



Mexico

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Mexico is a federal constitutional republic with a population of 108 million. In July 2006 Felipe Calderon of the National Action Party (PAN) was elected president to a six-year term in generally free and fair multiparty elections. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority.

The government generally respected and promoted human rights at the national level by investigating, prosecuting, and sentencing public officials and members of the security forces. However, impunity and corruption remained problems, particularly at the state and local level. The following human rights problems were reported: unlawful killings by security forces; kidnappings, including by police; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency in the judicial system; confessions coerced through physical abuse permitted as evidence in trials; criminal intimidation of journalists leading to self-censorship; corruption at all levels of government; domestic violence against women, often perpetrated with impunity; violence, including killings, against women; trafficking in persons, sometimes allegedly with official involvement; social and economic discrimination against indigenous people; and child labor.

As a first step, in efforts to reform and professionalize the police, the government relieved 284 federal police commanders, including all 34 regional police commanders, and rigorously trained and evaluated their replacements.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports that security forces acting both within and outside the line of duty killed several persons during the year.

On June 2, army soldiers shot and killed a family of five at a checkpoint in Sinaloa. Authorities arrested and charged three officers and 16 enlisted men in connection with the killings. At year's end all 19 soldiers remained in custody and were being held pending trial in a military court. The semiautonomous National Human Rights Commission (CNDH) had issued recommendations on this case, which National Defense Secretariat (SEDENA) agreed to investigate. At year's end SEDENA was still preparing the case against soldiers.

There were no developments in the official investigation of two killings resulting from the April 2006 intervention by state and federal police in a miners strike in the state of Michoacan. In October 2006 the CNDH and local human rights NGOs accused state and federal security forces of excessive force.

At year's end there was no government action in response to an October 2006 CNDH investigation which concluded that authorities were responsible for the deaths of 14-year-old Javier Cortes Santiago and Ollin Alexis Behumea in May and June of 2006, during a clash between police and armed protesters in San Salvador Atenco. The state attorney general's office made no conclusions in its investigations of the confrontations by year's end.

The political conflict in the state of Oaxaca, which directly or indirectly caused an estimated 20 civilian deaths in 2006, stabilized early in the year; however, state and federal investigations had not resolved any of the allegations of official abuses or killings related to the 2006 violence. The government made no progress in investigating the October 2006 murder of American journalist Bradley Will, who was covering the Oaxaca disturbances when an unknown assailant shot and killed him.

At year's end four municipal police officers remained in custody on charges related to the August 2006 death of Jose

Gabriel Velazquez Perez in Chiapa de Corzo, Chiapas.

During the year President Calderon committed his government to dismantling the country's narcotics trafficking cartels and mobilized more than 20,000 army troops and federal policemen against drug traffickers in 10 states. According to media reports, rival drug cartels killed approximately 2,470 persons, including 300 police officers and 27 soldiers during the year. Violence against police officials was particularly severe in the city of Monterrey and the states of Guerrero, Michoacán, and Sinaloa.

There were no new developments in the Office of the Attorney General's (PGR) investigation of the 2005 killing of three university students in Tamaulipas by Federal Preventative Police (PFP) officers.

On March 20, two of the 26 persons arrested in connection with the 2004 vigilante attack that resulted in the death of three PFP agents in the Tlahuac neighborhood of Mexico City were released from prison for lack of sufficient evidence. The remaining 24 remained in prison awaiting trial at year's end.

On July 13, the federal Criminal Tribunal absolved former president Luis Echeverria of criminal responsibility for the 1968 killings of demonstrators in Mexico City. The tribunal found no evidence that Echeverria was implicated in or responsible for ordering individuals killed.

b. Disappearance

There were no confirmed reports of politically motivated disappearances. In several cases of reported disappearances, police had detained the missing person incommunicado for several days. As in previous years, there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level.

In July and September, the Popular Revolutionary Army (EPR), an armed guerrilla movement, attacked the national oil company's (PEMEX) pipelines in three separate incidents. The group claimed the attacks were a response to the "abduction" of three of its members by security forces. The government stated that it had no members of the group in custody but called upon security elements to investigate the whereabouts of the three individuals. There were no developments at year's end.

There were no developments in the case against a PGR agent and two counternarcotics agents accused in the 2005 kidnapping and extortion of a nightclub manager in Mexico City.

Kidnapping remained a serious problem for persons of all socioeconomic levels. Many cases continued to go unreported, as families negotiated directly with kidnappers. The number of reported cases to authorities was believed to be far less than the actual number of kidnappings. Express kidnapping, in which a victim is detained for a short period to extract payment, often through forcing the victim to use an ATM card to drain a bank account, was a serious problem, with varying unofficial estimates far surpassing the estimated number of traditional kidnappings.

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

Although the law prohibits such practices, they persisted, and physical abuse in particular continued to be a serious problem. Despite the law's provisions to the contrary, confessions obtained by physical abuse often were admitted as evidence. The CNDH and other human rights groups charged that authorities employed sophisticated techniques involving psychological torture as well as traditional methods to extract confessions. Confessions continued to be used as the primary evidence in many criminal cases, which encouraged the police to use physical abuse to extract testimony from defendants. Many citizens distrusted law enforcement officials and the justice system in general and were reluctant to register official complaints or to appear as witnesses. PGR officials stated that arrested criminals often registered false complaints of abuse as a legal defense.

