



## Mexico

### Country Reports on Human Rights Practices - [2003](#)

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Mexico is a federal republic composed of 31 states and a federal district, with an elected president and a bicameral legislature. In July 2000, voters elected President Vicente Fox Quesada of the Alliance for Change Coalition in historic elections that observers judged to be generally free and fair, and that ended the Institutional Revolutionary Party's (PRI) 71-year hold on the presidency. In July, during federal elections to select members of Congress the PRI gained 12 seats in the Chamber of Deputies, giving it 223 of the 500 seats. The National Action Party (PAN) came in a distant second with 154 seats, down from its previous total of 205 seats. On the whole, the elections were judged fair and free by observers. The judiciary is generally independent; however, on occasion, it was influenced by government authorities, particularly at the state level. Corruption, inefficiency, impunity, disregard of the law, and lack of training were major problems.

The police forces, which include federal and state judicial police, the Federal Preventive Police (PFP), municipal police, and various police auxiliary forces, have primary responsibility for law enforcement and maintenance of order within the country. However, the military played a large role in some law enforcement functions, primarily counternarcotics. There were approximately 5,300 active duty military personnel in the PFP. Elected civilian officials maintained effective control over the police and the military; however, corruption was widespread within police ranks and also was a problem in the military. There have also been instances of state and local police involvement in kidnappings and extortion. The military maintained a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers committed human rights abuses.

During the year, the market-based economy began to show tentative signs of recovery. Gross domestic product in this period grew at an annualized rate of 1.5 percent, according to official estimates at year's end, after 0.9 percent growth in 2002. Leading exports included petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. Tourism and remittances from citizens living abroad were respectively the second and third largest earners of foreign exchange after petroleum. In June, manufacturing exports picked up for the first time since they started to weaken in 2001. Average manufacturing wages increased by 1.7 percent during 2002, much less than the 5.2 percent rate of inflation in the same period, and less than the government's target rate of 4.5 percent. An estimated 25 percent of the population resided in rural areas where subsistence agriculture is common. Income distribution remained skewed: in 2000, the top 10 percent of the population earned 37.8 percent of total income, while the bottom 20 percent earned only an estimated 3.6 percent.

The Government generally respected many of the human rights of its citizens; however, serious problems remained in several areas, and in some states, especially Guerrero, Chiapas and Oaxaca, a poor climate of respect for human rights presented special concern. State law enforcement officials were accused of committing unlawful killings. There were reports of vigilante killings. There were documented reports of disappearances. The police sometimes tortured persons to obtain information. Prosecutors used this evidence in courts, and the courts continued to admit as evidence confessions extracted under torture. There were cases of police torture of suspects in custody that resulted in deaths. Impunity remained a problem among the security forces, although the Government continued to sanction public officials, police officers, and members of the military. Alleged police involvement, especially at the state level, in narcotics-related crime, continued, and police abuse and inefficiency hampered investigations.

Narcotics-related killings and violence increased, particularly in the northern states and Mexico City. Prison conditions were poor. The police continued to arrest and detain citizens arbitrarily. During the year, judicial reforms began to take effect; however, lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. Indigenous people's access to the justice system continued to be inadequate. The authorities

on occasion violated citizens' privacy. Human rights groups reported that armed civilian groups in the state of Chiapas continued to commit human rights abuses. Zapatista National Liberation Army (EZLN) sympathizers continued to denounce increased military presence in Chiapas as well as the increasing activity of armed civilian groups. Journalists, particularly in the northern states, practiced self-censorship in response to threats from narcotics traffickers. Corrupt members of the police sometimes violated the rights of illegal immigrants. Human rights workers continued to be subjected to attacks and harassment; however, reports of such attacks diminished. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDS persisted. Sexual exploitation of children continued to be a problem. There were credible reports of limits on freedom of association and worker rights. There was extensive child labor in agriculture and the informal economy. Trafficking in persons, including children, remained a problem, and there were credible reports that police and other officials were involved in trafficking.

The Government appeared to stall in its attempt to improve the domestic human rights situation, with a few exceptions.

The peace process remained stalled at year's end. The break in contacts between the Government and the EZLN, that occurred when Zapatistas rejected the Law on Indigenous Culture and Rights passed in 2001 as a watered-down version of the San Andres Accords, continued during the year. In August, the Government called for a resumption of the dialogue. Conditions such as poverty and inequality that gave rise to the armed conflict in 1994 persisted. Sporadic outbursts of politically motivated violence continued to occur throughout the country, particularly in the southern states of Chiapas, Guerrero, and Oaxaca.

In July, the Attorney General's office (PGR) restructured its organization to elevate the director of the human rights office in the PGR to a Deputy Attorney General. On August 11, the Secretariat of Foreign Relations (SRE) announced that the Under-Secretariat for Human Rights and Democracy would be eliminated as of September 1, which domestic and international human rights organizations viewed as reflective of a diminishing interest in a human rights agenda by the Government. On December 8, the Office of the U.N. High Commissioner for Human Rights presented the President with an analysis of the human rights situation in the country. President Fox commissioned the study in 2000, and upon its receipt promised to implement its 32 recommendations.

On March 25, Amnesty International (AI) published a report that accused all branches of the security forces of using torture. In July, Human Rights Watch released a report that criticized PGR's Special Prosecutor for Investigating Human Rights Abuses Against Social and Political Movements of the Past (FEMOSPP) for its lack of results in investigating human rights abuses of the 1960s, 1970s, and 1980s. The report also criticized the Fox administration for not providing the office the support needed to carry out its mandate. On August 11, AI released a report on the federal, state and municipal governments' failure to achieve progress in solving the killings of women in Ciudad Juarez over the past 10 years.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings. Members of the federal and state police, as well as military personnel, were accused of committing killings during the year.

Police were accused of killing 22-year-old Fernando Garcia Morales on January 11, during an operation against "street racers" in Tulancingo, Hidalgo. Margarito Escamilla Asian, Juan Rubio Juarez, Ricardo Moreno Hernandez, and Claudio Lopez Perez, all police officers assigned to the Tulancingo region, were arrested for killing Garcia. The officers stated that Garcia Morales "accelerated the vehicle he was driving and tried to run them over."

On August 23, agents of the Guerrero State Judicial Police arrested Jesus Hernandez Miranda and Raymundo Lorenzo Leyva, members of the Acapulco Municipal Preventive Police, for the August 20 killing of Jose Manuel Rodriguez del Castillo, a hotel cashier.

On July 12, agents of the Chiapas state Attorney General's Office PGJE accused Andres Vidales Segovia, a soldier assigned to the 31 Military Zone in Chiapas, and three others, of killing Abelino Encino Guzman, an indigenous Tzeltal on July 10 in Tenejapa, Chiapas. The investigation into the death continued at year's end.

In March, a federal court determined that the March 2002 death of Guillermo Velez Mendoza at the hands of Federal Investigative Agent Hugo Armando Muro Arellano was accidental. The court revoked the arrest order for homicide against Muro Arellano. The authorities continued to investigate him for improper detention and dereliction of duty at year's end.

On August 4, the Federal District Commission on Human Rights (CDHDF), although unable to determine the cause of death with certainty, concluded that in 2002 the State Public Security police (SSP) police violated the rights of Jose Gabriel Martinez Romero when they inflicted severe injuries on his person while in custody.

The criminal charges against Sergio Martinez Acosta, Juan Manuel Gutierrez Navarro, Juan Cruz Rosales, and Jorge Julio Estupinon de la Rosa for abuse of authority, torture, and homicide the 2002 death of Francisco Medellin Alberto were still pending before courts in the state of Nuevo Leon at year's end.

In 2002, the Nuevo Leon State Human Rights Commission conducted a preliminary investigation into the death of Roberto Carlos Mendoza, and then referred the case to the National Commission for Human Rights (CNDH) since the agents involved were members of the PGR, a federal entity. There was no further information available at year's end.

There were no developments in the June 2002 shooting of Jesus Ulises Cruz Banda by Mexico City police.

In 2002, criminal charges for homicide were filed against 14 defendants in the 2002 massacre of peasant farmers near Agua Fria, Oaxaca. Charges were still pending against seven of them. The remaining accused persons were released. Two other persons implicated in the incident, who were minors, were detained but later released as wards under the custody of the state. The investigation remained open at year's end. On March 1, Samuel Alfonso Castellanos Pinon, attorney for the defendants, received an anonymous death threat if he did not stop defending the accused. According to AI, that evening Castellanos noticed unknown persons, with obvious weapons, followed him home.

On July 19, the Mexico City's Attorney General's office (PGJDF) Special Prosecutor assigned to investigate the 2001 death of human rights activist Digna Ochoa announced that she had committed suicide (see Section 4).

There were no developments in the July 2001 killing of Everardo Obregon Sosa.

On November 10, a final hearing was held in the case against Vicente Pena Zuniga, Efrain Cruz Bruno, and Nicasio Bernardino Gomez for the 2001 killing of Fidel Bautista Mejia in Putla, Oaxaca. The final verdict was pending at year's end.

There were no developments in the case against military personnel for the 2001 killings of Esteban Martinez Rosario and Rodrigo Torres Silvain.

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

There were at least two deaths in prison, one in Sinaloa and one in Nuevo Laredo, Tamulipas state.

There were numerous reports of executions carried out by rival drug gangs, whose members included both active and former federal, state, and municipal security personnel. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking increased. In August, local press reported that there had been 177 killings in Tijuana, Baja California since January. The press also reported in September that there had been at least 56 killings during the year in Nuevo Laredo. At least 36 of the killings were associated with drug trafficking. Between January and August 31, 24 killings with presumed or proven drug connections occurred in the Ciudad Juarez area.

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

There were no developments in the 2001 killing of 12 persons in the town of El Limoncito, Sinaloa.

In May, the CNDH stated that it would present to the Federal Government evidence of irregularities in the investigation into the 1997 killing of 45 persons in Acteal, Chiapas. These irregularities included the obtaining of

statements in Spanish from accused individuals who did not speak the language and were never provided translators, and shell casings collected at the scene that did not match weapons confiscated and supposedly used in the killings.

In February, attorneys in the suicide case of Air Force Lieutenant Jose Raul Vargas Cortez, which was reopened in 2002 by the Attorney General of Military Justice, announced that military officials covered up details surrounding the death of Vargas. Investigations continued at year's end to determine if Vargas was murdered.

In May, members of the Supreme Court (SCJN) analyzed the possibility of having the PGR reopen the 1995 case of the massacre of 17 indigenous farmers in Aguas Blancas. Former Guerrero state governor Ruben Figueroa Alcocer was implicated in the case.

The CNDH received 281 complaints against members of the military between March 2002 and July, including unlawful killings and excessive use of force. The CNDH also reported that within the same timeframe it had given 61 seminars on human rights to 15,724 members of the Armed Forces, including 1,200 flag officers. In addition, 12 military instructors have been trained to teach human rights courses.

There were no developments in the investigation into the 2001 killings of two federal judges in Mazatlan, Sinaloa state.

There were incidents of vigilante justice, and at least four occasions in which authorities prevented such incidents. However, on March 17, residents of Tlayecac, in Morelos state, lynched 21-year-old Mariano Garcia Escamilla, accused of cattle rustling in 2000. Garcia had been banned from the community since 2000 and was hung from a tree when he reappeared in the community. Investigations were ongoing at year's end.

