



Mexico

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Mexico is a federal republic composed of 31 states and a federal district, with an elected president and a bicameral legislature. In July 2000, voters elected President Vicente Fox Quesada of the Alliance for Change Coalition in historic elections that observers judged to be generally free and fair, and that ended the Institutional Revolutionary Party's (PRI) 71-year hold on the presidency. The peace process in Chiapas between the Zapatista National Liberation Army (EZLN) and the Government remained stalled, despite positive developments early in the year. Sporadic outbursts of politically motivated violence continued to occur in the southern states of Chiapas, Guerrero, and Oaxaca. The judiciary is generally independent; however, on occasion, especially at the state level, it has been influenced by government authorities. Corruption, inefficiency, impunity, disregard of the law, and lack of training are major problems.

The police forces, which include federal and state judicial police, the Federal Preventive Police (PFP), municipal police, and various police auxiliary forces, have primary responsibility for law enforcement and maintenance of order within the country. However, the military plays a large role in some law enforcement functions, primarily counternarcotics. Elected civilian officials maintain effective control over the police and the military; however, corruption is widespread within police ranks and also is a problem in the military. The military maintains a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers committed serious human rights abuses.

The country's population is approximately 98 million. The Government continued to deregulate and open the market-based, mixed economy. The gross domestic product (GDP) in 2000 was \$596 billion, and the inflation rate was 8.9 percent. Per capita GDP in 2000 was approximately \$5,970. In the first half of the year, real wages equaled or surpassed levels reached before the country's 1994 financial crisis, effectively closing an important economic period. However, wage growth stalled in the second half, reflecting a contraction in exports and the worldwide economic slowdown. Leading exports include petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. An estimated 26 percent of the population resides in rural areas where subsistence agriculture is common. Income distribution remained skewed; the top 20 percent of the population received approximately 58 percent of total income, while the bottom 20 percent earned an estimated 3.6 percent.

The Government generally respected many of the human rights of its citizens; however, serious problems remain in several areas and in some states where a poor climate of respect for human rights presents special concern. Federal and state law enforcement officials and members of the military were accused of committing extrajudicial killings. There were reports of vigilante killings. There continued to be credible reports of disappearances. The police often torture persons in order to obtain information, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military has been accused of using torture in the past. Impunity remains a problem among the security forces, although the Government continues to sanction public officials, police officers, and members of the military. Widespread police corruption and alleged police involvement in narcotics-related crime continued, and police abuse and inefficiency hampered investigations. Narcotics-related killings and violence, particularly in the northern states, continued. Prison conditions are poor. The police continued to arrest and detain citizens arbitrarily. Lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. The authorities violated citizens' privacy. Indigenous people's access to the justice system continued to be inadequate. There were reports of forced sterilizations in marginalized communities, especially indigenous areas. Human rights groups and representatives of a special unit of the Procuraduria General De La Republica (PGR) reported that armed civilian groups in the state of Chiapas continued to commit human rights abuses and some observers alleged that the Government used excessive force during incidents of conflict with likely sympathizers of rebel groups in Chiapas and Guerrero. Sporadic guerrilla attacks against government property and personnel

continued; however, there were fewer such attacks than in previous years. Violence and threats against journalists primarily by narcotraffickers and on occasion by authorities hindered press freedom, and there have been reports in the past of self-censorship. Corrupt members of the police sometimes violated the rights of illegal immigrants; however, the Government opened an office to receive such complaints. Human rights workers were subjected to attacks and harassment. For example, on October 19, the prominent human rights lawyer Digna Ochoa was killed by unknown persons. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDs persisted. Sexual exploitation of children is a problem. There were credible reports of limits on freedom of association and worker rights. There is extensive child labor in agriculture and the informal economy. Trafficking in persons, including children, is a problem and there were credible reports that police and other officials were involved in trafficking.

The Government's efforts to improve the human rights situation continued to meet with limited success. The Government took a number of steps to enhance cooperation with the international community and with domestic human rights groups during the year. On September 25, the President announced the creation of an Undersecretariat for Human Rights and Democracy within the Secretariat of Foreign Relations and appointed Mariclaire Acosta as the new Undersecretary. Undersecretary Acosta increased cooperation with the U.N and the Inter-American Commission on Human Rights (IACHR), and increased public participation in the Government's development of human rights initiatives. She also advocated the passage of a legislative package which resulted in the ratification and adherence to two international conventions and numerous protocols and agreements addressing human rights issues. On October 30, the Government initiated a roundtable mechanism, through the Secretariat of Government, to communicate directly with human rights nongovernmental organizations (NGO's) on reform issues and protection of human rights defenders. The Government continued to support the autonomous National Human Rights Commission (CNDH), which issued a significant report in November on past cases of forced disappearances. The President announced the creation of a special prosecutor to pursue the cases in the criminal justice system. The Secretariat of Foreign Relations publicly stated its desire to comply with recommendations by the IACHR and did so in at least one case during the year; the Government also created working groups to reexamine other cases. Government officials expressed an increased openness to intense scrutiny by both national and international human rights activists and relaxed requirements for entry into the country of human rights observers.

Following a December 2000 cooperation agreement between the President and U.N. High Commissioner for Human Rights (UNHCHR) Mary Robinson, the office of the high commissioner initiated a 5-month program that included a technical assessment of the CNDH, training seminars on forensic investigations and the documentation of torture, and a conference on strengthening the capacity of indigenous NGO's. The first phase of the program was completed in July; a second phase of the technical cooperation programs was being negotiated at year's end.

International human rights NGO's expressed support for the Administration's commitment to human rights and for the creation of a Special Prosecutor to investigate disappearances; however, during the year, they began to express impatience with the slow pace of implementation. In a December report, Amnesty International acknowledged that the President had asserted his commitment to human rights; however, it faulted him for failing to institute measures that would halt abuses, and it accused the President of not asserting enough authority to solve the murder of Digna Ochoa. In its December report, Human Rights Watch declared that human rights abuses allegedly committed by the military must be investigated by civilian authorities and turned over to civilian courts (see Section 1.e.). The Government responded to both reports by noting the number of steps that the Government had taken during the year to address abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Members of the security forces, including the military, and federal and state police, were accused of committing a number of killings during the year.

There also were a number of unsolved killings with possible political connections. For example, on May 3, Fidel Bautista Mejia, a local Democratic Revolutionary Party (PRD) activist in Putla, Oaxaca, was killed shortly after registering as a candidate for the state legislature. According to the PRD human rights office, state authorities arrested Vicente Pena Zuniga and Nicasio Bernardino Lopez for the crime. Another suspect, the brother of a PRI local deputy candidate, was alleged to have hired Pena and Bernardino to kill Bautista.

On July 5, Everardo Obregon Sosa, a municipal PRD leader in Sinaloa, was killed in the city of Culiacan by three unknown assailants armed with AK-47's and pistols who tried to force him into a vehicle. The state

Attorney General's office was investigating at year's end. Media reporting has linked the incident with narco trafficking.

On January 17, soldiers of the army's 27th Infantry Battalion shot and killed 14-year-old Esteban Martinez Nazario near the community of Lindavista, Guerrero. The soldiers alleged that while on a routine drug patrol, they saw Martinez and his brother on a hill near a field of poppies and called for them to halt. When the boys ran, the soldiers claimed that they fired four warning shots, one of which hit Esteban in the leg. They maintained that they did not realize anyone had been shot. However, community members reported that the soldiers should have seen Esteban stumble or fall from his wound. In June the press reported that General Jaime Antonio Lopez Portillo, the military's chief prosecutor, stated that the soldiers had been hunting deer. The state indemnified the Martinez's family \$22,222 (200,000 pesos) for damages. A military spokesman said that eight soldiers--an officer and seven enlisted men--were imprisoned in Mexico City awaiting military judicial proceedings in the case. The authorities charged the officer with abuse of authority, disobedience, giving false testimony, and covering up a crime; a sergeant was charged with abuse of authority and felony murder, and six infantry soldiers were charged with felony murder.

On January 21, soldiers from the army's 88th Infantry Battalion, based in Tecoman, Colima state, opened fire on a meeting of approximately 150 recovering addicts in the community of Rancho Viejo; Rodrigo Torres Silva was killed and 16-year-old Yuliana Mercado Vargas was wounded seriously. Press reports indicate that the soldiers were on patrol and responded to a complaint about the group. When they saw campfires and heard shouts, they approached the group to investigate. For undetermined reasons, one soldier opened fire, prompting others to fire as well. The State Public Ministry arrested 16 soldiers and took them into custody. Sergeant Brigido Santiago Ponciano Tepach was charged with homicide and unauthorized discharge of his weapons. The other 15 soldiers also were charged with unauthorized firing of their weapons, a charge that carries a 2-year sentence. Ponciano remained in jail at year's end.

On May 10, federal police officers Jorge Encarnacion Perez Barreto and Fabian Garcia Venegas opened fire on persons at a Mother's Day party. They killed Hector Manuel Bear Alvarez and wounded six others. The officers alleged that they followed the victim to his home because he stole a vehicle from PGR custody, but family members denied the accusation and said that the police officers were following the victim for unspecified reasons. The two officers were arrested for murder and assault and remained in custody and on trial at year's end.

In May the body of Jesus Carrola, former chief of the Mexico City judicial police force, along with those of his two brothers, was found in a parked car in a side street in the capital. According to press reports, they were abducted by armed men the day before they were found.

On June 17, the body of Alfonso Escamilla Casimiro was found in his cell after he had been detained by three municipal police officers in Teoloyucan, Mexico state. The family was told that Escamilla hanged himself in his cell. The family alleges that he was beaten, noting bruises on his face and blows to his head. The Mexico State Human Rights Commission was investigating the case at year's end.

Mexico state police officers shot and killed 10-year-old Roberto Blancas. The officers allegedly were trying to rob the boy's family of money that they had just withdrawn from a cash machine. The authorities subsequently dismissed the police officers.

On November 20, Raul Varela Meza, Juan Antonio Chavez, Eduardo Ramirez, and Lorenzo Barraza were abducted after leaving a nightclub in Ciudad Juarez. On November 25, their bodies were found in an empty lot in a highly populated area of the city. A witness implicated two municipal policemen, who were suspended during the ongoing investigation. The Association of Relatives and Friends of Disappeared persons held a public protest against the authorities, who denied any involvement in the crime.

There were several killings of journalists during the year, allegedly by narcotics traffickers (see Section 2.a.).

On October 19, Digna Ochoa y Placido, a noted human rights lawyer, was found dead of bullet wounds in her office (see Section 4).

There were a number of deaths in prisons during the year (see Section 1.c.).

There were numerous reports of executions carried out by rival drug gangs, whose members included both active and former federal, state, and municipal security personnel. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking continued. It was estimated that more than 200 gangs operate in the state of Sinaloa. On February 14, in the town of El Limoncito, Sinaloa unknown

masked assailants opened fire with AK-47 assault rifles on 12 men and boys as they were celebrating a birthday party. The state Attorney General and law enforcement officials believe that the killings were gang-related among mini-cartels. At year's end, no one had been detained in connection with the killing. Between January 1 and August 31, 36 murders with presumed or proven drug connections occurred in the Ciudad Juarez, Chihuahua area. The manner of the killings shifted from the kidnappings and disappearances of the mid-1990's to armed attacks in public areas throughout the city, in which intended targets and innocent bystanders were victims.

The police and military were accused of committing serious human rights violations as they carried out the Government's efforts to combat drug cartels. In the first 80 days of the Fox administration, there were nearly 2,000 arrests nationwide connected to drug trafficking. Although narcotics-trafficking organizations committed many killings, human rights groups allege that security forces were responsible for some of the killings generally attributed to narcotics traffickers or other criminals, including some the bodies discovered in Chihuahua in December 1999 (see Section 1.b.). The Association of Families of Disappeared Persons alleged that the security forces were behind many disappearances in the past and has argued that cases were not investigated properly due to the presumed complicity of personnel from the security forces.

There were no developments in the July 2000 hanging deaths near El Quelite, Sinaloa state of five men with known drug connections whom witnesses allege were detained by individuals in PFP uniforms.

State authorities and the Oaxaca State Human Rights Commission ruled that the June 2000 death of Artemio Antonio Perez, a PRD supporter who died in his jail cell in Mixistlan de La Reforma, Oaxaca, after being arrested during a PRI political rally, was a suicide. There were no developments in the investigation into the presumed suicide of Jose Manuel Urbina, who was found drowned in a Durango state security facility in June 2000.

According to the Guerrero State Human Rights Commission, in 1999 Angel Guillermo Martinez Gonzalez and his wife, Virginia Montes Gonzalez, were arrested and imprisoned in connection with a 1999 attack on Acapulco City councilor-elect Marco Antonio Lopez Garcia and his family. In June Montes Gonzalez was released; Martinez Gonzalez remained in prison at year's end.

There also were no new developments regarding the August 1999 arrest of Tamaulipas PGR officials charged with the murder of fellow PGR official Jaime Rajid Gutierrez Arreola or the May 1999 killing of one immigrant when federal fiscal police opened fire on a van containing 23 persons. There were no developments in the 1999 killing in Guerrero of Aurelio Penalzoza Garcia, a former state attorney general and PRD advisor by men dressed in Federal Judicial Police uniforms and armed with automatic weapons. The PRD human rights office solicited information about Penalzoza Garcia and Lopez Garcia from the state Attorney General's office but did not receive a reply.

There were no new developments, nor are any likely, in the October 1999 death of Cossem Demian Sanchez Sastre, a member of the Zapatista National Liberation Front (FZLN), who was found dead in his cell in a Tijuana detention facility.

In October 2000, a court sentenced municipal police officer Lauro Gomez Vega to 15 years and 1 month in prison for the June 1999 murder of municipal worker Mauricio Martinez Hernandez, in Naucalpan, Mexico state. Gomez Vega indemnified Martinez Hernandez's family \$3,000 (27,000 pesos), and the local government indemnified the family \$7,778 (70,000 pesos). An arrest warrant for another police officer was issued in the case; however, the individual had not been apprehended at year's end.

Of the 102 persons originally detained in connection with Acteal, 82 remained in detention, and 57 had been convicted and sentenced. Of these 51 were serving their sentences, and 6 had their sentences overturned in November based on lack of evidence and were released. There were 23 cases still active in the courts, 8 investigations still underway, and outstanding warrants for 29 others.

On August 24, the authorities released Manuel Moreno Gonzalez, a police officer with supervisory responsibilities convicted in connection with the 1995 Aguas Blancas massacre of 17 indigenous farmers; he had served 6 years of his 19-year sentence. A Guerrero appeals court overturned the earlier conviction on grounds of insufficient evidence. Of the 44 public officials originally arrested in connection with the Aguas Blancas massacre, 22 have been convicted and sentenced. Of these, eight police officers and one government official, the former Director of the State Government Ministry, Esteban Mendoza, remained in jail at year's end. Despite recommendations by the Supreme Court, the IACHR, and the U.N. Rapporteur on Extrajudicial Executions, former Governor Ruben Figueroa Alcocer has not been investigated or prosecuted for his alleged involvement in the massacre. The Guerrero state government has indemnified the victims' families, and both the federal and state governments previously had considered the case resolved. However, during a July visit of

IACHR representatives, Undersecretary for Human Rights Acosta agreed to the creation of working groups to reexamine this and other cases (see Section 4).

On August 18, unknown armed assailants killed a PGR official and wounded a Judicial Police agent in El Bosque municipality, Chiapas. On September 5, seven inmates escaped from the state penitentiary in Mexicali, Baja California; three of the inmates still at large from the escape were implicated in the execution-style murder of three state police agents early in the year (see Section 1.c.). On September 9, unknown assailants killed one policeman and wounded two in an ambush in El Bosque. The federal Attorney General's office was investigating the August incident at year's end. On October 4, state police arrested two individuals in connection with the September incident and charged them with homicide, robbery, and illegal weapons possession.

In November gunmen shot and killed two federal judges in Mazatlan, Sinaloa state. In response, the governor of the state ordered police protection for all federal judges in the state.

There were no developments during the year related to the June 2000 ambush in El Bosque that left seven Chiapas state policemen dead. In July 2000, the PGR arrested PRI supporter Alberto Patishtan Gomez and EZLN supporter Salvador Lopez Gonzalez in connection with the ambush, on charges of murder, robbery, and possession of illegal weapons. The PGR charged that Patishtan and Lopez were part of an armed 10-person group that carried out the attack. Patishtan later was released for lack of evidence and the Fray Bartolome de Las Casas Human Rights Center continues to maintain Lopez's innocence, claiming there was insufficient proof against him as well. He remained in custody at year's end.

There were no developments in the June 1999 murder of Jose Hidalgo Perez in San Cristobal de Las Casas, Chiapas. In July 2000, Juan Lopez and Gabriel Luis Hernandez Gomez were arrested in connection with the case and continued to await trial. According to the Miguel Agustin Pro Juarez Human Rights Center (PRODH), harassment of the Hidalgo Perez family continued during the year, and unidentified individuals fired shots in front of the family home in March and April.

On September 18, a court sentenced Juan Emilio Yee Compean and Rafael Ureta Leon to 12 years and 10 months imprisonment for the January 1999 murder of Jorge Aguirre Meza, cofounder of the Sinaloa Human Rights Defense Commission and a mayoral candidate in the municipality of Navolato.

There were no developments in the January 1999 killing of villagers in Tzacabel, Chiapas.

