

GRACIELA AMIRA MEDÉCIGO SHEJ**PUBLIC POLICIES ON MIGRANT MATTERS: A BALANCE IN MÉXICO****Abstract**

This paper presents the way in which the subject of the under aged migrants in Mexico has been made part of the public agenda. This can be noted in three broad types of actions undertaken by the Mexican government since the 80s decade in the past century. In the first place, the legislative actions that were undertaken for this migrant population. Secondly, the assistance programmes are described that have been introduced to benefit them and finally the education policy directed to the migrant farm labourers is explained. There is disarticulation between the public policy of the State and the needs arising from poverty in migrant workers' families. The first disarticulation is found in social policy. According to government discourse, to combat extreme poverty and develop the capacities of individuals, it is suggested that families themselves can generate income to overcome their poverty, but the state takes a welfare approach because it provides resources to poor people, but without a background track to combat poverty. Another disarticulation is between the government's intention to accommodate migrants and bureaucratic obstacles that hinder the resources when they arrive.

Introduction

In Mexico child labour is not allowed. Both the Constitution and the Federal Labor Law clearly prohibit the employment of children under fourteen. However, in several states of Mexico every day these laws are violated, hundreds of children work and thereby limit their education.

The school-age child labour and early entry to farming is the main obstacle for children to having the time to go to school, study and do homework. The participation of children in agriculture originates in these children accompanying their families when they migrate to work in other states; internal migrants seeking temporary employment because their home states have no job opportunities.

Internal migration in Mexico is a complex phenomenon that involves related cultural, economic, political, business and social aspects, hence attention is required to the effects of different educational policies and academic institutions and also the dialogue between participants, consultations and institutional coordination. This article shows that we have a weak law because Mexico has failed to build and operate efficiently and legitimately. The legislation goes one way and is opposite to social reality. This in Mexico is endemic; the law is then not enforced.

The child labour problem was stated for the first time as a public policy question when repercussions from the industrial revolution were starting to be perceived. Many of the measures undertaken by the first wave of industrialized countries have turned into standard elements of the set of universally recognized interventions: public surveys such as interviews with children and their families; legislation about the age minimum; inspections of the workplace and schooling establishments, and measures to give education to children that work. Through these measures the subject of infancy started to be part of the public agenda.

To approach public policy in Mexico, with regard to farm laborers, we have to identify what is the agenda on public policies? When we talk about agenda we refer to the priorities that, in this case in the infancy matter, a government must address at the federal, state or municipal levels. In other words, when we speak about a policy agenda we fundamentally understand the aspects to which a government will give special attention and will dedicate a good part of its efforts. As Ozlak and O'Donnell (1976: 21) state: "A state policy is that of taking a position that tries - or more precisely says it will try - any form of resolution to the question".

According to these authors "a question" is an issue, need or demand socially problematized, in a sense that certain groups, organizations or individuals strategically situated believe they can and should do "something" and are in condition to promote their incorporation to the agenda of the problems socially in existence (Ozlak and O'Donnell, 1976: 18).

The conforming phase of an agenda is a complex process in which a set of actors intervene thus interacting circumstantially around the problematization of an issue regarding it as a meritorious issue (CAM, 2000). The incorporation of the issues into the agenda then presents itself, as a process of concurrence between multiple actors with different priorities, visions, interests and preferences that interact amongst themselves, generating consensus. Also conflicts arise that polarize the formulation of a public problem that ends in governmental deliberation as to whether or not to place it, as an issue on its agenda; but this decision also depends on the efficacy that the social pressure acquires to persuade the government to incorporate it. From this perspective we see the importance that the government's priorities are established, not only from the vision of the public officers, but from those affected by these policies. Those who act in the society in the quest for solutions to the problems that affect this population, may only idealize without knowing the specific needs of those who require policies.

Since the end of the twentieth century, Mexico has had to adapt its local and federal legislation to those established in the Children's Rights Convention (CRC) according to which the member governments of the United Nations must procure that all minors have the same opportunities to study and get the information and orientation that is useful, regarding their educational and professional possibilities in their society. In addition, regular attendance should be supported to find that over time there is a smaller number of children without education in the country. The girls and boys (employment term that President Fox used in his term) must go to school, instead of going to work in the streets, factories, shopping centers, golf courses or markets.

According to the Children's Rights Convention (CRC) education should fully develop the capabilities and skills of all children, inviting them to live freely and in a fraternal manner. Education should serve to develop their skills and physical and mental abilities to the fullest. For human rights, freedom and dignity of others can respect and know their culture, language and country.

Education in Mexico is a state policy and a fundamental means to acquire, transmit and promote the culture, it is also an ongoing process that contributes to the development of the individual and for the transformation of society. In addition, education is a determining factor in the acquisition of knowledge and aspires to train people in order that the society has a sense of social solidarity.

As mentioned, the Children's Rights Convention (CRC) should be the main instrument to inspire public policy in a country like Mexico, offering a way to see and treat children properly according to their needs and abilities.

Also, after having being ratified by the Senate of the United Mexican States in the year 1990, the Declaration of the Rights of Children has since become the supreme law of the country in accordance with Article 133 of the Constitution of the United Mexican States. Thus the government's actions in regards to their plans, programmes and projects are determined by the provisions of the international agreement. In México, in late 1999, reforms and additions to the Constitution Article Four of the Constitution of the United Mexican States, including the notion of the rights of children, were followed in April 2000, by the Law for the Protection of the Rights of Girls and Boys. Since then, there are few states nationwide that have begun to create local laws in line with the new legal framework.

