



SUPPORTING SAFER MIGRATION FOR INTERNAL AGRICULTURAL LABORERS IN MEXICO

A Gap Analysis

The research included in this report was made possible through funding by the Walmart Foundation. The findings, conclusions and recommendations presented in this report are those of IREX alone, and do not necessarily reflect the opinions of the Walmart Foundation.



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LIST OF ABBREVIATIONS

- AHIFORES** International Fruit and Vegetable Alliance for Social Responsibility (Alianza Hortofrutícola Internacional para el Fomento de la Responsabilidad Social)
- CONASAMI** National Commission on Minimum Wages (Comisión Nacional de Salarios Mínimos)
- COVID-19** Coronavirus Disease 2019
- CNDH** National Commission on Human Rights (Comisión Nacional de Derechos Humanos)
- CSOs** Civil Society Organizations
- ENA** Agricultural National Survey (Encuesta Nacional Agropecuaria)
- ENJO** National Survey on Agricultural Workers (Encuesta Nacional de Jornaleros Agrícolas)
- ENOE** National Survey of Occupation and Employment (Encuesta Nacional de Ocupación y Empleo)
- FAO** Food and Agriculture Organization
- GESI** Gender, equality, and social inclusion
- ILO** International Labour Organization
- IMSS** Mexican Institute of Social Security (Instituto Mexicano del Seguro Social)
- INEGI** National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía)
- INALI** National Institute on Indigenous Languages (Instituto Nacional de Lenguas Indígenas)
- INPI** National Institute of Indigenous Populations (Instituto Nacional de los Pueblos Indígenas)
- INSABI** Institute of Health for Well-being (Instituto de Salud para el Bienestar)
- IREX** International Research and Exchanges Board
- PAJA** Attention Program for Agricultural Workers (Programa de Atención a Jornaleros Agrícolas)
- PND** National Development Plan (Plan Nacional de Desarrollo)
- PRONJAG** Attention Program of Agricultural Workers (Programa de Atención a Jornaleros Agrícolas)
- RNJJA** National Network of Seasonal Agricultural Workers (Red Nacional de Jornaleros y Jornaleras Agrícolas)
- SNE** National Employment Office (Servicio Nacional del Empleo)
- STPS** Labor Ministry (Secretaría del Trabajo y Previsión Social)
- UN** United Nations
- UNICEF** United Nations International Children's Emergency Fund

EXECUTIVE SUMMARY

As of early 2021, an estimated 2.84 million internal agricultural migrant workers in Mexico made risky journeys from their communities of origin to the farms where they work. From the recruitment process to the working and living conditions at worksites, migrants frequently face exploitation and rights violations. COVID-19 amplifies these existing vulnerabilities, as migrants often do not have access to personal protective equipment, sanitary living conditions, or healthcare if they become ill. To improve migrants' working conditions and to prevent the spread of COVID-19, information in appropriate languages must be distributed on labor rights and protocols, laws and regulations must be enforced to hold recruiters and employers accountable, data must be available to inform initiatives and public policy, and stakeholders working on these issues must coordinate efforts to maximize impact and empower migrants to protect themselves.

This gap analysis intends to assess the current state in which internal agricultural workers are migrating and identify gaps that civil society organizations, government entities, or other stakeholders may fill to better support, prepare, and inform migrants before they leave their communities of origin. Filling these gaps will give migrants more agency and protection from exploitation, rights violations, and COVID-19.

Through desk research and interviews with civil society representatives, researchers, and government officials, this report explores the intersectionalities of who internal agricultural migrants are, where they come from, their migratory routes, and the types of crops they work in. It also explores the main challenges migrants face related to COVID-19, recruitment, labor rights, labor law enforcement, and ineffective public policy. The report also summarizes existing civil society and governmental efforts to support migrants. While this report is informed primarily by the input of experts in the origin states of Oaxaca and Veracruz, its findings may have relevance across Mexico.

Internal migrants primarily migrate from southern to northern states for work in the agricultural sector. Internal agricultural migrants are primarily male, but women are increasingly migrating more, and family migration is common. Migrants face challenges as early as the recruitment stage, where they often are unaware of their rights and receive misleading information. Substandard oversight of the recruitment process often leads to informal working arrangements without written contracts, standard benefits, adequate housing, or minimum wages. Poor enforcement of labor laws and regulations increases migrants' vulnerabilities, as little pressure is put on recruiters or employers to improve their practices. There are insufficient government resources and a lack of political will to increase the quality and frequency of labor inspections or create public policies that better support internal migrants. Additionally, COVID-19 has impacted internal migrant workers disproportionately. Internal agricultural migrants are at high risk of contracting and spreading the virus due to crowded transportation and housing, inconsistent healthcare, and lack of information on protective measures and protocols at worksites.

IREX identified the following needs and gaps, that if filled, could contribute to safer migration for internal agricultural migrants.

1. Migrant workers and their families need better information and more consistently enforced protocols to migrate safely and protect themselves from COVID-19

Internal agricultural migrant workers lack information on their rights, migration risks, and how they can seek justice when their rights are violated. Information gaps on compliant recruitment, human and labor rights, trafficking prevention, and protection from COVID-19 increase migrants' vulnerability. Information migrants receive must be inclusive, accessible in relevant languages, and must reach migrants where they are through

relevant channels. Information dissemination standards must be the same for both internal and international migrants, as in many instances international migrants have access to more information and support.

COVID-19 protocols must be available in both Spanish and indigenous languages and enforced by employers and health authorities. Vaccination campaigns must reach migrant workers no matter where they are.

2. Recruitment processes must be regulated and legislation protecting migrant workers must be enforced to increase accountability

Laws and regulations exist to protect internal migrants, but compliance is often not enforced. Labor inspections are infrequent, especially at small farms, which face less scrutiny than larger producers. Enforcement must cover both large and small farms to guarantee labor and human rights. Labor authorities should take action to ensure compliance. Inspections must also include a gender component to guarantee that women, who are more vulnerable to specific violations such as discrimination, trafficking, or sexual abuse, are protected.

3. Civil society and government authorities need reliable and consistent data on migrant workers to inform their actions

Official national and state statistical and analytical data on internal agricultural migrant workers is lacking. More information on characteristics, migratory routes, and workplace conditions is essential to develop responsive initiatives and public policies. There are minimal records on who migrates from communities of origin or where they go. More data on employers is also essential, as labor authorities need this information to make comprehensive inspections of all farms and workplaces, and to hold employers accountable.

4. Comprehensive public policy that targets internal agricultural migrants is needed, with considerations for indigenous communities

Public policy must address all stages of migration and should apply to internal agricultural migrants' diverse migration patterns and identities. When enforced, public policies should support migrant workers' rights to have fair wages, safe living conditions, and access to healthcare – particularly during the COVID-19 pandemic. Policies should also address internal agricultural migrants' children to ensure they have access to education and day care.

5. More coordination is needed among diverse civil society actors to combat the challenges faced by migrants and migrant-serving institutions

CSOs provide essential support to migrant workers, but their work is often siloed. These stakeholders should communicate and coordinate their work to create a better network that can comprehensively assist migrants across Mexico. Many organizations have developed strategies to disseminate information, generate fair recruitment mechanisms, facilitate access to justice, and strengthen the capacities of migrant workers. Exchanging this information could lead to solutions that better address the challenges internal agricultural migrants face.

INTRODUCTION

Mexico's internal agricultural labor force consists of both migrant workers in the export-oriented sector and in agriculture for domestic consumption. Many of these migrants come from marginalized and indigenous communities with little education and often do not speak Spanish. Workers may migrate alone or with their families; and these family members frequently participate in the work. Origin and destination communities are diverse, but the main movements run from the south (Guerrero, Oaxaca, Veracruz) to the center and north of Mexico (Sinaloa, Baja California, Baja California Sur, Sonora, Guanajuato, San Luis Potosi).



Internal agricultural migrant workers are subject to human and labor rights violations from the first stages of migration. Recruitment processes often determine working conditions; when the recruitment process is informal, migrants usually do not receive labor contracts, which prevents them from knowing their wages and receiving social benefits that are in line with laws and regulations. Enforcement of labor law is weak and the absence of a comprehensive public policy for seasonal workers puts these populations at risk of exploitation.

In the context of COVID-19, migrants face new risks, as they are often not provided information or materials to adequately protect themselves. Additionally, if they do get sick, they may not have access to health insurance or proper healthcare and may not have the means to isolate to prevent spreading the virus.

Governmental authorities at different levels should take action to understand and address the challenges internal agricultural migrant workers face. It is necessary to disseminate relevant information for migrants through accessible mediums, to produce official statistics characterizing the population, to design and reinforce mechanisms to enforce the law, and to enact relevant policies that effectively support migrants. Cooperation among the existing players that are working to assist migrant workers should be strengthened.

This assessment contains the following findings:

- **Population Profile.** This section provides an overview of the internal agricultural migrant population in Mexico, including demographics and communities, with a particular focus on Oaxaca and Veracruz.
- **Crops and Corridors.** This section introduces common migratory routes, origin and destination communities, and common crops associated with internal agricultural migrants' work.
- **Recruitment and Labor Rights.** This section shows the realities of formal and informal recruitment and their association with labor rights enforcement and abuses.
- **Legislation, Enforcement, and Public Policy.** This section includes the most relevant regulations for migrant workers and highlights the need for public policy and enforcement of the legal framework.
- **The COVID-19 Pandemic.** This section outlines the impact of the COVID-19 pandemic on internal migration risks and introduces the current efforts and services to address these needs.
- **Existing Efforts.** This section covers key migrant-serving programs and activities that are being implemented by private actors and organizations in Mexico, including civil society organizations.
- **Gaps, Unmet Needs, and Recommendations.** This section identifies the main needs that should be addressed to improve the conditions in which workers migrate.