#### b. Disappearance

There were two credible reports of disappearances. There were various cases of disappearances in Ciudad Juarez; however, none had been linked to state actors.

On April 27, Marcelino Santiago Pacheco, leader of the Organization of Indigenous Zapotec People (OPIZ), disappeared, according to the Association of Families of Victims of Human Rights Violations and Disappeared of Mexico (AFADEM). On June 25, his brother Anselmo Santiago Pacheco, who took over leadership of OPIZ, also disappeared. Elements of the state Judicial Police (PJE) previously abducted Marcelino in 1997, and he reappeared in custody 8 months later charged with illegal possession of firearms only to be acquitted in judicial proceedings.

On July 3, Human Rights NGOs brought the 2002 disappearance case of Jesus Angel Gutierrez Olvera before the Inter-American Human Rights Commission. Gutierrez Olvera was last seen in police custody in March 2002.

On January 27, the judge in the case of the 2001 disappearance of Faustino Jimenez Alvarez, in Guerrero, ordered arrest warrants issued for Raul and Arturo Valle Alvarez, who together with state Attorney General's office officials, were accused of kidnapping. The two were fugitives from justice, while an investigation into the disappearance continued at year's end.

On April 21, Ignacio Carrillo Prieto, the Special Prosecutor investigating disappearances and human rights abuses during the "Dirty War" of the 1960s and 1970s requested arrest warrants against Miguel Nazar Haro and Luis de la Barreda Moreno, former directors of the Federal Security Directorate (DFS) during the 1970s, and Carlos Solana, former head of the Judicial Police, charged with violating the civil rights of student leader Jesus Piedra Ibarra in 1975. However, on April 22, a state judge in Nuevo Leon ruled that statute of limitations for the crimes contained in the first cases submitted by the FEMOSPP had expired, therefore no arrest warrants could be issued against the accused. On November 5, the Supreme Court ruled that the statute of limitations on abduction does not begin to run if the victim's body remains missing, which allowed for trials in these cases. In late November, the special prosecutor issued an arrest warrant for Isidro Galeana, a former Guerrero police commander, accused of kidnapping a leftist teacher in 1974. At year's end, Galeana was a fugitive. In late November, unidentified persons killed Horacio Zacarias Barrientos, a peasant who had helped build 11 cases and was to testify against former federal officials in a "dirty war" case, in the city of Chilpancingo, Guerrero. On December 5, the Government issued arrest warrants for two former secret police chiefs, Miguel Nazar Haro and Luis de la Barreda Moreno, who were suspected of having directed the arrest, torture, and disappearance of Jesus Piedra, and for Juventino Romero Cisneros, a Nuevo Leon state police official who testified to having participated in the abduction of Piedra from a Monterrey street corner.

In July, HRW published a report that examined the causes of a perceived lack of progress by the special prosecutor. The report identified three reasons; limited resources, limited access to government documents, and limited military cooperation. HRW recommended that resources and training be expanded for the investigators and prosecutors, that declassified documents be made readily available to the prosecutor's office and the general public, that military officials provide all requested information and cease to assert jurisdiction over cases under investigation, and that information gathered by the Prosecutor's office regarding past human rights abuses be disseminated to the public. On November 26, HRW noted that some of the abuses mentioned in its previous report had been addressed, and it commended the Supreme Court for its decision on the statute of limitations.

The military justice trial of Generals Francisco Quiroz Hermsillo and Arturo Acosta Chaparro, implicated in the death or disappearance of 143 persons during the 1970s, continued during the year. However, in March, the Supreme Military Tribunal ruled that Quiroz and Acosta could only be processed for the deaths of 22 persons.

In February, the Attorney General's office reported that there were 106 kidnappings for ransom during the period from 2001-02.

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

The Constitution and the law prohibit torture; however, it continued to be a serious problem. The Constitution excludes as evidence confessions obtained in the absence of the accused person's defense attorney, and the law excludes coerced confessions, including those extracted under torture (see Section 1.e.). To be admissible as evidence, confessions must be made to the Public Ministry or a judge and in the presence of a defense attorney. However, the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military also has been accused of using torture. Many victims were afraid to report or follow through on complaints against the police, thereby hampering prosecution of the perpetrators. In January, human rights organizations claimed that Victor Garcia Uribe and Gustavo Gonzalez Meza confessed under torture by hooded policemen to killing eight women in Ciudad Juarez. The human rights organizations demanded their release. Gonzalez Meza died in prison in February. In late October, the president of the Chihuahua Supreme Court announced that by late November he would issue his decision regarding all of the suspects arrested for involvement in the alleged serial killings; however, no decision was reported at year's end.

In February, the CNDH in its annual report to Congress noted that it had received 19 complaints of torture during 2002, twice the 9 received in 2001.

On March 25, AI published a report that accused all branches of the security forces of using torture. After detailing the defects in the police/judicial system that enable the use of torture, the report recommended that the Government condemn torture, reform national legislation to forbid torture, end the practice of arbitrary detentions, and admit only those confessions that are made in front of a judge and a qualified defense lawyer. Other recommendations concern the Public Ministry, police, and judicial changes. In June, Amnesty repeated the same charges regarding the use of torture.

During the year, the Baja California (BC) State Human Rights Office denounced the February 4 torture of 13 migrants by elements of the military in the Rumorosa zone. The victims said members of the military kicked them and placed plastic bags over their heads to force them to confess to migrant trafficking. The case was turned over to the CNDH, which has jurisdiction over violations committed by federal entities.

The authorities rarely punish officials for torture, which continues to occur in large part because confessions are the primary evidence in many criminal convictions. Many human rights groups linked torture to the prevalence of arbitrary detention and claimed that torture often follows an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempt to justify the detention by securing a confession to a crime (see Section 1.d.). Poorly trained and inadequately equipped to investigate crimes, police officers often attempted to solve crimes by rounding up likely suspects and extracting confessions from them by force.

On January 23, Mexico City police arrested 18-year-old Nadia Ernestina Zepeda Molina and charged her with selling drugs. Zepeda complained that the police had sexually molested her and tried to rape her, and then beat her when she tried to defend herself. In August, 32 human rights organizations in the country called for her release. The human rights organizations charged the police with discrimination, abuse of authority, and violence against a woman. They demanded that the Government adhere to the U.N. Convention to Eliminate All Types of Discrimination Against Women and the Americas Convention to Prevent, Punish and Eradicate Violence Against Women.

In April, the Journal of the American Medical Association published an investigation by Michele Heisler, which concluded that torture continued to be a serious problem in the country. Physicians conducted medical evaluations of 13,000 federal detainees, and estimated they had documented evidence of torture in up to 1,090 cases.

The CNDH reported that its recommendation to the PGR regarding the 2001 torture of Norberto Jesus Suarez Gomez in Chihuahua had been satisfied. There were no further developments in the case during the year.

There was no progress in the case of 17-year-old Valentina Rosendo Cantu, allegedly raped by members of the 41st Infantry Battalion in February 2002 when she was washing clothes by a creek. According to reports, the CNDH could not verify the accusation because the incident was reported late, and when Rosendo was examined, no evidence of the rape remained. The human rights NGO following the case will bring the case before the Inter-American Human Rights Commission since all legal recourse within the country's judicial system had been exhausted.

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

On March 16, 16-year-old Viviana Rayas disappeared from her parent's home in Chihuahua City. On May 29, the Chihuahua daily El Heraldo quoted a Chihuahua state police spokesman who stated that human remains found on the outskirts of town were those of a 35-to 40-year-old woman. Frustrated at the Chihuahua State Police's inability to solve his daughter's disappearance, on May 30, Viviana's father and powerful union leader Jose Cirilo Rayas threatened to paralyze Chihuahua state construction projects if his daughter was not found soon. Days later, the police changed their story and enlisted a government dentist to claim that the remains were those of 16-year-old Viviana's. Within days, the police arrested foreign resident Cynthia Kiecker, her husband Ulises Perzabal, and three friends of the couple, who all alleged that they were tortured physically and psychologically to extract false testimony regarding the murder of the young girl. Kiecker alleged that the police put a bag over her head, showered her with water, and tortured her repeatedly with electric shocks. She said she was forced to participate in a videotaped confession to the murder. All five later recanted their statements. As of September, hearings in this case continued in the First Penal State court in Chihuahua City, and Kiecker remained in prison. The Chihuahua state government had taken no substantive action to address allegations of torture by its police officers.

At year's end, one of the bus drivers accused of the 2001 murder of eight young women in Ciudad Juarez remained in prison pending sentencing. In February, the other accused driver died under suspicious circumstances in his prison cell. Authorities initially said he had died after complications from a recent hernia operation, but later stated that he had died of a heart attack (see Section 5).

Prison conditions remained poor. Many prisons are staffed by undertrained and corrupt guards. Prisoners complained that they must purchase food, medicine, and other necessities from guards or bribe guards to allow the goods to be brought in from outside. In many prisons inmates exercise authority, displacing prison officials. Influence peddling, drug and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against their fellow inmates. Prisons vary widely in their ability to meet basic needs of life, keep prisoners safe and healthy, and provide opportunities for work and education; however, almost all fall short in some of these areas.

On June 14, a 20-year-old unidentified male claimed that another inmate at the Aldama police station in Ciudad Juarez had robbed and raped him. An investigation by the Internal Affairs division of the municipal police to determine the responsibility of the guards was ongoing at year's end.

The penal system consists of 448 facilities: 5 federal penitentiaries, 8 federal district prisons, 336 state prisons, and 99 municipal and regional jails. Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were disregarded routinely as a result of overcrowding. Prison overcrowding continued to be a common problem, despite an early release program endorsed by the CNDH, legal reforms that reduced the number of crimes that carry mandatory prison sentences, and the construction of new prisons. According to press reports, the country's 448 penal facilities were overpopulated by approximately 19 percent; 175,253 prisoners were being held in facilities that have a capacity of 141,790 prisoners. Mexico City's Varonil Norte prison has the capacity to hold 4,892 prisoners; however, it held 8,335; Varonil Oriente's capacity is 4,766 with an actual population of 7,927; Varonil Sur's capacity is 2,998 with an actual population of 4,181; Femenil Oriente's capacity is 156 with an actual population of 526; Femenil Norte's capacity is 200 with an actual population of 468. The prison population in Ciudad Juarez is 4,100. Construction on the new prison has experienced delays. Originally scheduled for completion in 2000, a part of the prison may be complete and ready to hold approximately 800 to 1,000 federal prisoners by early 2004. Approximately 160 juvenile detainees who were scheduled to move

to a new facility in the fall of 2002 were expected to move in December, with administrative operations moving there in early 2004 and full operations by April.

On March 8, La Loma 1 prison in Nuevo Laredo placed 160 prisoners in a 2-room area (13 by 16 feet) for processing. Severe overcrowding, along with an almost total lack of sanitation facilities and limited windows to allow for ventilation, caused several inmates to become unconscious and one to die from asphyxiation.

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

Female prisoners are held separately from men. Women make up approximately 4.6 percent or approximately 8,000 of the total prison population. Of the 448 prison facilities in the country, 230 of them house female prisoners.

There were 27 pregnant women in prison in Mexico City, and during the year, there had been 29 births in Mexico City prisons.

