



Human rights and neoliberalism: an uneasy alliance for protecting children in Mexico*

Derechos humanos y neoliberalismo:
una difícil alianza en la protección
de los menores de edad en México

*Anahely Medrano Buenrostro***

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**Universidad Autónoma de México, Unidad Cuajimalpa.
Dirección para correspondencia: anahely@gmail.com

Resumen / Abstract

Este artículo utiliza un concepto particular de paradigma de política pública para analizar el núcleo ideológico del principal programa anti-pobreza que ha implementado el gobierno federal en las últimas décadas: Oportunidades. En particular, este estudio analiza la compatibilidad entre este programa y el propósito de garantizar los derechos socio-económicos de la infancia. Para ello, se examinan las principales características del paradigma implícito en este programa, así como su evolución durante en el periodo de 1989 a 2006. Este estudio concluye que el paradigma neoliberal aplicado durante este tiempo implica tensiones y contradicciones importantes al momento de ofrecer una respuesta para proteger los derechos de la infancia mexicana.

Palabras clave: derechos de los niños, paradigmas de políticas, pobreza infantil, política social en México.

Applying the particular concept of policy paradigm, this paper analyses the ideological core of the main anti-poverty programme implemented by the Mexican federal government, Oportunidades, in the last decades. In particular, this study analyses the compatibility of this programme with the aim of protecting children's socio-economic rights. To do so, this study examines the main characteristics of the policy paradigm that underpins this programme, as well as its evolution from 1989 to 2006. This paper concludes that the neoliberal paradigm applied during this time implies important conceptual tensions and contradictions at the moment of offering a policy answer for protecting the rights of Mexican children.

Key words: children's rights, policy paradigm, child poverty, social policy in Mexico.

1. Introduction

In Mexico, the introduction of neoliberalism can be traced back to the early 1980s. Some studies have pointed out that, during this neo-liberal era, the Mexican welfare system has experienced a move towards a more residual character (Valencia, 2010, Boltvinik, 2004; Laurell, 2003). This residual character essentially involves that "social policy is subordinated to fiscal and budget constraints" and devoted to attend people living on extreme poverty (Barba, 2004: 96). However, in 1989, Mexico signed the Convention on the Rights of the Child (CRC), which was ratified in the following year. By doing so, the Mexican government implicitly started its commitment to protecting and ensuring all children's socio-economic and cultural rights, including the rights to a decent way of life and social security.

The main purpose of this paper is to analyse the compatibility between the main ideas of the neoliberalism and the pledge of protecting children's rights in Mexico. To do so, this study applies a particular definition of policy paradigm in order to analyse the ideological core of the neoliberal paradigm to tackle poverty in Mexico. The evolution of this paradigm from 1989 to 2006 is also examined. This study is based on the analysis of official documents that described the features of the main anti-poverty initiatives in the last two decades, in particular Oportunidades programme, as well as other relevant literature. Additionally, this analysis includes the perceptions of key policy actors about the policy actions for protecting socio-economic rights of the children in Mexico.

The remainder of this paper is organised as follows. The second section provides a definition of policy paradigm. Additionally, a broad picture of the evolution of the Mexican poverty neoliberal paradigm prior to its consolidation is presented. The third section comprises the analysis of the key elements of



the neoliberal paradigm to tackle poverty, which emblematic programme (Progresa-Oportunidades) was implemented since 1997. In the fourth section, the main tensions between this paradigm and the main principles implicit in the CRC are discussed. The final sections include some concluding remarks.

2. Social policy and the neoliberalism in Mexico

2.1 Defining a neoliberal policy paradigm

Neoliberalism is subject to multiple definitions. Harvey (2005) proposes that neoliberalism "is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade" (Harvey, 2005:2). Under this theory, "the role of the state is to create and preserve an institutional framework appropriate to such practices" (Harvey, 2005). Accordingly, the economic policy prescriptions emanated from this paradigm focused on enhancing economic efficiency and international competitiveness. In the case of social policy, neoliberal policies are associated to the anti-poverty strategy supported by international institutions like the International Monetary Fund and the World Bank. This strategy basically consists in three elements: economic growth, investing in human capital, especially education, and safety nets for the poor (Gordon, 2004; Addison & Cornia, 2001).

In this paper, neoliberalism is used to denote a particular policy paradigm. A policy paradigm, as here defined, involves two main features. First, it comprises a relatively coherent set of scientific, technical and normative assumptions which provide guidelines to define a policy problem (for instance, poverty), as well as to delineate the corresponding prescriptive elements to tackle it, such as "principles of action" and "methodological prescriptions and practices" (Surel, 2000). Second, policy paradigms are shared by a group of policy actors, which limit the range of alternatives "likely to perceive as useful and worth considering" (Campbell 2004: 385). Surel (2000) identified four key elements of a policy paradigm, which are the following: (1) basic principles or "ontological beliefs" that define the core of policy programme (for instance, market is the best mechanism to allocate resources); (2) specific principles that imply a general choice of action (for example, to assist the extreme poor in participating in the labour market); (3) mechanisms, techniques and methods (for instance, the measurement of extreme poverty to focalised aid to the extreme poor); and (4) specific instruments or detailed decisions concerning the application of mechanisms (Surel, 2000: 497-98).

Following Surel's definition of policy paradigm, the main basic principles of a neoliberal paradigm can be equated to the following values: the individual; freedom of choice; market security; laissez faire, and minimal govern-

ment" (Lerner, 2000: 7). Furthermore, one of the main specific principles that imply a general choice of action is related to the role of the state in the economy and society: the state should be limited to "securing private property rights and contracts" (Albo, 2002: 46). Another principle is that markets are "the most desirable mechanism for regulating both domestic and world economies" (Fourcade-Gourinchas & Babb, 2002: 533). In consequence, in the social policy realm, neoliberal policies involve "the rolling back of the welfare state activities, and new emphasis on market provisioning of formerly public goods and services" (Lerner, 2000: 7).

Nonetheless, neoliberalism is translated into specific policy prescription in different ways, according to particular national contexts (Albo, 2002; Lerner, 2000). This paper is concern with the policy paradigm implemented to tackle poverty in Mexico in the last two decades. Before identifying the key elements of this paradigm, the beginning of such paradigm before its consolidation is briefly discussed in the next sub-sections.

