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## 2009 Human Rights Report: Mexico

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Mexico, with a population of approximately 111 million, is a federal republic composed of 31 states and a federal district, with an elected president and bicameral legislature. President Felipe Calderon of the National Action Party was elected in 2006 to a six-year term in generally free and fair multiparty elections. The country continued its fight against organized crime, which involved frequent clashes between security forces and drug traffickers. As the government brought enforcement pressure against drug-trafficking organizations (DTOs), both the DTOs and gangs within them battled each other for control of trafficking routes and markets, causing more than 8,000 drug related homicides during the year, as well as clashes between DTOs and security forces. Civilian authorities generally maintained effective control of the security forces. There were instances in which elements of these forces acted outside of the government's policies.

The government generally respected and promoted human rights; however, the following problems were reported during the year by the country's National Human Rights Commission (CNDH) and other sources: unlawful killings by security forces; kidnappings; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency that engendered impunity within the judicial system; confessions coerced through torture; violence and threats against journalists leading to self-censorship. Societal problems included domestic violence, including killings of women; trafficking in persons; social and economic discrimination against some members of the indigenous population; and child labor.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The federal government or its state 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, including minors, during the year.

In its effort to dismantle the country's DTOs, the government deployed approximately 50,000 army troops in 10 states. The command and control arrangements for those deployments varied. In the two highest-profile deployments in Tijuana and Ciudad Juarez, the government focused on ensuring that civilian law enforcement agencies played a lead or coordinated role in security operations.

According to the CNDH, more than 8,000 persons were killed in drug-related violence during the year. Also according to the CNDH, human rights complaints were filed against the military, the Secretariat of Public Security (SSP), and the Attorney General's Office (PGR) across the country during the year. Killings allegedly involving government security forces include the following:

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On January 9, two Preventive Federal Police (PFP) officers opened fire against a vehicle that was transporting 26 migrants from various countries, after the vehicle failed to stop at a checkpoint. The gunfire killed two women and a man and injured eight others. At year's end the case remained under investigation.

On February 13, three men identifying themselves as ministerial police officers abducted Raul Lucas Lucia and Manuel Ponce Rosas, the president and secretary respectively of the Organization for the Future of the Mixtec People (OFPM) in Ayutla de los Libres, Guerrero. On February 21, their bodies, showing signs of torture, were discovered near the neighboring township of Tecoanapa. A few months before the abduction, the OFPM alleged it had received death threats after it accused the army of committing human rights abuses in cases occurring in 2002 and 1998 (see section 6, Indigenous People). Local human rights organizations alleged that state officials were responsible for the torture and killing. The Office of the UN High Commissioner on Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), and Amnesty International (AI) denounced the killings and warned of army abuses in Guerrero's Savi region. Five days after the forced disappearance was reported, on February 18, authorities initiated an investigation into the case, which was pending at year's end.

On May 5, the bodies of civilians Miguel Angel Gama Habif, Israel Ayala Ramirez, and Aaron Rojas de la Fuente, who were detained by soldiers on March 17, were found near Nuevo Laredo, Tamaulipas. On May 8, the Secretariat of Defense (SEDENA) acknowledged responsibility and announced that 12 members of the army's First Regiment of the Motorized Cavalry, Eighth Military Zone, had been formally indicted for the killings.

On June 20, members of the 93rd Infantry Battalion based in Tlapa de Comonfort, Guerrero, killed Naua Bonfilio Rubio Villegas at a military checkpoint located in Huamuxtitlan. While searching and inspecting a bus, the soldiers identified an individual wearing military-style boots and detained him for questioning. After the soldiers signed the bus driver's manifest to account for the detention, they signaled for the driver to leave, but another group of soldiers fired at the bus as it was departing, killing passenger Bonfilio Rubio. The army assumed jurisdiction of the case. In July the army arrested a soldier, who remained imprisoned at year's end; in October the army offered compensation to the family of the victim. Human rights nongovernmental organizations (NGOs), drawing on reports of eyewitnesses, including the detainee, disputed SEDENA's conclusion that soldiers first shot into the air and fired at the bus only when it did not stop at the checkpoint.

On July 17, soldiers from the army's First Regiment Motorized Cavalry (Eighth Military Zone) in Nuevo Laredo, Tamaulipas, shot and killed 18-year-old Jorge Eduardo de Leon Vela while he was going to work. After the shooting the victim was taken to the hospital and kept under military guard. His wife found a patient in a local hospital with characteristics similar to those of her husband, whom soldiers had registered under another name. She was not allowed access to identify him. Two days later the victim died and was transferred to a local funeral home. When the mother and the wife of the victim went to claim the remains, they were interrogated and briefly detained. They never received an official explanation. A subsequent SEDENA press release claimed that the victim possessed drugs and weapons, assertions that were questioned by the victim's relatives and human rights organizations.

During the year the CNDH issued to SEDENA 30 recommendations (certifications that a case merits further investigation or sanction) concerning allegations of human rights violations committed by armed forces members during counternarcotics operations, compared with 14 in 2008. The military accepted 19 of the recommendations and affirmed its commitment to collaborating with the CNDH on outstanding investigations.

Human rights organizations, including Human Rights Watch (HRW), criticized SEDENA for a lack of transparency in the information it makes available to the public. On July 23, the military announced that it had prosecuted and sentenced 12 soldiers for unspecified offenses since 2006 and that another 53 soldiers were under investigation for alleged abuses. However, in November in response to questions by HRW concerning this claim, the secretary of governance, Fernando Gomez Mont, clarified that only one soldier had been convicted in the course of the Calderon administration. At year's end no additional information was provided on the 53 other soldiers SEDENA cited as being under investigation.

There were a number of killings that may have been politically motivated. In June the CNDH issued a recommendation to the governor of Oaxaca, the PGR, and the Oaxacan State Congress for further investigation of the April killing of Beatriz Lopez Leyva, a Democratic Revolutionary Party (PRD) leader who was the victim of previous attacks and had requested protection. On August 20, armed assailants killed Armando Chavarria Barrera, the leader of the Guerrero State Congress and PRD gubernatorial candidate.

During the year the military procurator general charged one soldier with homicide in the January 2008 case from the 12th Infantry Battalion in Michoacan; the soldier reportedly opened fire on a pick-up truck, killing minor Victor Alfonso de la Paz Ortega and injuring Juan Carlos Penaloza Garcia.

There were no reported developments, and none were expected, in the February 2008 case of the killing of Sergio Meza Varela and the wounding of Jose Barboza Ramirez by soldiers in Tamaulipas.

There were no developments in the March 2008 case in which soldiers in Badiraguato, Sinaloa, without apparent cause, opened fire on a car, killing four persons.

There were no developments in the June 2008 incident when military officials in Chihuahua opened fire against a vehicle, killing two occupants of the vehicle, a soldier, and a bystander. SEDENA maintained that the vehicle failed to stop at a checkpoint and ran over a soldier.

There were no known developments in the investigation into the July 2008 killing by security forces of 17-year-old Guillermo Soto Garcia in Aguascalientes or the investigation into the 2007 shooting and killing of a civilian family at a checkpoint in Sinaloa.

In October the Supreme Court ruled that Oaxaca governor Ulises Ruiz Ortiz was responsible for the human rights abuses committed during the 2006 political conflict in the state of Oaxaca. An estimated 26 civilians were killed during the unrest, including U.S. journalist Bradley Will. The ruling did not impose any binding consequences, including legal sanctions.

An estimated 10,000 private security firms operated in the country, of which 80 percent reportedly did not meet legal registration requirements. This large presence of the private sector in security led to concerns about vigilantism. In November the mayor of San Pedro Garza Garcia, a wealthy suburb outside Monterrey, Nuevo Leon, sharpened those concerns when he conveyed public support for extralegal means of combating organized crime. Later he made public statements concerning the killing of suspected narcotics traffickers several hours before their bodies were discovered in Mexico City. The country's political establishment, including President Calderon, sharply criticized the mayor and publicly pledged strong support for the rule of law.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances at the federal level; however, there were multiple reports of forced disappearances by the army and police. Most occurred in the course of anticrime operations. In several cases of reported disappearances, security forces had detained the missing persons incommunicado for several days.

