

Mexico's Pending Human Rights Agenda for Children and Adolescents

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INTRODUCTION

In June 2011, Mexico passed a constitutional reform on human rights to strengthen their promotion and protection. Undoubtedly, this was a legal and institutional advance of major importance both in the area of human rights and that of broadening out individuals' opportunities. However, while it is true that this reform is the result of an evolving norma-

tive-institutional process to create constitutional guarantees and institutions and policies for the observance of human rights in our country, the agenda for effective compliance is still pending. This is because structural and practical social and institutional conditions persist that impede the full enjoyment of rights by broad sectors of the population.¹

As part of this evolutionary process of the human rights regimen, for a little over two decades, both official discourse and public policy design have recognized the vulnerability in which certain social groups live in the country, such as the indigenous, persons with disabilities, seniors, persons living with

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HIV-AIDS, young people, recent migrants and persons with a different sexual orientation, as well as women, little boys and girls, and teens. These are groups of the population who suffer discrimination and are excluded from opportunities because of their gender, ethnic group, health, sexual orientation, or age, a situation that tends to sharpen because of precarious socio-economic circumstances. In this context, it has become increasingly necessary to strengthen or create public policies, as well as earmark public budgets to attend to the needs of vulnerable groups, given broad evidence of the unequal, inequitable treatment that still characterizes Mexican society.

With enormous challenges both for the present and the future, our country has begun to move toward a model of governmental and social intervention based more on a vision aimed at respect and guarantee of the rights of persons than on a perspective of solving social problems. This new vision has used the need to create agendas that have a direct effect on the enforcement of human rights and the generation of institutional changes that have a positive effect on public policy design. This represents a formidable challenge for both government and society.

In the case of the rights of children and adolescents, a substantive improvement in their circumstances can be seen. However, many tasks remain to be fulfilled to effectively and fully ensure the rights of the more than 36 million little boys, little girls, and adolescents who live in Mexico. This population universe is as large as it is diverse, as are its needs specific.

BRIEF DIAGNOSIS OF THE CURRENT STATUS OF CHILDREN AND ADOLESCENTS IN MEXICO

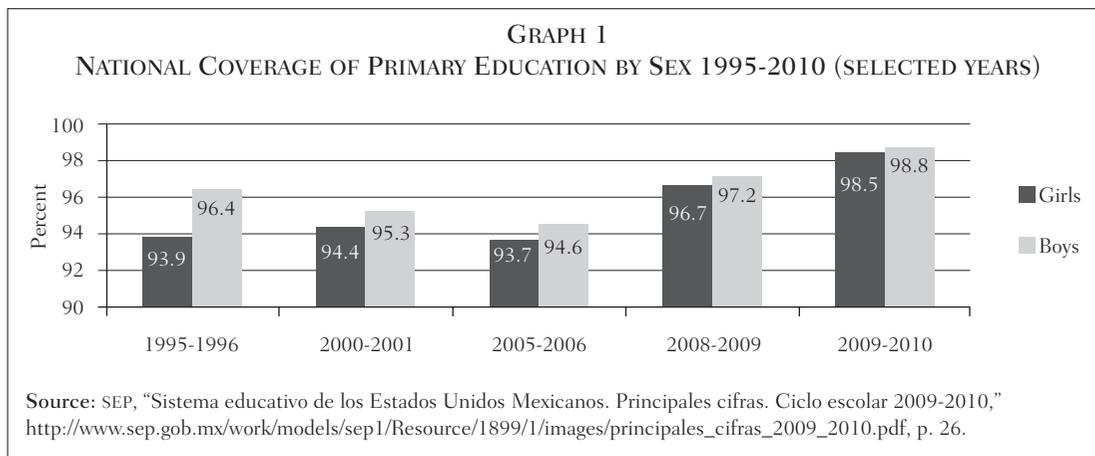
For more than two decades, positive changes have taken place in the condition of Mexican children. For example, child mortality rates have fallen and there is greater coverage of schooling and health care services. Social expenditures have brought visible results. According to data from the “Informe de México: avances y desafíos en materia de derechos humanos” (Mexico Report: Human Rights Advances and Challenges),² malnutrition among children under five has fallen 94.4 percent since 2000, while the infant mortality rate dropped from 18.3 percent in 2001 to 14.2 percent in 2010. Educational coverage is almost universal for primary school, and gender inequality in education has gradually been eliminated. These

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figures put Mexico on its way to fulfilling the Millennium Development Goals (MDG) before 2015.³

