



Mexico

Country Reports on Human Rights Practices - [2002](#)

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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. The EZLN has been silent since the passing of the Indigenous Rights and Culture law in August of 2001. There has been no dialogue between the EZLN and the Government since then because the EZLN refused to meet with the government's representative, Luis H. Alvarez. Sporadic outbursts of politically motivated violence continued to occur throughout the country, particularly in the southern states of Chiapas, Guerrero, and Oaxaca. The judiciary is generally independent; however, on occasion, it was influenced by government authorities particularly at the state level. 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 played a large role in some law enforcement functions, primarily counternarcotics. There were approximately 5,300 active duty military personnel in the PFP as permitted by the 1972 Firearms and Explosives Law. 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 maintained a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers committed human rights abuses.

During the year, the market-based economy began a slow recovery after the 2001 global economic slowdown. In 2001 the country's population was estimated at 98.8 million persons. Gross Domestic Product grew at an annualized rate of 2.1 percent during the first half of the year after declining by 0.3 percent in 2001. The rate of inflation was 4.4 percent. Leading exports included petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. During the year, industrial production slowly recovered after contracting by 2.5 percent in 2001. Over the last year, automobile production, a key sector, fell by 2.7 percent; however, economic forecasters anticipate automobile production will grow in the future. Average wages increased by 5.8 percent during the year, slightly higher than the 5.5 percent rate of inflation in the same period in 2001 and higher than the government's target rate of 4.5 percent. An estimated 25 percent of the population resides in rural areas where subsistence agriculture is common. Income distribution remains skewed: in 2000, the top 10 percent of the population received 37.8 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 remained in several areas, and in some states, especially Guerrero, Oaxaca, and Chiapas, where a poor climate of respect for human rights presented special concern. Federal and state law enforcement officials and one member of the military were accused of committing unlawful killings. There were reports of vigilante killings. There were documented reports of disappearances. The police sometimes tortured persons to obtain information. Prosecutors used this evidence in courts, and the courts continued to admit as evidence confessions extracted under torture. There were cases of police torture of suspects in custody that resulted in deaths. Impunity remained a problem among the security forces, although the Government continued 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 increased, particularly in the northern states and Mexico City. Prison conditions were 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 on occasion 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 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. There was an increase in confrontations between armed civilian groups and sympathizers of the Zapatista National Liberation Army (EZLN). Isolated guerrilla attacks against government property and personnel continued; however, there were fewer such attacks than in previous years. Journalists investigating drug trafficking occasionally were

threatened by narcotics traffickers, primarily in the northern states. Corrupt members of the police sometimes violated the rights of illegal immigrants. Human rights workers continued to be subjected to attacks and harassment. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDSs persisted. Sexual exploitation of children continued to be a problem. There were credible reports of limits on freedom of association and worker rights. There was extensive child labor in agriculture and the informal economy. Trafficking in persons, including children, remained a problem, and there were credible reports that police and other officials were involved in trafficking. Mexico was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Government continued to take important steps to improve the human rights situation; however, its efforts continued to meet with limited success in many areas. In addition, it increased its efforts to enhance cooperation with the international community and with domestic human rights groups during the year. The coordination of the Inter-Secretarial Commission on Human Rights, composed of members from the secretariats of Government (SEGOB), Foreign Relations (SRE), Defense (SEDENA), the Attorney General's office (PGR) and others, has passed from the SRE to the SEGOB, with the added participation of civil society and human rights NGOs as permanent members rather than as observers. On July 30, the Secretary of Government, Santiago Creel, announced the creation of a new sub-secretariat for human rights tasked with attending efficiently to political and social conflicts, fortifying relations with Congress to promote human rights-related legislation, and emphasizing the President's commitment to human rights. The new sub-secretary had not been named at year's end. On July 1, Foreign Minister Jorge Castaneda and U.N. High Commissioner for Human Rights (UNHCHR) Mary Robinson jointly announced the establishment of a UNHRC office in Mexico. The office will help the Government undertake a study of the human rights situation in the country and to formulate a national human rights program. On November 11, President Fox met with Amnesty International secretary general Irene Kahn who reproached the President for the lack of progress in the investigation of the death of Digna Ochoa and the lack of a cohesive national human rights plan. Fox emphasized the Government's commitment to human rights.

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 and federal and state police were accused of committing a number of killings during the year.

On March 29, members of Federal Investigations Agency (AFI) under the PGR's office arrested Guillermo Velez Mendoza for suspected involvement in a kidnaping case. Velez died in the custody of the AFI agents 5 hours later. Varied initial reports stated that Velez died of natural causes while in custody, while being subdued during an attempt to escape, or as the result of a fall; however, subsequent investigations revealed that he died from asphyxiation while being tortured. On May 14, the National Human Rights Commission (CNDH) ruled that Velez was subjected to "arbitrary detention, cruel and degrading treatment and homicide." On August 8, the Mexico State Attorney General's office ordered (PGJEM) the arrest of five AFI agents for being accessories to aggravated homicide, acting against the administration of justice, and abusing authority. One of the agents, commander Hugo Armando Muro Arellano, who is suspected of applying the headlock which resulted in Velez' death, was freed on bail and was a fugitive at year's end.

On May 20, elements of the Federal District Secretariat of Public Security (SSP) arrested Jose Gabriel Martinez Romero, an active duty major in the Armed Forces, in a hotel in Mexico City for disorderly conduct and possession of a gun and transported him to a PGR sub-delegation office in Azcapotzalco. Police found him dead in the back of the vehicle when it arrived at the PGR office. Investigations revealed that cause of death was pulmonary arrest and hemorrhage of the pancreas. The authorities implicated 25 police officers in the death. At year's end, 6 officers were released, 17 remained in custody pending further investigation, and 2 had not been found.

On May 24, a group of soldiers shot at a group of Central American migrants, killing two Hondurans, Elmer Alexander Pacheco Barahona and another youth only known as David, both age 16, and wounding two, Pacheco's brother Antonio and Jose Rodolfo Rivas Ramirez from El Salvador. In November the authorities arrested and charged soldier Ricardo Olvera Venegas with the killing of two youths.

On May 28, in Monterrey, Nuevo Leon state, Francisco Medellin Alberto died in custody during an interrogation by the ministerial police who arrested him on suspicion of robbing an automatic teller machine. The PGR confirmed that Medellin died of asphyxiation while apparently being tortured in the basement of the Ministerial Police building. Two police agents abandoned the body at the University Hospital. Suspects Juan Manuel Gutierrez Navarro, Juan Cruz Rosales, and Sergio Martinez Acosta had been arrested, and Jorge Julio Estupinian de la Rosa was a fugitive at year's end. Three other police agents are suspected of involvement in the death. The investigation continued at year's end.

On June 17, Roberto Carlos Mendoza Zuniga died in his cell at the PGR in San Nicolas, Nuevo Leon state from a gunshot wound inflicted by police agent Alejandro Huerta Rivera during a scuffle with Mendoza after his arrest on June 15 for possession of marijuana and drunkenness. Huerta Rivera and another agent, Cesar Alberto Perez Melendez, were arrested in connection with the death. The investigation continued at year's end.

On June 11, SSP agents shot Josue Ulises Banda Cruz, age 17, while he was running away from police. The police proceeded to load Banda into the police car and drove off. His body was found in front of a house in Colonia Granjas in Mexico City a short time later. The Federal District Human Rights Commission (CDHDF) condemned the police actions. Sixty-two police were under investigation by Federal District authorities for suspected involvement or cover up in the crime. David Leon Mendez, director of the Sector Police, was temporarily suspended pending investigation into his part in covering up for two police officers sought in the case.

On May 31, an undetermined number of assailants shot and killed 26 peasant farmers near Agua Fria, Oaxaca. Police arrested 16 persons from Santo Domingo Tejomulco in connection with the crime. The National Human Rights Commission (CNDH) determined that the killing was part of an ongoing land dispute between the two communities dating back to 1935 and called on state judicial authorities to continue to investigate the killing.

There were no significant developments in the investigation into the October 2001 death of human rights defender Digna Ochoa y Placido (see Section 4).

At year's end, government authorities were investigating the July 2001 killing of Everardo Obregon Sosa, a municipal Democratic Revolutionary Party (PRD) leader in Culiacan, Sinaloa.

During the year, federal judges denied the request for release of federal police officers Jorge Encarnacion Perez Barreto and Fabian Garcia Venegas, accused of killing Hector Manuel Bear Alvarez and wounding six other persons in May 2001. Both officers remained in prison at year's end. Fabian Garcia Venegas, had other outstanding charges against him, including abuse of prisoners (see Section 1.c.).

During the year, the Mexico State Human Rights Commission (CEDH) completed its investigation of the June 2001 death of Alfonso Escamilla Casimiro in his cell in Teoloyucan, Mexico state and made a six-point recommendation to the Teoloyucan Municipal Police, including the investigation of three agents of the Transit and Public Security Office and three members of the Office of Civil Protection and Firemen. The Municipal Police completed four of the recommendations, and partially completed two others. The Municipal Police declined to investigate the public servants due to lack of evidence.

At year's end, it was not known whether judicial proceedings had begun against Vicente Pena Zuniga, Efrain Cruz Bruno, and Nicasio Bernardino Lopez for the May 2001 killing of Fidel Bautista Mejia in Putla, Oaxaca.

There were no significant developments in the investigation of the May 2001 killing of Jesus Carrola, former chief of the Mexico City judicial police force, and his two brothers. The Mexico City Human Rights Office (CDHDF) found that there had been a violation of human rights; however, the CDHDF closed the case in June 2001.

No information from Military Justice was available concerning the charges against military personnel for the separate January 2001 killings of Esteban Martinez Nazario and Rodrigo Torres Silvain.

On August 13, judicial policemen Luis Carlos Morales Romo, Jose Isable Vargas Davila, Armando Ovando Rios and Marco Antonio Constantino Gonzalez were tried and found guilty of homicide and aggravated robbery for the 2001 killing of 10-year-old Roberto Blancas.

There were no developments in the investigation of the November 2001 abduction and killing of Raul Varela Meza, Juan Antonio Chavez, Eduardo Ramirez, and Lorenzo Barraza in Ciudad Juarez.

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

There were a number of deaths in prisons during the year. The CNDH investigated three cases during the year. Two were confirmed to be suicides and one was under investigation at year's end.

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. The preliminary number of documented deaths related to narcotics trafficking for the year was 123; however, the final confirmed number may be significantly greater. Most of the deaths were execution style killings. Between January and August 31, 57 murders with presumed or proven drug connections occurred in the Ciudad Juarez area, a 62 percent increase over the number of killings in the same period last year.