BACKGROUND

The International Research and Exchanges Board (IREX) is implementing an 18-month program in Mexico to provide information about recruitment, prevention of trafficking, labor rights, and other issues of relevance to internal agricultural migrant workers and their families from Oaxaca and Veracruz, Mexico. The program aims to find effective ways to support agricultural workers and their families to better position them to have safer migration journeys. The program also works with Mexican organizations to identify and strengthen networks of stakeholders that are supporting migrants. Specific program goals include:

- Migrant workers and their families seek out and use accurate information about labor migration and COVID-19, and workers are better prepared to protect themselves.
- Migrant workers and their families have increased awareness of their rights and the services available to them.
- Local civil society organizations better serve migrant agricultural workers and families in their communities with information and services about safe migration, preventing exploitation and trafficking in persons, and COVID-19 safety.
- Communities, civil society actors, and other stakeholders gain knowledge that will help to protect migrant agricultural workers and promote fair labor in the aftermath of the pandemic.

IREX prepared this report to inform its proposed activities based on migrant workers' needs and to identify relevant existing players with which it can coordinate. IREX will supplement this gap analysis with a security assessment and gender, equality, and social inclusion (GESI) assessment to strive to understand the context for internal agricultural migrants and to inform the best strategies for program implementation.

About IREX

IREX is a global development and education organization. We work with partners in more than 120 countries in four areas essential to progress: cultivating leaders, empowering youth, strengthening institutions, and increasing access to quality education and information.

To learn more please visit irex.org.

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METHODOLOGY

In designing this assessment, IREX employed its Safer Migration: Needs Assessment and Gap Analysis Framework. The needs assessment aims to:

1. **Evaluate** what gaps exist and how they affect migrants.
2. **Assess** levels of protection, specifically from rights violations and COVID-19.
3. **Support** the design of programming that enables migrants to have safer migration journeys.

Through this analysis, IREX sought to answer the following questions to identify the gaps that are creating risks for internal migrants and their families and to better design programs and initiatives to close these gaps.

- Who are internal migrant agricultural workers?
- Where are workers migrating and through which routes?
- What challenges do migrant workers face related to COVID-19, recruitment, labor rights, legislation enforcement, and public policies?
- Who are the existing players, what are their roles, and what are the existing programs and actions that they have developed for internal agricultural migrant workers and their families?¹

IREX collected the information in this report through desk research and semi-structured interviews with key informants between June 7 and June 18, 2021. IREX held the interviews virtually with six staff from civil society organizations (CSOs) working in Oaxaca, Veracruz, and nationally, one governmental authority in Veracruz, and one researcher. IREX created a master list of research questions (Annex 1) which was broken down into specific interview guides for each type of informant (CSO, government, or researcher). The information contained in this report, mostly regarding routes, crops, and origin and destination communities, reflects what key informants shared with IREX.

This gap analysis will:

1. establish the current state of migration for internal agricultural workers;
2. define the desired state of migration for internal agricultural workers;
3. identify gaps between the current state and the desired state;
4. outline what is driving these gaps; and
5. develop proposed solutions and recommendations for closing these gaps.

IREX recognizes the limitations of this research and acknowledges that it is not intended to cover all the existing information on these topics. There is a limited number of organizations working on these topics, therefore, the key informants are diverse, however, limited in number. Additionally, these key informants could only speak to the communities in which they work in Oaxaca and Veracruz, and experiences may vary from community to community. With these limitations, this report cannot represent the overall sector or be considered a comprehensive study across Mexico.

¹ The full list of questions is included in Annex 1.

FINDINGS

1. Population Profile

Mexico's agricultural labor force is largely comprised of internal migrant workers,² who are contracted on a temporary basis to harvest a specific crop. While updated records of the total internal migrant population and its demographics are not maintained, estimates in early 2021 were 2.84 million people.³ Within the agricultural sector, 83.1% of workers are informal workers and their working conditions are not regulated.⁴ Informal work is common in Mexico – 55% of workers across all labor sectors are informal workers, however informal work is highest in the agricultural sector.⁵

INTERNAL AGRICULTURAL MIGRANTS BY THE NUMBERS	
Total estimated internal agricultural migrants in early 2021	2.84 million
Gender breakdown	91.8% male, 8.18% female
Most common age range	45-54 years of age
Average years of education	6.15 years
Estimated percentage of informal workers in the agricultural sector	83.1%
Agricultural migrant workers from communities of origin in Oaxaca	50,500
Agricultural migrant workers from communities of origin in Veracruz	324,000
Percent of indigenous speakers among agricultural migrants	46.3%

Communities of Origin

Sixty-four percent of internal agricultural migrants come from small, marginalized communities of between 100 and 2,500 inhabitants.⁶ These communities perform poorly in education and health and lack programs to address these issues. In 2020, Oaxaca's population was just over 4.1 million⁷ and Veracruz had approximately 8 million people.⁸ Oaxaca and Veracruz were communities of origin for 50,500 and 324,000 migrants, respectively.⁹

² IREX will use the term internal agricultural migrant worker throughout this analysis, but other terms like seasonal workers and temporary workers, or jornaleros/jornaleras in Spanish, commonly refer to the same population.

³ Data México. 2021. "Trabajadores en Actividades Agrícolas." <https://datamexico.org/es/profile/occupation/trabajadores-en-actividades-agricolas>.

⁴ According to the ILO, the informal sector "refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs." See: https://www.ilo.org/actrav/areas/WCMS_DOC_ATR_ARE_INF_EN/lang--en/index.htm.

⁵ Data México. "Trabajadores en Actividades Agrícolas."

⁶ Barrón, Antonieta. 2019. "Política Social y Jornaleros Agrícolas en la Cuarta Transformación en México." <http://cecig.org.mx/wp-content/uploads/2019/04/Comunicacion-Barron-abril-2019.pdf>.

⁷ Instituto Nacional de Estadística y Geografía. *Información Por Entidad - Oaxaca*. <http://cuentame.inegi.org.mx/monografias/informacion/oax/poblacion/diversidad.aspx?tema=me&e=20>

⁸ Instituto Nacional de Estadística y Geografía. *Información Por Entidad - Veracruz de Ignacio de La Llave*. <http://cuentame.inegi.org.mx/monografias/informacion/ver/poblacion/diversidad.aspx?tema=me&e=30>.

⁹ Data México. "Trabajadores en Actividades Agrícolas."

Internal agricultural migrant workers also lack collective visibility, partly because their communities of origin have a low socio-economic status.¹⁰ Oaxaca and Veracruz are among the five poorest states in Mexico.¹¹ In 2018, 66.4% of Oaxaca's population lived in poverty, 22.5% experienced social deprivation, 76.2% did not have access to social security, and 16.3% did not have access to health services.¹² In the same year, 61.8% of Veracruz's population lived in poverty, 21.1% experienced social deprivation, 67.5% did not have access to social security, and 16.7% did not have access to health services.¹³

Gender and Age

Women are becoming a more significant part of farm labor, narrowing gender gaps in agricultural work.¹⁴ According to researchers, women represent less than 20% of the internal agricultural migrant population in Mexico; however, as they are increasingly comprising a larger part of the migratory labor force, experts believe they may be underrepresented in official statistics.¹⁵ The most recent official data from the 2020 National Survey of Occupation and Employment (ENOE, Encuesta Nacional de Ocupación y Empleo) shows that the agricultural worker population is 91.8% men and 8.18% women. The most common age range is the same, 45-54, among both males and females.

According to 2017 statistics from the National Institute of Statistics and Geography (INEGI, Instituto Nacional de Estadística y Geografía), the agricultural sector has the highest prevalence of child¹⁶ labor in Mexico. In 2017, it was estimated that 34.9% of children who were working, were working in agriculture.¹⁷ The child labor rate was 16% in Oaxaca and 7.4% in Veracruz in 2017.¹⁸

Culture, Ethnicity, and Language

Indigenous Mexicans are disproportionately represented in agriculture. The National Network of Seasonal Agricultural Workers (RNJJA, Red Nacional de Jornaleros y Jornaleras Agrícolas) states that 40% of agricultural workers are indigenous,¹⁹ while the Gender and COVID-19 Observatory indicates up to 46.3% of agricultural workers are indigenous.²⁰

Many people in Oaxaca and Veracruz are indigenous. Around 1.2 million people in Oaxaca and 663,000 people in Veracruz speak an indigenous language.²¹ At the national level, 12 out of every 100 indigenous language speakers do not speak Spanish.²² According to the RNJJA, 16.1% of the indigenous population above 5 years old is monolingual and does not have access to education in their own language.²³ Some of the most common indigenous languages in Oaxaca and Veracruz are Náhuatl, Zapoteco, Mixteco, Otomí, and Totonaco.

¹⁰ Red Nacional de Jornaleros y Jornaleras Agrícolas. 2019. *De Las y Los Jornaleros Agrícolas Violación de Derechos en México Primer Informe*. http://cecig.org.mx/wp-content/uploads/2019/03/INFORME_RNJJA_2019.pdf.

¹¹ Laureles, Jared. 2021. "Concentran 5 Estados 63% de Pobreza Extrema." *La Jornada*.

<https://www.jornada.com.mx/notas/2021/01/30/politica/concentran-5-estados-63-de-pobreza-extrema/>.

¹² Consejo Nacional de Evaluación de la Política de Desarrollo Social. 2021. "Pobreza 2018 | Oaxaca".

https://www.coneval.org.mx/coordinacion/entidades/Oaxaca/Paginas/Pobreza_2018.aspx.

¹³ Consejo Nacional de Evaluación de la Política de Desarrollo Social. 2018. *Medición De Pobreza 2018, Veracruz*. Image.

https://www.coneval.org.mx/coordinacion/entidades/Veracruz/PublishingImages/Pobreza_2018/Pobreza2018.jpg.

¹⁴ Escobar, Augustin. 2020. "Women and Men in Farm Work in Mexico: Trends and Gaps, 2005 - 2019". CIESAS Bulletin No.1.

<https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/CIESAS%20Bulletin%201%20Oct%201st%202020.pdf>.