2.2 The beginning of neoliberalism in Mexico

The Mexican Revolution gave birth to a new Constitution in 1917. Social rights such as housing, education and health care, among others, became constitutional guarantees for every Mexican (Brachet, 1994). Nonetheless, from the 1940's and until the beginning of the 1980's, the state practically limited its mission for social justice to ensuring universal access to basic education (Brachet-Márquez, 2004; 1994). Hence, despite the official universalistic aim in terms of social welfare, the Mexican government never achieved universal coverage of basic rights, such as health care or housing during those decades (Ordoñez, 2001).

Instead, the Mexican government built a social security system for organised workers through different institutions and under a corporatist model.¹ Accordingly, health care services and other social rights such as pensions, maternity leave and accident benefits, among others, were provided to those Mexicans working in the formal sectors of the economy. Workers and employees who were affiliated to the unions of strategic state-owned industries, such oil or electricity, obtained particularly generous social protection schemes (Brachet-Márquez, 1994). Conversely, those working in the informal sectors in urban and rural areas (for instance, peasants) lacked social security. In addition, the federal government provided some universal subsidies for different services, such as electricity and water and basic food products (especially, tortilla² and milk) (Damian, 2002). These subsidies mostly favoured the population in urban areas, but also benefited the poorest population in the whole country (Damian, 2002). These institutional features

¹ According to Esping-Andersen (1990), in the corporatist-conservative welfare regime, which it typical of continental European countries, social security is linked to the type of employment and contributions made by individuals.

² Tortilla is one basic ingredient of the Mexican diet, especially for those with the lowest income.



resulted in "dual" model in which social protection and security systems are highly stratified (see Valencia, 2010; 2006) This model has been characterised as a hybrid between a corporatist and a residual model⁵ (Valencia, 2006. And this fragmented and unequal model has prevailed until the present (see Valencia, 2010).

In this context, at the beginning of the 1980s, the Mexican economy faced adverse internal and external factors, which led to a severe economic crisis. In the middle of these adverse circumstances, former President Miguel de la Madrid, accompanied by young elite, started a new presidential term in 1982. This new policy elite has often been labeled as politicians technocrats, characterised for having a graduate degree from a foreign university, especially from famous American universities, and with important old-school ties with foreign banks and multilateral institutions (Babb, 2002). Indeed, the arrival of this "technocracy" into power signified a turning point in contemporary Mexican history. Their arrival marked the beginning of comprehensive economic reforms and a shift in the provision of social protection for the population (Camp, 2003). These changes signified the introduction of a neoliberal paradigm, which comprised the redefinition of the role of the Mexican state in the economy and society.

In accordance with the new paradigm, the Mexican government started leaving behind the apparent attempts of previous governments to provide a minimum social base for all Mexican citizens, based on universal education, compensatory policies and some universal subsidies (Brachet-Márquez, 2004; 1994). The Mexican state thus retreated from its role of welfare provider to its citizens, as it happened in other Latin American countries (Haagh, 2002). Accordingly, apart from those funds devoted to paying for public health and education services, social spending was drastically reduced between 1982 and 1988 (Piester, 1997).

Despite this difficult scenario, people from the same political elite managed to keep power in the 1988 federal election. In fact, these technocrats, in particular those U. S.-trained economists, "whose views emerged during the De la Madrid administration were promoted to top policy positions during the subsequent administrations of Carlos Salinas (1988–94) and Ernesto Zedillo (1994–2000). Thus, in the ensuing years, Mexico's free-market policy path was consolidated" (Fourcade-Gourinchas & Babb, 2002: 561). The continuation of the technocratic elite in the federal government guaranteed the continuation of structural reforms aiming at liberalisation of the economy.

Nonetheless, this continuation did not imply that the Mexican federal government did exactly the same over the years. There were important policy

⁵ According to Richard Morris Titmuss (1974), in the residual model, the market and the family are the principal means through which individuals must meet their needs. Additionally, individuals have access to social assistance provided by the state only in extreme cases, that is, in case they are unable to participate in the market or lack family support. In addition, the aid received from the state must be on a temporary basis.

adjustments in each administration, although they essentially keep the neo-liberal spirit. In the case of social policy, the following government introduced a new anti-poverty programme, which marked the beginning of a new paradigm in the social policy realm. In the next sub-section, this programme is briefly discussed.

2.3 The introduction of the anti-poverty strategy (1989-1997)

In 1988, President Carlos Salinas de Gortari was elected in a highly controversial election. Unlike his predecessor, he did not face a serious economic crisis, but a political one. The new government was thus eager to gain legitimacy among most Mexicans. Under these circumstances, a new strategy for alleviating poverty was born in 1989. This anti-poverty programme was called Pronasol, an acronym from Programa Nacional de Solidaridad (National Solidarity Programme, in English), which was also known as Solidaridad (solidarity, in English). At the same time, federal government continued economic deregulation, and financial and commercial liberalisation processes initiated by the previous administration.

The main policy objectives of Pronasol were the following: to alleviate extreme poverty and to encourage participation of the poor in the implementation of this programme as a condition to obtain benefits. Apart from the idea that the state should only focus on help to the poorest, this new anti-poverty programme promoted the idea that the poor must be involved in participating in the “solution of social problems” (Piester, 1997: 469). Implicitly, this idea stresses the responsibility of the poor in solving their own condition.

As for the mechanisms to achieve those objectives are concern, Pronasol covered a wide range of initiatives through different specific programmes, including credits to farmers, scholarships for children, and infrastructure programmes (for instance, building rural schools, roads, and so on). One of these programmes was Children in Solidarity Programme (Programa Niños en Solidaridad, in Spanish), which was launched in 1991, and its aim was to prevent that millions of children living in poor families drop out school before completing primary education (Cordera & Lomelí, 1999). The program was operating in primary schools which participated in previous Pronasol programmes. Under this programme, poor families received a cash transfer delivered every two months (for only one child per household). In addition, families received an in-kind transfer (a set of basic food products, such as beans and milk), as well as nutritional and health care assistance provided by public local clinics. In fact, this programme could be considered to be the policy predecessor of the main conditioned cash transfer strategy that was implemented by the following government (*Ibid*).