According to an August report by the PRODH, vigilante violence continued during the year, and has resulted in the deaths of 73 persons from 1993 to 2000. On July 25, a mob of approximately 400 persons in Magdalena Petlalcalco, a village outside Mexico City, beat Carlos Pacheco Beltran to death for trying to steal from a neighborhood church the jewelry left as offerings during a patron saint festival. Mexico City police were investigating the incident at year's end.

b. Disappearance

On June 1, the federal legislature passed an amendment to the penal code that adds forced disappearances of persons to the list of punishable abuses of authority by public officials. The definition of forced disappearance under this amendment includes sponsoring or covering up a disappearance, including illegal detention (see Section 1.d.), whether or not the individual participated in the detention itself. Public servants found guilty of forced disappearance can be sentenced to 5 to 40 years' imprisonment. There continued to be credible reports of disappearances. NGO sources continued to report that many disappearance cases were in fact cases of prolonged detention by security forces (see Section 1.d.). According to Amnesty International, the number of reported disappearances has declined steadily over the past 4 years; however, several hundred past disappearances never have been resolved satisfactorily.

Numerous human rights groups reported the suspected disappearance of Faustino Jimenez Alvarez on June 17. According to his family, State Judicial Police officers abducted him from his home in Tierra Colorada, Guerrero, in the middle of the night without a warrant, and threatened violence when family members attempted to intervene. The authorities subsequently denied holding him in custody. His whereabouts remained unknown at year's end. On July 2, his family lodged a formal complaint with the state Attorney General's office and with the Guerrero State Human Rights Commission. On July 11, the Christian Action for the Abolition of Torture (ACAT) reported the alleged disappearance to the IACHR, and the PRODH sent the report to the U.N. Working Group on Disappearances. There were unconfirmed reports that detainment orders were sent for two state judicial police officers, who have not been located.

On November 27, the CNDH's Special Program on the Presumed Disappeared (PREDES) released a report on the presumed forced disappearances of 532 persons, the majority dating from the 1970's. In its detailed report, the CNDH concluded that proof of forced disappearance with the involvement of public authorities exists in 275 cases; there is some proof to support more than 90 additional cases. According to the Center, in all of the cases the disappeared persons were victims of physical torture or other forms of inhumane or degrading treatment. All of the individuals were detained without proper arrest warrants (see Section 1.d.). The CNDH report stated that 37 agencies (25 state, 7 municipal, and 7 federal) and 74 government officials (59 federal and 15 state) were responsible for the disappearances. The President announced the creation of a special prosecutor to pursue the cases in the criminal justice system. In addition, he stated that a support committee of five civil society leaders is to assist the PGR in the investigation. In August CNDH President Jose Luis Soberanes reported that the National Security and Investigation Center (CISEN) and the National Defense Secretariat cooperated with the CNDH and made all of their files available. On December 9, the magazine Proceso published photos showing that paramilitary forces hired to provide security during the 1968 Olympic games apparently participated in arrests, beatings, and killings of student protestors on October 2, 1968. The special prosecutor also has been charged with investigating these cases.

There were no developments in the March 2000 disappearance in Ajuchitlan del Progreso, Guerrero, of Maximino Marcial Jaimes, a member of an environmentalist organization who was abducted by gunmen. PRODH claimed that the press had reported that Marcial was in Almoloya prison, but the prison officially denied his presence there. His whereabouts remained unknown at year's end. During the year, the case was forwarded to the CNDH program on disappearances for investigation.

In August 2000, military police arrested General Arturo Acosta Chaparro on charges of narcotics trafficking and assisting a drug cartel (see Section 1.c.). General Acosta also was accused of complicity in the disappearance and torture of several persons in Guerrero during the 1960's and 1970's, and remained in custody at year's end.

In April organizations representing the families of the disappeared informed the PGR of the existence of an alleged mass grave where the military buried leftist rebels in the 1970's. In May the authorities found a site in Sierra de Atoyac, Guerrero State; however, PGR officials and anthropologists working with them determined that the bones were animal remains.

There were no new developments in the 1999 recovery of nine bodies from graves outside Ciudad Juarez, Chihuahua. All of the victims were believed to have had ties to drug trafficking. Federal authorities confiscated the ranch where the bodies were found but the courts ordered it returned to its owner in July 2000. The Chihuahua-based Committee for the Defense of Human Rights alleged that military and police forces were responsible for some of the disappearances. The Association of Families of the Disappeared Persons alleged that because the security forces were responsible for many of the disappearances, the cases were not investigated properly.

According to the national public security system, there were 732 kidnappings for ransom during the year. Many kidnappings were not reported. According to the newspaper La Jornada, the number of kidnappings from January 2000 through May exceeded 600. According to the Attorney General's Office in the Federal District, there were 101 reports of kidnaping in the Federal District between January and August, compared with 141 kidnappings in 2000. Prosecutors in the Federal District have dismantled 14 kidnaping rings during the year and indicted 70 kidnapers. In August 2000, Mexico City's Legislative Assembly passed a law to impose mandatory minimum sentences of 15 to 20 years for Mexico City public servants convicted of kidnaping. Four kidnappings were reported in Chihuahua State between January and August; two were resolved with seven arrests made and two remained unsolved at year's end. None of the suspects detained are public officials. According to the press, the state of Mexico reported 36 kidnappings through August, with 3 cases still unresolved. Mexico State's Attorney General stated that the number of kidnappings has remained stable in the state. In Michoacan police broke up 89 kidnaping rings between 1996 and 2000, resulting in 500 arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the law prohibit torture; however, it continues to be a serious problem. The Constitution excludes as evidence confessions obtained in the absence of the accused person's defense attorney, and the law excludes coerced confessions, including those extracted under torture (see Section 1.e.). However, the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military also has been accused of using torture. According to a July Amnesty International report, victims and human rights workers who report or criticize the practice of torture often were the targets of intimidation. Many victims were afraid to report or follow through on complaints against the police, thereby hampering prosecution of the perpetrators.

In her fourth annual report delivered in February, Guadalupe Morfin Otero, president of the Jalisco Human Rights Commission (CEDHJ), stated that the use of torture by law enforcement officials continued to be a problem. The CEDHJ received 40 complaints of torture during the year, only 5 of which were confirmed and documented; all 5 cases occurred in 1999 and were committed by state and local police. At a July U.N. seminar, then-Special Ambassador for Human Rights Acosta stated that torture is present within all public security and law enforcement agencies, including the armed forces. There were persistent reports by NGO's of the widespread use of torture by the police. In its July report, Amnesty International claimed to have received numerous complaints that indicate that torture is a habitual practice in many areas of the country, especially to extract confessions and information in place of police investigations. Amnesty International called for strict enforcement of the laws governing detentions to help prevent torture, and for constitutional reforms that include an unalterable provision expressly forbidding torture and ill treatment. On September 16, the CNDH said in a press release that there had been advances in the prevention and punishment of torture, since there was broad awareness of the issue and public debate on how to combat it, but the practice has not been eradicated.

The authorities rarely punish officials for torture, which continues to occur in large part because confessions are the primary evidence in many criminal convictions. Many human rights groups link torture to the prevalence of arbitrary detention, and claim that torture often follows an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempt to justify the detention by securing a confession to a crime (see Section 1.d.). Poorly trained and inadequately equipped to investigate crimes, police officers often attempted to solve crimes by rounding up likely suspects and then extracting confessions from them by force. Amnesty International alleged in its July report that as a result those responsible for 95 percent of recorded crimes never are apprehended and brought to justice.

On February 10, three uniformed municipal policemen detained Alvaro Rayon Robles in Tlanepantla, Mexico State, to question him about his suspected participation in a rape. According to PRODH, prison guards beat and kicked Rayon Robles after he denied involvement in the rape, and demanded \$3,333 (30,000 pesos) in exchange for his release. When he refused, he was returned to his cell where he was held incommunicado. On February 12, he was brought before another Public Security Ministry official, who allegedly demanded \$1,667 (15,000 pesos) for his release, which Rayon agreed to pay without admitting culpability. He was released that morning. In February Rayon Robles filed a complaint through PRODH with the State of Mexico Commission for Human Rights and a legal complaint with the State Attorney General's office; neither organization had responded to the complaints by year's end.

On March 28, the CNDH charged four agents from the PGR with torturing a fellow PGR official, Norberto Jesus Suarez Gomez, the head of the PGR's Chihuahua State office, on February 26. The alleged torture occurred while Suarez was under house arrest on criminal charges for selling assignments to certain PGR posts. The PGR publicly denied that Suarez was mistreated and argued that medical and other evidence indicated that Suarez's wounds were self-inflicted and inconsistent with torture. The CNDH recommended that the PGR administratively investigate the conduct of the officials charged with guarding Suarez, perform a criminal investigation into the conduct of four PGR officials charged with torture, implement any and all necessary measures to ensure that those responsible were brought to justice, direct the Internal Control office to ensure that all investigations are carried out appropriately, and reexamine the results of the previous PGR findings. The PGR accepted the CNDH's recommendations and suspended 16 officials pending criminal and administrative investigations. On August 8, a court acquitted Suarez Gomez of the charges of selling posts, but he remained in custody on related illegal enrichment charges at year's end.

In April federal authorities apprehended Angel Abel Duran on drug charges in Chihuahua state. Abel escaped from the PGR detention center, and police officers beat him when they subsequently recaptured him. An internal police investigation into the incident continued at year's end. Abel identified his attackers but no date for a final hearing had been set and the policemen accused of the beating were not in custody.

On May 8, five municipal police officers, including Jeronimo Mendez Gomez, Enrique Guzman Mendez, and Gabriel Camara Hernandez, detained and beat Pascual Cruz Lopez and Mariano Cruz Montejo in Palenque, Chiapas. According to PRODH, the police took the money, \$456 (4,100 pesos), the men were carrying and took them to their supervisor, where they were forced to sign confessions that they had been inebriated and had beaten someone. In addition, the police demanded that they each pay \$22 (200 pesos) to be able to leave. They were released the following day and according to human rights NGO's were threatened with death if they reported what had happened.

On May 18, Federal Judicial and municipal police detained without a warrant Luis Manuel Hernandez, Jose Luis Castellanos, and Jose Luis de la Torre in Venustiano Carranza, Chiapas and accused them of kidnaping Oscar Gabriel Lopez. The Fray Bartolome de las Casas Human Rights Center in Chiapas reports that the police beat the three men and covered one individual's head with a plastic bag before burning him with a lighter. The three men allege that they signed confessions to stop the mistreatment. The investigating judge

did not accept as evidence their subsequent declaration of torture, and they remained in custody at year's end.

In June three police officers in Monterrey, Nuevo Leon, stopped Juan Francisco Alcocer Flores for unspecified reasons. In detention, officers beat him, breaking one of his ribs. He was detained for 3 hours before being released and told his arrest had been an error. No charges have been filed against him.

There were no developments in the investigation into the August 2000 torture allegations by Ivan Ramirez and Israel Moline in Nueva Italia, Michoacan.

On November 10, the President ordered the release of environmental activists Rodolfo Montiel Flores and Teodoro Cabrera Garcia, on humanitarian grounds. Previously, on July 17, a judge had upheld the August 2000 sentences of Montiel and Cabrera for weapons and drug charges, despite the presentation of additional medical documentation by independent physicians regarding the two men's claim of torture.

Montiel and Cabrera had been arrested in 1999 on charges of illegal drug cultivation and illegal possession of arms, and their colleague Salome Sanchez Ortiz was killed by the military. The two men claimed that military personnel tortured them to extract confessions.

An arrest warrant was issued for a member of the state police force for his suspected involvement in the July 2000 beating of four Central American migrants in Ecatepec, Mexico state. The police agent who was sought on charges of abuse of authority, and assault and injury, was detained but subsequently released.

There were no developments in the June 2000 case of Jose Luis Mendez Briano and Fernando Martinez Beltran, who allegedly were tortured after being arrested while making their getaway from a robbery.

In July Amnesty International reported that the authorities subjected the estimated 130 indigenous Zapotecs detained between 1996 and 2000 in the Loxicha region of Oaxaca to torture and death threats.

There were no developments in the case of the former president of the Guerrero state PRD, David Molina Francisco, who alleged that he was held hostage for 40 hours by military personnel in April 2000.

On January 13, the CEDHJ concluded that the January 2000 detention of former armored car guard Jesus Galvan Ortiz in Guadalajara, Jalisco was illegal; however, there was insufficient proof of torture. The CEDHJ report also seemed to exonerate Attorney General Ledesma Martinez, who had resigned shortly after the case, of wrongdoing.

On June 14, the IACHR agreed to admit a complaint filed by representatives of Santos Soto Ramirez who alleged that in 1995 police agents tortured him for 4 days into signing a confession in Xalapa, Veracruz.

A 1998 report by the IACHR described a definite pattern of rape and sexual assault against women committed by members of the security forces. The Commission stated that some women had been assaulted sexually by law enforcement officials, particularly those in detention, or had been assaulted by others with the officials' consent. Two Ciudad Juarez municipal police officers were arrested in 2000 for rape, one was charged with committing the crime against a family member and the other against a former fellow officer. Both officers were convicted in December 2000; further information was unavailable.

There were no developments in the June 2000 rape and beating of Maria de Carmen Dominguez. In June 2000, municipal police in Matias Romero, Oaxaca, had arrested Rolando Jesus Vazquez Vargas, a sergeant in the 6th artillery regiment, in connection with the case and were searching for two other men. In July 2000, Chihuahua state judicial police arrested three soldiers for raping and beating a tourist. A court convicted two soldiers, sentenced them to 4 years imprisonment, and acquitted the third soldier.

Many citizens distrust the justice system, including law enforcement officials, and are reluctant to register official complaints.

In conjunction with the technical cooperation of the U.N., the Government began an initiative to create a national standard regulating medical investigations of torture. A draft national standard, based on the Istanbul Protocol on the Effective Investigation and Documentation of Torture, was being drafted at year's end to decrease the amount of discretion exercised by judicial officials in determining the credibility of torture allegations.

Police abuse and inefficiency hamper investigations. For example, in April 2000, a court overturned on appeal the 30-year sentence of Abdel Latif Sharif, convicted in connection with the string of murders of over 200 women since 1993 in Ciudad Juarez (see Section 5). The appeal was based on lack of consistency in the autopsy reports. Sharif remained in custody awaiting a new trial. Since his arrest in 1995, numerous other young women have been kidnaped, raped, strangled, and had their bodies dumped in the same areas of the desert where previous victims were found. Four bus drivers were in detention at year's end in a high security prison facility in Chihuahua and awaiting sentencing for allegedly committing the murders while Sharif was incarcerated. The bus drivers claim that they were tortured into confessing. During the year in Ciudad Juarez, 27 women were killed; on November 27, the bodies of 8 of the victims were found buried together. Two other bus drivers were detained and confessed to the crime; however, the bus drivers subsequently recanted, alleging that their confessions were given under duress. An investigation into their allegations of mistreatment was ongoing at year's end. Human rights organizations and the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Kumaraswamy, who visited the country in May, strongly criticized the Government's limited progress in solving these murders. Police incompetence, prosecutorial ineptitude, and lack of investigative resources hampered this investigation.

Police corruption is a problem. Some law enforcement and military personnel have been known to have drug trafficking connections (see Section 1.e.). According to news reports, one officer was fired each day during the year in Mexico City for misconduct ranging from armed robbery to beating suspects and accepting bribes.

Police extorted money from street children, at times abused homosexuals (see Section 5), and violated the rights of illegal immigrants (see Section 2.d.).

Francisco Hernan Cortes, one of the presumed attackers in the 1999 attempt on the life of PRD Senator Hector Sanchez Lopez and two companions, remained in jail at year's end awaiting trial in Oaxaca.

Prison conditions are poor. In June the CNDH announced that it had issued 385 recommendations to prison administrators at both the state and federal level. Many prisons are staffed by undertrained and corrupt guards. Prisoners complain that they must purchase food, medicine, and other necessities from guards or bribe guards to allow the goods to be brought in from outside. In many prisons inmates exercise authority, displacing prison officials. Influence peddling, drug and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against their fellow inmates.

The penal system consists of 446 facilities: 5 federal penitentiaries, 8 federal district prisons, 330 state prisons, and 103 municipal and regional jails. According to the CNDH, as of October 2000, there were 154,843 prisoners in the country; 65,090 were serving their sentence, and 89,753 were awaiting sentence. Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were violated routinely as a result of overcrowding. Prison overcrowding continued to be a common problem, despite an early release program endorsed by the CNDH, legal reforms that reduced the number of crimes that carry mandatory prison sentences, and the construction of new prisons. According to the CNDH, the country's 446 penal facilities are overpopulated by approximately 29 percent; 154,793 prisoners are being held in facilities that have a capacity of 120,344 prisoners. In June the CNDH announced that in Baja California and Sonora, prisons are more than 181 percent overpopulated; in Nayarit the rate of overpopulation is 92 percent, in Chiapas 95 percent, in Sonora 82 percent, in Tamaulipas 69 percent, in Oaxaca 56 percent, in Puebla 55 percent, and in the Federal District 48 percent. The prisons with the largest overpopulation are: Reclusorio Norte, Reclusorio Oriente, and Reclusorio Sur in Mexico City, the state prison in Ciudad Juarez, and La Mesa in Tijuana. In August the newspaper Reforma reported that the total capacity of existing facilities in Mexico City is 14,000, but that there were slightly more than 22,000 inmates.

In Ciudad Juarez, Chihuahua, the state prison increased its inmate capacity from 700 to 1,940; however, the facility housed 3,036 inmates. In October 2000, construction began on a second penitentiary (1,500 beds) in Ciudad Juarez to ease overcrowding and on a new juvenile detention facility. Construction on both facilities, originally scheduled for completion during the year, is not expected to be complete until the second half of 2002. The delay is attributed to budget problems and bureaucratic infighting over maintenance responsibilities. The city government assumes the costs associated with upkeep of the prison, although state or federal entities are normally responsible for most such facilities.

