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## **Social Security in Mexico**

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## LIST OF ABBREVIATIONS

|           |   |
|-----------|---|
| AFORE     | Administradora de Fondos para el Retiro   |
| BBVA      | Banco Bilbao Vizcaya Argentaria   |
| CONEVAL   | Consejo Nacional de Evaluación de la Política de Desarrollo Social                                  |
| CONSAR    | Comisión Nacional del Sistema de Ahorro para el Retiro  |
| CPEUM     | Constitución Política de los Estados Unidos Mexicanos   |
| DOF       | Diario Oficial de la Federación   |
| ECLAC     | Economic Commission for Latin America and the Caribbean   |
| ENOE      | Encuesta Nacional de Ocupación y Empleo   |
| FONDEN    | Fondo de Desastres Naturales  |
| FOVISSSTE | Fondo de la Vivienda del Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado |
| IMSS      | Instituto Mexicano del Seguro Social  |
| INE       | Instituto Nacional Electoral  |
| INEG      | Instituto Nacional de Estadística y Geografía   |
| INFONAVIT | Instituto Nacional de la Vivienda   |
| ISSSTE    | Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado                          |
| LFT       | Ley Federal del Trabajo   |
| LSS       | Ley del Seguro Social   |
| MORENA    | Movimiento de Regeneración Nacional   |
| MXN       | Peso mexicano   |
| NAIM      | Nuevo Aeropuerto Internacional de México  |
| OECD      | Organisation for Economic Cooperation and Development   |

RNPED ----- Registro Nacional de Datos de Personas Extraviadas o Desaparecidas

SAR ----- Sistema de Ahorro para el Retiro

SEDESOL ----- Secretaría de Desarrollo Social

SCJN ----- Suprema Corte de Justicia de la Nación

TUA ----- Tarifa de Uso de Aeropuerto

USD ----- US Dollars

## 1. INTRODUCTION

2018 saw important changes in the country. Some events stand out in view of their impact on social security: the consequences of the 2017 earthquake that were felt in 2018; the exodus of Central American migrants; the presidential transition and its ensuing legislative projects; Retirement Fund Administrators (AFORE) losses and the eminent lack of legislative reforms in social security, which consisted only of the enactment of the Federal Law regarding Special Declaration of Absence for Missing Persons and its corresponding reform in Mexican Social Law, attributing consequences similar to those from death due to work-related risks to a worker's disappearance in terms of rights to pensions and termination of employment.

Another legislative reform of great importance for Social Law, which has yet to be enacted but has already been passed by Congress, is the reform to the Federal Labour Law, Social Security Law and the Law of the Institute of Security and Social Services for State Workers, regarding leave for working parents with children under 16 diagnosed with cancer.<sup>1</sup>

One issue that cannot be ignored is the exodus of Central American migrants who have intensified their transit through Mexico since 2018, becoming human caravans of entire families bound for the United States of America. This poses a great challenge to Mexico's social security system, which has not yet attained universal coverage for Mexican nationals and is now subject to even greater pressure from the thousands of persons in need of protection.

Another alarming circumstance is the loss the Retirement Savings Funds sustained, the largest ever registered. This took place in October and totalled \$3,284,428,000 MXN<sup>2</sup> (\$172,592,117.7 USD)<sup>3</sup> in four of the main AFORE in the country: Inbursa, PensionISSSTE, Profuturo and Banorte.

Lastly, it should be noted that the second half of the year was undoubtedly marked by the elections for president, as well as for deputies and senators. Considered the largest election in Mexico's history in which the left wing party won: the National Regeneration Movement (Movimiento de Regeneración Nacional or MORENA) was led by Andrés Manuel López

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<sup>1</sup> Reporte índigo, *Cámara de diputados aprueba licencias de hasta 3 años para trabajadores con hijos con cáncer*, at: <https://www.reporteindigo.com/reporte/camara-de-diputados-aprueba-licencias-de-hasta-3-anos-para-trabajadores-con-hijos-con-cancer/>, accessed on 9 January 2018.

<sup>2</sup> El economista, *minusvalías por 131,000 mdp en AFORE, tras cancelación del NAIM*, at: <https://www.eleconomista.com.mx/sectorfinanciero/Minusvalias-por-131000-mdp-en-AFORE-tras-cancelacion-del-NAIM-20181105-0137.html>, accessed on 9 January 2019.

<sup>3</sup> The exchange rate used for this report is \$19.03 Mexican pesos = 1 USD, data from the Bank of Mexico on 28 January 2019, available at: Banco de México, Tipo de cambio, Mexico, Banco de México, 2018, <http://www.anterior.banxico.org.mx/portal-mercado-cambiarior/index.html>, accessed on 9 January 2019.

Obrador, who won the presidential election in Mexico with 53.17% of the total votes.<sup>4</sup> The Mexican Congress radically changed its composition, with 55 out of 128 Senate seats coming from the same political party as the president. A similar situation is seen in the Chamber of Deputies, with 256 out of 500 deputies from the same party. There was also a change in the presidency of the Supreme Court of Justice, now headed by Minister Luis María Aguilar Morales.<sup>5</sup> The result of this analysis raises the concern that two of the three branches of government – the executive and the legislative branches – are controlled by the same political party: MORENA.

As a result and despite the fact that the changes are recent, a series of events have arisen that have had an impact on social security issues:

The first was the elimination of the pensions for former presidents as of 2019, promoted by MORENA and a campaign promise of the current president. It was accomplished with the publication of the Federal Law of Remuneration of Public Servants on 5 November 2018, at the direction of the president-elect not yet installed in office.

This law also states that no public servant may have a higher salary than that of the president, which stands at \$108,000 MXN (\$5,675.24 USD) per month.<sup>6</sup>

Secondly, the current president has made public various news items, which have been implemented through decrees or are still in the process of being approved. Even so, they are bringing about significant changes in the country in 2019. In terms of social security, the following stand out:

1. The Elimination of the People's Insurance: On 14 December 2018, President López Obrador presented the Agreement to guarantee the right to free access to health care services and medicine for the population without social security.<sup>7</sup> The purpose of this agreement is to federalize health care systems beginning in eight states of the country to merge state services provided by the Ministry of Health, the Mexican Social Security Institute (IMSS) and the Institute for Security and Social Services for State Workers (ISSSTE) into a single one. As a consequence, the People's Insurance created in 2001 by then President Vicente Fox Quesada would disappear.

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<sup>4</sup> PROCESO, *INE, López Obrador gana con 30 millones de votos*, en: <https://www.proceso.com.mx/541748/ine-lopez-obrador-gana-con-30-millones-de-votos-y-el-53-17-por-ciento>, accessed on 9 January 2019.