In May, the CNDH announced the results of a study that revealed the vulnerability of more than 8,000 female prisoners across the country. The study found that female inmates across the country engage in prostitution under the direction of inmates and with the acquiescence of prison officials. It singled out the prisons in Tijuana, Baja California; Torreon, Coahuila; Juchitan and Etla in Oaxaca; San Cristobal de las Casas, Chiapas; and Morelia and Uruapan in Michoacan as having the most serious problems.

A new prison for men in Mexico City was completed in March. The prison has the capacity to house 2,364 inmates, thereby alleviating some of the prison overcrowding in the Federal District.

Juveniles are held separately from adults.

In July, the CNDH reported that it had detected serious violations of basic rights in the majority of 54 juvenile reformatories in the country. The violations included overpopulation, physical abuse and mistreatment, and dormitories with metallic mesh that resemble cages. The CNDH found that the worst centers were located in Chiapas, followed by those in Veracruz. In Sonora, minors had to sleep on concrete slabs because there were no beds. In Veracruz, 7-year-olds were held together with 17-year-olds. In Chiapas, two minors lived with their babies in the centers (see Section 5).

In May, the CDHDF issued a recommendation against the General Directorate of Prevention and Social Readaptation regarding the torture and abuse of inmate Martin Banuelos Gonzalez by six public servants at the Reclusorio Norte in 2002. The recommendation requested that the Secretaría de Gobernacion investigate the case to determine responsibility of the six officials for the abuse.

On January 15, a raid in the Centro de Rehabilitacion Social (CERESO) of Ciudad Juarez turned up over 400 weapons including knives, razors, and a small quantity of drugs.

There is no specific law or regulation that prohibits human rights organizations or other NGOs from visiting prisons, and some do; however, in practice, the CNDH and state human rights commissions conduct the majority of prison visits focused on human rights issues.

In February, authorities of the San Juan El Alto prison in the capital of Queretaro state denied U.N. High Commissioner for Human Rights representative Anders Kompass access to modules "I" and "Z", which are the inmate punishment areas.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily (see Section 1.b.). Arbitrary arrest and detention continued to be among the most common human rights abuses. Legally, a prosecutor may hold a detainee no more than 48 hours before he must present the accused to a judge, except when the accused is caught in the act or within 72 hours of committing a crime. In 2001, the federal legislature criminalized forced disappearance, including illegal detentions; the law also prohibits sponsoring or covering up an illegal detention (see Section 1.b.).

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

Police corruption is a problem. Police have been involved in kidnappings, armed robbery, and extortion, as well as protection of criminals and drug traffickers. From January to July, in Mexico City alone, 502 policemen were imprisoned for various crimes, compared with 257 in 2001 and 624 in 2002. During the year, the Ciudad Juarez municipal police received over 300 complaints against police officers for corruption, bribery, threats, abuse, murder, kidnapping, and extortion of victims apprehended for minor traffic violations.

NGO sources report that a great number of disappearances eventually were found to be cases of arbitrary detention by security forces (see Section 1.b.). Many human rights groups linked torture to the prevalence of arbitrary detention and claimed that torture often followed an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempted to justify the detention by securing a confession to a crime (see Section 1.c.). According to PRODH, incommunicado detention was a frequent practice (see Section 1.c.).

Reports of arbitrary detention occurred with greatest frequency in Chiapas, Oaxaca, Guerrero, the Federal District, and Tabasco. The states attorney general's personnel, state police, and the army were the most frequent abusers of detention laws.

In January, AI reported that arbitrary detention, mistreatment, and torture by police forces and Public Ministry agents continued to occur. AI also cited the incapacity of those same authorities to provide redress to the victims.

In February, the U.N. released a 22-page report made by a U.N. Working Group on Arbitrary Detention that visited the country from October 27 to November 10, 2002. The Working Group found that the lack of procedural guarantees, the existence of an inquisitorial justice system, difficulties in obtaining adequate defense, lack of resources, and sentences disproportionate to the crime all contributed to the prevalence of arbitrary detentions.

In April, the Mexico City Human Rights Commission (CDHDF) in its annual report stated that it had received 399 complaints of arbitrary detention between April 2002 and March.

On March 29, Chihuahua state police arrested Isidro Baldenegro, a Tarahumara indigenous leader of Colorada de la Virgen and community activist opposed to illegal logging, in the Sierra Madre mountains of the state and accused him of illegal possession of firearms. According to witnesses, the police planted AK-47s and handguns at the scene after the arrest.

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

Judges often failed to sentence indigenous detainees within legally mandated periods (see Section 1.e.).

On May 17, local police arrested Agustin Lopez Luna near San Cristobal de las Casas, Chiapas and accused him of belonging to a Zapatista group and illegally squatting on a piece of property. Six days later, he was released.

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

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

#### e. Denial of Fair Public Trial

The judiciary is generally independent; however, on occasion, especially at the state level, it has been influenced



by government authorities. Corruption, inefficiency, impunity, disregard of the law, and lack of training continue to be major problems. Judicial reforms have begun to address some of these problems, but full resolution of these problems requires significant additional time and effort. In 1999, the Congress and the states passed constitutional reforms designed to streamline the administration of justice and repeal archaic laws. Human rights groups criticized these reforms, claiming that they effectively allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings.

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

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings at which the court receives documentary evidence or testimony. However, in 2001 AI alleged that judges often were not present at hearings when defendants give testimony. Court officials may add notarized documents that are not authenticated into the case file. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties have access to the official file, although by special motion the party may have access to it.

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

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

In the case of indigenous defendants, many of whom do not speak Spanish, the situation is often complicated. The law calls for translation services to be available at all stages of the criminal process; however, the courts do not routinely provide translators for indigenous defendants at all stages of criminal proceedings, and thus defendants may be unaware of the status of their cases. Provision of translators to non-Spanish speaking defendants, including indigenous ones, is provided for but poorly implemented, resulting in prisoners being convicted without fully understanding the documents they have been required to sign. The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The CNDH does not have authority to intervene in judicial proceedings, but can provide guidance on defense of rights. CNDH has a program for the liberation of indigenous prisoners that in conjunction with other agencies such as the PGR and SSP, reviewed cases that merit release such as commutation of a sentence. Formerly, the National Indigenous Institute (INI) provided judicial assistance programs for indigenous defendants and provided counsel on their behalf. The INI also distributed legal, educational, and informational material in indigenous languages.

A particularly serious abuse of due process is the prosecution's ability to base its case on evidence gathered by means of torture. While torture itself is a criminal act, judges allow statements coerced through torture to be used as evidence against the accused (see Section 1.c.) and confessions were the primary evidence in many criminal convictions. A number of NGOs declared that judges give greater evidentiary value to the first declaration of a defendant, thus providing prosecutors an incentive to obtain an incriminating first confession and making it difficult for defendants to overturn such declarations.

The law does not require civilian trials of soldiers involved in civilian crimes, and the military continued to handle such cases. The Constitution provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request the immediate transfer of the case to military jurisdiction. In August 2002, the judicial branch reaffirmed that members of the military assigned to the PFP would be tried by military courts unless a civilian was involved.

In March, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy,

returned to the country. In a keynote address to the Ibero-American University, he reiterated the findings in his 2002 report, that corruption and impunity impeded access to justice. He also said that human rights NGOs had noted a high level of impunity for members of the military who commit human rights violations. In his 2002 report, the Special Rapporteur questioned the independence and effectiveness of judicial power in the country. He expressed concern about the lack of knowledge that judges have regarding international law, particularly human rights, and their ignorance of indigenous uses and customs. He wrote that 50 to 70 percent of the judges in the country were corrupt.

In August, a Federal Court in Toluca, Mexico state in a ruling on an injunction (amparo) filed in December 2002 by General Francisco Gallardo, decided that recommendations issued by the Inter-American Commission on Human Rights (IACHR) are not binding and are not subject to an injunction to force compliance.

In April, Union de Empresarios para la Tecnologia en la Educacion UNETE (founded in 1999 to improve the educational level through the use of new technologies such as computer, Internet, and television), and the Technological Institute of Monterrey completed an evaluation of courts and judges in each state. On a scale of 1 to 10, only Aguascalientes scored an 8, while Campeche and Coahuila scored 7. All other courts scored between 5 and 6, with Jalisco scoring 4. The study evaluated the professionalism, impartiality, and caliber of verdicts issued.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, and the law requires search warrants; however, in the past, there were credible reports that unlawful searches without warrants were common. The law allows for electronic surveillance with a judicial order. The law prohibits electronic surveillance for electoral, civil, commercial, labor, or administrative purposes; however, there were reports of illegal surveillance during the year.

In April, federal judges in Mexico state authorized the state Attorney General's office to carry out telephonic espionage in the state. It was the first time the court had put into effect the new state Attorney General organic law passed in 2002 that authorizes wiretapping.

On August 25, a 121-page publication containing transcripts of the private phone conversations of PRI Secretary General and Congresswomen Elba Esther Gordillo appeared in political circles. The Ignacio M. Altamirano Association, unheard of before this incident, issued the publication. The company listed as the printer turned out to be nonexistent. Authorities were investigating the incident at year's end.

The Constitution states that all persons have the right to make free, responsible, and informed decisions on the number of children they choose to have. The General Health Law provides for criminal action against those who pressure a woman to undergo sterilization procedures or perform such procedures without a woman's consent. The CNDH reported that it received seven complaints during the year that were related to forced contraception and issued one Recommendation (see Section 5).

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

There were numerous allegations of the use of excessive force and the violation of international humanitarian law. During much of the year, the Government maintained approximately 14,000 to 20,000 troops in selected areas of Chiapas, and a smaller number in Guerrero. Two relatively small rebel groups, the Popular Revolutionary Army (EPR) and the Revolutionary Army of the People's Insurgency (ERPI), continued to be problems in Guerrero. Incidents of conflict in Chiapas between security forces and EZLN sympathizers, and in Guerrero between the army and the EPR and the ERPI, led to accusations of the use of excessive force; however, the confused circumstances of these clashes made those allegations difficult to substantiate.

In February, the Association of Families of Disappeared and Victims of Human Rights Violations (AFADEM) based in Guerrero state, severely criticized the harassment of family members of slain guerrilla leader Lucio Cabanas Barrientos by the Military Attorney General's office (PJM). The harassment consisted of issuing citations to appear before the PJM to testify.

Human rights NGOs continued to report on the increased presence of the military in Chiapas. In early August, the military was on alert due to the re-emergence of Zapatista leader Sub-Commandante Marcos.

In the most detailed report on displaced persons, the Fray Bartolome de las Casas Human Rights Center (FRAYBA) released a 245-page report in 2002 that documented the displacement since 1995 of more than 12,000 persons from 2,400 families in Chiapas. The report accused the Government of being responsible for the displacements and not keeping its constitutional commitment to provide for the security of its citizens as well as its obligation to provide humanitarian assistance to internally displaced persons (IDPs) under international law, including human and humanitarian rights.

SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with a 4-month human rights course to teach officers to be human rights trainers. These officers were responsible for training at the different unit levels within the Army and Air Force.

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

There were credible reports of violent incidents and killings allegedly committed by armed civilian groups and local political factions in Chiapas.

In February, the Independent Organization of Mixtec-Tlapanec Peoples (OIPMT) and the Organization of Indigenous Peoples severely criticized the existence of approximately 40 armed civilian groups in the Mixtec and Tlapanec areas of Guerrero state. They stated that both armed civilian groups and military committed human rights abuses in the area.