The CNDH received 395 complaints of cruel and/or degrading treatment and four torture complaints during the year, compared with six torture complaints in 2006. Human rights groups also linked physical abuse to the pervasiveness of arbitrary detention: police and prosecutors often attempted to justify an arrest by forcibly securing a confession to a crime.

The government took steps to implement preventive measures against the practice of torture. The federal government and some states implemented the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses.

On May 2 and 3, an army unit clashed with alleged drug traffickers in Michoacan State, leaving five soldiers and one colonel dead. The army then raided houses in several surrounding villages looking for individuals related to one of the traffickers. According to the CNDH and NGOs, soldiers arbitrarily detained, then beat and burned with cigarette lighters an undetermined number of family members, submerged one person in a well, and raped four women, two of them minors. Soldiers allegedly detained 10 individuals at a local military base where they continued to beat and torture them.

The CNDH reported that on May 7, also following a clash with four alleged drug traffickers, a second army unit arbitrarily detained and allegedly tortured seven adults and one child at a military base. The CNDH issued a nonbinding recommendation calling on SEDENA to investigate this case and to bring the perpetrators to justice. SEDENA accepted the CNDH's recommendation agreeing to investigate it. Investigations remained underway at year's end.

On October 2, three of eight soldiers charged in a civilian court with the assault and rape of 14 women in July 2006 in Coahuila State received prison sentences of 21 to 41 years. A fourth soldier was sentenced to four years in prison. Four other soldiers were acquitted. This marked the first time that a civilian court processed and convicted uniformed personnel for major crimes committed on duty.

On June 22, the National Supreme Court (SCJN) created a commission of judges to conduct a nonjudicial investigation into alleged abuses and use of force by federal and state police forces during the 2006 confrontation in Oaxaca, but by year's end this commission had not completed its investigation.

On August 17, the Supreme Court agreed to investigate the alleged human rights violations that occurred in the May 2006 confrontations in San Salvador Atenco. The CNDH reported receiving 211 complaints of abuse, confirming complaints of sexual assault and torture against 26 detainees during and after the Atenco confrontation. By year's end the Supreme Court Commission had not completed its investigation. On November 9, Magdalena Garcia Duran, an indigenous street vendor who was detained during the conflict, was freed by state of Mexico authorities, and all charges against her were dropped after federal courts said there was no evidence justifying her detention and trial. As of mid-November, Amnesty International reported that 20 individuals of the original 33 detained remained in custody, charged with offenses stemming from the violent confrontation.

Prison and Detention Center Conditions

Prison conditions remained poor. The CNDH and other NGOs reported that corruption, overcrowding, alcoholism, and drug addiction were prevalent in most facilities. Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Poorly trained, underpaid, and corrupt guards staffed most prisons. Authorities occasionally placed prisoners in solitary confinement for indefinite periods; prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to be a common problem; the occupancy in the country's 455 penal facilities was estimated on average to be at more than 130 percent above design capacity. Mexico City's prison system calculated its facilities to be occupied at more than 160 percent design capacity.

In many prisons inmates exercised significant authority, displacing prison officials and creating general insecurity, leading to inmate deaths, often at the hands of other prisoners. During the year there were at least 232 killings and 34 suicides, among a nationwide federal prison population of nearly 218,000.

Pretrial detainees were routinely held together with convicted criminals. The CNDH noted that conditions for women prisoners were inferior to those for men, particularly for women who lived with their children in prison. There were anecdotal reports of sexual abuse of women while in detention, although there were no authoritative studies on the scope of the problem.

The government permitted independent monitoring of prison conditions by NGO and human rights organizations. The International Committee of the Red Cross, the CNDH, and state human rights commissions visited detainees during the year. The CNDH reported making 209 visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention; however, police often ignored these provisions.

Role of the Police and Security Apparatus

The federal, state, and municipal police forces included approximately 500,000 officers. The federal and state police are divided into preventive and judicial police. Preventive police maintain order and public security and generally do not investigate crimes. Judicial police serve as the investigative force under the authority and command of the public ministries (prosecutor's offices). The military is responsible for external security but also has significant domestic security responsibilities, particularly in combating drug trafficking and maintaining order.

Corruption continued to be a problem, as many police were involved in kidnapping, extortion, or providing protection for, or acting directly on behalf of organized crime and drug traffickers. Impunity was pervasive to an extent that victims often refused to file complaints. Responsibility for investigating federal police abuse falls under the purview of the PGR and the Secretariat of Public Administration, depending on the type of offense. The CNDH also can receive complaints, but its recommendations are nonbinding and carry no legal weight. However, once a government entity accepts a CNDH

recommendation, it is legally bound to take appropriate action. A similar mechanism exists at the state level. The CNDH provided human rights training for security and military forces, and the government continued professional training of its law enforcement officials. Between January and October, in conjunction with the CNDH, the National Defense Secretariat SEDENA trained more than 13,500 employees, and the Secretariat for Public Security (SSP) trained more than 18,000 employees in human rights issues.

