations of risk to their physical and mental health.

In 1975, the Mexican Institute for Children and the Family was created, and programs were expanded to improve the quality of life of children, their families, and the community in general. These actions yielded very good results and were replicated in state institutions, serving as the basis for the creation of the National System for the Comprehensive Development of the Family (in Spanish: Sistema Nacional para el Desarrollo Integral de la Familia, from now on SNDIF).

In 1978, the SNDIF was consolidated as the main entity of governmental and private social welfare organizations, and state and municipal bodies were established. In 1982, one of its objectives was to intervene in the exercise of guardianship of children who belonged to the state.

Mexico ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990, leaving behind the irregular situation paradigm (Méndez & Mauras, 1994) and the model of tutelary protection. Under the irregular situation paradigm, the child was considered an object of assistance and control and the state intervened when it detected antisocial behavior by the child or considered them to be in material or moral danger. Furthermore, the state was not required to invest efforts and resources to ensure that all children could fully enjoy their rights (Inter-American Commission on Human Rights, 2017).

The signing of the Convention meant a change of paradigm and practices to place children as genuine subjects of rights and the state as a guarantor of them. This new conception recognizes the rights of the child, especially the right to progressive autonomy and participation, and makes the state responsible for establishing the legal, institutional, social, and economic conditions necessary to guarantee the full enjoyment and exercise of the rights recognized in the Convention (Morlachetti, 2013). In addition, these conditions must be based on a comprehensive approach, which entails the protection of children through well-coordinated and articulated actions, with the capacity for immediate and long-term action (Wulczyn, Daro, Fluke, Feldman, Glodek, & Lifanda, 2010).

The ratification of the UNCRC led to an amendment of Article 4 of the Constitution, in which it was stated that all children have the right to satisfy their needs for comprehensive development and that the state must provide what is necessary for the fulfillment of these rights and to promote respect for them (Official Gazette of the Federation, 2000). Based on this reform, the Law for the Protection of Children and Adolescents was enacted in May 2000. The purpose of this law was to give continuity to the provisions of the Constitution (Ruiz, n.d.); but it was a federal provision and there was no concurrent distribution of powers among the different levels of government, resulting in a lack of comprehensive protection.

However, in 2011 there was another important change at the constitutional level, the reform to article 73 was approved ([Official Gazette of the Federation, 2011](#)). This change allowed the National Congress to enact laws to ensure the best interests of children and compliance with international treaties to which Mexico is a signatory, with the concurrence of the Federation, states, and municipalities. In order to comply with basic international standards for care and protection of children and adolescents, Mexico published the [General Law on the Rights of Children and Adolescents](#) in December of 2014.

2.2. Current legal framework for child protection: general law of children and adolescents rights

The General Law compels the federal and municipal authorities to protect and adopt the necessary measures to guarantee the fulfillment of children's rights (Article 13, LDGNN, 2014). Guiding principles are (Article 6, LDGNN, 2014): substantive equality, non-discrimination, inclusion, right to life, survival and development, participation, interculturalism, and co-responsibility of the members of the family, society and authorities.

The new approach proposes that adults are obliged to guarantee that children have access to their rights in a progressive and comprehensive manner; that is, as children develop their autonomy, adults will provide them with greater space to make their own decisions and enforce their rights ([SNDIF & Unicef México, 2016](#)). However, The General Law does not explicitly prohibit corporal punishment, and in Mexico, it continues to be a common practice of discipline; an amendment of Article 44 ([Official Gazette of the Federation, 2015](#)) to add explicit prohibition of corporal punishment is currently under consideration ([Comisión de Derechos de la Niñez y de la Adolescencia, 2019](#)).

In accordance with the comprehensive approach to child protection, the National Protection System was created as the body responsible for addressing cases of children's rights violations as well as the design of policies, collection mechanisms, and data analysis. Additionally, a manual was prepared to organize the operation of the National Protection System whose coordinated effort oversees the General Secretariat and has the obligation to guarantee the rights of children and adolescents in the three levels of government. Finally, the creation of the National Protection System represents an important milestone in the history of Mexico, as, previously, there was no entity that combined the efforts of disparate government bodies and agencies.

