

# Mexico

## National Child Protection Legislation

### National Legislation

- Age of a Child – **Child is Under 12 years of age; Adolescent is 12 up to 18 years of age**  
[General Law on the Rights of Children and Adolescents](#)

#### **Art. 5**

Children are those under twelve years of age and adolescents are those between twelve years old and less than eighteen years of age.

When there is doubt as to whether a person is older than eighteen years of age, it will be presumed that the person is an adolescent.

When there is doubt as to whether a person is older or younger than twelve years, it will be presumed that the person is a child.

- Age of Consent: **15 years old**

[Criminal Code of Mexico](#)

#### **Art. 261**

Whoever commits the crime of sexual abuse against a person under fifteen years of age or a person who does not have the capacity to understand the meaning of the event, even with consent, or that for any reason cannot resist it or forces it to execute it in itself or in another person, will be imposed a penalty of six to thirteen years in prison and up to five hundred days fine. If violence was used, the penalty will be increased by one more half of its minimum and maximum.

#### **Art. 262**

Anyone who has intercourse with a person over fifteen years of age and under eighteen years of age, obtaining their consent by means of deception, the penalty will be from three months to four years in prison.

- Age of Marriage: **18 years old**

[General Law on the Rights of Children and Adolescents](#)

#### **Art. 45**

The federal laws and the federal entities, in the area of their respective competencies, establish as the minimum age for marriage 18 years.

- Age of Criminal Responsibility: **12 years old**

[Constitution of Mexico](#)

#### **Art. 18 – Privileges for juveniles in the criminal process**

...The Federation, the States and the Federal District shall establish; within their respective powers, an integrated system of justice which shall apply to those who are at least twelve and less than eighteen years old and have shown a conduct which the penal laws qualify as crime, a system which shall guarantee the fundamental rights of the individual recognized by this Constitution, as well as those special rights which they enjoy in their capacity of individuals still in the process of development. Persons of less than twelve years of age who have shown a conduct qualified as crime by the law shall only be subject to rehabilitation and social assistance....

▪ **Extraterritoriality**

[Criminal Code of Mexico](#)

**Art. 2**

It shall apply:

- I. For crimes that are initiated, prepared or committed abroad, when they produce or intend to have effects in the territory of the Republic; or, for crimes that are started, prepared or committed abroad, provided that a binding treaty of Mexico provides for the obligation to extradite or judge, the requirements set forth in article 4 of this Code are updated and it is not extradited the suspect responsible to the State that has requested it, and
- II. For crimes committed in Mexican consulates or against their personnel, when they have not been tried in the country where they were committed.

**Art. 3**

Continuous offenses committed abroad, which continue to be committed in the Republic, will be prosecuted in accordance with this law, whether the criminals are Mexicans or foreigners.

The same rule will apply in the case of continuing crimes.

**Art. 4**

Crimes committed in a foreign territory by a Mexican against Mexicans or against aliens, or by a foreigner against Mexicans, shall be punished in the Republic, in accordance with the federal law, if the following requirements are met:

- I. That the accused is in the Republic;
- II. That the accused has not been definitively tried in the country in which he committed a crime, and
- III. That the offense of which he is charged has the nature of an offense in the country in which it was executed and in the Republic.

**Art. 5**

The following shall be considered executed in the territory of the Republic:

- I. Crimes committed by Mexicans or by foreigners on the high seas, on board national ships;
- II. Those executed on board a national warship in harbor or in territorial waters of another nation. This extends to the case where the ship is a merchant, if the offender has not been tried in the nation to which the port belongs;
- III. Commitments on board a foreign vessel arriving in a national port or in territorial waters of the Republic, if the public tranquility is disturbed or if the offender or offended person does not belong to the crew. Otherwise, we will act according to the right of reciprocity;
- IV. Commitments on board domestic or foreign aircraft that are in territory or in atmosphere or national or foreign territorial waters, in cases analogous to those indicated for ships the previous fractions, and
- V. Commitments in Mexican embassies and legations.

**Art. 6**

When a crime is committed not foreseen in this Code, but in a special law or in an international treaty of mandatory observance in Mexico, these will be applied, taking into account the provisions of Book One of this Code and, where appropriate, those of Book Two. When the same matter appears regulated by different provisions, the special will prevail on the general.