¹⁵ From interviews with researchers.

¹⁶ Defined as 5 to 17-year-olds.

¹⁷ INEGI. 2017. In this case, the agricultural sector includes other activities such as livestock, forestry, hunting and fishing, and it refers to children from 5 to 17 years old. See: https://www.inegi.org.mx/contenidos/programas/mti/2017/doc/mti2017_resultados.pdf.

¹⁸ Instituto Nacional de Estadística y Geografía. 2017. *Módulo de Trabajo Infantil*.

https://www.inegi.org.mx/contenidos/programas/mti/2017/doc/mti2017_resultados.pdf.

¹⁹ Política social y jornaleros agrícolas en la Cuarta Transformación en México, p.4.

²⁰ Observatorio Género y COVID-19 en México. "Jornaleras Agrícolas." <https://genero-covid19.gire.org.mx/tema/jornaleras-agricolas/>.

²¹ Instituto Nacional de Estadística y Geografía. Información por entidad. Veracruz.

²² Instituto Nacional de Estadística y Geografía. Información por entidad. Veracruz.

²³ Red Nacional de Jornaleros y Jornaleras Agrícolas. Violación de derechos de las y los jornaleros agrícolas en México, p. 33.

According to key informants, a substantial amount of indigenous people from specific regions in Oaxaca and Veracruz migrate to work in agriculture. There is a high level of migration from the following communities of origin in Oaxaca: Valles Centrales, La Mixteca (San Martín Peras and Coicoyán de las Flores), Sierra Sur, Papaloapan (San Miguel Soyaltepec, Acatlán de Pérez Figueroa). In Veracruz, the highest levels of migration flow from the North (Huayacocotla, Texcatepec, Tlachichilco, Ilimatlán, Tantoyuca), Center (Tatahuicapan, Zongolica, Tezonapa, Tehuipango, Omealca), and South (Pajapan, Sotapan, Mecayapan).²⁴

2. Crops and Corridors

Due to a lack of comprehensive statistics, it is difficult to account for and access internal agricultural migrant workers because of their complex migration routes. This makes providing services challenging. Migration routes are dictated by factors including crop type, gender, physical fitness, community of origin, or even family tradition, yielding an incalculable number of potential routes. Migrants may also have expertise in a certain crop or aspect of production, which may determine the crops and seasons in which they work and their migratory routes.²⁵ In general, internal labor migration flows from poorer, Southern Mexican states to richer states in North and Central Mexico where producers are, mostly, engaged in agriculture for export to the United States. However, there is also migration between southern states like Oaxaca and Veracruz, which produce coffee, sugarcane, lemons, and mangos, among other products.

According to key informants, common destinations for internal migrant workers are Sinaloa, Baja California, Baja California Sur, Sonora, Guanajuato, San Luis Potosi, and Chihuahua. Although there is no record, it can be assumed that migrants work in both the export-oriented sector and in agriculture for domestic consumption, since some of these states produce fruits and vegetables that are exported (avocados, berries, tomatoes, peppers, broccoli, cabbage, cauliflower, cucumbers, lemons, asparagus, and mangos).²⁶

Internal agricultural migrant workers both engage in “circular migration” where they travel from a community of origin to another state then return, and more permanent migration in which workers settle in destination communities. According to the Wilson Center, 25% of workers in Sinaloa are originally from Oaxaca and many of these employees have settled permanently in Sinaloa to take advantage of longer working seasons.²⁷ Agricultural migrant workers’ movements can also form migration “corridors” which are based in a community of origin and take shape depending on the harvest, pay, type of work (i.e., packaging as opposed to picking) and family composition. Others migrate more arbitrarily in search of any opportunity. Since there are many destination communities, crop types, and migratory routes, it is difficult to predict when migrants will be in their communities of origin.

Family migration is common, which increases the prevalence of child labor in the agricultural sector, as children often harvest crops together with their families. According to key informants, families sometimes harvest crops collectively, with children taking on the less physically demanding task of picking while fathers load harvests for transport. Due to ease of picking, certain crops lend themselves more easily to child labor, including coffee, lemon, and tobacco.²⁸

²⁴ From interviews with CSOs. This is not a full list of origin communities, but the ones CSOs identified as a result of their field work.

²⁵ A 2018 survey focused on berry farms found that large growers tended to hire more indigenous workers who had less education and less harvesting experience, while small growers tended to hire more local workers who had higher levels of experience and education. Indigenous workers were also more vulnerable during recruitment and employment, and were typically hired to fill seasonal rather than year-round jobs. Fifty-five percent of workers were employed year-round, but only 40% of indigenous workers held these longer-term positions. See: Farm Labor and Mexico’s Export Produce Industry, p. 74.

²⁶ Servicio de Información Agroalimentaria y Pesquera (SIAP). 2020. *Panorama Agroalimentario 2020*. <https://www.inforural.com.mx/wp-content/uploads/2020/11/Atlas-Agroalimentario-2020.pdf>.

²⁷ Farm Labor and Mexico’s Export Industry, p. 116.

²⁸ From interviews with researchers.

3. Recruitment and Labor Rights

The recruitment process is a crucial period for preventing labor law violations. In the recruitment phase, agricultural migrants must receive accurate and comprehensive information about work opportunities and written contracts. According to key informants, recruitment methods for internal migrant workers differ from community to community but are largely informal. These informal recruitment models can foster abusive labor practices that violate workers' rights.

Recruitment Methods and Models

The National Employment Office (SNE, Servicio Nacional del Empleo) offers recruitment through the Labor Mobility Subprogram, a formal recruitment program for employers registered with the Labor Ministry (STPS, Secretaría del Trabajo y Previsión Social). The SNE oversees the whole process, and according to a key informant, registers the workers participating in the program, provides internal migrant workers information on labor issues and rights, and makes workplace inspections to guarantee that labor rights are respected. According to the SNE in Veracruz, 4,000 workers were recruited with this program in 2020, and from January to May 2021, 1,632 were recruited. All workers participate in the export sector, as the Labor Ministry does not have agreements with employers that work on domestic production, which excludes thousands of workers from the program.

Informal recruitment typically involves recruiters hired by employers or other recruiters. These are also called “enganchadores,” “intermediarios,” or “cabos”. These recruiters may go directly to origin communities to recruit workers or subcontract other recruiters. In many cases, recruiters go to communities with a vehicle and a megaphone to announce the demand for workers, stating only a meeting place, crop, and the harvest's duration. Some recruitment occurs from one consistent location where workers show up and are transported to farms. Sometimes “cabos” have other responsibilities like managing housing, salaries, health insurance, and workplace conflicts. In cases where recruiters are not always in direct contact with employers due to subcontracting, it is more difficult to identify who is responsible when there are cases of fraud or deception.

A key informant in Veracruz explained that their organization has heard of cases where recruiters pester or convince workers to accompany them, which is potentially based on a commission scheme where the recruiter is paid per worker. There is no record at the community level of workers who out-migrate, and since there are no written contracts, no commitments are made. In these instances, the labor conditions are unclear, and the information provided to workers can be misleading. With this type of recruitment, the lack of information and contracts makes it difficult to hold employers and/or recruiters liable for anything that happens to agricultural migrant workers.

Recruiters called “mayordomos” are part of the community of origin. Migrant workers trust them in part because they speak the same language, they share kinship and ethnic ties, and they become the only “formal” tie to employers. This does not necessarily mean that workers receive contracts or that working conditions are better when community recruiters are involved. According to a key informant in Oaxaca, when the communities are far from main roads, recruiters announce the departure time and location by megaphone or leave notices in community shops with information about the job.

Finally, recruiters can also be former workers. Sometimes the same migrants that worked previously with an employer start recruiting people from their communities to work in the same farm. Although this method exists, it was less frequently mentioned in interviews.²⁹

²⁹ There may be other forms of recruitment that were not identified through interviews, for instance, the RNJJA identifies that sometimes community authorities or representatives from agricultural unions may play the role of intermediaries. See: Red Nacional de Jornaleros y Jornaleras Agrícolas. Violación de derechos de las y los jornaleros agrícolas en México, p. 42.

For agricultural workers who have settled permanently in destination communities, there are other recruitment mechanisms. If they do not have contracts for the season or are not directly in contact with an employer, they may meet and wait in public squares or other places for recruiters, looking for any job for the day or week.³⁰

Risks of Labor Law and Rights Violations

Since the government does not provide adequate oversight to recruitment processes, migrant workers are vulnerable. Without formal contracts, agreements on working hours and pay are often not upheld, and migrants may face exploitation, trafficking, or poor living conditions at their worksite. Excluding the SNE and a few recruitment agencies, the majority of recruiters are not properly registered to perform recruitment activities and do not maintain legal relationships with employers. This allows them to avoid redress for violations of Mexican labor law and other protocols.

According to the STPS there were eight registered recruitment agencies in Oaxaca and four in Veracruz in June 2020.³¹ According to the Federal Labor Law (article 14), the employers that are using intermediaries to hire workers are responsible for the obligations stated in the law, but the obligation to use registered recruiters or intermediaries is not stated in the law.

No governmental efforts exist to resolve these issues and to move to a more compliant, regulated system. In its 2019 survey, the Migration Dialogue suggests that “one option is to make the farms that use recruiters jointly liable for any labor law violations committed by the recruiter. If enforced, such joint liability would encourage farms to have their own employees recruit or encourage them to rely on vetted recruiters who comply with labor laws.”³²

Furthermore, these non-regulated models combined with the lack of information, have a greater negative impact on agricultural migrant workers when they have little education—such as in the cases of workers from Oaxaca and Veracruz—or those that do not speak fluent Spanish.³³ Internal migrant workers do not have access to the same amount of information as international agricultural migrants traveling with a visa or those recruited by the SNE.³⁴ Although some CSOs disseminate information on recruitment and its risks, it does not adequately reach the numerous internal migrants and the many origin communities in Oaxaca and Veracruz. Disseminating information to internal migrant workers in those states requires a diversity of methods to ensure information is culturally pertinent and accessible. Authorities should join CSOs in initiating efforts to better inform migrant workers.³⁵

The way internal agricultural migrant workers are recruited is an important factor that normally determines whether their labor rights will later be violated and/or respected. According to extensive literature and interviews with key informants, many labor rights of migrants are not guaranteed, among them, the right to receive a written contract and fair wages, to have suitable living conditions, to receive social protection (health insurance, childcare, pension), and to work in safe conditions. Migrants may also face discrimination, forced labor, and trafficking.