Another feature of this neoliberal paradigm to tackle poverty was the lack of attention to inequality. Beyond the theoretical underpinnings of this paradigm that may contribute to explain this omission, Camp (2003) suggested



that "the under-representation of humble social origins" among the political elite may also be part of the explanation: "No empirical evidence exists to support the notion that social class background directly determines elite preference. But it is difficult to argue that personal experiences have not sensitized future elites to emphasize specific social issues" (Camp, 2002: 253).

Although this argument may be debatable, Camp is implicitly making an important point: elites' perceptions of poverty constitute a relevant factor to understand the way this social problem is tackled in developing countries (see Medrano, 2009; Reis & Moore, 2005). Furthermore, in highly unequal and weak democracies such as Mexico (especially at that time), policy elite may enjoy more room to implement their policies. Camp (2002) explained that, under President Salinas, "technocrats decreased the number of actors participating in the decision-making process. [...] Influential Mexicans who stressed the necessity of redistributive goals were not given the opportunity to express their criticisms within the power elite" (Camp, 2002: 254). Under these circumstances, Mexican technocrats were able to put into practice their view of tackling poverty without significant resistance.

Despite the official objective (targeting the poorest) of Pronasol, government did not implement clear and systematic methods to achieve such a goal. Focalisation was made mainly by identifying poor neighbourhoods and communities rather than individuals (Boltvinik, 2004). Furthermore, the identification of the target population was made using different criteria depending on the programme. In fact, this programme was highly criticised because was susceptible to be used as a political tool to legitimise government, to attract the votes of the poor (Cornelius, Craig & Fox, 1994), and to enhance the image of President Salinas (Dresser, 1994; 1997). For these reasons, Pronasol was often regarded more as a political strategy with electoral purposes than an effective anti-poverty programme (Molinar & Weldon, 1994). Moreover, some funds were deliberately diverted from the poorest (Trejo & Jones, 1998). All these criticisms caused a bad image of Pronasol, which was deeply transformed by the following administration.

In 1994, President Ernesto Zedillo Ponce de León (1994-2000) began his presidential term. The top members of the new government had basically the same technocratic profile as the political elite that took power in 1982. At the end of 1994 and during 1995, this new government faced a dark panorama: the political crisis originated by the Zapatista guerrillas, and the currency crisis. This economic crisis aggravated the social cost provoked by the introduction of a neoliberal paradigm in the preceding decade. Although there is no agreement about the extent of the increase in terms of poverty (Damian, 2002: 107-112), the overall view is that this problem definitely rose between 1984 and 1994 (Damian, 2002; CEPAL, 2002; Székely, 1998).

In this context, in 1997, the Mexican government launched a new anti-poverty initiative, which was called 'Progresa', the Spanish acronym for the Education, Health and Nutrition Programme. The conceptual framework of

Progresas can be traced from documents written in 1991 and 1994 by Santiago Levy, who became a top cabinet member in the federal government in the early nineties. He is famous as the architect of Progresas. This programme constituted the new and improved version of the previous strategy for focalising aid to those living in extreme poverty. Progresas thus became the most important anti-poverty initiative at federal level until present, and the ultimate example of the implementation of the neoliberal paradigm to tackle poverty in Mexico. The main characteristics of this paradigm are briefly analysed in the following section.

3. The neoliberal anti-poverty paradigm in Mexico

3.1 The main principles of the neoliberal poverty paradigm

Despite of the fact that Pronasol was in line with a neoliberal principles, its policy successor, Progresas, truly embodies the neoliberal anti-poverty paradigm that has prevailed in Mexico in the last two decades. This paradigm can be identified by analysing the main normative beliefs or principles implicit in Progresas, and which underpins its methods and mechanisms. Overall, the core ideas of this programme were in line with popular recommendations advocated by international organizations, such as the Word Bank and the Inter-American Development Bank. In particular, the programme adopted the human capital theory supported by these institutions, in particular the Inter-American Development Bank. Broadly, this theory places the root of poverty in the lack of human capital, which essentially refers to individuals' education, experience and abilities, which allow them to participate in the labour market and generate income. Furthermore, this international agency has also emphasised the role of economic growth as the main factor in reducing poverty in developing countries (see Sorensen, 2009; BID, 1998).

Apart from these ideas, there are particular assumptions about the nature of poverty and the behaviour of the poor rooted in Progresas. The architect of the programme argued that "policies for the extremely-poor should be based on their special needs and behaviour" (Levy, 1991: 55). According to Levy, the extreme poor are those unable to provide for themselves enough food and, therefore, are unable to display an adequate performance at school or work (Levy: 1994:18-19).⁴ This programme departed from the idea that unlike people living in extreme poverty, the moderate poor were able to access education services, as well as to participate in the labour market, as they do not lack the very minimum basic resources to survive (Levy, 1991; 1994). In addition, the architect of Progresas emphasised that since the "extent of poverty implies that it cannot be eliminated in a short period of time", and in a context of limited resources, government should focus on helping the poorest. Accord-

⁴ This definition was adopted by the programme. See: Poder Ejecutivo Federal. Programa Nacional de Educación, Salud y Alimentación (PROGRESA). Lineamientos Programáticos. México, 1997.



ingly, focalisation was made a key principle of the anti-poverty paradigm in Mexico (Ruckert, 2007; Boltvinik, 2004). Furthermore, extreme poverty was essentially seen as a rural phenomenon.

Levy also stressed that anti-poverty programmes should create the conditions for the poor "to grow out of poverty" (Levy, 1991:50). Progresa thus had a strong emphasis on individuals' agency to overcome poverty, that is, the extremely poor themselves should "get on their feet and work their way out of poverty". Accordingly, the aim of this programme was to assist the poor in fulfilling a minimum of health and nutrition so they can "invest in human capital; or migrate across regions; or participate more actively (even though risky) in the labour market; or engage in more (risky) innovations (new crops, techniques); or have less children and increase their investment per child" (Levy, 1991: 53-54).