- **Dual Criminality**

- [Criminal Code of Mexico](#)

- **Art. 4**

- Crimes committed in a foreign territory by a Mexican against Mexicans or against aliens, or by a foreigner against Mexicans, shall be punished in the Republic, in accordance with the federal law, if the following requirements are met:

- I. That the accused is in the Republic;

- II. That the accused has not been definitively tried in the country in which he committed a crime, and

- That the offense of which he is charged has the nature of an offense in the country in which it was executed and in the Republic.

- **Mandatory reporting requirements**

- [General Law on the Rights of Children and Adolescents](#)

- **Art. 11**

- It is the duty of the family, the community to which they belong, of the State and, in general, of all the members of society, respect and assistance for the protection of rights of children and adolescents, as well as guaranteeing them an adequate level of life.

- **Art. 12**

- It is the obligation of every person who has knowledge of cases of girls and boys and adolescents who suffer or have suffered, in any way, violation of their rights, to make it immediately known to the competent authorities, so that the corresponding investigation can be followed and, where appropriate, implement integral protective and restitution measures in terms of the applicable provisions.

- [General Education Law of Mexico](#)

- **Art. 42**

- ...In the event that educators and educational authorities have knowledge of the commission of an offense to the detriment of the students, they will bring it to the immediate knowledge of the corresponding authority.

- [Criminal Code of Mexico](#)

- **Art. 209**

- Whoever can with his immediate intervention and without his own or someone else's risk, and does not prevent the commission of one of the crimes contemplated in Title VIII, Book Two, of this Code or in the Federal Law to Prevent and Punish Trafficking in Persons, shall receive a penalty of six months to three years of prison and from fifty to two hundred days fine.

- The same penalties will be imposed on who, being able to do so, does not go to the authority or its agents to prevent a crime of those referred to in the previous paragraph of which he had notice of the next commission.

- Said penalties shall be imposed on persons related to or affiliated with any institution, association, organization or grouping of religious, cultural, sports, educational, recreational or of any kind and have knowledge of the commission of the crimes referred to in the first paragraph of the present article, when they do not inform the competent authority or protect the person who commits it, either hiding it, changing its headquarters or in any other way give it protection.

- **Obligations of Educational Institutions**

- [General Education Law of Mexico](#)

- Art. 42**

- In the delivery of education for minors, measures will be taken that ensure the student the protection and care necessary to preserve their physical integrity, psychological and social on the basis of respect for their dignity, and that the application of school discipline be compatible with age.

- Courses will be offered to teachers and staff working in the schools, about the rights of the students and the obligation they have to be in charge of their custody, to protect them against all forms of mistreatment, injury, damage, aggression, abuse, trafficking or exploitation.

- In the event that educators and educational authorities have knowledge of the commission of an offense to the detriment of the students, they will bring it to the immediate knowledge of the corresponding authority.

- **Prohibition to hold certain positions**

- [Criminal Code of Mexico](#)

- Art. 205 bis**

- The sanctions indicated in articles 200, 201 and 204 will be imprescriptible.

- Likewise, the sanctions indicated in said articles will be increased to twice the corresponding amount when the author has with the victim, one of the following relationships:

- a) Those who exercise parental authority, guardianship or custody;
    - b) Ascendants or descendants without limit of degree;
    - c) Family members in collateral line up to fourth grade;
    - d) Tutors or curators;
    - e) He who exercises over the victim by virtue of an employment, teaching, domestic medical or any other that implies a subordination of the victim;
    - f) Who avails himself of public function to commit the crime;
    - g) Who lives in the same domicile of the victim;
    - h) To the minister of a religious cult;
    - i) When the perpetrator uses physical, psychological or moral violence against the victim;
    - j) Who is linked to the victim by an affective bond or friendship, gratitude, or some other can influence in obtaining the confidence of this one.

- In the cases of subsections, a), b), c) and d) in addition to the sanctions indicated, the perpetrators of the crime will lose parental authority, guardianship or curatorship, as the case may be, with respect to all their descendants...

- In the cases of paragraphs e), f) and h) in addition to the sanctions indicated, he will be punished with dismissal and disqualification to perform the position or commission or any other public or similar, even for a time equal to the penalty imposed.