CONTRACTS

When recruitment is informal, migrant workers do not receive written contracts and, according to some key informants, may not understand them if they do because they are unable to read or speak Spanish. Translators

³⁰ Diagnóstico sobre la situación de las políticas públicas y legislación para personas jornaleras agrícolas en México, p. 10.

³¹ Gobierno de Mexico. 2019. <https://www.gob.mx/>.

³² U.C. Davis. "Spring 2019 Survey of Farm Workers - Farm Labor and Mexican Produce Exports." 2019. *Migration Dialogue*. <https://migration.ucdavis.edu/farm-labor/field-research/2019/08/15/spring-2019-survey-farm-workers/>.

³³ U.C. Davis. "Spring 2019 Survey of Farm Workers."

³⁴ According to the SNE, all of the workers they recruit receive information about labor rights and trafficking.

³⁵ In 2017, as a result of a recommendation made by the National Commission on Human Rights, the Ministry of Labor, in coordination with the National Institute on Indigenous Languages, designed a brochure for employers and workers on labor conditions in fields in eight indigenous languages. However, the scope of the distribution is unclear.

are needed throughout the whole migratory process to ensure workers understand the conditions of their working arrangements. When this information is not available in relevant languages, working contracts, salary conditions, working days, social benefits, etc., are not clear, and labor conditions are, mostly, oral promises recruiters make. This increases the potential for labor violations.³⁶

SALARIES AND WAGES

In December 2020, the National Commission on Minimum Wages (CONASAMI, Comisión Nacional de Salarios Mínimos) set the minimum salary per day for internal agricultural migrant workers at 213.39 Mexican pesos in the northern states and 160.19 Mexican pesos³⁷ for the rest of the country.³⁸ This is still a small amount, considering that in many families only one person works. The reality is that many internal agricultural workers are paid according to how many tons they can harvest and there are not clear standards and/or procedures to ensure their harvests are correctly weighed. According to key informants and some literature, salaries are also affected when workers must purchase their food and/or personal belongings within the farm where they work, as these goods can be sold at a markup and detracted from a worker's final take-home pay. "Many times, they are paid at the end of 3 or 6 months (the season) and use credit at these ranch stores in the meantime."³⁹

HOUSING AND LIVING CONDITIONS

Housing conditions are also a challenge for employees to provide and maintain. According to CSO representatives, some workers and their families must live in overcrowded structures without potable water, sanitary services, or adequate ventilation. Those that can do so rent small rooms near the farms,⁴⁰ but guaranteeing suitable living conditions is the employer's responsibility under the law. Healthy food is another challenge; "even though [workers] harvest vegetables, they do not have access to this food or drinking water".⁴¹ A key informant in Veracruz said that some workers have complained because their food is cooked with sewage.

HEALTHCARE

Although the law establishes responsibility for employers to provide health care, it is not enforced. Most migrants do not receive health care because they do not have medical insurance. According to some key informants, when migrants are registered with the Mexican Institute of Social Security (IMSS, Instituto Mexicano del Seguro Social) and get sick, employers sometimes take them to private doctors to avoid paying sick leave and other social benefits that workers would receive if IMSS doctors treated them. Some reports and key informants agree that even when migrants are registered with the IMSS, they do not always have enough information to know how the system works or to effectively access these services. According to PhD. Barrón, there are no studies on the impact that the lack of protection in the fields has on workers and their families, however, there are situations that put their health at risk. For example, the fields are sprayed with pesticides while migrants are working without personal protective equipment.

CHILD LABOR AND ACCESS TO EDUCATION

The most effective way to eradicate child labor is debated among CSOs that work with migrants. While some organizations believe that it is a top priority, others are conscious that it is necessary to first change the

³⁶ The National Commission on Human Rights has made different recommendations regarding human rights and labor violations committed against agricultural migrant workers. Many of these recommendations were made due to inhuman and degrading treatment, forced labor, bad labor conditions, and harassment, among others. See: Diagnóstico y propuestas sobre las condiciones de vida, de trabajo y salarios de los jornaleros y jornaleras agrícolas, Red Nacional de Jornaleros y Jornaleras, 2019, p. 133-138.

³⁷ \$10.62 and \$7.97 as of July 21, 2021.

³⁸ Diario Oficial de la Federación. *Resolución Del H. Consejo de Representantes de la Comisión Nacional de Los Salarios Mínimos Que Fija Los Salarios Mínimos Generales y Profesionales Que Habrán de Regir a Partir del 1 de Enero de 2021*. 2020. https://www.gob.mx/cms/uploads/attachment/file/602092/Resoluci_n_SM_2021_DOEF23122020.pdf.

³⁹ Interview with a key informant in Veracruz.

⁴⁰ Itzel Ramírez Ramos, Laura, Ana Lucrecia Nadal Fuentes, and Domingo Austreberta Nazar Beutelspacher. 2015. "La Vivienda Digna para Jornaleros Migrantes: Un Derecho Humano Restringido." *Revista de Derechos Humanos y Estudios Sociales*, no. Year 7: Number 13. <http://www.derecho.uaslp.mx/Documents/Revista%20REDHES/N%C3%BAmero%2013/Redhes13-08.pdf>.

⁴¹ Quevedo, Lilia. 2020. "Jornaleros Desprotegidos en Esta Contingencia." *Plano Informativo*. May 12, 2020. <https://planoinformativo.com/731839/jornaleros-desprotegidos-en-esta-contingencia>.

structural situation that migrant workers face (poverty, exclusion, discrimination, etc.) before tackling this issue. However, there is general agreement that schools should engage with children of internal agricultural migrants and ensure they can access education when they are outside their communities of origin and/or living at remote worksites.

Even though education for migrant workers' children is embedded in the Federal Labor Law, accessing it is still challenging. According to the RNJJA, the main barriers are related to identity documents and the inflexible way education programs are designed.⁴² As mentioned in previous sections, actions should take into consideration the mobility and the diversity of indigenous groups. Currently there are no public policies or social programs to address this problem or to support the implementation of the law.

GENDER DISPARITIES AND DISCRIMINATION

Migrant women play an important role within migrant families, but they face dangers, vulnerabilities and challenges that are often invisible. Women often take care of the entire family when migrating, and sometimes feed other migrants as well. This work is often seen only as a contribution, not an income-generating job. When women work with crops, they do not always receive a salary or an income in accordance with the work they do.⁴³ According to the 2017 Agricultural National Survey (ENA, Encuesta Nacional Agropecuaria), only 3 out of 10 women working in the fields receive remuneration, as compared to 6 out of 10 men.⁴⁴ When women workers finish their workday in the fields, they must perform other household duties for their family and themselves. Additionally, they face discrimination, difficulties in accessing health services, and are exposed to exploitation, sexual abuse, and other risks. The context can be even more difficult if women live in situations of domestic violence.

TRAFFICKING AND FORCED LABOR

Finally, there are concerns regarding trafficking. Since there are few mechanisms that supervise the conditions in which people are migrating and working, trafficking is a real danger. The Borgen Project explains that "UNICEF reports that traffickers specifically seek out individuals who are financially vulnerable, as they are more likely to accept illegitimate job offers due to desperate circumstances. Solo migrants traveling without family or any other individuals are often the most vulnerable victims due to their isolation".⁴⁵

According to a Hispanics in Philanthropy report, for indigenous communities that face systemic abuse, it can be difficult to identify when they have experienced forced labor.⁴⁶ To address this, the National Commission on Human Rights (CNDH, Comisión Nacional de Derechos Humanos) has made diverse recommendations to governmental authorities to prevent this crime, including training, designing protocols, inspection activities, and others.⁴⁷ Trafficking presents a unique and challenging set of issues that must be analyzed in depth.

4. Legislation, Enforcement, and Public Policy

Mexico has extensive regulations to protect the rights of internal migrants. The Political Constitution of the United Mexican States, the Federal Labor Law, and the Social Security Law include protections for internal agricultural workers, and some specific groups, like indigenous populations. However, implementation and enforcement of these laws are often weak.

⁴² Violación de derechos de las y los jornaleros agrícolas en México, p. 57.

⁴³ From an interview with a key informant.

⁴⁴ Observatorio Género y COVID-19 en México.

⁴⁵ The Borgen Project. "10 facts about Human Trafficking in Mexico." <https://borgenproject.org/10-facts-about-human-trafficking-in-mexico/>.

⁴⁶ Hispanics in Philanthropy. *Una Mirada desde Las Organizaciones de La Sociedad Civil a la Trata de Personas en México*. https://www.senado.gob.mx/comisiones/trata_personas/docs/trata.pdf.

⁴⁷ Centro Nacional de los Derechos Humanos. 2019. "Diagnóstico sobre la Situación de la Trata De Personas en México 2019." https://www.cndh.org.mx/sites/default/files/documentos/2019-08/DIAGNOSTICO_SITUACION_TDP_2019.pdf.

