



## Mexico

### Country Reports on Human Rights Practices - [2004](#)

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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 2000, voters elected President Vicente Fox Quesada of the Alliance for Change Coalition in elections that observers judged to be generally free and fair. In 2003, there were federal elections to select members of Congress. The judiciary is generally independent; however, on occasion, it was influenced by government authorities, particularly at the state level. Corruption, inefficiency, disregard of the law, and lack of training were 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. The military played a large role in some law enforcement functions, primarily counternarcotics. There were approximately 5,000 military personnel on loan to the PFP during the year. Elected civilian officials maintained effective control over the police and the military; however, corruption was widespread within police ranks and to a lesser extent in the military. There have also been instances of state and local police involvement in kidnappings and extortion. 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.

The country has a market-based economy and a population of approximately 105 million. Gross domestic product was expected to grow by 4 percent during the year. Leading exports included petroleum and manufactured and assembled products, including electronics and consumer goods. Average manufacturing wages increased by 1.2 percent during 2003, less than the 3.98 percent rate of inflation in the same period. An estimated 25 percent of the population resided in rural areas where subsistence agriculture was common. Income distribution remained skewed: In 2002, the top 10 percent of the population earned 36 percent of total income, while the bottom 20 percent earned only an estimated 4 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, Chiapas, and Oaxaca, a poor climate of respect for human rights presented special concern. State law enforcement officials were accused of committing unlawful killings. There were vigilante killings during the year. Disappearances continued to occur. Kidnapping became a larger problem, with an unofficial estimate of 3,000 kidnappings during the year, some with alleged police involvement. The police sometimes tortured suspects to force confessions. Prosecutors used this evidence in courts, and the courts continued to admit as evidence confessions extracted under torture. Impunity remained a problem among the security forces, although the Government continued to sanction public officials, police officers, and members of the military. Alleged police involvement, especially at the state level, in narcotics-related crime, continued, and police corruption and inefficiency hampered investigations.

Narcotics related killings and violence increased, particularly in the Northern States. Prison conditions were poor. The police continued to arrest and detain citizens arbitrarily. During the year, judicial reforms continued to take effect; however, lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. Indigenous people's access to the justice system continued to be inadequate. The authorities on occasion violated citizens' privacy. Human rights groups and the media reported that armed civilian groups in the State of Chiapas continued to commit human rights abuses.

Three journalists were killed during the year in the Northern States of Baja California and Tamaulipas. Some journalists, particularly in the Northern States, practiced self-censorship in response to threats from narcotics traffickers. Corrupt members of the police sometimes violated the rights of illegal immigrants. Human rights workers continued to be subjected to attacks and harassment; however, reports of such attacks diminished. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDS persisted. Sexual exploitation of children continued to be a problem. Trafficking in persons, including children, remained a problem, and there were credible reports that police and other officials were involved in trafficking. There were credible reports of limits on freedom of association and worker rights. There was extensive child labor in agriculture and the informal economy.

The peace process in Chiapas remained stalled at year's end. Sporadic outbursts of politically motivated violence continued to occur throughout the country, particularly in the Southern States of Chiapas, Guerrero, and Oaxaca.

In June, Amnesty International (AI) visited the states of Guerrero, Oaxaca, and Veracruz. AI concluded that the Federal Government had taken positive steps, especially with its legislative proposals, but serious problems remained at the state and local level. In particular, AI remained concerned about the manipulation of the justice system against those who claim their rights under it, arbitrary actions by officials, and the presence of the army in indigenous communities.

In April, Anders Kompass, the in-country representative for the U.N. High Commissioner for Human Rights, praised the Government for advances made in the promotion of 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

There were no politically motivated killings by the Government or its agents; however, security forces killed several persons during the year.

In January, municipal police in Zapotitlan Tablas, Guerrero State detained Socrates Tolentino Gonzales Genaro. He subsequently died in police custody; his mother was forced to sign an affidavit stating that he had committed suicide. The exhumation of his body in March revealed that he had been beaten severely before he died.

In May, federal investigative agents allegedly beat street vendor Manuel Zarate Villaruel, who then died from his injuries. The PGR claimed that Zarate died from asphyxiation; however, the attorney general in Mexico City claimed that the beating caused Zarate to vomit, which in turn caused asphyxiation. In June, Mexico City police arrested seven AFI agents who remained in custody pending investigation at year's end.

In July, reputed Institutional Revolutionary Party (PRI) supporters in Huatla, Oaxaca, beat Serafin Garcia to death on the eve of the Oaxaca gubernatorial election. Garcia was a member of a group opposing the PRI and was blocking the path of a PRI march. The event was photographed by a Mexico City daily. In December, Jacinto Pineda Casimiro was detained and accused of the killing.

During the year, the media reported "assassinations" of indigenous leaders in Chiapas and Guerrero. In Chiapas, paramilitary groups were believed responsible for the deaths, and in Guerrero it was believed that the August killing of Maximiano Cristobal Lorenzo was politically motivated. There was no further information available on these cases at year's end.

In September, the PRI mayor of San Jose Estancia Grande, Oaxaca, allegedly killed his rival PRD candidate, Guadalupe Avila Salinas, while she was campaigning. At year's end, the state Attorney General's office continued to search for the fugitive mayor.

During the year, the bodies of 16 dead women were found in Ciudad Juarez according to media reports (see Section 5).

In August, a federal judge sentenced former federal investigative agent Armando Muro Arellano to prison and also ordered prison terms for four other ex-AFI agents in connection with the 2002 death of Guillermo Velez Mendoza.

In July 2003, law enforcement agents of the Chiapas State Attorney General's office (PGJE) accused Andres Vidales Segovia, a soldier assigned to the 31 Military Zone in Chiapas, and 3 others, for the killing of Abelino Encino Guzman, an indigenous Tzeltal in Tenejapa, Chiapas. The investigation into the death continued at year's end.

According to the Hidalgo State Human Rights Commission, the state attorney general determined that only 1 of the 4 police officers originally arrested was responsible for the killing of 22-year-old Fernando Garcia Morales, and at year's end, that officer (name not provided) was in jail pending judicial proceedings.

There were no new developments and none were expected in the 2002 shooting of Josue Ulises Cruz Banda by Mexico City police. Early in the year, the Mexico City Human Rights Commission (CDHDF) found that human rights violations had occurred, ordered the city secretary for public security to pay an unspecified sum of money to Mr. Cruz's family, and asked that mechanisms be put in place to evaluate course effectiveness regarding use of force. In addition, it ordered the city attorney general to adhere more closely to autopsy models in its manual on Prevention and Effective Investigations of Extralegal, Arbitrary, or Summary Executions.

At year's end, charges remained pending against 3 of the original 14 persons in the 2002 massacre of peasant farmers near Agua Fria, Oaxaca.

In August, a court released for lack of evidence Vicente Pena Zuniga, Efrain Cruz Bruno, and Nicasio Bernardino Gomez, accused of the 2001 killing of Fidel Bautista Mejia in Putla, Oaxaca.

There were deaths in prison during the year (see Section 1.c).

There were numerous reports of executions carried out by rival drug gangs, whose members included both active and former federal, state, and municipal security personnel. There were several instances in which members of security forces were apprehended working for or with narcotics traffickers. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking increased. Local and international press reports indicated a group known as the "Zetas," composed of former soldiers, was working with drug trafficking organizations.

There were no new developments and none were expected in the following cases: The 1997 killing of 45 persons in Acteal, Chiapas; the suicide case of Air Force Lieutenant Jose Raul Vargas Cortez; and the 1995 case of the massacre of 17 indigenous farmers in Aguas Blancas.