SEDENA was investigating the case of the disappearance of Isaias Uribe Hernandez and Juan Pablo Alvarado Oliveros, two veterinarians who went missing on April 5 while driving in Torreon, Coahuila. Family members presented complaints to the Coahuila State Human Rights Commission and state authorities. They alleged that SEDENA officials were responsible for the disappearances. SEDENA stated it had no information that military personnel were involved in the incident but were nevertheless investigating the case.

In July the CNDH recommended to SEDENA that it investigate the November 2008 case of brothers Jose Luis and Carlos Guzman Zuniga, who disappeared in Ciudad Juarez after being detained in their house by soldiers, according to many eyewitness accounts. In its initial investigation, the SSP provided the CNDH documentation indicating that the two brothers were taken to the military installation for questioning. SEDENA denied involvement in the case. The whereabouts of the Guzman brothers remained unknown at year's end.

In February the CNDH recommended that SEDENA investigate the case of ecologist Javier Torres Cruz from Petatlan, Guerrero, who was allegedly detained in December 2008 by soldiers from the 19th Battalion and reappeared after 10 days with evidence of physical abuse. In June 2008 the PGR in Mexico City had reopened the case of the 2001 killing of human rights lawyer Digna Ochoa and implicated the former mayor of Petatlan, Guerrero, Rogaciano Alba Alvarez, in the case; thereafter soldiers reportedly threatened and harassed Torres Cruz, his family, and the community of La Morena. Many human rights organizations expressed concerns for the safety of the victim and his relatives. By year's end there was no known investigation by SEDENA.

In April several members of the government commission established in 2008 to review the disappearance of two Popular Revolutionary Army members in 2007 resigned due to frustration with the government for failing to investigate thoroughly.

Kidnapping remained a serious problem for persons of all socioeconomic levels. According to Mexico United Against Delinquency's (MUCD) annual report, kidnappings rose from 325 in 2005 to 820 in 2008. Express kidnappings, 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, remained a problem. Many kidnapping cases continued to go unreported, as families feared repercussions and often negotiated directly with kidnapers. Informed observers believed the number of cases reported to authorities was far less than the actual number of kidnappings. The Institute for Crime Studies reported that 22 percent of citizens feared the consequences of reporting crime. The MUCD report affirmed that there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level.

The CNDH reported that between September 2008 and February 2009, approximately 10,000 migrants were kidnapped as they attempted to cross the border into the United States. According to the Casa del Migrante and other NGOs, the government did not respond adequately to migrant kidnappings. Many migrants were reluctant to report such crimes out of fear of being deported.

On September 7, authorities arrested six individuals, three of them Federal Ministerial Police officers, in connection with the June 2008 kidnapping and killing of minor Fernando Marti and his bodyguard. In November the PGR announced the arrest of Abel Silva Petriciolet in connection with this crime as well as an additional 36 kidnappings.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment and stipulates that confessions obtained through illicit means such as torture are not admissible as evidence in court; similarly inadmissible is any confession made directly to police. To be admissible a confession must be formally recorded before a prosecutor with the acknowledgement that it is being made voluntarily and after examination by a doctor confirming that the person has not been subjected to

physical abuse. By year's end Congress had not enacted implementing legislation for the June 2008 justice reform act, which diminishes reliance on confessions by requiring that they be made before a judge.

The government took steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. According to the PGR, 12 of the country's 31 states have ratified the protocol and established consultant and evaluation offices. In addition the PGR said it has provided training on human rights and torture to its local, state, and federal staff. The National Mechanism to Prevent Torture under the CNDH made 48 visits to prisons and detention centers nationwide. During the year the CNDH conducted 75 human rights-related courses for SEDENA, 95 for PGR, 95 for SSP, and 18 for prison officials; the courses included sections on torture.

During the year the CNDH received 1,105 complaints of cruel or degrading treatment and 33 torture complaints, compared with 588 complaints of cruel or degrading treatment and 21 torture complaints in 2008. During the year the CNDH made 30 recommendations to SEDENA, of which SEDENA accepted 19; in the majority of the 30 recommendations the CNDH cited arbitrary detention and torture. In at least three cases, the CNDH verified that army doctors or other members of the military falsified evidence to cover up abuses.

While some law enforcement officials were punished for lesser offenses, human rights groups linked physical abuse to the pervasiveness of arbitrary detention. Despite the law's provisions to the contrary, NGOs reported that police and prosecutors attempted to justify arrests by forcibly securing confessions to a crime.

In March soldiers from the 28th Infantry Battalion of the Second Military Zone in Baja California detained and tortured 25 Tijuana municipal police, using electric shocks, beatings, and asphyxiation to force the police to make self-incriminating statements that were used to charge them with crimes. The officers were transported to a state prison in Nayarit on May 7. A complaint was made to the CNDH and an investigation was opened to determine the soldiers' responsibility for the alleged abuses.

On June 9, AI publicized the case of the communities of Puerto de las Ollas, Las Palancas, and El Jilguero in the state of Guerrero, inhabited by approximately 100 subsistence farmers. In a five-day period, 500 soldiers reportedly committed abuses, including illegal raids, theft, damage to property, threats, harassment, physical aggression against a pregnant woman, and pointing firearms at children. There were two reports of torture during the raid: Omar Garcia, age 14, and Cesar Acosta Avila, a young man with brain injuries, were blindfolded, beaten, given electric shocks, partially suffocated with a plastic bag, and threatened with castration by soldiers. Human rights organizations of Guerrero (Guerrero Human Rights Commission and the Tlachinollan Mountain Center for Human Rights) documented these cases, and the military's investigation reportedly continued at year's end.

Early in the year, military prosecutors closed the 2007 case of arbitrary detentions and torture of Jesus Picaso Gomez and Antonio Paniagua by soldiers from the 37th Infantry Battalion of Michoacan; the case was closed for lack of evidence despite the documented medical report of physical abuse. Although military investigators concluded that there was no evidence that soldiers committed any crime, SEDENA indemnified the victims.

There were no known updates in the Chihuahua state attorney general's complaint with SEDENA and the PGR regarding army soldiers in Ciudad Juarez who allegedly detained local police officers and abused female officers.

The CNDH continued investigating allegations that three individuals detained by federal authorities in connection with the September 2008 grenade attack in Morelia, which killed eight civilians, had been tortured while in custody.

Although SEDENA accepted the CNDH's recommendation and agreed to investigate, there were no known developments in a 2007 case involving arbitrary detention and alleged torture of seven adults and one child by military officials at a military base in Michoacan.

With respect to the 2006 San Salvador Atenco confrontation between local vendors and state and federal police agents in Mexico State during which two individuals were killed and more than 47 women were taken into custody with many allegedly raped by police officials, 21 policemen initially were investigated at the state level, of whom 15 were exonerated and five remained under investigation. In June an appeals court acquitted the only police officer convicted in the case. According to AI Mexico and the Miguel Agustin Pro Juarez Center, none of the 2,500 police officers who participated in the Atenco Operation had been convicted of any crime. In February the Supreme Court (SCJN) issued a nonbinding finding that grave human rights violations occurred in Atenco and on September 22 sent the case back to the state; it remained pending there and in the IACHR at year's end. The Office of the Special Prosecutor for Violence Against Women and Trafficking in Persons (FEVIMTRA) declined jurisdiction over the case in September.

#### Prison and Detention Center Conditions

Prison conditions remained poor. During the year the CNDH and NGOs reported that corruption, overcrowding, prisoner abuse, 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. According to the SSP, in December there were 224,749 prisoners in 440 facilities, approximately 30 percent above capacity. Approximately 95 percent of those inmates were men. In its Strategic Plan for 2008-12, the SSP described the penitentiary system as "one of the most underdeveloped and abandoned components of public security."

Overcrowding contributed to hunger strikes and prison riots. In March, 20 inmates died when two rival gangs clashed in a prison in Ciudad Juarez, Chihuahua. In August another fight between armed inmates in Durango left 19 dead and more than 20 injured. In Mexico City dozens of inmates were injured when hundreds of prisoners rioted to protest living conditions and the limitation of visits during the H1N1 outbreak in May.