In June, the Federal Office of Environmental Protection (PROFEPA) announced the existence of approximately 100 armed civilian groups at the service of illegal loggers. PROFEPA said the groups were found throughout the country in Chihuahua, Durango, Oaxaca, Mexico state, and in Mexico City itself. PROFEPA said that in the state of Michoacan alone, there were over 30 groups.

On July 4, unknown persons killed four peasants accused of having ties with armed civilian groups in the community of Barranca de Guadalupe, in the Ayutla region of Guerrero.

In August, the Center for Political and Economic Investigations for Communal Action (CIEPAC) reported that armed civilian groups such as Paz y Justicia, Movimiento Indigena Revolucionario (MIRA), Mascara Roja, Los Chinchulines, and Los Aguilar act with complete impunity in the Chiapas indigenous regions.

In October 2002, a court sentenced Diego Vazquez, one of the principal leaders of the armed civilian group known as Paz y Justicia, to 16 years in prison for the crime of kidnapping.

In the past, there have been violent confrontations between EZLN sympathizers and armed civilian groups.

Human rights NGOs have accused the Chiapas state governor's administration of tolerating armed civilian groups.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. While the overall state of freedom of expression improved and expanded under the Fox administration, threats, libel actions, defamation suits, and harassment of journalists by politicians, local authorities, police, and narcotics trafficking organizations in the northern part of the country continued. Journalists outside the capital or large cities were the most threatened, as the majority of harassment cases originated in states outside the capital and in the northern part of the country. The national print and broadcast media no longer encountered serious obstruction from the Federal Government; however, journalists believed that there was a need for legislative reform of the criminal libel laws. Although no journalists were killed during the year, one radio journalist disappeared.

The June 2002 Law for Transparency and Access to Information created the Instituto Federal de Acceso a la Informacion Publica (IFAI), an autonomous entity, which was charged with providing access to information, protecting personal data, and promoting a culture of transparency and the accountability of civil servants under the new law. IFAI served as an intermediary and resolves cases where access to information has been denied by determining whether the requested information is public, restricted, or confidential. IFAI registered the number of

requests that were submitted to federal offices. According to the Organization of American States' Special Rapporteur on Free Expression, Eduardo Bertoni, in June and July IFAI tracked approximately 12,000 petitions for information, 130 of which were denied by the agencies. IFAI then requested clarification from the denying agency.

The OAS Special Rapporteur, on a 9-day visit in August, cautioned that a "culture of secrecy" persisted in many sectors of the Government and that this culture should be unequivocally rejected to ensure true transparency in public administration, both at the federal and local levels.

In February, a federal court overturned the conviction of two men in the killing of Philip True and remanded the case to the state court to review the entire case. Various magistrates continually recused themselves from the case and a formal review was never begun. In November, one of the members of the defense team of the indigenous people accused of killing True, held a press conference, where she admitted that the indigenous people had confessed to her that they had indeed killed Philip True.

The Federal Government tolerated and did not attempt to impede criticism of the Government; however, local officials frequently reacted to criticism and unfavorable news articles by harassing journalists and suing them under criminal libel laws. In addition, government officials at all levels often attempted to obtain the names of journalists' confidential sources. In March, the Inter-American Press Association (IAPA) at its midwinter meeting adopted a resolution that called on the Government to pass legislation that would protect the confidentiality of journalists' sources.

There were approximately 300 newspapers operating in the country. Of these, there were approximately 10 main national newspapers. All were privately owned and operated. Approximately 150 foreign correspondents for international news agencies, newspapers and magazines operated in the country. Broadcast media were privately held; however, the Government operated six radio stations within Grupo IMER (Instituto Mexicano de Radio); two national television channels (TV Azteca and Televisa); and some local stations.

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

Privately owned companies controlled the publication of books with a half a dozen major publishing houses and many minor companies. The Fondo de Cultura Economica (FCE) was jointly owned by the Government and private investors; however, the director was a political appointee. During the year, FCE began distributing books from public publishing companies as well as from its own stock.

As in 2002, numerous attacks on journalists constituted the most serious problem for freedom of the press. Abuses against the press included physical violence and verbal assaults, but included arrests, lawsuits, censorship, economic pressure, and other sophisticated administrative and bureaucratic forms of harassment. Outright attacks and intimidation of journalists were underreported and usually relayed indirectly to NGOs that monitor freedom of the press and the security of journalists. There were no comprehensive nationwide studies of these incidents; however, preliminary data indicated that the number of incidents of physical violence against journalists had not increased since 2002. In October, the IAPA at its General Assembly meeting submitted a report that listed some seven attacks upon journalists up to September 4.

The influence of narcotics traffickers on the press appeared to be strong in the northern border states.

Politically motivated criminal charges were often used on a state level to deter investigations of local authorities, and several journalists during the year were summoned to court to reveal their sources. According to AI, "Journalists frequently face attack or threats as a result of their work to expose human rights violations or corrupt practices, and often live in fear of reprisals from people or organizations they have written about."

From January 1 to April 30, the NGO Periodistas Frente a la Corrupcion recorded 20 acts of aggression against journalists. The OAS Special Rapporteur on Free Expression stated that, "Attacks (on the press) are directed at silencing accusations of serious human rights violations, and investigations into drug trafficking and politically sensitive issues." He also said, "Some accusations signal that police officials and army personnel are among the aggressors."

In February, IAPA reported the killings of 37 journalists in the country in the previous 14 years. On July 13, radio

journalist Jesus Mejia Lechuga of Radio MS-Noticias in Martinez de la Torre, Veracruz state disappeared. According to the NGO Reporters Without Borders (RSF), Mejia was last seen on July 12 when he interviewed Alfonso Alegretti, a PRI representative in the local municipal government. According to RWB, "In his programs A Primera Hora and Voz y Palabra, Mejia had accused Guillermo Zorilla Perez, a PRI representative in the federal parliament, of having links to local drug traffickers."

The Government did not investigate sufficiently the cases that were reported, such as those included in the Recuento de Danos (Damages Inventory), a summary published by The Mexican Network for the Protection of Journalists and Communication (La Red Mexicana de Protección a Periodistas y Medios de Comunicación). The OAS Special Rapporteur for Freedom of Expression, during his recent trip stated, "The lack of investigation into acts of intimidation helps create a climate that discourages investigation and provokes self-censorship."

On February 20, in response to an October 2002 letter from IAPA, President Fox announced that his administration would consider federal jurisdiction for crimes against journalists instead of state or local jurisdiction to ensure that these cases were dealt with speedily and openly. Following additional IAPA protests, the Government set up a committee that included representatives of human rights and press organizations to review the status of inquiries into other crimes against journalists. At year's end, the committee had 59 cases for review.

All human rights NGOs, especially those that concentrated on press freedom, agreed that the laws on defamation were restrictive and undermined freedom of expression. In August, the OAS Special Rapporteur for Freedom of Expression, in his preliminary report, noted the subjection of over 20 journalists in Chiapas state to criminal defamation charges and the frequent harassment of local journalists in the interior of the country, the Distrito Federal, and Ciudad Juarez in the state of Chihuahua for reporting on local authorities and other public officials. Under the law, libel charges always carry a prison term.

During the year, the mayor of Zimapan, Hidalgo, Rosalina Gomez Rosas, filed a defamation suit against Juan Lozano Trejo and other journalists from the regional paper El Huarache for publishing information about presumed irregularities in the municipality. On July 1, the Hidalgo state Attorney General's Office called on Lozano Trejo, director of El Huarache, to identify the authors of the articles. In a letter to Hidalgo Attorney General Juan Manuel Sepulveda, Journalists Against Corruption (Periodistas Frente a la Corrupcion) requested that the complaint against the journalists be dismissed and protested that "cases of supposed insults against the honor of government officials or individuals in the public eye become criminal matters in Hidalgo." This was the latest in a series of incidents between Hidalgo government officials or political leaders and media workers, relating to the publication of information about cases of corruption and improper conduct.

Angel Mario Ksheratto Flores, author of a column published in the Cuarto Poder newspaper in the town of San Cristobal de las Casas, Chiapas, reportedly received several death threats and was facing charges that may be politically motivated. According to an alert issued by AI, in August 2002, Cuarto Poder published the results of an investigation by Flores into alleged irregularities in the state-run Schools Construction Committee (Comite de Construcción de Escuelas). In December 2002, Flores received a death threat. On January 2, agents of the State Attorney General's Office detained Flores as a result of a defamation complaint filed by a senior state official on the Comite de Construcción de Escuelas in Chiapas. The court granted Flores bail and released him from custody pending prosecution for defamation.

On March 4, agents of the state of Chihuahua in Chihuahua City detained journalist and author Isabel Arvide, who has written many articles about corruption and violence, the connections between drug traffickers and police in the state of Chihuahua, as well as the book "Muerte en Juarez" (Death in Juarez). Arvide must appear every 2 weeks before a judge of the Second Penal Court in Chihuahua City, in connection with a 2002 criminal defamation complaint filed against her for a 2001 newspaper and Internet article that alleged that a number of state government officials and a newspaper publisher had organized a new drug cartel in Chihuahua. Arvide spent almost a day isolated in jail before being released on bail that was set at \$20,000 (200,000 pesos). Arvide faces 6 months' to 2 years' imprisonment if convicted.

In June, according to Journalists Against Corruption, Senator José Antonio Hagenbick filed a criminal complaint for defamation against "the person or persons responsible" for reporting about a disturbance that he caused while inebriated in a bar in the city of Huetjutla de Reyes, Hidalgo. The Senator's complaint named several newspapers and journalists who published articles on the incident, including Federico La Mont of the Organizacion Editorial Mexicana; Adrian Trejo of El Economista; Roberto Ramos Valencia of Ovaciones; Rafael Gonzalez of Excelsior; and the newspapers El Herald, Reforma, El Universal, Milenio, and La Cronica. The Senator denied the story and said that reporters had confused him with someone else.

According to the August preliminary report of the OAS Special Rapporteur for Freedom of Expression, the following journalists were summoned to appear in court to reveal their sources: reporter Adriana Varillas de Cancun; Maribel Gutierrez, reporter and editor of the Guerrero edition of the newspaper El Sur; Daniel Morelos, journalist and director of information for El Universal; and Enrique Mendez, Gustavo Castillo, Ruben Villalpando, Andrea Becerril, Ciro Perez, and Roberto Garduno, all from the newspaper La Jornada.

In August, Chihuahua journalists presented several cases before Special Rapporteur Eduardo Bertoni, claiming the state government was blocking their ability to report the news freely. Ciudad Juarez newspaper Norte reported on their cases and indicated that Manuel Quevedo Reyes, a former mayor of Ciudad Juarez, and Osvaldo Rodriguez, the owner of the local paper El Diario, may be using their business relationship to Chihuahua Governor Patricio Martinez to influence reporting. In addition, Cynthia Kiecker's lawyer claimed that the governor had banned reporting on her murder trial (see Section 1.c.).

In reaction to the threats of criminal defamation suits and other forms of harassment by government officials, especially at the local level, many journalists practice self-censorship.

The Government did not restrict Internet access, which was widely available across the nation, especially in major cities. Internet access was growing; however, some segments of the population, predominantly the poor and the elderly, cannot afford to use the Internet or do not possess sufficient computer skills.

The Government did not restrict academic freedom.