On November 12, heavily-armed assailants killed four police officers and wounded five in a shootout in Sinaloa's capital city of Culiacan. The police wounded three of the attackers, and one of them later died in a hospital. Police had not commented officially on a motive by year's end. Sinaloa has been plagued with drug-related shootings in the past.

In November the governor of Nayarit state asked federal authorities to help investigate a series of violent incidents in the state's mountain region. The incidents began in July and resulted in at least eight deaths, including that of a police officer, a state government employee, and a city councilman in La Yesca. Local law enforcement officials stated that these incidents were

nothing other than the work of common bandits. However, local residents alleged that guerrilla groups committed the killings. State and federal authorities determined that the violent incidents were the work of ordinary criminals and launched a public information campaign.

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. There were several instances in which members of security forces, including military elements, have been apprehended for working for or with narcotics traffickers.

On June 7, two soldiers from the 37th Infantry Battalion and two indigenous local residents were killed in the vicinity of Huecato, Michoacan, during a gun battle when a routine patrol came across a group of indigenous people who were allegedly engaged in illegal logging. A third soldier was injured. It was not clear who started the shooting. No formal complaint had been made to either the state or national commission on human rights regarding the initial incident. The Congressional Human Rights Commission for the state of Michoacan reportedly initiated an investigation.

In December 2001, Jose Romualdo Quintero Carrizoza was arrested in Tijuana, Baja California, in an anti-kidnaping operation. Subsequent investigations between authorities in Baja California and Sinaloa and fingerprint matches identified Quintero as being one of the perpetrators of the February 2001 killing of 12 persons in the town of El Limoncito, Sinaloa. Investigations into the case continued at year's end.

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

Investigations into the presumed suicide of Jose Manuel Urbina, who was found drowned in a Durango state security facility in 2000, found that Urbina had hidden from police officers in the water cistern of the house where he was being held. The police officers were given administrative sanctions for dereliction of duty. The policemen were drinking that night and did not realize Urbina had hidden in the cistern.

On November 13, press sources reported that 18 persons were sentenced to 36 years and 3 months in prison for their participation in the killings of 45 persons in Acteal, in the Chenalho municipality of Chiapas in 1997. Twenty-nine arrest warrants were still outstanding at year's end. During a visit to Mexico in July, Juan Mendez, president of the Inter-American Human Rights Commission (IAHCR), met with NGOs and family members to follow up on progress made on the Acteal case.

In January the Attorney General of Military Justice announced the reopening of the investigation of the 1995 death of Air Force Lieutenant Jose Raul Vargas Cortez. The current Secretary of Defense ordered the investigation reopened to determine if there were errors or omissions in the case.

In June the Congress of Guerrero state requested that federal authorities reopen the investigation into the 1995 Aguas Blancas massacre of 17 indigenous farmers. Both the federal and state Governments previously had considered the case resolved.

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 killing 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.

Investigations continued into the 2001 killings of two federal judges in Mazatlan, Sinaloa 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 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 continued to maintain Lopez's innocence, claiming there was insufficient proof against him as well. He remained in custody at year's end.

In August Omar Alberto Morales Patino, former head of the federal police in Casas Grandes and Parral, Chihuahua, was arrested in the state of Mexico and charged with the murders of several informants in Chihuahua in 2000.

There were incidents of vigilante justice. In January a crowd in Puebla killed Silvestre Portillo as he tried to escape after robbing money that was destined for an education, health, and nutrition program. In June a crowd in San Cristobal de las Casas, Chiapas, presuming that Domingo Santiz Diaz and Pascual N. (last name unknown) were responsible for the death of Diego Gomez Gomez, treasurer of the La Candelaria community education committee, lynched them and severely beat two other persons. On December 5, two thieves caught in the act of trying to rob a taxi were lynched in the Milpa Alta area on the outskirts of Mexico City.

b. Disappearance

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.)

On June 3, the CDHDF concluded that at least two members of the Federal District Judicial Police, Leticia Cordero Becerra and Luis Jaffet Rodriguez Jasso, were involved in the March 14 disappearance of Jesus Angel Gutierrez Olvera who was forced into a waiting automobile. Witnesses identified Ricardo Sanchez Vascoy, another judicial policeman, as having demanded money from Gutierrez the day before the disappearance occurred. The implicated police officers were questioned but denied any involvement. The investigation continued at year's end. On October 11, the Interamerican Human Rights Commission requested protection for Gutierrez' mother, Leonor Olvera.

On March 14, the Guerrero state Human Rights Commission (CEDH) called on the state Attorney General's office (PGJE) to process judicially a number of police suspected of being involved in the June 2001 disappearance of Faustino Jimenez Alvarez. The report criticized the PGJE for failing to forward a copy of the investigation and for denying the CEDH permission to participate in the preliminary investigation. The CEDH also requested protection for the wife of Jimenez Alvarez, stating that she could be the subject of reprisals. At year's end, members of the Peace Brigades International provided her with an escort.

In July Jose Luis Soberanes, President of the CNDH, criticized the Government for not acting upon the recommendations contained in the November 2001 CNDH's Special Program on the Presumed Disappeared (PREDES) report on the presumed forced disappearances of 532 persons, the majority dating from the 1970s. He alleged that although the Government had accepted the report's recommendations by creating a Special Prosecutor For Investigating Acts Committed Directly or Indirectly by Public Servants that Probably Constitute Federal Crimes Against Persons Associated with Social and Political Movements of the Past (Special Prosecutor), it had failed to act upon them.

Ignacio Carrillo Prieto, the Special Prosecutor, continued his investigations into the disappearances of 532 persons and the killings in October 1968 and June 1971. His office created a national register for indigents to verify if anyone related to the disappearances during the "dirty war" of the 1960s and 1970s may have been released, but with deteriorated mental faculties. The office also produced a DNA data bank with 112 blood samples to be used to identify remains found in clandestine cemeteries.

In an unprecedented move, the Special Prosecutor called former President Luis Echeverria to testify on his involvement in the October 1968 killings in Tlatelolco when he was Secretary of Government and the June 1971 "Jueves de Corpus" killings during his presidency. On July 9, Echeverria appeared before the Special Prosecutor to hear more than 150 questions; however, he failed to reappear later to answer the questions, even though his attorneys had been granted an extension of 40 days.

On November 6, Alfonso Martinez Dominguez, Head of Federal District Government during the events in 1971, died without answering questions posed to him during an August 22 questioning by Carrillo Prieto. On November 11, the special prosecutor called retired General Luis Gutierrez Oropeza, head of the Presidential Security (EMP) during 1968, to testify. Oropeza requested an extension of time to answer in written form 36 questions posed by the special prosecutor's office. On December 12, Oropeza answered most of the questions in written form. He admitted that he had sent elements of the Army to the plaza, but denied posting sharpshooters on roofs.

On March 14, the Guerrero CEDH published a recommendation against 16 members of the state judicial police for arbitrary detention and forced disappearance in the 2000 disappearance of Maximo Marcial Jaimes.

On September 26, the Attorney General of Military Justice (PGJM) indicted Generals Francisco Quiros Hermsillo and Arturo Acosta Chaparro on charges of aggravated homicide during the so-called "Dirty War". The generals are accused of the death and disappearance of over 130 persons in the state of Guerrero during the period 1971 -78. On November 1, an all-military panel found the generals guilty of crimes against public health (narcotics-related), but innocent on charges of conspiracy and bribery. The generals received sentences of 16 and 15 years respectively, were stripped of their rank and benefits, and received fines of approximately \$150 (1,500 pesos). The generals immediately appealed their convictions. They will remain in custody until the trial for the human rights-related charges concludes.

The Specialized Unit for Combating Organized Crime (UEDO) announced that there were 350 kidnappings for ransom during the first 8 months of the year compared with 732 kidnappings in 2001; however, many kidnappings were not reported. The UEDO also reported that it had broken up 20 kidnaping rings and arrested 75 persons.

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

The Constitution and the law prohibit torture; however, it continued 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.). To be admissible as evidence, confessions must be made to the Public Ministry or a judge and in the presence of a defense attorney. 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 2001 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.

The CDHDF reported that it had received 87 complaints of torture in the Federal District during the year. In 23 cases, the victims did not pursue their complaints. In August the Secretariat of Foreign Relations stated that torture is a common practice in the country; however, the lack of a law that provides a legal definition of torture has made it difficult to identify and eradicate. It is classified as abuse of authority or injury and therefore, a crime.

In August Roberto Garreton, the representative for Latin America to the UNHCHR, stated that torture continued in the country; however, he stated that he had seen positive changes since he last visited the country in 1998.

The Miguel Agustin Pro Center for Human Rights (PRODH) documented 16 cases of torture in the first 6 months of the year. The police or the military in Colima, Guerrero, Chiapas, the Federal District, Jalisco, Sinaloa, Queretaro and Nuevo Leon tortured a total of 35 persons, with involvement by the judicial police in 12 cases.

In April the CNDH reported that the PGR had the most complaints of torture among federal agencies. On October 10, the PGR inaugurated new "Units for the Protection of Human Rights," which are responsible for overseeing that the PGR as an agency respects human rights.

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. In July 2001, Amnesty International alleged that as a result those responsible for 95 percent of recorded crimes never are apprehended and brought to justice.

By year's end, no official results of the PGR internal investigation into the April 2001 federal police beating of Angel Abel Duran had been released.

During the year, the Mexico state CEDH closed its investigation into the 2001 beating of Alvaro Rayon because it was unable to locate him at the address that he provided, and he failed to provide more information on the incident.

There were no developments in the February 2001 torture of Norberto Jesus Suarez Gomez, the head of the PGR's Chihuahua state office. The PGR had accepted the CNDH's recommendations and suspended 16 officials pending criminal and administrative investigations. Suarez remained in custody on illegal enrichment charges.

On September 18, the Michoacan state human rights office reversed its March 2001 dismissal of allegations made by Ivan Ramirez and Israel Molina that they were tortured in 2000 in Nueva Italia because it determined that its original investigation had not been conducted properly.

There were no developments in the 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.

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. In June 2000, the Guerrero CEDH forwarded the case to the CNDH for further investigation.

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.

On February 16, in Acatepec, Guerrero members of the 41st Infantry Battalion allegedly raped 17-year-old Valentina Rosendo Cantu when she was washing clothes by a creek. On March 22, in Ayutla, Guerrero three soldiers from the 41st Infantry Battalion allegedly raped Ines Hernandez Ortega in her home. Eight other soldiers stole some meat she had in the house. CNDH officials were investigating these rapes. SEDENA denied the accusations; however, it promised to assist civil authorities in the investigations.

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

By year's end, the PGR had not finished preparing a manual called "Procedure Model for the Detection of Torture" based on the UNHCHR's manual for training on the investigation and documentation of torture, based on the Istanbul Protocol.