The National Commission for Human Rights (CNDH) reported it received 41 complaints against the military from January through August. The nature of the complaints was not specified.

There were incidents of vigilante justice, and several occasions when authorities prevented such incidents. On November 23, two undercover agents of the PFP were killed and one seriously injured in the Mexico City district of Tlahuac. The agents were conducting an operation against narcotics trafficking; however, a mob believed they were attempting to kidnap children. Thirty-three persons were in custody at year's end.

Investigations were ongoing at year's end into the March 2003 lynching of Mariano Garcia Escamilla by residents of Tlayecac, in Morelos State.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, there were credible allegations of police involvement in kidnappings for ransom. Kidnapping became a larger problem with kidnappers targeting all economic classes of citizens. Unofficial estimates indicated 3,000 kidnappings occur per year in the country, with alleged police involvement in some cases.

In January, federal authorities unearthed the remains of 12 men buried in the back yard of what apparently was a drug trafficker's safe-house in Ciudad Juarez. The head of the PGR's anti-organized crime unit (SIEDO) announced that members of the Chihuahua State Judicial Police (PJE) had carried out the forced disappearances and killings at the behest of the Juarez drug cartel. The authorities arrested 13 PJE agents and 4 more were at large at year's end.

During the year, the bodies of 16 more women were found in Ciudad Juarez according to media reports (see Section 5).

During the year, the Oaxaca State human rights commission opened an investigation into the April and June 2003 disappearances of Marcelino Santiago Pacheco, leader of the Organization of Indigenous Zapotec People (OPIZ), and his brother Anselmo Santiago Pacheco. At year's end, both men remained missing.

There were no developments, and none were expected in the 2002 disappearance case of Jesus Angel Gutierrez Olvera.

Late in 2003, the Supreme Court ruled that the statute of limitations does not apply to cases from the "dirty war" of 60s, 70s, and 80s. The Court argued such crimes were continuing offenses until the victim was located. During the year, AFI agents arrested Miguel Nazar Haro, who directed the Federal Security Directorate, and Juventino Romero Cisneros, a former agent of the Federal Security Directorate, for the 1975 kidnapping of Jesus Piedra Ibarra, a member of a leftist urban guerilla group. At year's end, Nazar remained under house arrest awaiting trial. Romero remained imprisoned. In July, a judge denied Special Prosecutor for Investigating Human Rights Abuses Against Social and Political Movements of the Past (FEMOSPP) Ignacio Carrillo Prieto's request to issue an arrest warrant against former President Luis Echeverria for genocide. The Special Prosecutor appealed the decision, and on October 13 the Supreme Court agreed to review the case. In November, Wilfrido Castro Contreras, former Guerrero Judicial Police commander was imprisoned pending his trial for deprivation of liberty in the case of former guerilla Bernardo Reyes Felix.

The military justice trial of Generals Francisco Quiroz Hermosillo and Arturo Acosta Chaparro, implicated in the death or disappearance of 143 persons during the 1970s, continued during the year. However, the judge decided to drop all charges of murder and try them only for drug trafficking. In November, the military Supreme Court reactivated the case against General Arturo Acosta Chaparro, who was accused of killing 22 campesinos during the 1970s.

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

The Constitution and the law prohibit such practices; however, torture, in particular, 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 obtained information through torture, prosecutors used this evidence in courts, and the courts continued to admit as

evidence confessions extracted under torture. Many victims were afraid to report or follow through on complaints against the police, thereby hampering prosecution of the perpetrators.

In July, the CNDH reported that in its 14 years of existence, it has received 84,689 complaints and issued 588 recommendations related to torture. From June 1990 through August 31, the CNDH found 904 cases to be human rights violations.

During the year, the Attorney General's office (PGR) established procedures to comply with the Istanbul Protocol to investigate and prosecute claims of torture. On June 23, the Commissioner to Eradicate Violence Against Women in Juarez, Guadalupe Morfin, asked the PGR to apply these guidelines in the cases of: Cynthia Kiecker and Ulises Perzabal, accused of the 2003 killing of Viviana Rayas; David Meza, accused of having killed his cousin in Chihuahua in 2003; and Victor Garcia Uribe, accused of killing 8 women in Ciudad Juarez in 2001. According to Commissioner Morfin's office, Chihuahua State officials blocked the PGR from conducting medical and psychological exams under the Istanbul Protocol in the cases of Kiecker, Perzabal, and Mesa. In October, a court convicted Victor Garcia Uribe of the murder of eight women found in a Ciudad Juarez cotton field in 2001 and sentenced him to 50 years' imprisonment. That same month, the PGR concluded that Uribe had been tortured under Istanbul Protocol procedures. Cynthia Kiecker and Ulises Perzabal were released on December 17.

There were reports police tortured protesters detained in May at the Third Summit of Latin America, the Caribbean, and the European Union in Guadalajara. The CNDH issued a report confirming the protestors' claims and issued recommendations to Francisco Acuna, Governor of Jalisco and to the Mayor of Guadalajara. At year's end, neither the governor nor the mayor had accepted the CNDH's recommendations.

In May, Mario Medina Vazquez claimed he confessed to the killing of newspaper editor Roberto Javier Mora under torture (see Section 2.a.).

In March 2003, AI published a report that accused all branches of the security forces of using torture. After detailing the defects in the police/judicial system that enable the use of torture, the report recommended that the Government condemn torture, reform national legislation to forbid torture, end the practice of arbitrary detentions, and admit only those confessions made in the presence of a judge and a qualified defense lawyer. Other recommendations concerned the Public Ministry, police, and judicial changes. In December 2003, the U.N.'s Diagnostic on Human Rights noted the frequent use of torture, especially in murder cases.

The authorities rarely punished officials for torture, which continued to occur in large part because confessions are the primary evidence in many criminal convictions. Many human rights groups linked torture to the prevalence of arbitrary detention and claimed 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 extracting confessions from them by force. According to the Deputy Attorney General for Human Rights at the PGR, as of August, 50 percent of the torture complaints it had received occurred in the States of Mexico, Tlaxcala, and the Federal District.

There were no developments in the case of 17-year-old Valentina Rosendo Cantu, allegedly raped by members of the 41st Infantry Battalion in 2002 when she was washing clothes by a creek.

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

Prison conditions remained poor. Many prisons were staffed by undertrained, underpaid, and corrupt guards. Prisoners complained 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 exercised authority, displacing prison officials. Influence peddling, drug and arms trafficking, coercion, violence, sexual abuse, and protection payoffs were the chief methods of control used by prisoners against their fellow inmates. Prisons varied 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 in some of these areas. In September, the CNDH released a study on local and municipal jails that found a lack of investment in facilities, salaries and training, an unwillingness on the part of officials to solve problems, and extensive corruption within the jails.

An investigation by the internal affairs division of the municipal police to determine the responsibility of the guards in the case of a 20-year-old unidentified male, who claimed in 2003 that another inmate at the Aldama police station in Ciudad Juarez had robbed and raped him, was ongoing at year's end.

The penal system consists of 448 facilities: 5 federal penitentiaries, 8 federal district prisons, 336 state prisons, and 99 municipal and regional jails. 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 press reports, the country's 448 penal facilities were overpopulated; 182,530 prisoners were held in facilities with an official capacity of 147,809.

Health and sanitary conditions were poor, especially in rural poorer States such as Michoacan and Chiapas. Often prisoners must pay for their own prescription medicine. According to the CNDH, most prisons did not have any facilities for treating those requiring psychiatric care.