<sup>5</sup> He was appointed on 2 January 2019 for a four-year term as President of the Supreme Court of Justice of the Nation. Suprema Corte de Justicia de la Nación, Presidencia, SCJN, México, 2019, en: <https://www.scjn.gob.mx/presidencia>, accessed on 5 February 2019.

<sup>6</sup> *Idem*.

<sup>7</sup> Gobierno de México, *Acuerdo para garantizar el #DerechoALaSalud*, at: <https://www.gob.mx/presidencia/articulos/acuerdo-para-garantizar-el-derechoalasalud?idiom=es>, accessed on 10 January 2019.

2. Labour reform initiative presented by the MORENA parliamentary group: This reform contemplates various changes to the Federal Labour Law with significant stress placed on union matters, transparency, accountability, the creation of conciliation centres, and the implementation of labour courts.<sup>8</sup> These actions would mean the end of labour justice as it is known today where cases are solved by a collegiate body made up of three representatives: one for the employer, one for the employee and one for the State.
3. Youth Building the Future Program: This was created by an agreement regarding a digital platform for the Youth Building the Future Program dated 6 December 2018 and published in the Federal Official Gazette. The program will begin operating in 2019 and aims to provide a monthly stipend of \$3,600 MXN (\$198.17 USD) for youth who do not study or work to be trained for a year in order to enter the workforce.<sup>9</sup>
4. The 2019 expenditure budget cut spending for: child care centres and persons with disabilities, while the "Comprehensive Care Model for Patients with Locally Advanced Cervical Cancer" (MICAELA) program will disappear.

## 2. ECONOMIC, POLITICAL AND SOCIAL SITUATION IN 2018

### 2.1. Economy

The Gross Domestic Product stood at 3.3%: 2.3% in primary activities and 1.2% in secondary activities. Accumulated inflation was 4.83%, almost two points less than in 2017.<sup>10</sup>

Once again, the growth of remittances from the United States continued. The Bank of Mexico reported that \$33.48 billion USD entered the country in 2018 in the form of remittances, representing a growth of 10.53% compared with the previous year.<sup>11</sup> The growth of remittances has accrued for 30 consecutive months, a historical landmark in the economic life of the country.<sup>12</sup>

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<sup>8</sup> Cámara de Diputados, *Iniciativas*, at:

[http://sitl.diputados.gob.mx/LXIV\\_leg/iniciativaslxiv.php?comt=47&tipo\\_turnot=1&edot=T](http://sitl.diputados.gob.mx/LXIV_leg/iniciativaslxiv.php?comt=47&tipo_turnot=1&edot=T), accessed on 10 January 2019.

<sup>9</sup> Gobierno de México, *Jóvenes construyendo el futuro*, Mexico, 2018, at:

<https://jovenesconstruyendoelfuturo.stps.gob.mx/>, accessed on 10 January 2019.

<sup>10</sup> Banco de México, *Inflación*, at: <http://www.anterior.banxico.org.mx/portal-inflacion/inflacion.html>, accessed on 24 January 2019.

<sup>11</sup> Banco de México, *Remesas*, Mexico, 2018, at:

<http://www.banxico.org.mx/SieInternet/consultarDirectorioInternetAction.do?sector=1&accion=consultarCuadroAnalitico&idCuadro=CA11&locale=es>, accessed on 5 February 2019.

<sup>12</sup> BBVA Research, *Remesas imparables, hilan 30 meses con crecimiento, +8.8% en septiembre*, Mexico, 2018, at: [https://www.bbvarsearch.com/wp-content/uploads/2018/11/20181101\\_FlashMigracion.pdf](https://www.bbvarsearch.com/wp-content/uploads/2018/11/20181101_FlashMigracion.pdf), accessed on 26 January 2019.

## 2.2. Labour

In terms of employment in the third quarter of 2018, according to the National Survey on Employment and Occupation (ENOE) presented by the National Institute of Statistics and Geography states that the economically active population was 54.3 million people. This figure is made up of the unemployed population, the population that does not work even one hour per week (1.9 million persons) and the employed population (52.4 million persons).

For this period, the informal sector in all of its forms was calculated at 30.6 million persons,<sup>13</sup> which represents 56.7% of the working population, an increase of 2.2% over the same month in 2017.

The minimum wage rose 3.9% over the previous year, going from \$80.40 MXN daily (\$4.22 USD) in 2017 to \$88.36 MXN (\$4.64 USD) in 2018.

## 2.3. Poverty

One of the most worrisome data is undoubtedly the poverty that exists in the country. According to information provided by the CONEVAL,<sup>14</sup> the sector of the population with work income below the cost of the basic food basket (work poverty) increased from 38.5% to 39.3% between the second and third quarters of 2018 due to a decrease in work income and an increase in the cost of the basic food basket and prices. The buying power of work income increased at the end of 2017 but decreased by 1.1% in the third quarter of 2018 compared to the previous quarter. In the last quarter, the percentage of the population unable to purchase the basic food basket with their work income increased in 26 of the 32 states, most notably in the states of Guerrero, Nayarit and Baja California Sur.<sup>15</sup>

The CONEVAL is expected to carry out a new measurement of poverty in the country in 2019 since this is done every two years and the last report was presented in 2016.

In a 2017 study, the OECD stated that the major challenge Mexico faces in 2018 is to address inequality in view of the fact that seven out of ten Mexicans live in poverty or in a state of vulnerability while the richest 20% of the population earns 10 times more than the poorest 20%<sup>16</sup> and the 10 richest people in Mexico alone earn what 60 million poor people do.<sup>17</sup>

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<sup>13</sup> INEGI, *Resultados de la Encuesta Nacional de Ocupación y Empleo*, INEGI, Mexico, 2018, at: <http://www.beta.inegi.org.mx/app/saladeprensa/noticia.html?id=4558>, accessed on 27 January 2019.

<sup>14</sup> This is the acronym for the Consejo Nacional de Evaluación de la Política de Desarrollo Social.

<sup>15</sup> CONEVAL, *Medición de la Pobreza*, CONEVAL, Mexico, 2018, at: [https://www.coneval.org.mx/Medicion/Paginas/ITLP-IS\\_resultados\\_a\\_nivel\\_nacional.aspx](https://www.coneval.org.mx/Medicion/Paginas/ITLP-IS_resultados_a_nivel_nacional.aspx), accessed on 23 January 2019.

<sup>16</sup> Organización para la Cooperación y el Desarrollo Económico, *Perspectivas Económicas 2018*, OCDE, Mexico, 2018.

## 3. EVOLUTION OF SOCIAL PROTECTION SCHEMES

### 3.1. Old-Age Schemes

#### 3.1.1. Evolution of Private Pension Schemes

In 1997, the process of privatization of pension insurance began with the introduction of certain components: private savings accounts for pension funds as well as the AFORE administrators, private companies that manage workers' retirement savings funds. The AFORE are empowered to invest a certain percentage of money in investments, such as infrastructure and private companies, among others, which implies the AFORE's obligation to seek the best return for their affiliates.<sup>18</sup> The AFORE are authorized and supervised by the CONSAR, the National Commission of the Retirement Savings System.