The SSP reported that between September 2008 and December 2009, 200 inmates died in prison, 532 were injured, and 142 escaped.

The CNDH noted that conditions for female 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. Pretrial detainees were routinely held together with convicted criminals.

The government permitted independent monitoring of prison conditions by 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 99 prison visits during the year in addition to 48 in conjunction with the National Mechanism to Prevent Torture. Separately, the CNDH opened 460 complaint cases based on concerns about human rights violations against prisoners. The CNDH also received 35 complaints of "cruel treatment" but none for torture of prisoners.

The federal government worked to improve prison conditions by implementing its 2008-12 strategic plan focused on security, rehabilitation, and education. During the year the SSP trained 473 new corrections officials, 107 technical staff, and 51 administrative staff. The government designated approximately \$6.8 billion pesos (\$500 million) in the fiscal year for prison construction, upgrades, and reform. Much of that funding was dedicated to the construction of two new centers and renovation of four others that continued at year's end. The SSP also worked towards developing a new classification

system and a new unit to oversee the classification process. To this end, the SSP trained 72 new classification staff and also opened the new Federal Corrections Officer Training Academy in Veracruz in May.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention. However, the CNDH reported receiving 1,289 complaints of arbitrary arrests and detentions during the year.

On January 16, the army detained Arnulfo Anaya, Luis Carlos Perez, and Juan Ramon Castillo near Castillo's home in Chihuahua. The CNDH determined that the soldiers held the men for nearly 36 hours before turning them over to local authorities and tortured Luis Carlos Perez. The CNDH also reported that the army's medical personnel helped cover up the abuses by failing to report Perez's injuries properly. Authorities charged the three men with drug possession, but it was unknown whether any investigation was initiated into the alleged abuses by the military.

At the state level, 53 complaints of arbitrary detention were filed with the Chihuahua State Human Rights Commission against the army and federal police operating under the auspices of Joint Operation Chihuahua, a government effort to attack organized crime and to stop executions in the state of Chihuahua. As of July the Michoacan State Human Rights Commission registered 400 human rights complaints against the military, more than the total for all of 2008, mainly in connection with illegal searches, arbitrary detention, robbery, and mistreatment.

#### Role of the Police and Security Apparatus

The country has an estimated 2,600 police forces with approximately 400,000 officers operating at the municipal, state, and federal levels. During the year the government deployed approximately 50,000 military in 10 states to support, and in some municipalities to coordinate, the fight against the country's well-armed and well-funded organized criminal groups. The government continued its long-term effort to reform and improve the country's police organizations, with the goal of replacing the military in its domestic law enforcement function.

The police forces traditionally are divided into two functional groups: a uniformed "preventive" police that seeks to maintain public order and deter crime through a visible public presence and an "investigative" police force responsible for crime scene preservation and investigation once a crime has been committed. These functional divisions exist at all levels of government—federal, state, and municipal. Both the PGR and the SSP have investigative police.

A law approved on May 29 created a new federal investigative police force, the Federal Ministerial Police (PFM), which falls under the command of the Attorney General's Office. The PFM replaces the Attorney General's Federal Investigative Agency. Additionally, on April 30, Congress passed a new Federal Police Law that strengthens the Federal Police, which falls under SSP authority, and gives it limited investigative and intelligence-gathering abilities.

President Calderon remarked in speeches in March and October that corruption was a serious problem in the police forces and a primary reason for the use of the military in the domestic counternarcotics fight. The CNDH reported that police, especially at the state and local level, were involved in kidnapping, extortion, and in providing protection for, or acting directly on behalf of, organized crime and drug traffickers. Local forces in particular tended to be poorly compensated and directly pressured by criminal groups, leaving them most vulnerable to infiltration. According to a 2009 HRW report in impunity in the country, impunity was pervasive; this lack of accountability contributed to the continued reluctance of many victims to file complaints. Responsibility for investigating federal police abuse falls under the purview of the PGR or the Secretariat of Public Administration, depending on the type of offense.

To better manage the corruption problem, in January the government enacted legislation establishing a four-year deadline to vet personnel in all of the country's 2,600 police forces using a series of testing mechanisms. The legislation requires all

police forces to meet certain compensation and training standards, and it also makes it easier for authorities to fire corrupt or unfit officers. In addition to rooting out corruption at the federal level through "Operation Cleanup," the government led anticorruption operations in several states. On May 26, federal authorities arrested 10 mayors, a judge, and 16 law enforcement officers in the state of Michoacan for ties to drug trafficking. At least 12 of these officials were later released for lack of evidence against them. SSP officers arrested 92 police officers in the state of Hidalgo on June 26 for protecting a DTO. Also in June the military arrested more than 70 local and state law enforcement officers with presumed ties to organized crime.

The CNDH received 14,633 complaints during the year, including 2,178 complaints against the SSP, which upon investigation produced a finding of 667 violations in categories that included arbitrary detention (244), noncompliance with arrest warrant procedures (177), and cruel and inhuman treatment (245). Significantly more than half the complaints received were resolved by inter alia reorienting the complainant to the proper authority (1,722), suspending an investigation for lack of evidence (222), and reaching an amicable agreement (49). Three complaints involving violations pertaining to treatment in prison and arbitrary detention resulted in recommendations calling on the SSP to make amends with victims and adopt procedural measures to comply with its obligations.

In seeking to improve human rights practices, the SSP during the year conducted 131 courses specifically on human rights or with modules pertaining to the topic, training a total of 19,048 personnel. In the SSP training academy in San Luis Potosi, human rights were institutionalized as a standard part of the curriculum. The SSP also worked with the International Organization for Migration to hold three courses training 112 federal police officers. With experts from the ICRC, the SSP held two courses to train 24 personnel. Additionally, the CNDH trained 4,344 SSP officials. The SSP in collaboration with the National Autonomous University of Mexico also continued to provide human rights training to federal police officers throughout the country. Separately, the CNDH provided training to approximately 3,600 PGR personnel.

According to the CNDH, the military's domestic law enforcement deployment led to an increased number of reported human rights abuses, and human rights NGOs complained that an opaque military justice system led to impunity.

A November decision by the Inter-American Court of Human Rights in the Rosendo Radilla Pacheco case found the use of military courts to try human rights cases involving civilians deficient and issued a binding ruling calling for the country to evaluate and reform this process. In July the local office of the OHCHR signed an agreement with SEDENA to work with the military on human rights issues including developing human rights training programs and indicators.

SEDENA's Directorate General for Human Rights investigates military personnel for violations of human rights identified by the CNDH and promotes a culture of respect for human rights within the institution. Nevertheless, the directorate has no power to ensure allegations are properly tried and prosecuted. Human rights NGOs such as CenterProdh complained about a lack of access to the directorate and maintained it had done little to improve SEDENA's human rights performance. In a July 23 press conference, the director of SEDENA's Human Rights Directorate, General Lopez Portillo, stated that the increase in complaints against SEDENA were related to its lead role against organized crime but also claimed that many complaints were filed by lawyers on behalf of criminals apprehended by the army to slow their trials and besmirch the army's reputation.

The CNDH provided human rights training to approximately 11,000 military personnel during the year. In 2008 SEDENA reported that 860 soldiers participated in 14 courses centered on human rights, 83,992 officials attended 610 conferences, and 56,776 soldiers attended 718 lectures. Additionally, SEDENA routinely included in its operations directives to promote respect for human rights during operations.

Arrest Procedures and Treatment While in Detention

In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest. According to many NGOs, in practice there were violations of this 48-hour provision. The Michoacan State Human Rights Commission, for example, stated that the majority of complaints it received during the year about illegal detention (193) and deprivation of freedom (93) also included this violation.

In organized crime cases (involving three or more persons who organize themselves for the purpose of committing certain crimes), suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. However, recognizing the complex nature of organized crime, the legislation stipulates that, under a procedure known as arraigo, certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. Human rights NGOs considered this form of pretrial detention a violation of due process that facilitated torture, and some groups alleged it was used to obtain forced confessions. In February the Universal Periodic Review by the UN Human Rights Council recommended ending this practice, but the government rejected the recommendation.