Health and sanitary conditions are poor. In May 2000, doctors at a prison in Nuevo Laredo resigned, citing unhealthy conditions such as inadequate food and water as the reason for their resignations. They stated that conditions such as mange, HIV/AIDS, and tuberculosis are known to the authorities, who fail to take any action to treat and segregate sick inmates. In March the CNDH reported that HIV/AIDS and associated illnesses were the leading cause of death among inmates in the Federal District. The deaths of 20 inmates from HIV/AIDS-related complications in 2000 underlined the need for awareness, prevention, and treatment programs. The CNDH also noted that HIV-positive prisoners are subject to mistreatment and discrimination in prisons (see Section 5). For example, the Multisectoral Group of Citizens with HIV/AIDS claimed that 30 HIV-infected

inmates in the state prison in Merida, Yucatan, suffered discriminatory treatment and insufficient access to healthcare. There were no developments in the case of Eugenio Almaraz Garcia, who died in February 2000 from presumed neglect by the director of the Pochutla, Oaxaca prison.

The authorities investigated some prison officials for abusing prisoners; however, they more commonly dismissed those who commit abuses or charged them with only minor offenses. Drug and alcohol abuse was a problem in prisons. In July the Ciudad Juarez prison director cited a study that showed that as many as 80 percent of the prisoners in the facility used some type of drug--heroin was the most common. On July 18, officials confiscated more than 400 weapons including homemade knives, heroin, cocaine, drug lab paraphernalia, a cellular telephone, and elaborate peso counterfeiting materials during a sweep of the facility. The authorities fired 15 guards for operating or allowing such operations to exist inside the prison. Control is difficult with 60 guards available on each shift to monitor more than 3,000 prisoners and up to 1,500 visitors daily.

In 2000 a Baja California state official estimated that 80 percent of the state's prison population was addicted to drugs. Conflicts between rival prison groups involved in drug trafficking continued.

Corruption and poor prison conditions led to riots and escapes. On January 19, Joaquin Guzman-Loera, alias "El Chapo," escaped from his jail cell at the Puente Grande maximum-security prison near Guadalajara, Jalisco state. He went through electronic magnetic doors, past video cameras and motion sensors to the trash depository, and then boarded a waiting laundry truck to exit the prison. In early 2000, prison employees, who reportedly were being mistreated because they were resisting corruption, had approached the Jalisco state human rights commission. The commission had been complaining since then about security at the prison. Just 4 days before Guzman's escape the CNDH alerted the Office of the Secretary of Public Security about the lax security at Puente Grande. Prison staff helped orchestrate the escape, and 33 individuals were charged with conspiracy; 50 guards and former officials at the prison were being tried in connection with the escape at year's end.

In March Fernando Gutierrez, the warden of the prison in Uruapan, Michoacan, was shot and killed. Police surmised that his killing was due to the imposition of a security crackdown in the prison.

On August 1, 12 inmates led by Jose Luis Mancilla took 4 guards hostage and demanded a helicopter to escape from the municipal jail in Tazmazula, Jalisco. According to wire services, the mother of a convicted murderer reportedly smuggled in the pistols used in the uprising. When authorities did not meet demands, Mancilla shot two guards in the head and committed suicide. Riot police then stormed the jail. One inmate died of gunshot wounds and two were hospitalized. State police regained control of the jail, and 21 prisoners were transferred to a nearby maximum-security facility after the riot.

On September 5, seven inmates escaped from the state penitentiary in Mexicali, Baja California, following a shootout with prison guards. Two of the inmates, wounded during the gunfire, were recaptured immediately. Three of the inmates still at large from the escape were implicated in the execution-style murder of three state police agents early in the year. This was the second major escape from the Mexicali prison in 2 months. The State District Attorney in Mexicali accused the prison director, the director of the state bureau of prisons, and the commander of the prison guards with having assisted the prisoners in the escape and ordered their detention; however, a judge released them on the grounds of insufficient evidence.

On October 2, more than 60 inmates were injured and 6 were killed during a riot at the Nogales Men's Prison Number 2. The cause of the riot is unknown; however, the prison was built to accommodate 1,500 inmates but at the time of the riot had a population of more than 2,300.

On November 8, four prisoners escaped from Chihuahua CERESO. The authorities arrested Director Ricardo Zamora Apam and Deputy Director Luis Rodriguez, 14 commanders, and 12 guards for their alleged involvement in the escape.

Female prisoners are held separately from men. Women make up approximately 4.4 percent of the prison population. Of the 444 prison facilities in the country, 230 of them house female prisoners. In August a Federal District Interior Ministry official announced that two gender-segregated prisons under construction in Mexico City are expected by 2002. The new men's facility is expected to house 3,000 inmates and the women's facility is expected to hold 1,200 inmates.

Juveniles are held separately from adults. The press reported that on November 26-27, prisoners in the Villas Crisol youth detention center in Berriozabal, Chiapas threw stones and set off homemade bombs. Approximately 400 police were brought in to control the rioting. Many of the youths were high on paint thinner

and liquid glue and said that they were protesting poor living conditions that included bad food, dirty water, and a lack of medications.

There is no specific law or regulation that prohibits human rights organizations or other NGO's from visiting prisons, and some do; however, in practice, the CNDH and state human rights commissions conduct the majority of prison visits focused on human rights issues. The International Committee of the Red Cross (ICRC) is able to visit prisoners in Chiapas based on a July agreement with the Government. For permission to visit prisoners in Oaxaca and Guerrero, the ICRC must apply on a case-specific basis to the Ministry of Foreign Relations.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily (see Section 1.b.). Arbitrary arrest and detention were among the most common human rights abuses. Legally, a prosecutor may hold a detainee no more than 48 hours before he must present the accused to a judge, except when the accused is caught in the act or within 72 hours of committing a crime. On June 1, the federal legislature criminalized forced disappearance, including illegal detentions; the law also prohibits sponsoring or covering up an illegal detention (see Section 1.b.).

NGO sources report that a great number of disappearances eventually are found to be cases of arbitrary detention by security forces (see Section 1.b.). In June the Government amended the penal code to add forced disappearances of persons (defined to include illegal detention) to the list of punishable abuses of authority by public officials (see Section 1.b.). If the victim is freed within 3 days of the detention, the sentence ranges from 8 months to 4 years; if the victim is freed within 10 days, the sentence ranges from 2 to 8 years. Many human rights groups link torture to the prevalence of arbitrary detention, and claim that torture often follows an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempt to justify the detention by securing a confession to a crime (see Section 1.c.). According to PRODH, incommunicado detention is a frequent practice (see Section 1.c.).

Reports of arbitrary detention occurred with greatest frequency in Tabasco, Guerrero, Chiapas, the Federal District, and Oaxaca. States' attorney general personnel, state police, and the army were the most frequent abusers of detention laws. On June 6, the newspaper La Jornada reported that between January and June, the Attorney General's office had received 62 complaints for arbitrary detention and an equal number for detentions longer than the legal limit.

Between January 1999 and June, the CNDH received complaints regarding 323 incidents of arbitrary detention and requested that government authorities open investigations of 81 public servants from various public security forces. In June the CNDH reported that arbitrary detentions constituted a common practice of the Federal Judicial Police as well as of other police bodies, and issued a general recommendation to the Attorney General (PRG) and the Secretary of Public Security (SSP) on the subject. The CNDH urged the PRG and the SSP to expand human rights training concerning arbitrary detention; to issue specific orders to their police forces to halt arbitrary detentions immediately; and to instruct prosecutors to protect persons who may have been detained arbitrarily.

On January 13, the CEDHJ concluded that the January 2000 detention of former armored car guard Jesus Galvan Ortiz in Guadalajara, Jalisco, was illegal. Galvan had claimed that Jalisco state police arrested him and tortured him (at the home of the wife of the then-state attorney general) to extract a confession to a robbery. The CEDHJ concluded that there was no bodily evidence that he had been tortured.

The Constitution provides that the authorities must sentence an accused person within 4 months of detention if the alleged crime carries a sentence of less than 2 years, or within 1 year if the crime carries a longer sentence. In practice, judicial and police authorities frequently ignored these time limits (see Section 1.e.). Criminal defendants often were held with convicted prisoners (see Section 1.c.). There were reports that police demanded bribes to release suspects (see Section 1.c.). Many detainees reported that judicial officials often solicited bribes in exchange for not pressing charges (see Section 1.e.). Those able to pay were released from custody. Corruption is rampant throughout the criminal justice system.

Judges often failed to sentence indigenous detainees within legally mandated periods (see Section 1.e.). In 1996 the CNDH reviewed 8,661 files of indigenous persons who were detained and recommended the immediate release of 1,727 persons. Of those states with the largest numbers of indigenous prisoners, the CNDH reviewed 2,222 cases in Oaxaca, and recommended 407 releases, of which 296 had been accomplished by the end of 1998; 1,219 cases in Veracruz, with 331 recommendations for release and 245 releases; and 639 cases in Puebla, with 157 releases recommended and 61 releases. In 1999 the CNDH signed an accord with Secretariat of Government, the PGR, the Federal Institute of the Public Defense office,

and the National Indigenous Institute (INI) to develop a program for the early release of indigenous prisoners in federal prisons. CNDH intervention reportedly resulted in the early release of 802 indigenous prisoners in 1998, 1,197 in 1999, 596 in 2000, and 531 during the first 11 months of the year.

Federal prosecutors continued to adhere to the INI's recommendation that they drop charges against indigenous first-time offenders accused of drug cultivation, as drug traffickers often forced indigenous defendants, who were not aware of the legal significance of their actions, to grow the crops. The INI also supports programs to provide translators for indigenous defendants and to assist them in obtaining bail bonds.

Some human rights groups have claimed that activists arrested in connection with civil disobedience activities are in fact political detainees. The Government asserts that the system fairly prosecutes those charged in sometimes violent land invasions for common crimes, such as homicide and damage to property.

The law does not permit forced exile, and it is not practiced.

e. Denial of Fair Public Trial

The judiciary is generally independent; however, on occasion, especially at the state level, it has been influenced by government authorities. Corruption, inefficiency, impunity, disregard of the law, and lack of training are major problems. For example, many detainees reported that judicial officials often solicited bribes in exchange for not pressing charges, and authorities frequently ignored limits on pretrial detention (see Section 1.d.). Judicial reforms have begun to address some of these problems, but full resolution of these problems requires significant additional time and effort. In 1999 the Congress and the states passed constitutional reforms designed to streamline the administration of justice and repeal archaic laws. Human rights groups criticized these reforms, claiming that they effectively allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings.

In May U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy, conducted a 10-day evaluation mission. In a strongly worded press conference, the Special Rapporteur, accompanied by Mariclaire Acosta, expressed dismay about the lack of public confidence in the justice system, and called for increased resources for state-level judiciaries and improved professionalism among judges and lawyers. He endorsed the notion of a national accounting for alleged past government misconduct and urged an end to the widespread de facto impunity enjoyed by corrupt officials. He urged the Administration to expedite its reform agenda if it hopes to regain public trust in judicial institutions. Based on his visits to the states of Chihuahua and Nayarit, Cumaraswamy also voiced his concern about the indigenous population's access to the justice system, and the inadequacy of investigations into violence against women in Ciudad Juarez during the 1990's (see Sections 1.c. and 5).

During the year, the Federal Judicial Council continued to strengthen administrative control over the judiciary, investigated cases of corruption, and removed some corrupt judges. In September 2000, the Institute for Professional Formation of the Mexico City Attorney General's office initiated workshops and courses directed at officials who deal with prosecutions; including the prosecutor's office, official secretaries, judicial police, and police group leaders. The course material encompassed case management, scientific investigation techniques, legal framework, and evidence collection. These workshops and courses continued through year's end. However, in a report released in December 2000, Human Rights Watch asserted that deficiencies in the administration of justice still were a major concern, and repeated its 1999 statement that judicial reforms have done little to improve the problems that plague the justice system. The December 2000 report stated that prosecutors not only ignored abuses by police but also fabricated evidence. Judicial oversight was seriously inadequate as the courts accepted evidence obtained through human rights violations (see Section 1.c.), and judges cited legal precedents that weakened human rights protections.

Following the November killing of two federal judges, the governor of the state requested police protection for all federal judges in the state.

The federal court system consists of a Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings at which the court receives documentary evidence or testimony. However, Amnesty International alleged in its July report that judges often are not present at hearings when defendants give testimony. Court officials may add notarized documents that are not authenticated into the case file. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties have access to the official file, although by special motion the victim may have access to it.

The Constitution provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government generally respects these rights in practice. In general, court hearings are open to the public, and it is common to find not only the accused, but also relatives of the accused and journalists in the courtroom. However, human rights groups have complained that many hearings take place in busy judicial offices where the public generally must stand at a distance and often cannot hear the proceedings well. In some courtrooms glass or plastic panels have been placed between the tables where the proceedings take place and the public.

While there is a constitutional right to an attorney at all stages of criminal proceedings, in practice the authorities often do not assure adequate representation for many poor defendants. Moreover, the public defender system is not adequate to meet the demand, although improvements in salaries and benefits have ameliorated this situation. Attorneys are not always available during the questioning of defendants; in some instances a defense attorney may attempt to represent several clients simultaneously by entering different rooms to certify formally that he was present, although he did not actually attend the full proceedings. Prosecutor salaries and benefits vary by region and agency. Federal prosecutors usually are paid better than state prosecutors.

In the case of indigenous defendants, many of whom do not speak Spanish, the situation is often worse. The law calls for translation services to be available at all stages of the criminal process; however, the courts do not routinely furnish translators for indigenous defendants at all stages of criminal proceedings, and thus defendants may be unaware of the status of their cases. Provision of translators to non-Spanish speaking defendants, including indigenous ones, is provided for but poorly implemented, resulting in prisoners being convicted without fully understanding the documents they have been required to sign. The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The INI also has judicial assistance programs for indigenous defendants and provides counsel on their behalf. The INI also distributes legal, educational, and informational material in indigenous languages.

A particularly serious abuse of due process is the prosecution's ability to base its case on evidence gathered by means of torture. While torture itself is a criminal act, judges allow statements coerced through torture to be used as evidence against the accused (see Section 1.c.) and confessions are the primary evidence in many criminal convictions. For example, in July a court upheld the August 2000 convictions of two environmental activists in Guerrero although they alleged that they had been tortured into signing confessions (see Section 1.c.). A number of NGO's have declared that judges give greater evidentiary value to the first declaration of a defendant, thus providing prosecutors an incentive to obtain an incriminating first confession and making it difficult for defendants to overturn such declarations.

The law does not require civil trials of soldiers involved in civil crimes, and the military continues to handle such cases. The Constitution provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request the immediate transfer of the case to military jurisdiction. Although the military still retains jurisdiction over its personnel in cases where its personnel have been accused of a crime against a civilian, in June it changed procedures to allow for limited civilian participation at the trials. The military cooperated with the PGR on investigations of counternarcotics cases involving soldiers and sailors. For example, on April 6, the Secretariat of National Defense (SEDENA) announced that charges had been brought against Brigadier General Ricardo Martinez Perea as well as two junior officers for their alleged links with the drug trafficking group the Gulf Cartel. On July 1, a federal judge sentenced retired General Jorge Mariano Maldonado to 26 years and 3 months in prison after finding him guilty of drug trafficking, money laundering, and organized crime. Maldonado Vega, who also served previously as director of the Federal District Police Academy, was linked to the Juarez Cartel. In August 2000, the military police arrested Generals Humberto Quiros Hermosillo and Arturo Acosta Chaparro on charges of narcotics trafficking and assisting the Ciudad Juarez-based Amado Carrillo drug cartel. General Acosta also was accused of complicity in the disappearance and torture of several persons in Guerrero during the 1960's and 1970's. Both remained in custody as investigations continued at year's end.

In December Human Rights Watch issued a report that called on the Government to end military jurisdiction over all cases involving human rights violations. The report found that the military justice system lacks transparency because civilians are barred from monitoring the progress of investigations. In addition, investigations by the military are not accountable to civilian authorities.

According to the Foreign Ministry, on April 17, the CNDH concluded that allegations that the military had tortured or violated the human rights of Hildegardo Bacilio Gomez and the other incarcerated members of the military dissident group, the Patriotic Command for Raising People's Awareness (CPCP) were unfounded. All members of the CPCP were freed by January; however, there were no investigations into their allegations of torture, illegal arrest, and harassment of families.

There continued to be reports during the year of the harassment of human rights lawyers. Approximately 15 activists and lawyers were threatened and harassed during the year. Five human rights activists, Sergio Aguayo, Edgar Cortez, Miguel Sarre, Juan Antonio Vega and Fernando Ruiz, received death threat via a letter sent to la Reforma on October 28. In August unknown armed assailants tried to stop Marina Patricia Jimenez Ramirez' car, but she was able to get away. In September and October, unknown persons, impersonating her work colleagues, inquired about her exact travel itineraries at the local travel agency she used.

During the year, General Jose Francisco Gallardo was the only political prisoner. He maintains that he was sentenced to 28 years' imprisonment by a military court for publicly advocating the creation of a military human rights ombudsman (see Section 4). During the year, he received visits from Amnesty International. At year's end, Undersecretary Mariclaire Acosta and the Secretariat of Foreign Relations were studying a variety of legal mechanisms that would allow the Government and Gallardo's defense team to reach agreement on a means to comply with a 1996 IAHR recommendation calling for Gallardo's release.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of privacy, family, home, and correspondence, and the law requires search warrants; however, in the past there were credible reports that unlawful searches without warrants were common, and there were reports of such searches during the year (see Section 1.c.).

The law allows for electronic surveillance with a judicial order. The law prohibits electronic surveillance for electoral, civil, commercial, labor, or administrative purposes. However, there were reports of illegal surveillance during the year.

On September 18, a Federal District judge ordered the arrests of 13 individuals for probable involvement in illegal telephone tapping operations. An investigation initiated in July by the PGR indicated that these persons formed part of a political eavesdropping and surveillance ring allegedly run out of the Mexico state governor's office. These individuals were accused of tapping telephone lines of state government employees and former employees for political purposes. PRI Governor Arturo Montiel Rojas denied responsibility for the activity. Alfonso Navarrete Prida, then Deputy State Public Security Secretary, and now Mexico State Attorney General, publicly suggested that the arrested individuals were disgruntled former officials performing freelance work. On August 22, the Mexico City daily newspaper *El Universal* reported that the PGR would charge the individuals with illegal phone tapping, rather than with organized crime charges carrying stiffer penalties.