There were at least five reported deaths in prison during the year. Mario Medina was killed by another inmate and his death resulted in the removal of prison officials in the State of Tamaulipas (see Sec. 2.a.). In August, Dennis Crane Hoffman committed suicide in Acapulco. Alberto Soberanes was killed in May, Miguel Angel Beltran in October, and Arturo Guzman in December in the federal prison La Palma.

Female prisoners were held separately from men. Women comprised approximately 4.6 percent or approximately 8,000 of the total prison population. Of the 448 prison facilities in the country, 230 had female prisoners. In March, the CNDH noted that jailed female prisoners lived in worse conditions than male prisoners.

In May 2003, the CNDH announced the results of a study that revealed the vulnerability of female prisoners across the country. The study found that female inmates engaged in prostitution under the direction of inmates and with the acquiescence of prison officials.

Juveniles were held separately from adults. In July 2003, the CNDH reported that it had detected serious violations of basic rights in the majority of 54 juvenile reformatories in the country. The violations included overpopulation, physical abuse and mistreatment, and dormitories with metallic mesh that resembled cages.

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.

There were no developments in the May 2003 CDHDF recommendation against the General Directorate of Prevention and Social Readaptation regarding the torture and abuse in 2002 of inmate Martin Banuelos Gonzalez by six public servants at the Reclusorio Norte and the request to the Federal District Secretary of Government for an investigation to determine responsibility of the six officials for the abuse.

The Government permitted independent monitoring of prison conditions by NGOs and human rights organizations; however, in practice, the CNDH and state human rights commissions conducted the majority of prison visits, and such visits occurred during the year.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily. 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 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.).

The federal and state police are divided into preventive police and judicial police. The preventive police maintain order and public security in cities and towns. They do not investigate crimes and only assist prosecutors (Public Ministry) at their request. The judicial police, an investigative force, are an auxiliary to the Public Ministry and act under its authority and command. A recent academic study concluded that there were more than 350,000 police officers in the country and about 3,000 different forces at municipal, state, and federal levels.

Police corruption was a problem. Police have been involved in kidnappings, armed robbery, and extortion, as well as protection of criminals and drug traffickers. From January to July, in Mexico City alone, 140 policemen were charged for various crimes, compared with 502 in 2003. In April, the Governor of Morelos State dismissed all 552 state policemen after the arrest of two top officers for allegedly protecting drug dealers.

NGO sources reported that a great number of disappearances eventually were found to be cases of arbitrary detention by security forces (see Section 1.b.). Many human rights groups claimed that police or prosecutors attempted to justify arbitrary detention by securing a confession to a crime, sometimes using torture (see Section 1.c.). According to the Miguel Agustin Pro Juarez Human Rights Center (PRODH), incommunicado detention was a frequent practice (see Section 1.c.).

In February 2003, the U.N. released a 22-page report made by a U.N. Working Group on Arbitrary Detention that visited the country in 2002. The Working Group found that the lack of procedural guarantees, the existence of an inquisitorial justice system, difficulties in obtaining adequate defense, lack of resources, and sentences disproportionate to the crime all contributed to the prevalence of arbitrary detentions.

Between June 1990 and August 31, the CNDH received 1,703 complaints of arbitrary detention.

On June 23, Isidro Baldenegro and Hermenegildo Rivas, Tarahumara indigenous anti-logging activists, were released from prison after prosecutors concluded that there was no basis for the weapons and drug charges against them. In March 2003, Chihuahua State police arrested them and accused them of illegal possession of firearms. On May 26, one state judicial police (PJE) official was arrested and charged with planting marijuana and weapons during the initial arrest. Three other PJE agents implicated in the case remained at large at year's end.

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.). 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 in the criminal justice system persisted, although the Government continued its efforts to address it.

Bail is available in cases that carry penalties of 5 years or less. Detainees have access to family members and to counsel.

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

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, on occasion, especially at the state level, it was influenced by government authorities. For instance, each state's executive branch can be key in selecting the president of the judicial branch. Governors nominate the presidents, who are then confirmed by the state legislatures. Corruption, inefficiency, impunity, disregard of the law, and lack of training continued to be major problems. Judicial reforms have begun to address some of these problems. Constitutional reforms, passed in 1999, were designed to streamline the administration of justice and repeal archaic laws. Human rights groups claimed that these reforms allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings.

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 2001, AI alleged that judges often were not present at hearings when defendants give testimony. Most often, the court's legal secretaries take testimony, and the judge evaluates the case based on written documents. Court officials may add notarized documents that are not authenticated into the case file, which become part of the "case." These documents then become automatically authenticated. Once admitted, they are subject to contradiction, but in practice the only way to contradict the document was to call a witness to impugn it, or produce a contrary document of "equal" value. 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 only by special motion.

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 were open to the public, and it was 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 took 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.

On November 25, Nuevo Leon became the first state in the country to hold oral trials for crimes carrying maximum penalties of 7 years' imprisonment.

The Constitution provides for the right to an attorney at all stages of criminal proceedings; however, in practice the authorities often did not ensure adequate representation for many poor defendants. Defendants in pretrial detention did not have immediate access to an attorney to discuss privately issues arising during the hearings. Moreover, the public defender system was not adequate to meet the demand. Attorneys were 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 varied by region and agency. Federal prosecutors usually were paid better than state prosecutors. Defendants' services were housed either in the judicial or executive branch, and there were no autonomous public defender services.

In the case of indigenous defendants, many of whom did not speak Spanish, the situation was often more complicated. The law provides for translation services to be available at all stages of the criminal process; however, in practice courts did not provide translators for indigenous defendants at all stages of criminal proceedings. Consequently defendants sometimes were unaware of the status of their cases, and prisoners were convicted without fully understanding the documents they had been required to sign.

The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The CNDH does not have authority to intervene in judicial proceedings, but can provide guidance and make recommendations on defense of rights. CNDH has a program for the liberation of indigenous prisoners that, in conjunction with other agencies such as the PGR and SSP, reviewed cases that merit release, such as commutation of a sentence.

Judges continued to allow statements coerced through torture to be used as evidence against the accused (see Section 1.c.), and confessions were the primary evidence in many criminal convictions. A number of NGOs have declared that judges give

greater evidentiary value to the first declaration of a defendant, thus providing prosecutors an incentive to obtain an incriminating first confession and making it difficult for defendants to disavow such declarations.

The law does not require civilian trials of soldiers involved in civilian 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 2002, 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 Inter American Commission on Human Rights issued various recommendations condemning the practice of a special jurisdiction for members of the military involved in common crimes.

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

The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. The law requires search warrants; however, the CNDH received 59 complaints of illegal searches from January through August. 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 October, newspapers published transcripts of intercepted cellular telephone conversations between Democratic Revolution Party (PRD) legislators. The authorities had not identified those responsible for the incident by year's end.

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 and did not restrict academic freedom. While the overall state of freedom of expression improved under the Fox administration, threats, libel actions, defamation suits, and harassment of journalists by politicians, local authorities, police, and narcotics trafficking organizations continued. Journalists outside the capital or large cities were the most threatened, as the majority of harassment cases originated in states outside the capital and in the northern part of the country. Two newspaper editors and a columnist were killed during the year.