In areas involving military operations against DTOs, SEDENA personnel detained individuals without the involvement of state or federal investigators with the authority to collect evidence for use in subsequent prosecutions. Additionally, the PGR claimed it was not always notified in a timely manner of the detentions, which complicated efforts to prosecute and convict arrestees.

On November 5, the IACHR held a special session on public safety and human rights in Tijuana and heard the cases of alleged torture and human rights abuses in arraigo by military members or police officers, including the following three cases:

On June 24, 28th Infantry Batallion soldiers detained and tortured two former ministerial police officers from Baja California. Soldiers allegedly tried to force them to sign self-incriminatory confessions of extortion and crime participation, but they refused. The victims were sent to the II Military Zone installation (28th Infantry Batallion headquarters) by the Baja California state attorney, Rommel Moreno Manjarrez, and local internal affairs officers. The two former police officers presented a complaint to the CNDH against II Military Zone commander General Jorge Alonso Garrido for allowing arbitrary detentions and torture; in the absence of a satisfactory response, they presented their case to the IACHR.

In September Tijuana municipal public security secretary Julian Leyzaola Perez and chief of police Gustavo Huerta Martinez summoned 11 municipal police officers from Tijuana and sent them to the II Military Zone installation (28th Infantry Batallion headquarters) for questioning about possible connections to organized crime. While the investigation was still in process, SEDENA presented the detainees to the public as members of a drug cartel.

In both cases the victims were held incommunicado for several days, and the authorities refused to provide information on their status. The victim's relatives were intimidated and threatened by the local authorities for publicizing abuses. The two groups of police officers were transferred to Nayarit's high security prison El Rincon.

On July 13, soldiers detained without formal charges 20 police officers from Nuevo Leon. The police officers were reportedly tortured and forced to admit they belonged to organized crime.

The law provides time limits within which an accused person must be tried. However, due to caseloads that far exceeded the capacity of the federal and the fact that most state judicial systems still used the written inquisitorial criminal justice system, such time limits often were disregarded. HRW reported that more than 40 percent of prisoners have never been convicted of a crime but were held in pretrial detention, often for years, waiting for a trial. Pretrial release on bond is supported by the 2008 reforms, but in jurisdictions that have not implemented the reforms, it was available only in cases in which the charges were not considered a serious crime.

While detainees usually were allowed prompt access to family members and to counsel, there were complaints that in some cases police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. Human rights NGOs documented, and the CNDH issued several recommendations confirming, that the army frequently detained civilians for extended periods of time before placing them at the disposition of civilian authorities.

#### e. Denial of Fair Public Trial

Although the judiciary is independent, weaknesses in the system, particularly in jurisdictions where reforms have not been implemented, make court decisions susceptible to improper influence by both private and public entities, particularly at the state and local level. Civil society organizations reported that corruption, inefficiency, and a lack of transparency continued to be major problems in the judiciary. NGO representatives reported that the country's conviction rate was only between 1 and 2 percent, citing a general indifference and ineffectiveness of the justice system. A poll conducted by Grupo Reforma and published in a Mexico City daily in August found that 68 percent of respondents had no or little trust in the judiciary.

The federal court system consists of the Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts. State judicial systems consist of trial-level courts and appeals courts with jurisdiction over family, criminal, civil, and administrative matters.

The government defended military jurisdiction in cases involving civilians, navigating an apparent contradiction between the constitution and the Military Code of Justice. The constitution states that military jurisdiction applies to "crimes against military discipline" but that military tribunals have no jurisdiction over people who do not belong to the army. However, Article 57 of the code defines crimes against military order as "state or common offenses that have been committed by active duty military." Historically, the military assumed the lead for trying and investigating cases of alleged human rights violations involving military personnel, and the Supreme Court appeared reluctant to challenge that claim.

In cases in which a member of the military is arrested by civil authorities, the military may request the immediate transfer of the case to military jurisdiction. Traditionally, civilian judicial authorities grant jurisdiction to the military in all cases involving soldiers. NGOs, such as CenterProdh, maintained that human rights abuse cases involving military personnel were not handled transparently by the military justice system, giving rise to concerns about impunity in these cases. According to information obtained from the government through an access to information request, only 11 out of 174 such cases (from 2006 through November 2008) resulted in indictments, with only one conviction, which was under appeal at year's end.

On August 10, the Supreme Court ruled that the wife of a victim of a March 2008 military shooting in Badiraguato, Sinaloa, did not have the right to contest military jurisdiction.

In a decision rendered December 15, the Inter-American Court of Human Rights described Article 57 as "broad and imprecise" and while noting active military personnel may be implicated in crimes, determined that "this is not [a sufficient standard] to apply military jurisdiction." The ruling further described Article 57 as "incompatible with the American Convention [on Human Rights]." The court concluded that the country "should adopt, within a reasonable time period, the pertinent legislative reforms to make Article 57 compatible with international standards and the American Convention." Additionally, SEDENA formed a commission to draft the criminal procedural code to uphold the 2008 constitutional reform and move to an oral accusatorial system.

#### Trial Procedures

The legal system is a hybrid system. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. The 2008 constitutional criminal justice

reforms mandated implementation of an oral adversarial system and the presumption of innocence by 2016. At year's end eight states had passed legislation and were at various stages of training and implementation, three states were legislating reforms, and seven states sought assistance to consider the reforms. Under the old system, still being used by the federal government, the federal district, and 22 states, a typical trial 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 and only by special motion.

The 2008 constitutional criminal justice reform establishes that defendants enjoy a presumption of innocence; however, such rights are not guaranteed in jurisdictions that have not finished with reform implementation and are still operating under the inquisitorial system.

The new constitutional reform 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.

While 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. Because of the nascent implementation stage of the 2008 reforms, only some public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch; there were rarely autonomous public defender services. According to AI, 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 before being presented to a judge.

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 due to limited resources. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and some suspects were convicted without fully understanding the documents they were required to sign.

On August 12, the Supreme Court ordered the release of 29 of the 57 persons imprisoned for involvement in the 1997 massacre of 45 persons in Acteal, Chiapas, and ordered retrials for 22 others, five of whom had confessed to the crime. The court found that the PGR had fabricated evidence and deprived the accused of their right to a fair trial. Some human rights organizations criticized this decision, but legal experts welcomed the decision as evidence of the court's commitment to due process in the investigation of crimes.

On September 16, Jacinta Francisco Marcial was released from jail on appeal for irregularities in her trial, including falsification of evidence and not having a translator during the trial. She and two other indigenous women (whose appeals remained pending at year's end) were sentenced in December 2008 for allegedly kidnapping six armed federal police agents. NGOs described the case as an example of authorities using the judicial system to retaliate against social protests.

Despite enactment of judicial reform legislation in June 2008, judges, particularly in areas that had not yet implemented the reforms, 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 often the primary evidence in criminal convictions (see section 1.c.). 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. For their part law

enforcement officials complained that defendants frequently made baseless claims of coerced confessions as a way to win acquittal.

The 2008 justice reform facilitates transition to an oral trial system establishes strict guidelines on the use of confessions, evidence, and expert testimony; allows consensual monitoring of telephone calls; and gives police more responsibility for conducting investigations. The reform stipulates that all hearings and trials must be conducted by a judge and under the principles of public access, immediacy, confrontation, and cross-examination, promoting greater transparency and allowing defendants to challenge their accusers. Constitutional reforms associated with the new justice system were ratified by the congresses of 24 states in support of its passage.