3. Public policies for the protection of children

The General Law establishes, by Article 125, the obligation to develop a National Program for the Protection of Children and Adolescents (in Spanish: Programa Nacional de Protección a la Infancia y la Adolescencia, from now on The National Program). Prior to implementation of this program, an investigation was carried out by child protection institutions of the National System of Protection, which concluded that there is a lack of up-to-date, accessible, reliable and objective information on children and adolescents, as well as child protection programs and services ([SIPINNA, 2017](#)). Thus, in order to comply with the priorities defined in the General Law, a more clearly articulated framework of actions between government and the public, private, and academic sectors was proposed. The National Program also includes action plans derived through previous consultation with children and adolescents.

Another novel contribution of the program is that it establishes policies and programs to prevent unnecessary separation from the family by considering adoption only as a last resort. It also urges the authorities to develop alternative care modalities, as well as to standardize adoption procedures and establish criteria for the supervision of residential care facilities.

Conversely, the SNDIF has its own program named the National

Program of Social Services. In its 2018 report, it indicates that actions have been taken to regulate residential care centers and to train staff as well as personnel from the public prosecutor's office. Also, the program entitled E041 Protection and Restitution of the Rights of Children and Adolescents ([SNDIF, 2017](#)) was created to regulate child protection public policy. The program focuses on the new capabilities granted to the National System for the Integral Development of the Family by The General Law and includes language on leading and regulating public policy related to the protection of children and adolescents. Prior to the publication of The General Law this type of organization and implementation was scattered.

Similarly, a national policy on the rights of children and adolescents known as "25 to 25" was created in 2018 ([SIPINNA, 2018](#)). The policy identifies 25 objectives that are divided into 4 thematic areas: survival, development, protection, and participation. These objectives are expressed by target goals to be reached by the year 2025. The purpose is to facilitate continuity and compliance with the established goals, independent of changes in political leadership.

3.1. Evaluation of child protection public policies

In Mexico, the body in charge of evaluation of the actions implemented by the government is the National Council for the Evaluation of Social Development Policy, which is a decentralized public body with the capacity to generate objective information about social policy. In its evaluation of the Program for the Protection and Comprehensive Development of Children ([CONEVAL, 2016](#)), the agency mentions that the definition of the population targeted is not clear and that the objective of the program lacks an outcome focus. In addition, the indicators themselves must be reconsidered through coordination with state Systems for the Comprehensive Development of the Family. Given these observations, the SNDIF states that it should be considered that when The General Law went into force the program initiated a transition that is still uncertain ([CONEVAL, 2016](#)).

The UNCRC analyzes progress and challenges faced by children in the country and the compliance that has been granted to the Convention. In May 2015, Mexico presented its fourth and fifth report; in response, the Committee made its final observations ([Committee on the Rights of the Child, 2015](#)). In this report, the Committee recognizes the legislative measure of Mexico when creating The General Law on the Rights of Children and Adolescents in 2014. However, the UNCRC is concerned about the effectiveness of the application of new legislative efforts, since many federal laws need to be harmonized and there are some states that still not passed the Law. The report's findings suggest oversight of the Law's execution and include suggestions for including consultation from civil society, competent international organizations, and children.

Concerns over leadership organization and funding of relevant bodies tasked with implementing relevant policies and programs are further raised in the report. The Committee expresses concern about the mechanisms that will be established to evaluate the policies at the state and municipal levels. It thus requests the state to immediately implement the National System of Comprehensive Protection and take charge of the technical, human, and financial resources necessary for its proper functioning. Finally, the Committee calls for the consideration of a budget adequate to effectively and efficiently implement the Law, particularly as it has observed that the forecast expenditures are insufficient to reach the goals it sets out.