The Inter-American Press Association (IAPA) noted in its annual report that several members of the media complained about finding evidence of incidents of telephone tapping by the Government's civilian intelligence organization, CISEN, part of the Secretariat of Government. In September 2000, a newspaper reported that unknown persons taped a phone conversation between then President-elect Fox and his spokesperson; the press speculated that it only could have been CISEN. However, no evidence was provided to support that charge, and CISEN denied responsibility. In December 2000, President Fox formed a committee, led by Secretary of Government Santiago Creel, Secretary of Public Security Alejandro Gertz Manero, Attorney General Rafael Macedo de la Concha, and then-security advisor Aguilar Zinser, to revise the practices and role of CISEN. Between January 8 and April 2, the committee conducted an exhaustive evaluation of CISEN. At year's end, the administration continued to work on its reorganization of national security agencies.

The Constitution states that all persons have the right to make free, responsible, and informed decisions on the number of children they choose to have. The 1984 General Health Law provides for criminal action against those who pressure a woman to undergo sterilization procedures or perform such procedures without a woman's consent. On September 9, Rodrigo Aguilar Martinez, the President of the Episcopal Commission for the Family of the Roman Catholic Church, told the press that public health institutions "frequently" performed sterilizations in marginalized communities, especially indigenous areas. Aguilar claimed that priests and religious workers working in these areas were familiar with the problem, but that it was difficult to prove these cases if individuals decided to present their complaint to judicial authorities. Aguilar's claims have not been corroborated by government sources, but various social welfare observers believed that forced sterilization occurred, although the incidence of these procedures is difficult to quantify. Women may not realize that procedures have been performed until after the fact, and many victims allegedly were reluctant to file complaints, although there are mechanisms for filing formal complaints with the National Medical Arbitration Commission and with national and state human rights commissions. The CNDH office in Chiapas reported in 2000 that in some indigenous communities women chose sterilization, but then due to fear of reprisal from their husbands report that it was forced upon them or that they simply did not understand the nature of the procedure.

In September the Undersecretary for Legal Issues for the state of Guerrero announced to the press that it was starting compensation procedures for 16 indigenous women who were sterilized by state health officials in

1998. In addition, the state health secretariat launched administrative procedures to sanction the personnel responsible.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were numerous allegations of the use of excessive force and the violation of international humanitarian law. During much of the year, the Government maintained approximately 20,000 troops in selected areas of Chiapas, and approximately half that number in Guerrero to handle the two relatively small rebel groups, the Popular Revolutionary Army (EPR) and the Revolutionary Army of the People's Insurgency (ERPI). Incidents of conflict in Chiapas between security forces and EZLN sympathizers, and in Guerrero between the army and the EPR and the ERPI, led to accusations of the use of excessive force; however, the confused circumstances of these clashes made those allegations difficult to substantiate.

UNHCHR Robinson suggested in 1999 that the Government consider creating a military human rights ombudsman to combat impunity in the armed forces. In an interview with the newspaper *La Jornada* published in July 2000, CNDH president Jose Luis Soberanes responded that his agency was capable of dealing with complaints of violations by the military, and he also called for a restructuring of the military. Although SEDENA has not created an ombudsman, it did develop during the year a Program to Promote and Strengthen Human Rights, SEDENA 2001. In addition to offices in Chiapas and Guerrero to address citizen complaints of human rights violations, SEDENA worked to strengthen human rights training courses and materials. In coordination with CNDH and state human rights commissions, SEDENA provides its officers with training. SEDENA has trained 183 human rights trainers, who participate in 4-month courses and then are sent to various military installations to provide ongoing human rights training. During their 10 weeks of basic training, army enlistees receive a minimum of 1 hour of human rights training per day. In February the Jalisco Human Rights Commission reported that it had trained 7,640 soldiers in 5 states and had supported a CNDH course for generals in Oaxaca and Chiapas. The CEDHJ has been cooperating with SEDENA on training for 4 years. In December CNDH reported that had provided to 6,741 members of the armed forces, including members of the high command.

In a December 2000 press conference in La Realidad, Chiapas, the EZLN's Subcommander Marcos stated that President Fox's initial gestures to resolve the conflict in Chiapas were encouraging and welcomed the choice of Luis H. Alvarez as his Chiapas Peace Coordinator. The rebel leader also laid down five conditions for a return to dialog with the Government: Passage of the Congressional Chiapas Peace and Reconciliation Commission (COCOPA) bill (see Section 5), liberation of all EZLN prisoners, withdrawal of the army from EZLN territory and repositioning of the army to pre-1994 positions, closure of seven specific military posts in Chiapas, and no substitution of state police for army troops in the newly demilitarized areas.

In December 2000, the President sent to Congress the COCOPA bill to implement the 1996 San Andres Accords between the EZLN and the Government (see Section 5). On March 8, the Government of Chiapas announced the release of 84 EZLN prisoners from state jails, and on March 23, the President announced the release of 5 EZLN sympathizers imprisoned on federal charges. EZLN activists claimed that nine EZLN prisoners remain incarcerated.

In December 2000, the President ordered the removal of troops from seven Army bases in Chiapas. In addition he ordered the dismantling of 53 military checkpoints. On April 20, the army completed the dismantling of the last of the seven bases, fulfilling one of the conditions made by the EZLN for the resumption of peace talks with the Government. The Government's objective was to reduce tension in certain areas. The troops were generally relocated to other bases. Two of the bases were converted into "centers for development" administered by the Secretary of Social Development (SEDESOP). These actions created a positive "new climate" in the region according to many human rights activists. However, on August 16, human rights organizations such as the Global Exchange and the Center for Economic and Political Research for Community Action (CIEPAC) charged that the military had not diminished its presence in Chiapas since President Fox assumed office. According to Global Exchange and the Center for Economic and Political Research for Community Action (CIEPAC), the army relocated its troops by opening new bases in the state to replace those that it had abandoned. Activists alleged that in the middle of the year the military intensified pressure on indigenous communities near Zapatista positions by conducting daily patrols and harassing, threatening, and interrogating locals. In an August 25 meeting, Secretary of Defense Gerardo Clemente Vega Garcia told members of the Congressional Chiapas Peace and Reconciliation Commission that any movements detected by citizens were part of normal troop rotations and not part of an intimidation campaign.

Following the passage in Congress of a revised COCOPA bill, on April 30, the EZLN publicly rejected the revised bill, broke off contact with the Government, and demanded the restoration of the provisions of the original COCOPA bill as the basis for renewing the contact with the Government (see Section 5). On December 8, Chiapas governor Pablo Salazar called on the Federal Government and EZLN leaders to restart peace talks. Salazar said that he respected the EZLN's decision to cut off contact with the administration

following congressional approval of an amended version of the COCOPA bill and added that he believed that it was necessary to make changes to the law so that the Zapatistas would return to the negotiating table.

NGO's and others have alleged that in the process of dealing with rebels in Chiapas, Guerrero, and Oaxaca, the Government used excessive force. For example, in a July report, Amnesty International claimed that the authorities subjected the estimated 130 indigenous Zapotecs detained between 1996 and 2000 in the Loxicha region of Oaxaca to torture and death threats. The report also criticized the absence of due process in the handling of the cases of the 130 detained. The NGO ACAT also has criticized the use of torture against residents of Loxicha since 1996. In December 2000, President Fox announced his support for an amnesty for the EPR, the demilitarization of the Los Loxichas area of Oaxaca State, and a review of the arrests of alleged EPR members. In December 2000, the Oaxaca State legislature passed an amnesty law for local indigenous people (Loxichas) accused of having links to the EPR. As of August, 27 Loxichas were in custody, a decrease from a total of approximately 130 in 1997. Of these, 20 prisoners were being held on federal charges, and another 6 persons were acquitted of homicide charges but not released because of other charges pending against them. In February the state dropped arrest warrants against 50 Loxichas, according to press reports. Nevertheless, human rights groups maintain that authorities still were obligated to carry out effective investigations into allegations of human rights violations.

At year's end, there were no developments regarding the results of any of the military investigations recommended by the CNDH in October 2000 into the June 1998 battle in El Charco, Guerrero, between the military and alleged elements of the ERPI that resulted in the killing of 12 persons.

There were credible reports of violent incidents and murders committed by armed civilian groups and local political factions in Chiapas. Fray Bartolome reports that on February 8, Jose Francisco Arcos Martinez from El Limar, Tila, Chiapas, was detained and harassed by members of Paz y Justicia as he was on his way to make a complaint to the PGR's special unit investigating possible armed civilian groups. PRODH reports that on March 18, Zapatista sympathizer Pascual Martinez Gutierrez was attacked by members of Paz y Justicia. He reportedly was shot and later died from his wound. In August 2000, between 30 and 300 members of the "Peace and Justice" armed civilian group fired their weapons in the air, set off fragmentation grenades, and burned at least 6 houses to evict 90 EZLN sympathizers from Paraiso, Yajalon municipality, Chiapas. The eviction reportedly was the result of a 1997 land dispute. The 15 displaced families subsequently took refuge in the nearby village of Hidalgo Joshil, and at year's end the families had not returned to their homes. From January 1998 through August 1999, the army confiscated 431 weapons from civilians in the Chiapas zone of conflict. The Chiapas state attorney general's office claimed to have disbanded 39 gangs and confiscated 132 firearms within the same time period.

Armed civilian groups, allegedly controlled or sponsored by local political leaders loosely affiliated with the PRI, were alleged to have committed many human rights violations in Chiapas, including the 1997 Acteal massacre (see Section 1.a.). NGO's claim to have identified as many as 15 such groups in the past and have maintained that a number of these remained active or are reactivating. The Fray Bartolome de las Casas Human Rights Center in Chiapas referred to six groups as active during the year. In April 2000, the PGR opened a new special unit to investigate possible armed civilian groups in Chiapas. On April 19, state authorities dropped all charges and released 11 alleged members of Peace and Justice, arrested in October 2000 on charges of illegal weapons possession, organized crime, and terrorism, due to a lack of evidence; however, human rights activists claim that dozens of eyewitnesses, as well as physical evidence, linked the individuals with more than 30 crimes in past years.

The CNDH investigations into the May 2000 killing of three indigenous persons and wounding of another by four masked men in Tzanembolom, Chenalho municipality, Chiapas were closed on August 2000, due to the absence of evidence that any state/public authorities participated in this incident.

From August to December, more than 1,300 previously displaced persons returned to their communities in Chiapas. The first return occurred on August 28, when 333 persons from 63 families of the approximately 3,000 displaced members of "the Bees," a pacifist organization that sympathizes with some of the goals of the EZLN, returned to their homes in Chenalho, Chiapas. Red Cross volunteers and other national and international civil organizations accompanied the group. An additional 189 persons from 35 families returned to their homes on September 30. The Bees had been displaced from Chenalho since 1997. In June 2000, the municipal authorities of Chenalho promised to facilitate the return to the area of the group, and the August return was the first since the group's flight. Human rights groups estimate that there are a total of 8,000 displaced persons from the municipality living in Polho, Acteal, X'oyep, and Tzajalchen.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, harassment of journalists by various sources, especially by narcotics trafficking organizations, continued during the year. The mass media are not subject to formal censorship by the Government; however, there were in the past reports of some self-censorship. In addition, violence and threats against journalists primarily by narcotraffickers and on occasion by authorities hindered press freedom. Nonetheless the freedom and independence of the media continued to expand. Many observers believe that drug trafficking organizations or corrupt security personnel in their pay carried out most of the attacks on the media.

The traditionally close relationship between the Government and the media that tilted coverage and editorial opinion in the Government's favor during 71 years of PRI rule has changed significantly. The Government no longer controls the import of newsprint but does retain control over broadcast licensing, which critics claim led some broadcast media to practice self-censorship. Accordingly the editorial line of some key news organizations remained biased in favor of the Government. The persistence of official influence was most apparent and most concentrated in television, although it declined during the year. Instead of paying a 12.5 percent tax on advertising revenues, television broadcasters provided in exchange free broadcast time to the Government, thus giving it convenient access to the medium. Official advertising in the media continues, but disguising it as news coverage is more common at the state than at the national level. In the past, there had been allegations of cash and noncash payments to journalists; however, there were no such allegations during the year.

On December 1, the President submitted to Congress a draft Federal Law that would allow the public to request and receive information from all state entities, as well as from public and private agencies that manage public funds.

The numerous attacks on journalists constituted the most serious problem for press freedom. The Committee for the Protection of Journalists and Media Communications reported that in 1999 there was a decline in the number of acts of intimidation, including physical attacks, threats, and detentions, against journalists; from 202 in 1998 to 135 in 1999. A report issued by 4 NGO's in 1999 recorded 240 attacks of various types against journalists during 1998, compared with 187 during 1997. These numbers included all aggressive acts against the media as reported in the media. According to the report, government institutions (including federal, state, or local police) or officials were responsible for 41 percent of the incidents. The Manuel Buendia Foundation, one of the NGO's, concluded that the vast majority of acts were intended to intimidate. During the first 7 months of 1999, the CNDH program on aggression against journalists investigated 22 complaints of attacks on journalists; most were for assault or intimidation. One, from July in the state of Morelos, was for murder. The CNDH began an investigation of that case.

Juan Francisco Ealy Ortiz, the country's representative on the IAPA's Commission on Freedom of the Press and Information, reported that acts of intimidation against journalists by narcotraffickers have replaced official harassment by earlier administrations as the most serious threats that journalists face in the country.' Francisco Barron, Director of Communication at the National Center of Social Communication (CENCOS), an NGO, added that the Fox Government was more willing to investigate corrupt government officials alleged to be working in collusion with narcotraffickers.

Outright attacks and intimidation of journalists are underreported, and there are no comprehensive nationwide studies of these incidents. In addition the Government has not investigated sufficiently the cases that are reported, such as those included in the "Damages Inventory," a summary of the first 6 months of the year from the Protection Network of Journalists and Media (PNJM). Through July at least two journalists died as a result of their work, and another was killed later in the year. The PNJM document also reported that from January 1 to May 31, there were 44 incidents of press intimidation and harassment. Abuses against the press included physical assaults, legal complaints against journalists, and threats. The PNJM indicated that the target of the attacks has shifted: Attacks against print journalists diminished and aggression toward electronic media journalists increased over this period.

The states with the highest number of attacks occurred in the Federal District 13, Chiapas 6, and Michoacan 3. Numbers from the CNDH are consistent with the PNJM reports: from January to July, it received 40 complaints of violation of the right of free press involving 54 journalists. Of those only 10 fulfilled all the requirements to initiate an investigation which includes verifying that authorities or public servants were involved in the facts.

On February 19, Jose Luis Ortega Mata, editor of the weekly *Semanario de Ojinaga* based in Ojinaga, Chihuahua, was shot twice in the head at close range with a .22 caliber firearm. The authorities dismissed robbery as a motive because the victim was found with his wallet and camera. Prior to his murder, Ortega Mata had received threats because of articles that he had been writing about local drug traffickers' links to local politicians. On April 29, police arrested Jesus Manuel Herrera and charged him with the murder. In July the Chihuahua State appeals court ruled that the prosecution did not have sufficient evidence to justify Herrera's

detention and ordered him released. The crime remained unsolved, and was being investigated by the Chihuahua State Attorney General's office at year's end.

On March 24, Saul Martínez of the Matamoros newspaper El Imparcial, who had received death threats in the past, was found dead in his car with four shots to the head. He was investigating a local drug dealer and apparently was kidnaped on his way to the Matamoros airport.

Valentín Davila Martinez, a journalist with Radio Canon, was reported as "missing" and last seen on August 9 in Ciudad Juarez, Chihuahua state. According to press reports, his wife said that he had traveled to Nuevo Casas Grandes with Mario Flores Vale, a convict with a record of drug offenses. In September authorities found their empty vehicle. Flores later was found dead, in what appeared to be an execution-style murder. There was no information of Martinez's whereabouts at year's end.

Ealy Ortiz of El Universal stated that no progress had been made in some of the investigations of serious attacks against journalists during the past 10 years. In its mid-year report, the IAPA corroborated this assertion of impunity for past crimes against journalists. The report mentioned several examples of such cases.

Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez, was found dead in April 2000, in his car with over 30 stab wounds. His case originally was assigned to the PGR Special Prosecutor for Homicides. However, during the year that office was disbanded, and the case was transferred to the new joint Office of Investigations of Homicides Related to Narcotrafficking, which is composed of both state and federal district attorneys.

The IAPA reported that the investigation into the 1998 killing of Luis Mario Garcia, a police reporter for the Mexico City daily La Tarde, had been closed; no arrests were ever made.

In January a judge acquitted six persons charged with killing popular television personality, Francisco "Paco" Stanley.

On August 3, a judge acquitted two persons accused in the 1998 murder of foreign journalist Philip True.

In July 1997, Victor Hernandez Martinez, a journalist who repeatedly accused the police of corruption, was beaten to death in front of the offices of the Federal Judiciary Police in Mexico City. No one has been arrested.

There are approximately 300 newspapers operating (including local). Of these, there are approximately 10 main national newspapers. None are operated by the Government; however, the Government does operate several radio stations, two national television channels, and some local stations. Public universities (e.g. UNAM, IPN, and state universities) run most of the public media.

Television news independence has been enhanced by greater political pluralism, generational change in media leadership, and growing competition for advertisers and viewers, which continued to separate government and media interests. Moreover, as much of the national media has developed higher journalistic standards and independence in recent years, government influence has declined. The media showed a high degree of editorial independence, particularly in the capital and other major urban centers. Direct criticism of the Government, especially in radio and the print media, was common.