Police abuse and inefficiency hamper investigations. In November 2001, the bodies of eight young women who had been raped and killed were found in an empty lot adjacent to a busy intersection in Ciudad Juarez. State authorities arrested two bus drivers accused of the crimes within 3 days but the drivers alleged their confessions were obtained under torture. Their attorney was subsequently shot and killed by the State Police following a high-speed car chase during which the attorney called his father and reported that he was being pursued. The police originally alleged that he had died of injuries received when his car crashed but were forced to retract that information when it was revealed that he had been shot in the head. The officers involved in the case were questioned but never charged nor disciplined. As of September, they continued in their official capacity. The bus drivers remain jailed pending sentencing (see Section 5). There have been 325 women killed in Ciudad Juarez since 1993.

Police corruption is a problem. Police have been involved in kidnappings, armed robbery, and extortion, as well as protection of criminals and drug traffickers. There have been more arrests of security forces this year. For example, the Public Safety Secretary for the Federal District (SSP), Marcelo Ebrard Casaubon, cracked down during the year on police corruption and abuses. At year's end, 72 SSP officers had been incarcerated, 26 for homicide and the remainder for other violations including robbery. Police corruption is a problem. On April 10, troops from the Army and agents from the AFI supervised by the Special Branches of the PRG lured over 150 municipal and state police officers from throughout northern Baja California for a meeting, then arrested more than 50 officers for corruption. Several of those arrested were high-ranking police officials, including the police chief of Tijuana. Military aircraft flew a number of these officers to Mexico City. Many were later released by the authorities.

During the year, the Internal Affairs Division of the Chihuahua state Judicial Police investigated approximately 104 complaints against police officials for corruption, bribery, threats, abuse, murder, and kidnapping. Among the cases being investigated was the murder of a former state police officer by a member of the special Joint Federal-State Anti -Organized Crime Unit called Grupo Orion. In January the interim mayor of Ciudad Juarez dismissed 140 city police for drug abuse, theft, and running protection rackets for drug smugglers.

In the past, there were reports that police extorted money from street children, at times abused homosexuals (see Section 5), and violated the rights of illegal immigrants (see Section 2.d.).

Prison conditions remained poor. 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. Prisons vary widely in their ability to meet basic needs of life, keep prisoners safe and healthy, and provide opportunities for work and education; however, almost all fall short of these aspirations.

The penal system consists of 448 facilities: 5 federal penitentiaries, 8 federal district prisons, 336 state prisons, and 99 municipal and regional jails. According to the Public Security Secretariat, as of July, there were 174,057 prisoners; 101,485 were serving their sentence, and 62,572 were awaiting sentence. Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were disregarded 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 Secretariat for Public Security, the country's 446 penal facilities are overpopulated by approximately 28 percent; 174,057 prisoners are being held in facilities that have a capacity of 136,447 prisoners. In July the Secretariat announced that Baja California at 189 percent and Sonora at 130 percent, were the most overpopulated state prison systems; in Nayarit the rate of overpopulation is 75 percent, in Chiapas 98 percent, in Sonora 82 percent, in Tamaulipas 66 percent, in Oaxaca 21 percent, in Puebla 25 percent, and in the Federal District 53 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 prison in Tijuana. In July the Secretariat reported that the total capacity of existing facilities in Mexico City is 14,864; however, they held slightly more than 22,814 inmates.

At year's end, the population of the prisons in Ciudad Juarez was 3,628. In August the director of the state penitentiary stated that 1,537 inmates slept in the corridors of the prison because there were neither beds nor cells for them as a result of overcrowding. A new prison originally scheduled for completion in 2000 may be completed by late 2003.

Health and sanitary conditions are poor. In 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 2001, 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 in 2001 that 30 HIV-infected inmates in the state prison in Merida, Yucatan suffered discriminatory treatment and insufficient access to health care. There were no developments in the case of Eugenio Almaraz Garcia, who died in 2000 from presumed neglect by the director of the Pochutla, Oaxaca prison.

In August approximately 2,000 federal, state, and municipal police agents, as well as military elements, participated in a surprise dawn raid to transfer 2,200 inmates from La Mesa prison in Tijuana, Baja California to a new prison at El Hongo,

Tecate, Baja California and other installations. La Mesa housed 6,400 inmates in a facility designed for 1,800. The CNDH has labeled it the worst detention facility in the country. Cells were converted into apartments and sold for \$300 (3,000 pesos) per month in a facility where 4,500 prisoners had neither a cell nor bed in which to sleep. An entire city existed within the prison complete with 150 commercial enterprises, such as stores, taco stands, and restaurants, all run by inmates. Prisoners' spouses and children (100 women and 220 children) lived with them within the prison.

Female prisoners are held separately from men. Women make up approximately 4.5 percent or 7,841 of the 174,057 total prison population. Of the 448 prison facilities in the country, 230 of them house female prisoners. A new prison for men was under construction in Mexico City during the year and expected to be completed in March of 2003. The prison will have the capacity to house 2,346, thereby alleviating some of the prison overcrowding in the Federal District.

In April the Director of the State Penitentiary (CERESO) in Ciudad Juarez announced that the authorities had dismantled a prostitution ring in the CERESO. In addition, prison authorities discovered that prostitutes from the outside were operating within the prison walls during visiting hours.

Juveniles are held separately from adults.

Drug use continued to be a major problem in the Ciudad Juarez prison, with over 70 percent of the prisoners suffering some form of addiction. A new rehabilitation program in the prison can accommodate only 70 prisoners at a time. On March 23 and 24, prisoners in Ciudad Juarez rioted, demanding drugs and protesting an attempt by prison authorities to slow the flow of drugs into the prison. Major structural damage, including looting of the infirmary, occurred. In September 130 prisoners suffering from withdrawal symptoms in the prison in Chihuahua City rioted, destroying part of the cellblocks and damaging the infirmary. In the aftermath of the riots, prisoners who participated in the violence, as well as some who did not, were transferred to other prisons. Families of the transferred prisoners were unable to locate them. In April and September, inmates in the Ciudad Juarez prison were killed, reportedly for drug-related business. In May the authorities found a tunnel that went from outside the walls of the prison into the area of the prison in which most drug traffickers are held. The juvenile detention center in Ciudad Juarez suffered two riots during the year. On June 22, juveniles rioted, severely damaging one of the buildings, after a guard allegedly beat a detainee. On February 7, several members of a gang started a disturbance to cover their plans for an escape. Others joined in and by the time state police had quelled the riot, over 100 juveniles had taken part.

There is no specific law or regulation that prohibits human rights organizations or other NGOs 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. In July the International Committee of the Red Cross (ICRC) regional office in San Cristobal de la Casas and the Government agreed that the ICRC could visit prisoners in Chiapas, Queretaro, and Tabasco with only prior notification of the visit to prison authorities. The ICRC notifies the Ministry of Foreign Relations and receives prior permission to make prison visits to other areas of the country.

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 continued to be 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. In June 2001, 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.). 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 Chiapas, Oaxaca, Guerrero, the Federal District, and Tabasco. The states' attorney general personnel, state police, and the army were the most frequent abusers of detention laws. In June 2001, the newspaper La Jornada reported that between January and June 2001, the Attorney General's office had received 62 complaints for arbitrary detention and an equal number for detentions longer than the legal limit. During the year, the CNDH reported that it had received 293 complaints, 18 for alleged torture, against the PGR, making it the government agency with the most complaints lodged against it.

From October 26 to November 6, a U.N. Working Group on Arbitrary Detention visited the states of Guerrero, Oaxaca, Jalisco, Mexico, and the Federal District. The group concluded that arbitrary arrest in the country was generated by corruption and the notorious impunity enjoyed by those who commit it—police and military—and by the tolerance of this practice within the police structure.

In February Amnesty International reported the continued use of arbitrary detention, torture and ill-treatment by government authorities, especially state government authorities, carrying out policing operations.

In June 2001, the CNDH reported that arbitrary detentions constituted a common practice of the Federal Judicial Police (since reorganized and renamed as the AFI) as well as of other police bodies, and 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.

In February the UNHRC declared illegal and arbitrary the 1999 capture of four suspected members of the Revolutionary Army of the Insurgent People (ERPI)—Jacobo Silva Nogales, Carlos Gracia Rosales, Gloria Arana Agis and Felicitas Padilla Navas—accused of organized crime, storing firearms, and possession of ammunition. The Commission stated that the Universal Human Rights Declaration and the Treaty on International Civil and Political Rights had been violated. However, the four remained in detention at year's end pending the decision of the first district judge in Toluca.

In February the Mexico state human rights commission (CDHEM) recommended that the mayor of Atizapan take action against Rosendo Rojas, a municipal police officer, who took a minor from his classroom and detained him illegally following a fight with another student outside the school grounds. The CDHEM also recommended that the municipal police receive training regarding arrest and detention. The police officer in question was being held on charges of murdering another minor at year's end.

In July the CNDH issued a recommendation with respect to the arbitrary detention and abuse of 69 members of the San Jose community in Chiapas. At least 40 were injured during a July 2001 Judicial Police operation to rescue 6 government employees who were being held by local sympathizers of the Regional Independent Campesino Movement-National Ayala Plan Coordinator (MOCRI-CNPA) as a form of protest.

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 previous 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. In 1999 the CNDH signed an accord with the 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. INI intervention resulted in the early release of 802 indigenous prisoners in 1998, 1,197 in 1999, 596 in 2000, and the preliminary figure of 531 in 2001.

In September President Fox reported that 107 prisoners associated with the EZLN had been freed as a result of coordinated efforts of the Commission for Peace (COCOPA) and federal and local authorities. Under the National Indigenous Institute's (INI) Program for the Procurement of Justice for the Indigenous Peoples, the Federal Government, through the PGR, SSP, CNDH and the Federal Institute of Public Defenders, 1,105 local and federal prisoners have been released in the past 18 months. The PGR, through its Special Prosecutor for the Attention of Indigenous Affairs, was working on 1,300 cases to request minimum sentences or transfers to social readaptation centers.

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 continue to be major problems. 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 April U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Kumaraswamy, issued a 52-page report regarding the evaluation mission that he conducted in May 2001. In his report, he questioned the independence and effectiveness of judicial power in the country. He expressed concern about the lack of knowledge that judges have regarding

international law, particularly human rights, and their ignorance of indigenous uses and customs. He wrote that 50-70 percent of the judges in the country were corrupt. In reply, the Chief Justice of the Supreme Court questioned how the Special Rapporteur could reach his conclusions when he only visited two states and the Federal District.

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 2000, the Institute for Professional Training 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, at year's end, Human Rights Watch (HRW) reported that little had been done to remedy the systemic problems of the justice system, which allowed human rights abuses to go uninvestigated and unpunished. In December 2000, HRW 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.