Laws and Regulations

To protect labor rights, the Political Constitution sets maximum working hours at eight hours a day; prohibits the labor of minors under 15; establishes rest days (1 day for every 6 working days); and assigns responsibility to employers for labor accidents and occupational diseases, for paying minimum wages, and ensuring social security benefits (article 123).⁴⁸

The Federal Labor Law regulates against employing minors under 15 and establishes working conditions for minors between 15-18 years of age (article 22 Bis. - 23). It also establishes that employers must: provide written contracts with certain specifications (article 28); foster a working environment where there is equality between men and women (article 56); limit daily working hours and follow specific payment conditions (title three, chapter II); give days of rest (title three, chapter III); ensure rights for women and pregnant women (title five); and respect collective bargaining (title seven, chapter III) and the right to strike (article 390 Ter, IV, a). It also highlights the responsibility for coordination among governmental authorities to enforce the law.⁴⁹

Further regulations on working conditions exist that establish principles for seasonal workers. The Safety and Health Federal Regulation establishes provisions to prevent risks at work and ensure that all workers can perform their duties in environments that guarantee their life and health. The General Regulation of Work Inspection and Application of Sanctions establishes procedures that federal and state labor authorities should follow to oversee labor law compliance in workplaces.

The Federal Labor Law states that employers of field and seasonal workers are obligated to register seasonal workers for social security to determine their social benefits according their total time worked; pay required vacations and other benefits; provide adequate and hygienic accommodation; provide potable water and health services; provide life insurance for transport to the workplace and back to origin communities; and use interpretation services when needed (title six, chapter VIII).

Chapter ten of the Social Security Law, “Social security in the fields,” establishes obligations for employers regarding health and child day care centers. It also establishes that employers should register themselves with the IMSS with information on their crop type, working seasons, production area, etc., and provide records of their employees’ working days and wages. It is important to underscore that to receive a pension, workers must have accumulated at least 1,250 weeks (around 25 years) of work (article 154).⁵⁰

These laws and regulations also protect specific groups and/or address specific issues. For example, the Political Constitution recognizes the country’s multicultural composition and regulates the prohibition of slavery and discrimination (article 1) and states the establishment of public policies aimed to protect indigenous migrants (article 2). The General Law to Prevent, Punish, and Eradicate Human Trafficking Crimes and Protect and Assist Trafficking Victims, and the Law to Prevent and Eliminate Discrimination are also important tools to protect the rights of internal agricultural migrant workers.

Together with the national regulation, Mexico has signed a wide array of international treaties to protect workers’ rights, such as rights to safe working conditions, minimum salaries, freedom from slavery, social security benefits, health insurance, adequate housing, education, non-discrimination, trade union participation, among others.⁵¹ According to the Federal Constitution (article 1), the Constitution and all international treaties signed by Mexico should always work in favor of protecting the people.⁵²

⁴⁸ Constitución Política, consulted on 6/11/2021. http://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Constitucion_Politica.pdf.

⁴⁹ Ley Federal del Trabajo, consulted on 6/11/2021. http://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Ley_Federal_del_Trabajo.pdf.

⁵⁰ Ley del Seguro Social, consulted on 6/11/2021. http://www.diputados.gob.mx/LeyesBiblio/pdf/92_230421.pdf.

⁵¹ Castaneda, Norma. “Diagnóstico Sobre La Situación de Las Políticas Públicas y Legislación para Personas Jornaleras Agrícolas Migrantes en México.” CECIG. <http://cecig.org.mx/project/ejemplo-pdf-3/>.

⁵² See the list of relevant treaties in Annex 2.

Enforcement of Laws and Regulations

According to key informants, the enforcement of these laws and regulations is weak. Particularly when it comes to the labor authorities, there are not enough actions and inspections to guarantee that employers comply with labor rules. Some laws require important reforms to address the needs and circumstances of internal migrants, among them, the Security Social Law, which establishes that to receive a pension, workers must accumulate 1,250 weeks of work. According to PhD. Barrón, migrant workers cannot access this benefit because they do not work regularly, and it would take them 50 labor years to fulfill its requirements.⁵³ Furthermore, it would require employers to comply with the law, and this rarely happens.

Public Policy and Social Programs

There is no evidence that a comprehensive federal public policy exists for internal agricultural migrants to support the implementation of the laws that are in place, even though the National Development Plan (PND, Plan Nacional de Desarrollo) acknowledges agricultural workers. In recent years, and mostly under the current political administration, programs that used to meet workers' needs have disappeared and no other mechanisms replaced them. According to some CSOs, social programs like the Attention Program for Agricultural Workers (PAJA, Programa de Atención a Jornaleros Agrícolas) faced many challenges but are necessary to provide support to migrants. PAJA aimed to improve the living conditions of migrant workers in workplaces. It promoted health, provided nutritional support to vulnerable groups like pregnant women and children, provided money upon arrival for food and to set up living spaces, built kitchens, provided scholarships to children under 18 to continue their studies, and supported educational centers and childcare facilities.

According to PhD. Barrón, "between 1990 and 2000 the actions implemented through PRONJAG (Attention Program of Agricultural Workers), which later became PAJA, were important: the hygiene conditions in the shelters were inspected, day care centers for children were established, and some progress regarding health was made."⁵⁴ PAJA was an indication that policy at the federal level was addressing internal migrant workers' challenges and needs.

Before the current administration discontinued it, migrants whose employers did not register them with the IMSS could receive medical attention through "Seguro Popular," a program that provided medical assistance to people without medical insurance. The new Institute of Health for Well-being (INSABI, Instituto de Salud para el Bienestar) coordinates medical attention for those without medical insurance, but since it is a new institution, it is not clear how activities will be implemented.⁵⁵

Other social programs exist to address the needs of marginalized and rural populations, and could benefit migrant workers, but it is not clear how these programs could target their needs, how they would register migrants, and how they would inform migrant workers and their families about the assistance, since they are constantly moving.⁵⁶

5. The COVID-19 Pandemic

The COVID-19 pandemic brought new risks for internal agricultural migrant workers who, unlike others, could not remain at home and had difficulty following many COVID-19 protocols. In Mexico as of July 2021, there have been 2,693,495 confirmed cases and 237,207 deaths resulting from COVID-19.⁵⁷ Oaxaca and Veracruz have

⁵³ Vega, Andrea. 2021. "Reforma para Dar Seguridad Social a Jornaleros Es Apenas 'Un Curita', Dicen Especialistas." <https://www.animalpolitico.com/2019/10/reforma-seguridad-social-jornaleros-incompleta/>.

⁵⁴ Política social y jornaleros agrícolas en la Cuarta Transformación en México, p.10.

⁵⁵ Islas, Laura. 2020. "Los Trabajadores Que No Sabían del Covid-19." Reporte Indigo. <https://www.reporteindigo.com/reporte/los-trabajadores-que-no-sabian-del-covid-19-comunidades-indigenas-derechos/>.

⁵⁶ Diagnóstico y propuestas sobre las condiciones de vida, de trabajo y salarios de los jornaleros y jornaleras agrícolas, p. 141.

⁵⁷ Reuters COVID-19 Tracker, Mexico, consulted on 7/22/21: <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/es/countries-and-territories/mexico/>.

had 51,947 and 73,369 confirmed cases respectively, with 4,058 deaths from COVID-19 in Oaxaca and 10,435 in Veracruz at the time of this report.⁵⁸

Information dissemination, and other preventative actions, have been key to stopping the spread of COVID-19, but for migrant workers, receiving this information has been more challenging. Key informants stated that internal agricultural migrant workers have not received enough information. Although different governmental authorities have produced a significant amount of information on COVID-19 and prevention measures, they have not necessarily targeted migrant workers or remote communities where communications are complex and often inaccessible.⁵⁹ For example, the National Institute on Indigenous Languages (INALI, Instituto Nacional de Lenguas Indígenas) has produced materials on preventing COVID-19 in 52 different indigenous languages, which are available on its website.⁶⁰ It is not clear how these materials have been disseminated, beyond official information⁶¹ that community radios have shared it. Still, CSOs in Oaxaca and Veracruz agree that internal agricultural migrant workers do not have enough information on COVID-19.

Early research on COVID-19's impact in 2020 on Mexico's indigenous populations shows that indigenous populations suffered from a higher mortality rate compared to non-indigenous Mexicans. According to one study, a total of 4,178 indigenous people out of 416,446 adult patients were diagnosed with COVID-19 from February 28 to August 3, 2020. Among all patients with COVID-19, 16.5% of the indigenous people died compared to 11.1% of non-indigenous people, regardless of whether they were hospitalized. Outside the hospital, 3.7% of the indigenous people died compared to 1.7% non-indigenous. The study concluded that this is primarily due to lack of access to care.⁶²

Conscious of the challenges that indigenous workers face, the National Institute of Indigenous Populations (INPI, Instituto Nacional de los Pueblos Indígenas) has recommended developing actions that are culturally pertinent for indigenous and Afro-Mexican populations. However, many internal agricultural workers are skeptical of the virus and to a certain extent feel protected within their communities. CSOs have some initiatives where they have designed materials and disseminated information in different languages and through different mediums, but authorities must join and lead this effort in a way that targets more communities and workers.

The lack of information or its dissemination, combined with the lack of supervision from health and labor authorities, increases migrant workers' risk of contracting COVID-19. According to information collected in interviews, only international migrant workers who travel to the United States and Canada with a work visa and those recruited by the SNE receive information and personal protective equipment to travel and work, while generally internal agricultural migrants do not have the means to follow preventive measures. Key informants could not confirm whether workers are using masks, sanitizing gel, or if their temperature is taken prior to boarding the buses that recruiters use to transport them to their workplace. Interviewees also confirmed that there are no inspections in the beginning of the journey or in transit to assess compliance with protocols.

“Migrants get in the bus and the driver gives them some sanitizer, but then migrants can travel without masks, and nobody will supervise.” - CSO representative

⁵⁸ INEGI, Visualizador analítico para el COVID-19, consulted on 7/22/21: <https://gaia.inegi.org.mx/covid19/>.

⁵⁹ Red Nacional de Jornaleros y Jornaleras Agrícolas. 2020. *La Población Jornalera Agrícola Interna en México Frente a La Pandemia de Covid-19*. https://www.ohchr.org/Documents/HRBodies/SP/COVID/NGOs/Red_Nacional_de_Jornaleros_y_Jornaleras_Agr%C3%ADcolas_-_Mexico.pdf.