- In all cases, the judge will agree on the pertinent measures so that the offender is permanently banned from any kind of contact or relationship with the victim.

**Art. 209 bis**

Imprisonment of 9 to 18 years and 750 to 2,000 days of fines shall be applied to a person that takes advantage of the trust, subordination or superiority that he has over a minor under 18 years old, derived from his relationship and in any form, guardianship, curatorship, custody, teaching, religious, medical, cultural, domestic, or of any other nature, and executes, compels, induces, or convinces them to perform any sexual act, with or without their consent.

The same penalty shall apply for someone who commits the acts set out in the first paragraph, against a person that does not have the capacity to understand the significance of the act or to resist it.

If the perpetrator uses physical violence, penalties shall be augmented by half.

The perpetrator of the crime may be subject to comprehensive medical treatment for as long as required, which may not exceed the duration of the prison sentence imposed.

In addition to the penalties set out, the perpetrator of the crime shall lose, in his case, parental authority, guardianship, curatorship, adoption, rights to maintenance and the right that he may have in respect to the assets of the victim, in terms of civil legislation.

When a public servant or a professional in the exercise of their functions commits a crime, in addition to the prison sentence already defined, he shall be disabled, dismissed or suspended from public employment or his profession for a term equal to the penalty imposed.

▪ **Employment Law**

[Federal Employment Law of Mexico](#)  
[Rescission of labor relations](#)

**Art. 46**

The worker or employer may terminate the employment relationship at any time, for justified cause, without incurring responsibility.

**Art.47**

The following are causes for termination of the employment relationship, without liability for the employer:

- II. Committed by the worker during his work lack of probity or honesty, acts of violence, threats, insults or bad treatment against the employer, his family or the managerial or administrative personnel of the company or establishment, or against clients and suppliers of the employer, unless provoked or acting in self-defense;
- III. Committed by the worker against any of his colleagues, any of the acts listed in the previous section, if as a consequence of them he was disciplined by his place of employment;
- IV. Committed by the worker, out of service, against the employer, his family or managerial staff administrative, any of the acts referred to in section II, if they are so serious that they make the fulfillment of the employment relationship impossible;
- VIII. Committed by the worker immoral acts or harassment and/or sexual harassment against any person in the establishment or place of work; ...

In case of doubt, the judge will request expert opinions to evaluate the conduct in question. When it is not possible to determine with precision the age of the person or persons offended, the judge will request the corresponding expert opinions.

▪ **Criminal Law – Defamation**

In 2007, the decriminalization of the crimes against honor of defamation, slander, and insult came into force at the federal level.

Sexual Offenses Against Children

[Criminal Code of Mexico](#)

**Art. 200**

Whoever trades, distributes, exhibits, circulates or offers, to minors under eighteen years of age, books, writings, recordings, films, photographs, print ads, images or objects, of a pornographic nature, real or simulated, either physically or through any means, will receive a fine of six months to five years in prison and a fine of three hundred to five hundred days.

It will not be understood as pornographic or harmful material, that which means or has as its purpose the scientific, artistic or technical divulgation, or in its case, sexual education, education about the function of reproductive health, the prevention of sexually transmitted diseases and adolescent pregnancy, provided they are approved by the competent authority.

**Art. 201**

Commits the crime of corruption of minors, whoever compels, induces, facilitates or procures one or more persons under 18 years of age or one or several persons who have no capacity to understand the meaning of the event or one or more people who do not have the capacity to resist it to perform any of the following acts:

- a) Usual consumption of alcoholic beverages;
- b) Consumption of toxic substances or the consumption of any of the narcotics referred to in first paragraph of article 193 of this Code or to the dependency drug;
- c) Begging for the purpose of exploitation;
- d) Commission of some crime;
- e) Be part of a criminal association; or
- f) Perform acts of corporal or sexual exhibitionism simulated or not, with lascivious or sexual purpose.