In June 284 federal police commanders were relieved of their duties, including all of the 34 regional police coordinators as part of the government's anticorruption and transparency reform. The SSP began a comprehensive polygraph program with the goal of training several hundred polygraph operators over the next two years in order to utilize this tool to eliminate corruption within the SSP.

The CNDH expressed concern about alleged human rights abuses committed by some military units deployed in counternarcotics and other law enforcement operations. On September 21, the CNDH cited four separate incidents implicating military units in killings, illegal searches, rapes, and arbitrary detentions of individuals. By year's end the CNDH had issued four recommendations on those cases to SEDENA, which accepted all four and agreed to investigate.

In December 2006 the PFP raided the Oaxaca ministerial police headquarters, confiscating more than 340 guns to investigate whether any had been used in attacks against protesters. There were no developments in the investigation at year's end.

Arrest and Detention

A suspect is deemed guilty until proven innocent. A prosecutor may hold a person up to 48 hours (96 hours in cases of organized crime) before presenting the suspect to a judge and announcing charges. The law provides that authorities must sentence an accused person within four months of detention if the alleged crime carries a sentence of less than two years' imprisonment, or within one year if the crime carries a longer sentence; in practice judicial and police authorities frequently ignored these time limits. A financial bond may be placed as bail only in cases that carry penalties of five years or less; otherwise, release is not available.

Police arbitrarily arrested and detained persons suspected of crimes, in many cases without a warrant. Detainees were usually allowed prompt access to family members and to counsel. In some cases police detained persons incommunicado for several days. The CNDH received 432 complaints of arbitrary detention during the year.

Lengthy pretrial detention remained a problem. Slightly more than 92,000 inmates, or roughly 42 percent of all federal prisoners, were awaiting sentencing nationwide at year's end. The media reported that detainees were sometimes held several years without a trial.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, government authorities occasionally influenced court decisions, particularly at the state and local level. Corruption, inefficiency, and lack of transparency continued to be major problems in the justice system. Criminal elements also attacked members of the judicial system. The federal court system consists of the Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

On May 15, unknown assailants in Mexico City shot and killed federal prosecutor Jose Nemesio Lugo Felix, who worked extensively on organized crime issues within the Attorney General's Office.

The investigation into the August 2006 slaying of federal Judge Rene Hilario Nieto Contreras in Toluca continued at year's end. Judge Nieto had handled cases involving the Gulf and Juarez cartels.

Trial Procedures

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. 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 involved have access to the official file, but only by special motion. Criminal procedural codes in the states of Chihuahua, Oaxaca, Zacatecas, Northern Baja California, and Morelos permit oral trials for all crimes.

The law 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 most cases court hearings were open to the public.

Although the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that authorities had to appoint a "person of confidence," who was not required to meet any particular legal

qualifications, to represent a defendant. The public defender system was not adequate to meet demand, especially at the state level. Public defender services were placed either in the judicial or executive branch; there were no autonomous public defender services. According to Amnesty International, most criminal suspects did not receive representation until after they were placed under judicial authority, thus making individuals vulnerable to coercion to sign false statements while in pretrial detention.

Although the law provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, this generally was not done. Consequently, indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and suspects frequently were convicted without fully understanding the documents they were required to sign.

Judges reportedly continued to allow statements coerced through torture to be used as evidence against the accused, a practice particularly subject to abuse because confessions were the primary evidence in nearly all criminal convictions. NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant, often given in the absence of legal representation. This provided prosecutors an incentive to obtain an incriminating first confession and made it difficult for defendants to disavow such declarations.

The law 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, a practice condemned by the Inter-American Commission on Human Rights.

Political Prisoners and Detainees

A coalition of local and international human rights groups categorized some arrested leaders of the Popular Assembly of the Peoples of Oaxaca (APPO) and the Oaxaca teachers' movement as political detainees, a concern they raised with the Inter-American Commission on Human Rights. While many associated with the Oaxaca demonstrators were legitimately arrested for criminal offenses, such as vandalism and assault, human rights groups expressed concern that charges against some lacked merit and that authorities failed to follow due process. The groups also charged that family members, lawyers, and human rights representatives had difficulty visiting prisoners.

On November 19, the local court in Ocotlan de Morelos, Oaxaca, ordered the release of alleged APPO leader Horacio Sosa Villavicencio due to lack of evidence. Horacio and Flavio Sosa Villavicencio, brothers and alleged APPO leaders, were arrested in December 2006 and charged with robbery, kidnapping, aggravated violence, arson, and several other offenses. Flavio Sosa remained in detention at year's end subject to legal procedures.

There were no known developments regarding the 2005 review by Guerrero State Secretary of Government Armando Chavarria Barrera of the cases of nine potential political prisoners held in the state's penitentiaries.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a human rights violation. No such cases were reported during the year.