Similarly, concerns remain over the consistent implementation of programs and policies. The Committee applauds the prohibition of child-family separation based solely on concerns over poverty. However, it does express concern with families not being supported to take their parental responsibilities, poor accounting for the number of children that have been removed from the family environment, the tendency to consider child placement in state institutions before other options have been exhausted, and inadequate supervision and

monitoring of child protection institutions themselves. These deficiencies undermine public trust in the process and can also lead to corruption.

For these reasons, the Committee urges the state to pay special consideration to the Guidelines on Alternative Child Care Modalities (General Assembly of United Nations, 2010) and, in response to them, suggests the adoption of new policies in support of families as well as the minimization of institutionalization as an option. Furthermore, the Committee suggests the state to elaborate a strategy for systematic deinstitutionalization in favor of other options such as family foster care and granting priority to kinship care. It also notes the necessity for training on the special needs of children in residential care for families and institutional staff. Similarly, the Committee suggests that the National Registry of Social Services Centers be created promptly to collect information on residential care and family foster care. Furthermore, in the case of adoption, it demands the prohibition of private adoptions and that relevant language be sanctioned in penal codes. Finally, the Committee calls for better tracking of adoptions through the development of a register of national and international adoptions.

The United Nations General Assembly (2010) made guidelines for states, municipalities, services, and civil society organizations to correctly implement the General Law on the Rights of Children and Adolescents. The document discusses how new regulations impact issues such as the rights of family living, alternative forms of care, adoption, and social services. It proposes a series of actions, measures, policies and legislative amendments to reach the stated goals of the Law.

To summarize, there are many legislative and operational changes that Mexico needs to make to comply with the observations of the Committee and the National Council for the Evaluation of Social Development Policy; yet, it is considered a great step forward that the state identifies and recognizes failures or deficiencies in the system and makes necessary changes for improvement.

4. Structure of the child protection system

The following section was prepared using the Practical Guide for the Protection and Restitution of the Rights of Children and Adolescents, prepared by UNICEF Mexico and SNDIF (2016), as a reference. The document aims to provide suggestions for adequate implementation of Article 123 of The General Law.

The National Protection System aims to design policies for children and adolescents, implement mechanisms to ensure the exchange, registration, and analysis of information, and give special attention to cases in which the rights of children and adolescents are violated. To meet these objectives, it articulates Local Protection Systems for each state as well as Municipal Protection Systems. Each of these systems has an Office of Federal, Local Prosecution and, in the case of municipal systems, a specialized area of first contact (Fig. 1).

The Prosecutor's Office is the entity that receives notice of a potential case of violated rights and builds a plan to restore them. In each case, it manages other relevant actors or institutions to best restore violated rights. A follow-up must occur to ensure that the services required are provided within the stipulated time period and that appropriate measures have been taken to restore violated rights. Each of the protection prosecutors and the specialized area of first contact must organize their resources to have multidisciplinary teams that carry out the rights restitution procedure.

4.1. Child protection process

Article 47 of the General Law states that the authorities are mandated to take all necessary measures to prevent, respond, and sanction cases in which children and adolescents are victims of neglect, physical, psychological, and/or sexual abuse, as well as any incitement or coercion to any activity that harms their health, impedes their education or healthy physical or mental development. However, it is important to

note that Mexican legislation does not explicitly define or differentiate between different types of violence.

The child protection process (Fig. 2) begins when the prosecutor's office receives a notice about the suspected violation of children's and adolescents' rights (Article 12, LGDNNA, 2014). Any person who has knowledge of any form of violence towards children and adolescents has the obligation to notify the authorities (Article 12, LGDNNA, 2014) and confirmation of that suspicion is not necessary to begin the investigation (Article 123, LGDNNA, 2014). Subsequently, the prosecutor's office appoints a multidisciplinary team, consisting of a lawyer, a psychologist, and a social worker. The team approaches the family to conduct interviews with the adults of the family as well as the child to obtain relevant information. Following these initial consultations, a decision is made which includes an assessment of the level of danger to the physical and emotional integrity of the child as well as the degree of coercion.