Analytical considerations

The official documents, such as, the Federal Law of Education, the National Development Plan, the Programme for Educational Development foreground, set out the need to provide an education service that responds to the characteristics and needs of the migrant farming population, where the state's concern is to achieve more equity and make effective equality in the educational opportunities to the groups and regions more socially and economically disadvantaged. In latter years, actions have been directed to the design of new educational proposals that will respond in a more appropriate manner to the primordial characteristics of life and work of the child migrant sector. Amongst these is the Elementary Education Programme for Migrant Girls and Boys established since 1997.

The National Education Programme 2001-2006 (PRONAE as abbreviated in Spanish) proposes, as one of its strategic objectives, to guarantee the right to education, expressing how equality in opportunities to access, permanence and academic achievement of all the children and youngsters in basic education can be achieved. This objective establishes the promotion of forms and flexible educational proposals for the vulnerable groups of the national population, in order to make available to them educational options that adapt to their geographic, socioeconomic and cultural conditions.

To bring to girls and boys to school and guarantee their regular attendance implies the disincorporation of child labour and the establishment of a scholarship programme. Another action that reflects the interest of the state in assisting minors is to put in motion programmes directed towards the vulnerable population sectors that support those who live in extremem poverty.

The Human Development Programme designated as OPORTUNIDADES (the Spanish word for opportunities) is directed towards rural populations. Some of the benefits left by the programme are construction, repair, enlargement, equipment, acquisition and installation of drinking water plants, housing and shelters, sanitary services and water intakes, medical consultancy, medicine stocks, small clinics called Health Houses, grocery stores, day care facilities, classrooms and multiple use courts. This programme attempts to improve their condition in education, health and nutrition through the delivery of monetary support, dependent on the meeting of certain requirements and conditions.

OPORTUNIDADES is characterized for being an inter-institutional programme in which the Secretariat for Social Development, the Secretariat of Health, the Social Security Mexican Institute and the Secretariat for Public Education participate in close coordination with state and local authorities. The preceding programme to OPORTUNIDADES was called PROGRESA (which in Spanish means to prosper), created in 1997 to support families that live in extreme poverty conditions. The PROGRESA programme developed into the OPORTUNIDADES programme.

Discussion and analysis

In Mexico, the laws of the Constitution operate using a different logic than that expressed by speech; the law is displaced by a system of implicit rules and duty evasion by children. The migrant life has very serious implications for the development of a sense of identity and belonging implications, as well as self-esteem and the emotional safety of children. There are several causes that force families to migrate to other states in search of work, including the crisis in the agricultural field.

The legal component alone cannot fully explain the persistence of basic provisions and regulatory procedures to ensure compliance with each of the rights and serve as hubs for the organization of public, social and educational policy. We need to address the proposals in the federal and state levels, strengthening the comprehensive development of communities, considering their cultural specificities. Perform a joint effort between various governmental, academic, civil organizations and rural people themselves, developing strong bonds of trust and a clear role in educational processes in order to reduce the injustices by the lack of clarity in the law, omissions, anachronisms, bureaucratic loopholes and legal absences conducive operating conditions.

In the labour sector justice is limited, which places the laborers in a situation of helplessness. It is important to require the federal and local governments to exercise the institutional capacity of inspection and enforcement. We are outraged and baffled, to observe the failure of institutions, their inaction and bureaucracy to intervene and invest resources where they are needed. Not enough awareness of the problem of the migrant population exists, it is necessary to create proposals or alternative solutions where government institutions, NGOs, civil society but especially the active participation of these labourers are integrated.

The ignorance of the situation, the lack of research and of dialogue amongst the actors, including farm labourers, farm employers and public institutions have made attention to the sector's needs more difficult.

Promoting a wider dialogue amongst citizens on this information, in order to define an agenda for basic action is required, because at present there is no responsible participation that allows us to assume that the actors involved are doing what everyone is entitled to do.

Some conclusions

In Mexico there is not yet an inclusive education policy for the care of migrant children, which should be a policy that will promote a quality education and takes

into account all aspects of legal, socioeconomic and sociopolitical problems of this sector.

Legislation passed in Mexico, does not have serious commitments to public policy in respect of the expenditure allocated to the realization of the rights and the best way to impact public policy agendas that concern matters of children, There should be proposals to use researchers and public officials, who are able to contribute their vision and they should be used in the design, implementation and evaluation of public policies that affect this case of child migrant farm workers.

Despite public programmes that have been created in a specific way to improve the education of migrants, the results are poor. For that reason, a set of actions are necessary to ensure the operation of a quality educational service. These include; the development of basic curricula to suit the characteristics and needs of migrant children, with corresponding adjustments in school terms, to the time spent in their home or in the attraction, improved information systems and management, both social and institutional care and monitoring of migrant children, teacher training with an intercultural approach and adapting the evaluation and accreditation systems to ensure the permanence and continuity of students in any form of the national education system.

Child labour has been a main obstacle to making real the right of each child to an education and to the protection against violence, abuse and exploitation. We know today, that with political will, the much needed resources and adequate policies, child labour can be eradicated.

Public policies that the Mexican state has implemented to combat child labour have been insufficient to improve the social status of migrant child laborers.

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