All state and federal jurisdictions must now legislate to conform to the new judicial system and implement oral trial procedures by 2016. Criminal procedural codes in the states of Chihuahua, Oaxaca, Zacatecas, Baja California, Durango, Mexico State, Veracruz, and Morelos already permit oral trials for crimes. Nuevo Leon permits oral trials for misdemeanors. However, not all have trained the judiciary and police in implementation. States where implementation was taking place were doing so in phases, implementing district by district over several years. At year's end the Federal Congress had not passed criminal procedural code legislation necessary for the implementation of the reforms at the federal level.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, AI and the UN High Commissioner for Refugees (UNHCR) criticized the government for arbitrarily detaining and imprisoning some indigenous members of the Organization of Indigenous Me'phaa People (OPIM) for their membership in that group and for orchestrating protests against abuses (see section 6, Indigenous People). In April 2008 authorities detained and charged Manuel Cruz, Orlando Manzanarez, Natalio Ortega, Romualdo Santiago, and Raul Hernandez with the January 2008 murder of Alejandro Feliciano Garcia, an army informant, in the town of El Camalote, Guerrero. Human rights activists asserted the charges were based on fabricated evidence. AI named the five individuals prisoners of conscience. The Tlachinollan Mountain Center for Human Rights defended the five in court and eventually secured the release of all except Raul Hernandez, who at year's end remained in prison while his trial continued.

#### 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. However, for a plaintiff to secure damages against a defendant, the defendant first must have been found guilty in a criminal case, which was a high standard given the relatively low number of individuals convicted of human rights abuses in the country.

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

Although the law prohibits such practices and requires search warrants, during the year the CNDH received 1,014 complaints of illegal searches.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Most newspapers and television and radio stations were privately owned, and the government had minimal presence in the ownership of news media.

Despite federal government support for freedom of the press, many journalists worked in dangerous environments. Reporters covering corrupt public officials and various organized criminal organizations acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and to their families. During the year 12 journalists were killed and one disappeared.

The PGR's Office of the Special Prosecutor for Crimes Against Journalists (FEADP) accepted jurisdiction over 22 cases during the year.

On August 19, the CNDH issued seven recommendations to all of the state governors as well as to Mexico City's mayor and the attorney general. The recommendations included calls to make journalists a protected class, sanction authorities that are negligent in their investigation or prosecution of cases, guarantee the safety and support of journalists that cover high-risk and sensitive issues, and give victims of violence the right to reparations.

On May 3, four unidentified men kidnapped and killed Carlos Ortega Samper, a columnist for *El Tiempo de Durango*, who had been reporting on local government corruption.

On May 25, eight masked men kidnapped, tortured, and killed Eliseo Barron Hernandez in Gomez Palacio, Durango. Barron reported on police and crime in *La Opinion*, a newspaper based in Torreon, Coahuila. Barron's last article involved a case in which 302 police officers were fired after a corruption scandal; he also had reported on the involvement of eight of the fired officers in kidnapping.

On July 12, authorities discovered the body of Martin Javier Miranda Aviles, a correspondent for the news agency Quadratin and reporter for the daily Michoacan newspaper *Panorama*, which had published an article related to the arrest of a police officer in possession of weapons and drugs.

Three media outlet headquarters were attacked during the year. On January 6, unknown actors allegedly threw a hand grenade and shot several rounds at the facade of the Monterrey affiliate of Televisa. On August 18, unidentified assailants opened fire on the premises of newspaper *El Siglo de Torreon* in Coahuila. On September 7, a hand grenade was thrown onto the premises of weekly *Rio Doce* magazine in Sinaloa.

In the April 2008 killings of Felicitas Martinez and Teresa Bautista, reporters and commentators on a community radio station in rural Oaxaca, the FEADP passed the case to the PGR, and an investigation into the case by PGR continued at year's end.

In the June 2008 attack allegedly by police officers in the Benito Juarez Municipality of Nuevo Leon on six print and broadcast reporters covering a demonstration against the local government, two police officers and one civilian were detained, and an investigation continued at year's end.

In the September 2008 killing of a young girl in Matamoros, Tamaulipas, by PFP officers who had opened fire on journalist Carlos Solis Reina and his companion, Luis Alberto Salas, who were arrested for the girl's death, there were no known developments in the investigation of the killing or the journalist's allegation that he and his companion were tortured on the way to SIEDO offices.

In the November 2008 shooting death in Ciudad Juarez of Armando Rodriguez, a veteran police reporter with the newspaper *El Diario*, there were no known developments.

An investigation continued at year's end into the 2007 death of Amado Ramirez, an Acapulco-based correspondent for Televisa and Radiorama. A suspect detained in 2007 remained imprisoned at year's end.

The 2006 killing of Bradley Will, a foreign filmmaker who was shot while documenting civil unrest in Oaxaca, remained under investigation. The only suspect, Juan Manuel Martinez Moreno, who in 2008 was formally charged for the crime, remained in custody. In July a team of retired independent forensic experts from the Royal Canadian Mounted Police conducted an investigation at the government's request and presented a report supporting the PGR's claim that someone in Will's close proximity shot him. (However, in 2008 Physicians for Human Rights conducted a forensic analysis that it claimed contradicted that conclusion.) In late December a federal judge ruled that the state had presented insufficient evidence to detain Martinez for Will's murder and ordered his release. At year's end the PGR indicated it planned to appeal this ruling.

In September Congress dissolved the Special Committee for Dealing with Attacks upon Journalists and News Media but reinstated it on November 10, following criticism from the media and NGOs and outrage over the November 2 kidnapping and murder of journalist Jose Bladimir Antuna Garcia in Durango. However, the NGO Article 19 continued criticizing the special committee, as only one deputy served on it, and it lacked a budget at year's end.

The law does not provide a legal framework for issuing permits to nongovernmental and noncommercial community radio stations. According to Article 19, the government closed down at least three community radio stations across the country and detained an indigenous anchor, supposedly for lacking transmission permits.

Although defamation, libel, and slander are not federal offenses, 17 states have criminal libel laws making journalists vulnerable to threats of imprisonment at the state level.

#### 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. The International Telecommunication Union reported that there were approximately 25 Internet users per 100 inhabitants.

#### 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. Unlike in the preceding year, there were no reports of violent confrontations in connection with demonstrations.

There were no known developments into charges against police officers allegedly involved in the death of six individuals during an October 2008 protest in Chiapas.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. According to the NGO Voz de los Martires, social, cultural, and economic disputes sometimes took on religious overtones, particularly in the states of Chiapas, Guerrero, Oaxaca, and Hidalgo. Poor enforcement mechanisms, local land disputes, and family traditions contributed to discrimination against some religious groups, especially in the south.

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 their places of worship. The registration process was routine.

#### Societal Abuses and Discrimination

In the central and southern regions, according to *Voz de los Martires*, some leaders of predominantly Catholic indigenous communities regarded evangelical groups as unwelcome outside influences and as economic and political threats. These leaders sometimes ordered or acquiesced in the harassment or expulsion of individuals belonging chiefly to Protestant evangelical groups. Whether a group was displaced forcibly or left voluntarily to avoid harassment, it often found itself living on the outskirts of another local community in circumstances worse than the extremely poor conditions common to the region.

In cases of religious disputes submitted to it, the General Directorate of Religious Associations (GDAR) in the Secretariat of the Interior attempts to mediate a solution. If mediation fails, the parties may submit the issue to the GDAR for binding arbitration.

The Jewish community numbered approximately 50,000 persons. Although the GDAR received no reports of anti-Semitic incidents during the year, there were several unconfirmed incidents reported in the local press.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### 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 respected these rights in practice. However, according to several NGOs including AI, in the course of its operations the army occasionally restricted freedom of movement. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons and other persons of concern. The law does not permit forced exile, and it was not practiced.

#### Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and its 1967 protocol; however, there were no available reports that it received such requests during the year.

Pursuant to its 2008 migration agreement with Cuba, the country repatriated 233 undocumented Cubans.

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

The law provides citizens 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. There were occasional cases of politically motivated killings (see section 1.a.).

#### Elections and Political Participation

The closely contested presidential and congressional elections of 2006, in which Felipe Calderon was elected president to a six-year term, were considered generally free and fair by the majority of neutral observers, including EU representatives and local and international civil society organizations. On July 5, midterm national legislative and local elections, which took place in select states, were free of significant violence or claims of fraud.

The law prohibits all public and private funding of political advertisements on television or radio outside of time slots established by a respective state, 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 also prohibits negative campaign messages and establishes public spending limits for presidential elections. Recognition as a national political party by IFE is based on having won at least 2 percent of the vote in the previous national election.