The independent media were active and expressed a wide variety of views, particularly in the capital and other major urban centers. There were about 300 newspapers operating in the country of which approximately 10 were national newspapers. All were privately owned and operated. Approximately 130 foreign correspondents for international news agencies, newspapers and magazines operated in the country. Direct criticism of the Government by all types of media was common. However, while some positive developments occurred during the year, criminal defamation and libel laws, law suits to reveal journalists' sources, and a climate of impunity related to crimes against journalists limited freedom of the press.

The Federal Government tolerated and did not attempt to impede criticism of the Government; however, local officials frequently reacted to criticism and unfavorable news articles by harassing journalists and suing them under criminal libel laws. Journalists and others advocated for legislative reform of the criminal libel laws. In addition, government officials at all levels often attempted to obtain the names of journalists' confidential sources.

Broadcast media were privately held, with Televisa and TV Azteca accounting for more than 90 percent of the market. The Federal Government operated two TV stations broadcast in Mexico City and picked up by an assortment of small local stations and cable companies throughout the country. Various states minimally financed regional TV stations. Television news independence was enhanced by greater political pluralism, generational change in media leadership, and growing competition for advertisers and viewers.

Most radio stations throughout the country were privately owned through concessions granted by the Government. The issue of access to the airwaves and the legalization of community-based radio stations was a concern as several stations were closed during the year despite pledges by senior officials in the Fox administration that the status of each station would be reviewed so that operating licenses could eventually be granted.

Attacks on and killings of journalists continued to be the most serious problem for freedom of the press. The Mexican Network for the Protection of Journalists and Communication recorded 20 acts of aggression against journalists from January 1 to April 30 including killings, physical violence, verbal assaults, arrests, lawsuits, censorship, economic pressure, and other sophisticated administrative and bureaucratic forms of harassment. NGOs that monitor freedom of the press and the security of journalists usually received information indirectly regarding outright attacks and intimidation of journalists, which were underreported. There were no comprehensive nationwide statistics; however, on August 9, Jose Luis Soberanes, President of the CNDH, said that it had received 155 complaints of violations of journalists' human rights between 1999 and July.

In May, a representative from the Chihuahua State Attorney General's Office demanded the names of sources from nine print and television journalists in Ciudad Juarez for stories on the deaths of women in and around that city. The journalists refused

and filed a complaint with the CNDH.

In June, Reporters without Borders expressed concern about recent attacks and threats against at least 15 reporters in the country. In September, more than 200 journalists sent a letter to the President demanding better security for journalists.

The area along the northern border was the most dangerous place in the country for journalists, who were targeted by drug traffickers working with corrupt law enforcement personnel in the region. On March 19, unknown persons killed Roberto Javier Mora, editorial director for the Nuevo Laredo-based daily *El Manana*. President Fox ordered federal authorities to coordinate with their state and local counterparts to investigate the killing. Six national and international press freedom organizations participated in a joint fact-finding mission to Nuevo Laredo to look into the death. The Committee for the Protection of Journalists (CPJ) and Reporters Without Borders believe that the killing resulted from the paper's coverage of narcotics trafficking and corruption in Nuevo Laredo. Two suspects arrested by police in March subsequently retracted their confessions after alleging that they had been tortured. In May, one of the suspects, Mario Medina Vazquez, was killed by another inmate. Although an investigation was initiated and the director of the prison fired, there were no other concrete results at year's end.

On June 22, masked gunmen shot and killed Francisco Javier Ortiz Franco, a lawyer and co-editor of the Tijuana-based weekly newspaper *Zeta*, in Tijuana. By year's end, no arrests had been made; however, on August 18, prosecutors stated that they believed that the killing was in retaliation for an article that revealed details and identities behind a scheme to obtain fake police credentials for members of the Arellano Felix drug cartel.

On August 31, unknown persons tortured and killed Francisco Arratia Saldierna, a columnist from the border State of Tamaulipas. Within hours of the killing, the secretary general of Tamaulipas characterized Saldierna's death as an "isolated incident" that soon would be solved; however, an investigation was ongoing at year's end.

The widespread lack of investigation into crimes against journalists fostered a climate of impunity that discouraged investigation, provoked self-censorship, and jeopardized the physical safety of journalists and their families.

On May 13, up to 20 local policemen detained, beat, and robbed Manuel de la Cruz, EFE's correspondent in Tuxtla Gutierrez, Chiapas. De la Cruz filed criminal complaints with the Chiapas attorney general's office, the state human rights commission, and local police.

In August, Jose Martinez Mendoza author of a book that revealed inappropriate links between government bodies and a foundation headed by First Lady Martha Sahagun, received death threats and said that he had been under surveillance after publishing his book.

AI reported that local authorities often used criminal charges on a state level to deter investigations and, during the year, issued legal summons to several journalists to reveal their sources.

Attacks against the confidentiality of journalists' sources continued to undermine investigative reporting during the year. In August, Jose Luis Soberanes, president of the CNDH, warned against forcing journalists to reveal confidential sources of information.

International press organizations claimed that the country's criminal defamation and libel laws violate the freedom of expression. The IAPA was extremely concerned about changes made to the Penal Codes in a number of states that provide for stiffer jail sentences in the case of convicted journalists. In February, the Chiapas State legislature raised the penalty for those found guilty of criminal defamation and libel from 3 to 9 years' imprisonment and fines from the equivalent of 100 to 1,000 days' pay, the highest in the country.

The Government did not restrict access to the Internet.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. 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 reports police tortured protesters detained in May at the Third Summit of Latin America, the Caribbean, and the European Union in Guadalajara (see Section 1.c.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions at the local level, particularly in the South. A generally amicable relationship among the various religions in society contributed to religious freedom; however, in some southern areas of the country, 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 may reject applications because of incomplete documentation, the registration process was routine. An estimated 6,247 religious associations were 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.

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 49,466 such visas since 1995.

There were incidents of violence between religious groups, principally in Chiapas, during the year. The situation in Chiapas was a result of a complex mix of economic, ethnic, political, and religious tensions. There was 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 regarded 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 resisted making financial donations demanded by community norms that go partly to local celebrations of Catholic religious holidays and resist participating in festivals involving alcohol. 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 June 22, a group that included local officials drove seven Protestant families from their homes in Las Margaritas Township because they asked local officials to ensure respect for their freedom of worship. The families joined approximately 300 to 400 Tojolabal Christians expelled from their farms in Las Margaritas Township. The Nuevo Matzan village council ordered 15 evangelical families to abandon their homes or face severe consequences. By year's end, state government officials in Chiapas had taken no action because they claimed that the families left voluntarily.

In Chiapas, traditionalist local leaders denied approximately 150 children access to the local public schools in 6 indigenous communities every year since 1994 because they were evangelicals. They received instruction in separate classrooms under a program that began in 2001 to provide education for children who were marginalized due to their religious affiliation.

According to the CNDH, from June 1991 to March 2003, it received 1,110 complaints of discrimination on religious grounds, especially from members of the Jehovah's Witnesses, for their refusal to participate in national anthem and flag ceremonies in schools.

There were numerous reports of Jehovah's Witnesses being fined, denied building extensions, evicted from their homes, and imprisoned for not participating in Catholic feast days, not contributing funds for construction of Catholic churches, and not contributing to Catholic religious festivals.

In Uripitio, Michoacan State Alejandro Perez, a Jehovah's Witness, was denied access to drinking water because he did not contribute \$600 (6,000 pesos) for the construction of a Catholic church. By year's end, the local authorities had stopped pressuring Perez.

For a more detailed discussion, see the [2004 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.