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

Although the law prohibits such practices and requires search warrants, authorities occasionally disregarded these provisions. The CNDH received 397 complaints of illegal searches during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and the press, and the government generally respected these rights in practice. The majority of newspapers and television and radio stations are privately owned; the government has a minimal presence in the ownership news media, although it is an important source of advertising revenue.

On April 12, President Calderon signed legislation that effectively eliminates criminal defamation, libel, and slander at the federal level. However, journalists remained vulnerable to threats of imprisonment at the state level because most Mexican states have criminal libel laws that are not superseded by federal law. State and local level officials occasionally responded to unfavorable news articles by threatening their authors with libel and defamation lawsuits. States are now required to amend their criminal codes.

Despite federal government support for freedom of the press, many journalists worked in a dangerous environment. Reporters covering the various organized criminal organizations and associated corrupt public officials acknowledged practicing self-censorship, recognizing the dangers investigative journalism presented to themselves and their families. Journalists were harassed, threatened, or attacked; most threats against journalists were related to reporting on organized crime and drug trafficking. During the year two journalists and three media assistants were killed, and three disappeared. The CNDH received 84 complaints of threats to journalists during the year.

According to Reporters Without Borders, six journalists who disappeared in recent years remained missing; no investigations were being conducted, and none were expected. The Special Prosecutor for Crimes Committed Against Journalists noted that, since 1982, more than 50 journalists have been murdered or disappeared because of their profession, 28 of whom were killed since 2001.

Examples of threats, disappearances, and deaths during the year included:

- On January 20, Rodolfo Rincon Taracena, a journalist reporting on drug trafficking issues for Tabasco newspaper *Hoy*, disappeared in Villahermosa, Tabasco.
- On April 6, Amado Ramirez, an Acapulco-based correspondent for *Televisa* and *Radiorama*, was shot and killed. Ramirez, who had recently linked drug traffickers to the killing of two local police officers, received multiple death threats before his assassination. Authorities arrested two men in connection with this case; they were later released on bail. An investigation continued at year's end.
- The news program *Al Tanto*, anchored by journalist Amado Ramirez, was taken off the air on April 9 after the Acapulco station received threats following his murder.
- In April and May, the office of regional newspaper *Cambio de Sonora* in Hermosillo was attacked with grenades resulting in minor damage and causing the paper to close down temporarily.

On November 27, a Supreme Court commission found that Puebla State Governor Mario Marin and 29 other state officials played a role in violating the rights of journalist Lydia Cacho, who was arrested by Puebla police in 2005. However, on November 30, the Supreme Court rejected the commission's report and ruled that violations were not sufficient to warrant legal actions against Governor Marin.

There were no developments in the 2005 disappearance of Hermosillo investigative reporter Alfredo Jimenez Mota. The case remained opened at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law 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. Several times during the year demonstrators clashed violently with police, and subsequent arrests led to complaints of arbitrary detention, use of excessive force, physical abuse, rape, and sometimes killings.

On July 16, APPO members in Oaxaca engaged in a violent demonstration designed to disrupt a local cultural celebration. Municipal and state police in Oaxaca injured 25 persons; 15 police officers were also injured and 60 people detained. According to a Oaxacan NGO, November 25 Liberation Committee, six individuals remained detained from the time of the first Oaxacan disturbances starting in May 2006 through the July disturbance.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. However, poor enforcement mechanisms, local land disputes, and family traditions contributed to discrimination against some religious groups, especially in the south. Federal and local governments often failed to punish those responsible for acts of religious discrimination.

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

Religious associations must register with the government to apply for official building permits, receive tax exemptions, and hold religious meetings outside of their places of worship. Although the government may reject applications because of incomplete documentation, the registration process was routine. More than 6,600 religious associations were registered.

Societal Abuses and Discrimination

In the central and southern regions, some leaders of predominantly Catholic indigenous communities regarded evangelical groups as unwelcome outside influences and as economic and political threats. These leaders sometimes acquiesced in or ordered the harassment or expulsion of individuals belonging chiefly to Protestant evangelical groups. Whether a group was displaced forcibly with violence or left voluntarily to avoid harassment, it often found itself living on the outskirts of another local community in circumstances even worse than the extremely poor conditions common to the region. As in previous years, village officials imposed sanctions on evangelicals for resisting participation in community festivals or refusing to work on Saturdays.

The Jewish community numbered approximately 50,000 persons. There were no reports of anti-Semitic incidents.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and 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 there is reason to believe they feared persecution. During the year the government granted refugee status or asylum to three applicants out of 311 pending cases.

Although in many instances the National Migration Institute (INM) eventually released Cuban migrants, in some cases they were returned to Cuba. INM reported that 3,601 immigrants who entered illegally during the year were Cuban nationals; of these, 221 were returned to Cuba. The rest were released, and it was assumed the majority applied for asylum in the United States.

The government in the past provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and its 1967 protocol but did not do so during the year. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. INM reportedly granted asylum to three Cubans during the year.

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

The law 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.