Despite this positive advance, children and adolescents still represent a broad population group excluded from development opportunities. According to Economic Commission for Latin America and the Caribbean (ECLAC) figures, for example, in Latin America and the Caribbean, little girls and boys, plus women, were the hardest hit by the 2009 economic crisis.⁴ In Mexico, this situation is indicative of the extreme vulnerability of children and teens. In 2010, of all children under 18, 53.8 percent were registered as living in poverty, compared to 42 percent of the adult population. This is sharpened even more when looking at indigenous children: about three-quarters of the indigenous under 18 live in condition of food poverty.⁵

In the area of education, while the trend toward its being universally accessible as a right has been maintained, deficits in indigenous communities continue, as does the need to make pre-school available for children 3 to 5 years of age, and high school education available for the population of 16 to 18. In 2010, these grades registered 79.1 percent and 64.4 percent coverage, respectively.⁶ Together with this, it will also be necessary to eradicate child labor, which makes it difficult for almost three million children and adolescents to attend school; to cut drop-out rates;⁷ and to ensure students stay in school and graduate, to prevent the “*ninis*” (“neither-nor”) phenomenon, which is what Mexicans call teens and young people who neither attend school nor have any other occupation, something that affects women disproportionately.⁸ Given this situation, the challenge remains of offering not only a quality education, but also the conditions needed for boys, girls and adolescents to have the tools for effective learning and to develop the skills set and social abilities that will allow them to improve their opportunities for development, overcome poverty, participate in society more, and achieve personal autonomy.



CHALLENGES FOR THE NEW HUMAN RIGHTS REGIMEN

As I pointed out in the introduction, Mexico is still moving toward a legal-institutional regime that includes compliance with human rights based on respect for them and their promotion and protection. This transition must be understood in the context of the democratization the country has experienced in recent decades, in which opportunities for people have increased and new institutional and programmatic frameworks to achieve that have been formulated. This is also happening because of Mexico’s interaction with the exterior and its acquisition of human rights commitments upon signing international treaties. The June 2011 constitutional reform is the result of this process and is a step that gives significant impetus to this universalist vision. But challenges still remain.

According to the new wording of Article 1 of the Constitution, all persons will enjoy the human rights recognized in that document and the international treaties that the Mexican state is party to, giving priority in every instance to the broadest protection. Also, authorities, whether federal or state, have the obligation to promote, respect, protect, and guarantee human rights according to the principles of universality, interdependence, indivisibility, and progressiveness. This wording implicitly recognizes the human-rights-based-approach (HRBA) promoted by the United Nations System whereby international human rights law guides development policies. Thus, it introduces into the community of nations’ development debate the obligation on the part of the state (the duty-bearer) *vis-à-vis* the rights of persons (the right-hold-

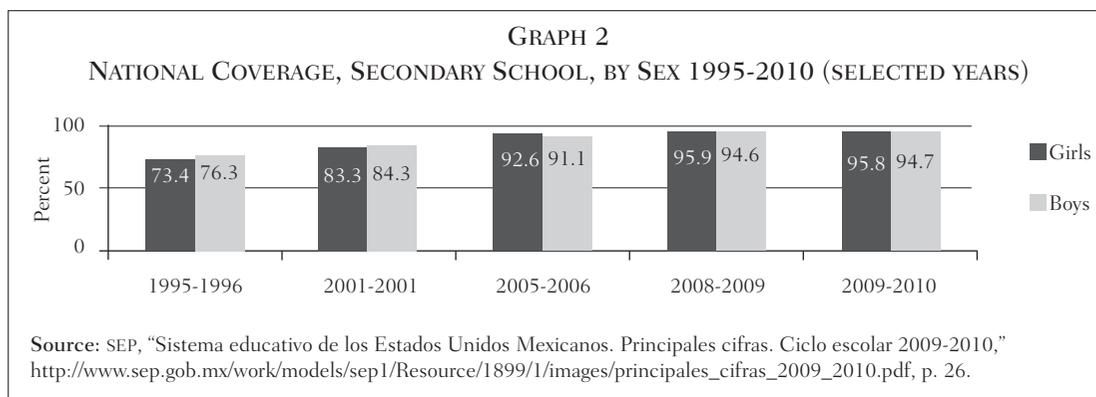
Children and adolescents are still a broad population group excluded from development opportunities; for example, in Latin America and the Caribbean, little girls and boys, plus women, were the hardest hit by the 2009 economic crisis.

ers), at the same time that it implies the need to ensure that the latter are empowered and/or appropriate their rights.⁹

In this context, the existing national normative framework for the promotion and respect for children’s rights must be strengthened with the change in the Constitution. It will give greater weight to the UN Convention on the Rights of the Child, consolidating the binding nature of this international legal instrument ratified by Mexico in 1990, which recognizes the rights of survival, full development, protection, and participation for little girls and boys and adolescents.