There were reports that municipal officials in Chiapas suspended Protestant evangelical radio programs, including those of the Adventist Church, on technical and administrative grounds, despite the Federal Government's issuance of a permit (see Section 2.c.).

National electronic media covered candidates in the 2000 election far more equitably than in past elections; however, there continued to be large discrepancies in coverage in local and state level electronic media. In December 2000, the Electoral Tribunal of the Federal Judiciary (TEPJF) annulled the results of the Tabasco state election, citing inequitable local media coverage as one factor (see Section 3).

The CPJ believes that the country's criminal defamation law violates the basic freedom of expression and that no journalist should be jailed for his work. In a May 22 letter to the President, the CPJ protested the defamation charges filed against Carolina Pavon, a reporter from the newspaper Reforma, and Alejandro Junco de la Vega, its president and publisher. Former Mexico City mayor Rosario Robles filed the charges against Pavon and Junco de la Vega following an April 12 cover story alleging that almost 10 percent of her administration's budget was missing. On November 23, Robles was exonerated from mispending her budget when she was mayor. Journalists and the media have experienced other types of harassment this year, including alleged

wiretapping (see Section 1.f.).

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly, and the Government generally respects this right in practice. The only requirement for holding demonstrations is that groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occur frequently throughout the country.

According to Federal District officials, in Mexico City there were 101 marches with 19,581 participants between December 2000 and September. For example, on Mother's Day (May 10), protesters drew attention to persons who disappeared after apprehension by security forces during the 1970's and 1980's (see Section 1.b.). In August thousands of farmers marched in Mexico City to protest a decline in farming income. In September union leaders in Mexico City organized a protest against planned tax increases. In addition the EZLN conducted a highly publicized, nationwide march that culminated in the main square in Mexico City, with approximately 80,000-100,000 supporters in attendance (see Section 5). On November 28, an estimated 1,500 residents of San Salvador Atenco and Texcoco marched on Mexico City to protest the selection of their community as the site for Mexico City's new international airport.

The Constitution provides for freedom of association and the Government generally respects this right in practice. Political parties, opposition, and independent associations functioned freely without government interference or restriction. The Federal Electoral Code recognizes national political parties as well as political associations. Political associations can participate in elections through an agreement with a political party but are not allowed to use their names or symbols during the election campaigns. Political parties do not have legal status until they receive their official designation from the Federal Electoral Institute (IFE). The IFE has recognized 8 political parties and 36 political groups. Parties must receive at least 2 percent of the vote in national elections to maintain their registration. Eleven additional requests for formal registration by political groups were pending before the IFE at year's end.

Citizens are free to associate and may form private or charitable associations. However, in 1998 the Mexico City legislature passed a law that gave the city government more influence over private charities. According to the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, there are 5,339 NGO's active in the country, which play an important and vocal role in the promotion of civil society.

c. Freedom of Religion

The Constitution provides for freedom of religion, and Congress may not enact laws that establish or prohibit any religion. The Government generally respects this right in practice; however, there are some restrictions at the local level. State and municipal governments generally protect this right; however, some local officials infringe on religious freedom, especially in the south. In 1998 the Government and representatives of many religious denominations signed a religious code of conduct that reaffirms freedom of religion. The law bars the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the State.

Religious groups cannot operate legally without registering as religious associations with the Undersecretariat of Religious Affairs of the Federal Secretariat of Government. Although the Government does reject a few applications, usually due to incomplete documentation, the registration process is routine.

To visit the country for religious purposes, foreign religious workers must secure government permission. The Federal Government limits the number of visas that each religious group is allowed. However, the Government has granted more than 30,000 such visas since 1994. The authorities in the past had used immigration law to restrict the activities of religious workers, particularly in the state of Chiapas. According to a representative of the Catholic Diocese of San Cristobal de las Casas, Chiapas, the situation for foreign visitors improved significantly during the year. Unlike in previous years, foreign clergy and visitors to the area have been able to arrange their immigration status easily and received prompt attention from the relevant government authorities. For example, in April Father Loren Riebe, who was expelled from Chiapas in 1995 along with two other foreign priests, returned without incident to San Cristobal for a conference.

Any building for religious purposes constructed pursuant to a permit after 1992 is the property of the religious association that built it. All religious buildings erected before 1992 are "national patrimony" and owned by the State. The Catholic Church and other religions maintain their own schools, which receive no public funds.

Although religious associations cannot own or administer broadcast radio or television stations, the Catholic Church owns and operates a national cable television channel. Government permission is required to transmit religious programming on broadcast radio or television, and permission generally is granted routinely; however, there were reports that municipal officials in Chiapas suspended Protestant evangelical radio programs, including those of the Adventist Church, on technical and administrative grounds, despite the Federal Government's issuance of a permit. Local officials reportedly claimed that the Adventist Church's permit lacks the proper seal.

Since assuming office in December 2000, the Secretary of Government has initiated a series of informal meetings with representatives from various religions to discuss issues of mutual concern.

There were incidents of violence between religious groups in Chiapas during the year (see Section 5). The situation in Chiapas is a result of a complex mix of economic, ethnic, political, and religious tensions. There is a history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of free movement, and the Government generally does not restrict the movement of its citizens into, out of, or within the country.

Corrupt police sometimes violated the rights of illegal immigrants. Illegal immigrants rarely file charges in cases of crimes committed against them, because the authorities generally deport immediately such persons who come to their attention; many pending cases brought by illegal immigrants are subject to dismissal because the complainant is no longer present.

In May 2000, the CNDH criticized the mistreatment of Central American migrants by the authorities and society. On August 24, the CNDH opened its first border office in Tapachula, Chiapas, to receive and attend to complaints of human rights violations from migrants, both documented and undocumented. The most common complaints by migrants included assault, rape, and extortion. According to the CNDH, the principal points of entry for migrants are Comalapa, Suchiate, and Tuxtla Chico.

In May 2000, press reports indicated that Central American migrants filed approximately 2,899 complaints of human rights violations in 1999. Studies conducted by the College of Mexico indicate that human rights violations against Central American migrants were increasing. Reports of injury to and harassment of undocumented migrants continued around the country during the year.

The newspaper *La Jornada* reported that on August 31, municipal police agents beat a group of eight undocumented migrants near Cristobal Garcia, Sonora. The police reportedly fired two warning shots to detain the group and then held a pistol to one individual's head. The police allegedly assaulted the group during questioning to determine the identity of the trip's organizer.

An arrest warrant was issued for a state police agent in connection with the July 2000 beating of four Central American migrants hiding in a rail car in Ecatepec, Mexico state (see Section 1.c.).

There also were credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants (see Section 6.f.).

The law provides for the protection of foreigners who might face political persecution if they were to return to their countries of origin. The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of the provision of first asylum did not arise during the year. The Government accepts the principle of first asylum and reviews each claim on a case-by-case basis with the assistance of the office of the U.N. High Commissioner for Refugees.

There were no reports of the forced return of persons to a country where they feared persecution. However, in October 2000, immigration authorities arrested Pedro Anibal Riera Escalante, a Cuban national and deported him to Cuba the following day. The Foreign Relations Secretariat subsequently noted that Riera, a former Cuban consul in Mexico City, had applied for asylum on September 8.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. As a result of electoral reforms approved and implemented in recent years, the political process and especially the electoral process have become more transparent. While elections are open and generally fair, some abuses continued to occur. Prior to the July 2000 presidential election, the PRI had dominated politics, controlled the Federal Government, and won every presidential election since its founding in 1929. However, in July 2000, voters elected President Vicente Fox, a member of the National Action Party and presidential candidate of the Alliance for Change Coalition, with 43.3 percent of the vote. Observers, both international and domestic, judged the elections, which ended the PRI's 71-year hold on the presidency, to be generally free and fair. The observers described the election as a historic turning point and made recommendations for further electoral reform. During the year, the IFE held forums in collaboration with international election organizations to discuss campaign finance issues.

The legislature amended the Constitution in 2000 to allow eligible citizens who are abroad to vote in presidential elections; however, the Senate failed to act on the necessary implementing legislation that would have made overseas voting possible in the 2000 election, due to differences over the costs and requirements for voting. The national debate regarding overseas voting for the 2006 presidential elections continued during the year.

Presidents are elected every 6 years and cannot be reelected. Early in his administration, former President Ernesto Zedillo (1994-2000) supported legislation making the IFE an independent agency and later declined to handpick his party's candidate for the 2000 presidential election; instead, the PRI held a multicandidate primary in 1999.

The IFE, operating with full autonomy, arranged and supervised the July 2000 federal elections. The IFE had implemented extensive constitutional and legislative reforms in 1996 to help prevent electoral fraud and to create more uniform conditions for political party participation by regulating campaign finance, advertising, and other areas. It standardized the voter registration list and recruited and trained thousands of civil society volunteers to serve as independent electoral workers at the voting booths. The IFE also provided support to state electoral institutes in running state and local elections and was instrumental in overhauling electoral district boundaries to reflect demographic shifts.

In the Chamber of Deputies, the PRI holds 211 seats; the PAN 206; the PRD 50; the Green Ecologist Party (PVEM) 17; the Labor Party (PT) 7; Democracy Convergence (CD) 4; the Nationalist Society Party (PSN) 3; and the Social Alliance Party (PAS) 2. The PRI holds 60 seats in the Senate; the PAN 46; the PRD 16; the PVEM 5; and the CD 1. Legislators can and do on occasion change their party affiliation.

On the state level, the PRI holds the governorship in 17 states, the PAN 6, the PRD 1, PRD-PT coalitions 3, PAN-PVEM coalition 1, and PAN-PRD-led coalitions 3. On the municipal level, multi-party pluralism is well established. The PRD governs the Federal District, and the PAN governs 13 of the 20 largest cities.

Despite the IFE's efforts, there still were controversies at the state level over elections. In July the PRI appealed the results of the July 1 Ciudad Juarez mayoral elections, called in favor of the PAN candidate, on the basis of alleged irregularities at polling places and the improper conduct by the city's PAN administration in favor of the PAN candidate. In August the State Electoral Institute ruled in favor of the PRI. The PAN appealed the state level decision to the TEPJF, the ultimate court of appeal on election matters.

In December 2000, the TEPJF annulled the results of the Tabasco state disputed October 2000 gubernatorial election (in which the PRI bested the PRD candidate by 1 percent) and directed the Tabasco state legislature to name an interim governor and prepare for a new election. In its decision, the TEPJF cited inequitable local media coverage, diversion of funds for the election for the PRI candidate, and the blocking or miscounting of opposition votes. This was the first time that the TEPJF invalidated an election. In the new gubernatorial elections held on August 5, the PRI candidate won by a margin of 4.5 percent.

In 2000 Yucatan state opposition parties accused former PRI Governor Victor Cervera Pacheco and the PRI-dominated state legislature of stacking the State Electoral Council to favor the PRI's candidates in the 2001 elections. In December 2000, the TEPJF rejected the Council nominated by the state legislature and named a new Council. PRI state legislators questioned the legitimacy of this TEPJF-appointed Council and vowed to fight the "imposition" in the courts. After a 4-month standoff, Cervera was forced to back down from his demands to reappoint the Council and in a May 27 election, PAN candidate Patricio Patron defeated PRI candidate Orlando Paredes Lara to win the governorship of Yucatan by a 5 percent margin.

There are no legal barriers to participation in politics by women; however, the percentage of women in government and politics does not correspond to their percentage of the population. Nonetheless, individual female politicians play key roles in national politics. Women hold approximately 14 percent of the seats in the

Congress. PRI deputy Beatriz Paredes serves as president pro tempore of the Chamber of Deputies, and Olga M. Sanchez Cordero Davila serves as a Supreme Court justice. No women serve as governors, although there have been female governors in the past. Rosario Robles served as head of government of the Federal District from September 1999 to December 2000. President Fox appointed 9 women to his 51-member, expanded Cabinet and Sub-Cabinet. A total of 9 of the 15 members of Mexico City Mayor Andres Manuel Lopez Obrador's cabinet are women, and 13 of the city's 23 key officials are women.

Many state Electoral Codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties are attempting to increase the number of women who run for elected office through formal and informal means. Some utilized quotas requiring that a certain percentage of candidates on a party list are female. However, in practice, women more often were put forward as substitute candidates who have little chance of serving unless the titular candidate leaves office. The PRD's membership is 48 percent female; its leadership is 22 percent female, 26 percent of its representatives and 12 percent of its senators are female, and it has a female party president. The PAN has utilized more informal methods to increase female registration. An estimated 24 percent of its leadership is female, and 12 percent of representatives and 13 percent of its senators are female. PRI party rules mandate that 30 percent of its federal candidates be women. An estimated 12 percent of the party leadership, including its president, 13 percent of its representatives, and close to 17 percent of its senators are female.

There are no legal barriers to participation in politics by members of minorities or persons of indigenous descent; however, the percentage of members of these groups in government and politics does not correspond to their percentage of the population.

Constitutional changes in 1996 expanded the rights of indigenous people to elect representatives to local office according to "usages and customs," rather than federal and state electoral law. Only the states of Oaxaca and Quintana Roo have enacted implementing legislation to effect such local elections. These traditional customs vary from village to village. In some villages, women do not have the right to vote or to hold office. In others, they can vote but not hold office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. According to the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, there are 979 NGO's in the country involved in the field of human rights. Government officials generally have become more cooperative and responsive to NGO views; however, reports of harassment and attacks against human rights workers continued, and one human rights lawyer was killed in October. In December 2000, President Fox announced that the only requirement for those interested in observing human rights conditions is observance of the country's law. This decision overturned the 1998 requirement by the National Migration Institute (INM) that persons who wished to enter the country to monitor the human rights situation must go through a rigorous application process. The INM had required applicants to apply 30 days in advance, and had placed a 10-day limit on visits, set a limit of 10 visitors per NGO, and required that visitors submit a detailed itinerary and agency. Even before the 1998 requirements were put in place, and especially since the 1997 Acteal massacre, the Government had enforced vigorously 'the constitutional prohibition on foreigners engaging in political activities to hinder the work of foreign human rights monitors, and it restricted the activities of many human rights observers and religious workers in the state of Chiapas; however, there were no reports of such problems during the year. In August Global Exchange, an NGO that has been one of the strongest critics of the Government's immigration restrictions, credited the President with granting greater freedom to foreign observers and Zapatista sympathizers working in indigenous communities, who frequently were deported in the past. Some human rights groups still complain of lengthy waiting periods to obtain a visa, or 1-year residency permit. In July 2000, Deputy Secretary of Government Jose Angel Pescador Osuna annulled the 2-year expulsion of Tom Hansen, director of Mexico Solidarity Network. In June 2000, Hansen was granted a 15-day election observer visa.

International human rights NGO's expressed support for the Administration's commitment to human rights; however, during the year, they began to express impatience with the slow pace of implementation. In December both Amnesty International and Human Rights Watch issued reports critical of the country's progress during the year. On December 10, Amnesty International published a report entitled Mexico: Daring to Raise their Voices. The report maintained that a pattern of harassment of human rights workers had continued under the Fox Administration. The harassment took the form of spurious criminal charges, public smear campaigns, and surveillance of human rights defenders. The report claimed that the killing of Digna Ochoa heightened awareness of such reaction and asserted that previous threats and attacks against her had not been investigated properly. Amnesty International acknowledged that the President had asserted his commitment to human rights; however, it faulted him for failing to institute measures that would halt abuses.

Mario Alvarez Ledezma, the director of human rights for the Attorney General's office, replied that authorities had investigated nearly twice as many human rights violation complaints during the year compared with 2000.

Human Rights Watch declared that the country had to stop permitting the military to investigate human rights abuses allegedly by its members and force it to turn cases over to civilian courts. At a news conference, Miguel Vivanco, the executive director of the Americas division of Human Rights Watch, noted the President's creation of a special prosecutor to investigate reports that hundreds of leftists vanished while in government custody (see Section 1.b.). The report noted that the President had opened the country to scrutiny by international human rights monitors; however, the report warned that the President's war against drug trafficking could lead to aggressive policing practices by the armed forces that could fail to take sufficient account of the need for the protection of human rights.

In early December the President said that too much had been expected of him. He described his first year in office as a time of plurality and tolerance with complete freedom of expression. He declared that the era of the absolutist presidency had ended, and that he would continue to strengthen the judicial and the legislative branches.

On October 19, prominent human rights lawyer Digna Ochoa y Placido was killed in her Mexico City office by unknown assailants. A coworker discovered her body along with a note threatening activists at the PRODH. Ochoa had experienced threats, harassment, and attacks related to her work since 1995. The Mexico City Attorney General's Office led the investigation into Ochoa's homicide. On November 6, Mexico City Attorney General Bernardo Batiz stated that his office was pursuing various lines of investigation, but that investigators were taking an especially close look at Ochoa's last trip to Guerrero, which took place October 1-3. Batiz told the press that Ochoa had had confrontations in the past with local political leaders, military personnel, and illegal loggers in Guerrero. The Government provided investigators with files about Ochoa's work that had been kept by CISEN. In addition, on President Fox's recommendation, the Secretariat of Government (SEGOB) established a human rights roundtable to follow this case and discuss the broader human rights agenda, and convened its first meeting on October 30. The investigation continued at year's end, and there were no firm leads in the case.

In January Hilda Navarrete Gorjan, director of the human rights NGO the Voice of Those Without a Voice in Coyuca de Benitez, Guerrero, lodged a formal complaint against the army for harassment. However, according to Navarrete, since her January appearance in court to criticize the military for parking outside her office with weapons pointed in the direction of her building, those actions have ceased.

There were no developments in the investigation of death threats against Arturo Solis, president of the Center of Border Studies and the Promotion of Human Rights. He received these threats after he publicly accused federal immigration agents in Tamaulipas of involvement in illegal immigrant trafficking in June 2000 (see Section 2.d.).