Whoever commits this crime will receive: in the case of subsection a) or b) imprisonment of five to ten years and fine from five hundred to a thousand days; in the case of subsection c) imprisonment from four to nine years and from four hundred to nine hundred days fine; in the case of subsection d) the provisions of article 52, of Chapter I, of Title Three, of this Code; in the case of subsection e) or f) prison sentence of seven to twelve years and a fine of eight hundred to two thousand five hundred days. In the case of begging due to poverty or abandonment, it must be taken care of by the social care.

Corruption shall not be understood as preventive, educational or any other type of program designed to impart public, private or social institutions with education on sexuality, education about reproductive function, prevention of sexually transmitted diseases and adolescent pregnancy, provided they are approved by the competent authority; the pictures, video recordings, audio recordings or still or moving images, printed, captured or are contained or reproduced on magnetic, electronic or other media and that constitute family memories.

In case of doubt, the judge will request expert opinions to evaluate the conduct in question. When it is not possible to determine with precision the age of the person or persons offended, the judge will request the corresponding expert opinions.

#### **Art. 201 bis**

It is prohibited to employ persons under eighteen years of age or people who do not have the capacity to understand the meaning of the event, in canteens, taverns, bars, clubs, centers of vice or any other place where health, physical, mental or emotional development is negatively affected. The contravention of this provision shall be punishable by imprisonment of one to three years and of three hundred to seven hundred days fine, in case of recidivism, the final closure of the establishment will be ordered. The same penalty will be imposed on mothers, fathers, guardians or curators who accept or promote that their daughters or children under eighteen years of age or persons under eighteen years of age or persons who are under their guardianship, custody or guardianship, are employed in the referred establishments.

For the purposes of this precept, it will be considered as an employee in the canteen, tavern, bar or center of vice, a person under eighteen years of age that for a salary, for the single meal, by commission of any nature or for any other stipend or emolument, or free of charge, renders its services in such place.

#### **Art. 202**

Commits the crime of pornography of persons under eighteen years of age or of people who do not have the capacity to understand the meaning of the event or people who do not have ability to resist, whoever procures, compels, facilitates or induces, by any means, one or several of these people to perform sexual acts or body exhibitionism for lewd or sexual purposes, real or simulated, for the purpose of video recording, photographing, filming, displaying or describing them through printed advertisements, transmission of data files in public or private network of telecommunications, computer systems, electronics or substitutes. The perpetrator of this crime is will receive a penalty of seven to twelve years in prison and a fine of eight hundred to two thousand days.

Whoever fixes, prints, video records, photographs, films or describes acts of body exhibitionism or lascivious or sexual, real or simulated, involving one or more persons under eighteen years of age or one or several people who have no capacity to understand the meaning of the event or one or several people who do not have the capacity to resist, will be imposed with a penalty of seven to twelve years of imprisonment and from eight hundred to two thousand days fine, as well as confiscation of objects, instruments and products of crime.

The same penalty will be imposed on whoever reproduces, stores, distributes, sells, buys, leases, exposes, advertises, transmits, imports or exports the material referred to in the preceding paragraphs.

#### **Art. 202 bis**

Any person who stores, buys or leases the material referred to in the previous paragraph for purposes other than trade or distribution shall be subject to one to five years imprisonment and 100 to 500 days' fine. Similarly, they shall be subject to specialized psychiatric treatment.

#### **Art. 203**

Commits the crime of sexual tourism whoever promotes, advertises, invites, facilitates or manages by any means to one or more persons traveling to the interior or exterior of the national territory with the purpose of performing any type of real or simulated sexual acts with one or several persons under

eighteen years of age, or with one or several persons who do not have the capacity to understand the meaning of the event or with one or several people who do not have the capacity to resist it.

The perpetrator of this crime will be sentenced to seven to twelve years in prison and eight hundred to two years thousand days fine.

**Art. 203 bis**

Whoever performs any type of real or simulated sexual acts with one or several people under eighteen years of age, or with one or more people who do not have ability to understand the meaning of the event or with one or more people who do not have ability to resist, under sex tourism, will be imposed a penalty of twelve to sixteen years of prison and from two thousand to three thousand days fine, and likewise, will be subject to psychiatric treatment specialized.