Since the year 2000, Article 4 of the Constitution has recognized the state’s responsibility for fully guaranteeing the rights of children using the principle of the child’s best interest. With that, little boys and girls must be considered under the law as having rights. The challenge is in changing institutional and social patterns so that children and adolescents are actually placed in that category, particularly given the persistence of adult-centric models that undervalue both children’s needs and their rights.

While it is true that since the 1990s, important efforts have been made in the country to integrate approaches that favor equality, such as mainstreaming gender equality, for example, a great deal of work is left to be done to ensure that these kinds of methodologies permeate public policies and take



hold in the mind of decision-makers. Strengthening the capabilities of government authorities and creating awareness in society are two tasks that remain on the agenda to favor children and adolescents. The work the United Nations Children's Fund (UNICEF) has done is outstanding; it has lobbied with the main governmental and political actors to include new public policy perspectives oriented to strengthening institutional capabilities for favoring children.

The assignation of public monies is still a pending task on the pro-children agenda, particularly regarding the evaluation of its impact. A recent study points out that Mexico makes an appropriate sized investment for protecting children's rights, specifically regarding food, health, and education. Between 2007 and 2010, 6.24 percent of the national GDP was earmarked for children, around Mex\$697 billion.

However, little is invested in programs aimed at rights related to promoting children and adolescents' participation or protection against violence, abuse, or exploitation, issues that are not yet firmly included on the agenda and in public policies.¹⁰ As Susana Sottoli, UNICEF's representative in Mexico, points out, it will be necessary to ensure the efficiency, impact, but above all the equity in these budgetary efforts in order to insure real equality of opportunities for all little boys and girls and adolescents, particularly those living in marginal or vulnerable situations.¹¹

Thus, including the rights-based approach or a gender perspective in public policies, and assigning and evaluating the budget oriented toward human development will still continue to be pending tasks on the public agenda regarding children and adolescents. **NMM**

NOTES

¹ For a detailed analysis of the June 2011 constitutional reform, see the articles in the book compiled by Miguel Carbonell and Pedro Salazar, *La reforma constitucional de derechos humanos: un nuevo paradigma* (Mexico City: IJ-UNAM, 2011).

² Secretaría de Relaciones Exteriores, http://mision.sre.gob.mx/oi/index.php?option=com_content&view=article&id=516&Itemid=145&lang=es (Mexico City: SRE, 2011), p. 359.

³ "Informe de Avances 2010 de los ODM en México," <http://www.objetivosdesarrollodemilenio.org/ODM/doctos/Inf2010.pdf>.

⁴ "Panorama social de América Latina 2009," <http://www.eclac.org/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/5/37835/P37835.xml&xsl=/prensa/tpl/p6f.xsl&base=/tpl/top-bottom.xsl>.

⁵ Coneval, "Pobreza 2010. Porcentaje de la población en pobreza según entidad federativa, 2010 Estados Unidos Mexicanos" (anexo estadístico), http://www.coneval.gob.mx/cmsconeval/rw/pagesmedicion/Pobreza_2010/Anexo_estadistico.es.do.

⁶ SEP, "Sistema educativo de los Estados Unidos Mexicanos, principales

cifras. Ciclo escolar 2009-2010," http://www.sep.gob.mx/work/models/sep1/Resource/1899/1/images/principales_cifras_2009_2010.pdf, p. 26.

⁷ For a detailed review of the situation of children and adolescents in Mexico, see UNICEF, *Los derechos de la infancia y la adolescencia en México. Una agenda para el presente*, 2010; and the UNICEF information system, <http://www.infoninez.mx/>.

⁸ See the Ministry of Public Education survey, "Los jóvenes y la educación. Encuesta nacional de la juventud 2010" (Young People and Education. National Survey of Young People 2010), <http://www.sep.gob.mx/work/models/sep1/Resource/2249/1/images/vf-jovenes-educacion-ninis.pdf>.

⁹ For a greater understanding of the human-rights-based approach, see <http://hrbportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>.

¹⁰ UNICEF, "Inversión pública en la infancia y la adolescencia en México, 2007-2010," <http://www.unicef.org/mexico/spanish/InversionBAJFinal.pdf>.

¹¹ Susana Sottoli, "Reto 2012: invertir en infancia," *Reforma* (Mexico City), January 4, 2012.