The development of the plan for the restitution of rights is based on this assessment which also includes a statement on the opinion of the child or adolescent involved. The plan is individualized and serves as a guide for moving forward with the case. It must contain relevant information about the endangered rights, what is necessary to restore them, who is capable of accomplishing restoration, which areas of the child's life are affected, and how they can be protected in the future.

Afterward, the plan establishes whether intervention of the Public Prosecutor is necessary (legal coercion) or if the case only requires formalization before a judge. In the case of the former, the prosecuting authorities are notified and required to carry out an investigation of a possible crime as well as a strategy if the restitution of rights is required. In the latter case, an agreement is made before the judicial authorities of the commitments undertaken by all individuals and entities involved.

Finally, the prosecutor's office will approach the families to inform them of the plan for restitution of rights as well as to gauge how agreeable they are to the terms outlined within and request compliance. The office will also establish contact with the individuals or entities included in the plan to agree on the execution of actions items to be followed.

5. Protection responses: family intervention, kinship care, family foster care, residential care, adoption

5.1. Special protection measures

The special protection measures are all the actions and services determined necessary by the prosecutor's office to respond to violations of the rights of children and adolescents (SNDIF & Unicef México, 2016). These measures can feature the inclusion of children or adolescents and their families into social welfare, health, or educational programs; medical, psychological or psychiatric treatment; as well as a parental commitment to protecting children's rights through a written declaration (Official Gazette of the Federation, 2015).

5.2. Urgent protection measures

When taken actions change the legal situation of the child or adolescent (change who they live with, separate them from a person or place) urgent protection measures are taken. The immediate focus in these instances is to secure the safety of the child immediately. Subsequently, measures will be ratified, modified, or canceled accordingly. All actions are provisional and must be accompanied by a fixed time period or a measurable change of circumstance.

In order to enact such measures, the following should be considered: the seriousness of the physical and emotional danger of the child or adolescent, and the resources of the family and community for their protection. Children and adolescents cannot be separated from their family of origin or from the person having parental authority unless it is

Fig. 1. Main elements of The General Law. From “Practical Guide for the Protection and Restitution of the Rights of Children and Adolescents” by UNICEF Mexico and SIPINNA, p. 24, 2016.

to preserve their greater interest based on the reasons outlined in the Law (Article 22, LGDNNA, 2014). The best interest of the child or adolescent must always be taken into consideration when choosing the most appropriate remedy (Article 26, LGDNNA, 2014).

Authorities of the state, for their part, are mandated to develop family strengthening policies to avoid family separation (Article 22, LGDNNA, 2014), as well as to implement norms and mechanisms that facilitate reunification (Article 24, LGDNNA, 2014).

5.2.1. Kinship care

While the preference is to avoid family removal, a framework is in place in the event such action is necessary to protect the greater interest of the child or adolescent. In the case that an individual needs to be separated from their family of origin, the authorities are advised to place them, as a first option, with immediate or extended family. In Mexico, the extended family does not receive any type of economic support from the state and the practice is not standardized, so the number of children living with extended families is not well documented. If the extended family cannot undertake the care, the next option is to place the child with a temporary foster family.

5.2.2. Family foster care

The foster family should provide care, protection, positive

upbringing, and promotion of the well-being of children and adolescents for a limited period until a permanent option is found for the child in their extended, adoptive, or origin family (Article 4, LGDNNA, 2014).

In Mexico placement in foster families is a recently implemented measure. Previously, different isolated projects arose from initiatives of non-governmental organizations; however, they were not part of public policy (Baglietto, 2018). It was until 2016 that an alliance was established between the Latin American Foster Care Network, UNICEF Mexico, and the SNDIF to implement family foster care pilot projects in the Federal Prosecutor's Office, Mexico City, Tabasco, Campeche, Chihuahua, and Morelos.