By year's end, six judges or magistrates had been dismissed since January 2000, only one of these for corruption. In February 3 employees of the Federal District Superior Court were sentenced to 63 months in prison for aggravated extortion. In June Fernando Alonso Lopez Murillo, a federal judge, was suspended from his duties while being investigated for a series of irregular findings in high profile narcotics trafficking cases. In the most prominent case, Lopez Murillo reduced the sentence imposed on and dismissed some of the weapons charges against Hector Luis Palma, a major drug trafficking figure. Eventually Palma paid a fine rather than go to jail. Lopez Murillo also dismissed charges against another known trafficker, Oscar Malherbe.

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, in July 2001 Amnesty International alleged 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 respected 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 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 did not ensure 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. A number of NGOs 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 continued 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. In August the judicial branch reaffirmed that members of the military assigned to the

PFP would be tried by military courts unless a civilian was involved. The ruling came as the result of a court case involving an active duty military member of the PFP. A military judge declared that he was not competent to hear the case because "military commissioned into the PFP are temporarily separated from the armed services and work for a civilian entity". A civilian judge who received the case declared that the perpetrator was military and was under the jurisdiction of the Secretary of Defense. The case was returned to the military court. In this instance the court ruled that because the PFP member was considered on active duty—obeying military orders and technically dependent on the Military Police—and therefore, administratively under the Secretary of Defense, and the victim was also active duty military, the military court had jurisdiction over the case.

On September 26, the PGJM indicted Generals Humberto Quiros Hermosillo and Arturo Acosta, on charges of aggravated homicide during the "Dirty War". The generals are accused of the death and disappearance of over 130 individuals in the state of Guerrero during the period 1971-78. Human rights organizations called into question the indictment and the fact that the generals would not be tried by civilian courts, but rather in military courts. The generals remained in custody as an investigation into charges of narcotics trafficking and assisting the Ciudad Juarez-based Amado Carrillo drug cartel continued.

In December 2001, 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.

On February 7, the Government released General Jose Francisco Gallardo Rodriguez. His sentence was reduced under the Code of Military Justice to 8 years, the minimum time to be served under his two nonconcurrent sentences of 14 years each, which Gallardo completed in November 2001. During the year, Gallardo continued to maintain his innocence and worked to clear his name.

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.

In January police arrested three persons when they were replacing a tape recorder in a telephone switch in Polanco, an affluent sector of the Federal District. The three persons initially claimed to be employees of the local telephone company and then claimed to be working for a private law firm. No reason was given for the placement of a recorder at the switch. Investigation into the case was ongoing at year's end. Two days earlier, two persons were seen placing a tape recorder at a TELMEX drop in Lomas de Chapultepec, an area of Mexico City where many affluent families live.

In February the Queretaro state human rights ombudsman Bernardo Romero accused the state's governor of intimidation through telephonic espionage. The governor denied the claims and demanded presentation of evidence. Romero said he also had received telephonic threats and sent a letter to the PRODH director requesting the intervention of the IAHR.

In May microphones were found in the office of the Federal District Secretary of Finance. Federal District Head of Government Andres Manuel Lopez Obrador demanded that the Federal Government investigate. Wiretapping is a federal crime.

In July the Congress of the state of Mexico approved a law that would allow the Attorney General to solicit permission from a federal judge to wiretap and to have access to bank accounts as part of the investigative process against organized crime. The Federal District Attorney General supported the measure calling the current process bureaucratic and slow. 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. In September 2001, Rodrigo Aguilar Martinez, 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. In 2000 the CNDH office in Chiapas reported that in some indigenous communities women chose sterilization, but then due to fear of reprisal from their husbands reported that it was forced upon them or that they simply did not understand the nature of the procedure.

In compliance with a CNDH recommendation, in April state authorities provided compensation of \$2,040 (20,000 pesos) each to 16 persons who were sterilized by state health officials in Guerrero in 1998.

In February the CNDH reported that in 2001 it had received seven complaints of forced sterilizations. On December 16, the CNDH reported that local community health practitioners have forced birth control methods (IUD for women, vasectomies for men) on indigenous patients without their informed consent. Many of these patients neither read nor write Spanish and sign medical consent documents that they do not understand by means of a fingerprint.

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 14,000 to 20,000 troops in selected areas of Chiapas, and a smaller number in Guerrero. Two relatively small rebel groups, the Popular Revolutionary Army (EPR) and the Revolutionary Army of the People's Insurgency (ERPI), continued to be problems in Guerrero. 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.

The peace process in Chiapas between the EZLN and the Government remained at a standstill. There has been no communication between the EZLN and the Government since April 2001. In July the PRODH said the impasse demonstrates that the Government lacks a cohesive strategy to attend to the conflict in Chiapas. In August the current president of the Peace Commission (COCOPA), Felipe de Jesus Vicencio Alvarez, said that the commission was working on an initiative to revive the peace process talks.

The Government maintained a military presence in parts of Chiapas. Some NGOs continued to call the military's presence threatening and intimidating to the indigenous population. In July and August, NGOs reported an increased military presence in Chiapas. Military authorities claimed that the perceived increase was due to troop rotations and more patrolling.

On May 14, the International Civil Commission for Observance of Human Rights (CCIODH) reported that military over-flights, along with a gradual increase in military patrols and checkpoints had caused special concern to the indigenous communities in Chiapas. The commission also said the military units harassed and intimidated the indigenous population by improvising checkpoints around towns.

In May the Fray Bartolome de las Casas Human Rights Center (Frayba) released a 245-page report that documented the displacement since 1995 of more than 12,000 persons from 2,400 families in Chiapas. The report accused the Government of being responsible for the displacements and not keeping its constitutional commitment to provide for the security of its citizens as well as its obligation to provide humanitarian assistance to internally displaced persons (IDPs) under international law, including human and humanitarian rights.

In July the PRODH stated that social justice in Chiapas depended in great measure on whether reconciliation process can reconstruct the social fabric that had been deteriorating for 8 years. It said that armed civilian groups constitute a latent threat because they continue to operate and provoke displacements of persons.

Human rights organizations have documented 45 human rights violations in Chiapas during the first 6 months of the year, 20 by the military, 11 by state public security agents, 8 by the state judicial police, 4 by federal judicial police, 1 by municipal police and 1 by the PFP. There were also 14 incursions by the military into communities, 9 patrols, 6 interrogations, 3 incidents of weapon firings, 2 eviction threats, two illegal detentions at checkpoints, 1 intrusive search, and 1 case of destruction of property. In addition, armed civilian groups committed three human rights violations.

Human rights NGOs complained about the intimidation of the indigenous population in Salto de Agua, Palenque, and Masoha Shucja in the northern part of Chiapas. They accused soldiers of entering communities and, in some cases, firing automatic weapons. In one case, in Shucja, a military officer identified as Captain Vincente Ambriz Ronces arrived 30 minutes after the alleged shooting occurred to investigate the incident. Military authorities described the incidents as soldiers' hunting for iguanas.

SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with a 4-month human rights course to teach officers to be human rights trainers. These officers (183 so far) are responsible for training at the different unit level within the Army and Air Force. By year's end, SEDENA had not created a military human rights ombudsman as suggested by UNHCHR Robinson in 1999.

There were credible reports of violent incidents and killings committed by armed civilian groups and local political factions in Chiapas. On March 22, a confrontation between supposed members of PRI and PRD led to the killing of one person and the wounding of three others.

On August 7, Jose Lopez Santiz, an EZLN sympathizer, was killed near the community of August 6, close to the city of Altamirano Chiapas. An 11-year-old witness identified the killer as Baltazar Alfonso, a businessman from Altamirano. Lopez had reportedly received death threats from local members of the PRI. Police opened an investigation into the killing. Chiapas state governor Pablo Salazar Mendiguchia and government secretary Emilio Zebadua Gonzalez traveled to Altamirano to try to defuse tensions caused by the fear that the Lopez' associates would seek revenge. Salazar promised to bring the killers to justice.

There were violent confrontations between EZLN sympathizers and armed civilian groups during the year. On August 26, two EZLN sympathizers were killed in Amaytik, Ocosingo municipality, in Chiapas. The state Attorney General attributed the killings to an "inter-family" problem.

Human rights NGOs have accused the Salazar administration of tolerating armed civilian groups. In September Salazar called for the PGR to determine if armed civilian groups were present in Chiapas. Salazar said in an interview that he could neither confirm nor deny the existence of armed civilian groups and believed that it was the responsibility of the PGR to investigate.

On September 13, Chiapas state police arrested 26 members of the "Peace and Justice" group. Human rights NGOs attribute more than 300 killings between 1995 and 1998 to the group. Although originally identified as part of the PRI organization, in 2000 the group supported Salazar because the PRI would not give it political positions at the state and local level. The police arrested the members in the group's stronghold of Tila, in northern Chiapas. Sabelino Torres Martinez, identified by the state Attorney General's office as one of the leaders of "Peace and Justice", faced charges of homicide, causing bodily harm, and illegal possession of firearms.

On August 26, at least two persons died and seven were injured in a clash between EZLN sympathizers and alleged armed civilian groups near Amaitic, a town in Ocosingo, Chiapas, according to the authorities of the autonomous municipality Ricardo Flores Magon and press reports. The Attorney General's office attributed the clash to a dispute between families. The report could not be confirmed.

In September Oaxaca Ministerial Police arrested Antonio Roque Cruz, former mayor of Santiago Amiltepec, and 11 other persons who were carrying large caliber weapons. Roque is suspected of being a member of a paramilitary group and responsible for the February 2 deaths of Maria Magdalena Torres Torres and Lorenzo Lopez Jimenez.

On May 30, Erika Zamora and Efen Cortes Chavez were freed from prison after a federal tribunal absolved them of the charge of inciting rebellion and conspiracy, in connection with the 1998 battle in El Charco, Guerrero, between the military and alleged elements of the ERPI guerrilla group that resulted in the killing of 12 persons. In 1998 they were found innocent of organized crime, terrorism, and storing weapons.

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 respected these rights in practice; however, harassment of journalists by various sources, especially by narcotics trafficking organizations in the northern part of country, 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 narcotics traffickers and on occasion by the 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 changed significantly. The Government no longer controls the import and sales of newsprint, but does retain control over broadcasting licensing, which critics claim led some broadcast media to practice self-censorship. However, the two principal television networks, Televisa and TV Azteca, frequently criticized and challenged government actions at the federal, state, and municipal levels. On October 10, the Federal Government, by presidential decree, reduced its right to use 12.5 percent of broadcast time to 18 minutes of television and 35 minutes of radio broadcast time per day. Official advertising in the media continued, but state and municipal governments were more likely to purchase news coverage, via news articles known as "gacetillas," than the Federal Government. In the past, there were allegations of cash and noncash payments to journalists; however, there were no major allegations during the year.