On October 8, there was an intruder in the home of Aline Castellanos, Coordinator of the Mexican League for the Defense of Human Rights (LIMEDDH) in Oaxaca. She believes it was in retaliation to a case she was working on, in which there was arrest made on October 3. Nothing was taken from her home and the intruder apparently fled when an associate of Castellanos unexpectedly arrived at the scene.

There were no developments in investigations into robberies of the home and office of Angelica Ayala Ortiz, vice president of LIMEDDH. In August 2000, Ayala's computer, recording equipment, and television and videocassette recorder were stolen from her home in Oaxaca. Asserting that the robbery was an act of intimidation, Ayala, who works on indigenous rights issues, lodged a complaint with the state attorney general's office. In 1999 the LIMEDDH office in Oaxaca was robbed. Despite a February 2000 arrest warrant in that case, no one has been detained. Investigations into both cases were ongoing at year's end.

The PRODH has criticized the Government's actions to provide safety to human rights workers as inadequate. The PRODH advocates the adoption of measures to promote awareness of the importance of human rights work and to investigate cases of threats, intimidation, and attacks against human rights workers. In November and December, SEGOB developed a plan in collaboration with NGO's to provide enhanced protective measures for human rights activists, and to determine the circumstances and conditions under which this assistance may be provided.

On June 26, an appeals court instructed a district judge to consider a claim submitted by the defense team of General Jose Francisco Gallardo Rodriguez (see Section 1.e.). The amparo, submitted in February, argued that the Government should comply with the IACHR recommendation in the case, which calls for Gallardo's release. The judge called for the more than 20 government agencies to submit written testimony by October 18. On two occasions, the review of this testimony was postponed as SEDENA was unable to provide the

requested information within the allotted time. At year's end, the deadline for submission of testimony had been extended until January 23, 2002. On December 18, the IACHR requested that the Inter-American Human Rights Court seek provisional measures from the Government in favor of General Gallardo. On December 20, the Court responded by ordering that the Government provide measures to guarantee Gallardo's safety and physical integrity. On December 22, the Government complied with the Court's order by ordering Gallardo's transfer from his Neza-Bordo prison to an improved facility in Chalco, Mexico state. Gallardo was arrested in 1993 on a range of charges, including embezzlement and dishonoring the military, and was moved in 1999 from a military to a civilian jail. He maintained that military authorities were persecuting him because he wrote an academic dissertation calling for the establishment of a human rights ombudsman's office in the military. Since 1996 the IACHR and Amnesty International have called for his release. The Secretariat of Foreign Relations' Undersecretariat for Human Rights, which has stated its desire and commitment to comply with IACHR recommendations, is conducting a comprehensive review of possible legal remedies in the case for the consideration of General Gallardo's defense team.

In May U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Kumaraswamy, visited the country and expressed serious concerns about the criminal justice system (see Section 1.e.).

At the invitation of the Government, Claudio Grossman led an IACHR delegation to the country from July 2 to July 5. Their program concentrated on follow-up measures for compliance with IACHR reports on individual cases of violations of human rights, including: The arbitrary expulsion of Loren Reibe and two additional foreign priests from Chiapas in 1995 (see Section 2.c.); the extrajudicial execution of three persons in Ejido Morelia, Chiapas, in 1994; the case of General Francisco Gallardo (see Section 1.d.); the arbitrary detention and rape of three indigenous women by military personnel in Chiapas in 1995; the Aguas Blancas massacre (see Section 1.a.); the alleged cover-up by Federal District police and judicial authorities of a murder case; the torture of one man in the Federal District; and the extrajudicial execution of two men in Veracruz in 1994.

The meetings were conducted by the President of the IACHR, with the participation of high level officials of the Secretariat of Foreign Relations and several states, including the Attorney General of the Federal District and the Attorney General of Chiapas, as well as representatives of the governments of Morelos, Veracruz, and Oaxaca. On behalf of the victims, several direct relatives also participated, along with NGO's, including the National Network of Civil Organizations of Human Rights, the Mexican Commission for the Defense and Promotion of Human Rights, PRODH, and ACAT.

The meetings led to the creation of several working groups consisting of government authorities and victims rights representatives, which are expected to identify concrete measures for compliance with the IACHR recommendations. The working groups also are expected to develop proposals for reparations to victims and their families and to harmonize domestic legislation with international human rights obligations.

Following a December 2000 cooperation agreement between the President and UNCHR Mary Robinson, the office of the high commissioner initiated a 5-month program that included a technical assessment of the CNDH, training seminars on forensic investigations and the documentation of torture, and a conference on strengthening the capacity of indigenous NGO's. The first phase of the program was completed in July; a second phase of the technical cooperation programs is under active consideration.

On September 25, the President announced the creation of an Undersecretariat for Human Rights and Democracy within the Secretariat of Foreign Relations and appointed Mariclaire Acosta as the new Undersecretary. Undersecretary Acosta increased cooperation with the U.N. and the IACHR and worked to ensure that the Government complied with its international human rights commitments. Domestically, her office increased public participation in the Government's development of human rights initiatives, strengthened government agencies' commitment to improve human rights practices, and facilitated cooperation with international human rights organizations in the country.

In December 2000 President Fox established the Citizen's Commission Against Discrimination.

The CNDH has improved its credibility steadily since its establishment by the Government in 1990. The Senate, instead of the President, now appoints the commission's president, although some NGO's feared that this would make the CNDH more susceptible to political pressure. In 1999 the Senate named legal scholar Jose Luis Soberanes to a 5-year term as CNDH president, replacing the sitting president prior to the expiration of her term. Although most NGO's have a favorable opinion of the CNDH, many are critical of its method of presenting information, especially the reporting of compliance with recommendations, which is mandated by statute. However, in a public opinion survey in May, a majority of respondents indicated that they felt the CNDH was an institution that offered services of protection, defense, and consultation to the population.

SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with

human rights training.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that men and women are equal before the law, and that education should avoid "privileges of race, religion, groups, sexes, or individual;" however, these provisions are not enforced effectively, although the Government continues to make progress in efforts to do so. On August 14, a third paragraph was added to Article 1 of the Constitution, which establishes for the first time the constitutional prohibition against any form of discrimination, including discrimination against persons on the basis of: ethnic or national origin, gender, age, different abilities, social condition, health conditions, religion, opinions, preferences, civil status, or any other basis that goes against human dignity and attempts to annul the rights and liberties of persons.

Amnesty International has reported that homosexual men and women frequently are victims of abuse and violence. In its 1999 annual report, the NGO Citizen's Commission Against Homophobic Crimes reported that on average 3 persons per month are killed because of their sexual orientation, and that there were 217 such killings between 1995 and 2000. Of these, 103 killings occurred in Mexico City, with another 29 in Mexico state and Veracruz. The consensus among gay rights groups is that the police fail to investigate these crimes seriously.

Gay rights groups claim that the police in Monterrey demonstrated a pattern of abuse of gay men, lesbians and transvestites. For example, on April 24, police arrested an undetermined number of transvestites in Monterrey.

Individuals suffering from HIV/AIDS are victims of abuse and mistreatment. For example, the interim president of the Yucatan State Human Rights Commission, Omar Ancona Capetillo, declared that those suffering from HIV/AIDS should be isolated or quarantined, and that if they would attempt to escape from designated facilities, security forces should shoot to kill. Human rights groups immediately criticized the statement and lodged a formal complaint with the CNDH. In Jalisco, the state with the highest number of HIV/AIDS cases (estimated at 6,136), activists have created a commission to monitor discriminatory attitudes and promote additional training of medical personnel.

Women

The most pervasive violations of women's rights involve domestic and sexual violence, which are both widespread and vastly underreported. A 1997 law criminalized intrafamily violence, established protective measures for victims, and provided public education on the domestic violence problem. The law provides for fines equal to 30 to 180 days' worth of pay and the detention of violators for up to 36 hours. On July 21, the press reported that in 6 months, the Federal District's Attorney General's Center for Attention to Intrafamily Violence had given 13,822 victims medical, psychological, and legal assistance; however, only 16 of the cases went on to be prosecuted. The Center for Attention to Intrafamily Violence reported in 2000 that it received between 50 to 60 complaints nationwide every day. According to a 1999 survey by the National Institute of Statistics, Geography, and Computation, some form of domestic abuse occurs in one of every three homes. The victim seeks help in only one of every six homes suffering from domestic abuse. Women are reluctant to report abuse or file charges, and the police are reluctant to intervene in what society considers a private matter. Many police also are inexperienced in these areas and unfamiliar with appropriate investigative techniques, although some have received training on these issues.

According to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), over 1 million women each year seek emergency medical treatment for injuries caused by domestic violence. Groups such as the NGO Center for Research and Care of Women are attempting to counter the widespread view of domestic violence as private, normal behavior and to deter future violence. In June 2000, then-Mexico City Mayor Rosario Robles publicized a handbook written by a coalition of feminist NGO's to reduce domestic violence and to help victims of gender discrimination. Within the CNDH's First Inspector General's office, the General Coordinating Office that devotes all of its time with issues relating to women, children, and the family.

A 1997 law also expanded the definition of rape to include spousal rape, applying to both married or common-law couples. Under certain circumstances limited to the statutory rape of a minor between the ages of 12 and 18, the Criminal Code allows a judge to dismiss charges if the persons involved voluntarily marry. In practice this provision is invoked rarely.

Human rights organizations and the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Kumaraswamy, strongly criticized the Government's limited progress in solving the cases of the approximately 200 women who have been raped, murdered, and mutilated in the Ciudad Juarez area since

1993 (see Section 1.c.). The CNDH determined in 1998 that the Chihuahua state attorney general's office's inadequate response had violated the human rights of the victims and their families. The CNDH therefore recommended that the state attorney general and the mayor of Ciudad Juarez be investigated for negligence; however, no action was taken. Also in 1998, the authorities appointed a special prosecutor for crimes against women and hired foreign experts in serial killings to advise investigators.

In August the court system in Ciudad Juarez had a total of 14 cases of homicides against women in the trial process, 33 awaiting sentencing, 16 with warrants for arrests, and 65 in the investigation phase. A total of 64 cases were closed after sentences were passed. During the year in Ciudad Juarez, there were 27 murders of women; 19 of those cases were resolved, and 8 were under investigation at year's end. In December the President ordered that federal crime specialists help in the investigation.

Since December 2000, at least seven young women between 17 and 20 years of age in Chihuahua City have disappeared. Both the age group and manner of disappearance of the Chihuahua women coincided with those of many of the women who have been killed or have disappeared from Ciudad Juarez in the past several years. In January the Chihuahua State legislature proposed stiffer penalties for rape, sexual abuse, and harassment, but in August revisions of the Chihuahua State Penal Code that cut the minimum sentence from 4 years to 1 year if the offender could prove that the victim had provoked the attack went into effect. Women's and human rights groups protested the revisions, and the federal legislature promised to take action if the state congress did not amend the changes. On September 18, Chihuahua state legislators repealed the legislation.

In August police in Chiapas arrested Edilberto Montero Padilla in connection with 24 cases of sexual assault on tourists and local women. Montero escaped from detention 10 years ago while on trial for 180 cases of rape.

Trafficking in women for the purpose of sexual exploitation is a problem (see Section 6.f.).

The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges. Many female victims were reluctant to come forward, and cases were difficult to prove. Sexual harassment in the workplace is widespread. In May the Federal District Human Rights Commission estimated that at least 80 percent of the women who work in Mexico City have experienced sexual harassment.

Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respect this in practice. The legal treatment of women's rights is uneven. Women have the right to own property in their own names and to file for separation and divorce. However, in some states a woman may not bring suit to establish paternity and thereby obtain child support, unless the child was a product of rape or cohabitation, the child resides with the father, or there is written proof of paternity.

The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations. In July the President estimated that women earn 35 percent less than men do. According to a 1998 academic study, a woman on average needs to have 4 more years of education to earn the same salary as a man in a comparable position.

Labor law provides extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breast feeding in adequate and hygienic surroundings provided by the employer. Employers are required to provide a pregnant woman with full pay, are prohibited from dismissing her, and must remove her from heavy or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers, including some in the maquila industry, reportedly deliberately violate these provisions by requiring pregnancy tests in preemployment physicals, by regular examinations and inquiries into women's reproductive status (including additional pregnancy tests), by exposing pregnant women to difficult or hazardous conditions to make them quit, or by dismissing them. In its 2000 and 2001 annual reports, Human Rights Watch indicated that the Government not only was aware of such practices and failed to prevent them or to punish the perpetrators, but also made public excuses for companies that violated the law. In July the President publicly criticized the practice of requiring pregnancy tests for women applying for jobs, acknowledged that the Federal Labor Law has been violated in this respect, and pledged that federal hiring practices would respect women's rights.

The Secretariat of Labor makes safety and hygiene inspections in private factories and public institutions to protect the labor rights of workers (see Section 6.e.).

There were reports that public health institutions performed forced sterilizations in marginalized indigenous

areas (see Sections 1.c., 1.f., and 5).

On January 11, a multiparty initiative resulted in legislation creating the National Women's Institute (NWI), which convened for the first time on March 8. This new agency is expected to coordinate tasks previously carried out by the National Women's Program (PRONAM), such as making recommendations to the Government regarding women's issues, and working with government agencies, international organizations, and NGO's to support women's causes. The NWI and the National Statistics Institute traced gender-specific statistics to ascertain more accurately the status of women. The International Labor Organization (ILO), the Secretariats of Labor and Foreign Relations, and the National Women's Institute have all promoted the equal status of women in the workplace. On October 12, NWI launched its Pro-Equality program, designed to institutionalize a gender perspective within the Federal Government administration. In addition, there are several local groups that actively support women's rights. The Friends House (Casa Amiga) in Ciudad Juarez provides shelter for women and children in extreme need, advocates for the legal rights of women and children in the state of Chihuahua, and works closely with the sexual trauma assault resource crisis center of El Paso, Texas. It also provides training to police and administers outreach programs. The Fundemos Foundation in Guadalajara promotes legal reforms to protect victims of domestic violence and participates in the state coordinating body for women's organizations.

Children

Children under the age of 15 make up 34 percent of the population, and the median age of the population is 21. The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers; however, problems in children's health and education remain. The CNDH received complaints about the services provided by the Secretary of Health, the Secretary of Education (SEP), and the Institute of Social Security. Nine years of education are compulsory, and parents are legally liable for their children's attendance; however, SEP and the Sierra Neighborhood Foundation have maintained that only approximately 30 percent of youths between 15 and 20 years of age attend school. According to a 1998 academic study, in most areas of the countries, girls and boys attend school at similar rates. In marginalized rural areas, national statistical agencies report that 60 percent of girls attend primary school compared with 70 percent of boys. Scholarships offered to families of the abject poor under the Government's "Progresa" antipoverty program kept an additional 100,000 children in school in 1999, and according to Progresa, that number increased by 18 percent in 2000. Progresa incorporated 763,000 new families into the program during the year.

The National Public Health Institute's 2000 National Nutrition Survey reported that 3 million children under the age of 5 suffered some form of malnutrition, and a 1999 national nutrition survey stated that the same number suffer anemia, while another 2 million children chronically were malnourished. The mortality rate for children under 5 years of age was 33 per 1,000 live births, according to UNICEF figures.

The National Institute for the Development of the Family (DIF) received an average of approximately 35,000 complaints per year of physical and mental abuse against children, the majority in the Federal District, Mexico State, and Nuevo Leon. On April 16, the Federal Chamber of Deputies Committee for Vulnerable Groups estimated that some 300 children die every year due to domestic violence.

Child prostitution and pornography are felonies under the law; however, sexual exploitation is a problem. Under a January 2000 law, anyone convicted of corrupting a minor under 16 years of age by introducing the minor to pornography, prostitution, or any sexual exploitation can be sentenced to 5 to 10 years' imprisonment. If parents or guardians are convicted of a crime, they automatically lose custody of their children. If convicted, accomplices to sexual abuse or exploitation may be imprisoned for 6 to 10 years. When physical or psychological violence is used to abuse sexually or profit from children's exploitation, the minimum and maximum penalties for these crimes are increased by up to half. The DIF estimates that 16,000 children below the age of 17 are victims of some form of sexual exploitation. In April 2000, the Mexico City attorney general's office and the Mexico City Human Rights Commission reported that nearly 12,000 children in Mexico City were exploited sexually, including through prostitution.

Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.). In November 2000, the PGR established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children.

Child labor is a problem, particularly among migrant farming families (see Section 6.d.). The Government has attempted to make schooling easier for the children of such families by making their educational credentials transferable.

In January 2000, the Congress passed a constitutional amendment to protect the rights of children and teenagers and ensure respect for their dignity. The amendment also increased penalties for the sexual abuse

or exploitation of children. In May 2000, the Congress passed the Protection of the Rights of Children and Adolescents Law. The law provides for the right to life, non-discrimination, healthy living conditions, protection against threats to liberty and physical abuse, a healthy family life, health services, equal treatment for persons with disabilities, education, pursuit of happiness, and freedom of thought and expression. Penalties under the law include fines of 500 to 1,000 times Mexico City's minimum wage and possible administrative jail time.

Press reports cite a 1998-99 DIF study that estimated that some 130,000 minors in 101 cities were living in the streets. The NGO Mexican Association of Childhood and Youth reported that there is a large population, estimated at 42,000, of vulnerable street children in Mexico City. Street children often become involved with alcohol, drugs, prostitution, petty thievery, and increasingly, violent crimes. Corrupt police officials sometimes exploit these children by pressuring them to commit petty crimes and extorting money from them. In March the DIF began a program aimed at street children, focusing initially on 3,000 children in Mexico, Puebla, Guadalajara, Monterrey, Tijuana, and Juarez.

The CNDH attempted to protect children by educating them on their rights and reviewing legislation to ensure compliance with relevant international conventions. In August 2000, the SEP announced the publication of four new books geared to teach children about discrimination, violence in the home, and toleration of differing beliefs.