⁶⁰ Gobierno de Mexico – Secretaría de Cultura. “La Secretaría de Cultura, a través del INALI, difunde en lenguas indígenas medidas de prevención ante el COVID-19.” Accessed October 5, 2021. <https://www.gob.mx/cultura/prensa/la-secretaria-de-cultura-a-traves-del-inali-difunde-en-lenguas-indigenas-medidas-de-prevencion-ante-el-covid-19>.

⁶¹ Instituto Nacional de Lenguas Indígenas. 2020. “La Secretaría de Cultura a Través Del INALI, Difunde En Lenguas Indígenas Medidas de Prevención Ante El COVID-19.” <https://www.inali.gob.mx/en/comunicados/801-2020-04-16-16-51-00.html>.

⁶² Ibarra-Nava, I., Flores-Rodriguez, K. G., Ruiz-Herrera, V., Ochoa-Bayona, H. C., Salinas-Zertuche, A., Padilla-Orozco, M., & Salazar-Montalvo, R. G. 2021. Ethnic disparities in COVID-19 mortality in Mexico: A cross-sectional study based on national data. <https://doi.org/10.1371/journal.pone.0239168>.

To ensure preventive measures are followed and comply with the law and official government protocols,⁶³ it is necessary to set minimum standards prior to departure, in workplaces, in the places where workers and their families stay, and during their return. The housing conditions that have been previously mentioned—crowded and without drinking water and sanitary services—exacerbate the risk of infection. Labor authorities are not performing inspections in all working centers despite the requests and recommendations made by CSOs and data on how many workers are in agricultural worksites.⁶⁴ According to key informants, labor authorities have paid more attention to big farms, mainly in the export-oriented sector, rather than checking small, more remote farms which most often are not following protocols.

The RNJJA has demanded that local and federal authorities (labor, health, and communications authorities) inspect work centers, guarantee access to health, and inspect the compliance of protocols during the transportation of internal agricultural migrant workers.

The context is more dangerous given the fact that many of these workers do not have access to health services and social protections in general,⁶⁵ or the services they can access are very limited. Despite some local authorities having implemented health brigades to disseminate information and personal protective equipment (masks and sanitizing gel), the effort is small considering the number of workers in Mexico and the variety of origin and destination communities. The RNJJA reported that between June and July 2020, 38 positive cases were reported in northern states, and 27 of them were in a shelter for migrant workers. Additionally, authorities in Zacatecas (a state in central Mexico) reported that around 3,000 migrant workers faced a high possibility of infection due to overcrowding.⁶⁶

Finally, while the vaccination plan is progressing in Mexico as of the publishing of this report, it is not necessarily covering all internal agricultural migrant workers. According to a key informant in Oaxaca, some migrants are afraid of the vaccine and vaccination efforts do not arrive to remote communities, meaning workers must walk many hours to vaccination centers. The RNJJA has called for health authorities to guarantee vaccination for all internal agricultural workers. Taking into consideration that migrants are moving continuously, it is a challenge for the authorities to disseminate information on the importance of the vaccine, to design strategies to reach the entire migrant population, and to avoid stigmatization.⁶⁷

IRES recognizes that migrant workers face other challenges based on mobility restrictions and other factors such as income reduction, precarious living conditions, lack of work, working hours reductions, etc., but this analysis has not specifically targeted additional challenges that have not been discussed above.

6. Existing Efforts

The literature on challenges that migrant workers and their families face is extensive thanks to a small number of researchers and civil society organizations. For years, these stakeholders have been raising awareness and denouncing the irregularities that workers face when they migrate, including rights violations before their departure, during transit, and upon arrival.

The reflections and contributions of CSOs and researchers are particularly relevant in the COVID-19 context, where public policies and social programs are often not implemented by the government or other relevant authorities. CSOs perform a wide range of activities; apart from collecting, systematizing, and analyzing information, they also disseminate information, train workers, and defend workers' human rights through

⁶³ See Annex 3 on the most relevant laws and protocols regarding internal agricultural migrant workers and COVID-19.

⁶⁴ See Annex 3.

⁶⁵ According to the Chamber of Deputies, more than 97% of seasonal workers do not have social security. See p. 3, http://www.diputados.gob.mx/LeyesBiblio/iniclave/64/CD-LXIV-II-1P-068/02_dictamen_068_02oct19.pdf

⁶⁶ Margarita Nemeo, Isabel. 2021. *Lloviendo sobre Mojado: Pandemia y Trabajo Agrícola*. La Jornada del Campo. <https://www.jornada.com.mx/2021/07/17/delcampo/articulos/trabajador-agricola.html>.

⁶⁷ CSO representatives also noted that internal migrant workers can be stigmatized as virus carriers due to their frequent status as new arrivals in their worksites or communities.

accompanying workers, public denouncements, and advocacy. Other CSOs do not work exclusively with internal agricultural migrants but focus on specific cross-cutting topics and/or populations, for instance, education of children, gender equality, or indigenous rights.

Alternatively, other organizations work from the perspective of supply chains or the employer, designing protocols and guidelines, and training employers to comply with regulations. This occurs mostly in the agro- export sector. For example, the International Fruit and Vegetable Alliance for Social Responsibility (AHIFORES, Alianza Hortofrutícola Internacional para el Fomento de la Responsabilidad Social), an alliance of agricultural private sector organizations working toward implementing best practices in social responsibility, has designed two protocols on COVID-19, has disseminated information on the topic, and has provided technical assistance and training to their associates.⁶⁸

IRES identified that some local CSOs in Oaxaca and Veracruz that were interviewed work directly with internal agricultural migrant workers to provide information and training in origin communities. The information these CSOs disseminate is about human and labor rights and recruitment, and they use different strategies to disseminate information (e.g., community radios, podcasts, WhatsApp messages, informative sessions, etc.). Other projects implemented by international or binational organizations also exist. For example, a CSO that has presence in Mexico and the United States has supported the creation of migrant committees in Oaxaca and Veracruz to disseminate information on labor rights for those who migrate to the USA through temporary work programs. According to a key informant in Oaxaca, assisting internal agricultural workers can be a challenge because there are not enough financial resources, and at times, organizations must work in precarious conditions. In Veracruz, for instance, a Catholic Church volunteer explained that years ago they had a small project to assist sick migrant workers—those whose employer did not respond to health issues-- but now they only can assist in extreme cases, and only if the community or the church is able to make donations.

IRES identified that while some organizations in Oaxaca and Veracruz operate in the same state, they are not necessarily aware of each other's activities. This may be due to the population they target; some work with internal agricultural migrants and others with international migrants (Mexican migrants traveling to the USA). Some belong to different alliances and networks that do not overlap. The interviewed CSOs identified RNJJA as the unique network that brings together stakeholders working with internal agricultural migrants.⁶⁹ This network, consisting of nine organizations and two researchers, aims to improve the lives of seasonal workers through initiatives on housing, education, wages, and social benefits from a gender, intercultural, and human rights perspective.⁷⁰ According to a member of RNJJA, they assist migrants in three states in Mexico, make public denouncements, advocate, and apply public pressure.

There are other efforts made in partnership between international organizations or United Nations (UN) agencies. The Food and Agriculture Organization (FAO), the International Labor Organization (ILO) and UN Women are implementing “Cerrando Brechas,” a project to bring social protection to women workers in Mexico. FAO is responsible for the component related to migration. Other projects implemented in partnership are “Senderos”, “Equal”, and “Campos de Esperanza”. Senderos’ objective is to promote labor rights in the sugarcane sector.⁷¹ Equal aims to reduce the risk of child labor and other labor violations for teenagers and women in the agriculture sector.⁷² And Campos de Esperanza’s objective is to prevent child labor in the sugarcane and coffee sectors.⁷³ Key informants also mentioned the Avina Foundations’ new effort, Periplo, to bring together national and international civil society organizations. Its objective is to facilitate the exchange of information and best

⁶⁸ AHIFORES. 2021. *Informe de Actividades 2018-2021*. https://ahifores.com/wp-content/uploads/2021/04/AHIFORES_INFORME_TRIANUAL_FINAL.pdf.

⁶⁹ Other networks working with international migrants are not considered here.

⁷⁰ Red Nacional de Jornaleros y Jornaleras Agrícolas. <http://cecig.org.mx/red-de-jornaleros/>.

⁷¹ Verite. “Senderos Pathways Project.” <https://www.verite.org/senderos-project-announcement/>.

⁷² “EQUAL, El Proyecto de Equidad Laboral de World Vision México.” 2021. *Facebook*. <https://www.facebook.com/EQUAL.WorldVisionMx/>.

⁷³ Campos de Esperanza. http://www.camposdeesperanza.org/es_mx/.

practices, and generate mechanisms to implement more effective coordination among CSOs and different sectors (i.e., private sector, government, etc.). Some RNJJA member organizations are part of this initiative.⁷⁴

Some organizations make alliances with other stakeholders that are not necessarily working with internal agricultural migrants but that address topics that generally affect all migrants, for example, trafficking. Recently, Campo Justo, an alliance between migrant workers, CSOs, and activists was formed to demand decent wages for agricultural workers.⁷⁵ IREX did not find evidence of coordination between local organizations in Oaxaca and Veracruz and authorities, despite the multiple recommendations these CSOs have for public policies. Just one international organization working at the local level identified governmental mechanisms addressing issues that migrant workers face (trafficking, child labor, and child protection).

⁷⁴ This section presents what IREX found but it is not a comprehensive mapping of organizations and/or projects.

⁷⁵ Alianza Campo Justo. <https://campojusto.mx/>.

GAPS, UNMET NEEDS, AND RECOMMENDATIONS

1. Migrant workers and their families need better and more widely distributed protocols and information to migrate more safely and to protect themselves from COVID-19

Despite the tremendous efforts of CSOs, internal agricultural migrant workers lack information that would support them in understanding what their rights are, the risks they may face, and the way they can denounce rights violations committed against them. Both the information itself and the means of dissemination must consider the population's cultural diversity, their literacy level, their living conditions (e.g., if they have access to internet, community radio, television, etc.), and their mobility. The wide range of origin and destination communities makes it difficult for CSOs alone to independently reach out to migrant populations. Successful efforts would require the intervention of local and federal authorities.