Another premise implicit in the design of Progresa was to avoid "the creation of a class of welfare dependents" (Levy, 1991: 52). In fact, Levy insisted that "schemes that simply transfer income to the poor give no incentive for them to work. Thus, incentive considerations argue strongly against direct income transfers" (Levy, 1991: 52). In accord with this idea, under Progresa programme, cash transfers were conditional upon the receivers' actions. The aim behind conditionality was thus changing certain behaviours, which were attributed to the poor.

In respect to the "behavioural characteristics" of the extreme poor identify by Levy (1991), most of them seem more likely to be externally imposed conditions or unavoidable matters of situational expediency related to the population in question. For instance, one of the consequences of the negative conditions of children living in poor households in urban and rural areas, such as child labour, was deemed to be a behavioural characteristic of the poor:

The children of the extremely poor may participate early in economic activities in both urban (begging, shoe shining) and rural (working in family farm, household activities) settings. Independently of the educational facilities, the opportunity cost of the household of having children in school is too high, so that the extremely-poor, as opposed to the moderately poor, may not be in the position to benefit from educational programmes (Levy, 1991: 47).

Other behavioural characteristics identified by Levy are also essentially descriptions of the results of living in severe deprivation, such as the fact that the extremely-poor have "lower ability to bear risk" because "they live so close to income-induced nutritional risks" (Levy, 1991: 48). Another example is that "the composition of the diet of the extremely-poor is different": "At very low income levels, households consume a diet composed by cheap calories" (Levy, 1991: 49). In addition, Levy thought that intrahousehold inequality was higher among people living in extreme poverty. However, he recognised that this problem was "probably not unique to the extreme poor, it is operationally

more important, as determines how additional resources for the household as a whole translates for each member of the household" (Levy, 1991: 50).

Other characteristic identified by Levy were having "higher fertility ratios and more children per household" than the non-poor (Levy, 1991: 45). The author acknowledged that this characteristic "can be interpreted as the insurance response parents make in the face of high infant mortality". He added, it "may also be due to lack of education access and access to birth control methods". Finally, the low inability of the extremely-poor "to respond to transitory real wage decline by working more hours" was also identified as a behavioural characteristic: "Downturns cannot be offset by working more if households are already working all they can" (Levy, 1991: 47). Many of these assumptions about poverty included in the ideational core in Progresa are succinctly described in the following lines:

[The extremely-poor] have a prior need to improve their health and nutritional status and break the 'vicious circle' in which they find themselves: unhealthy physical environments, morbidity, lethargy, high infant mortality and high fertility, inability to take risks, inability to demand education, thinly spread resources across large families, and transmission of this state of affairs from one generation to the next. Only when this vicious circle is broken can they 'get on their feet' and work their way out of poverty (Levy, 1991: 54).

Overall, the policy design of Progresa responded to this ideational core, which represents the essence of the anti-poverty paradigm dominant in Mexico at federal level. Under this paradigm, the social policy thus took a residual character and was directed at alleviating poverty only when markets and family networks fail (Valencia, 2010; Boltvinik, 2004; Laurell, 2003). Although the previous programme (Pronasol) was also focused on alleviating extreme poverty, Progresa included new mechanisms and methods. In the following sub-section, the main characteristics of the mechanism and methods of this programme are briefly described.

3.2 Methods and mechanisms

In accord with the main ideas implicit in the design of Progresa, the ultimate goal of the programme was to break the intergenerational transmission of poverty. The main mechanism to accomplish this official objective was a conditioned cash transfer strategy to aid the extreme poor families in rural areas.⁵ This strategy had three salient characteristics. First, the programme involved a means-tested cash transfer delivered every two months to mothers of poor children conditional upon the school attendance of their children⁶ and regu-

⁵ In 2002, the programme started to cover poor households in urban areas.

⁶ The amount of the scholarship is slightly higher for girls after elementary school to encourage them to stay in school for longer.



lar medical check-ups for the family, especially for children, pregnant and nursing women (SEDESOL, 1998). In addition, families also received nutritional supplements. The conditions to receive social assistance show the centrality of the co-responsibility of poor families in this programme (SEDESOL, 1998).

The second characteristic was that the federal government used technical criteria to achieve the target population. The targeting methodology implied an important difference from the early attempts to target the poor (such as Pronasol). The methodology includes two main steps.⁷ First, the poor localities are selected according to the marginality index of the National Council of Population (CONAPO) and other indicators available for the specific area. In addition, the availability of education and health centres is also confirmed as prerequisites to operate the programme. The next stage is a survey of the household, which is "assessed" by a points system using a statistical method, discriminant analysis, which determines if the household is poor or non-poor based on the information from the survey (Orozco & Hubert, 2005). The third characteristic of Progresa was that cash transfers were capped in order to avoid welfare dependency.

The policy design of this programme involves different assumptions. For instance, behind the idea of investing in children's human capital is the supposition that children will have the chance to increase their well-being in the future. In particular, it was expected that once children get basic education or training, they would be in a better condition to participate in the labour market and, therefore, to get out of poverty by themselves. According to this, deprivation is essentially seen as a result of low or lack of education. And low education or training was, in turn, mainly associated to precarious nutrition and health. Indeed, similarly to Levy, Székely and Fuentes (2002) claimed that targeted programmes, such as Progresa, attack "the causes of poverty (lack of education) and not just its consequences (low incomes)". In this sense, Progresa departed from placing the main cause of poverty at individual level: lack of human capital.

Another key premise of in Progresa's design is that conditionality is an essential feature to make anti-poverty programmes effective. Therefore, under Progresa, beneficiaries were asked to fulfil specific and verifiable conditions (school attendance of children and regular use of primary health care by mothers and children) in order to receive monetary transfers. In other words, conditionality is considered to be the only way to guarantee that parents invest in their children's human capital. The underlying conviction is that the poor do not know or refuse to do what is good for them and, therefore, "they need to be told by government" (Adato & Hoddinott, 2007: 3).