Elections and Political Participation

The closely contested presidential and congressional elections of July 2006 were determined to be generally free and fair by the majority of neutral observers, including European Union representatives and local and international civil society organizations. However, PRD presidential candidate Andres Manuel Lopez Obrador vigorously disputed PAN candidate Felipe Calderon's victory in the electoral courts. The PRD also demanded a full recount of ballots nationwide. The Federal Electoral Tribunal ruled to recount approximately 9 percent of voting stations, which had a minimal impact on Calderon's 0.56 percent margin of victory. In its final decision, the tribunal ruled that while it found no evidence of fraud, it had found a number of irregularities that provided insufficient grounds to invalidate the election.

In response to the controversy over the 2006 presidential election, the government passed a law on September 14 that

prohibits all public and private funding of political advertisements on television or radio, requires placement of all political campaign advertisements through the Federal Elections Institute (IFE), and stipulates allocation of airtime among registered political parties based on their share of the vote in the most recent election. The law prohibits negative campaign messages, lowers public spending limits for presidential elections, and provides for replacing the nine IFE General Council members on a staggered basis. It also creates the position of "comptroller" within the IFE to examine political party finances. Recognition as a national political party by IFE is based on having won at least 2 percent of the vote in the last national election. IFE recognized eight national political parties during the 2006 elections.

There were 24 women in the 128-seat Senate and 116 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court. There are seven women in the 21-member cabinet, compared with one in the previous administration. 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 running for elected office. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no statistics available regarding minority participation in government.

The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law, rather than federal and state electoral law. Voter intimidation and conflict was not uncommon during elections in some indigenous communities. Traditional customs varied by village. In some villages women did not have the right to vote or hold office; in others they could vote but not hold office.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, corruption remained a problem at all levels of government, as some public officials continued to perpetrate bureaucratic abuses and some criminal acts with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces, but more sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

In July the chief of staff and president of Mexico's National Electoral Tribunal (TRIFE), were implicated in the misuse of public funds, and of receiving kickbacks from contractors during an office renovation project. In August both the chief of staff and president of TRIFE resigned under pressure as a result of the allegations.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult. The government addressed procedural barriers to facilitate access to information. On July 20, the requisite number of states ratified constitutional reforms that established minimum criteria for information access at the federal, state, and local levels. Specific rules and information systems to implement these reforms were pending at year's end.

The Federal Institute of Access to Public Information (IFAI) has received over 218,000 requests for information since its creation in 2003, amounting to more than 148 requests a day.

Most of the country's progress with citizen access to public information was at the federal level; however, several states provided a parallel service. Four state governments (Federal District, Chihuahua, Nuevo Leon, and Veracruz) signed a formal agreement with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

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 and publishing their findings on human rights cases. Although federal government officials often were cooperative and responsive to their views, some state and municipal authorities harassed human rights defenders. UN agencies and other international bodies freely operated in the country and publicly criticized the government without restriction or sanction. The Office of the UN High Commission on Human Rights maintained a constructive relationship with the government.

The semiautonomous CNDH, which receives full funding from the federal government, has the authority to investigate allegations of human rights and did so in practice. The CNDH operated without government or party interference, received adequate resources, and enjoyed the government's cooperation. During the year the CNDH issued 70 recommendations, although they were nonbinding and without legal weight unless formally accepted by a government entity. While some recommendations were accepted and implemented, others were rejected. The CNDH won praise from the NGO community for its wide coverage of and extensive reports on human rights abuses but has been criticized for not

pressuring the government sufficiently to comply with its recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, or religion. While the government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Women

The law prohibits rape, including spousal rape, imposing penalties of up to 20 years. However, rape victims rarely filed complaints with police, in part because of ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception that cases were unlikely to be prosecuted.

Domestic violence was pervasive and vastly underreported. The law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; however, actual sentences were normally lenient. On February 1, President Calderon signed a new law that obligates federal and local authorities to prevent, punish, and eradicate violence against women.

On the state level, laws sanctioning domestic violence, if in existence, are weak. Seven states do not criminalize domestic violence, and 15 states punish family violence only when it is a repeated offense. Victims generally did not report abuse for a variety of reasons, including fear of reprisal by their spouses, fear of becoming economically destitute if their spouses are imprisoned, and the general disinterest of authorities in prosecuting such offenses. In 2006 the then special federal prosecutor for crimes against women, Alicia Elena Perez Duarte, reported that approximately 1,600 women were killed annually, mostly from domestic violence.

Gender-based violence in Ciudad Juarez, Chihuahua, continued with 19 killings of women during the year. By year's end nine suspects had been arrested, and four others were under investigation.

In 2006 the UN Committee for the Elimination of Discrimination Against Women stated that there were no visible results from government efforts to prevent gender violence. In 2005 the Special Rapporteur of the UN Commission on Human Rights on Violence Against Women, Yakin Erturk, stated that violence against indigenous women, in particular, was often "dismissed or justified within the context of cultural specificity."

The government's cabinet-level National Institute of Women (INMUJERES) reported that its national hot line established under the National Plan for a Life without Violence received more than 30,060 calls between January 1 and December 31. Although there were some government-funded shelters, civil society organizations and women rights groups maintained the vast majority of available shelters.