As has been pointed out above, not all internal migrant workers receive the same type and amount of information. Those migrating internationally with visas to the United States and Canada or through the SNE receive more information on recruitment, human and labor rights, trafficking, COVID-19, etc., than internal migrant workers. Some key informants believe that it is important to visit communities to disseminate information, but this requires building trust and credibility.

Especially in the COVID-19 context, health authorities and employers must ensure that all internal agricultural migrant workers receive medical attention if required, can use sick leave days, and have space to isolate, if necessary. It is important that the national vaccination campaign strategy reaches out to migrant workers and includes accessible and relevant information.

2. Recruitment processes must be regulated and legislation protecting migrant workers must be enforced to increase employer accountability

Although some laws require reform to respond to internal migrant workers' needs—mainly the social security law—there is a wide framework of regulations that, in their current form, would be beneficial for migrant workers if they were enforced. Labor inspections of work centers are key to guaranteeing labor and human rights. Labor inspections are infrequent and seem to be focused on larger agro-export sector employers. Inspections must be extended to all employers to verify working, housing, and social security conditions. The generation and accuracy of information, particularly on employers, is essential to accomplish this task, as well as training for labor inspection authorities and human and financial resources. Labor inspections will hold employers accountable to comply with the laws and regulations that are in place.

In addition, all actions the authorities develop should include a gender focus and ensure that women are not facing vulnerabilities or violations due to their gender such as discrimination, trafficking, or sexual abuse. In the COVID-19 context, inspections should also assess mandated health guidelines and protocols to better protect migrants and stop the spread of the virus.

3. Civil society and government authorities need reliable and consistent data on migrant workers to inform their actions

One significant gap is the lack of official national and state statistical and analytical information on internal agricultural migrant workers, their characteristics, their migratory routes, their labor context, etc., which makes it difficult to formally identify the challenges workers face once they leave their community. In 2009, the Mexican government completed the most comprehensive study available, the National Survey on Agricultural Workers (ENJO, Encuesta Nacional de Jornaleros Agrícolas), to characterize the profile and experience of internal migrant workers.

Since then, no other efforts have been made on a national scale. According to a key informant, to obtain approximate statistics, it is necessary to investigate different sources and to crosscheck data. It is necessary that governmental institutions create a specific and integrated tool or statistical system to capture and show the dynamics of internal agricultural migrant workers and publish periodic reports which offer a general overview of the situation.

The statistical effort could be completed with mechanisms to register internal agricultural migrant workers and follow up on their labor conditions. According to key informants, in Oaxaca and Veracruz there are no mechanisms to register or record the workers that are leaving the communities,⁷⁶ which limits clarity surrounding who recruits and hires workers. The registries of migrants leaving their communities should be extended to all migrants and not just to those recruited through the SNE. This would establish a system that disseminates pertinent information equally prior to departure, and signals to migrant workers that the migratory process is under some degree of oversight.

There is also a lack of information on employers. In a 2019 report, the RNJJA states that there is no updated registry of producers by state, crop type, or harvested area.⁷⁷ The absence of employer and worker registries, and labor authority inspections makes it difficult to follow up on labor conditions or violations and to identify those responsible when a crime has been committed. It also makes it easier for employers to avoid compliance with labor or other laws.

Authorities need information regarding origin and destination communities and must work at the community level. This information is essential to developing pertinent public policies.

4. Comprehensive public policy that targets internal agricultural migrants is needed, with considerations for indigenous communities

While regulations to protect the rights of internal migrants exist, public policy and social programs that focus on internal agricultural migrants do not exist to support these regulations. Public policy needs to consider the different stages of the migratory process (departure, transit, arrival, return), should be flexible enough to respond to the variety of migratory patterns, and must have a gender, intercultural and human rights focus. Together with the enforcement of the law, public policies should allow internal agricultural migrant workers to access healthcare—particularly during the COVID-19 pandemic—as well as education and day care centers for their children, decent wages, and satisfactory living conditions. It is necessary for government actors to allocate funds for this and work closely with CSO partners to create effective coordination mechanisms and guarantee the correct implementation of policies and programs.

⁷⁶ Except for those who are recruited through the SNE and some international migrants that are recruited by recruitment agencies.

⁷⁷ Violación de derechos de las y los jornaleros agrícolas en México, p.87.

5. More coordination is needed among diverse civil society actors to combat the challenges faced by migrants and migrant-serving institutions

Civil society organizations do essential work to support migrant workers and have an important impact on communities; however, they are not always connected effectively with one another. As more donors fund projects related to ethical recruitment and supply chains, new organizations are entering the migrant-serving civil society space and these actors are not often connected to the existing ecosystem of civil society investments – which can result in poor coordination, duplicative efforts, and inefficient use of resources. More communication among these stakeholders and others working on topics of interest for agricultural workers (trafficking, legal assistance, etc.) would allow for the creation of reference systems to help migrants address their needs, whether at their origin or destination.

Some organizations that assist international agricultural migrant workers have developed strategies to disseminate information, generate fair recruitment mechanisms, facilitate access to justice, and strengthen the capacities of migrant workers. The exchange of information and best practices between these organizations and those working with internal migrants could lead to solutions that address the challenges internal agricultural migrants face.

CONCLUSION

Extensive gaps must be addressed to decrease risks for internal agricultural migrants in Mexico. These gaps exist in many facets of society from national laws and regulations that are not properly enforced, to local recruitment strategies in communities of origin. The COVID-19 pandemic has exacerbated and added to these risks for migrants and has once again demonstrated the need for targeted, inclusive information and strong support networks.

The table below summarizes the gaps found through this assessment and ways to potentially close these gaps to better serve migrants, improve programs and initiatives, and ultimately give migrants agency to migrate more safely. While IREX does not have the capacity to implement all recommended actions to close these gaps, it will determine what actions are possible and will implement them in its work in close coordination with partners in Mexico.

CURRENT STATE	DESIRED STATE	GAP	WHAT DRIVES THE GAP?	POTENTIAL WAYS TO CLOSE THE GAP
Information				
Migrant workers do not know what their rights are, the risks they may face when they migrate, and how they can denounce violations against them.	Migrant workers know their rights, the risks they face in their migratory process, and have information to minimize these risks. They also have resources and services available to them to seek justice when rights are violated.	Migrant workers do not have enough information and/or pertinent information to travel safely.	Information for migrants is not easy to access or does not get disseminated through appropriate channels. Information is not available in indigenous languages.	Produce and disseminate information through diverse channels on recruitment, trafficking prevention, labor rights, mechanisms to denounce violations, and prevention of COVID-19 in relevant languages. Build skills of migrants to identify fraud or misleading information and capacity of CSOs to create these materials.
Lack of information regarding migratory movements, labor conditions, and other challenges migrants face.	Information exists on migration routes, labor conditions, and other challenges to better understand how to inform migrants before they leave and advocate for their rights.	There are no registries of migratory movements into or out of communities.	Neither government agencies or CSOs are producing information on migratory movements due to lack of resources and/or will.	Create registries to record how migrants are recruited, their routes, their labor conditions (including COVID-19 risks), the sectors they work in, etc. Build capacity of CSOs or other stakeholders to technically support this process.
Few statistics are available to holistically characterize internal agricultural migrant workers.	There is a continuous updated holistic governmental source of information on internal agricultural migrant workers.	Current information sources are scattered and do not cover all aspects (numbers, population characteristics, crops, labor conditions, etc.).	There is no political will. Internal agricultural workers are not in the national political agenda, and financial resources have been cut.	Advocate and work with pertinent authorities to create appropriate statistical tools to better count and make visible migrant workers.

No updated registry exists on the farms hiring internal migrants determining whether they are complying or not with the labor law.	All farms hiring seasonal migrant workers are duly registered with the Labor Ministry.	The Labor Ministry does not know the exact number of farms which are hiring seasonal workers, and if they are complying with the law.	The Labor Ministry does not have the capacity to make a census and maintain an updated registry.	Amplify and add to the work CSOs and others are doing to raise awareness about the violations that are occurring and lobby for resources to create and sustainably maintain a registry.
Coordination				
Lack of coordination among CSOs and between CSOs and the authorities that could address labor and human rights violations that migrants face.	More organizations working with internal migrant workers share information and build a reference network that includes authorities to better assist migrants.	The few organizations working with internal migrants do not know each other and do not coordinate with governmental authorities.	Organizations work in different states, migration patterns vary, and they may not see synergies in their work. There may also be a lack of resources and/or will.	Increase engagement and network building among organizations and create a reference system between CSOs and authorities.
Law Enforcement				
Labor inspections do not cover all fieldwork. They mostly focus on large farms in the export-oriented sector.	Labor inspections cover all fieldwork, regardless of the size and geographic area of the farm.	Labor authorities have capacity to perform inspection of all field work.	The Labor Ministry cannot inspect all fieldwork, in part because there is no updated registry of all farms.	Raise awareness of known violations and lobby for increased oversight of farms and labor law compliance.
Public Policy				
No complete public policy addresses the structural needs of internal agricultural migrant workers.	There is a comprehensive public policy addressing the structural needs of internal agricultural migrant workers.	Programs that existed to address migrant workers' needs have ended and coordination among governmental institutions no longer exists.	There is no political will, internal agricultural migrant workers are not in the national political agenda, and the financial resources have been cut.	Build coordinated strategies among CSOs and other stakeholders to incentivize the government to initiate actions that favor labor conditions and assist migrants workers' needs.

ANNEX 1: STANDARD QUESTIONNAIRE FOR KEY INFORMANT INTERVIEWS

The following questions were used in semi-structured interviews with civil society organizations, representatives of networks, researchers, and governmental authorities. The questions asked were dependent on the type of stakeholder. Every key-informant was not asked every question listed below.