While in the first quarter of the year profits were maintained with an increase of \$332 billion MXN (\$17,446,137,000 USD) compared to the first quarter of 2017,<sup>19</sup> in the second half of the year there was a record loss of pension funds with a historical figure of 3.28 trillion MXN (\$172,592,117,700 USD). According to the National Retirement Savings System (CONSAR), this loss is attributed, *inter alia*, to the cancellation of the "New Mexico City International Airport" since AFORE like Inbursa, PensionISSSTE, Profuturo and XXI Banorte had invested in this project. Although they shall be compensated, the returns will be much lower than what had been estimated.<sup>20</sup>

It should be noted that the system has guarantees so that losses do not affect the amounts of workers' pensions since the instruments used by the AFORE for this investment, *Fibra-e and Bonds*, are backed by charging TUA [Airport Use Fee]. However, the recovery might be seen only in the medium- to long-term.<sup>21</sup>

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<sup>17</sup> Presentation of The Inefficiency of Inequality by the Economic Commission for Latin America and the Caribbean (ECLAC) at the National Autonomous University of Mexico, [https://repositorio.cepal.org/bitstream/handle/11362/43443/6/S1800058\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/43443/6/S1800058_en.pdf) accessed on 25 February 2019.

<sup>18</sup> Expansión, *¿En qué proyectos está invertido el dinero de las AFORE?*, Mexico, 2018, at: <https://expansion.mx/empresas/2018/04/09/en-que-proyectos-esta-invertido-el-dinero-de-las-AFORE>, accessed on 17 December 2018.

<sup>19</sup> El Economista, *Resultados del SAR al primer trimestre del 2018*, Mexico, 2018, at: <https://www.economista.com.mx/opinion/Resultados-del-SAR-al-primer-trimestre-del-2018-20180424-0107.html>, accessed on 30 November 2018.

<sup>20</sup> El Economista, *minusvalías por 131,000 mdp en AFORE, tras cancelación del NAIM*, at: <https://www.economista.com.mx/sectorfinanciero/Minusvalias-por-131000-mdp-en-AFORE-tras-cancelacion-del-NAIM-20181105-0137.html>, accessed on 17 December 2018.

<sup>21</sup> Expansión, *La inversión de las AFORE en el NAIM está a salvo, dice la Amafore*, 2018, <https://expansion.mx/nacional/2018/10/28/inversion-AFORE-naim-esta-a-salvo-dice-la-amafore>, accessed on 25 February 2019.

Meanwhile, in December after the change of administration had taken place, the CONSAR ordered that as of January 2019, commissions charged by the AFORE were to be lowered by 0.03%.<sup>22</sup>

### **3.1.2. The Elimination of Pensions for Former Presidents**

On 5 November 2018, by order of the President of the Senate, the Federal Law of Remuneration to Public Servants was published in the Federal Official Gazette. This law regulates Articles 75 and 127 of the Political Constitution of the United Mexican States and puts an end to granting pensions to former holders of the federal executive power.

Presidential pensions have their first precedent in 1976 during the administration of Luis Echeverría, who decreed that former presidents would have personal security service provided by army and navy personnel. However, it was not until 1987 that then President Miguel de la Madrid issued an executive order granting a pension equivalent to total salary of public servants in the position of State minister.

Until December 2018, the pensions of former presidents came to \$205,122 MXN (\$10,778.87 USD) per month, plus a series of benefits like security and administrative personnel at their service and that of their families for each one.<sup>23</sup> As of that date, five former presidents and two widows receive that pension.

It should be made clear that the Federal Law on Remuneration of Public Servants is not a law exclusively aimed at eliminating such pensions, but that Articles 10 and 11, establish that pensions, retirement pensions, compensations or any other benefit of a similar nature shall only be granted when expressly indicated by a law, a legislative decree, or in the collective contract or general working conditions. In this sense, these pensions cannot be granted simply by reaching an agreement with the heads of public agencies or those of their governing bodies.

In this context, the second transitory article holds that once the law enters into force, all provisions contrary to it shall no longer be in effect, including the pensions for former presidents that had been granted through presidential agreement.

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<sup>22</sup> La Jornada, *Autoriza la Consar disminución de comisiones por manejo de Afores*, Mexico, 2018, at: <https://www.jornada.com.mx/ultimas/2018/12/11/autoriza-la-consar-disminucion-de-comisiones-por-manejo-de-afores-3817.html>, accessed on 14 December 2018.

<sup>23</sup> According to information obtained through the National Transparency Platform on 26 April 2018 with No. 0210000015818, the number of civil administrative personnel for each of the former presidents is as follows: Felipe de Jesús Calderón Hinojosa 14 people, Vicente Fox Quesada 20 people, Dr. Ernesto Zedillo Ponce de León 3 people, Carlos Salinas de Gortari 11 people, Luis Echeverría Álvarez 17 people. With regard to military personnel, the Presidential Guard Staff simply replied that it was classified information.

## 3.2. Survivors

No legislative reforms concerning survivors were recorded for 2018. However, there were two court rulings that interpret the legal requirements based on human rights.

### 3.2.1. Pension for Ascendency

To be entitled to a pension for ascendency in the ISSSTE, it is necessary to meet certain requirements set out in Article 75 of the Institute's Law. One such requirement is to prove economic dependence during the five years prior to the death of the worker or pensioner, an issue that led to establishing a new criterion in the following case.

The mother of a deceased worker filed an *Amparo* lawsuit against a judgment rendered by an administrative court, which had refused her the right to receive the deceased worker's pension because she could not prove five years of financial dependence as required by the above-mentioned Article.

Having exhausted all relevant proceedings, the *amparo* was granted to the applicant since the court, in resolving the matter, considered the vulnerability of the deceased worker's mother, who was 86 years old. This clearly proved her difficulty in obtaining resources for her subsistence, pointing to her dependence on her son. Mention is also made of the absence of taking into account the provisions of the Federal Civil Code that stipulate that children are obligated to provide for their parents.<sup>24</sup>

This *amparo* is an example of the legal activism that has begun in Mexico and allows for a broader interpretation of the law in accordance with human rights and not only with the requirements established in provisions or in presumption of the evidence. This particular interpretation recognizes the human right of subsistence for an older adult.

### 3.2.2. Survivors' Rights in Schemes for Public Security Forces

In terms of social security, Mexican police find themselves in great uncertainty since, by nature of their work, they depend on the executive branch, whether federal, state or local. In this sense, they can be insured by the ISSSTE, enter into agreements with the IMSS or receive medical care through private insurance. That said, there are cases where municipalities do not insure members of their police force under any of the above options, thus violating their human right to social security.

