

# STRENGTHEN THE FAMILY FOR A SUSTAINABLE DEVELOPMENT

Topic: *Legislation in favour of the family in Mexico: General Law for the Rights of Children and Adolescents*

## 1. Introduction

In spite of the existence of a national and international law frame which has as a purpose to provide the wholesome and effective protection of children and adolescents, it's important to acknowledge that in Mexico there is a new social reality which demands an integral vision on the, also new, needs of the childhood and the challenges that this means for the institutions in charge to withhold their rights.

This law implied a change of mentality; before it, the protection to the childhood rights was super edited to be claimed on behalf of the people on its charge; in the current legislation a new concept is consolidated: "*the active protection of the State in favour of its childhood*", that is, all the rights on a national and international scene are foreseen as an inherent matter to the children's or adolescent's condition, without the need of a claim by the tutor on their rights. It's an active protection on behalf of the institutions of the State and also acknowledge the superior interest on the respect, protection and reinsurance of the children's rights, overstepping to third parties

## 2. Goals

The main goal for the Law is to acknowledge children and adolescent as holders of rights, according to the principles of the universality, independence, indivisibility and progressiveness. In this sense, the total exercise is granted, the respect, protection and promotion of human rights for the children and adolescents.

Besides, the integration of a *National System for Integral Protection of the Rights of Children and Adolescents* that have as a function to grant the protection, prevention, wholesome restitution of the rights of these subjects that may have been tampered with.

Another objective of the Law is to set the ruling principles and the criteria that will guide the national policy in this matter, such as determining the faculties, competencies, concurrencies and basis of coordination among the three orders of Government (Federation, federal entities, municipalities or districts) and the performance of the Legislative and Judicial Power, plus the autonomous constitutional organisms.

A last goal is to set the general basis of the participation of the private and social sector in the related actions to grant the protection and exercise the rights of children and adolescents, such as preventing their vulnerability.

## 3. Results Summary

- As one of the main results that this Law allows to reinforce and precise to the attachment of the international principles on the childhood protection.
- It sets the mechanisms to acknowledge children and adolescents as subjects of rights, but it also specifies the role and responsibility of parents and tutors, it also creates a national authority of the highest level and all its faculties so that this Law meets with the Mexican State.
- It's acknowledged as the right of children and adolescents to the access towards the information and communications technologies to the radio and telecomm services.
- The right of these age groups were prevised to not participate on armed conflicts.
- On the children and adolescents with disabilities, it was stated that they've got right to be included in the community in equal conditions that other minors have and when there is doubt rather that person has disabilities, will be presumed to be so in order to provide the full benefits.
- It was also prevised that the settings of the social assistance centres must indiscriminately take in children and adolescents with disabilities, disregarding their type and degree of disease.

The consistent requisite of the written authorization of the tutor to publish images, name, personal data or references to a minor. It was told that the violation of intimacy will be performed when the honour and reputation occur.

1. In the case of adolescents, these can consent when interviews don't violate their privacy and if it's not possible to get the written authorization of the tutor or who has the legal rights.
2. It was set that consentient will not be required when the interview has as a purpose that minors express freely their opinion on matters affecting them directly.
3. The obligation to guard the minor's personal data in case of participating in any jurisdictional matter where they must be assisted by any lawyer.
4. They will be incorporated as permanent guests to the sessions of the National System for Integral Protection, a representative for the Federal Judicial Power and the representatives of the National Commission of Superior Justice Courts.
5. The authorities of the different government orders must be coordinated to give advisory and orientation on sexual and reproductive health.
6. The legal guardians have the right to intervene in the education to be provided to children and adolescents.
7. It's prevised as one of the purposes of the education, to promote the integral sexual education according to the age, evolutionary degree, cognoscitive and maturity level for children and adolescents that allow them to perform informed and responsibly the consecrated rights on the Constitution, the laws and international treaties that Mexico forms part of.

These legislative milestones have correctly responded to the changes that have been given in the family and social context of the country. I consider this new legislation constitutes a meaningful advance for what has been pointed and why the certainty and security to the most vulnerable members of our families.

### 3 Contact person



Daniel Ávila Ruiz  
Senador  
Senado de México  
+52 999 944 9357  
rogefer79@hotmail.com