According to the Latin American Foster Care Network (Baglietto, 2018), there are 25 children in foster care currently in Mexico and four processes have been completed where the children either returned to their families of origin or were relocated to another foster family. Thanks to this pilot program, theoretical and practical manuals were created that support public policies and generate conditions to ensure the state has the technical guidelines necessary to implement foster care and carry out continued monitoring and supervision. Similarly, governmental and non-governmental organizations have been trained and a National Network of Actors and Entities for Compliance with the Right to Family Life was created.

Fig. 2. Flow chart of child protection process in Mexico. Adapted from “Practical Guide for the Protection and Restitution of the Rights of Children and Adolescents” by UNICEF Mexico and SIPINNA, 2016.

5.2.3. Adoption

Adoption is sought only after all other available options have been exhausted. The following section outlines the development and requisites of the adoption process in Mexico. According to The Hague Convention, which Mexico has ratified, the state must reintegrate the child with his or her family of origin or with extended family when possible. However, when reunification with the family of origin or

extended family is not an option, the child becomes eligible for adoption. National adoption will be pursued first with international adoption considered as the last option.

The primary objective of adoption is to restore the rights of the child or adolescent to live in a family and to be provided with an environment where they receive affection, an education, and adequate conditions for development. The process of adoption begins with a pre-

adoptive shelter that determines the suitability of the potential new adoptive family. The process is outlined by The General Law as well as the civil or family codes of each state. These provisions must contain minimally that adoption can only be carried out in accordance with the principle of the best interest of the child.

On May 30 (2016), the Guidelines for adoption by SNDIF were published in the Official Gazette of the Federation. The objective was to integrate and implement the Technical Adoption Committee and the administrative procedure for national and international adoption. The participation of affected children or adolescents is required and officials must ensure the potential adoption is not related to corrupt acts (Article 30, LGDNNA, 2014). The placement of a child can only be granted to pre-adoptive families that have received a certificate of suitability following the process. The certificate is granted only after protection prosecutors conduct psychological, economic, and social assessments. Prosecutors will also consider the degree of kinship, the relationship of affectivity, the cultural conditions, as well as the opinion of the children. Additionally, care will be taken not to separate siblings and, if it is necessary, measures will be taken to preserve the link between siblings (Article 27, LGDNNA, 2014).

In the third quarter of 2017, 17 children and adolescents were considered eligible for adoption with five individuals placed in pre-adoptive care (SNDIF, 2018b). Additionally, 99 applications for national and international adoption were received for that period. According to an investigation carried out by the Horizontal Center (Cultural and Media Project) and the [Information Group on Elected Reproduction](#) (2017), it was found that between May and June of 2017 there were, at least 1168 children and adolescents susceptible to be adopted according to the data submitted of 31 states. Through the data, it is estimated that 90.7% of the children eligible for adopted were six years old or older with an average age around 11.5 years.

5.2.4. International adoption

The international adoption of children or adolescents of Mexican nationality can only take place when the corresponding authorities determine that it is in the best interest of the child and after having evaluated the possibilities of national adoption. In addition, adopters must be residents of a nation party to the Hague Convention (SNDIF, 2016). When the adoption is finalized, the Mexican government is required to follow-up on the adaptation process (Article 31, LGDNNA, 2014). Currently, there are no figures for Mexican children who have been adopted by citizens of other countries.

5.2.5. Residential care

Residential care is defined in The General Law as a subsidiary special protection measure provided in children's homes, where children without parental care receive alternative care provided by public and private institutions and associations.

The main objective of the children's homes is to guarantee the physical and psychological integrity of the children and adolescents in their custody. In addition, they are responsible for periodic reviews of the reasoning for continued placement in a social service center as well as to ensure contact with families and significant others (Article 109, LGDNNA, 2014). In Mexico, according to the Social Welfare Shelters Census (INEGI, 2015a), there are 879 children's homes, which provide services to 25,667 children and adolescents. Only 98 of the 879 children's homes are run by the state, the remainder are run by private institutions, groups, or individuals.