In this vein, an Administrative and Labour Court issued a court opinion arising from an indirect *amparo* filed by the widow of a police officer who died of a gunshot on his way

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<sup>24</sup> Sentencia de amparo directo 514/2017 publicada como tesis aislada en marzo de 2018 en: Gaceta del Seminario Judicial de la Federación, Tesis: (V Región) 4o.1 A (10a.) Décima Época, Registro: 2016467, Pleno de Circuito.

home while still in uniform. The challenged act consists of the violation of the fundamental human rights recognized in the Mexican Constitution, such as health and social security contained in the American Convention on Human Rights, which were violated by the municipal authority as it refused to give the widow insurance before the ISSSTE.

The Collegiate Court ruled that the deceased worker and his family did indeed suffer damages for not having been insured by the ISSSTE, and were thus entitled to the corresponding social security benefits. The authority responsible was sentenced to provide the family with the following:

- Right to the payment of funeral expenses, as compensation for death resulting from an occupational risk (Article 500, Section I of the LFT)
- Right to the payment of 5,000 days' salary as compensation for the death of the worker (Article 502 of the LFT)
- Right to the payment of life insurance, a right of police officers in the event of death or total or permanent disability (Articles 123, Section V, and 139, Section II, of the Law on the State Public Security System of the State of Michoacán)
- Payment of three months 'salary as workers' compensation. The judge grants this for termination of labour relations (Section XXII, paragraph A, to the provisions of Article 123, Section XIII, paragraph B, of the Mexican Constitution).
- Damages, including contributions to the retirement savings system,<sup>25</sup> (Article 102, Section II and Article 205, fifth paragraph of the Law of the Institute of Security and Social Services for State Workers).

This ruling sets an extremely important precedent for social security justice for police workers in Mexico and their families.

### **3.3. Health Care Provision and Sickness Benefits**

Universal access to health care is an issue that has been addressed for several decades in Mexico's history, bringing together the efforts of social assistance and medical service programs granted by social insurances.

The sixth government report given by Enrique Peña Nieto reported that during his administration, the registry of the People's Insurance (the most important health-related social program in Mexico) had a total of 53.3 million members with access to a Universal Catalogue of Health Services covering 294 interventions and 670 medicines.<sup>26</sup> In addition, a

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<sup>25</sup> Sentencia de amparo directo 203/2017 publicada como tesis aislada en octubre de 2018 en: Gaceta del Seminario Judicial de la Federación, Tesis: XI.3o.A.T.6 A (10a.), marzo de 2017, Décima Época, Registro: 2018092, Tribunales Colegiados de Circuito.

<sup>26</sup> *Ibid.* p. 53.

total of 9.2 million workers have been incorporated into the IMSS since 2012.<sup>27</sup> On the other hand, 6.6 million young secondary and higher education students were insured through optional insurance. Over the past 6 years, the infant mortality rate dropped by 9% and 17 National Health Weeks were held during which 163.5 million vaccines were administered.

In terms of legislation, however, the following change has been made:

In December 2018, the current Mexican president, Andrés Manuel López Obrador, presented the "Agreement to guarantee the right to health", an order affecting the states of Campeche, Chiapas, Guerrero, Oaxaca, Quintana Roo, Tabasco, Veracruz and Yucatán where it is planned to give universal access to health care to all people. It should be noted that this agreement is the first phase of the project to create the National Health System for Well-Being, which seeks to incorporate all states in the country into this program within two years.<sup>28</sup>

The first level of care will be covered in IMSS BIENESTAR clinics, health care centres and medical units. One of the agreement's ultimate objectives is that all social security institutions collaborate in attending the unaffiliated population.

It is important to note that this project intends to replace the so-called "People's Insurance", but both programs have the same main objective: to provide healthcare to the uninsured population. Given that already the People's Insurance tried to comply with various international mandates like the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the 2000 Millennium Development Goals and the 2030 Agenda for Sustainable Development, the reform did not change the objectives pursued as such, but the institution that will be responsible for implementing those objectives. While the People's Insurance was implemented through a public health system managed directly by the Ministry of Health, the new Health System for Well-being will be administrated by the IMSS. In other words, a social security system created for workers in the private sector will be responsible for providing health care coverage to the non-affiliated population.

This raises several unanswered questions regarding, for instance, legislation, coverage, and funding.

One major question is about the coverage of which benefits it will include. While the People's Insurance now determines what medical care it provides through a Universal Catalogue of Health Services that covers 294 interventions and 670 medicines, IMSS

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<sup>27</sup> Cfr. Gobierno de la República, *Sexto informe de gobierno*, p. 52.

<sup>28</sup> Cfr. Gobierno de la República, Acuerdo para garantizar el #DerechoALaSalud, Mexico, 2018, at: <https://www.gob.mx/presidencia/articulos/acuerdo-para-garantizar-el-derechoalasalud?idiom=es>, accessed on 27 January 2019.

regulations specify a certain group of services it does not provide under its universal coverage. For instance, Article 42 of the Mexican Social Security Institute's Medical Benefits Regulations states that no glasses or dental prostheses are to be provided.

### 3.4. Housing

In September 2017, two powerful earthquakes hit the country. The first was on 7 September with a magnitude of 8.2 on the Richter scale, affecting the states of Chiapas, Veracruz and Oaxaca.<sup>29</sup> The second was on 19 September with a magnitude of 7.1 on the Richter scale, seriously struck the states of Morelos, Puebla, Tlaxcala, Mexico City, Oaxaca, Chiapas, Veracruz and Guerrero.<sup>30</sup> It is estimated that 12 million people were affected. In total, the two earthquakes were reported to have left 16,000 schools damaged, 53 health centres with major damages, and 1,821 cultural buildings with damages.<sup>31</sup>

Moreover, 180,731 homes were reported damaged. More than 250,000 Mexicans lost their homes and are now in a situation of patrimony poverty.<sup>32</sup>

As a result, it is important to analyse in detail the role that social security has played in 2018 with respect to housing protection.

In Mexico, the main social security institutes in charge of providing housing loans at the national level are the National Housing Fund for Workers (INFONAVIT) and the Housing Fund for State Workers (FOVISSSTE).

The INFONAVIT published ten assistance programs for its beneficiaries who were affected by the earthquakes.

The August 2018 INFONAVIT report on the loans granted stated that it had attended 6,060 persons in terms of housing mobility.<sup>33</sup>

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<sup>29</sup> Servicio Sismológico Nacional, *Reporte especial*, UNAM, at: [http://www.ssn.unam.mx/sismicidad/reportes-especiales/2017/SSNMX\\_rep\\_esp\\_20170907\\_Tehuantepec\\_M82.pdf](http://www.ssn.unam.mx/sismicidad/reportes-especiales/2017/SSNMX_rep_esp_20170907_Tehuantepec_M82.pdf), accessed on 12 August 2018.