There were 23 women in the 128-seat Senate and 138 women in the newly elected 500-seat lower house. Two female justices sat on the 11-member Supreme Court. There were two women in the 19-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. However, several parties ran female candidates, known as "Juanitas," who were not intended to serve in office. Before taking office, the parties orchestrated for the women to relinquish their positions to men. For example, after the July midterm elections, seven elected female deputies relinquished their seats and were replaced by men.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were 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. 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.

#### Section 4 Official Corruption and Government Transparency

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

By the end of the year, 16 SSP and PGR officials had been indicted for corruption since the government launched Operation Cleanup in July 2008; however, none had been convicted. During the year the Customs Agency relieved more than 700 employees and replaced them with vetted officials.

Since 2007 the National Migration Institute (INM) has sanctioned approximately 300 migration officials for involvement in corruption. In May two officers assigned to the Mexico City International Airport were detained for human smuggling, and

another two were detained in June for the same reason. Also in June INM's regional director in Yucatan, Hernan Vega Burgos, resigned after being accused of corrupt activities.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult in some states. The Federal Institute of Access to Public Information (IFAI) received more than 130,000 requests for information during the year. All states have laws complying with the 2007 constitutional reforms regarding access to information. Nineteen of the 31 states, plus the federal district, have signed a formal agreement with IFAI to make the information system on government operations, Infomex, available for petitions for state government information. At year's end the 11 other states were in the process of completing an agreement, leaving Yucatan as the only state that had not signed the agreement.

In September IFAI ordered SEDENA to make public information related to the 1998 military operation "El Charco" in Guerrero, in which 11 persons, including one student, were killed and 22 persons were detained for four years for rebellion. By year's end SEDENA had provided no known response.

In July the CNDH brought a case before the Supreme Court challenging the PGR's right to withhold information from the CNDH. This dispute stemmed from an unresolved conflict in the law under which the CNDH should have access to all information it needs to fulfill its human rights mandate and investigate serious cases, while the PGR claims the right under law to withhold information on current cases under investigation. At year's end the court's ruling remained pending.

#### Section 5 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. The government made periodic attempts to engage civil society, particularly on security issues but also on human rights issues, by creating and reinvigorating a variety of mechanisms that encourage civil society's participation in policy debates and allow individuals to register complaints. Nevertheless, some NGOs complained that the government did not take their concerns sufficiently into account and that they were unable to engage in constructive human rights discussions with military officials. In December the secretary of governance responded in writing to a request by several NGOs for information on the status of seven cases involving alleged abuses committed by military officials. All of the cases were under investigation.

The UN and NGOs reported harassment of human rights defenders. According to an October report by the OHCHR, from 2006 to August 2009, there were 128 attacks—including 10 killings—against human rights activists but only two prosecutions (see section 6, Indigenous People). The report criticized government authorities for the country's lack of comprehensive policies to reduce and eliminate the risks faced by human rights activists and recommended that the government establish a national mechanism for protection of human rights defenders. NGOs maintained that state and municipal authorities harassed defenders. Due to anonymous threats against its staff, the Tlachinollan Mountain Center for Human Rights in Guerrero closed its offices in March.

UN agencies and other international bodies freely operated in the country and publicly commented generally without restriction or sanction. In July the OHCHR signed an agreement with the government giving it a mandate to provide SEDENA with human rights assistance.

The CNDH, which was funded by the federal government, received and investigated allegations of human rights violations. The CNDH determined which cases it considered credible, and it pursued out-of-court resolutions. During the year, for example, the CNDH received 1,017 complaints against the PGR, which upon investigation generated a finding that 594 violations had occurred in categories that included arbitrary detention (270), torture (four), noncompliance with the arrest

warrant (136), and cruel and inhuman treatment (184). Most of the complaints received were resolved by inter alia reorienting the complainant to another institution with the proper authority to address the complaint (793), suspending an investigation for lack of evidence (63), and forging an amicable resolution (23). Eight complaints involving violations including arbitrary detention and mistreatment resulted in recommendations calling on the PGR inter alia to take measures to address the victims' physical and psychological needs resulting from the violations, ensure the victims' future protection, consider administrative actions against the appropriate officials as recommended by the PGR's Internal Affairs Unit, and adopt procedural measures to guard against a recurrence of violations in the future. According to the CNDH, the PGR rejected four of these recommendations, accepted two, and had not yet acted on the remaining two.

The CNDH operated without government or party interference. During the year the CNDH issued 78 recommendations in connection with human rights violations. The CNDH's recommendations are nonbinding and without legal weight. Each of the country's 31 states plus the Federal District has a similar mechanism in terms of state human rights commissions, which maintain autonomy from the CNDH. Some NGOs, including HRW, praised the CNDH for bringing to light noteworthy human rights abuses but criticized it for not pressuring the government sufficiently to comply with its recommendations and for not applying international human rights standards in the area of military jurisdiction.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

##### Women

The law criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment. However, rape victims rarely filed complaints with police, in part because of the authorities' ineffective and unsupportive responses to victims, the victims' fear of publicity, and a perception that prosecution of cases was unlikely. According to the government's cabinet-level National Institute of Women (INMUJERES), 3,687 men were convicted nationwide for rape and an additional 4,467 were in pretrial detention for rape. Human rights organizations asserted that authorities did not take seriously reports of rape and victims continued to be socially stigmatized and ostracized.

Federal law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; actual sentences, however, were normally lenient. This countrywide law obligates federal and local authorities to prevent, punish, and eradicate violence against women. Nevertheless, according to the NGO Citizen Femicide Observatory (Observatorio Ciudadano de Femicidios) domestic violence was pervasive and mostly unexposed.

State-level laws sanctioning domestic violence are weak. Seven states do not criminalize it, and 15 states only punish it when it is a repeated offense. According to a survey conducted by the National Institute of Public Health in several of the country's rural and indigenous communities, victims did not report abuses for a variety of reasons, including fear of spousal reprisal, shame, and the view that the abuse did not merit filing a complaint.

The 2006 National Survey on Household Relationships suggested that 67 percent of women over age 15 had suffered some abusive treatment. According to the Citizen Femicide Observatory, more than 1,014 girls, teenagers, and women were killed in the 19 months ending July 31, 43 percent between the ages of 21 and 40.

NGOs criticized government authorities for failing to investigate adequately, prosecute, and prevent the killings of women and girls.

In November the Inter-American Court of Human Rights found that the government denied justice to and failed to prevent the deaths of Claudia Gonzalez, Esmeralda Herrera, and Berenice Ramos, whose bodies were found near Ciudad Juarez, Chihuahua, in 2001.

According to the National Institute of Statistics and Geography, Mexico City and the 12 states of Chihuahua, Nuevo Leon, Sinaloa, Sonora, Tamaulipas, Mexico, Guanajuato, Jalisco, Morelos, Tlaxcala, Tabasco, and Yucatan experienced high rates of alleged gender-driven homicide.

FEVIMTRA--staffed by 19 legal, administrative, and technical support professionals--is responsible for leading government programs to combat domestic violence and trafficking in persons. Its work includes prosecuting the crimes, raising awareness with potential victims and government officials, and providing the only government shelter for trafficking victims. With only five lawyers dedicated to federal cases of violence against women and trafficking countrywide, FEVEIMTRA faced challenges in moving from investigations to convictions.

INMUJERES reported that its national hotline established under the National Plan for a Life without Violence received 19,959 calls during the year. Although there were some government-funded shelters, civil society and women's rights groups maintained most available shelters.

Prostitution is legal for adults and 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, according to the Coalition Against Trafficking in Women in Latin America and the Caribbean. The country was a destination for sex tourists and pedophiles, particularly from the United States. There were no laws specifically prohibiting sex tourism, although federal law criminalizes corruption of minors, for which the penalty is five to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem.

Federal law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary, but victims must press charges. Sexual harassment is criminalized in 26 of the states and the Federal District, but in only 22 of these is a punishment contemplated when the perpetrator has a position of power. According to INMUJERES, sexual harassment in the workplace was widespread, but victims were reluctant to come forward, and cases were difficult to prove.