On June 11, President Fox signed the Law for Transparency and Access to Information, enabling the public to request and receive information from all state entities, as well as from public and private agencies that manage public funds. The law had not been fully implemented throughout the country by year's end. The opening of previously sealed files caused a reexamination of many painful episodes in the country's history, such as the 1968 Tlatelolco massacre and the 1971 "Jueves de Corpus" massacre. Past presidents such as Luis Echeverria and Jose Lopez Portillo have been called to testify about their involvement in these massacres (see section 1.b.).

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 1999 report issued by 4 NGOs 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, and local police) or officials were responsible for 41 percent of the incidents. However, in August, 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 narcotics traffickers had 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, an NGO, added that the Fox Administration was more willing to investigate corrupt government officials alleged to be working in collusion with narcotics traffickers.

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 were reported, such as those included in the "Damages Inventory," a summary published by the Protection Network of Journalism and Media (PNJM). The PNJM reported that there were 101 incidents of press intimidation and harassment in 2000, down from 135 cases reported in 1999. Abuses against the press included physical assaults, legal complaints against journalists, and threats. Sixty-one percent of these complaints were directed against print journalists. The PNJM observed that direct aggression against the media and journalists was declining; however, pressure groups were increasingly using broadly interpreted or discretionary legal maneuvers to work against press freedom.

Forty-eight percent of all acts of harassment against journalists occurred in the Federal District. States reporting the next largest amounts of harassment were Guerrero, with 8 percent of all cases, and Chihuahua, with 5 percent of all cases. Harassment was also reported in the states of San Luis Potosi, Baja California, Campeche, Mexico, Michoacan, Nuevo Leon, and Veracruz.

On May 31, Gustavo Ramos, president of the Fresnillo Autonomous University (UAF) board of directors, and Rector Jesus Bonilla Elizondo assaulted Humberto Casarez from the Imagen newspaper published in Fresnillo, Zacatecas state, after it published information on alleged acts of corruption by the UAF directors. On June 24, officers from the Pachuca, Hidalgo state municipal police assaulted Inving Lefor Magain, a camera operator for Telemundo, while he and 20 other journalists covered a demonstration. Lefor subsequently filed a lawsuit against municipal police.

The International Press Institute reported that three journalists were murdered during the year.

On January 18, two gunmen shot and killed Felix Alonso Fernandez Garcia, editor of the weekly magazine Nueva Opcion, in Miguel Aleman, Tamaulipas state. Shortly before his killing, Fernandez had received death threats for his reporting about alleged links between the city's former mayor and drug traffickers.

On February 1, an unidentified assailant killed Julio Samuel Morales Ferron, columnist for the daily El Sol de Medio Día, in Mexico City.

On October 11, an explosion in his apartment killed Jose Miranda Virgen, journalist and vice president of the daily El Sur de Veracruz. The police stated that a gas leak had caused the explosion; however, local media noted that the apartment's living room had received more damage than the kitchen when the leak supposedly occurred. Pablo Robles Barajas, the newspaper's director general noted that Miranda had just written a series of articles linking state police officers to drug traffickers. The Association of Veracruz Journalists (APEV) asked Veracruz Governor Miguel Aleman to order the state attorney general's office (PJEV) to investigate the case. Aleman issued the order, and the PJEV ruled that the explosion was accidental. The APEV disagreed with the PJEV's conclusion.

The International Press Institute reported that in May Eduardo López Betancourt, a contributor to the newspapers Excelsior and México Hoy and the magazine La Crisis, was forced to leave the country temporarily after unknown individuals threatened to kill his son.

Tamaulipas authorities continue to investigate whether the March 2001 murder of Saul Martínez of the Matamoros newspaper El Imparcial, was related to articles he wrote on illegal migrant smuggling and government corruption.

There were no new developments in the investigation into the February 2001 killing of Jose Luis Ortega Mata, editor of the weekly Semanario de Ojinaga based in Ojinaga, Chihuahua.

The Interamerican Press Society and the Committee for the Protection of Journalists (CPJ) reported that Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez who was killed in 2000, was an undercover informant for the Investigation and National Security Center (CISEN). Investigations are underway to determine if his murder was linked to his work as a journalist or as an informant for CISEN. Following his murder, state judicial police found eight bags of marijuana weighing about two pounds each in the trunk of the car. Puente's relatives claimed the marijuana was planted, and the case was transferred to federal jurisdiction. Since 2001 several members of the federal police force in Chihuahua have been dismissed for corruption.

On May 30, a three-judge appeals panel sentenced two men to a 13-year prison term for the 1998 murder of San Antonio Express-News reporter Philip True. The unanimous ruling overturned an August 2001 verdict acquitting the men.

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 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.

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. On March 11, the authorities arrested Maria Esther Martinez, of the daily La Union de Morelos for defamation after she had criticized the state Attorney General's office and the Ministerial Police. On April 1, police arrested Raquel Urban Hernandez of the weekly Reporteros Informando published in Ecatepec, Mexico state for defamation over a November 2001 article that criticized PAN legislator Alejandro Gamino Palacios for his alleged implication in the rape of a minor. She was released on bail. On May 8, Alejandro Junco de la Vega, president and publisher of the Mexico City daily Reforma was charged with defamation over a September 2001 article that charged that the Grand Commission of the Mexico state Chamber of Deputies had issued irregular payments of \$101,789 (969,000 pesos) to seven deputies. In April 2001, former Mexico City mayor Rosario Robles Berlanga brought charges of defamation against Junco and Carolina Pavon, a Reforma reporter, over an April 2001 story in which Pavon reported official allegations that almost 10 percent of the mayoral administration's 2000 budget had disappeared. In May the Writers in Prison Committee, a NGO, noted that the case was still being investigated by the Mexico City Attorney General's Office. Junco continues as Reforma's owner and Pavon continues to write for the city section of Reforma.

On August 19, the PGJE arrested journalist Isabel Arvide at the airport in Chihuahua City and charged her with criminal defamation, a charge that carries a possible sentence of 6 months to 2 years in prison. In June 2001, Arvide published an article on her web site and in the Mexico City daily Milenio that accused Osvaldo Rodriguez Borunda, owner of the Chihuahua newspaper El Diario, of involvement in drug trafficking and money laundering. Arvide was released on August 20 after posting a bond of \$10,000 (100,000 pesos). Arvide alleged that PRI national president Roberto Madrazo lured her to Chihuahua under false pretenses as part of a press contingency, specifically to be arrested, since the charges are state charges not enforceable in another state.

On October 17, Judge Catalina Reuiz Pacheco agreed to consider an application for the arrest of Oscar Cantu Murguia, editor of the daily Norte de Ciudad Juarez, and seven of his journalists; Armando Delgado, Manuel Aguirre, Gaudalupe Salcido, Rosa Isela Perez, Francisco Lujan, Antonio Flores, and Carlos Huertas. In January former Ciudad Juarez mayor Manuel Quevedo Reyes filed a complaint after the newspaper published a series of articles that alleged that the state government had paid an inflated price for land that Quevedo sold it. Arrest warrants were issued for the eight journalists. In November a federal judge granted one of the journalists, Armando Delgado, a legal injunction (amparo) to protect him from arrest and to determine if the state attorney general's office violated his rights by not permitting him to defend himself against the charges. In October the Inter-American Press Association accused Chihuahua Governor Patricio Martinez of using the state justice system to silence journalists. In October, the CNDH sent an official to Ciudad Juarez to investigate the case.

In June and December, the NGO Reporters sans frontieres reported that several journalists had been summoned to appear in court to reveal their sources. On June 12, Maribel Gutierrez, of the daily El Sure published in Acapulco, was questioned regarding her sources for articles that she wrote on the murder of Digna Ochoa (see Sections 1.a. and 4.) On November 18, journalists Enrique Mendez, Gustavo Castillo, Ruben Villalpando, Andrea Becerril, Ciro Perez, and Roberto Garduno, of the daily La Jornada, were summoned regarding their sources for an article concerning a corruption scandal in the public petroleum company Pemex. On December 3, Daniel Moreno, news director for the daily El Universal, was questioned regarding his sources for an article published on June 16 regarding the same scandal. On November 17, CNDH President Jose Luis Soberanes affirmed that it is the right and obligation of journalists to refuse to reveal their sources. The CNDH emphasized that the continual summons of journalists intimidated and inhibited those who provide information. On December 4, Attorney General Rafael Macedo said that the purpose of summoning journalists to reveal their sources of information was to prevent public officials from "leaking" information. After public outcry over the PGR's actions, the PGR stopped summoning journalists to testify about their sources; however, this retreat did not rule out the possibility that the PGR would utilize similar techniques in the future.

On January 20, Ruben Rosas, Zamira Izaguirre, Jose Antonio Tirado and Jose Loya, anchors of a Ciudad Juarez radio station, protested publicly the cancellation of their radio show, allegedly due to pressure by the governor of Chihuahua state. According to the journalists' statements, the governor pressured the radio station to cancel their show after they harshly criticized the inefficiency of the authorities in solving the women's homicide cases in Ciudad Juarez (see Section 1.a. and 5). The Chihuahua state government denied all the accusations.

There continued to be no information on the whereabouts of Valentin Davila Martinez, a journalist with Radio Canon, who was reported as missing in Ciudad Juarez in August 2001.

The PGR closed its investigation into the 2000 death of Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez as unsolved; however, an investigation by the state PGJ remained open at year's end but without any leads.

The Government does not restrict Internet access, which is widely available across the nation, especially in major cities. Some segments of the population, predominantly the poor and the elderly, cannot afford to use the Internet or do not possess sufficient computer skills. The Government is attempting to broaden Internet usage in rural areas via the "e-Mexico program."

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly, and the Government generally respected 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 occurred frequently throughout the country.

There were many demonstrations during the year. From March 8-13 a group of women marched from Chihuahua City to Ciudad Juarez to protest the continued murders of women in Ciudad Juarez and the lack of interest displayed by authorities. Representatives of NGOs and relatives of murdered women participated in the march. On March 13, when the protesters arrived at the kilometer 38 checkpoint in Ciudad Juarez, a group of approximately 50 persons associated with the PRI party attempted unsuccessfully to stop the marchers from entering the city. However, several marchers were injured.

Until August there were routine demonstrations staged by small land owners from San Salvador Atenco, in Mexico state to protest an October 2001 expropriation decree signed by President Fox to use land in Atenco to build a new airport for Mexico City. Over the course of 10 months, the peasant land owners staged demonstrations to protest the planned expropriation of their properties at the low price of \$0.70 (7 pesos) per square meter. On July 11, the landowners seized local government officials and demanded the release of 13 protesters arrested during the riot, including 2 protest leaders. Both the hostages and the detained protesters were eventually released. One arrested protester, who suffered from various medical ailments that were aggravated by injuries sustained during his arrest, died after being transferred from prison to a hospital. The peasants claimed that he had died from lack of prompt medical attention and demanded an investigation into his death. On August 1, the Secretary of Transportation announced that the Government would not proceed with plans to expropriate land to build the airport.