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

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

There were many demonstrations during the year. During March, there were a number of demonstrations to protest hostilities in Iraq. During one of the demonstrations, protestors threw rocks at an embassy building, causing damages. On November 28, an estimated 45,000 persons marched through Mexico City to protest energy and tax reforms proposed by the President.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties, opposition groups, and independent associations functioned freely without government interference or restriction. The Federal Electoral Code recognizes national political parties as well as political associations. Political associations can participate in elections through an agreement with a political party; however, they cannot use their names or symbols during the election campaigns. Political parties do not have legal status until they receive their official designation from the Federal Electoral Institute (IFE). The IFE has recognized 10 political parties and 36 political groups. Parties must receive at least 2 percent of the vote in national elections to maintain their registration. During the July congressional elections, 6 of the 10 political parties retained their registration. Four parties were unable to obtain the necessary 2 percent of the vote to maintain their registration.

Citizens are free to associate and may form private or charitable associations. However, in 1998 the Mexico City legislature passed a law that gave the city government more influence over private charities. According to the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, in 2002 there were 5,339 NGOs active in the country, which played an important and vocal role in the promotion of civil society.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and Congress may not enact laws that establish or prohibit any religion; and the Government generally respected this right in practice; however, there were some restrictions at the local level. State and municipal governments generally protected this right; however, some village and tribal officials infringed on religious freedom, especially in the South. A generally amicable relationship among the various religions in society contributed to religious freedom; however, in some parts of southern Mexico, political, cultural, and religious tensions continued to limit the free practice of religion within some communities. Most such incidents occurred in the state of Chiapas.

Religious associations must register with the Under Secretariat of Religious Affairs of the Federal Secretariat of Government (SSAR) to operate legally. Although the Government rejects applications because of incomplete

documentation, the registration process is routine. An estimated 6,619 religious associations are registered.

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

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

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

On March 1, the CNDH called for the Secretary of Public Education (SEP) and governors to issue instructions to all entities within their jurisdiction to stop the practice of sanctioning students who, because of their religious beliefs, do not participate in civic ceremonies rendering honors to the national anthem and flag. The practice has been particularly discriminatory to students of Jehovah's Witnesses. According to the CNDH, it received 1,110 complaints of discrimination on religious grounds, especially against Jehovah's Witnesses adherents, during the period June 1991 to March. The CNDH also called on the Governor of Michoacan to reinstate seven students of the indigenous Mazahua community of Cresencio Morales belonging to Jehovah's Witnesses who were expelled from the Benito Juarez school in 2001.

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

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

To visit the country for religious purposes, foreign religious workers must secure Government permission. The Federal Government limits the number of visas each religious group is allowed. However, the Government has granted 58,640 such visas since 1992.

There were incidents of violence between religious groups, principally in Chiapas, during the year. The situation in Chiapas is a result of a complex mix of economic, ethnic, political, and religious tensions. There is a history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture. In parts of Chiapas, local leaders of indigenous communities sometimes regard evangelical groups as unwelcome outside influences and potential economic and political threats. As a result, these leaders sometimes acquiesced in, or actually ordered, the harassment or expulsion of individuals belonging primarily, but not exclusively, to Protestant evangelical groups. In many cases, these expulsions involved the burning of homes and crops, closing down of churches, beatings, and, occasionally, killings.

On February 28, traditional Catholics in the Los Pozos municipality of Huixtan, Chiapas prevented evangelical churchgoers from celebrating the fourth anniversary of the church's founding. On March 2, the traditional Catholics burnt the evangelical church, and local traditional leaders jailed eight of the evangelicals for several days.

The most common incidents of intolerance arose in connection with traditional community celebrations. Protestant evangelicals often resist making financial donations demanded by community norms that will go partly to local celebrations of Catholic religious holidays and resist participating in festivals involving alcohol. While religious differences were often a prominent feature of such incidents, ethnic differences, land disputes, and struggles over local political and economic power were most often the basic cause of the problems.

The community of Mitziton, in the municipality of San Cristobal de Las Casas, was the location of two incidents in February and two other incidents in October 2002. On February 8, unidentified gunmen fired at a vehicle belonging to Sixto Heredia Gomez, an evangelical Tzotzil from the area. Heredia did not accuse any particular group but claimed that traditionalist Catholics of the area were upset because of the presence of evangelicals in the community. Two days later, on February 10, in the same community, the home of Pedro Gomez Lopez, located in the El Chiverio neighborhood, was burned down. Gomez Lopez stated that he suspected traditionalist Catholic leaders were behind the arson. In October 2002, unknown persons cut a power line to an evangelical pastor's property in Mitziton, leaving him without power. Later that month, 20 assailants dragged the pastor from his home,

beat him, and threatened to kill him unless he left Mititón.

Tension between Catholic/Mayan syncretists and evangelical groups continues to be a problem in the municipality of San Juan Chamula. Approximately 130 children of evangelicals have been denied access to the local public schools in 6 communities every year since 1994.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

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

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

On February 21, CNDH president Jose Luis Soberanes, in his annual report to Congress, recognized the Government's lack of protection for migrants. The CNDH found problems at all levels of government, including corruption, impunity and the complicity of immigration officials and local, state, and federal officials.

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

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

Migrants who transit a halfway house in southern Chiapas have complained to the director about the double dangers of extortion by the authorities and robbery and killings by an organized gang called "Maras Salvatruchas" who prey on migrants coming from the south. There was an increase in the number of gangs preying on migrants, as well as in the level of violence. According to information received by the director from runaway gang members, killing migrants as well as rape of either sex on the roof of moving trains has become an initiation rite for gang members.

A study published by FRAYBA in 2002 found that 2,453 families totaling 12,080 persons were internally displaced from 1994 to 2000. Sporadic violence attributed variously to religious, political, land or economic disputes, mainly in the State of Chiapas, caused persons to flee their homes for fear for their lives, returning only when they felt that the potential threat had abated.

The law includes provisions for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee or asylum status. The Mexican Commission for Assistance to Refugees, which processes asylum and refuge requests, granted 40 persons asylum during the year. Since 2002, the United Nations High Commissioner on Refugees office in Mexico City no longer processes refugee documentation for cases in the country. Government authorities now process all refugee documentation.

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. As a result of electoral reforms approved and implemented in recent years, the political process and especially the electoral process have become more transparent. While elections are open and generally fair, accusations of abuses continued to occur, most often in state and local elections. Prior to the 2000 presidential election, the PRI had dominated politics, controlled the Federal Government, and won every presidential election since its founding in 1929. However, in 2000, voters elected President Vicente Fox, a member of the National Action Party and candidate of the Alliance for Change Coalition, with 43.3 percent of the vote. Observers, both international and domestic, judged the elections to be generally free and fair.



In the July federal elections to elect members of Congress, the PRI gained 12 seats, giving it 223 of the 500 seats in Congress. The PAN came in a distant second with 154 seats, down from its previous total of 205 seats. The PRI had a working majority in the Senate.

The legislature amended the Constitution in 2000 to allow eligible citizens who are abroad to vote in presidential elections; however, the Senate failed to act on the necessary implementing legislation that would have made overseas voting possible in the 2000 election due to differences over the costs and requirements for voting. The national debate regarding overseas voting for the 2006 presidential elections continued during the year. In August, the state legislature of Zacatecas became the first state to allow migrants to run for state office, including citizens who have never lived in, and were not born in, the country.

Presidents are elected every 6 years and cannot be reelected.

The IFE, operating with full autonomy, arranged and supervised the congressional elections. It standardized the voter registration list and recruited and trained thousands of civil society volunteers to serve as independent electoral workers at the voting booths. The IFE also provided support to state electoral institutes in running state and local elections and was instrumental in overhauling electoral district boundaries to reflect demographic shifts. During the July local elections for Mexico City government, the Mexico City IFE fielded a number of electronic voting booths at various voting centers to test voter acceptance of the electronic ballot.

In the Chamber of Deputies, the PRI holds 223 seats; the PAN 154; the PRD 96; the Green Ecologist Party (PVEM) 17; the Labor Party (PT) 5; Democracy Convergence (CD) 5. The Nationalist Society Party, the Social Alliance Party, Mexico Posible and Fuerza Ciudadana all lost their political party registration because they did not achieve the threshold 2 percent of the vote to remain a political party. The IFE later ruled that the Green Party had met the required threshold. The PRI holds 60 seats in the Senate; the PAN 46; the PRD 16; the PVEM 5; and the CD 1. Legislators can and do on occasion change their party affiliation.

On the state level, the PRI holds governorships in 17 states, the PAN 8, the PRD 3, PRD-PT, PRD-PVEM, and PRD-PAN coalitions 4. On the municipal level, multi-party pluralism is well established. The PRD governs the Federal District, and the PAN governs 12 of the 20 largest cities.

There were controversies over state and municipal elections.

Six states held elections for governor together with the federal elections in July. There were disputes over gubernatorial election results in Sonora and Campeche, but they have been resolved.

Four congressional seats, two direct vote seats and two proportional seats, were also in dispute.

There were no legal barriers to participation in politics by women. There are 23 women in the 128-seat Senate and 113 women in the 500-seat lower house. There were two women in the Cabinet and one female justice on the Supreme Court. No women serve as governors, although there have been female governors in the past. Nine women serve in the Mexico City cabinet, and 13 of the city's 23 key officials are women.

Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties were attempting to increase the number of women who run for elected office through formal and informal means. Some utilized quotas requiring that a certain percentage of candidates on a party list are female. Women candidates often led the ticket in districts where their parties had little chance of winning. According to statistics from 2002, the PRD's membership was 48 percent female, its leadership was 27 percent female, 26 percent of its representatives and 12 percent of its senators were female, and it had a female party president. The PAN has utilized more informal methods to increase female registration. An estimated 24 percent of its leadership is female, and close to 17 percent of representatives and 13 percent of its senators are female. PRI party rules mandate that 30 percent of its federal candidates be women. An estimated 24 percent of the party leadership, including its Secretary General, 16 percent of its representatives, and 18 percent of its senators are female.

There are no legal barriers to participation in politics by members of minorities or persons of indigenous descent. However, there were no statistics available regarding minority participation in the Government.

Constitutional changes in 1996 expanded the rights of indigenous people to elect representatives to local office according to "usages and customs," rather than federal and state electoral law. Only the states of Oaxaca and Quintana Roo have enacted implementing legislation to effect such local elections. Traditional customs vary from

village to village. In some villages, women do not have the right to vote or to hold office. In others they can vote but not hold office.

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

A wide variety of domestic and international human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. Government officials were often cooperative and largely responsive to their views. According to the latest statistics available from the Secretariat of Government's Directorate of Liaison with Social and Civil Organizations, there were 979 human rights NGOs in the country. Government officials have met with NGOs in an effort to become more cooperative and responsive to NGO views.

On March 11, a decree creating a Commission for Government Policy on Human Rights was published in the Mexican Federal Register. According to the decree, the Commission is structured to convene every 3 months, be responsible for designing a government human rights policy, coordinate actions, and create mechanisms for the implementation of recommendations handed down by the CNDH and other international human rights organizations with which the Government has obligations.