Couples and individuals have the right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. However, in practice such rights often were not provided. Services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national family planning program, the lack of sex education and contraceptives in public hospitals and rural areas undermined the government's commitment to reproductive rights. In rural areas one of every four women did not have access to contraception, and 50 percent did not use any form of contraception, according to the National Institute of Women. A study on contraceptive use concluded that lack of access affected adolescents, women living in marginalized urban or rural areas, and migrant men. Skilled attendants at delivery and in postpartum care were widely available except in some marginalized areas. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

The law provides women the same rights and obligations as men and "equal pay ... for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, during the year women earned 6.2 percent less than men for comparable work; however, in some occupations the disparity reached 40.3 percent.

The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

## Children

The country provided universal birth registration in principle, with citizenship derived both by birth within the country's territory and from one's parents.

Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care, to children living in communities where such services were in any event not widely available. The UN Children's Fund (UNICEF) country office survey data for 2000 estimated--based on the total population of children under the age of five when the survey was taken--that 90 percent or more of these children were registered at birth, suggesting that the total number of children whose births had not been officially recorded was more than one million.

The antitrafficking law prohibits the commercial sexual exploitation of children. The CNDH estimated that every year, more than 30,000 children were recruited by criminal organizations dedicated to trafficking in persons. UNICEF and the antitrafficking NGO CEIDAS reported that 1.8 million children were involved in commercial sex exploitation and that 1.2 million were victims of child trafficking. CEIDAS, the NGO Casa Alianza, and the National Network of Shelters reported that sex tourism and sexual exploitation of minors were significant problems in the resort and northern border areas. The UN special rapporteur on the sale of children, child prostitution, and child pornography, who visited the country in 2007, stated that the country did not have an effective system to protect and provide assistance to children and young people who were victims of sexual exploitation or trafficking, stating that approximately 85 million children had been exploited in pornography.

Child marriage has historically remained a problem, although there were no statistics available for the year. UNICEF estimated that in 2007--the latest date for which information was available--approximately 28 percent of men and women married before the age of 18.

The country does not have a statutory rape law but does have laws against corruption of a minor, child pornography, and sexual tourism that apply to persons under 18 years of age. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For the crime of involving minors in acts of sexual exhibitionism, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage. The production, facilitation, reproduction, distribution, sale, and purchase of child pornography carries a punishment of seven to 12 years' of prison and a fine of 800 to 2,000 times the daily minimum wage. Perpetrators, who promote, publicize, or facilitate sexual tourism involving minors, face seven to 12 years of prison and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12- to 18-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage.

## Trafficking in Persons

The country was a point of origin, transit, and destination for persons trafficked for sexual exploitation and labor.

The INM, CNDH, and CEIDAS reported that the vast majority of noncitizen trafficking victims came from Central America; a lesser number originated in the Caribbean, Eastern Europe, and Asia. Victims were trafficked to the United States as well as to Europe, Asia, Canada, and in-country destinations. Women and children (both boys and girls), undocumented migrants from Central America, the poor, and indigenous persons were most at risk for trafficking.

Trafficking victims were often promised employment, but once isolated from family and home, they were forced into prostitution, factory work, or agricultural labor. Young female migrants recounted being robbed, beaten, raped by criminal gang members, and forced to work in table-dance bars or as prostitutes under threat of further harm to them or their families. In many cases drug cartels also diversified their operations to include trafficking in persons. Many illegal immigrants also became victims of traffickers along the border with Guatemala, where the growing presence of gangs such as Mara Salvatrucha and MS 18 made the area especially dangerous for undocumented and unaccompanied women and children migrating north.

Apart from cartels and gangs, many criminal organizations from Mexico, Central America, Brazil, Europe, Japan, China, and several other countries, as well as small family networks, were reportedly involved in trafficking.

Federal law makes trafficking in persons a crime punishable by up to 12 years' imprisonment (or up to 18 years' imprisonment if the offense is committed against a person under the age of 18).

The federal government does not automatically assume jurisdiction in interstate trafficking cases. Twenty-one states criminalize certain aspects of trafficking. The federal law also 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 may be sentenced to five to 10 years' imprisonment. If the illicit activity involves a minor under age 16, the sentence increases by one-third; if it involves a minor less than 12 years old, the sentence is increased by one-half. Persons who direct or facilitate such illicit activity for purposes of financial gain may be imprisoned for six to 10 years. If a minor is physically or psychologically abused for profit or exploitation, the penalties increase by up to one-half. The law also forbids forced or compulsory labor.

On December 2, a federal judge convicted five individuals from Tlaxcala, Mexico, for sexual exploitation--the first convictions under the Trafficking in Persons Law adopted in 2007. Four of the individuals were in custody in Mexico awaiting sentencing, while the fifth was in the United States awaiting sentencing on a conviction there. Separately, the government pursued 48 trafficking cases. FEVIMTRA investigated 43 of the cases involving three or fewer suspects during the year. The Special Prosecutor's Office for Organized Crime, which handles trafficking cases with more than three suspects, was investigating the other five cases. In several states that have adopted penal codes to reflect the federal trafficking legislation, local prosecutors also made efforts to prosecute traffickers, particularly in Mexico City, Chihuahua, and Oaxaca. These offices had limited resources and experience.

#### 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 stipulations. It was evident that most public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 400,000 of an estimated two million students with disabilities in 2004; only 42 percent of the country's municipalities provided special education.

In the last census from 2000, 1.8 percent of the population reported having a disability, 73 percent of whom lived in urban areas. Of children with disabilities between the ages of six and 14, 73 percent attended school, compared with 91 percent for those in the same age range without disabilities. Only 4 percent of the overall population with disabilities had finished university. Ninety-five percent of all persons with disabilities had access to public or private health care.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with the Integral Development of the Family (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. One popular and well-known program, spearheaded by the Humanitarian Foundation for Aid for the Handicapped, employed 40 wheelchair users in the Mexico City airport. The program proved highly successful and was expanding across the country, most recently to Merida, Yucatan.

#### Indigenous People

The CNDH and the Secretariat of Indigenous Peoples in Chiapas acknowledged that indigenous communities have long been socially and economically marginalized and subjected to discrimination, particularly in the central and southern regions, where indigenous persons sometimes represented more than one-third of the total state population. In the state of Chiapas, the NGOs Fray Bartolome de las Casas (FrayBa) and SiPaz argued that indigenous peoples' ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible.

Indigenous groups reported that the country's legal framework neither respected nor prevented violations of the property rights of indigenous communities. Communities and NGOs representing indigenous groups reported that the government did not consult indigenous communities adequately when making decisions about development project implementation on indigenous land.

Indigenous persons did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In Oaxaca State, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs," 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 without government interference. While such practices allowed communities to elect officials according to their traditions, usages and customs laws generally excluded women from the political process and often infringed on other women's rights.

The government generally showed respect for the desire of indigenous persons to retain elements of their traditional culture. The law provides protections for indigenous persons, and the government provided support for indigenous communities through social and economic assistance and social welfare programs and provisions of law. 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 in such states as Chiapas, Oaxaca, and Guerrero.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages.

During the year the CNDH received numerous 989 complaints about human rights abuses of the indigenous population; by year's end it concluded investigations into 982 of these complaints, and seven remained pending. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

NGOs such as FrayBa and SiPaz reported that state authorities and nongovernmental actors harassed and abused indigenous human rights defenders. Early in the year, the Tlachinollan Mountain Human Rights Center closed one of its offices in Ayutla de los Libres, Guerrero, because of threats and a climate of insecurity toward indigenous rights activists.

During the year AI documented cases of intimidation and harassment of indigenous members of human rights organizations OPIM and OFPM, including the February killings of Manuel Ponce Rosas and Raul Lucas Lucia (see section 1.a.).

In September the Inter-American Court of Human Rights accepted the cases of OPIM members Valentina Rosendo Cantu and Ines Fernandez Ortega, whom soldiers allegedly detained arbitrarily, raped, and tortured in 2002. The victims, their families, and communities complained that they have been harassed and intimidated by soldiers in the area since the court accepted the cases in 2006. In February 2008 the brother of Ines Fernandez Ortega, Lorenzo, was found dead in Ayutla de los Libres, Guerrero; by year's end there were no known developments in the case.