The Constitution provides for freedom of association and the Government generally respected this right in practice. Political parties, opposition groups, 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; however, they cannot 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 10 political parties and 36 political groups. Parties must receive at least 2 percent of the vote in national elections to maintain their registration. In July the IFE announced that political groups had presented 11 requests for formal registration; however, only 2, Mexico Possible and Liberal Progressive Party, had met the requirements for recognition.

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 NGOs 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 respected this right in practice; however, there were some restrictions at the local level. State and municipal governments generally protected this right; however, some village and tribal officials infringed on religious freedom, especially in the South. A generally amicable relationship among the various religions in society contributed to religious freedom; however, in some parts of southern Mexico, political, cultural, and religious tensions continued to limit the free practice of religion within some communities. Most such incidents occurred in the state of Chiapas.

Religious associations must register with the Under Secretariat of Religious Affairs of the Federal Secretariat of Government (SSAR) to operate legally. Although the Government rejects applications because of incomplete documentation, the registration process is routine. An estimated 5,871 religious associations are registered.

To be registered as a religious association, a group must articulate its fundamental doctrines and religious beliefs, must not be organized primarily to make money, and must not promote acts physically harmful or dangerous to its members. Religious groups must be registered to apply for official building permits, to receive tax exemptions, and to hold religious meetings outside of their places of worship.

The SSAR promotes religious tolerance and investigates cases of religious intolerance. All religious associations have equal access to the SSAR for registering complaints.

The Constitution provides that education should not privilege one religion over another. Religious instruction is prohibited in public schools; however, religious associations are free to maintain their own private schools, which receive no public funds.

The Government requires religious groups to apply for a permit to construct new buildings or to convert existing buildings into

new churches.

The Constitution bars members of the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the State.

To visit the country for religious purposes, foreign religious workers must secure Government permission. The Federal Government limits the number of visas each religious group is allowed. However, the Government has granted 33,930 such visas since 1994.

There were incidents of violence between religious groups, principally in Chiapas during the year. 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. 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, closing down of churches, beatings, and, occasionally, killings.

The most common incidents of intolerance arose in connection with traditional community celebrations. Protestant evangelicals often resist making financial donations demanded by community norms that will go partly to local celebrations of Catholic religious holidays and resist participating in festivals involving alcohol. 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.

On March 4, traditionalists burned the houses of 4 evangelical families in Mitzinton, where some 30 persons lived. One of the houses also reportedly had 17 bullet marks in it. Two hundred Protestant evangelicals left the community in March, in response to threats of expulsion, but returned on April 3 despite fear of further threats. Protestant community members have been dissatisfied with the Government response to the incidents. The State Attorney General's office has initiated an investigation.

On May 1, approximately 20 Protestant evangelical Tzotzil community members, along with 2 National Action Party (PAN) council members, were harassed and detained by local leaders on charges of "religious and political intolerance." On May 6, in the community of Botatulan, six members of Jehovah's Witnesses were reputedly stopped by local leaders who demanded \$500 (5,000 pesos) in return for releasing them. These detentions have not been verified.

Tension between Catholic/Mayan syncretists and evangelical groups continues to be a problem in the municipality of San Juan Chamula. Approximately 130 children of evangelicals have been denied access to the local public schools in 6 communities every year since 1994. On August 19, a confrontation between traditionalist Catholics and Protestant evangelicals in the community of Tzajaltetic, in the municipality of San Juan Chamula, left five persons wounded. The incident occurred when Catholics did not allow Protestant parents to register their children at the local school. The Chiapas state Secretariat of Government (SEGOB) initiated a dialogue with both parties to reach an agreement and avoid future confrontations.

In addition, local traditionalist/syncretist leaders in San Juan Chamula suspended services by Roman Catholic clergy in the municipality and later expelled two priests and a deacon from the area. On May 8, police arrested a Roman Catholic teacher after discovering a cache of arms and explosives in his cottage in San Juan Chamula. A Roman Catholic vicar in the community charged that the weapons were planted by Protestant leaders.

In February traditionalist Catholic community members in the community of San Juan Metaltepec Mixes, Oaxaca expelled a group of 20 Protestant evangelical families for their religious beliefs. This report could not be verified.

On November 5, a group of indigenous families who were Jehovah's Witnesses abandoned their homes in the the communities of Tzajaltetic and Botatulan, in the municipality of San Juan Chamula in Chiapas. The group fled for fear of attacks against them by local bands of Catholics. They have been taken in by family members living in San Cristobal de las Casas, Chiapas.

On November 14, seven indigenous persons were wounded in a clash in the community of Tzetelton, in the municipality of San Juan Chamula in Chiapas. According to press reports, a group of indigenous Protestants attacked a group of Roman Catholics when the Catholics were meeting to plan for the December 12 Feast of the Virgin of Guadalupe.

On November 27, according to press reports four persons were hurt in a confrontation between two groups belonging to the same religion in the community San Pablo Atlazalpa, in Chalco, in Mexico state. The incident occurred when a group denominated "liberals" entered the local church of St. Peter and Paul to protest the naming of a new parish priest. The liberals clashed with another group of traditionalists within the church who support the newly named priest.

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

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

The Constitution provides for these rights, and the Government generally respected them in practice.

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 the country.

From February 25 to March 18, the UN Special Rapporteur on Human Rights of Migrants, Gabriela Rodriguez Pizarro, visited the country to highlight the dangers of commercial sexual exploitation and trafficking in women and unaccompanied minors, many originating from Honduras, Guatemala, and El Salvador.

On July 25-31, Juan Mendez, IACHR President and Special Rapporteur for Migrant Workers and Their Families, visited the country and expressed concern about the security of migrants transiting the country. He also noted problems with overcrowding in migrant detention centers.

There also were credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants.

In April local police arrested 4 AFI agents in Chiapas for transporting 26 undocumented Central American migrants. Two other likely agents escaped in an unmarked vehicle with no license plates.

In August 2001, the CNDH opened its first office along the border with Guatemala in Tapachula, Chiapas to receive and attend to complaints of human rights violations from migrants, both documented and undocumented. Although the CNDH office received various complaints by migrants including assault, rape, and extortion, the cases are rarely pursued because the migrant departs the area and does not stay to provide follow-up information. According to the CNDH, the principal points of entry for migrants are Comalapa, Suchiate, and Tuxtla Chico.

Migrants who transit a halfway house in southern Chiapas have complained to the director about the double dangers of extortion by the authorities and robbery and killings by an organized gang called "Maras Salvatruchas" who prey on migrants coming from the south.

Reports of injury to and harassment of undocumented migrants continued around the country during the year (see Section 1.a.).

On August 19-28, the U.N. Special Representative for Internally Displaced Persons, Francis Mading Deng, visited the country to review the situation of internally displaced person. According to different NGOs who met with Deng, there are over 640 families that had been displaced by various conflicts. The 1998 killings in El Charco displaced an estimated 400 families according to the head of the Independent Organization of Mixtec and Tlapanec People. During the year, FRAYBA published a study that found that 2,453 families totaling 12,080 persons were internally displaced from 1994 to 2000. Sporadic violence attributed variously to religious, political, land or economic disputes caused persons to flee their homes for fear for their lives, returning only when they felt that the potential threat had abated.

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 asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of providing 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 UNHCR. Since the start of the year, the UNHCR office in Mexico City no longer processes refugee documentation for cases in the country. Government authorities now process all refugee documentation.

There were no reports of the forced return of persons to a country where they feared persecution.

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 2000 presidential election, the PRI had dominated politics, controlled the Federal Government, and won every presidential election since its founding in 1929. However, in 2000, voters elected President Vicente Fox, a member of the National Action Party and 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 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.

The IFE, operating with full autonomy, arranged and supervised the 2000 federal elections. 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 October the IFE announced new security features in voting credentials, including digitized photography and personalized microtext.

In the Chamber of Deputies, the PRI holds 208 seats; the PAN 207; the PRD 54; the Green Ecologist Party (PVEM) 16; the Labor Party (PT) 8; Democracy Convergence (CD) 1; the Nationalist Society Party (PSN) 3; and the Social Alliance Party (PAS) 2. There is one independent in the Chamber. 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 governorships in 17 states, the PAN 8, the PRD 2, PRD-PT, PRD-PVEM, and PRD-PAN coalitions 4. 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.

In February and March, all three major political parties held elections for top party posts. Only the party leadership voted in the PAN election. The PRI and PRD held popular elections to elect new party leaders. The PRI elections were open to anyone, regardless of political affiliation. The PRD's election was open only to registered PRD party members. Both elections were accompanied by accusations of fraud. The PRI candidate won the election by less than one percent of the vote in a contest marked by allegations of fraud on both sides. For example, in 1 town in Oaxaca with 1,200 registered voters, 1,100 persons voted, with 1,099 votes going to 1 candidate. The PRD vote was marked more by disorganization than voter fraud. On election day, many polling places were not installed and others had not received ballots or voting boxes. Elections in one state, Hidalgo, were voided due to irregularities detected by election observers in the state level organization.

There have been controversies over state and municipal elections. In July 2001, 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 2001, 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. The annulment of that election was upheld and a new mayoral election scheduled for May 12. The same two candidates, backed by PRI (this time with a coalition of smaller parties) and PAN, faced off with the identical result: the PAN candidate won by less than 4 percent of the vote. PRI and its coalition again appealed that result. The State Electoral Tribunal again annulled the election, and PAN appealed that result to the federal level. On July 11, members of the PAN and the PRI fought each other with sticks, knives, and chairs. On July 24, the Federal Electoral Tribunal upheld the election result and invalidated the annulment of the election at the state level. On July 27, the new Mayor, Jesus Alfredo Delgado, was sworn into office to serve the remainder of his original 3-year term.

On February 17, the State of Quintana Roo held municipal elections. The PRI won every election except in the city of Cancun where the PVEM was victorious. However, on March 13, the state electoral tribunal annulled the municipal election in Cancun, based on the claim that it had found alleged irregularities in approximately 21 percent of the polling place in the city. On April 8, the Federal Electoral Tribunal ratified unanimously PVEM candidate Garcia Zalvidea's election as Cancun mayor. The state PRI party and PRI-controlled state government accepted the decision.

There are no legal barriers to participation in politics by women. There are 23 women in the 128-seat Senate and 87 women in the 500-seat lower house. There are three women in the Cabinet and one female justice on the Supreme Court. No women serve as governors, although there have been female governors in the past. Nine women serve in the Mexico City cabinet, 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 27 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 close to 17 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 24 percent of the party leadership, including its Secretary General, 16 percent of its representatives, and 18 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, there were no statistics available regarding minority participation in the Government.