<sup>30</sup> Servicio Sismológico Nacional, *Reporte especial*, UNAM, at: [http://www.ssn.unam.mx/sismicidad/reportes-especiales/2017/SSNMX\\_rep\\_esp\\_20170919\\_Puebla-Morelos\\_M71.pdf](http://www.ssn.unam.mx/sismicidad/reportes-especiales/2017/SSNMX_rep_esp_20170919_Puebla-Morelos_M71.pdf), accessed on 13 August 2018.

<sup>31</sup> Plan de acción ante sismos 7 y 8 de septiembre de 2017, at: <https://es.scribd.com/document/361993553/Plan-de-Accion-Ante-Sismos-Sep-2017-171017>, accessed on 12 August 2018.

<sup>32</sup> Animal Político, *lo que él #19S nos dejó: las víctimas, daños y damnificados en México*, at: <https://www.animalpolitico.com/2017/10/cifras-oficiales-sismo-19s/>, accessed on 12 August 2018.

<sup>33</sup> INFONAVIT, Total de acciones de crédito, at: [http://portal.infonavit.org.mx/wps/wcm/connect/27cd44d4-d403-4f1a-83a3-b45a0ff70746/Movilidad\\_habitacional\\_medidas\\_emergentes\\_desastres.pdf?MOD=AJPERES&CONVERT\\_TO=url&CACHEID=ROOTWORKSPACE-27cd44d4-d403-4f1a-83a3-b45a0ff70746-mkqCcwt](http://portal.infonavit.org.mx/wps/wcm/connect/27cd44d4-d403-4f1a-83a3-b45a0ff70746/Movilidad_habitacional_medidas_emergentes_desastres.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE-27cd44d4-d403-4f1a-83a3-b45a0ff70746-mkqCcwt), accessed on 13 August 2018.

Meanwhile, by early October the FOVISSSTE allocated \$114.5 million MXN to assist 6,851 of its members who suffered total or partial loss caused by the earthquakes.<sup>34</sup>

Aside from what has been done by the above-mentioned institutes, a Natural Disaster Fund (FONDEN) assists states that suffer damage from natural disasters to respond to and recover from the effects caused by said disasters.<sup>35</sup>

Unlike the other two listed above, this trust fund does not depend on the affected party's employment relation since its support is granted to both individuals and institutions. The amount earmarked for reconstruction is divided into immediate partial support totalling 6.84 billion MXN (\$359,642,669 USD) and support for rebuilding amounting to \$22,810,342,755 MXN (\$1,198,651,747 USD), of which less than half is allocated to rebuilding housing.<sup>36</sup>

### 3.5. Family Benefits

Family social security benefits did not experience any legislative reforms, but there are encouraging prospects for parents of children with cancer.<sup>37</sup> The addition of Article 140 Bis of the Social Security Law, Article 37 Bis of the Institute for Security and Social Services for State Workers, and Section IX to Article 42 and Article 170 Bis of the same law has been approved by both Chambers of Congress, as well as amendments to Article 132, Section XXIX, of the Federal Labour Law which grants leave to working parents with children under 16 diagnosed with cancer, in the event the minor requires medical rest or hospitalization.

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<sup>34</sup> El Universal, *Fovissste atiende a más de seis mil derechos habientes afectados por los sismos*, at: <http://www.eluniversal.com.mx/cartera/economia/fovissste-atiende-mas-de-seis-mil-derechohabientes-afectados-por-sismos>, accessed on 13 August 2018.

<sup>35</sup> Secretaría de gobierno, *FONDEN*, at: <https://www.gob.mx/segob/documentos/fideicomiso-fondo-de-desastres-naturales-fonden>, accessed on 13 August 2018.

<sup>36</sup> FONDEN, *Fuerza México*, transparencia, at: <http://www.transparenciapresupuestaria.gob.mx/es/PTP/fuerzamexico>, accessed on 16 August 2018.

<sup>37</sup> One of the reasons that gave rise to this initiative is the fact that childhood cancer is the number one cause of death among children between 5 and 14 years of age, according to Ministry of Health data. Likewise, there are currently more than 23,000 families with a case of childhood cancer in their homes and each year the number of people diagnosed with this disease increases by 5,000. Since a minor diagnosed with cancer who is undergoing oncological treatment requires (by medical protocol) the presence of a parent or guardian. However, this situation compromises the parents' or guardians' work stability (when absent from work to accompany the minor). Hence, parents or guardians no longer have the possibility of obtaining a decent job as established in Article 5 of the Mexican Constitution. Changes in secondary legislation are clearly needed so that the exercise of the best interests of the child does not prevent or compromise access to decent employment. At: [http://sil.gobernacion.gob.mx/Archivos/Documentos/2018/04/asun\\_3706559\\_20180425\\_1524702777.pdf](http://sil.gobernacion.gob.mx/Archivos/Documentos/2018/04/asun_3706559_20180425_1524702777.pdf), accessed on 28 February 2019.

The leave is valid for one to twenty-eight days, and as many leaves as necessary can be issued in a period of three years maximum, without exceeding 364 days and do not necessarily have to be continuous.

This reform includes the introduction of several important concepts that contribute to the balance between work and family life.<sup>38</sup>

### 3.6. Declaration of the Absence of Workers and Social Security Benefits

Unfortunately, in recent years the number of missing persons has been on the rise, reaching a total of 36,670 persons unaccounted for from 2007 to 30 May 2018, which is the most up-to-date official figure.<sup>39</sup> To address the ensuing problems, a comprehensive reform was carried out, which included changes to several legal provisions. The salient feature with respect to Social Law is the impact this reform will have on the protection of the rights of workers and their beneficiaries.

The Federal Law regarding Special Declaration of Absence for Disappeared Persons<sup>40</sup> was published in the Federal Official Gazette on 22 June 2018. Unlike the procedure established in the Federal Civil Code which states that a declaration of absence may only be requested two years after notifying the Office of the Public Prosecutor of the person's disappearance, today, with the enactment of the new law, the declaration may be requested three months after officially reporting the disappearance or filing a complaint with the Human Rights Commission.<sup>41</sup>

In the area of social security, Article 21, Section VI of this law stipulates that the special declaration of absence will have, inter alia, at least the effect of "Allow[ing] the beneficiaries of a social security system stemming from a work relation of the Disappeared Person to continue enjoying all the rights and benefits applicable to this regime."<sup>42</sup> For this purpose, the following laws were reformed:

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<sup>38</sup> Senado de la República, *Dictamen de las comisiones unidas de trabajo y previsión social de estudios legislativos*, Proyecto de Decreto por el que se adicionan diversas disposiciones de la LFT, LSS, Ley del ISSSTE, 2018.