On December 8, the Office of the U.N. High Commissioner for Human Rights presented the President with an analysis of the human rights situation in the country. President Fox commissioned the study in 2000, and upon its receipt promised to implement its 32 recommendations that included overhauling the judicial system in favor of one based on oral arguments; rejecting confessions obtained by torture as evidence in criminal trials; creating of a system of juvenile justice laws; changing the military justice system in which soldiers accused of human rights violations are tried in secret and the outcomes of their trials are rarely made public; and implementing new mechanisms to curb violence against women and discrimination against indigenous people. It also proposes modernizing labor laws to give workers more freedom from oppressive unions.

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

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

In April, the IACHR requested that the Government provide protection to Samuel Castellanos Pinon, Beatriz Casas Arellanes, Jose Raymundo Diaz Taboada, Graciela Clavo Navarette and Mayra Irasema Jarquin Lujan, lawyers who received death threats while defending those accused of perpetrating the May 2002 massacre of 26 persons in Agua Fria, Oaxaca.

On July 19, after 22 months of investigation, Margarita Guerra Mexico City Attorney General's office (PGJDF) Special Prosecutor assigned to investigate the 2001 death of human rights activist Digna Ochoa, issued a decision that Digna Ochoa committed suicide while at the same time trying to make her death look like a homicide. The Ochoa family stated that they plan to appeal the decision through the "amparo" process, while human rights NGOs reserved judgment pending a review of the case files.

On August 6, an unknown assailant killed human rights defender Griselda Teresa Tirado Evangelio near her home in Puebla. Tirado, a teacher and an IFE council member in Puebla, was one of the founders of an indigenous rights association and was involved in litigation of various agrarian disputes in the indigenous communities. Police were investigating to determine if Tirado was targeted for her human rights activity or the victim of a crime.

On November 11, the Guerrero state Public Prosecutor's Office summoned lawyer and human rights defender of the Jose Maria Morelos y Pavon Human Rights Center, Luz Maria Lluvias Flores to appear the following day, regarding her representing three persons from the Vista Hermosa neighborhood whom a municipal official from Chilapa de Alvarez, his son, and his two bodyguards attacked on November 2. At the meeting, the accused official threatened Lluvias Flores. On November 18, the same municipal official also threatened Bernardo Sanchez, the president of the human rights center.

On June 10, the Supreme Court ordered the extradition of Ricardo Miguel Cavallo, an Argentine national, to stand trial in Spain for the crimes of genocide and terrorism committed in Argentina against Spanish nationals during the period 1976 to 1983. The Court's decision marked the first time that the Government has extradited a third country national to stand trial in another country for crimes committed outside the country prosecuting the crime.

The CNDH is the country's autonomous human rights ombudsman. Each state also has a state human rights office (CEDH). In theory, the CEDH are also autonomous; however, each CEDH president is chosen by the state governor. The CNDH issues an annual report to Congress on the state of human rights in the country. The CNDH made 49 recommendations during 2002 and 52 recommendations during the year. During the year, the CNDH promoted legislation to make its recommendations binding on the recipient agency.

The CNDH withdrew its participation from the national human rights study commissioned by the Government under the auspices of the U.N. High Commissioner for Human Rights. The CNDH also canceled a human rights cooperation venture with the European Union.

Both the Senate and the Chamber of Deputies have committees that follow human rights and occasionally draft legislation concerning human rights. They play a significant role with respect to votes in Congress. However, they are not independent of government or political party control.

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

The Constitution provides that men and women are equal before the law, and that education should avoid "privileges of race, religion, groups, sexes, or individual;" however, these provisions were not enforced effectively, although the Government continued to make progress in efforts to do so. In March, a Secretariat of Foreign Relations (SRE) study revealed that 90 percent of the country's 97 million population suffered some type of discrimination. Women, indigenous groups, and persons with disabilities were the most affected.

On June 22, the 25th Annual Gay-Lesbian parade took place in Mexico City with 30 floats and an estimated 30 to 80 thousand participants.

In June, the Citizens Committee against Homophobic Hate Crimes reported that at least two killings of homosexuals in homophobic hate crimes occurred during the year; however, the figure may be as high as six. On June 1, the bodies of Jorge Armenta Penuelas, director of the Nogales, Sonora Gay-Lesbian Collective, and his partner Ramon Armando Gutierrez Enriquez, were found showing signs of torture. On June 13, the press reported that unknown persons attacked 12 gay children who congregated at Bosque de Aragon in Mexico City. One of the children was thrown from a height of 18 feet and sustained serious injuries. Local authorities said they could not intervene because the park is federal property.

According to press reports in January, various schools in Yucatan state expelled five children whose parents were HIV positive allegedly because the schools feared that the children could infect others with the virus.

#### Women

The most pervasive violations of women's rights involve domestic and sexual violence. Both are widespread and vastly underreported. The law provides for fines equal to 30 to 180 days' pay and the detention of violators for up to 36 hours.

According to a national survey by the Secretariat of Health (SSA), one third of women in health centers and hospitals from November 2002 to March were victims of domestic violence.

In August, PGJDF's Center of Attention for Intra-family Violence (CAVI) reported that it had provided assistance to 18,500 persons, 89 percent of them women, during the first 8 months of the year.

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

In November 2001, the bodies of eight young women who had been raped and murdered were found in an empty lot adjacent to a busy intersection in Ciudad Juarez. State authorities arrested two bus drivers accused of the crimes within 3 days but the drivers allege their confessions were obtained under torture. Their attorney was subsequently shot and killed by the State Police following a high-speed car chase during which the attorney called his father and reported that he was being pursued. The police originally alleged that he had died of injuries received when his car crashed but were forced to retract that information when it was revealed that he had been shot in the head. The officers involved in the case were questioned but never charged nor disciplined. An internal investigation cleared them of any wrongdoing. The bus drivers were jailed pending sentencing. One of them died in prison during the year under suspicious circumstances after a surgical intervention.

The State Attorney General's office claimed that following DNA identification, it had identified positively six of the eight murdered women, whose bodies the families had buried; however, subsequent information revealed that the identifications were mistaken. When the families demanded additional DNA tests, the State Police claimed the DNA evidence was lost.

In February, the remains of three young women were found in the outskirts of Ciudad Juarez. In July, federal authorities launched the United Security Program which brought 300 Federal Preventive Police (PFP) to the city. The program put the PFP in charge of public safety in Juarez, with authority over the municipal police. The number of PFP in Juarez rose to 770 in late September. Although the program is intended to curb crime in general, it includes among its tenets the protection of, and public education on, women's rights.

In August, AI reported that during the previous 10 years, approximately 370 women had been killed in the Ciudad Juarez and Chihuahua areas, with 137 of them involving sexual violence. A number of the missing or killed women were employed in "maquiladoras," or assembly plants. Many were young, in their early teens or twenties, and had been strangled. Their bodies were then dumped in the desert. The report was highly critical of the methods of state authorities in investigating the cases.

In August, the Chihuahua Women's Institute (ICHIMU) calculated that 321 women were murdered in Ciudad Juarez since 1993, including 90 that were sex-related homicides, possibly the work of a serial murderer or murderers.

In August, a joint task force was created between the PGR and the PGJE. At year's end, the task force was investigating about 25 of the murders, of which 14 had been taken over by the PGR as having a nexus to federal crimes.

In September, a team of U.N. criminal justice experts visited Ciudad Juarez. They reported that a lack of resources and faulty techniques for evidence gathering had hampered investigations.

On October 7, the Mexican Senate approved the creation of a legislative commission to review government action on the murdered women cases.

On October 17, President Fox named Guadalupe Morfin Otero as the head of the new federal Commission to Prevent and Punish Violence Against Women in Ciudad Juarez. Morfin described her duties as crime prevention and victims' assistance.

On November 24, the CNDH published a report on the killings and disappearances of women in Ciudad Juarez that was highly critical of the investigations. The report severely criticized negligence on the part of local and state law enforcement that it characterized as a disregard for the human rights of victims and their relatives. The report described the situation in Ciudad Juarez as a public safety and law enforcement crisis.

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

The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges. Many female victims were reluctant to come forward, and cases were difficult to prove. Reports of sexual harassment in the workplace are widespread. In the latest statistics available from 2001, the CDHDF estimated that at least 80 percent of the women who work in Mexico City have experienced sexual harassment.

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

The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations.

Labor law provides extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breastfeeding in adequate and hygienic surroundings provided by the employer. Employers are required to

provide a pregnant woman with full pay, are prohibited from dismissing her, and must remove her from heavy or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers, including some in the maquila industry, reportedly violate these provisions by requiring pregnancy tests in preemployment physicals, by regular examinations and inquiries into women's reproductive status (including additional pregnancy tests), by exposing pregnant women to difficult or hazardous conditions to make them quit, or by dismissing them. The Secretariat of Labor makes safety and hygiene inspections in private factories and public institutions to protect the labor rights of workers (see Section 6.e.).

The CNDH reported that it received seven complaints during the year that were related to forced contraception and issued one Recommendation (see Section 1.f.).

In December 2002, the CNDH charged the Secretary of Health, Julio Frenk Mora, 31 state governors, the head of the Mexico City government, as well as those responsible for public health services, for implementing forced family planning methods. The CNDH found that family planning methods were forced upon indigenous men and women without their consent or knowledge of the benefits or risks. The CNDH said that public health officials used the threat of denying health and other government assistance programs, or promising material and economic resources, to intimidate persons into accepting the family planning methods. The CNDH found that this practice violated the Constitution.

In June, an NGO accused the Intermunicipal Police of Veracruz-Boca del Rio (PIVB) of detaining, beating, and confiscating the possessions of 10 sex workers.

The Friendly House (Casa Amiga) in Ciudad Juarez provides shelter for women and children in extreme need, advocates for the legal rights of women and children in the state of Chihuahua, and works closely with the sexual trauma assault resource crisis center in El Paso, Texas. It also provides training to police and administers outreach programs. The Fundemos Foundation in Guadalajara promotes legal reforms to protect victims of domestic violence and participates in the state coordinating body for women's organizations.

#### Children

The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers; however, problems in children's health and education remain. Children under the age of 15 make up 34 percent of the population, and the median age of the population is 21. Nine years of education are compulsory, and parents are legally liable for their children's attendance; however, SEP and the Sierra Neighborhood Foundation have maintained that only approximately 30 percent of youths between 15 and 20 years of age attend school. According to a 1998 academic study, in most areas of the country, girls and boys attend school at similar rates. In marginalized rural areas, national statistical agencies report that 60 percent of girls attend primary school compared with 70 percent of boys.

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

In 2001, the National System of Social Assistance (DIF) in Mexico City, received 801 complaints of child abuse, and substantiated abuse in 45 percent of the cases. In 2002, DIF received 1,343 complaints and found that 28.2 percent of the complaints had merit.

Child prostitution and pornography are felonies under the law; however, sexual exploitation is a problem. Under a 2000 law, anyone convicted of corrupting a minor under 16 years of age by introducing the minor to pornography, prostitution, or any sexual exploitation can be sentenced to 5 to 10 years' imprisonment. If parents or guardians are convicted of a crime, they automatically lose custody of their children. If convicted, accomplices to sexual abuse or exploitation may be imprisoned for 6 to 10 years. When physical or psychological violence is used to abuse sexually or profit from children's exploitation, the minimum and maximum penalties for these crimes are increased by up to one-half.