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

In June, the ICRC noted that the emergency situation no longer existed among the internally displaced persons in Chiapas and terminated its humanitarian activities there.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. During the year, the Government participated in a range of UNHCR training programs. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

Corrupt police sometimes violated the rights of illegal immigrants. There also were credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants. Migrants who transited a halfway house in southern Chiapas 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. There was an increase in the number of such gangs, as well as in the level of violence. Illegal immigrants rarely filed charges in cases of crimes committed against them because the authorities generally deported such persons who came to their attention. Many pending cases brought by illegal immigrants were subject to dismissal because the complainant was no longer present in the country.

In February 2003, CNDH president Jose Luis Soberanes, in his annual report to Congress, recognized the government's lack of protection for migrants. The CNDH found problems at all levels of government, including corruption, impunity, and the complicity of immigration officials and local, state, and federal officials.

In March 2003, the U.N. Special Rapporteur on Human Rights of Migrants, Gabriela Rodriguez Pizarro, reported that she found apparent complicity among traffickers, delinquents who prey on migrants, and the authorities who extort migrants. She criticized the lack of facilities at immigration detention centers in the south of the country, including the use of local jails. She also noted the precarious medical attention at migrant stations and the humiliating treatment meted out to migrants by officials.

### 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, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Presidents are elected every 6 years and cannot be reelected. While elections were open and generally fair, accusations of abuses continued to occur, most often in state and local elections. 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. In July 2003, federal elections were held to elect members of Congress. Observers, both international and domestic, judged the elections to be generally free and fair.

In August 2003, Zacatecas became the first state to allow migrants to run for state office, including citizens who have never lived in, and were not born in, the country.

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 6 political parties registered and 36 political groups. Parties must receive at least 2 percent of the vote in national elections to maintain their registration. 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.

There were controversies over state and municipal elections.

During the year, 10 states held elections for governor along with municipal elections. There were legal challenges to the conduct of the gubernatorial elections in Oaxaca and Veracruz and the mayoral election in Tijuana; however, the challenges were all denied. Consequently, on December 1, the three victors assumed their respective positions.

Corruption was a problem at both the federal and state levels (see Sections 1.a. through 1.e., 2.a., 2.d., 5, and 6). The CNDH reported in May that Guerrero, Morelos, the Federal District, and Chiapas were the states that receive the most corruption complaints.

Two years after the passage of the Law for Transparency and Access to Information, transparency in public administration, both at the federal and local levels had not been achieved. The implementation of procedures to facilitate access to public information and the lack of clarity in the process by which state officials make information available to public opinion remained areas of concern. However, on March 30, the Supreme Court of Justice and Federal Judiciary Council unanimously ruled that the general public can review court rulings and settlements made during the litigation process and ordered the placement of court decisions on the Internet. Many observers noted that the federal law allows individual states wide liberty in interpretation and development of procedures, thereby leading to a lack of uniformity. Fifteen states had Access to Information Laws but only 30 percent of these can actually provide access to information in a systematic manner.

There were 28 women in the 128-seat Senate and 117 women in the 500-seat lower house. There was one female justice on the Supreme Court. The State of Zacatecas elected a female governor. There was one female cabinet member (Director of Social

Development) and two women in the extended cabinet (the Director of the National Women's Institute and the Director of the Institute for Indigenous Affairs).

Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties continued their efforts 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. Women candidates often led the ticket in districts where their parties had little chance of winning. According to statistics from 2002, the PRD's membership was 48 percent female, its leadership was 27 percent female, 26 percent of its representatives and 12 percent of its senators were female, and it had a female party president. The PAN utilized more informal methods to increase female registration. An estimated 24 percent of its leadership was female, and close to 17 percent of representatives and 13 percent of its senators were 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 were female.

There were no statistics available regarding minority participation in the Government.

The Constitution provides for the right 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 domestic and international human rights groups generally operated without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. According to the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, in 2002 there were 5,339 NGOs active in the country, which played an important and vocal role in the promotion of civil society. According to the latest statistics available from the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, there were 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 March 2003, a decree creating a Commission for Government Policy on Human Rights was published in the Federal Register. The Commission convened every 3 months, was responsible for designing a government human rights policy, coordinating actions, and creating mechanisms for the implementation of recommendations handed down by the CNDH and other international human rights organizations with which the Government has obligations.

Reports of harassment, attacks, and detentions of human rights workers diminished; however, they continued to occur.

On January 4, AI reported that the president of the Center for Border Studies and Promotion of Human Rights (CEFPRODHA), Arturo Solis, received death threats after calling on authorities to fully investigate the abduction and killing of Jose Antonio Cervantes Espleta in Reynosa, State of Tamaulipas. Also in January, General Jose Francisco Gallardo reported receiving a threatening telephone call after he had criticized the appointment of an army general to an anti-terrorist unit with the PGR. Gallardo also reported that he had observed unknown vehicles monitoring his movements.

In August, a Mexico City judge ruled against the injunction (amparo) asked for by the family of human rights activist Digna Ochoa and upheld the July 2003 ruling of the Mexico City attorney general's office (PGJDF) that her death was a suicide.

On July 21, the Mexico City human rights commission (CDHDF) issued a report that found irregularities and flaws in the police investigation of the case. For example, written descriptions of the scene of the crime didn't match photographs and the description of the injuries Ochoa suffered was incomplete. The CDHDF concluded that the irregularities did not "generate certainty."

In August 2003, an unknown assailant killed human rights defender Grisdelda Teresa Tirado Evangelio near her home in Puebla. Tirado, a teacher and an IFE council member in Puebla, was one of the founders of an indigenous rights association and was involved in litigation of various agrarian disputes in the indigenous communities. Police were investigating to determine if Tirado was targeted for her human rights activity or the victim of a crime. On February 15, Alfonso Garcia Reyes and Amelia Cruz Sanchez were arrested and detained as the probable suspects in the crime according to the Puebla Human Rights Commission.

The CNDH is the country's autonomous human rights ombudsman, whose president is chosen by the Senate for a 5-year term. In October, the Senate ratified Jose Soberanes for a new 5-year term. Each state also has a state human rights office (CEDH). In theory, the CEDH were also autonomous; however, each CEDH president was chosen by the state governor. In August, AI reported that the president of the Chiapas State human rights commission, Pedro Raul Lopez, had been suspended by the state congress over allegations that he had obstructed investigation into the commission's finances. AI and other NGOs alleged that Lopez was suspended because of his work on behalf of human rights. State authorities contended that he was fired due to financial irregularities. The CNDH issues an annual report to Congress on the state of human rights in the country. The CNDH

made 62 recommendations as of September. The recommendations were based on investigations generated by complaints received. During the year, the CNDH promoted legislation to make its recommendations binding on the recipient agency.

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. SEDENA reported it had graduated 250 officers from this course. These officers were responsible for training at the different unit levels within the Army and Air Force. The CNDH reported that between March 2002 and July 2003 it had given 61 seminars on human rights to 15,724 members of the Armed Forces, including 1,200 flag officers. In addition, 12 military instructors were trained to teach human rights courses.

In April 2003, the Navy adopted a "Manual on Human Rights for the Mexican Navy," which complements the Disciplinary Law of the Mexican Navy.

Both the Senate and the Chamber of Deputies have committees that monitor human rights and occasionally draft legislation concerning human rights. They played a significant role with respect to votes in Congress.

#### Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

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"; the Government continued to make progress enforcing these provisions. In March 2003, a Secretariat of Foreign Relations (SRE) study revealed that 90 percent of the population suffered some type of discrimination. Women, indigenous groups, and persons with disabilities were the most affected. Complaints of discrimination against a public official may be filed with the CNDH. If a complaint alleges discrimination on the part of a private party, then it must be filed with the judicial system.