<sup>39</sup> Comisión Nacional de Búsqueda de Personas, *Registro de personas no localizadas*, CNB, 2018, at: <http://secretariadoejecutivo.gob.mx/rnped/estadisticas-fuerocomun.php>, accessed on 17 August 2018.

<sup>40</sup> It should be noted that the Special Declaration of Absence procedure applies only to those persons who have disappeared as a result of a crime. The law itself indicates that a disappeared person is "one whose whereabouts are unknown and whose absence is presumably, on the basis of any indication, related to the commission of a crime." Therefore, the crime of enforced disappearance is related to authority and the act of abuse of authority in detaining and concealing the victim. This crime is covered by the General Law on Forced Disappearance of Persons.

<sup>41</sup> Ley Federal de Declaración Especial de Ausencia para Personas Desaparecidas, Article 8.

<sup>42</sup> Diario Oficial de la Federación, DECRETO por el que se expide la Ley Federal de Declaración Especial de Ausencia para Personas Desaparecidas, y se reforman diversas disposiciones de la Ley Federal del Trabajo; de la

a. Federal Labour Law

Section XXIX is added to Article 132, establishing the obligation of the employer to grant unpaid leave to workers declared missing by means of the Special Declaration of Absence, under the terms established in the special legislation on the matter. Likewise, Section XVI of Article 133 prohibits the employer from dismissing or terminating the employment relationship of a worker who is considered a disappeared person and has a Special Declaration of Absence.<sup>43</sup>

This results in the non-rescission of the labour relationship – as had previously occurred after three days of unjustified absence. Consequently, rights such as seniority, social security benefits established for the compulsory incorporation regime and job stability are preserved.

b. Social Security Law (LSS)

Two articles are added to this law. Article 109 Bis establishes that when a worker is a disappeared person and has a Special Declaration of Absence, the beneficiaries shall retain the right to receive the necessary medical, maternity, surgical, pharmaceutical and hospital assistance. It is worth mentioning that this is an extremely significant step forward since the benefits will be granted without requiring the corresponding contributions.

Meanwhile, Article 193 Bis establishes that under the above assumption, the worker's accumulated resources from his or her individual account shall be made available to his or her beneficiaries under the terms established in the legal ruling issued by the competent federal civil court.

c. Institute for Security and Social Services for State Workers Law (ISSSTE)

With this comprehensive reform, this law extends the protection of its workers by recognizing death or disappearance resulting from a criminal act as an occupational risk:

Article 56: Work-related risks may produce:

Section V: Disappearance resulting from a criminal act

As a result of this, Article 66 also adds that in the event of disappearance due to criminal acts in which the person is found alive, he or she may recover his or her work rights. Article

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Ley Federal de los Trabajadores al Servicio del Estado, Reglamentaria del Apartado B) del artículo 123 Constitucional; de la Ley del Seguro Social; de la Ley del Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado; de la Ley General de Títulos y Operaciones de Crédito; de la Ley de Instituciones de Crédito y de la Ley Agraria. at: [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5528936&fecha=22/06/2018](http://www.dof.gob.mx/nota_detalle.php?codigo=5528936&fecha=22/06/2018), accessed on 31 July 2018.

<sup>43</sup> Diario Oficial de la Federación, *Ley Federal de Trabajo*, at: [http://www.diputados.gob.mx/LeyesBiblio/pdf/125\\_220618.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/125_220618.pdf), accessed on 31 July 2018.

67, in turn, establishes that when the worker dies in the event of a disappearance resulting from a criminal act, the worker's beneficiaries shall enjoy a pension equivalent to 100% of the basic salary the worker that would have received: that is, the same amount of a widowhood pension for occupational risk.

Thus, the changes to Articles 56, 66 and 67 make it possible for the beneficiaries of workers who have disappeared as a result of a criminal act to obtain the same in kind (medical, surgical, hospital and pharmaceutical care) and economic benefits (pensions) as are granted in cases of occupational risk.

### **3.7. Social Security Coverage for Domestic Workers**

In Mexico, the illogically named "voluntary incorporation to the obligatory regime" provides domestic workers access to the Mexican Social Security Institute is provided in the. In other words, it is left to the employer's discretion whether to insure them or not. However, the Supreme Court of Justice of the Nation issued a landmark ruling on the matter, derived from the following case:

In April 2016, a domestic worker filed a lawsuit before the Local Conciliation and Arbitration Board of Mexico City, demanding the benefits of constitutional compensation and the payment of unpaid wages, Christmas bonuses, vacation pay, vacation bonuses, seniority bonuses and overtime, as well as retroactive enrolment in the Mexican Social Security Institute. The Board ruled that the benefits claimed should be paid to her, with the exception of the constitutional compensation. It also acquitted the defendant of the retroactive enrolment of her former worker in IMSS. Therefore, the worker challenged the decision and initiated an *amparo* trial because she believed that her human rights had been violated considering the fact that Article 13 of the Social Security Law was unconstitutional (it does not obligate employers to insure their domestic workers).

Due to the importance of the case, the Supreme Court of Justice of the Nation took on the case, and decided it by extending social security coverage, based on human rights, as follows:

- The fact that the employers do not have the legal obligation to enrol domestic workers with the IMSS constitutes discriminatory treatment under Article 1 of the Constitution, as well as a violation of the human right to social security.
- The principle of equality for domestic workers' access to social security should be taken into account.
- There is no constitutionally valid reason for the Federal Labour Law and the IMSS Law to exclude domestic workers from the mandatory social security system.

- The State must take measures, to the extent of its available resources, "to ensure that social security systems include workers insufficiently protected by social security."
- It recognizes that "the fundamental importance of social security for human dignity and the legal recognition of this right by State parties imply that it should be given adequate priority in the law and policy of the State." Therefore, the State should take the necessary measures to ensure that everyone enjoys the right to social security as soon as possible in the understanding that the State may devise differentiated social security schemes to meet the different needs of the population, including vulnerable or marginalized groups.
- It stresses the importance of social security as an actor that plays a central role in reducing and mitigating poverty, preventing social exclusion and fostering social inclusion.
- It recommends that the IMSS create a pilot programme within a period not exceeding 18 months and that it proposes to Congress the legal adjustments needed to incorporate domestic workers into a new special social security system within a period not exceeding three years.
- The new insurance scheme cannot be voluntary, but must be mandatory, and easy for employers to implement.<sup>44</sup>

The effect of the Court's ruling is not that domestic workers are automatically covered; the importance lies in the fact that it orders IMSS, which is an autonomous body, to change its law and submit the changes to the legislative branch, to grant the mandatory coverage that exists for other workers and their employers. Therefore, as long as this order is not carried out, domestic workers must seek the protection of the Court as it is not established in the Social Security Law in force.