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. 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 human rights NGOs in the country. Government officials have met with NGOs in an effort to become more cooperative and responsive to NGO views.

In 2000, President Fox eased entry requirements for those interested in observing human rights conditions. They must agree to observe the country's laws.

Reports of harassment, attacks, and detentions against human rights workers have diminished; however, they continued to occur. PRODH documented more than 12 instances of aggression against human rights defenders.

On January 14, unknown gunman fired on the home of the Chiapas CEDH president Pedro Lopez Hernandez, in Tuxtla Gutierrez. There were accusations between the ombudsman and the state governor that the state government was behind the shooting. In May police arrested Nicolas Acero Nandayapa and Venturiano Ruiz Macias for the shooting. On October 12, Lopez Hernandez presented a complaint before the PGR of harassment by state authorities. Press reports said Lopez Hernandez was preparing to take his case before the Inter-American Human Rights Commission. Investigation into the shooting continued at year's end.

On March 18, in Mexico City, human rights lawyer Barbara Zamora, a colleague of slain human rights lawyer Digna Ochoa and legal representative for the Ochoa family, received a threat via e-mail.

On April 11, Maria Guadalupe Morfin Otero, ex-president of the Jalisco state human rights commission received at her home in Guadalajara a telephonic threat of death if she continued to pursue a court injunction (amparo) against the state Congress. Morfin alleged that the Congress impeded her from a second term in office without foundation and without an objective evaluation of her work. In December PRODH announced that it would present the case before the Inter-American Human Rights Commission.

On July 16, Arturo Requesens, a member of the Christian Action for the Abolishment of Torture, received death threats for his investigations into the disappearance of Jesus Angel Gutierrez Oliveras.

There were several instances of harassment in Ciudad Juarez, Chihuahua during the year. At the close of 2001, women from NGOs complained to the CNDH that they received threats via fax and telephone because of their participation in the investigation of the murdered women in Ciudad Juarez. In January the spokesperson of the Juarez Coordinator Pro Women Victoria Caraveo Vallina, who had been receiving threatening calls, and her mother were assaulted in separate incidents near their home. On March 27, unknown assailants killed the 73-year-old step-mother of human rights activist Astrid Gonzalez, one of the founders of the group Women for Juarez and the director of a program called "Stop Crime" that offers rewards for the capture of killers of women on the northern border.

In its 2002 report, Amnesty International noted that human rights defenders and journalists continued to be harassed and were the victims of death threats.

In July Renato Sales, the Mexico City Attorney General's office Special Prosecutor investigating the 2001 death of Digna Ochoa y Placido, resigned from the case after information leaked to the press that the PGJDF was seriously considering the hypothesis that Ochoa's death was a suicide. PGJDF Attorney General Bernardo Batiz appointed a three-person panel to select a replacement for Sales. The new Special Prosecutor, Margarita Guerra, a criminal court magistrate in the PGJDF, took over the Ochoa investigation on August 1.

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 2000 (see Section 2.d.).

There were no developments in the investigations into robberies of the home and office of Angelica Ayala Ortiz, vice president of LIMEDDH. Investigations into both cases were ongoing at year's end.

The PRODH has criticized the Government's actions to protect human rights workers as inadequate. The PRODH advocates 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 2001, SEGOB developed a plan in collaboration with NGOs to provide enhanced protective measures for human rights activists and to determine the circumstances and conditions under which this assistance may be provided.

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 NGOs 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 NGOs 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 2001, a majority of respondents indicated that they felt the CNDH was an institution that offered services of protection, defense, and consultation to the population.

Section 5 Discrimination Based on Race, Sex, 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 were not enforced effectively, although the Government continued to make progress in efforts to do so.

In June the 24th Gay-Lesbian Pride parade occurred in Mexico City with the participation of an estimated 35,000 persons and 70 organizations without incident.

In the most recent National Survey on Political Culture and Citizen Practices, the National Center for the Prevention and Control of AIDS (CENSIDA) announced that the rates of rejection of homosexuals by both those who considered themselves liberals and those who classified themselves as conservatives were almost the same: 37 and 39 percent respectively. The same survey found that 66 percent of respondents would not share a home with a homosexual.

Individuals suffering from HIV/AIDS are victims of prejudice. In the same CENSIDA survey, 57 percent of the persons surveyed said they would not live with someone infected with HIV.

Women

The most pervasive violations of women's rights involve domestic and sexual violence. Both are 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' pay and the detention of violators for up to 36 hours. The Center for Attention to Intrafamily Violence reported in 2000 that it received between 50 to 60 complaints nationwide every day. In January the "Casa de la Mujer" in Merida, Yucatan reported receiving 160 cases daily of domestic violence. 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 problems.

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. Within the CNDH's First Inspector General's office, the General Coordinating Office devotes all of its time to issues relating to women, children, and the family.

In September Nuevo Laredo became the first municipality in Tamaulipas state to enforce a 1999 domestic violence law. The law not only provides protection to the victim from physical, psycho-emotional, and sexual aggression from the immediate family but also any extended family. The law provides, at no cost to the victim, refuge, medical attention, legal counsel, and the assistance of social workers.

A 1997 law 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.

In November 2001, the bodies of eight young women who had been raped and murdered were found in an empty lot adjacent to a busy intersection in Ciudad Juarez. State authorities arrested two bus drivers accused of the crimes within 3 days but the drivers allege their confessions were obtained under torture. Their attorney was subsequently shot and killed by the State Police following a high-speed car chase during which the attorney called his father and reported that he was being pursued. The police originally alleged that he had died of injuries received when his car crashed but were forced to retract that information when it was revealed that he had been shot in the head. The officers involved in the case were questioned but never charged nor disciplined. They continue in their official capacity. The bus drivers remained jailed pending sentencing at year's end. On December 6, the Chihuahua State Supreme court upheld the decision of a lower court's sentence against Carlos Barrientos Vidales, Charly Cenicerros Garcia and Romel Omar Cenicerros Garcia, members of the gang "Rebeldes" who were detained in 1996, for their participation in the murders of at least 10 women in Ciudad Juarez on the orders of Abdel Latif Sharif. There were two disappearances of young women in Ciudad Juarez in December. No arrests have been made in either case.

The State Attorney General's office claimed that following DNA identification, it had identified positively six of the eight

murdered women, whose bodies the families had buried; however, subsequent information revealed that the identifications had been mistaken. When the families demanded additional DNA tests, the State Police claimed the DNA evidence had been lost. On February 11-12, Marta Altolaguirre Larrondo, the IACHR Special Rapporteur on the Rights of Women visited Ciudad Juarez and expressed her dismay at the lethargy displayed by the state and federal authorities in investigating the death of 268 women since 1993.

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 2001, the CDHDF 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 February, the sub-secretariat of Educational Services in the Secretariat of Education said that the top 10 percent of the highest paid men earn 50 percent more than the top 10 percent of highest paid women, and that the bottom 10 percent of the lowest paid men earn 25 to 27 percent more than the bottom 10 percent of the lowest paid women.

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 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 September the Veracruz state office of the Secretariat of Labor and Social Security reported that it had turned over approximately 160 cases of women that were dismissed from their workplace because they were pregnant. The office said that the figure amounted to only 10 percent of the total complaints received.

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. and 1.f.).

On March 8, the National Women's Institute (NWI) began operating. 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 NGOs to support women's causes. The NWI and the National Statistics Institute tracked 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. In October 2001, NWI launched its Pro-Equality program, designed to institutionalize a gender perspective within the Federal Government. 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 in 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

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. Children under the age of 15 make up 34 percent of the population, and the median age of the population is 21. 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 country, 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 Integral 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. In April 2001, 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 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 one-half. A 2000 DIF/UNICEF report estimated that 16,000 children below the age of 17 were victims of some form of sexual exploitation. The localities of Acapulco, Cancun, Ciudad Juarez, Guadalajara, Tapachula, and Tijuana accounted for over one-fourth of that figure (4,600). In 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.

Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.). In 2000 the PGR established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children. Televisa news reported that an estimated 18,000 children a year were kidnaped in Mexico.

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 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 2000 the Congress also passed the Protection of the Rights of Children and Adolescents Law. This law provides for the right to life, nondiscrimination, 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 for violation of this law include fines of 500 to 1,000 times Mexico City's minimum wage and possible imprisonment.

Press reports cited 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 was 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. In the past, there were charges that corrupt police officials sometimes exploited these children by pressuring them to commit petty crimes and extorting money from them. In March 2001, the DIF began a program aimed at street children, focusing initially on 3,000 children in Mexico City, Puebla, Guadalajara, Monterrey, Tijuana, and Ciudad Juarez. On April 17, 17-year-old Jose Luis Juarez Tinoco, a street youth, died after having been raped and strangled in Mexico City.

The Government and various NGOs have programs to protect the rights of children and to instill inter-generational respect for human rights through educational programs. During the year, the PGR, the National Women's Institute, UNICEF, and DIF sponsored a program called "Open your Eyes, But Don't Close your Mouth" to encourage citizens to denounce crimes, especially child prostitution and child pornography.

On October 23, the CNDH submitted its recommendation no. 39/2002 directed toward the Secretary of Education, concerning sexual abuses of minors and the possible existence of a child pornography ring in schools within the public education system. The recommendation called for administrative sanction against the school director, a full investigation into the case and psychiatric help for the children and their parents.

On December 10, President Fox unveiled the program "An Appropriate Mexico for Infancy and Adolescence 2002-2010", elaborated with the participation of 25 institutions and in collaboration with UNICEF. The program is designed to cater to the more vulnerable children belonging to indigenous groups, migrants, children with disabilities, and street children. The National Council for Infancy and Adolescence is charged with the implementation of the program. The program is an action plan to diminish child poverty, malnutrition, and abandonment, and childhood sicknesses such as obesity, AIDS, and infant mortality.

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. According to the President's Office for the Promotion and Social Integration of Persons with Disabilities, there are estimated to be 250,000 new cases a year of persons with disabilities owing to accidents, births, or diseases. According to the National Institute for Statistics, Geography and Information (INEGI) there are 988 registered institutions of or for persons with disabilities. In Mexico City, 166 NGOs address problems affecting persons with physical disabilities.

In 2001 the President unveiled the National Public Access Program, designed to provide equal access and rights to persons with disabilities. The program will evaluate and improve accessibility for more than 4,000 federal buildings, including offices, hospitals, airports, and bus stations. In December President Fox reiterated his administration's promise to make government buildings accessible to people with different disabilities. The evaluation program was ongoing at year's end.

In October, Federal District head of government Andres Manuel Lopez Obrador announced that in 2003 the number of persons with disabilities receiving aid in the Federal District's will increase from 40,000 to 50,000.