Context and Challenges

1. Within Oaxaca and Veracruz, which villages/towns/communities are the largest sources of internal migrant labor? Where do they go? Do they work in the export-oriented sector?
2. Is it secure to work in these communities? Does your organization work there? Do you identify inter-ethnic tensions or conflicts among migrants?
3. Are there communities in Oaxaca and Veracruz that are also reception communities? Where do workers in these communities come from?
4. What are the demographic characteristics of agricultural migrants traveling within Mexico from Oaxaca and Veracruz (age, gender, language, ethnicity)? Who has increased vulnerabilities? What can we learn from family dynamics? Is domestic violence increased for families migrating?
5. How does the type of crop influence migrant conditions or risks, if at all? Are there certain agricultural migrant workers at greater or lesser risk of rights violations or information gaps based on the crop?
6. How does the type of crop influence demographic characteristics of migrant laborers, if at all? Are certain crops more likely to attract youth, women, or certain indigenous populations?
7. What is the timing, season, or cycle of migration from communities in Oaxaca and Veracruz? When are migrants in their origin communities and when do they typically migrate? Does this differ by crop?
8. Are there any governmental or non-governmental organizations registering the mobility of migrants?
9. What does the typical recruitment process look like for internal migrants? What are the risks for migrants at this stage? How do these practices either exploit or help to protect workers? Are they regulated and transparent? Is it the same for migrants working in the export-oriented sector?
10. What risks or challenges do migrants face with employers? Do they receive fair pay and benefits? Do they receive formal, written contracts? Is it the same for migrants working in the export-oriented sector?
11. Do migrant workers face trafficking? What kind? Are they receiving information and services to prevent it? Who is providing it? Who is most at risk, why? Are there any subgroups we should pay attention to?
12. What national/regional level government bodies play a role in supporting internal migrants? What is the nature of that role and to what extent are they effective or ineffective?
13. What existing legal protections and public policies are there to protect internal migrants in Mexico? To what extent are these functional? To what extent do these align with international standards?
14. Is there relevant, public research on the above questions? Do gaps in information remain?

Existing Players, Programs, and Networks working on Labor Migration in Mexico

Existing organizations working on these issues and the resources they provide

1. What are the main activities of your organization in relation to internal migrant workers?

2. Who are the other organizations working in Mexico to facilitate safer migration for migrant workers? What is the nature of their support? What geographies and populations are they targeting specifically? Have you noticed that any vulnerable groups (ethnic, gender, geographic, etc.) are lacking specific support? Do you identify migrant organizations or independent unions?
3. Are any organizations working on these issues that focus on internal migrants specifically? If these exist, what is their capacity in program management, financial management, security, etc.? Are they doing something specific in this COVID-19 context? Are there organizations working with a gender approach?
4. What publicly available resources (brochures, booklets, websites) exist for prospective migrants and their families related to safer migration? What is the most popular source of information for migrants or the best way to reach migrants (radio, websites, social media, written materials, etc.)? Are workshops and town halls useful to provide information?
5. What types of organizations do communities in Oaxaca and Veracruz trust to receive information from (faith-based orgs, community radio, libraries, etc.)?
6. Could migrant workers and their families be interviewed by us? What would be the best way to do that?

Coalitions and networks

1. What networks and coalitions exist in Mexico that facilitate coordination among organizations working on labor migration issues in Mexico? How do they share information? How can IREX coordinate with them?

Gaps

1. What gaps exist regarding available services (education, health, housing) and support to migrant workers and their families to help them migrate safer? Did PAJA leave specific challenges/gaps?
2. What gaps exist regarding legislation vs. enforcement?
3. What gaps exist (if any) between services or information available to international migrants (those coming from Central America or those traveling to the US) and internal migrants within Mexico? Could any resources for international migrants be expanded or made more relevant to internal migrants?
4. Are there any existing services or support that could be built upon or ramped up to better serve or expand reach to migrant workers and their families?

COVID-19 Situation

1. What challenges are internal agricultural migrant workers facing related to COVID? Are they facing the same challenges in the origin and destination communities? What are their main needs? Do specific groups (women, indigenous populations, etc.) face particular vulnerabilities?
2. Are migrant workers aware of COVID risks? Are there considerations in terms of cultural practices?
3. Are migrants following specific prevention protocols? Which protocols? Are they following them by themselves, or are recruiters and employers also contributing to preserving their health? Are inspections taking place to guarantee migrants' safety in their destination places?
4. Has vaccination begun for migrant workers in origin or destination communities? Have they expressed their will to receive or reject the vaccine?
5. Are there currently resources for information and personal protective equipment specifically for migrant workers? Who is providing those resources? Are there any factors that limit the reach or relevance of that information (language, types of information, targeted relevance to migrant workers, etc.)? What factors limit the reach of resources to specific groups within migrant groups (women, ethnic groups, etc.). If these resources are available, are migrants receiving them in their community of origin before migrating or after migrating when they arrive at the work location?
6. Would you like to add something else? Do you think there is something important that we should know before we start our work?

ANNEX 2: INTERNATIONAL TREATIES MEXICO SIGNED THAT PROTECT WORKERS' RIGHTS

The following chart was prepared with information from the RNJJA's 2019 "Diagnóstico y propuestas sobre las condiciones de vida, de trabajo y salarios de los jornaleros y jornaleras agrícolas" pages 127-162.

Treaty	Ratification Date	Rights and Actions to Guarantee Rights
American Convention on Human Rights	March 2, 1981	Art 1. No discrimination Art. 6. Freedom from slavery and forced labor
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"	August 3, 1996	Art. 3. No discrimination Art. 6. Opportunity to secure the means for living a dignified and decent existence by performing a freely elected or accepted lawful activity Art. 7. Just, equitable, and satisfactory working conditions Art. 9. Right to social security Art. 10. Right to health Art. 13. Right to education
C029 - Forced Labor Convention, 1930	May 12, 1934	Art. 1. Suppression of forced or compulsory labor
C099 - Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	August 23, 1952	Art. 2. Minimum wages Art. 3. (Workers shall) take part in the operation of the minimum wage fixing machinery or be consulted or have the right to be heard.
C105 - Abolition of Forced Labor Convention, 1957	June 1, 1959	Art. 1. Suppression of forced or compulsory labor
C111 - Discrimination (Employment and Occupation) Convention, 1958	September 11, 1961	Art. 2. Equality of opportunity and treatment in respect of employment and occupation to eliminate discrimination
C169 - Indigenous and Tribal Peoples Convention, 1989	September 5, 1990	Art. 2. Protect people's rights and guarantee respect for their integrity. Art. 3. Indigenous and tribal peoples shall enjoy full human rights and fundamental freedoms without hindrance or discrimination.

Convention on the Elimination of All Forms of Discrimination against Women	1981	<p>Art. 11. Eliminate discrimination against women in employment to ensure, on a basis of equality of men and women, the same rights.</p> <p>Art. 12. Eliminate discrimination against women in the field of healthcare to ensure, on a basis of equality of men and women, access to health care services.</p> <p>Art. 14. Eliminate discrimination against women in rural areas.</p>
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women	June 19, 1998	<p>Art. 6. Right of every woman to be free from violence.</p> <p>Art. 9. Recognize the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees, or displaced persons.</p>
International Covenant on Economic, Social and Cultural Rights	1981	<p>Art. 2. No discrimination.</p> <p>Art. 7. Right of everyone to have just and favorable working conditions.</p> <p>Art. 9. Right of everyone to social security, including social insurance.</p> <p>Art. 12. Right of everyone to have the highest attainable standard of physical and mental health.</p> <p>Art. 13. Right of everyone to education.</p>
International Convention on the Elimination of All Forms of Racial Discrimination	1975	<p>Art. 2. Ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.</p> <p>Art. 5. Economic, social, and cultural rights, in particular:</p> <ul style="list-style-type: none"> • The rights to work, to free choice of employment, to just and favorable working conditions, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration. • The right to housing; • The right to public health, medical care, social security, and social services; and • The right to education and training.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1999	<p>Art. 11. Prohibition of slavery, servitude, forced or compulsory labor.</p>

ANNEX 3: RELEVANT LAWS AND PROTOCOLS REGARDING INTERNAL AGRICULTURAL MIGRANT WORKERS AND COVID-19

The following chart was prepared with information from AHIFORES' "[Protocol to protect agricultural workers from COVID-19](#)," which was published on April 15, 2020, and information found through desk research.

Laws and Protocols	Content
General Health Law	Art. 181. In case a severe epidemic, potential hazard of transmissible diseases, emergency situation or catastrophe affects the country, the Ministry of Health shall immediately establish the essential measures to prevent and fight damages to human health.
Federal Labor Law	Art. 132. Employers have the obligation to comply with the requirements that competent authorities establish in case of health emergencies and provide workers with the elements that those authorities determine to prevent diseases.
The Safety and Health Federal Regulation	Art. 48. employers must implement actions to address health emergencies recommended or ordered by the competent authorities.
Action guide for workplaces. Secretaría de Salud y STPS. (April 2020)	These action guides, addressed to employers, contain general information regarding planning in workplaces, dissemination of information, prevention and protection measures, oversight, and supervision.
Action guide for agricultural work centers Secretaría de Salud y STPS. (April 2020)	
Guide for the care of indigenous and Afro-Mexican populations within the COVID-19 context	It recommends that additional consideration be given to cultural and linguistic factors, and that actions consider cultural contexts and are respectful of indigenous populations' autonomy. The guide has specific references to indigenous migrant workers; it states that it is important to prioritize mechanisms for safe transfers, consider financial support for this group, and intensify measures to guarantee hygienic conditions in workplaces.
Recommendations for COVID-19 for agricultural companies	It is a local effort made by the government of Chihuahua. It recommends agricultural companies how to proceed in the different stages where migrant workers participate. It gives guidelines on how to set supervision filters, what considerations to take into account in shelters and housing places, in transportation vehicles, in community kitchens, in childcare centers, etc.

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