In the latter part of the year, the Inter-American Court of Human Rights also accepted the case of two environmental human rights defenders, Rodolfo Montiel and Teodoro Cabrera, whom army soldiers reportedly tortured into giving false confessions subsequently used to convict them.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

While homosexual conduct experienced growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. According to the National Center and the Mexican Foundation for Family Planning, societal discrimination based on sexual orientation was common, reflected principally in entertainment media programs and everyday attitudes. Activists organized gay pride marches in cities across the country; the largest, in which 400,000 people participated, was held in June in Mexico City. In December Mexico City legalized gay marriage and adoption, effective in March 2010.

One of the most prominent cases of discrimination and violence against gay men was that of Agustin Humberto Estrada Negrete, a teacher and gay activist from Ecatepec, Mexico State. In 2007 he participated in a gay rights march wearing a dress and high heels. According to the NGO Asilegal, soon after the march, Estrada began receiving threatening telephone calls and verbal and physical attacks. In 2008 he was fired from the school for children with disabilities where he worked. After his dismissal, he and a group of supporters began lobbying the government to reinstate him; when they went to the governor's palace to attend a meeting with state officials in May, police beat him and his supporters. The next day he was taken to prison, threatened, and raped. Although he was released, Estrada continued to face harassment by state authorities.

#### Other Societal Violence or Discrimination

The CNDH reported that police, immigration, and customs officials violated the rights of undocumented migrants. There were no known developments in the 2007 cases of Jose Alejandro Solalinde, a priest, and 18 Central American migrants who were reportedly beaten and detained for seven hours by police officers in Ixtepc, Oaxaca. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention. The INM operated 48 detention centers specifically for undocumented migrants with a total capacity of 3,913. The CNDH had an office in each of these facilities to monitor compliance for respect of detainee human rights.

In September 2008 the CNDH issued recommendations against the Secretariat of the Navy (SEMAR) and SEDENA for discrimination against military members with HIV. SEDENA accepted the recommendations and reported that the officials involved remained on duty, receiving pay and medical attention; SEMAR did not accept the recommendation and took no further action.

#### Section 7 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 the National Census Institute, during the year there were approximately 47 million workers in the workforce, with between 20 and 30 million in the formal sector--those paying taxes to the Mexican Institute for Social Security (IMSS). The country's official unemployment rate was an estimated 5.5 percent, but unofficial estimates for unemployment as well as underemployment were much higher.

Approximately 10 percent of the formal sector was unionized. By law 20 workers may formally register an independent union. Administrative procedures for registration, however, were complex and burdensome, and government labor boards frequently rejected independent union registration applications on technicalities. A new union also is required to challenge the government-sanctioned union, if one exists, for control of the collective bargaining contract. Credible reports continued to note the use of officially sanctioned protection contracts, which consisted of an informal agreement whereby the company supported an unrepresentative union in exchange for industrial peace. Workers have not chosen such unions democratically, and exclusion clauses in these protection contracts gave promanagement unions the right to prevent the formation of an authentic union and to demand the dismissal of a worker expelled from the union. Workers were reportedly frequently expelled from official unions for trying to organize their colleagues. HRW also reported that workers who sought to form independent unions risked losing their jobs, as inadequate laws and poor enforcement generally failed to protect them from retaliatory dismissals.

During the year the Secretariat of Labor and Social Security (STPS) denied the results of the elections of the Mexican Electricians Union and the National Trade Union of Miners, Metal Workers, and Similar, effectively freezing their assets and interrupting union business. Both unions complained to the International Labor Organization (ILO) about the administrative procedure ("toma de nota" or taking notice) that the government required to obtain recognition of union election results.

Representation elections were traditionally open; management and officials from the existing union were usually present with the presiding labor board official when workers openly and individually declared their votes. However, in September 2008 the SCJN ruled that secret ballots are required when two or more unions compete for recognition as the legal bargaining representative. At year's end this change had not been implemented, and workers continued to face intimidation in the voting process.

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 may call for a strike. Before a strike may be considered legal, a union must receive approval of a strike notice from the appropriate labor authorities. Procedural requirements have proved lengthy and resulted in a large backlog of strike-notice requests at the state level. Although few formal strikes actually occurred, informal stoppages of work by both union and nonunionized groups were fairly common.

#### 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 10 percent of workers.

The use of so-called employer protection contracts continued to expand, according to an expert from the Autonomous University of Mexico, and were common in the mining sectors. Such contracts were collective bargaining agreements negotiated between management and an unrepresentative union, often even prior to hiring a single worker in a new factory. Often these agreements failed to provide worker benefits beyond the minimums mandated by legislation and served to frustrate legitimate collective bargaining with legally recognized independent unions.

In December 2008 the Guerrero State Human Rights Commission traced the abductions of three union organizers to the Attorney General's Office in Acapulco.

There are no special laws or exemptions from labor laws in export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor by children and adults, such practices commonly persisted in both the rural and industrial sectors. Migrants and children were the most vulnerable.

#### 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 the age of 14 from working and allows those between the ages of 14 and 16 to work only limited hours, not at night or under hazardous conditions, with parental permission. According to UNICEF statistics, 16 percent of children between the ages of five and 14 were involved in child labor activities. UNICEF and ILO data indicated that approximately 3.6 million children ages five to 17--many of them indigenous--worked in agriculture. Approximately 1.5 million child laborers did not attend school.

Child labor was prominent in the area of agriculture. According to the government's 2007 national child labor survey, a total of 3.6 million children worked, approximately one-third in the agricultural sector in the production of melons, onions, sugarcane, tobacco, and tomatoes. Child labor in agriculture was common among migrant and indigenous children.

The STPS, which is charged with protecting worker rights, carried out child-labor inspections and led a number of initiatives to address child labor. The role of the STPS is to conduct workplace inspections to verify that no child under age 14 is working and that children between ages 14 and 16 are not participating in activities prohibited by federal labor law. The STPS was involved in many programs that supported the elimination or the improvement of conditions for working minors. It collaborated with other government secretariats and offices. In addition the Secretariat for Social Development, the PGR, and the Family Development Institute each has responsibility for enforcement of some aspects of child labor laws or intervention 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; inadequate at many small companies and in the agriculture and construction sectors; and nearly absent in the informal sector in which most children worked.

During the year the Secretariat for 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. Nevertheless, it was not uncommon to find girls under the age of 15 working in prostitution.

#### e. Acceptable Conditions of Work

By law the STPS is charged with setting the minimum wage each December for the coming year. The minimum daily wages, determined by zone, were 54.80 pesos (approximately \$4.21) in Zone A (Baja California, Federal District, state of Mexico, and large cities); 53.26 pesos (approximately \$4.10) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and 51.95 pesos (approximately \$4.00) in Zone C (all other municipalities). The minimum wage did not provide a decent standard of living for a worker and family. Most of the workers in the formal workforce received more than the minimum wage. Mexico's Metropolitan Autonomous University experts noted that Article 84 of the Federal Employment Law states that an individual's salary should be sufficient to provide for the worker and his family for all their basic needs. The minimum wage would need to be four times what it is now to regain the purchasing power of the early 1970s. In December the STPS announced an increase in the minimum wage of up to 5 percent. At the same time, other secretariats

announced an approximate 30 percent increase in the price of the basic basket of goods, and the price of gas and gasoline increased by approximately 25 percent.

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; the law prohibits compulsory overtime. There were labor rights disputes filed with labor boards and international labor organizations during the year regarding complaints that workers did not receive overtime pay they were owed. Employers often used the "hours bank"—requiring long hours when the workload is heavy and cutting hours when it is light—to avoid paying for overtime hours.

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 are responsible for overseeing workplace standards 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, but in practice this was often not permitted. Plaintiffs may bring complaints before the Federal Labor Board at no cost to themselves. STPS and IMSS officials reported that compliance was reasonably good at most large companies.