### **3.8. Social Assistance (Minimum Income Support)**

One important part of each government administration's six-year plan is the social assistance programme, the primary objective of which is to provide assistance to persons at a disadvantage, either because of their social status, gender or education, in order to improve their quality of life. In this sense, in the area of social assistance, important events can be classified in two parts, as seen below:

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<sup>44</sup> Sentencia de amparo directo 9/2018 resuelto por la Segundo Sala de la Suprema Corte de Justicia de la Nación a cargo del Ministro ponente Alberto Pérez Dayán, at: [https://www.scjn.gob.mx/sites/default/files/listas/documento\\_dos/2018-11/A.D.%209-2018.pdf](https://www.scjn.gob.mx/sites/default/files/listas/documento_dos/2018-11/A.D.%209-2018.pdf), accessed on 6 February 2019.

### 3.8.1. Evaluations of the Social Programs of the 2012-2018 Sexennium

The CONEVAL granted the "2018 CONEVAL Good Practices" award to the Prospera program since this program was considered to have contributed to the reduction of anaemia in children; to the increased use of health services for the prevention of diseases; to greater access to education and to the higher educational level of beneficiary families.<sup>45</sup>

### 3.8.2. Restructuring of Social Assistance as Part of the Change of Government

In December 2018, with the swearing in of Andrés Manuel López Obrador, some State Ministries changed their names, including the Ministry of Social Development (SEDESOL), which became the Ministry of Well-Being. This ministry is responsible for implementing the country's social programs in collaboration with the other ministries. Some programs had their names changed, new programs were created, while other programs have been affected by the 2019 budget, as shown below:

TABLE 1. PROGRAMS WITH BUDGET CUTS

| Programs   | Budget<br>2017                          | Budget<br>2018                           | Budget<br>2019                           |
|--|---|--|--|
| Pensions for the welfare of people with permanent disability | \$46,770,463.00<br>(\$2,457,722.70 USD) | \$ 43,759,106.00<br>(\$2,299,480.08 USD) | \$43,000,000.00<br>(\$2,259,590,12 USD)  |
| Pensions for the well-being of the elderly                   | \$37,717,484.52<br>(\$1,982,001.27 USD) | \$38,040,236.73<br>(\$1,998,961.46 USD)  | \$101,500,000.00<br>(\$5,333,683.65 USD) |
| Social inclusion program PROSPERA                            | \$82,301,073,49<br>(\$4,324,806.77 USD) | \$82,729,888.79<br>(\$4,347,340.40 USD)  | \$15,788,640.00<br>(\$82,9671.04 USD)    |

Source: Prepared by the author based on Mexico's expenditure budgets for 2017, 2018 and 2019.

The newly incorporated programs authorized in 2018 to begin operations in 2019 are:

- **Sowing Life:** This is a *campesino* productivity strategy aimed at owners of communal *ejido* lands or small holdings for the purpose of fomenting the planting of timber, fruit trees and cornfields interspersed with fruit trees. This program hopes to generate employment for 400,000 producers.

<sup>45</sup> Programa de Inclusión Social, *Prospera es el programa más eficiente que tiene la Administración Pública Federal: CONEVAL*, at: <https://www.gob.mx/prospera/prensa/prospera-es-el-programa-mas-eficiente-que-tiene-la-administracion-publica-federal-coneval>, accessed on 16 January 2019.

- **Guaranteed Prices for Basic Foodstuffs:** This programme under the Ministry of Agriculture and Rural Development seeks to help small agricultural producers. It includes 40 products at a price 15% lower than the market price, such as: beans, rice, bread, oil, amaranth, peanuts, tuna fish, sardines, beef, chicken, pork, eggs and fish.<sup>46</sup>
- **Youth Building the Future:** This programme depends directly on the Ministry of Labour and Social Prevision and is the one that has received greater budgetary resources. It has no rules of operation yet, so it is based only on stark operating guidelines. It is one of the main priorities of action of the government currently in office. It aims to train young people between 18 and 29 who are not studying or incorporated into the workforce. These youth will be given a monthly stipend of \$3,600.00 Mexican pesos for one year. Trainees will be required to perform activities under the guidance of a supervisor. These activities will train them for work in the private, public and social sectors. At the end of the year of training, the trainees will be given a certificate of their acquired skills.

One of the important points to highlight is that trainees will be enrolled in IMSS through optional insurance, which includes protection against accidents, illnesses and occupational risks, as well as maternity care. However, there is no mention of where the funding will come from.<sup>47</sup>

Programs still in place:

- **Prospera:** This was the core program of the previous six-year period. This social inclusion program joins and coordinates the institutional offer of social policy programs and actions, including those related to promoting production, income generation, economic well-being, financial and labour inclusion, education, nutrition and health. It is directed at populations in extreme poverty, under a scheme of co-responsibility that enables families to improve their living conditions and ensures that they exercise their social rights and their access to social development with equal opportunity.<sup>48</sup> The population targeted to benefit from this program are households with an estimated per capita income below the well-being line which in 2019 stands at \$ 1,568.07 MXN (\$82.39 USD), households with members under the age of 22, households with women in reproductive age and households with

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<sup>46</sup> Cfr. Gobierno de México, *Presenta la SADER nuevos programas con ejercicio presupuestal eficiente y honesto impulsará un sector productivo incluyente*, at: <https://www.gob.mx/sader/prensa/presenta-la-sader-nuevos-programas-con-ejercicio-presupuestal-eficiente-y-honesto-impulsara-un-sector-productivo-e-incluyente?idiom=es>, accessed on 24 January 2019.

<sup>47</sup> Cfr. Lineamientos para la operación del programa jóvenes construyendo el futuro, at: [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5547857&fecha=10/01/2019](https://www.dof.gob.mx/nota_detalle.php?codigo=5547857&fecha=10/01/2019), accessed on 24 January 2019.

<sup>48</sup> SEDESOL, *Prospera*, 2014, <http://www.sedesol.gob.mx/es/SEDESOL/Prospera>, accessed on October 9, 2014.

members with disabilities.<sup>49</sup> In 2018, the program had a total of 24,995,434 beneficiaries.<sup>50</sup> The amounts granted per family can be for up to \$2,945.00 MXN.<sup>51</sup> This program will continue in 2019 according to the approved expenditure budget. However, and despite its positive national and international reviews, its budget has decreased, as it will be only accorded \$15,788,640.00 MXN (\$829,671.04 USD) instead of the \$82,729,888.79 MXN (\$4,347,340.40 USD) it was given in 2018.<sup>52</sup> The reason for this lies in the creation of new programmes and expansions in others like that for older adults, which were presidential campaign proposals and garnered the support of many Mexicans for the current president.