The Government and various NGO's have programs directed at children that address human rights issues. Generally the purpose of these programs is not only to protect the rights of children but also to instill a generational respect for human rights through educational programs. An example of this educational approach is the Tree House (La Casa del Arbol), an interactive learning project sponsored by the Human Rights Commission of Mexico City.

Persons With Disabilities

Estimates of the number of persons with disabilities range from 2 to 10 million. In the 2000 census, 1.8 million persons identified themselves as having a disability, although 2.2 million persons chose not to specify whether or not they had a disability. In Mexico City alone, 124 NGO's address problems affecting persons with physical disabilities.

On September 18, the President unveiled a federal program, the National Public Access Program, designed to provide equal access and rights to persons with disabilities. He also urged state and local governments to follow his lead in developing such measures. The President ordered Cabinet members to evaluate and improve accessibility for more than 4,000 federal buildings, including offices, hospitals, airports, and bus stations.

A total of 27 of the 31 states have laws protecting persons with disabilities. Local law requires access for persons with disabilities to public facilities in Mexico City, but not elsewhere in the country. However, in practice most public buildings and facilities in Mexico City do not comply with the law. The Federal District also mandated access for children with physical disabilities to all public and private schools. The Mexico City Secretary of Education, Health, and Social Development stated previously that 78 percent of these children received some schooling. In August 2000, the President's Office announced that 90,000 children with disabilities were integrated into a regular education system between 1994 and 2000.

In December 2000, the President established the Citizen's Commission Against Discrimination to be headed by former Social Democracy Party presidential candidate Rincon Gallardo. The Commission's objectives include ensuring equal opportunities and access for persons with disabilities and codifying these rights in a legal framework. The commission does not address only issues for persons with disabilities. During the year, the Commission held seven Regional Forums with experts and local NGO's to raise awareness and evaluate the scope of discrimination in Mexico. Topics included discrimination against persons with disabilities in Mexico City, but also: discrimination against women in Ciudad Juarez; discrimination against children and elderly in Monterrey; discrimination regarding sexual preference in Guadalajara; religious discrimination in Puebla; discrimination against migrants in Zacatecas; and ethnic/racial discrimination in Veracruz. The Commission also submitted a draft law to the executive on the Prevention and Elimination of Discrimination, and prepared an executive report on discrimination in Mexico.

Indigenous People

The indigenous population has been long subject to discrimination, repression, and marginalization. The government's Office of Development of Indigenous People, created in December 2000, provides three sources on its website for enumerating the indigenous population, including the 2000 census figures and 1995

estimates from the INI. The 2000 census lists the total indigenous population as 8.65 million: 6.8 million native indigenous dialect speakers over 5 years of age, 1.3 million children under 5 who live in households of native indigenous dialect speakers, and 1.1 million individuals who identified themselves as indigenous, but do not speak an indigenous dialect. In 1995 INI estimated the indigenous population to be just over 10 million persons. Indigenous people are located principally in the central and southern regions and represent a majority in the states of Oaxaca (53 percent) and Yucatan (52 percent). However, these groups have remained largely outside the political and economic mainstream, as a result of longstanding patterns of economic and social development. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources is negligible.

The 1994 Chiapas uprising focused unprecedented attention on the demands of that state's indigenous population for increased economic and social rights. Among its basic demands, the EZLN called on the Government to enact measures to protect indigenous cultures, provide more opportunity for employment, and invest in schools, clinics, and infrastructure projects. In the 1996 San Andres accords, the Administration of then-President Zedillo agreed with the EZLN on the need to expand indigenous rights.

The federal and state government worked to create a positive atmosphere for negotiation in Chiapas through troop withdrawals and the release of Zapatista prisoners in late 2000 and early in the year (see Section 1.g.). The Government maintained a military presence in parts of Chiapas, where it is often the only entity capable of maintaining peace because of civilian law enforcement's lack of presence. However, some NGO's have called the military's presence threatening and intimidating to the indigenous population (see Section 1.g.).

In December 2000, fulfilling a high-profile campaign pledge, President Fox submitted to Congress the Indigenous Rights and Culture bill, a package of constitutional reforms that codified the San Andres Accords, also known as the COCOPA bill (see Section 1.g.).

On March 11, the EZLN's Subcomandante Marcos and 23 fellow leaders concluded a 2-week trip through 12 states designed to promote the bill, which was pending before Congress. Their trip, which included a 2-day congress of indigenous people culminated in a meeting in the main square of Mexico City with some 100,000 supporters in attendance. The Zapatistas marched to the capital under the protection of government forces. On March 28, a 23-member delegation of the EZLN addressed a joint meeting of the Indigenous Affairs and Constitutional Points Committees, held in the main Chamber of Congress. Among a number of good faith initiatives announced by the EZLN at the session was an invitation to Chiapas Commissioner Luis Alvarez to travel with the EZLN government liaison, Fernando Yanez, to confirm the army's withdrawal from seven bases in Chiapas; Luis Alvarez accepted the invitation and visited the bases during the year (see Section 1.g.).

On April 25, the Senate unanimously passed an amended version of the Indigenous Rights and Culture bill. On April 28, the Lower House approved the revised version of the bill by a vote of 386 to 60. The constitutional reforms were then approved by the State legislatures in 17 of the country's 31 states, thus meeting the requirement that constitutional reforms be approved by at least half of the states. The bill addresses government recognition of indigenous people, their right to internal self-government, the legal standing of traditional forms of justice, indigenous input into national, state and municipal development plans, and control over natural resources.

The EZLN opposed the revised bill's subjection of indigenous rights and autonomy to existing federal, state, and municipal laws and jurisdictions, provisions that were not contained in the original COCOPA bill. The revised bill also dropped the original bill's reference to indigenous communities as "legal public entities," diluted the COCOPA bill's recognition of indigenous rights in judicial proceedings, and reduced the extent of indigenous control over natural resources. On April 30, Chiapas governor Pablo Salazar also rejected the bill. In August the governor of Oaxaca, Jose Murat, said that the law institutionalizes racism and discrimination. On August 15, the bill became law. Indigenous rights groups launched numerous lawsuits and legal challenges to the reform's constitutionality, including 247 challenges filed in a single day by leaders of an equal number of municipalities in Oaxaca.

Opponents claimed that the process by which the reform was amended contravened international norms and conventions--specifically ILO Convention 169 on Indigenous and Tribal Peoples, which requires public participation in the development of legislation that affects the lives of indigenous people. The Government has ratified this convention.

On April 25, in response to a proposal made by the Governments of Mexico and Guatemala, the U.N. Human Rights Commission voted to establish the office of Special Rapporteur for the Protection of Indigenous Peoples and in July appointed Rodolfo Stavenhagen, a professor at the Colegio de Mexico's Center for Sociological Studies and former advisor to the EZLN during its negotiations with the Government. In September Stavenhagen called for the resumption of dialog between the Government and the EZLN, as well as a review

and revision of the COCOPA law.

In an April 2000 report "The War in Chiapas," CDHFBC asserted that the military was the principal aggressor in cases reported to the Center in 1999. The CDHFBC also concluded that the presence of the military put at risk the human rights to life, physical integrity, liberty, and security of the local inhabitants.

In September an ICRC representative stated that while malnutrition still was a problem for displaced indigenous communities who fled their homes in Chiapas, the problem was not linked solely to food shortages but also to general health conditions. At year's end, the ICRC was feeding over 7,071 persons, the majority internally displaced persons (IDP's), on a continual basis. There still were cases of malnutrition, and the ICRC addressed those cases with food supplements. However, the ICRC's program emphasized prevention and included a training program for community midwives in the displaced communities, who also can disseminate more general health messages. According to the ICRC, the situation in some communities improved when some groups regained access to their land and thus had the potential to earn some income. The ICRC announced that it would likely reduce food assistance after assessing results of the fall harvest. In September the ICRC director in Chiapas informed the press that the aid received by the beneficiaries in Chenalho would be reduced by 30 to 50 percent.

Six persons were detained in connection with the May 1999 attack on indigenous rights leader Heriberto Pazos Ortiz in Oaxaca; two persons were released by "amparo," and four remained in custody at year's end.

In May the U.N. Special Rapporteur on the Independence of Judges and Lawyers voiced his concern about the indigenous population's access to the justice system (see Section 1.e.).

Judges often failed to sentence indigenous detainees within legally mandated periods (see Sections 1.d. and 1.e.). However, federal prosecutors drop drug charges against indigenous defendants whom drug traffickers forced to grow illegal crops, and the INI supports programs to provide translators and bail assistance to indigenous defendants (see Section 1.d.).

Indigenous people do not live on autonomous reservations, although some indigenous communities exercise considerable local control over economic, political, and social issues. For example, in the state of Oaxaca, 70 percent of the 570 municipalities are governed according to the indigenous regime of usages and customs, which may not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation (see Section 3). These communities apply traditional practices to resolve disputes, including allegations of crimes, and to elect local officials. In 1998 Quintana Roo's state Legislature passed a similar usages and customs law. While the laws allow communities in these states to elect officials according to their traditions, these usages and customs tend to exclude women from the political process (see Section 3).

There were reports that public health institutions performed forced sterilizations in marginalized indigenous areas (see Section 1.f.).

The law provides some protection for indigenous people, and the Government provides support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. However, these were not sufficient to meet the needs of all indigenous people. Although the national population growth rate has slowed to less than 2 percent annually, the birth rate among marginalized indigenous groups such as those in Chiapas is approximately 5 percent.

The General Education Act provides that educational instruction shall be conducted in the national language (i.e. Spanish) without prejudice to the protection and promotion of indigenous languages. However, many indigenous persons speak only their native languages. The National Statistical Institute reports that there are 62 distinct indigenous languages and 30 dialects. According to a 2000 World Bank report, approximately 808,100 individuals speak only an indigenous language. As a result, 1999 National Indigenous Plural Assembly for Autonomy (ANIPA) statistics suggest that indigenous people have a high rate of illiteracy and a low rate of school attendance. In commercial transactions, bilingual middlemen take advantage frequently of non-Spanish speakers who also have difficulty finding employment in Spanish-speaking areas.

The President created the sub-cabinet level Office for the Development of Indigenous Peoples led by Xochitl Galvez to complement the efforts of the National Indigenous Institute, the CNDH, and various NGO's, which operate programs to educate indigenous groups about their political and human rights. The Government generally professed respect for their desire to retain elements of their traditional culture in practice. The CNDH's office of the Fourth Inspector General reviews and investigates violations of indigenous rights. More than 130 NGO's are dedicated to the promotion and protection of indigenous rights.

Religious Minorities

There is a history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture. In parts of Chiapas, local leaders of indigenous communities sometimes regard evangelical groups as unwelcome outside influences and potential economic and political threats. As a result, these leaders sometimes acquiesced in, or actually ordered, the harassment or expulsion of individuals belonging primarily, but not exclusively, to Protestant evangelical groups. In many cases, these expulsions involved the burning of homes and crops, beatings, and, occasionally, killings. On several occasions, village officials temporarily detained Evangelicals for resisting participation in community festivals. The abuse related to these and other incidents apparently did not occur solely and exclusively on the basis of religion. While religious differences were often a prominent feature of such incidents, ethnic differences, land disputes, and struggles over local political and economic power were most often the basic cause of the problems.

There were reports of conflict between Catholic/Mayan syncretists and Protestant evangelicals in Chiapas. For example in late January, local leaders expelled 150 Protestant evangelicals from their homes in Justo Sierra, Chiapas; and beat several men, according to the Evangelical Commission for the Defense of Human Rights (CEDEH). A formal complaint was filed with the state prosecutor's office in Comitán, and on June 27, state judicial police arrested three community officials. On November 25, 27 families returned to their homes accompanied by Governor Salazar, who had mediated talks between the 2 sides; the 3 community officials also were released and returned home.

Tension between Catholic/Mayan syncretists and evangelical groups continues to be a problem in the municipality of San Juan Chamula. In 2000 CEDEH claimed that municipal authorities had expelled 30,000 persons in the 30 years. However, this report was not confirmed, and a representative from the CNDH told the press on April 19 that there are no official statistics on the displaced. Approximately 130 children of evangelicals have been denied access to the local public schools in 6 communities since 1994.

On April 12, in the community of San Nicolas, Ixmiquilpan municipality, Hidalgo, more than 30 Protestant Evangelical families were threatened by a local official with expulsion by June 18, if they did not contribute money and cement blocks to a community celebration. On August 22, the state governor and the Secretariat of Government's Undersecretary for Religious Affairs convened a meeting with evangelical representatives and town leaders and negotiated an agreement between the parties. Water service to the evangelical families, disrupted for months by local leaders, was restored in late August.

The Adventist Church reported that individuals in the communities of Vicente Guerrero and Juan Sabines have complained that the opening of an Adventist church in neighboring Francisco I. Madero, Tecapatan municipality, would violate local "practices and customs." In March Francisco I. Madero residents requested local government assistance in relieving tension among the communities and convincing the neighboring communities of the Adventists' right to use their place of worship. This report could not be confirmed. In Chiapas the Adventists viewed the local government as reluctant to intervene in towns governed by traditional "practices and customs."

In May four other incidents of intolerance were reported, three in Chiapas and one in Puebla state. In two Chiapas communities, Protestant evangelicals reportedly were detained by community members for failing to make financial donations in support of the syncretistic Catholic celebration of Santa Cruz. Adventists in Tapachula were accused of playing loud music in front of Catholic churches while Mass was being conducted, allegedly infringing upon the rights of their neighbors to unimpeded worship. Finally, in a Puebla community, an Adventist pastor was threatened while proselytizing.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Federal Labor Law (LFT) provide workers with the right to form and join trade unions of their choice. Approximately 25 percent of the total work force is unionized, mostly in the formal sector, where approximately one-half the labor force is employed.

No prior approval is needed to form unions, but they must register with the Federal Labor Secretariat (STPS) or state labor boards (JLCA) in order to function legally. Registration requirements are not onerous. However, the STPS or the JLCA occasionally have withheld or delayed registration of unions hostile to government policies, influential employers, or established unions. For example, in October the STPS refused to register a union to represent professional soccer players. The STPS and the JLCA also have registered unions that

turned out to be run by extortionists or labor racketeers falsely claiming to represent workers. To remedy this, STPS officials required evidence that unions were genuine and representative before registering them. Genuine unions are those that can demonstrate that they actually have members and represent the workers at the workplace. Some labor organizations have complained that they have found it difficult to obtain registration, especially from some local conciliation and arbitration boards.

Human Rights Watch criticized the Government's system of labor tribunals in a 1999 report that claimed that the right to freedom of association often was violated even when courts ruled in favor of organizing workers. The report stated that in the case of the Democratic Union of Workers of the Ministry of the Environment, Natural Resources, and Fishing the courts allowed workers to organize formally, but government officials continued to interfere in such a way that the union could not function effectively.

The Federal Labor Board (JFCA) and the JLCA are tripartite (government, union, employer). Although trade union presence on the boards usually is a positive feature, it sometimes led to unfair partiality in representation disputes. For example, the board member from an established union worked to dissuade a JLCA from recognizing a rival organization. Trade union registration was the subject of follow-up activities pursuant to a 1995 agreement reached in ministerial consultations under the North American Agreement on Labor Cooperation (NAALC).

Unions form federations and confederations freely without government approval. Most unions belong to such bodies, which also must register to have legal status. The largest trade union central is the Confederation of Mexican Workers (CTM), traditionally a part of the labor sector of the PRI, but affiliation is by individual unions.

The Revolutionary Worker and Peasant Confederation (CROC), and most of the separate national unions, smaller confederations, and federations in the Labor Congress (CT) also are allied with the PRI. However, several unions did not ally themselves with the PRI, including SNTE, the large teacher's union, which severed its PRI ties a decade ago, and freed its minority factions--including the CNTE, a breakaway teachers' union--to cooperate openly with other parties, particularly the PRD. In April the Federal Employee Union Federation (FSTSE) ended its long-standing relationship with the PRI. Rivalries within and between PRI-allied locals are strong. There also are a few small labor federations and independent unions outside the CT not allied with the PRI. One is the small, left-of-center Authentic Labor Front (FAT). Most FAT members sympathize with the PRD, but the FAT is independent and not formally tied to the PRD. In 1997 160 labor organizations representing workers in the private and public sectors, led by the telephone workers and social security workers unions, formed the National Union of Workers (UNT)--a labor central in competition with the officially recognized CT. In 1999 the Mexican Electricians Union (SME) announced that it would withdraw from the CT over its failure to give full support to the SME's opposition to the Government's plan to privatize partially the electric power sector. The SME had not withdrawn officially from the CT at year's end; however, it maintains no contact with the CT.

PRI-affiliated union officers traditionally helped select, ran as, and campaigned for PRI candidates in federal and state elections and supported past PRI government policies at crucial moments. The CT, especially the CTM, was well represented in the PRI senatorial and congressional delegations, although its numbers diminished significantly after the 1997 and the 2000 elections.

The ILO Committee of Experts (COE) has found that certain restrictions in federal employee labor law, adopted at FSTSE request, violate ILO Convention 87 on freedom of association. These restrictions allow only one union per jurisdiction, forbid union members from quitting the union, and prohibit reelection of union officials. In 1998 the COE and the ILO Committee on Application of Standards reiterated their criticism and asked the Government to amend the law. The Government responded to the criticism with subsequent labor reforms. A 1999 Federal Supreme Court decision permits the formation and recognition of more than one union per federal entity. On April 17, the Supreme Court ruled that Articles 395 and 413 of the LFT were unconstitutional because they violated the constitutional provision for freedom of association. This decision permits recognition of multiple unions at a company, and workers may obtain and retain employment whether or not they are associated with a union.

In April the Congress approved a package of constitutional reforms on indigenous rights and culture (see Section 5). Critics argue the approved reforms fail to meet the Government's obligations to ILO Convention 169 on Indigenous and Tribal Peoples. The case was pending before the ILO at year's end.