Furthermore, since Progresa focused on extreme poor families with school-age children, it was also implicit that those worthy (or deserving) to be helped

⁷ This method remained the same until 2002, when some modifications were introduced in order to target the extreme poor in urban areas.

were such children. In consequence, the programme excluded many children living in poverty. In the first place, Progresa excluded poor households in urban areas. In addition, children covered by the programme should be attending from the third grade of primary school to secondary school (this means children from eight to fifteen years old, approximately). In other words, children below about eight years or in high school were not potential beneficiaries of Progresa. Moreover, since the benefits were subject to children's regular school attendance and medical check-ups, it only operated in areas where clinics and schools were available. Therefore, the extreme poor families living in areas which lack this infrastructure were not covered by the programme.

In 1997, Progresa started by covering over 300,000 families in marginal rural areas in twelve states. The programme expanded at a fast pace, and by the end of the year 2000, when President Zedillo finished his term, it was covering almost 2,500,000 families living in rural areas in all thirty one states of Mexico. The following government continued the programme. However, the new government introduced important modifications to the programme after 2000. In this year, a new political era started in Mexico. Nonetheless, during this new government, the neoliberal poverty paradigm was fully consolidated. This period is briefly reviewed in the next section.

3.3 The consolidation of Progresa-Oportunidades programme (2000-2006)

The beginning of the new millennium was also the start of a new political era in Mexico. In that year, President Vicente Fox took office (2000 – 2006), and his presidency brought into power the main right-wing political party in Mexico, Partido Acción Nacional (National Action Party, in English), for the first time in over seven decades. The arrival of this right-wing government, thus, ended more than seventy years of hegemony of the previous ruling party. Furthermore, unlike previous political transitions, Mexico enjoyed economic stability. Undoubtedly, the new administration signified important political changes in this country. Nonetheless, the economic and anti-poverty policy remained essentially the same as that implemented in the previous government. An important factor behind this policy continuity was the permanence of key members of the policy elite in charge of designing the economic and social policy during the former administration.

Another factor that contributed to the continuation of Progresa when President Fox took office was its early evaluations (Mena, 2007). In particular, the evaluation conducted by the International Food Policy Research Institute in 2000, concluded that the programme was working as expected in the main areas of intervention: education, health and nutrition (IFPRI, 2000). The overall conclusion was children living in rural areas enrolled in the Programme were more likely to attend school, to receive medical attention more fre-



quently, and to have a more balanced diet (INFPRI, 2000). Furthermore, the targeting mechanisms provided transparency to Progresa, which reduced doubts about the potential misuse of the funds by public authorities, as had happened with the preceding anti-poverty programme, Pronasol. Indeed, during this government, transparency in allocating anti-poverty funds was notably improved (Hevia, 2010). This improvements and the positive evaluation helped strengthen the program's legitimacy in Mexico, and to international recognition, including a loan of one billion dollars from the Inter-American Development Bank.

Progresa, thus, remained the most important anti-poverty programme during Fox's administration. The programme, however, registered some changes. Firstly, in 2002, Progresa was included in a wider anti-poverty strategy, which was named "Contigo".⁸ In reality, Contigo acted as a conceptual umbrella to organize and operate different social programmes. This strategy combined the human capital idea introduced by Progresa and Sen's capabilities approach. Accordingly, the long term objective of the programme was to expand the capabilities and opportunities enjoyed by the poor. The logic was that with a better provision of human capital it is expected that poor children will develop a wider range of valuable capabilities and, as a consequence, more freedom to choose a life without poverty. This logic was called a human development approach.

The discourse embedded in Contigo was, thus, perfectly in line with the development agenda proposed by the World Bank, which proposed an increase in human capital and capabilities as the best way to alleviate poverty (World Bank, 2000). Indeed, Charnock (2006) compared World Bank's flagship publications prepared for the region and the Fox's government National Plan of Development and found striking similarities. He concluded that "the Fox government's vision of Mexico is almost identical to that of the World Bank" (Charnock, 2006). The open inclusion of Sen's approach into the poverty discourse emphasised the idea of improving human capital rather than assisting the poor.

Furthermore, government also explicitly recognised the inequality in the opportunities to access basic services and employment among Mexicans (Székely, 2003). In fact, in 2002, Progresa was renamed "Oportunidades" (opportunities in English). However, these inequalities were approached from an individualistic perspective, that is, the emphasis was put on the differences among individuals in terms of their access to nutrition, basic healthcare and education. This perspective ignored the structural causes behind the chronic and pervasive socio-economic inequality in Mexico. In consequence, the aim of Oportunidades was to give the chance to extremely poor children to fulfil

⁸ Since Progresa was the most important programme of the Contigo framework, I will not make any further mention of it. A summary of the strategy was presented in the work undertaken by the World Bank to evaluate poverty and the government strategy in Mexico and published in 2004.

such capabilities, and, therefore, closing the gap between them and other children in terms of their access to basic services and food.

According to this new discourse, poverty is understood as capability-deprivation, specifically lack of access to minimum nutrition, health care and education. The discourse embedded in Oportunidades programme also included the adoption of a human right approach and the recognition of inequality. Nonetheless, Oportunidades kept focused on targeting aid to the extreme poor households with school-age children. In other words, the policy design of the programme remained basically the same to that of the previous one (Progresa): new politics, same recipe. However, apart from adapting new discursive elements, government made some important adjustments.

In 2002, apart from the conceptual adjustments and changing the name, Oportunidades (formerly Progresa) incorporated some changes in its design to expand its coverage into semi urban and urban areas. In order to incorporate poor people in urban areas, a self-targeting method was introduced, which allowed poor families to sign up as potential beneficiaries. Once they signed up, applicants then were subjected to a survey at their home in order to determine if they qualified or not for the programme. Another novelty was the introduction of scholarships to students in high school (SEDESOL, 2006).

At the end of 2004, five million families were receiving the programme. Although poor families with children had been the main target population since the creation of Progresa, the federal government did not openly seek to eradicate child poverty. However, during the Fox administration children were put in a special place in the policy agenda, at least at a discursive level. During this administration the government renewed its commitment to children's rights. Nonetheless, this pledge involved deep contradictions, which are further discussed in the following section.