The General Law establishes that residential care should be the last resort and for the shortest possible time while always prioritizing care in a family environment. However, in practice, residential care remains a common protective measure for vulnerable groups under the Mexican system (Gómez & Zanabria, 2009). This trend has spawned the development of macro-institutions. Currently, there are 66 group homes for children and adolescents with some housing more than 60 individuals. On average, each of these macro-institutional group homes cares for

approximately 29 children and adolescents.

In summary, the SNDIF found that many of the requirements articulated in the General Law and other relevant statutes and policies have yet to be fully implemented. In the children's homes, data on family interventions are not well documented or accessible with cases often lacking required follow-up. Furthermore, clear timetables for the length of stay in these institutions have not been defined, resulting in indefinite stays outside of the family environment (SNDIF, 2017).

5.2.6. Voluntary measures

Occasionally, parents themselves request the entry of their child into institutional care. The reasoning can be varied but tends to involve issues of economic deprivation, addiction, unemployment, care by extended family members, or inability to control child's behavior. Previously, these requests would result in a formal decision that the child was at risk and was duly placed in institutional care in a residential home (Romero, 2014); however, the new law prohibits internment due to poverty (Article 22, LGDNNA). Lack of continued monitoring or formal oversight on the individual legal situations surrounding a child at potential risk results in many children being effectively placed in institutional care for poverty-related issues (SNDIF, 2017).

6. Discussion

Upon examining the progress made in sustaining the rights of children and adolescents, several of the observations made by the [Committee](#) (2015) were complied with, including issuing the regulations of the General Law, the development of the National Program, and the implementation of the National Protection System. Compliance with international measures is an important step forward; however, it is insufficient for the effective protection of children's rights in Mexico. Attempting to put such initiatives in place requires a contextually specific approach ([World Vision International](#), 2014) as well as the establishment of institutions capable of carrying out the requested actions ([Morlachetti](#), 2013).

There are still multiple programs with a low level of coordination and a lack of resources to implement their objectives ([Cabiati](#), 2015). This also makes it particularly difficult to track progress and collect and systematize data. Furthermore, the information that is available does not reflect the historical evolution to serve as a basis for the creation of public policies and to evaluate their performance (SNDIF, 2017).

This lack of coordination and capacity results in local services that are unable to provide requisite care and oversight. As such, informal actors (i.e. non-governmental organizations) have bridged the gap and are growing and becoming the main agents providing protection to children and adolescents ([World Vision International](#), 2014). These informal actors have helped immensely in advancing the child protection system, as they filled the gaps that formal actors cannot fill, and have been committed to the struggle for compliance with the principles set out in the Convention ([World Vision International](#), 2014). However, sometimes informal actors take actions that overlap with services provided by governmental actors, leading to redundancy and inefficiency in the protection of children's rights ([World Vision International](#), 2014). Additionally, these institutions are often linked to a culture of patronage and represent a strong protectionist bias that sometimes runs contrary to the ideals of extending rights to children and adolescents ([RELAF & Unicef](#), 2014).

In Mexico, as in the rest of Latin America, efforts aimed at strengthening the family and child protection often overlap with issues of gender and identity, as many do not support new family practices and instead preserve the traditional discourse ([Arriagada](#), 2001). They also tend to be dispersed and uncoordinated economic and compensatory interventions along the lines of social assistance, that is, aimed at combating poverty, without really supporting comprehensive family protection aimed at preventing dissolution, strengthening capacity to

fulfill parental responsibilities, and combating problems at a macro-social level and in the long term (Cabiati, 2015).