A 2001 report entitled "Boy and Girl Victims of Sexual Exploitation in Mexico," jointly funded by UNICEF and DIF, remains the most authoritative publication on the subject. The report studied commercial sexual exploitation of children in six cities. Its author estimated the number of children involved in the sex trade countrywide at 16,000, although some recent estimates put the number at 30,000. Most were citizens although significant numbers were from Central America, principally Guatemala, El Salvador, and Honduras. Traffickers often promised the Central American children who enter through Chiapas employment in legitimate occupations. They were thereafter sold to the owners of bars and other establishments and forced into prostitution to pay off their debts. This debt peonage

often never ends because the children accrue more debt for their meals and housing. Some children are trafficked to the U.S. and Canada. The study concludes that commercial sexual exploitation of children is a phenomenon that is present throughout the country. There were an estimated 2,500 Central American and Caribbean nationals working illegally as prostitutes in bars, clubs, restaurants, and on the streets in the Tapachula region, according to news reports.

There were 1,200 street children in Jalisco state, half of whom were believed to be victims of sexual abuse. The children were largely concentrated in Guadalajara, Puerto Vallarta, and San Juan de los Lagos, and in areas with a heavy foreign tourist presence. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.). In 2000 the PGR established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children.

In January, the national daily newspaper El Universal published a three-part series on the trafficking of girls to brothels near San Diego. Over a 10-year period, 3 brothers kidnapped or tricked hundreds of girls, aged 12-18 years, from southern Mexico into going into the United States. The girls provided commercial sex mainly to Mexican field hands. Many of the girls had babies either in the U.S. or in Mexico, whom the brothers and their accomplices held hostage with death threats to prevent their mothers from escaping. The gang used professional smugglers to move the girls across the U.S. border, according to the article.

In March, DIF Guerrero announced that there were 60 locations in Acapulco dedicated to sexual exploitation of minors.

In a press interview in June, the mayor of Tlacoachislahuaca, in the mountains of Guerrero, affirmed that the sale of girls for sexual exploitation was common in the area. He stated that the going price was \$2,000 to \$4,000 (20,000 to 40,000 pesos).

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

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

The Government and various NGOs have programs to protect the rights of children and to instill inter-generational respect for human rights through educational programs. The PGR, the National Women's Institute, UNICEF, and DIF sponsored a program called "Open your Eyes, But Don't Close your Mouth" to encourage citizens to denounce crimes, especially child prostitution and child pornography. The program was established in 2002, and continued throughout the year.

The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social services. The CNDH protects children by educating them on their rights and reviewing legislation to ensure compliance with relevant international conventions. The DIF's program for the Attention to Child Workers is aimed at preventing children from entering the work force and to encourage them to stay in school through a system of scholarships.

#### Persons With Disabilities

There was discrimination against persons with disabilities in employment, education, and the provision of other services.

Estimates of the number of persons with disabilities range from 2 to 10 million. In the 2000 census, 1.8 million persons identified themselves as having a disability, although 2.2 million persons chose not to specify whether or not they had a disability. The President's Office for the Promotion and Social Integration of Persons with Disabilities estimates that there are 267,000 new cases a year of persons with disabilities owing to accidents, births, or diseases. According to the National Institute for Statistics, Geography, and Information (INEGI) there are 988 registered institutions of or for persons with disabilities. In Mexico City, 166 NGOs address problems affecting persons with physical disabilities.

On June 9, President Fox signed a new Anti-Discrimination Law passed by both houses of Congress that provides

for access to health services, education, culture, transportation, and employment for persons with disabilities.

In May, Federal District head of government Andres Manuel Lopez Obrador announced that 64,778 pensions or stipends with a value of \$49 million (90 million pesos) had been given to the poor, the elderly, and persons with disabilities in Mexico City. The value of each stipend was \$66.00 (668 pesos).

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

A total of 27 of the 31 states have laws protecting persons with disabilities. Local law requires access for persons with disabilities to public facilities in Mexico City, but not elsewhere in the country. In practice, most public buildings and facilities in Mexico City do not comply with the law. The Federal District also mandated access for children with physical disabilities to all public and private schools. The Mexico City Secretary of Education, Health, and Social Development stated previously that 78 percent of these children received some schooling.

During the July 6 congressional elections, the Federal District Electoral Institute (IEDF) provided ballots, ballot boxes, a special ballot holder and marker for the vision and motor skill impaired voters.

### Indigenous People

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

In May, a law that eliminated the National Indigenous Institute (INI) and created the National Commission for the Development of Indigenous Peoples, went into effect. The Office of Development of Indigenous People, within the presidency, was also eliminated, and its director, Xochitl Galvez was named director of the new Commission. In May, over 50 indigenous organizations complained that they had not been consulted in the creation of the new commission.

In its "National Program for the Development of Indigenous Peoples 2001-2006", the former INI estimated the registered indigenous population at 8.4 million, while the estimated overall population was 12.7 million. Estimates from other organizations varied from 8 to 10 million. The report listed: 6 million native indigenous dialect speakers over 5 years of age, 1.3 million children under 5 who live in households of native indigenous dialect speakers, and 1.1 million individuals who identified themselves as indigenous, but did not speak an indigenous dialect. Indigenous people are located principally in the central and southern regions and represent 37 percent of the population in the states of Oaxaca and Yucatan. However, these groups have remained largely outside the political and economic mainstream, as a result of longstanding patterns of economic and social development. In many cases, their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources is negligible.

The Federal Government enforces the 2001 constitutional reforms that give more autonomy and extend the rights of indigenous people. These reforms addressed economic rights, labor rights, and traditional rights related to family and land usage. According to the International Labor Organization (ILO) office in Mexico City, the Federal Government tried to enforce these new rights; however, the ILO believes the lack of resources and the fragmentation of indigenous communities made enforcement extremely difficult.

Indigenous communities continue to insist that they want to have the power to decide which commercial firms operate in their communities and which ones should close; however, only the southern state of Oaxaca has adopted a state law of Indigenous Participation.

In August, the EZLN held a "festival" in the "autonomous community" of Oventic, San Cristobal de las Casas, Chiapas, to celebrate Zapatista autonomy. Spokesman Subcomandante Marcos announced that the EZLN planned to launch "good government councils" composed of delegates from Chiapas's "autonomous municipalities," to coordinate better the activities of these organizations, called "Caracoles." Marcos claimed to speak for both the EZLN and a number of autonomous rebel municipalities in Chiapas. He said that the EZLN will cut off dialogue with all government interlocutors, including the congressional Concord and Pacification Commission (COCOPA), and all links with what he called "paternalistic" NGOs. In fact, dialogue with the Government had not taken place by year's end. On December 10, Xochitl Galvez, head of the National Commission for the Development of Indigenous People, announced that the Government planned to push for a reopening of the debate in the Congress regarding wider rights for indigenous people in 2004.

Sporadic outbursts of politically motivated and land dispute violence continued to occur in the southern states of

Chiapas, Guerrero, and Oaxaca. Land disputes going back decades are also a cause of tension in the indigenous regions, especially in Oaxaca, Guerrero, and Chiapas (see Section 1.a.).

The municipality of San Juan Chamula in Chiapas has been the scene of ongoing disputes between local leaders (caciques) and dissidents especially in the community of Tres Cruces. On January 16, unknown persons destroyed water wells used by the dissidents. On January 26, unknown persons killed two members of the community who were allied with the caciques. On January 28, a large police force raided the community reportedly to arrest those responsible for the January 26 killings. During the confrontation seven persons, including four police officers, were killed. The police arrested five members of the Tres Cruces community. In February, the press reported that a criminal court judge in Chiapas confined four indigenous detainees to prison for the violence on January 28.

Judges often failed to sentence indigenous detainees within legally mandated periods (see Section 1.e.). The new National Commission for the Development of Indigenous Peoples took over programs to provide translators and bail assistance to indigenous defendants (see Section 1.d.).

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

The law provides some protection for indigenous people, and the Government provides support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. Budget constraints prevented these measures from meeting the needs of all indigenous people.

The General Education Act provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous persons speak only their native languages. Many indigenous children fail Spanish class in school and also face discrimination for speaking their native tongue.

The Government generally professed respect for indigenous people's desire to retain elements of their traditional culture in practice. The CNDH's Office of the Fourth Inspector General reviews and investigates violations of indigenous rights. More than 130 NGOs are dedicated to the promotion and protection of indigenous rights.

In June, the U.N. Special Rapporteur on the Situation of Human Rights and Basic Liberties of Indigenous Peoples, Rodolfo Stavenhagen, visited the indigenous communities in Chiapas, Chihuahua, Guerrero, Jalisco, Oaxaca, Sonora, and the Federal District. In his preliminary findings, Stavenhagen expressed his concern over the serious situation of the indigenous peoples in the country. He cited 14 serious and up to 400 other land disputes around the country as potential problems, and he called for constitutional reform to resolve the situation in Chiapas and the crisis of persons displaced by conflict.

In February, AI reported that on January 16, soldiers entered the village of Barranca Tecoani in Guerrero state and intimidated and harassed Ines Fernandez, her husband Fortunato Prisciliano, and other members of the community. The soldiers demanded that Fortunato Prisciliano withdraw a legal complaint that soldiers had raped his wife Ines in March 2002.

In April, Marcelino Santiago Pacheco, a member of the Organization of Zapotec Indigenous People in Oaxaca state, disappeared. On April 27, his relatives filed a complaint that he disappeared while on his way to the center of the city of Oaxaca. He reportedly disappeared for the first time in 1998 when the state judicial police (PJE) held him for 9 months. He was held in prison for 5 years for suspected links to the Popular Revolutionary Army (EPR), but released in July 2002 for lack of proof.

In May, AI reported that in January the Citizens' Council of Union Hidalgo (CCU), a Zapotec community, asked the Oaxaca state Congress to audit the accounts of the municipal authorities of Juchitan for possible fraud. On February 13, the CCU protested in front of the Town Hall in Union Hidalgo the failure of the legislature to carry out the audit. According to witnesses, the municipal police and other armed men, reportedly acting on the orders of the municipal president, fired on the demonstrators, killing Manuel Salinas Santiago and wounding nine others. The CCU reported the incident to the state prosecutor, who failed to take any judicial action; however, the municipal



president lodged an official complaint against the CCU for criminal damage. On April 26, municipal police detained and reportedly beat Ausencia Rodriguez Orozoco and Romel Giovanni Matus. On May 13, members of the community protested against municipal works being carried out in the neighborhood of Manuel Salinas Santiago. Municipal police reportedly threatened community members, and shots were fired, resulting in various injuries. On May 14 and 15, police detained Carlos Manzo, Luis Alberto Marin, and Francisco de la Rosa and charged them with robbery, kidnapping, and attempted murder during the February protest. According to the Oaxaca State Human Rights Commission, arrest warrants were issued against four municipal officers, Sergio Cabrera Carrasco, Tomas Gutierrez Lopez, Jesus Sanchez Gomez, and Arturo Santiago Lopez for homicide and abuse of authority for the events of February 13. As of October, the officers remained detained pending disposition of charges.

On August 6, unknown persons killed Griselda Tirado Evangelio, a lawyer and member of the Totonaca Independent Organization, which defends the rights of indigenous people in Puebla state. In August, a group of persons tried to enter her family's house. When they were unable to do so, they stood outside and continued hitting the walls and doors.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and the Federal Labor Law (LFT) provide workers with the right to form and join trade unions of their choice. Approximately 26 percent of the total work force is unionized, mostly in the formal sector, where approximately one-half the labor force is employed.