4. Human rights and neoliberalism in Mexico: mixing oil and water?

4.1 The human rights discourse under neoliberalism

At the same time that Mexican government was putting into practice a neo-liberal paradigm, it claimed to support children's rights. In 1989, Mexico signed the Convention on the Rights of the Child (CRC), which was ratified in the following year. The Convention uniquely places children centre-stage in the quest for the universal application of human rights, by recognising children and young people as individuals with rights. The core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. The CRC specifies the socio-economic and cultural rights of the children. These rights include the right to a decent standard of living, the right to social security, the right to basic health, the right to education, and the right to shelter, among others.



In particular Article 26 (Social security) of the CRC establishes that: "Children – either through their guardians or directly – have the right to help from the government if they are poor or in need." In other words, all children who may require social assistance are entitled to it in order to fulfil their socio-economic rights. Furthermore, Article 4 of the CRC also established that: "With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." In other words, the CRC promotes universal access to social assistance, among other socio-economic rights, for children under the principle of the maximum extent of resources available in a given country.

The normative framework of the CRC is based on the principles of universality, indivisibility of rights, and progressivity, among others. The effective adoption of this framework involves the establishment of specific mechanisms and goals, according to the aforementioned framework (Minujin, Cesilini & Help, 2010). From this perspective, policy action aims at contributing to the realisation of human rights and may also embrace human rights principles. In fact, in the case of poverty, from a human rights approach, this problem is seen as "multi-dimensional, encompassing not only a low income, but also other forms of deprivation and loss of dignity" (Donald & Motershaw, 2009: 11-12). Furthermore, human rights are a matter of entitlement and duty, therefore governments have legal obligations for which they can be held accountable (Donald & Motershaw, 2009). Accordingly, rights-based approaches to poverty and development give especial attention to values such as social justice, equity, equality and solidarity (Chapman, 2005).

By ratifying the CRC, the Mexican government acquired the duty to respect, protect, promote and fulfil children's rights under the principles established in this international instrument, such as universality, non-discrimination, and the best interests of the child. In this sense, Mexico committed to protect children's welfare under a human rights approach. Furthermore, the Mexican government agreed to hold itself accountable for this commitment before the international community, as well as to develop and undertake all actions and policies in the light of the best interests of the children. Nonetheless, after 1990, the Mexican federal government kept a rather low profile in terms of openly and widely promoting the rights of children. Explicit policies to protect children's rights were practically absent.

It was until 1995 that Mexico launched the National Programme in Favour of Children 1995-2000 (Programa Nacional de Acción en Favor de la Infancia, in Spanish). This programme established some general actions in order to accomplish Mexico's commitments to fulfil children's rights. Nonetheless, these actions were directed to improving some health and education indicators, such as reducing infant mortality and education coverage. In addition, the government announced the creation of a programme directed to helping the most vulnerable children, which would be Progres. In other words, the Mexi-

can federal government decided to guarantee children's rights by means of an anti-poverty policy that contradicted the universalistic spirit of the CRC.

However, during Fox's administration, children's rights were introduced in the agenda again. In 2000, the federal law to protect children's rights was approved. This law made explicit the right of children to have access to healthcare and education services. However, it did not explicitly recognise other socio-economic rights such as social assistance. Furthermore, the law established that the parents, tutors and carers are responsible for guaranteeing children's rights, while the government's responsibility is limited "to promoting actions seeking to provide assistance" to them in this task. In other words, the Mexican state adopted a rather limited role in fulfilling children's rights.

Nonetheless, During Fox's presidency, children took a special place in the federal agenda, at least at discourse level. Hence, the prevalent policy paradigm, embodied in the Oportunidades programme, was enriched with a human rights flavour. In this administration, the federal government pledged its commitment to children's well-being right from the very beginning of the presidential term. This commitment was established in the National Plan of Development (2001-2006), which is the document that defined the main goals and strategies of the public action to be taken in the governmental term.

In this Plan, government proposed "to create the conditions that allow children to develop in an emotionally and physically safe environment, guaranteeing their well-being, education, health and equity". As opportunely noted by some civil organizations devoted to promoting children's rights in Mexico, this statement does not show an explicit commitment to guarantee children's rights, but to contribute to their well-being (Sauri, 2003). Nonetheless, federal government openly adopted a pro-human rights discourse to justify actions directed at contributing to children's well-being. Accordingly, in 2001, the federal government created a special committee to developing or co-ordinating policies to support children's rights. This committee was called COIA (acronym of Consejo Nacional para la Infancia y la Adolescencia in Spanish). Furthermore, federal government committed itself to monitoring children's rights in Mexico.

Additionally, in 2002, Mexico participated in a Special Session of the General Assembly of the United Nations in Favour of Children. In order to accomplish the commitments established in the Special Session, the Mexican government launched the Action Programme 2002-2010 called 'A Mexico Fit for Children and Teenagers' (Un México apropiado para la infancia y la adolescencia, in Spanish). In this programme, federal government established the strategies to contribute to fulfilling children's rights in Mexico. These strategies were framed in the Contigo strategy (the conceptual umbrella that articulated anti-poverty programmes during this government). In fact, although, in theory, the COIA should design this Action Programme, in practice, this committee practically disappeared after its creation (see Sauri, 2003).



Indeed, the Ministry of Social Development coordinate the elaboration of such programme, which has been in charge of designing and implementing the anti-poverty programme, *Oportunidades*.

This brief account of the Mexican government's main actions to promote children's rights shows that there is an important inconsistency. Those actions were inserted into the official neoliberal strategy to combat poverty. In particular, during Fox's administration, the strategies established in the Action Programme were directed to eradicating extreme poverty, increasing the coverage and quality of education, promoting gender equality, and improving mother's health. Indeed, the Action Programme emphasised the role of "Oportunidades" (formerly *Progresa*) in achieving the commitments of the Special Session. This focalised programme was, thus, made the most important instrument to achieve children's rights. Before further discussing this point, in the following section, the perceptions of some key policy actors about the policy options to protect the socio-economic rights of the children are presented.

4.2 Protecting children's rights in Mexico: the perceptions of policy actors

In order to enrich the discussion about the compatibility between neoliberalism and a human rights approach in Mexico to protect children, this paper explores the views of policy actors related to different areas of the social policy realm in Mexico.⁹ They were specifically asked what policy actions they considered to be adequate to guarantee socio-economic rights of the children, in particular, access to quality health care and education services and a decent living standard. In addition, respondents were also asked their opinion about poverty to being seen as a form of violating human rights.