#### Women

The most pervasive violations of women's rights involved domestic and sexual violence, which were widespread and vastly underreported. The law prohibits domestic violence and provides for fines equal to 30 to 180 days' pay and the detention of violators for up to 36 hours. According to a survey by the National Statistical Agency (INEGI), 47 percent of women age 15 and up have suffered at least one incident of physical, emotional, or sexual aggression.

The DIF for the State of Mexico (DIFEM) reported that between January and September, it received 1,157 complaints of intra-family violence involving 2,075 victims, the majority of them women and children under age 10. According to the PGJDF, 40 women died as a result of intra-family violence during 2003-04. During the year, 11,396 women called the hotline "Vida sin Violencia" (Life Without Violence) to report some form of violence against them.

In 2001, the Fox administration created the National Women's Institute, an autonomous organization that promoted public policies favoring non-discrimination and gender equity. It also publicized violations of women's human rights to promote debate and change. During the year, the Institute made recommendations to the Secretary of Public Security (SSP) to enhance protection of women's human rights in prison. In addition, it ran a mock court program for law students and trained judges to help them understand the country's obligations under international law.

The law prohibits rape, including spousal rape, and applies to both married and 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 rarely was invoked.

The law does not forbid prostitution. However, pimping is illegal and it is also illegal for persons under the age of 18 to work in prostitution. Sexual tourism was a problem, and popular tourist destinations, such as Acapulco, Cancun, and Puerto Vallarta reported incidents of sexual exploitation of minors.

In August 2003, AI and the Chihuahua Women's Institute reported that during the previous 10 years, over 300 women had been killed, of whom approximately 100 had been sexually assaulted, in Ciudad Juarez and other parts of Chihuahua State. Subsequently, in October 2003, President Fox named Guadalupe Morfin Otero as the head of the new federal Commission to Prevent and Eradicate Violence Against Women in Ciudad Juarez. With a limited budget, Morfin investigated the issues surrounding the deaths and disappearances and requested that the authorities apply Istanbul Protocol procedures in the cases of four persons charged with having killed women (see Section 1.c.). In January, President Fox appointed Maria Lopez Urbina as federal Special Prosecutor for Women's Homicides in Ciudad Juarez as part of the PGR's Office of Human Rights. During the year, she reviewed approximately 50 cases and in June, she reported that her investigation had not turned up any evidence of a serial killer. The review revealed that 81 state and local officials had lost evidence, contaminated crime scenes, and had been slow to act to protect endangered women. Mario Alvarez, deputy attorney general, stated that Chihuahua State prosecutors were weighing criminal abuse of power charges against those officials. By year's end, Lopez Urbina had cited 130 Chihuahua public servants for negligence.

During the year, the bodies of 16 more dead women were found in Ciudad Juarez. In March, an AI report reviewed progress made during 2003 and recommended that the authorities take an integrated approach to prevent and investigate all forms of

gender-based violence in Chihuahua State, investigate the allegations of torture made by suspects detained and interrogated by state judicial police, and respect the rights of the victims, their families, and human rights organizations.

In April, a team of U.N. criminal justice experts returned to Ciudad Juarez to review progress made on September 2003 recommendations. They found that no attempts had been made to implement the recommendations, except for some minimal training provided to state police. During their second visit, the U.N. experts urged the state to reopen all cases in which the accused perpetrators had alleged torture at the hands of state authorities.

In April, several members of the lower house of Congress formed a special commission to follow developments. Marcela Lagarde, head of the commission and a legislator representing Mexico City, said that the commission would work for legal action against the former and current governors of Chihuahua and various officials from both administrations, due to the severe irregularities throughout the course of the state's investigations of the killings.

In June, Special Prosecutor Lopez Urbina named 81 current and former Chihuahua State officials for negligence in investigating the cases of the disappeared and dead women. In October, she named 49 more officials. Chihuahua State authorities released the names of 54 of these officials and were responsible for any prosecution of them. In November, Chihuahua State attorney general, Patricia Gonzalez Rodriguez, suspended some of the staff in the state attorney general's office (PGJE) while investigations were conducted into how they handled the investigations of women's murders in Ciudad Juarez. At year's end, as a result of Lopez Urbina's recommendations, Gonzalez asked a judge for arrest warrants against three current and two former state officials. She also requested administrative sanctions be taken against 15 more state officials.

In August, the Alameda County, California, sheriff's office released its findings from DNA tests performed in May on the remains and family members of several dead or disappeared women from Chihuahua. The exams revealed that the remains presented by the state as those of victim Neyra Azucena Cervantes were actually those of a male. The victim's mother subsequently stated that she planned to pursue the matter with Chihuahua State authorities.

The United Security Program, launched in Ciudad Juarez in 2003 to curb crime and protect women, was unsuccessful. Despite the presence of over 700 federal officers, the overall crime rate increased by more than 12 percent, and most officers had left the city by year's end.

Trafficking in women for the purpose of sexual exploitation was a problem (see Section 5, Trafficking.).

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. Reports of sexual harassment in the workplace were widespread. Statistics 2001 led the CDHDF to estimate that at least 80 percent of the women who work in Mexico City have experienced sexual harassment.

Women also suffered harassment and discrimination from public officials. In March, the CNDH reported that between February 2000 and February, it received 3,528 complaints from women who alleged offenses by federal officials. The leading complaint was abuse of authority, followed by denial of or inadequate provision of medical services, denial of or inadequate provision of electrical services, threats, and denial of the right to file a complaint. The main entity receiving complaints was the Institute for Social Security (IMSS), which usually received complaints for negligence in providing medical care to women.

Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respected this principle in practice. The legal treatment of women's rights was 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 resided with the father, or there was 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 workforce generally were paid less than their male counterparts and were concentrated in lower-paying occupations.

Labor law provides extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breastfeeding 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 violated 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. The Secretariat of Labor made safety and hygiene inspections in private factories and public institutions to protect the labor rights of workers (see Section 6.e.).

In January, the NGO Catholic Agency for Overseas Development alleged that in Guadalajara, electronic subcontractors recruited poorly educated, young women and subjected them to degrading interviews about their sexual histories and invasive physical examinations that include internal exams and pregnancy tests.

In August, Ninett Torres Villareal had her scholarship from the Mexican Writers' Center withdrawn when the director of the Center discovered she was 6-months pregnant. The Gender Equity Commission in the Mexican Congress offered to intervene, and the scholarship was reinstated in September.

#### Children

The Government maintained 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 remained. Nine years of education are compulsory, and parents are legally liable for their children's attendance; however, SEP and the Sierra Neighborhood Foundation 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 attended school at similar rates. In marginalized rural areas, national statistical agencies reported that 60 percent of girls attended primary school compared with 70 percent of boys. In July, press reports indicated that incompetent teachers are protected by the teacher's union from discipline. The press reported the case of a teacher who continued to hold his position while never showing up at his class and alleged that teacher's positions are "sold" through the union rather than competed openly. Primary education is compulsory, free, and universal. A 2000 study showed that 19 percent of students completed grade school and 19 percent completed the 9th grade.

In July 2003, the CNDH reported that it had detected serious violations to basic rights in the majority of the 54 juvenile reformatories in the country (see Section 1.c.).

The Government provided equal access to medical care for boys and girls.

Trafficking in children for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

In 2003, DIF received 1,372 complaints of child abuse.