**Art. 204**

Commits the crime of procuring/pandering/pimping of persons under eighteen years of age or of people who do not have the capacity to understand the meaning of the event or people who do not have ability to resist:

- I. Any person who exploits the bodies of the aforementioned persons, through carnal commerce or obtain from it any profit;
- II. It induces or requests any of the aforementioned persons to trade sexually with the body or provide the means to be delivered to prostitution, and
- III. To the one who plans, administers or sustains directly or indirectly, brothels, houses of appointment or places of competition dedicated to exploiting the prostitution of persons under eighteen years of age or people who do not have the capacity to understand the meaning of the event or of people that they do not have the capacity to resist it, or obtain any benefit with their products.

The person responsible for this crime will be imprisoned for eight to fifteen years and one thousand to two thousand five hundred days of fine, as well as final closure of the establishments described in section III.

**Article 259 bis**

Anyone who for lascivious purposes repeatedly assaults a person of either sex, using their hierarchical position derived from their labor relations, or teachers or any other that implies subordination, will be sanctioned up to forty days fine. If the harasser is a public servant and uses the means or circumstances that the order provides, he will be dismissed from the position.

Sexual harassment will only be punishable when damage or harm is caused.

Only at the request of the offended party will proceedings begin against the harasser.

**Article 260**

Commits the crime of sexual abuse who executes in a person, without his consent, or forces him to execute for himself or in another person, sexual acts without the purpose of reaching intercourse.

Whoever commits this crime, will be sentenced to six to ten years in prison and up to two hundred days penalty fee.

For the purposes of this article, sexual acts are understood as body touching or obscene touching, or those that represent explicitly sexual acts or oblige the victim to represent them.



It is also considered sexual abuse when the victim is forced to observe a sexual act, or to exhibit his body without his consent.

If violence, either physical or psychological, is used, the penalty will be increased by one more half in its minimum and maximum.

**Art. 261**

Whoever commits the offence of sexual abuse against a person under 15 years of age or against a person who does not have the capacity to understand the significance of the act, albeit with their consent, or that for whatever reason cannot resist or has been forced to execute the act on another person, shall be punished with 6 to 13 years of prison, and up to a 500 days fine.

When violence is utilized, the minimum and maximum sentence will increase by half, respectively.

**Art. 262**

Whoever has intercourse with a person above 15 and below 18 years old, having obtained their consent through means of deception, shall be subject to between 3 months and 4 years in prison.

**Art. 263**

For the purposes of the previous article, the action will not proceed against the perpetrator, except by means of complaint of the victim or their representative.

**Art. 265**

Whoever commits the crime of rape by means of physical or moral violence, and has intercourse with a person of any sex, shall be subjected to a sentence of 8 to 20 years in prison.

**Art. 266**

The following shall be equated with rape and punished with 8 to 30 years in prison:

- i. To, without violence, have intercourse with a person under 15 years of age;
- ii. To, without violence, have intercourse with a person who does not have the capacity to understand the significance of the act or for whatever reason cannot resist it; and
- iii. To, without violence, through lascivious purposes, use any element or instrument, other than the virile member, to anally or vaginally penetrate a person under 15 years of age, or who does not have the capacity to comprehend the significance of the act, or for whatever reason cannot resist it, no matter the sex of the victim.

When physical or moral violence is used, the minimum and maximum sentence will increase by half, respectively.

**Art. 266 bis**

The foreseen penalties for sexual abuse and rape shall be augmented by one half of the minimum and maximum sentence, respectively, when:

- i. The crime was committed with direct or immediate intervention of 2 or more persons;
- ii. The crime was committed by an ascendant against their offspring, a brother against his collateral, a tutor against his pupil, or a step-parent against a step-child. In addition to the prison sentence, the offender will lose parental authority or guardianship, in cases in which he/she exercises it over the victim.
- iii. The crime was committed by those who hold a duty of public employment or exercising their profession, use means or circumstances that provides. In addition to the prison sentence, the offender will be removed from office or employment or be suspended for a period of 5 years in the exercise of that profession.

- iv. The person who has the victim in his custody, care, or education, or takes advantage of his trust committed the crime.

**Art. 272**

The crime of incest shall be punishable by 1 to 6 years in prison when ascendants have sexual relations with their descendants, as long as the latter are adults.

When the victim is underage, the conduct shall always be understood as constituting rape.