The general view was that poverty is a violation of human rights. However, some respondents thought that although it is desirable to fulfil children's rights it is practically impossible to accomplish this. Accordingly, children's rights should be seen as a normative ideal rather than a concrete objective, and, therefore, public action should be directed to progressively move towards such an ideal. There were also few disagreements and concerns around the idea that poverty implies a human rights violation. Some people from the federal government, for instance, cast doubts on the validity of such a link by saying that poverty may coincide with violation of some rights but poverty it-

⁹ This analysis was based on sixteen in-depth, semi-structured interviews conducted from the end of 2005 to 2006, in Mexico City. At the time of conducting the interviews, the respondents were former or current senior members of the federal government working for the Ministries of Education, Social Development or the System for Family Development, members of Congress, academics and heads or founders of civil organizations related to human rights promotion, including children's rights, as well as a philanthropic organization. Academics were members of public institutions. Some of the respondents were also members of the Advisory Panel of UNICEF-Mexico at the time. These respondents were part of a bigger study group. This analysis is focused on the respondents' answers related to children's rights.

self cannot be considered to be a violation of human rights. Another member of the federal government emphasised the risk of placing citizens' rights in the spotlight without stressing their responsibilities. This person believed that "*rights and responsibilities come together*", and therefore, there should not be a "*passive interpretation of human rights*", in which it is assumed that only government has responsibilities. This respondent added that "*the poor have rights as long as they are responsible at the same time*". Similarly, a person from academic circles thought that poverty itself is not a violation of rights, but "*may generate conditions which imply violations of rights*".

As far as the policies to guarantee socio-economic rights of the children are concerned, most respondents talked about increasing the quality of health care and education services provided by the government. Overall, most respondents mentioned that public schools' infrastructure and teaching quality must be improved. However, there were also important differences among actors' policy preference to protect children's rights. Some respondents, especially member of the federal government, considered Oportunidades programme to be a good way to guarantee children's rights, especially access to education and health care. A member of the federal government said that although this programme does not guarantee all children's rights, helps to do so.

On a different line of thought, other policy actors (in particular, heads of civil organizations and academics) talked about the introduction of a new policy approach to guarantee children's rights, which should far more comprehensive than "*helping families through little money benefits*". Some of these respondents openly criticised the current government's approach to addressing children's rights. For instance, a head of a civil organization thought that government should implement policies focused on children, and that such policies have not been implemented because the idea "*that childcare is a private issue*", concerning families, has been prevalent in Mexico. This person also stated that "*society and the government should take responsibility for all children*". These respondents overall agreed that it was necessary to implement universal policies to guarantee education and health care services. An academic also talked about increasing attention to early education and child care facilities for working families, as well as the necessity to provide meals, school materials and recreational activities for children at school, and even to guarantee minimum income for all families.

In accord with these ideas, other respondents (especially heads of civil organizations) mentioned that the enforceability of social-economic rights should be guaranteed by the government. It was also suggested that the judicial systems or a "*special jurisdiction*" should protect citizens' and children's socio-economic rights. An academic thought that "*children's rights cannot be guaranteed if the rights of adults are not guaranteed as well*". This person thought children deserve special attention because they have different necessities; however, there should not be only attention to them and forget-



ting that their parents also need to have their own rights secured. A respondent from a civil organization explained that in order to protect all children's rights it was necessary to implement a "*national council that effectively coordinates public policies directed to children*", and a "*national system of information and monitoring*". This respondent also emphasised that although the government has intended to implement these two initiatives, it has failed due to the lack of a real commitment and "*political will*" to effectively protect children's' rights.

According to these results, there were to rather different views on the policy initiatives to protect the socio-economic rights of the children in Mexico. Overall, some respondents, especially members of the federal government, held a positive view of Oportunidades programme as a way to protect children's rights. On the other hand, this programme was at best considered to be one complementary action that should be inserted in a wider policy strategy effectively designed to protect children's rights. In the following section, the limitations of the neoliberal anti-poverty paradigm to protect children's rights are further discussed.

4.3 The paradoxical link between children's rights and neoliberalism

The Oportunidades programme certainly contributed at least partially to fulfilling some rights of children living in extreme poverty, such as access to education and health care services. Nonetheless, its design was in conflict with the basic principles of a human rights approach. To start with, Oportunidades programme has provided social assistance to extreme poor families with school-age children under a utilitarian vision: it is useful to invest in children's human capital so they can participate in the labour market in the future (Ornelas, 2006), not because children have the right to it. Moreover, as discussed before, conditionality aims at modifying the conduct of poor families so they invest in their children's human capital. This could be demeaning as it assumed that the poor need to be told by government what is good for them (Adato & Hoddinott, 2007: 3).

Furthermore, focalisation implies a violation of the principle of universality that embedded in the human rights approach. As far as basic social services is concern, this approach "dictates that the principle of universality takes priority over that of selectivity" (Minujin et al., 2006: 26). Contrary to this universalistic aim, the Oportunidades programme left behind many children living in poverty. For instance, children who do not attend at least third grade school, or do not live in families classed as extreme poor, even though they may be poor, do not receive any social assistance. In addition, children must live in communities with healthcare and education facilities, which is likely not to be the case in the most remote or deprived areas of the country.

Apart from the very fact that this programme let unprotected many children, failing at guarantying universal access of basic social services seems to

be a rather ineffective policy in terms of policy reduction. For instance, Vandemoortele (2000) considered universal access to basic services to be a better option because creates “a social shock-absorber in times of crisis”, which helps “sustain the globalisation process and make it more inclusive” (Vandemoortele, 2000). He added that:

Basic social services are key to trigger the virtuous circle of social and economic development. [...] The notion of participation is central to the human rights approach to development: the poor become engaged subjects of development, rather than being passive objects; they are strategic partners, rather than target groups. Universal access to basic social services will build the solid foundation for meaningful participation” (Vandemoortele, 2000: 23).