- Migrant assistance: As in the case of Prospera, this programme continues, but with a lower budget than last year.
- The Child Care Facility Programme to help working mothers: Like many other programmes, this one does not have operating rules for 2019. Although the programme is included in the federal budget with a lower amount than that for 2018, several debates questioned whether its facilities should continue operating in 2019 as they had been before.<sup>53</sup>

#### Programmes whose names changed:

- Well-being pensions for persons with permanent disabilities: Formerly known as the Programme for the care of persons with disabilities. Besides its name, it is noted that it specifically refers to the inclusion of the indigenous population that could already obtain benefits but was not previously mentioned as such.
- Well-being pensions for older adults: Known as Pensions for Older Adults (65 and over) prior to December 2018. The most important changes to this programme are seen in the budget increase, accounting for 67% of the Ministry of Well-being's

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<sup>49</sup> Diario Oficial de la Federación, *ACUERDO por el que se emiten las Reglas de Operación de PROSPERA Programa de Inclusión Social, para el ejercicio fiscal 2018*. DOF, 2018, p.7, at: [https://www.gob.mx/cms/uploads/attachment/file/285177/ROP\\_PROSPERA\\_2018\\_dof.pdf](https://www.gob.mx/cms/uploads/attachment/file/285177/ROP_PROSPERA_2018_dof.pdf), accessed on 28 February 2019.

<sup>50</sup> Sedesol, *Padrón de Beneficiarios de Personas Físicas*, 2018, at: <https://pub.sedesol.gob.mx/spp/resumenes/personasFisicas.jsp>, accessed on 28 February 2019.

<sup>51</sup> Diario Oficial de la Federación, *op. cit.*

<sup>52</sup> Presupuesto de Egresos de la Federación para el ejercicio fiscal 2018.

<sup>53</sup> See: The points of agreement by which the Sedesol is urged to establish dialogue roundtables with the representatives of child care facilities in each of the 32 states to discuss their demands and proposals to define the rules of operation for the 2019 child care facility programme, signed by Deputies Claudia Angélica Domínguez Vázquez, Óscar González Yáñez and José Luis Montalvo Luna, parliamentary group of the Labour Party, at: [http://sil.gobernacion.gob.mx/Archivos/Documentos/2018/10/asun\\_3746721\\_20181004\\_1538663164.pdf](http://sil.gobernacion.gob.mx/Archivos/Documentos/2018/10/asun_3746721_20181004_1538663164.pdf), accessed on 24 January 2019.

budget.<sup>54</sup> Moreover, the age for pensions went up from 65 to 68, staying at 65 years of age for indigenous persons only. In 2018, the amount allotted to each older adult was \$1,160.00 MXN (\$60.95 USD) every other month. It was decided to increase it to \$2,550.00 MXN (\$133.99 USD)<sup>55</sup> to be delivered every two months.

### 3.9. International Social Security

It should be noted that despite not having new international instruments for migrant assistance, the migratory movement of Central Americans through Mexico has become more acute. The so-called "Migrant Caravan" entered Mexican territory with an initial group of 7,000 people including women, men, children and older adults in October 2018.<sup>56</sup> This migratory movement aims primarily to cross the border with the United States to seek asylum in that country. However, they have not been allowed to do so and are still stranded in Mexican cities in the northern part of the country, mainly in Tijuana in Baja California. Two weeks after the entry of the first caravan, three more caravans were registered. More conservative figures provided by local governments refer to at least 5,000 persons while the media speak of more than 7,000 migrants coming mainly from Honduras and El Salvador.<sup>57</sup>

Faced with this situation, Mexico reacted by developing the "You are at Home" plan launched by former President Enrique Peña Nieto, which offered: *medical care, schools for children, official identification for procedures and access to the Temporary Employment Programme*.<sup>58</sup> It should be noted that the migrants who entered the country with the migrant caravan are irregular migrants because, in addition to not having the proper documentation for entry into the country, they rejected the plan, arguing that they do not plan to stay in Mexico.

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<sup>54</sup> El Economista, *Presupuesto para apoyo pensionario de adultos mayores crece 148%*, at: <https://www.economista.com.mx/sectorfinanciero/Presupuesto-para-apoyo-pensionario-de-adultos-mayores-crece-148-20181226-0062.html>, accessed on 23 January 2019.

<sup>55</sup> *Idem*.

<sup>56</sup> Ayuntamiento de Xalapa, *Caravana migrante*, Mexico, 2018, at: <https://ayuntamiento.xalapa.gob.mx/ca/web/guest/home/-/blogs/caravana-migrante/maximized?refererPlid=20137>, accessed on 9 January 2019.

<sup>57</sup> BBC, *No es una caravana (de migrantes), es un éxodo": las razones de los cientos de hondureños que siguen los pasos de los que ya caminan por México*, Guatemala, 2018, at: <https://www.bbc.com/mundo/noticias-america-latina-45978111>, accessed on 28 February 2019.

<sup>58</sup> El Universal, *Migrantes en asamblea rechazan el plan de Peña Nieto*, at: <https://www.eluniversal.com.mx/nacion/politica/migrantes-en-asamblea-rechazan-plan-de-pena-nieto>, accessed on 9 January 2018.

#### 4. SELECTION OF IMPORTANT MONOGRAPHS OR ARTICLES

- ARTEAGA DIRZO, Mireya, "Retos para alcanzar un trabajo digno y decente en México", *Revista Latinoamericana de Derecho Social*, Núm. 27 Julio-diciembre, 2018, pp. 3-27.
- BONET DE VIOLA, Ana María, "Derechos sociales, normas de acceso y democracia. La agenda de los derechos humanos para una convivencia solidaria", Núm. 26, enero-junio 2018.
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## 6. SUPREME COURT RULINGS DISCUSSED (IN ORDER OF APPEARANCE)

PENSIÓN POR ASCENDENCIA. El artículo 75, fracción v, de la ley del instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, vigente hasta el 31 de marzo de 2007, al establecer como requisito para su otorgamiento que se acredite la dependencia económica con el trabajador o pensionista durante los cinco años anteriores a su muerte, es inconstitucional. Tesis: (V Región) 4o.1 A (10a.) Décima Época, Registro: 2016467, Plenos de Circuito.

SEGURIDAD SOCIAL PARA LOS BENEFICIARIOS DE LOS ELEMENTOS POLICIAOS FALLECIDOS EN SERVICIO. el derecho de aquéllos a gozar de las prestaciones relativas que otorga el instituto de seguridad y servicios sociales de los trabajadores del estado no está supeditado a que la entidad pública en la que éstos se desempeñaban celebre el convenio respectivo con dicho organismo, por lo cual, debe inscribirlos al régimen obligatorio cuando lo soliciten. Tesis: XI.3o.A.T.6 A (10a.), marzo de 2017, Décima Época, Registro: 2018092, Tribunales Colegiados de Circuito

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