On December 3, President Fox accompanied by the Secretary of Labor and the national DIF director, unveiled the "Labor Integration Program" to promote the hiring of persons with disabilities by the private sector. The program was supported by the Confederation of Industrial Chambers of Mexico (CONCAMIN).

The DIF has 62 Rehabilitation Centers in 31 states and the Federal District and more than 600 Basic Rehabilitation Units throughout the country.

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. 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 2000, the President's Office announced that 90,000 children with disabilities were integrated into a regular education system between 1994 and 2000.

In August the Federal District Electoral Institute (IEDF) announced that it would facilitate voting for persons with disabilities. Voting booths would be made wider and shorter for people in wheelchairs; however, ramps leading to the voting booths for wheelchairs would not be installed. Ballot boxes with Braille writing, and a special ballot holder and marker for those with limited fine motor skills will be available.

Indigenous People

The indigenous population has been long subject to discrimination, repression, and marginalization. In December 2000, the Fox administration created the Office of Development of Indigenous People, within the presidency to work with the National Indigenous Institute (INI) to attend to indigenous affairs. In its "National Program for the Development of Indigenous Peoples 2001-2006", the INI estimated the registered indigenous population at 8.4 million, while the estimated overall population was 12.7 million. Estimates from other organizations vary from 8 to 10 million. The report lists: 6 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. Indigenous people are located principally in the central and southern regions and represent 37 percent of the population in the states of Oaxaca and Yucatan. 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.

In 2000 President Fox submitted to Congress the Indigenous Rights and Culture bill (COCOPA), a package of constitutional reforms that codified the San Andres Accords. In April 2001, the Senate and Lower House passed an amended version of the Indigenous Rights and Culture bill, and the bill became law in August 2001. The bill addressed 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 not contained in the original COCOPA proposal.

Various state governments and multiple indigenous groups launched more than 300 challenges to the reform's constitutionality. 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.

On September 6, the Supreme Court ruled that it did not have the authority to analyze legislated changes to the Constitution and that therefore, the August 2001 changes to the Indigenous Rights Law remain valid and beyond the Court's jurisdiction to approve, modify, or strike. The ruling closed the judicial door to changing the law. A multitude of indigenous and human rights NGOs, as well as state and local governments, declared their dissatisfaction with the decision. Governments and NGOs fear that the decision may lead to renewed violence, as Indigenous groups perceive that they have used their last legal option, and

their only alternative is more radical protest.

In April CNDH President Jose Luis Soberanes stated that the indigenous people remain third-class citizens. Indigenous people do not receive social justice, he added, and there is no indication that the State has the intention of paying its historic debt.

Sporadic outbursts of politically motivated and land dispute violence continued to occur in the southern states of Chiapas, Guerrero, and Oaxaca. Land disputes going back decades are also a cause of tension in the indigenous regions, especially in Oaxaca, Guerrero, and Chiapas (see Section 1.a.).

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. In the State of Oaxaca, for example, 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 and to choose 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. Usages and customs also often infringe on other rights of women.

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. Budget constraints prevented these measures from meeting the needs of all indigenous people.

The General Education Act provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous persons speak only their native languages.

The President created the sub-cabinet Office for the Development of Indigenous Peoples led by Xochitl Galvez to complement the efforts of the INI, the CNDH, and various NGOs, which operate programs to educate indigenous groups about their political and human rights. The Government generally professed respect for indigenous people's 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 NGOs are dedicated to the promotion and protection of indigenous rights.

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; however, they must register with the Federal Labor Secretariat (STPS) or state labor boards (JLCA) to function legally. Registration requirements are not onerous. In 2001 46 new labor unions registered with the STPS or the JLCA, and approximately 50 percent of these were independent of the main labor centrals. However, the STPS or the JLCA occasionally have withheld or delayed registration of unions. For example, in October 2001 the STPS declared itself incompetent to register a union to represent professional soccer players, arguing that guaranteeing union representation to sports professionals is not a federal function. In April a labor judge in Mexico City ruled against the STPS, and the STPS appealed the decision to the Supreme Court. The court ruled against the union, upholding the argument of the Secretariat that the Federal Conciliation and Arbitration Board was not competent to register the union. However, the Court did say that the football players' union could register with any state or local conciliation and arbitration board, and that that registration would be considered valid in the whole country.

The STPS and the JLCA have registered unions that turned out to be run by extortionists or labor racketeers falsely claiming to represent workers. To remedy this problem, STPS officials required evidence that unions were genuine and representative. Genuine unions 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.

The Federal Labor Board (JFCA) and the JLCA are tripartite and include the government, union, and employer representatives. Although trade union presence on the boards usually is a positive feature, it can sometimes lead to unfair partiality in

representation disputes. 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.

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 Mexican Workers' Regional Confederation, the Revolutionary Worker and Peasant Confederation, 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 2001, the Federal Employee Union Federation (FSTSE) ended its long-standing relationship with the PRI. 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—a labor central in competition with the officially recognized 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 Supreme Court decision permits the formation and recognition of more than one union per federal entity. In April 2001, 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 permitted 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 2001, 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. In the report prepared for the June Conference, the COE noted numerous complaints of noncompliance with Convention 169 and stated that although the constitutional reforms published in the Official Bulletin "cover a large part of the subjects covered by the Convention," the COE was aware that the reforms were controversial and was examining them in detail.

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 10 unions and 24 additional organizations, including NGOs and human rights groups, jointly filed a submission with the U.S. National Administrative Office (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 trilateral public seminar regarding labor boards and their members and officials; their structure and responsibilities; the rules and procedures to assure impartiality, as well as their role in the process for gaining the right to a collective bargaining contract. Consistent with the Joint Statement on Ministerial Consultations released on June 12, the seminar is to take place in Monterrey, Nuevo Leon, Mexico; however, it had not been scheduled by year's end.

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 still 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. On December 12, a group of 17 members from the PRI, the PAN, and the Green Ecologist Party introduced the labor reform bill to the Chamber of Deputies plenum, that in turn referred it to the appropriate committees. Congress did not act on the legislation prior to adjourning for the year on December 15.

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

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 pro-union 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 pro-union 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. Moves to change that arrangement began early in the year. The draft bill contains provision for secret ballot elections as long as there are at least two contenders. The bill, however, is not yet law.

On March 5, workers, dissatisfied with benefit and salary negotiations at Alcoa Plant Number 2 in Piedras Negras, Coahuila, voted to replace the union representation of the CTM with an independent union, Comité Fronterizo de Obreros (CFO). In spite of enduring harassment and violence allegedly from the CTM, workers handed victory to the CFO by 300 votes, a 20 percent margin. This election was noteworthy because it occurred by secret ballot. On October 18, workers at Alcoa Plant #1 elected new union representatives by secret ballot. The slate entitled "For Unity" received 400 more votes than were cast for the slate sponsored by CTM leader Leocadio Hernandez. The union committee of Plant #2 assisted the independent union in achieving its victory at Plant #1. At year's end, local labor authorities had not granted registration to either new union.

In July the National Administrative Office (NAO) in Washington D.C. charged with oversight of the North American Agreement on Labor Cooperation declined to accept a submission from the AFL-CIO, protesting that a lack of secret ballots during a March 2001 election at a foreign-owned company in Rio Bravo, Tamaulipas. The NAO argued that Mexican labor law recognizes the rights of freedom of association and to bargain collectively, but has no provision governing the use of secret ballots in trade union representation elections.

The 2002 Human Rights Watch World Report stated that collective bargaining agreements negotiated between management and probusiness and nonindependent unions frequently hindered legitimate organizing activity. The report stated that in other cases employers' hiring practices, such as the use of subcontractors and "permanent temporary" workers, impeded workers from organizing.

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 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. There were 43 strikes from January through November. According to the Secretariat of Labor and Social Welfare, in the two years that the Fox administration has been in office there have been 82 strikes at the federal level.

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. The National Council of the In-Bond Export Manufacturing Industry claims that its members employ approximately 1.1 million persons. According to INEGI, there are 3,204 active maquiladora plants in the country. Wages have been slightly higher and job creation has been greater in this sector than in more traditional manufacturing. Compensation packages in the maquiladora sector still were lower than in the traditional manufacturing sector. There was no evidence that the Government opposed unionization of the plants, although the maquiladora sector tends to be under state jurisdiction. 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.

c. Prohibition of Forced or Bonded 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 14 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 16 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 estimated that approximately 3.5 million children between the ages of 6 and 18 work regularly. Approximately 1.5 million children work in agriculture, particularly in the northern states. In 1999 UNICEF and the DIF, estimated that 150,000 children work in the 100 largest cities.

Reliable current statistics on child labor in the country do not exist. 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. In 1999 UNICEF and DIF estimated that 135,000 children worked on the city streets. 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 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 2001, the wage commission adopted an average 5.8 percent increase, effective on January 1, based in part on the Government's projection of a 4.5 percent annual inflation rate.

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 \$4.43 (42.15 pesos). In Guadalajara, Monterrey, and other advanced industrialized areas, the minimum daily wage was \$4.22 (40.10 pesos). In other areas, it was \$4.03 (38.30 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 multiples of 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, Christmas bonuses, paid vacations, and profit sharing. Employer costs for these benefits add from approximately 27 percent of base salaries 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 3,204 maquila plants far exceed the 253 federal inspectors.

In July and October, a bilateral working group of government experts on occupational safety and health issues held its first two meetings. This group will discuss and review issues raised in the public communications, formulate technical recommendations for consideration by governments, develop and evaluate technical cooperation projects occupational safety and health for improving occupational safety and health in the workplace, and identify other occupational safety and health issues appropriate for bilateral cooperation.

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. In the past, allegations were 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

The law prohibits trafficking in persons. 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 United States, and to a lesser extent Canada, and a transit country for persons from various countries, especially Central America and to a much smaller extent Brazil and Eastern Europe. It is a destination country for children trafficked from Central America, especially from Honduras to Tapachula, Chiapas. Salvadorans, Hondurans, 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.

In 2001 DIF and UNICEF reported that an estimated 16,000 children were victims of sexual exploitation, including prostitution. Most were Mexican, although there were significant numbers from Central America—principally Guatemala, Honduras, and El Salvador. 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. In an ongoing study, DIF and UNICEF reported that the largest concentration of exploited children were found in Acapulco, Guerrero; Tijuana, Baja California; Ciudad Juarez, Chihuahua; Cancun, Quintana Roo; Guadalajara, Jalisco; and Tapachula, Chiapas.

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 antitrafficking laws; however, there is no special program to combat trafficking. In 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 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 NGOs work on related issues such as migrant trafficking, child prostitution, sexual exploitation, and women's rights (see Sections 2.d. and 5).