In other words, focalised or narrowly targeted programmes, such as *Oportunidades*, pursue efficiency, but by doing so they overlook higher aims (for instance, protecting children’s rights). Vandemoortele argued that, in case of basic social services, universal access should be guaranteed by governments (Vandemoortele, 2000: 11). In addition, focalisation entails different costs and disadvantages (see Sen, 1994; Cornia & Stewart, 2003). For instance, administrative costs of narrow targeting are at least twice as high as for untargeted programme (Vandemoortele, 2000: 11). Focalisation also involves out-of-pocket costs: since narrow targeting usually requires beneficiaries to document their eligibility, that is, they need to prove that live in extreme poverty, they incur in some expenses such as transportation and other costs (Vandemoortele, 2000: 11-12).

Furthermore, targeting can also compromise effectiveness in terms of poverty reduction. In fact, there is also “ample evidence of poor countries that have significantly reduced poverty through universalistic approaches to social provision” (Mkandawire, 2005: 16). In developed societies, “overall social policy itself has been universalistic, and targeting has been used as simply one instrument for making universalism effective” (Mkandawire, 2000). In this sense, another cost of focalisation is actually failing to reach the poor. Another important problem attached to targeting is the social stigma associated with means testing (Mkandawire, 2005), which is certainly incompatible with a human rights perspective. Nonetheless, social stigma attached to focalisation has had little attention in Mexico.

Oportunidades has another important limitation to protect children’s rights. Children covered by this programme are not entitled to receive social assistance because the law explicitly says so, but because the federal government have decided that they qualify to be welfare beneficiaries. Since the programme is based on administrative rules (technical procedures decided by governmental authorities), its continuity over time may be endangered, as one simple administrative decision could end the programme and, therefore, the support to poor families (Valencia, 2006; Boltvinik & Damián, 2003). Conversely, under a rights-based approach, social protection is not a policy op-



tion but "an obligation for states and international governance structures" (Barrientos & Hulme, 2008: 6).

Since universal access to social assistance was not guaranteed by Mexican law, government's commitment to protect all children's rights is limited (Sepúlveda, 2009). As discussed before, the enforceability of socio-economic rights is a mechanism to effectively protect such rights (Courtis, 2007). In addition, this can contribute to diminish the potential political manipulation of Oportunidades. Despite of the fact that the design of this programme has improved transparency in the distribution of resources, it is still subject to particular forms of political manipulations due to the emerge of new intermediaries between governmental authorities and the beneficiaries of the program (see Hevia, 2010).

Additionally, although government compromised to monitoring the achievement of children's rights in Mexico, this was poorly done during those years (Sauri, 2003). In fact, the Mexican government created a public organization specifically devoted to measuring poverty, which actually has released poverty rates on a regular basis from 2002.¹⁰ Indeed, this initiative constituted a major step in making public and transparent official poverty figures. Nonetheless, child poverty rates were not made public on a regular basis by this institution during and before Fox's administration. This omission was thus particular controversial because contradicted the government's commitment to monitoring children's rights in Mexico.

Despite of the fact that the Mexican government displayed a human rights discourse during the last decades, in particular, during Fox's administration, its actions contradicted the spirit of such approach. A careful reading of the commitment expressed by federal government shows that its pledge to fulfilling children's rights was subordinated to the neoliberal principles of the anti-poverty paradigm. Although the evolution of the main anti-poverty policy shows some advance in coverage, it focused on the extreme poor households with school-age children. Furthermore, the Mexican federal government was not fully committed to fulfilling children's rights, but to contribute to their well-being through a limited strategy. In short, the neoliberal anti-poverty paradigm failed to recognise the universal rights of all children to have a decent way of life and to access social assistance.

5. Conclusions

Human rights approaches depart from the idea that every human being is worthy of respect (Gauri, 2004). In particular, these approaches advocate the protection of the rights of children, ethnic and religious minorities, women, and the poor because these groups are "particularly liable to practices and prejudices that weaken their agency and the social basis of their self-esteem"

¹⁰This organization is CONEVAL (acronym Consejo Nacional de Evaluación de la Política de Desarrollo Social, in Spanish).

(Gauri, 2004: 472). In addition, a human right approach is based on the principles of universality, indivisibility of rights, and progressivity, which involves the establishment of specific mechanisms goals according to this aim (Minujin, Cesilini & Help, 2010).

Since 1989, the Mexican government started its commitment to protecting and ensuring all children's socio-economic and cultural rights, including the rights to a decent way of life. In this year, Mexico signed the CRC, which promotes universal access to social assistance for children, among other socio-economic rights, under the principle of the maximum extent of resources available in a given country. However, in the last two decades, government's actions have hardly been consistent with this duty. Under the neoliberal paradigm, social policy was focused on reducing extreme poverty. At the core of the main anti-poverty programme (Oportunidades) is the idea that parents must invest in their children's human capital, so these children can participate in the labour market and make their own way out of poverty in the future.

The embedded paradigm in this programme has proved to be the dominant one over time. The evolution of this paradigm has showed that, despite some important adjustments, its main goals remained basically the same. During Fox's administration, the federal government even renewed its commitment to guarantee children's rights. However, this pledge was, in fact, fitted to the neoliberal paradigm. This inclusion signified important conceptual contradictions. The logic of Oportunidades programme challenges some basic human rights principles, such as universality. Focalisation is certainly difficult to reconcile with the aim to provide universal access to social assistance, among other socio-economic rights, for children under the principle of the maximum extent of resources available in a given country. Furthermore, principles such as security, equality and dignity, which are considered to be "a prerequisite for the acceptance of people living in poverty as equal full and equal participants in the human rights movement" in democratic societies (Porter, 2000), are not in the centre of the neoliberal logic.

Beyond these conceptual contradictions, poverty and inequality are still the main characteristics of the Mexican social landscape. Despite Mexico's relatively wealth and aspirations of being a developed country, most Mexican children live in poverty. According to the multidimensional measure of poverty applied by the Mexican government, 53.3 per cent of children lived in poverty in 2008 (CONEVAL-UNICEF, 2009). From a rights-based approach, child poverty is a denial of children's human rights. And judging only by the extent of child poverty in Mexico, neoliberal governments have showed rather meagre results in protecting children's rights. This reality calls for new policy strategies that successfully integrate a rights-based approach, especially in the case of children, in Mexico.

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