There were an estimated 1,200 street children in Jalisco State, half of whom were believed to be victims of sexual abuse. The children were concentrated largely in Guadalajara, Puerto Vallarta, and San Juan de los Lagos, and in areas with a heavy foreign tourist presence.

Child labor was a problem, particularly among migrant farming families (see Section 6.d.).

#### Trafficking in Persons

Various laws prohibit aspects of trafficking in persons; however, trafficking was a serious problem, and there were credible reports that police, immigration, and customs officials were involved in trafficking (see Section 2.d.). In February, press reports charged that immigration officials in Chetumal, Quintana Roo State were helping a network to traffic persons into the southern part of the country. There were reports that persons were trafficked to, from, and within the country.

Trafficking in persons is forbidden under the General Population Law, immigration laws, the Federal Organized Crime law, and federal and state penal codes, all of which were used to prosecute traffickers of undocumented migrants, women, and children.

Child prostitution and pornography are felonies under the law; however, sexual exploitation was 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 sexual exploitation can be sentenced to 5 to 10 years' imprisonment. If convicted, parents or guardians automatically lose custody of their children. Accomplices to sexual abuse or exploitation may be imprisoned for 6 to 10 years. When physical or psychological violence was 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.

The Government had 12 cases in progress against trafficking organizations in various states. As of September, the authorities had detained 664 persons for trafficking-related offenses. Through August, the Government reported the rescue of 2,747 victims.

On February 26, the deputy chief of criminal investigations at the Chihuahua State judicial police was arrested and accused of raping a minor and of running a prostitution ring. Five minors formally complained against him, but the judge released him on bond several days later for lack of evidence.

On March 19, seven police officers, two former police officers, and seven INM officials were arrested in Chihuahua State in connection with a large alien smuggling case. The police officers were released for lack of evidence, but the INM officials remain in custody and their court case was pending. It was unclear whether they had been involved in alien smuggling or trafficking because alien smugglers were often traffickers of persons, drugs, and arms.

The Government has a Plan of Action to Prevent, Attend, and Eradicate the Commercial Sexual Exploitation of Minors. The program, which was administered through the DIF, supported by numerous executive and legislative branch entities, had begun

specifics programs in various states and had supervised 64 operations during which 115 girls and 7 boys were rescued

The National Migration Institute (INM), the PGR, the DIF, the Center for Intelligence and National Security (CISEN), and the PFP were the key federal agencies devoted to combating trafficking, protecting victims, and prosecuting traffickers. In September, they launched an assessment of trafficking in the state of Baja California Norte and the city of Tapachula being conducted by the International Office on Migration (IOM). The project began in September and will be concluded in September 2005. The project, conducted jointly with INM (National Migration Institute), OAS, INMUJERES, and the Interamerican Commission on Women (ICW), includes training for immigration agents on both borders.

The Government continued to cooperate with other countries. In August 2003, immigration officials from Nicaragua, El Salvador, Honduras, Guatemala, Ecuador, Colombia, and the United States met to develop strategies against trafficking and smuggling in persons. In March, the country signed an agreement with Guatemala for the protection of victims of trafficking on the southern border.

As part of its Memorandum of Understanding with Guatemala, the INM began a program in which residency permits were issued to trafficking victims who agree to participate in prosecutions against traffickers.

A 2003 book entitled "Infancy as Sexual Merchandise" estimated that there were 16-20,000 children involved in the sex trade.

The country was a point of origin, transit, overwhelmingly from Central America, and destination for trafficked individuals. To a much lesser extent, persons from Brazil, Ecuador, China, Taiwan, India, and some countries in Eastern Europe transited the country. The poor and less educated were more at risk for trafficking.

In late 2003 and early in the year, press reports indicated that women were being trafficked from Cancun to the United States for sexual exploitation.

In February, law enforcement dismantled an organized crime network that trafficked women and forced them into prostitution in New York. On February 10, a judge in Tlaxcala issued warrants for the arrest of 16 suspects in the investigation. Later in February, police arrested six members of the network in several cities. At year's end, parallel prosecutions were ongoing in both the United States and Mexico.

Several NGOs, including the Bilateral Border Safety Coalition, the IOM, Casa Alianza, The Coalition Against Trafficking in Women, Sin Fronteras, and Las Mercedes assisted trafficking victims with education and prevention programs.

The Government supported general prevention campaigns for children and women and administered assistance programs for children repatriated to the country. The legal framework exists to protect the victims of trafficking and provide social services to these victims. However, in practice illegal immigrants usually were deported.

#### Persons With Disabilities

Discrimination against persons with disabilities in employment, education, access to health care, and the provision of other services continued. 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 did not comply with the law. The Federal District also mandated access for children with physical disabilities to all public and private schools.

The President's Office for the Promotion and Social Integration of Persons with Disabilities estimated that there were 267,000 new cases a year of persons with disabilities owing to accidents, births, or diseases. According to INEGI, there were 988 registered institutions of or for persons with disabilities. In Mexico City, 166 NGOs addressed problems affecting persons with physical disabilities.

In June 2003, President Fox signed a new Anti-Discrimination Law passed by both houses of Congress that provides for access to health services, education, culture, transportation, and employment for persons with disabilities. NGOs claimed the law had little effect since many persons were not aware of its existence.

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

During the July 2003 congressional elections, the Federal District Electoral Institute (IEDF) provided ballots, ballot boxes, and a special ballot holder and marker for the vision and motor skill impaired voters. The same provisions were made for persons with disabilities in the various state elections that occurred during the year.

#### Indigenous People

The indigenous population has been long subject to discrimination, repression, and marginalization.

In June, President Fox created the Consultative Council of Indigenous People, which was to meet four times a year to help direct governmental action on indigenous matters.

The National Commission for the Development of Indigenous Peoples (NCDIP) estimated the indigenous population at 10.25 million; however, there were unofficial estimates of 12.7 million. Estimates from other organizations varied from 8 to 10 million. The NCDIP listed: 6 million native indigenous dialect speakers over 5 years of age and 4.2 million individuals who identified themselves as indigenous, but did not speak an indigenous dialect. Indigenous people were located principally in the central and southern regions and represented 37 percent of the population in the States of Oaxaca and Yucatan. However, these groups 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 was negligible.

According to a study by the Mexican Health Foundation, 81 percent of the indigenous population lived in poverty.

According to the NCDIP, 66.5 percent of indigenous children less than 4 years of age resided in areas where the infant mortality rate was very high.

Lack of resources and the fragmentation of indigenous communities continued to make enforcement of the 2001 constitutional reforms, which provided for additional rights and autonomy, extremely difficult.

Indigenous communities continued to insist that they want to have the power to decide which commercial firms operate in their communities and which ones should close; however, only the Southern State of Oaxaca had a state Law of Indigenous Participation.

Media reports indicated a state of heightened tension in Chiapas due to paramilitary activity. The state government, since taking power in 2002, has arrested 25 paramilitary leaders.

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 troops in selected areas of Chiapas, and in Guerrero. Incidents of conflict in Chiapas between security forces and Zapatista Army of National Liberation sympathizers, and in Guerrero between the army and the Popular Revolutionary Army and the Insurgent's Revolutionary Army led to accusations of the use of excessive force; however, the confused circumstances of these clashes made those allegations difficult to substantiate.

AI reported that on January 14, police used excessive force to evict indigenous people occupying the town hall in Tlalnepantla, Morelos. Police shot and killed Gregorio Sanchez and injured 12 others.

Sporadic outbursts of politically motivated and land dispute violence continued to occur in the Southern States of Chiapas, Guerrero, and Oaxaca. Historic land disputes were also a cause of tension in the indigenous regions, especially in Oaxaca, Guerrero, and Chiapas (see Section 1.a.).