The Constitution and the LFT provide for the right to strike. The law requires 6 to 10 days' advance strike notice, followed by brief government mediation. If federal or state authorities rule a strike "nonexistent" or "illicit," employees must remain at work, return to work within 24 hours, or face dismissal. If they rule a strike legal, the company or unit must shut down completely, management officials may not enter the premises until the strike is over, and the company may not hire replacements for striking workers. Provisions for maintaining

essential services are not onerous. The law also makes filing a strike notice an effective, commonly used threat that protects a failing company's assets from creditors and courts until an agreement is reached on severance pay. Although few strikes actually occur, informal stoppages are fairly common, but uncounted in statistics, and seldom last long enough to be recognized or ruled out of order. The law permits public sector strikes, but formal public sector strikes are rare. Informal ones are more frequent.

According to the STPS, 35 legal strikes occurred in federal jurisdiction during the year. The Han Young maquiladora plant, target of a 1998 strike and subsequent legal battles, closed in 2000. Courts and administrative bodies have ruled against continuing worker appeals for damages. A union leader and a lawyer, subjects of arrest warrants in 2000, were not taken into custody and the case is effectively closed.

On August 18, more than 10,000 workers at the Volkswagen Plant in Puebla went on strike to demand higher wages comparable to those Volkswagen pays its workers in other countries. The strike was settled peacefully after 18 days of negotiations involving Secretary of Labor Carlos Abascal. The workers won a 10.2 percent raise, above the country's inflation rate.

On September 15, an agreement between Mexicana Airlines management and flight attendants averted a strike that would have had major repercussions for the country's airline industry. The flight attendants received a wage raise of 8.5 percent.

The Constitution and the LFT protect labor organizations from government interference in their internal affairs, including strike decisions. However, this also can protect undemocratic or corrupt union leaders. The law permits closed shop and exclusion clauses, allowing union leaders to vet and veto new hires and to force dismissal of anyone the union expels. Such clauses are common in collective bargaining agreements.

Employer organizations slowed efforts to push for labor law reform early in 1999 and entered into ongoing discussions with the Government and labor unions about reforming the LFT's rules of procedure. Government, employers, and unions had negotiated reforms through tripartite national agreements and collective bargaining at the enterprise level. Reforms were effected also through cooperation in programs to increase, and compensate for, productivity. Government, national labor unions, and employer organizations met periodically throughout the year to discuss ways and means of cooperation to boost productivity, wages, and competitiveness. The STPS sponsored a reformatted restructured committee that was working on draft labor legislation to present to Congress at year's end.

Unions are free to affiliate with, and increasingly are interested in actively participating in, trade union internationals.

A complaint alleging a refusal on the part of the Government to register the Academic Workers Union of the National College of Technical Occupational Education (SINTACONALEP) as a union still was pending before the ILO's Committee on Freedom of Association (CFA) at year's end. SINTACONALEP's employer, the National College of Technical Occupational Education (CONALEP), requires its teaching staff to sign documents denying the existence of an employment relationship thereby feigning a type of relationship that is covered under the civil code and not the LFT; the form, terms, and conditions all indicate an employment relationship. Hence according to STPS, SINTACONALEP members do not meet the definition of workers under the LFT to be registered as a union. In 1999 the CFA issued an interim report requesting that the Government provide a copy of the applicable law that denies trade union status to SINTACONALEP and that the Government investigate the allegations of interference and antiunion discrimination on the part of CONALEP. In October 1999, the Government responded and claimed that the refusal to register SINTACONALEP was in accordance with the legal provisions in force in the country and with ILO conventions. The CFA subsequently requested more detailed information from the Government, and noted that the Government's response had not addressed all of SINTACONALEP's complaints.

b. The Right to Organize and Bargain Collectively

The Constitution and the LFT provide for the right to organize and bargain collectively. Interest by a few employees, or a union strike notice, compels an employer either to recognize a union and negotiate with it or to ask the federal or state labor board to hold a union recognition election. LFT pronoun provisions led some employers to seek out or create independent "white" or company unions as an alternative to mainstream national or local unions. Representation elections are traditionally open, not secret. Traditionally, management and union officials are present with the presiding labor board official when workers openly declare their votes, one by one. Such open recounts, which in the past have resulted in the intimidation of pronoun workers and in reprisals against them, are prevailing practice but are not required by law or regulation. Secret ballots are held when all parties agree.

On March 2, at a foreign-owned company in Rio Bravo, Tamaulipas, the JFCA allowed an independent union election in response to employee claims that the long-standing union, CROC, engaged in harassment and coercion at the workplace. However, the JFCA rejected the proposal to employ a secret ballot, citing that its use would be onerous and make it impossible to verify that workers had standing to vote. A total of 502 workers of an estimated 1,400 voted. The JFCA reportedly allowed new employees and management and office personnel, who did not have a legal right to vote, to participate in the election; however, the JFCA reportedly denied some illegally fired workers their legal right to vote. The CROC retained the collective bargaining contract as a result of the ballot. The AFL-CIO, protesting the election, made a submission to the National Administrative Office (NAO) in Washington D.C. charged with oversight of the North American Agreement on Labor Cooperation.

Wage restraints no longer exist, except for those caused by recession or an employer's difficult situation. Wages in most union contracts appeared to keep pace with or ahead of inflation, but most workers had not yet regained buying power lost over the past decade.

The country's record for internal union democracy and transparency was spotty. Some unions were democratic, but corruption and strong-arm tactics were common in others.

In a case involving freedom of association linked to the right to organize unions, in 1997 a total of 9 unions and 24 human rights NGO's jointly filed a submission with the U.S. NAO alleging that a CTM-affiliated union used strong-arm tactics to intimidate workers so that they would not vote in favor of a rival union to represent workers at a plant in Mexico state. This submission also alleged violations of health and safety regulations. The Canadian NAO also received a submission on this case in 1998. The U.S. NAO issued a report in 1998 that recommended ministerial consultations. A May 2000 agreement between the U.S. and Mexican Labor Secretaries and adhered to by the Canadian Labor Minister provided that the Mexican Labor Secretariat hold a public NAFTA conference in Mexico City in fall of 2000 to address the issues raised in the complaints. However, at year's end, the conference had not taken place.

The public sector is almost completely organized. Industrial areas are organized heavily. Even states with little industry have transport and public employee unions, and rural peasant organizations are omnipresent. The law protects workers from antiunion discrimination, but enforcement is uneven in the few states with low unionization.

Unionization and wage levels in the in-bond export sector varied by area and sophistication of the manufacturing process. Wages have been lower and job creation has been greater in this sector than in more traditional manufacturing. Wages in the maquiladora sector still were lower than in the traditional manufacturing sector, although they were approaching manufacturing sector level. Some observers alleged poor working conditions, inadequate wages, and employer and government efforts to discourage unionization in this sector. There was no evidence that the Federal Government opposed unionization of the plants (the maquiladora sector tends to be under state jurisdiction), but some state and local governments in the west are said to help employers discourage unions, especially independent ones, through the use of protection contracts. Protection contracts, to which the workforce is not privy, are used in the maquila sector and elsewhere to discourage the development of authentic unions. These contracts are collective bargaining agreements negotiated and signed by management and a representative of a so-called labor organization, sometimes even prior to the hiring of a single worker.

On September 21, according to the international NGO Campaign for Labor Rights, workers at a Nike contract factory succeeded in forming an independent union when the South Korean-owned Kukdong International factory in Atlixco, Mexico state, certified the independent union, Sitemex, for 450 workers. The certification of Sitemex represents the first instance in which an independent union ousted an institutional union.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in persons, including children, for sexual exploitation and forced labor is a problem (see Section 6.f.). There also were cases of abuses of refugees and undocumented immigrants (see Section 2.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution prohibits children under 12 years of age from working and sets the minimum legal work age at 14 years; however, child labor is a problem. Those between the ages of 14 and 15 may work only limited hours, with no night or hazardous work, which generally makes hiring them uneconomical. Enforcement was reasonably good at large and medium-sized companies, especially in maquiladoras and industries under

federal jurisdiction. Enforcement was inadequate at many small companies and in agriculture and construction. It was nearly absent in the informal sector, and the government's efforts to enforce the law stalled.

A 2000 report published by UNICEF and the National Action Commission in Favor of Children reported that approximately 3.5 million children between the ages of 6 and 18 work regularly. Approximately 1.2 million children work in agriculture, particularly in the northern states. UNICEF and the DIF, in a 1999 study of working children in the 100 largest cities, estimated that 150,000 children work in those cities.

In 1996 the ILO reported that 18 percent of children 12 to 14 years of age work, often for parents or relatives. Most child labor is in the informal sector (including myriad underage street vendors), family-owned workshops, or in agriculture and rural areas. Mexico City's central market employs approximately 11,000 minors between the ages of 7 and 18, who work as cart-pushers, kitchen help, and vendors. The children do not receive a fixed wage, and most work long shifts, starting in the early morning hours. The CTM agricultural union's success years earlier in obtaining free transport for migrant seasonal workers from southern states to fields in the north inadvertently led to a significant increase in child labor. The union and employers were unable to convince indigenous farm workers to leave their families at home, and many settled near work sites in the north. The union has had some limited success in negotiating with employers to finance education in Spanish and indigenous languages near work sites and in obtaining social security child care centers, but it has had difficulty in persuading member families not to bring their children into the fields. Many urban child workers are migrants from rural areas, are illiterate, and have parents who are unemployed.

The Federal Government's antipoverty program works to keep poor children in school as an alternative to work (see Section 5). The government of the Federal District implemented a law adopted in 1999 that increased limitations on working hours and conditions for children employed as supermarket baggers and automotive attendants.

The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The Constitution and the LFT provide for a daily minimum wage. The tripartite National Minimum Wage Commission (government, labor, and employers) usually sets minimum wage rates each December, effective on January 1, but any of the three parties can ask that the wage commission reconvene during the year to consider a changed situation. In December 2000, the wage commission adopted a 6.9 percent increase effective on January 1, based in part on the Government's projection of a 6.5 percent annual inflation rate. By January 12, there was unanimous support among the tripartite members of the wage commission for establishing a consultative committee for the modernization of the minimum wage system. A consultative committee comprised of employers, union, academic specialists, and a government representative was formed and completed its work during the year.

In Acapulco, Mexico City, and nearby industrial areas, southeast Veracruz state's refining and petrochemical zone, and most border areas, the minimum daily wage was set at \$4.48 (40.35 pesos). However, employers actually paid \$5.11 (45.95 pesos) because of a supplemental 14 percent subsidy. These income supplements to the minimum wage, agreed to in annual tripartite pacts, are for all incomes less than four times the minimum wage, and decrease as wages and benefits rise. In Guadalajara, Monterrey, and other advanced industrialized areas, the minimum daily wage (before the subsidy) was \$4.22 (37.95 pesos). In other areas, it was \$3.98 (35.85 pesos). There are higher minimums for some occupations, such as the building trades.

The minimum wage does not provide a decent standard of living for a worker and family. Few workers (approximately 16 percent) earn only the minimum wage; most workers earn more than the minimum wage, and industrial workers average three to four times the minimum wage, earning more at larger, more advanced, and prosperous enterprises.

The law and contract arrangements provide workers with extensive additional benefits. Legally required benefits include free social security medical treatment, pensions, individual worker housing and retirement accounts, substantial Christmas bonuses, paid vacations, and profit sharing. Employer costs for these benefits add from approximately 27 percent of payroll at marginal enterprises to over 100 percent at major firms with good union contracts. In addition, employers frequently subsidize the cost of meals, transportation, and day care for children, and pay bonuses for punctuality and productivity.

The LFT sets six 8-hour days as the legal workweek, but with pay for 56 hours. For most industrial workers, especially under union contract, the true workweek is 42 hours, although they are paid for 7 full 8-hour days.

This is one reason why unions vigorously defend the legal ban on hourly wages. Workers asked to exceed 3 hours of overtime per day or required to work overtime on 3 consecutive days must be paid triple the normal wage.

There are 11 special labor arbitration and conciliation boards (in Queretaro, Pachuca, Ciudad del Carmen, Zacatecas, Orizaba, Ciudad Juarez, Cancun, Colima, La Paz, Reynosa, and Tijuana) and 4 more state offices of the STPS to make it more convenient for workers to file complaints and bring other actions before the labor court system.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Social Security Institute (IMSS), and to pay contributions that vary according to their workplace safety and health experience ratings. LFT-mandated joint management and labor committees set standards and are responsible for workplace enforcement in plants and offices. These committees meet at least monthly to consider workplace needs and file copies of their minutes with federal labor inspectors. Federal and state authorities exchange information.

STPS and IMSS officials continued to report that compliance is reasonably good at most large companies. However, because smaller firms are far more numerous and so much more difficult to monitor, these officials were unable to draw any general conclusions about their compliance. There were not enough federal inspectors to enforce effectively health and safety standards at smaller firms. There are special problems in construction, where unskilled, untrained, poorly educated, transient labor is common, especially at many small sites and companies. Many unions, particularly in construction, are not organized effectively to provide training, to encourage members to work safely and healthily, to participate in the joint committees, or to insist on their rights.

To protect the rights of workers, the Secretariat of Labor made 9,593 safety and hygiene inspections in private factories and public institutions through August and estimated that it would complete 13,790 by the end of the year. However, while the Government increased the number of federal inspectors in 1997 and concluded agreements with more states to expand and better coordinate labor inspections, the number of maquila plants (approximately 3,500) far exceeds what the less than 700 (approximately 350 state and 341 federal) inspectors can monitor.

In July 2000, a large group of U.S., Canadian, and Mexican labor organizations and NGO's filed a submission with the U.S. NAO alleging the failure of Mexican labor authorities to comply with health and safety regulations resulting in occupational injuries to a number of workers at maquiladora plants belonging to a U.S. company in the border state of Tamaulipas. The U.S. NAO accepted the submission in September 2000 for formal review and conducted a public hearing in San Antonio, Texas, in December. Following the hearing, the U.S. NAO issued a report on the matter and requested consultations. The STPS agreed to the consultations; however, consultations were not scheduled by year's end. The STPS conducted regular and periodic inspections of the plants, but the U.S. NAO questioned their efficacy.

Many agricultural workers are internal migrants, who often travel with their families, including young children. They often are paid by volume of the work they produce, rather than by the day. Working conditions vary by area of the country and from one locality to another. Allegations have been made that workers, including young children accompanying them, have been exposed to pesticides and other chemicals.

Individual employees or unions also may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the federal labor board at no cost to themselves.

f. Trafficking in Persons

There are no specific laws that prohibit the trafficking of persons, although other laws may be used to prosecute traffickers of undocumented migrants, women, and children; however, trafficking is a serious problem, and there were credible reports that police, immigration, and customs officials were involved in the trafficking of such persons (see Section 2.d.).

Mexico is a source country for trafficked persons to the U.S., Canada, and Japan, a transit country for persons from various countries, especially Central America and China, and a destination country for children trafficked from Central America, especially from Honduras to Tapachula, Chiapas. There are an increasing number of persons from Brazil and Eastern Europe transiting through the country, some of whom are trafficked. Salvadorans and Guatemalans, especially children, are trafficked into the country for prostitution, particularly on the southern border. Internal trafficking, including of children for sexual exploitation, also is a problem.

Russian criminal organizations reportedly traffic women from Eastern Europe into the country to work in nightclubs.

A study that was jointly funded by UNICEF and DIF and released in June 2000 studied children in six cities, and concluded that the commercial sexual exploitation of children was present today throughout the country (see Section 5). Its author estimated that the number of children involved in sexual exploitation countrywide at 16,000. Most were citizens, although there were significant numbers from Central America, principally Guatemala, Honduras, and El Salvador. The Central American children entered the country through Chiapas. In many cases, those who brought them in the country promised them employment in legitimate occupations. Thereafter they were sold to the owners of bars and other establishments and then forced into prostitution to "pay off their debts." This debt peonage often never ends because the children accrue more debt for their meals and housing. The owners sold or traded the children among themselves. Other children were transported to Mexico City for "training" and then were sent to centers of tourism. Some children are trafficked to the U.S. and Canada.

There are no specific laws that prohibit the trafficking of persons, although immigration laws, the federal organized crime law, and federal and state penal codes contain provisions that may be used to prosecute traffickers of undocumented migrants, women, and children. Laws pertaining to trafficking in persons are Article 138 of the Immigration Law, and the Federal Organized Crime Law of the Federal Penal Code. There also are laws prohibiting the sexual abuse or exploitation of children and forced labor by children (see Sections 5 and 6.c.). The PRG and the INM are the agencies responsible for enforcing anti-trafficking laws; however, there is no special program to combat trafficking. In November 2000, the PRG established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children (see Section 5). The Government prosecutes cases against traffickers, but no statistics were available.

The Government has a Plan of Action to Prevent, Attend, and Eradicate the Commercial Sexual Exploitation of Minors. The program is administered through the DIF and is supported by numerous executive and legislative branch entities. The Chihuahua State Attorney General's Office runs a series of self-awareness programs to educate women about the many dangers confronting them in Ciudad Juarez. There also have been campaigns to prevent illegal migration and migrant smuggling.

The Government has strengthened significantly its cooperation with other countries. In July 2000, the Honduran Government stated that it was working to repatriate from Mexico approximately 400 Honduran girls, between the ages of 10 and 16 years, who after unsuccessfully having tried to enter the U.S. illegally were forced into prostitution in Mexico.

The Government supports general prevention campaigns for children and women, and administers assistance programs for children repatriated to Mexico. The legal framework exists to protect the victims of trafficking and provide social services to these victims. However, in practice persons illegally in the country usually are deported.

Numerous NGO's work on related issues such as migrant trafficking, child prostitution, sexual exploitation, and women's rights (see Sections 2.d. and 5).