Prostitution is legal for adults, and it continued to be practiced widely. While pimping and prostitution of minors under age 18 are illegal, these offenses also were practiced widely, often with the collaboration or knowledge of police. The country is a destination for sexual tourists and pedophiles, particularly from the United States. There are no specific laws against sex tourism, although federal law criminalizes corruption of minors, which is punishable by five to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem.

The law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary, but victims must press charges. Reports of sexual harassment in the workplace were widespread, but victims were reluctant to come forward, and cases were difficult to prove.

The law provides 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." According to the National Institute for Geographic and Informational Statistics (INEGI), the average salary for women was 7.4 percent less than that of men, compared with 12.6 percent less in 2004. However, according to INMUJERES, in some occupations the disparity reached 50 percent.

The law provides protection for pregnant women, which some employers reportedly sought to avoid by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

Children

The government was committed to children's rights and welfare. Although the government maintained programs to support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers, problems in children's health and education remained pervasive.

Public education is offered through the university level, including advanced degrees. Nine years of education are compulsory, and parents are legally responsible for their children's attendance. The 2002 INEGI census showed that 91 percent of children between ages six and 14 attended school, but only 68 percent of all children entering the first grade completed all nine years of compulsory education. In 2003 average educational attainment among the population 15 years of age and older was 7.9 years.

The government provided numerous health care programs for boys and girls on the basis of equal access. The UN Children's Fund (UNICEF) reported 98 to 99 percent immunization rates for one-year-old children.

Child marriage remained a problem. Although there were no precise statistics, 12 percent of men and 27 percent of women married between the ages of 15 and 19, according to a 2003 INEGI report.

The government estimated that 20,000 children were sexually exploited each year. Sexual tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. On March 27, the government enacted a law strengthening penalties against the commercial exploitation of minors and adults.

Trafficking in Persons

While the law prohibits aspects of trafficking in persons, persons were trafficked to, from, or within the country.

The country was a point of origin, transit, and destination for persons trafficked for sexual exploitation and labor. The vast majority of non-Mexican trafficking victims came from Central America; lesser numbers came from Brazil, Cuba, Ecuador, China, Taiwan, India, and Eastern European countries. Victims were trafficked to the United States as well as to various destinations in the country. Sexual tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. Women and children (both boys and girls), undocumented migrants from Central America, the poor, and indigenous groups were most at risk for trafficking.

Often poor and uneducated, trafficking victims were promised employment, but once isolated from family and home, they were forced into prostitution or to work in a factory or the agriculture sector. Other young female migrants recounted being robbed, beaten, and raped by members of criminal gangs and then forced to work in table dance bars or as prostitutes under threat of further harm to them or their families. Many illegal immigrants became victims of traffickers along the Guatemalan border, where the growing presence of gangs such as Mara Salvatrucha and Barrio 18 made the area especially dangerous for undocumented and unaccompanied women and children migrating north.

On November 27, the president signed into law legislation that makes trafficking in persons a federal crime punishable by up to 12 years' imprisonment. In addition to the new federal law, eight states enacted antitrafficking legislation (Michoacan, Chihuahua, Guerrero, Zacatecas, Tlaxcala, Baja California, Guanajuato, and Coahuila); 21 different state and federal laws criminalize certain aspects of trafficking.

In addition to the provisions in the new federal antitrafficking legislation, the law criminalizes corruption of minors, exploitation of children for commercial sex, and child pornography; anyone convicted of a crime related to a minor under the age of 18 can be sentenced from five to 10 years' imprisonment. If the illicit activity involves a minor under age 16, the sentence is increased by one third; if it involves a minor under 12 years of age, the sentence is increased by half. Persons who direct or facilitate such illicit activity for purposes of financial gain may be imprisoned for six to 10 years. When physical or psychological violence is used for sexual abuse or to profit from exploitation of a minor, the penalties are increased by up to one half. The law also forbids forced or compulsory labor.

The government faced structural inefficiencies but made notable improvements in collecting data and fostering investigations, prosecutions, and convictions of trafficking cases. Authorities disrupted smuggling operations and arrested more than six suspected traffickers during the year. The government pursued approximately eight trafficking cases, all of which were active at year's end. The government conducted several rescues of potential trafficking victims, issued one active state arrest warrant, and made one arrest under federal charges of child pornography. Securing convictions remained a challenge for the government.

In April 2006 the PGR prevailed on appeal in a significant prosecution for trafficking in persons. The seven defendants, members of the Carreto family, were convicted, fined, and received prison sentences ranging from 19 to 27 years. Carreto family members filed an appeal and were freed from custody.

On July 2006 Jean Succar Kuri was extradited to the United States on charges of corruption of minors and child pornography, among others. His trial continued at year's end.

Thomas White remained in custody at year's end facing federal charges for corruption of minors. In November, a Jalisco court overturned a lower state court's conviction on similar charges.