No prior approval is needed to form unions; however, they must register with the Federal Labor Secretariat (STPS) or state labor boards (JLCA) to function legally. Registration requirements are not onerous. As of August, 17 new labor unions registered with the STPS or the JLCA, and approximately 50 percent of these were independent of the main labor centrals. However, the STPS or the JLCA occasionally have withheld or delayed registration of unions.

The STPS and the JLCA have registered unions that turned out to be run by extortionists or labor racketeers falsely claiming to represent workers. These unions, known as "protection unions", are established before a company opens its doors. Ordinarily, the union leader charges a monthly amount to the company to guarantee that no strikes or complaints will take place. To remedy this problem, STPS officials required evidence that unions were genuine and representative; however, STPS undertook no real efforts to halt these protection unions. Genuine unions can demonstrate that they actually have members and represent the workers at the workplace. Some labor organizations have complained that they have found it difficult to obtain registration, especially from some local conciliation and arbitration boards.

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

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

During the July Chamber of Deputies elections, the formerly PRI-allied National Union of Workers (UNT), the second largest national confederation of worker's unions with 1.5 million affiliates, supported 16 candidates in 5 different political parties: PRI, PAN, PRD, Convergencia, and PT. Only five of UNT's candidates won, forming the first UNT congressional group. All five elected representatives came from PRI and PRD. Besides its representatives, the UNT has a collaboration agreement with the Partido del Trabajo (PT), a national party with six representatives. The agreement mainly establishes support from PT for a new Federal Labor Law. However, 10 federal representatives are not enough to achieve success in a 500-person Chamber.

The Revolutionary Workers and Peasants Confederation (CROC) switched from PRI to the recently created PLM (Mexican Liberal Party) for the July federal elections. Without leaving the PRI, the CROC gave its support and received candidates as federal representatives from the PLM. However, none of these candidates won.

The PRI worker's sector, CTM, continued its support of the PRI and obtained 44 seats in the Chamber of Deputies, compared with 68 seats in 2000.

The country's record for internal union democracy and transparency was spotty. Some unions were democratic, but corruption and strong-arm tactics were common in others. In October, a federal magistrate issued indictments for embezzlement against Carlos Romero Deschamps, union leader at the Mexican Petroleum Company, PEMEX. The charges stem from a \$50 million illicit donation by the union to the PRI during the party's 2000 presidential campaign.

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

During the year, efforts at labor reform were stymied. In March, STPS produced a draft bill for consideration in Congress that had not been debated at year's end. The opposition PRD criticized the proposal as a set of new rules that will allow old practices, such as lack of transparency in the public registry of trade unions, to continue.

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

#### b. The Right to Organize and Bargain Collectively

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

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

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

The Constitution and the LFT provide for the right to strike. The law requires 6 to 10 days' advance strike notice, followed by brief government mediation. If federal or state authorities rule a strike "nonexistent" or "illicit," employees must remain at work, return to work within 24 hours, or face dismissal. If they rule a strike legal, the company or unit must shut down completely, management officials may not enter the premises until the strike is over, and the company may not hire replacements for striking workers. Provisions for maintaining essential services are not onerous. The law also makes filing a strike notice an effective, commonly used threat that protects a failing company's assets from creditors and courts until an agreement is reached on severance pay. Although few strikes actually occur, informal stoppages are fairly common, but uncounted in statistics, and seldom last long enough to be recognized or ruled out of order. The law permits public sector strikes, but formal public sector strikes are rare. Informal ones are more frequent. There were 44 strikes during the year. According to the Secretariat of Labor and Social Welfare, in the 3 years that the Fox administration has been in office there were 124 strikes nationwide.

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

Unionization and wage levels in the in-bond export sector varied by area and sophistication of the manufacturing process. The National Council of the In-Bond Export Manufacturing Industry claimed that its members employed approximately 1.09 million persons. According to INEGI, there are 3,901 active maquiladora plants in the country. Wages have been slightly higher and job creation has been greater in this sector than in more traditional manufacturing. Compensation packages in the maquiladora sector still were lower than in the traditional

manufacturing sector. There was no evidence that the Government opposed unionization of the plants, although the maquiladora sector tends to be under state jurisdiction. Protection contracts, to which the workforce is not privy, are used in the maquila sector and elsewhere to discourage the development of authentic unions. These contracts are collective bargaining agreements negotiated and signed by management and a representative of a so-called labor organization, sometimes even prior to the hiring of a single worker.

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

The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in persons, including children, for sexual exploitation and forced labor is a problem (see Sections 5 and 6.f.). There also were cases of abuses of refugees and undocumented immigrants (see Section 2.d.).

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

The Constitution prohibits children under 14 years of age from working and sets the minimum legal work age at 14 years; however, child labor is a problem. Those between the ages of 14 and 16 may work only limited hours, with no night or hazardous work, which generally makes hiring them uneconomical. Enforcement was reasonably good at large and medium-sized companies, especially in maquiladoras and industries under federal jurisdiction. Enforcement was inadequate at many small companies and in agriculture and construction. It was nearly absent in the informal sector, and the Government's efforts to enforce the law stalled.

A 2000 report published by UNICEF and the National Action Commission in Favor of Children estimated that approximately 3.5 million children between the ages of 6 and 18 work regularly. Approximately 1.5 million children work in agriculture, particularly in the northern states. In 1999 UNICEF and the DIF, estimated that 150,000 children work in the 100 largest cities.

Reliable current statistics on child labor in the country do not exist. Most child labor is in the informal sector (including myriad underage street vendors), family-owned workshops, or in agriculture and rural areas. According to a 1999 report published by UNICEF, Mexico City's central market employed approximately 11,000 minors between the ages of 7 and 18, who worked as cart-pushers, kitchen help, and vendors. In 1999 UNICEF and DIF estimated that 135,000 children worked on the city streets. The children did not receive a fixed wage, and most worked long shifts, starting in the early morning hours. The CTM agricultural union's success years earlier in obtaining free transport for migrant seasonal workers from southern states to fields in the north inadvertently led to a significant increase in child labor. The union and employers were unable to convince indigenous farm workers to leave their families at home, and many settled near work sites in the north. The union has had some limited success in negotiating with employers to finance education in Spanish and indigenous languages near work sites and in obtaining social security child care centers, but it has had difficulty in persuading member families not to bring their children into the fields. Many urban child workers are migrants from rural areas, are illiterate, and have parents who are unemployed.

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

The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in children is a problem (see Sections 5 and 6.f.).

#### e. Acceptable Conditions of Work

The Constitution and the LFT provide for a daily minimum wage. The tripartite National Minimum Wage Commission (government, labor, and employers) usually sets minimum wage rates each December, effective on January 1, but any of the three parties can ask that the wage commission reconvene during the year to consider a changed situation. In December, the wage commission adopted an average 4.21 percent increase, effective on January 1, based in part on the Government's projection of a 3 percent annual inflation rate.

In Acapulco, Mexico City and nearby industrial areas, southeast Veracruz state's refining and petrochemical zone, and most border areas, the minimum daily wage was set at \$4.17 (45.24 pesos). In Guadalajara, Monterrey, and other advanced industrialized areas, the minimum daily wage was \$4.03 (43.73 pesos). In other areas, it was \$3.88 (42.11 pesos). There are higher minimums for some occupations, such as the building trades.

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

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

The LFT sets 6 8-hour days as the legal workweek, but with pay for 56 hours. For most industrial workers, especially under union contract, the true workweek is 42 hours, although they are paid for 7 full 8-hour days. This is one reason why unions vigorously defend the legal ban on hourly wages. Workers asked to exceed 3 hours of overtime per day or required to work overtime on 3 consecutive days must be paid triple the normal wage.

There are 16 special labor arbitration and conciliation boards in Mexico City, which deal with the different industries that the LFT considers federal. Among these industries are: railroads, petrochemical, cement, petroleum, textiles, cinematograph, energy providers, mining, and tobacco. Besides these, there are 45 labor arbitration and conciliation boards in the 31 states focused on local issues.

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

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

To protect the rights of workers, in 2002 the Secretariat of Labor made 32,818 safety and hygiene inspections in private factories and public institutions. However, while the Government increased the number of federal inspectors in 1997 and concluded agreements with more states to expand and better coordinate labor inspections, the 3,204 maquila plants far exceed the federal inspectors. There are too few inspectors to permit frequent inspections. Since 2002 there are 238 inspectors and 231 in training while working.

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

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

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking was a serious problem, and there were credible reports that police, immigration, and customs officials were involved in the trafficking of such persons (see Section 2.d.).

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

The law provides increased penalties for sexual abuse or exploitation of children. Child prostitution and pornography are felonies under the law. Penalties under the law include fines of 500 to 1,000 times Mexico City's minimum wage and possible jail time.

At its highest levels, the Government is making a good faith effort to address seriously trafficking within its budget constraints. The National Migration Institute (INM), the PGR, the National System of Integral Family Development, and the Federal Preventive Police are the key agencies devoted to combating trafficking, protecting victims and prosecuting traffickers. In 2002, the DIF and PGR rolled out their joint "Abre los Ojos pero No Cierres la Boca" (Open your Eyes but don't Shut your Mouth) public service media campaign, designed to encourage citizens to report all incidences of sexual exploitation.

The Government has prosecuted cases against traffickers, who usually are migrant smugglers, but reliable statistics were not available. For example, on May 29 a combined law enforcement operation netted the capture of 27 traffickers or smugglers ranging from the states of Sonora in the north, to Quintana Roo in the south. Among those captured were Jose Enrique and Gustavo Mora Cienfuegos, identified as two of the major traffickers to Arizona; Florinda Rojas Jimenez, alias Dona Flor, leader of one of the most important trafficking/smuggling organizations in the country. She maintained contact with organizations in Colombia, El Salvador, Honduras, and Guatemala.

The Government strengthened its cooperation with other countries. In August, immigration officials from Nicaragua, El Salvador, Honduras, Guatemala, Mexico, Ecuador, Colombia, and the U.S. met in Mexico City to discuss strategies against trafficking and smuggling in persons.

Mexico is a country of origin, transit, overwhelmingly from Central America, and destination for trafficked individuals, as well as smuggled migrants. To a much lesser extent, persons from Brazil, Ecuador, China, Taiwan, India, and some countries in Eastern Europe transit the country. The poor and less educated are more at risk for falling into the category of trafficked individuals.

Although the country is more of a concern as a transit country, to a smaller degree it is a destination country for the sex trade.

Baja California is a major transit point for illegal migrants of all types, including small and large-scale smuggling operations. Smuggling for purposes of prostitution continued throughout 2002, though in many cases with the knowledge of the trafficked women of the type of activity in which they were to engage. In January, the PGR broke up a network in the border town of Tecate that recruited female maquiladora workers to work in prostitution. Press reports noted that Ukrainian, Russian, and Brazilian women regularly transited Baja California on their way to work as prostitutes in the Los Angeles area. In 2002, police broke up a prostitution ring in northern San Diego County, California, with links to Tijuana; many of the women were minors from Oaxaca, recruited to be prostitutes for field hands in the area. Underage Mexican and occasionally American girls found employment as erotic dancers and prostitutes in Tijuana, Rosarito, and Ensenada.

There is little reliable information on who are the traffickers, although those outside the law enforcement profession believe them to be international organized crime rings.

The commercial exploitation of children is a problem (see Section 5).

There are no known NGOs devoted exclusively to working on trafficking issues.

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