Following our examination of the current state of the child protection system, we find that Mexico still lacks the required human, technical, and economic resources needed to fulfill the standards and objectives set forth in the legislation. The new law shifts perspective towards considering children and adolescents as subjects of law and including their participation in the protection process. However, at the time of implementation, professionals were untrained in techniques and approaches that would truly integrate the subjects of protection into their own course of action. As such, children and adolescents are not yet independent in the eyes of the state as, in practice, Mexico continues to favor a protectionist child protection system. A successful transition to a child-centered system requires a social investment that promotes well-being and equal opportunity for families, as well as a shift from a legalistic intervention model to an early intervention model that considers the state's relationship with parents as a partnership and helps them fulfill their parental responsibilities (Gilbert, Parton, & Skivenes, 2011).

7. Recommendations

The Mexican Protection System has faced major changes in recent years that have allowed it to move toward a better organized system. However, important challenges still remain (Rizzini & Strickland, 2014).

In order to ensure the functional implementation of public policies at the federal, state and municipal level, a substantial design transformation is required (Morlachetti, 2013). The fundamental paradigm shift from a protectionist to a child-centered state approach is dependent upon an understanding of Mexico's specific context that considers issues such as resource and funding availability. Otherwise, the gap will continue to expand between the rights guaranteed by law and the reality faced by children (Rizzini & Strickland, 2014). This gap could be bridged by allocating more resources to government organizations and especially to non-governmental organizations that have supported their efforts and who are currently responsible for most of the children in protection. However, the preservation of the family continues to be considered the best way to respect children's rights. For this reason, it is critically important to implement prevention programs and interventions to strengthen families and provide them with the tools required to address underlying problems of greater magnitude such as poverty or addiction.

In practice, the most pressing issues identified thus far are the lack of clear decision-making criteria and knowledge on the required actions. Therefore, all the recommendations for practice are related to the necessary operationalization of the care process, the qualification of all staff involved in the different phases, the monitoring of each measure of protection, and the respect for the right of children and adolescents to participate throughout the process of restoration of their rights.

A series of action items have been identified through an examination of the relevant literature. It is highly recommended that before removing a child or adolescent from the family environment, every possible effort should be made to keep that family together. In cases where it is necessary to place a child in residential care, the goal should be to avoid long stays and multiple institutional changes. As for adoption, a comprehensive register of national and international adoptions is critical for case tracking and follow-up as well as a clear and precise process for determining adoption. Foster care may be a good alternative; however, it is necessary to establish a clear, formal process and associated mechanisms to train professional caregivers and develop adequate systems of monitoring and evaluation for large scale implementation.

Finally, it is important that implemented practices are evidence-based to ensure the quality of care provided by the child protection system. Research in Mexico on child protection remains limited thus

far. Previous studies on Mexico's child protection system concluded that the country did not have an established system as requisite policies and programs lacked the necessary support at the federal and decentralized levels (Morlachetti, 2013). Despite the nation's vast legal framework, there was no monitoring of the application of laws or definitions of the actors involved (Rizzini & Strickland, 2014; World Vision International, 2014), which meant that children's rights were not fully protected (Law Library of Congress, 2007). According to Cabiati (2015), the greatest challenge presented by the protection system was to find a balance between protecting the rights of children and adolescents and support for parents.

The creation of a standardized and amalgamated census focused primarily on children and adolescents is critical to facilitate research and system evaluation. A single source for tracking this type of data would avoid the tedious and potentially inaccurate task of combining data from disparate sources and formats. Likewise, an interdisciplinary group of researchers focusing on examination of the rights of children and adolescents in Mexico should be established to conduct systematic research with English publications to reach larger audiences and represent a greater academic and policy impact.

Future research should likewise focus on the processes and results of the different protective measures. Listening to the experiences of children in care and young people leaving care is essential for continued improvement of the system (García, de la Gascon, Martínez, 2007; Liabo, 2018). In addition, collecting data on the current situation of these children and young adults will allow us to examine program efficacy as well as identify deficiencies and identify potential solutions moving forward.

8. Limitations

This analysis is desk research, based on data, reports and manuals prepared by governmental and non-governmental institutions. The information presents how the system is established in legal documents, but there are no additional studies on the implementation and the effects of the proposed policy.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.childyouth.2020.104878>.

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