The PFP, as the predominant federal law enforcement agency, is the lead operational and coordinating agency for antitrafficking efforts. The INM, PGR, Center for Research on National Security, the CNDH, the Foreign Ministry, and the Integral Development of the Family (DIF) also played key roles in combating trafficking, protecting victims, and prosecuting traffickers. During the year PFP appointed a director general directly responsible for trafficking cases and dedicated five investigative units exclusively to such cases; two units already initiated investigations. More than 60 PFP officers received a 40-hour training course on the conduct of trafficking investigations, and 300 PFP officers attended a four-hour module at its training academy. The government also participated in international investigations of trafficking during the year.

There were credible reports that individual local, state, and federal police, immigration, and customs officials were involved in facilitating trafficking. On August 16, two INM officials, Oscar Manuel Navarrete Orozco and Maria America Maldonado Alfaro, were arrested and accused by PGR of leading an organized criminal group that trafficked persons, including undocumented workers. By year's end INM reported that it issued nine humanitarian visas to allow trafficking victims to remain in the country pending investigation of their cases.

The government supported general trafficking prevention campaigns for children and women and administered special assistance programs for children repatriated to the country. While a partial framework existed to protect and provide social services to the victims of trafficking, undocumented migrants usually were deported before they could be identified and removed from the detention system. The government increased cooperation with NGOs and international organizations, such as the International Organization for Migration, to build a network of trafficking victims' services and to identify potential trafficking victims. PFP managed a Web-based database to track missing persons, including potential trafficking victims.

Persons with Disabilities

Although the law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other services, the government did not effectively enforce all these provisions. Most public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities. The federal government stated that entrances, exits, and hallways in all of its offices had been made accessible to persons with disabilities, and in 2005 it began a program to improve access in 13 airports. The education system fell short of providing special education for children with disabilities, serving approximately 400,000 students of an estimated two million with disabilities in 2004; only 42 percent of municipalities in the country provided special education.

Although the government made progress in treating persons with mental health illnesses, government resources devoted to the problem remained inadequate.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with DIF and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

Indigenous People

The indigenous population has been long subject to discrimination, repression, and marginalization. Indigenous communities, located principally in the central and southern regions, represented 37 percent of the population in the states of Oaxaca and Yucatan. These groups remained largely outside the political and economic mainstream, due to longstanding patterns of social and economic marginalization. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible.

Political groups, NGOs, and indigenous community leaders continued to allege the use of excessive force against indigenous people. Many such groups considered the continued presence of military units in selected areas of Chiapas and Guerrero to be intimidating.

Chiapas state authorities, while conducting an investigation into illegal activities in the area, temporarily detained 39 Tzeltal indigenous women, men, and children evicted from the Montes Azules nature reserve in Chiapas on August 18. All individuals were released, but NGOs noted ongoing concern with a land dispute between the community and state government.

Indigenous people did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In the state of Oaxaca, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs" law, which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation. These communities applied traditional practices to resolve disputes and choose local officials. While such practices allowed communities to elect officials according to their traditions, "usages and customs" laws tended to exclude women from the political process and 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, however, prevented these measures from meeting the needs of most indigenous communities, as severe shortages in basic infrastructure as well as health and education services persisted.

The law 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 children spoke only their native languages, and the government did not provide a sufficient number of native language or bilingual teachers.

The government generally showed respect for the desire of indigenous people to retain elements of their traditional culture. During the year the CNDH investigated 173 complaints of violations of human rights among the indigenous population and concluded that 64 were credible. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

Other Societal Abuses and Discrimination

While homosexuals experienced a growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. Homophobic beliefs and practices were common, reflected principally in entertainment media programs and everyday attitudes. Reports of attacks against homosexuals and transsexuals were frequent.

The law prohibits several types of discrimination, including bias based on sexuality, and requires federal agencies to promote tolerance.

There were several incidents of harassment and violent attacks against homosexuals. There were no updates on the minor arrested for the 2005 killing of Octavio Acuna, an activist for the rights of persons with HIV/AIDS.

On September 24, the SCJN ruled on the fifth case of eight soldiers who alleged discrimination by their superiors because they were summarily discharged after being tested HIV-positive. The SCJ ordered SEDENA to reinstate the soldiers in their former positions.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants, including committing rape. In July media and human rights groups reported that military units raided migrant camps in Chiapas and abused residents. Military and government officials denied these reports, and no investigations were conducted at year's end. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention. The INM has 46 detention centers around Mexico specifically for undocumented migrants in Mexico. The CNDH reportedly has an office in each of these facilities to ensure that human rights abuse is not committed against detainees.

On January 10, Jose Alejandro Solalinde, a priest, and 18 Central American migrants were beaten and detained for seven hours by eight police officers in Ixtepec, Oaxaca. On December 13, the CNDH issued recommendations Oaxaca governor Ulises Ruiz, the PGR, and municipal police officials of Ixtepec, Oaxaca, and the case remained pending at year's end.

During the year CNDH issued more than 15 recommendations to government agencies regarding Central American migrants and received 388 complaints of violations of migrant rights by federal and local level government officials.

Section 6 Worker Rights

a. The Right of Association

Federal law provides workers the right to form and join trade unions of their choice, and workers exercised this right in practice. According to INEGI, there were 42.4 million workers in the workforce, with 15 million in the formal sector--those paying taxes to the Mexican Institute for Social Security (IMSS).