In April, the BBC reported conflict in Chiapas between supporters of the Zapatistas and other Indigenous groups, occasioned by the refusal of the rebel supporters who lost their water service to cooperate in maintaining and paying for the area's water system. There were reports that the EZLN's campaign to extend "autonomous townships" had caused resentment from neighboring indigenous groups. In April, members of a dozen indigenous settlements reportedly wrote to federal authorities to ask that the Zapatistas leave them alone.

On September 20, unknown assailants killed Tomas Sosimo Santos, a member of the indigenous opposition in La Angostura, Guerrero. An investigation into his death was ongoing at year's end.

Judges often failed to sentence indigenous detainees within legally mandated periods (see Section 1.e.). The NDCIP tried to provide translators and bail assistance to indigenous defendants (see Section 1.d.).

In November, AI reported six examples of sexual abuse of indigenous women to indict the country's authorities for failure to provide proper forensic services to indigenous women and of failing to prosecute soldiers accused of raping indigenous women.

Indigenous people did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social issues. In the State of Oaxaca, for example, 70 percent of the 570 municipalities were 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 applied traditional practices to resolve disputes and to choose local officials. Quintana Roo had 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 tended to exclude women from the political process. Usages and customs also often infringed on other rights of women.



The law provides some protection for indigenous people, and the Government provided 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 spoke only their native languages, and indigenous children faced discrimination for speaking their native tongue. In August, HRW reported that indigenous communities in Guerrero State lacked teachers for primary schools.

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 reviewed and investigated violations of indigenous rights. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

After a June 2003 visit to several indigenous communities, the U.N. Special Rapporteur on the Situation of Human Rights and Basic Liberties of Indigenous Peoples, Rodolfo Stavenhagen, called for constitutional reform to resolve the situation in Chiapas and the crisis of persons displaced by conflict.

At year's end, four municipal officers, Sergio Cabrera Carrasco, Tomas Gutierrez Lopez, Jesus Sanchez Gomez, and Arturo Santiago Lopez from Union Hidalgo, Oaxaca State remained detained pending disposition of charges for homicide and abuse of authority.

#### Other Societal Abuses

On September 23, President Fox called on the National Multi-Sectoral Council on HIV/AIDS (CONASIDA), and the secretaries of labor, education, and defense to conduct a rapid assessment of the prevalence of discrimination against HIV positive persons in the workplace, in the armed forces, and even among schoolchildren and to present a plan for corrective action.

In August, CNDH issued a recommendation to the Secretariat of the Navy to have its physicians refrain from administering tests for detection of HIV without the consent of the patient. CNDH found that the Navy violated an employee's right to privacy when it performed the test without consent. Members of Congress alleged that the military routinely discharged HIV-positive members.

According to the CNDH, the states that receive the most complaints from people suffering from HIV were the Federal District, Nuevo Leon, Jalisco, and Mexico. The most often-cited complaint was the denial of medical services to HIV patients.

In May, Oscar del Real Lopez died in the Los Mochis prison in Sinaloa. According to the state's commission on human rights, he was denied medical attention because he was infected with the HIV virus.

#### 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 and workers exercised this right in practice. Approximately 15 percent of the total work force was unionized, mostly in the formal sector, where approximately one-half the labor force was employed.

In June, 51 employees of the Mexican Petroleum Company (PEMEX), the state oil monopoly, were fired for trying to form their own union. The Inter-American Court on Human Rights and the International Labor Organization were investigating these cases at year's end.

##### 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 "white" or company unions as an alternative to mainstream national or local unions. Representation elections were traditionally open, not secret. Traditionally, management and union officials were 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, were prevailing practice but were not required by law or regulation. Secret ballots were held when all parties agree.

The law provides for the right to strike, and workers exercised this right in practice. Although few strikes actually occur, informal stoppages were 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 were rare. Informal ones were more frequent. There were 23 strikes during the year. According to the Secretariat of Labor and Social Welfare, in the 4 years that the Fox administration

has been in office there were 147 strikes nationwide.

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 claimed that its members employed approximately 1.14 million persons as of November. According to INEGI, there were an average of 2,809 active maquiladora plants in the country as of September, a dramatic drop from the 3,901 reported in 2003. By December, the maquiladora sector appeared to be experiencing a rebound. 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 was not privy, sometimes were used in the maquila sector and elsewhere to discourage the development of authentic unions. These contracts were 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 Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, forced labor was a problem. In August, a group of indigenous workers from Oaxaca, Guerrero, and Veracruz claimed to local police that they had been brought to the State of Chihuahua and forced to live and work in the fields under inhuman conditions. Several of the Northern States have experienced an influx of poor and often indigenous workers from other states, who were sometimes victims of abusive labor practices. Three such cases presented in Chihuahua during the year were under investigation by local authorities at year's end.

Forced labor by children was a problem (see Section 6.d.).

#### d. Prohibition of Child Labor 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 remained a problem. Those between the ages of 14 and 16 may work only limited hours, with no night or hazardous work. 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.

There were no reliable statistics on child labor in the rural areas. Most child labor was in the informal sector (including myriad underage street vendors), family-owned workshops, or in agriculture and rural areas. A study conducted by UNICEF and DIF found that urban child labor dropped by 17 percent from 1998-2003. The same study also found very little change in the number of hours worked and salaries earned by child laborers. One study by DIF and UNICEF concluded that 90,000 children in the State of Michoacan worked in slave-like conditions.

In May 2003, the Chamber of Deputies reported that at least 5 million children, mainly indigenous, work in the agricultural sector, the majority in harsh conditions of exploitation. The Commission for Rural Development reported that minors were employed by large agro-businesses, especially in Guanajuato, Sonora, Sinaloa, and Baja California and received salaries much less than those paid to an adult.

During the first 4 months of the year, 700 unaccompanied minors were apprehended along the country's northern borders. Most were between the ages of 15-17 and were caught while acting as drug and alien smugglers.

The Government, through DIF and programs for indigenous children, tried to provide education on site to the children of itinerant agricultural workers, who traditionally travel from place to place during the harvest season.

Trafficking in children for sexual exploitation was a problem (see Section 5).

#### 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. For the year, the minimum daily wages, determined by zone, were: Zone A (Baja California, Federal District, State of Mexico, and larger cities) \$4.12 (46.80 pesos); Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz and Jalisco) \$3.99 (45.35 pesos); Zone C (all other states) \$3.87 (44.05 pesos).

The minimum wages did not provide a decent standard of living for a worker and family. Few workers (approximately 15 percent) earned only the minimum wage; most workers earned 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 LFT sets 6 8-hour days as the legal workweek, but with pay for 56 hours. For most industrial workers, especially under union contract, the true workweek was 42 hours, although they were paid for 7 full 8-hour days. This was one reason why unions

vigorously defended 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.

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 were responsible for workplace enforcement in plants and offices.

STPS and IMSS officials continued to report that compliance was reasonably good at most large companies. However, because smaller firms were far more numerous and more difficult to monitor, these officials were unable to draw any general conclusions about their compliance. There were not enough federal inspectors to enforce health and safety standards at smaller firms. There were special problems in construction, where unskilled, untrained, poorly educated, transient labor was common, especially at many small sites and companies.

By September, the Secretariat of Labor had made 4,023 safety and hygiene inspections in private factories and public institutions; however, the 225 federal labor inspectors and approximately 350 state inspectors were too few to permit frequent inspections.

Individual employees or unions 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.