[General Law on the Rights of Children and Adolescents](#)

**Art. 47**

The federal authorities, of the federal, municipal and demarcation entities of the Federal District, within the scope of their respective competencies, are obliged to take the necessary measures to prevent, attend and punish the cases in which girls, boys or adolescents are affected by:

- I. Neglect, abandonment or physical, psychological or sexual abuse;
- II. Corruption of persons under eighteen years of age;
- III. Trafficking in persons under 18 years of age, child sexual abuse, exploitation sexual activity with or without commercial purposes, or any other type of exploitation, and other punishable conduct established in the provisions applicable;
- IV. The traffic of minors;
- V. Work before the minimum age of fifteen years, provided in the article 123 of the Political Constitution of the United Mexican States and others applicable provisions;
- VI. Work in adolescents older than 15 years that could harm their health, their education or prevent their physical or mental development, labor exploitation, worst forms of child labor, as well as forced labor, in accordance with the provisions of the Political Constitution of the United Mexican States and in the other applicable provisions, and
- VII. The incitement or coercion to participate in the commission of crimes or in criminal associations, in armed conflicts or in any other activity that prevents its integral development.

The competent authorities should consider the gender perspective in the situations of violence.

The general laws and federal entities must establish the provisions that will guide the policies of prevention, protection, attention, sanction and eradication of the assumptions referred to in the previous sections.

The competent authorities are obliged to implement special measures to prevent, punish and repair the behaviors foreseen in this article for girls, children and adolescents with disabilities.

**Art. 57**

The federal authorities, of the federal, municipal and demarcation entities of the Federal District, within the scope of their respective competences ensure the attainment of quality education and substantive equality in the access and permanence in it, for which they must:

- XI. Form a responsible multidisciplinary entity that establishes mechanisms for the prevention, attention and channeling of cases of abuse, injury, harm, aggression, or any other form of violence against girls, boys and adolescents that arise in educational centers.

**Art. 103**

It is the obligation of those who exercise parental authority, guardianship or custody, as well as other people who because of their functions or activities have under their care, girls, boys or adolescents, in

proportion to their responsibility and, when they are public institutions, according to their area of competence, the following:

- VIII. Protect them against all forms of violence, abuse, harm, aggression, sale, trafficking in persons and exploitation.

#### **Art. 105**

The federal and state entities' laws will provide what is necessary in terms of the provisions of this Law and in the scope of their respective competences, to ensure compliance with the following obligations:

- III. That the directive and personnel of institutions of health, social assistance, academics, sports, religious or otherwise, refrain from exercising any form of violence, maltreatment, harm, aggression, abuse, harassment and exploitation against children or adolescents, and that they formulate programs and provide permanent courses to prevent and eradicate them.

#### [Act to Prevent and Punish the Trafficking of Persons](#)

#### **Art. 5**

The crime of trafficking in persons includes promotion, solicitation, offering, facilitating, getting, moving, delivering or receiving, for yourself or for a third party, a person, through violence, physical or moral, deception or abuse of power to subject it to sexual exploitation, forced jobs or services, slavery or practices analogous to slavery, servitude, or to the extirpation of an organ, tissue or its components. When this crime is committed against persons under eighteen years of age, or against one who does not have the capacity to understand, the meaning of the fact or ability to resist will not be required.

#### **Art. 12**

The Inter-Secretarial Commission shall:

- I. Prepare the National Program to Prevent and Punish Trafficking in Persons;
- II. Develop prevention, protection and attention campaigns in the area of human trafficking, based on the safeguarding of human dignity and human rights, with special reference to girls, boys, adolescents and women;
- VI. Promote scientific research and the exchange of experiences among organizations and institutions at the national level, including civil society organizations linked to the protection of the rights of girls, boys, adolescents and women.

#### **Art. 13**

The Interministerial Commission, in the design of the National Program to Prevent and Sanction Trafficking in Persons, must contemplate the actions necessary to cover, at least, the following items:

- II. b) The training will include international instruments in the field of human rights, trafficking in persons and refugee rights, as well as national legislation, with special reference to the attention and protection of the rights of girls, boys, adolescents, women, adults over sixty years of age, of indigenous people, of those who do not have the capacity to understand the meaning of the fact or of those who have a disability.