Approximately 25 percent of the formal sector was unionized. By law 20 workers can form an independent union with a formal registration. However, administrative procedures for registration are complex and burdensome, and government labor boards frequently rejected independent unions' registration applications on technicalities. A new union also must challenge the government-sanctioned union, if one exists, for control of the labor contract. Credible reports continued to note the use of protection contracts, which consist of an agreement whereby the company pays a monthly sum to the union in exchange for industrial peace. Workers rarely democratically chose such unions, and exclusion clauses in these protection contracts gave promanagement unions the right to demand the dismissal of certain workers.

Representation elections are traditionally open; management and officials from the existing union are present with the presiding labor board official when workers openly and individually declare their votes. Open elections sometimes resulted

in intimidation of prounion workers and workers dissatisfied with their current union wishing to affiliate with a different, independent union.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and the government protected this right in practice. Collective bargaining contracts covered approximately 7 percent of workers. The law provides for the right to strike in both the public and private sector, and workers exercised this right. However, only officially recognized unions can call for a strike; before a strike can be considered legal, a union must receive approval of a strike notice from the appropriate labor authorities. This results in a large backlog of strike notice requests at the state level. Although few formal strikes actually occurred, informal stoppages of work were common.

There are no special laws or exemptions from labor laws in export processing zones. Management in the maquila (in-bond export) sector and elsewhere sometimes used protection contracts to discourage workers from forming authentic unions at a company, in contravention of freedom of association principles. Such contracts were collective bargaining agreements negotiated by management and a representative of a so-called labor organization without the knowledge of the workforce, sometimes even prior to hiring a single worker in a new factory. Human Rights Watch attributed the problem to the lack of legally recognized independent unions that could negotiate strong and fair collective bargaining agreements.

On April 9, migrant farm worker organizer Rafael Santiago Cruz was beaten and killed in the Farm Labor Organizing Committee (FLOC) office in Nuevo Leon. Human rights and labor organizations alleged that Cruz was killed because of his organization's involvement in representing migrant laborers traveling to the United States. Since FLOC established its office in Monterrey in 2005, it has been the victim of attacks in the media, deportation threats, several robberies, and violent intimidation. On May 25, state authorities arrested an acquaintance of the victim, who named two additional individuals as involved in the crime. The investigation continued at year's end, and two additional suspects remained at large.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, such practices commonly persisted in both rural and industrial sectors. Migrants and children were the most vulnerable. There were numerous anecdotal reports of mistreatment and exploitation of Guatemalan and other migrant workers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, including a prohibition of forced or compulsory labor; however, the government did not effectively enforce such prohibitions. The law prohibits children under age 14 from working, and those between ages 14 and 16 may work only limited hours with parental permission, with no night or hazardous work. According to UNICEF's most recent statistics, 16 percent of children age five to 14 were involved in child labor activities. The main sectors where child labor occurred were in sexual exploitation of children and agriculture.

The Secretariat of Labor (STPS) is charged with protecting worker rights. However, the STPS specifically and publicly stated that its mandate does not extend to the area of child labor. The Secretariats for Labor and Social Development, the Attorney General's Office, and The Family Development Institute each have responsibility for enforcement of child labor laws or intervening in cases where such laws are violated. Government enforcement was reasonably effective at large and medium-sized companies, especially in the maquila sector and other industries under federal jurisdiction. Enforcement was inadequate at many small companies and in the agriculture and construction sectors, and it was nearly absent in the informal sector in which most children worked.

During the year STPS, the Secretariat of Social Development, and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children.

It was not uncommon to find girls under the age of 15 working in prostitution. Trafficking in children for sexual exploitation was a problem.

e. Acceptable Conditions of Work

The law provides for a daily minimum wage, which is set each December for the coming year. For the year the minimum daily wages, determined by zone, were: \$4.60 (51 pesos) in Zone A (Baja California, Federal District, State of Mexico, and large cities); \$4.46 (49 pesos) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and \$4.33 (48 pesos) in Zone C (all other states). The minimum wage did not provide a decent standard of living for a worker and family, and only a small fraction of the workers in the formal workforce received the minimum wage. The STPS is charged with protecting worker rights, including minimum wage provisions in the law, and it did so effectively.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work over eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime, a worker earns triple the hourly wage, and the law prohibits compulsory overtime. However, there were labor rights disputes filed with labor boards and international labor organizations during the year with complaints that workers did not receive overtime pay they were owed.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the IMSS. Legally mandated joint management and labor committees set standards and were responsible for workplace enforcement in plants and offices. 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.

While STPS and IMSS officials reported that compliance was reasonably good at most large companies, there were not enough federal inspectors to enforce health and safety standards at smaller firms.

On March 20, a state judge implicated and formally charged five managers of Industrial Minera Mexico Sociedad Anonima and also former officials in the Fox administration in connection with the February 2006 mining accident in Coahuila State that killed 65 miners. They were accused and sentenced to prison by a state court judge for not guaranteeing minimum conditions of security for the miners killed in the explosion. The five managers paid a fine; however, the details of the fine were not publicly released.

 [BACK TO TOP](#)