



U.S. DEPARTMENT of STATE

Mexico

Country Reports on Human Rights Practices - 2006

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

Mexico, with a population of 107 million, is a federal republic composed of 31 states and a federal district, with an elected president and bicameral legislature. In July Felipe Calderon of the National Action Party (PAN) was elected president to a six-year term in generally free and fair multiparty elections. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

On April 20, in an attempt by state and federal police to end a miners' strike in Michoacan, miners Hector Alvarez Gomez and Mario Castillo were killed and 53 other striking workers injured (see section 6.a.). On October 11, the semiautonomous National Commission for Human Rights (CNDH) published a report placing responsibility for the killings on federal and state security forces due to their excessive use of force, violating the victims' right to life and physical integrity. The Secretariat for Public Security rejected the CNDH recommendation, disagreeing with the commission's interpretations and conclusions. An official investigation continued at year's end.

During confrontations on May 3 and 4 with armed protesters in San Salvador Atenco (see section 1.c.), police fatally shot 14-year-old Javier Cortes Santiago. Ollin Alexis Behumea Hernandez was struck in the head by a tear gas grenade and died on June 5 from her injuries. A CNDH investigation, published on October 16, concluded that government authorities were responsible for both deaths. The State Attorney General's Office made no conclusions in its investigations by year's end (see section 1.c.).

A prolonged conflict in the state of Oaxaca began in May when members of the 70,000-member state teachers union initiated an annual strike to demand higher wages. The teachers' position hardened after Oaxaca's state governor, Ulises Ruiz, ordered state police to break up a sit-in in the city's historic center. Oaxaca became paralyzed by organized protests led by teachers and an umbrella organization, the Popular Assembly of the Peoples of Oaxaca (APPO). Unidentified gunmen allegedly linked to the governor and members of the APPO periodically clashed. According to CNDH, the resulting conflict directly or indirectly caused 20 civilian deaths, including the August 10 killing of demonstrator Jose Jimenez Colmenares, the August 20 killing of protester Lorenzo San Pablo Cervantes, and three killings on October 27, including the shooting of a freelance journalist (see section 2.a.). By year's end, state and federal investigations had not identified the perpetrators of any of these killings, although human rights groups asserted that persons linked to state security forces were responsible. Following the October 27 killings, the government deployed to Oaxaca City approximately 3,000 Federal Preventive Police (PFP), who remained there until December 17. During this period there were allegations of human rights violations connected to federal police as well as to unidentified gunmen believed linked to the governor. Between June 2 and year's end, CNDH received more than 1,200 complaints of human rights violations in Oaxaca, including torture, homicide, and disappearances.

On August 27, Jose Gabriel Velazquez Perez died in the custody of municipal police in Chiapa de Corzo, Chiapas. In the afternoon two police officers arrested Velazquez Perez, in response to a call from his mother who complained that he was in her house inebriated. The officers used tear gas after Velazquez Perez reportedly resisted, and they beat him en route to the municipal jail. Subsequently, he was denied medical treatment by the subcommander and guard at the jail. Velazquez Perez died before midnight of internal bleeding. Four officers--Bernardo Montejo Vicente, Rubicel Velasquez Flores, Carlos Antonio Cuesta Hernandez, and Luis Antonio Perez Hernandez--were arrested on September 27 on charges of homicide. While the suspects remained in jail, the case was pending at year's end.

Throughout the year there were numerous reports of executions carried out by rival drug cartels, whose members allegedly included both active and former federal, state, and municipal security forces. Organized military-style groups were also associated with the cartels, including a group of former special forces soldiers (known as the Zetas) as well as a growing presence of former Guatemalan special forces soldiers known as Kaibiles, trained in unconventional counterinsurgency tactics. More than 2,000 persons were killed in crime-related violence throughout the country. In the state of Michoacan alone, there were reportedly more than 500 execution-style killings. On July 15, local police in Tabasco State arrested "El Comandante" Mateo Diaz Lopez, one of the leaders and founders of the Zetas; he was in jail awaiting trial at year's end. On December 8, President Calderon sent nearly 7,000 military and federal police forces to Michoacan to combat violence in the state.

The killing of police officers nationwide continued to be a serious problem, with more than 123 such killings reported from January through November. Violence against police officials was particularly severe in many northern cities, including Monterrey, Nuevo Laredo, and Tijuana. In Tijuana, according to the State District Attorney's office, the number of killings of police officers during the year (33 at year's end) tripled compared with the previous year. The Tijuana Homicide Division opened investigations into the killings of the law enforcement officers, but no suspects were named and no arrests made by year's end.

On August 17, unknown assailants fatally shot federal Judge Rene Hilario Nieto Contreras in his car. Judge Nieto had handled cases involving the Gulf and Juarez cartels. The attorney general reported that the investigation of the killing was ongoing and included examining links to the Gulf cartel.

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

There were no developments concerning the case of the August 2005 death of American citizen Pauline Baeza, who died while in police custody in Tijuana.

On July 14, authorities arrested two municipal police officers in Zapotitlan Tablas, Guerrero, on charges of homicide and abuse of authority in connection with the 2004 death while in custody of Socrates Tolentino Gonzalez Genaro. The mother of Gonzalez Genaro complained of threats received before and after the July arrests. The case was pending at year's end.

Special Prosecutor Ignacio Carillo Prieto, charged with the responsibility to investigate crimes against past political and social movements, issued a report on November 18 through the Attorney General's Office on the government's crimes committed during the so-called dirty war that occurred between 1960 and 1980. The report included the names of 645 persons who "disappeared," 99 victims of extrajudicial killings, and more than 2,000 victims of torture. Moreover, the report held the administrations of three presidents accountable for crimes, while dismissing the theory that atrocities were committed by rogue police or military units. Some of the authors of the report held reservations about the final version, and other critics noted that the Special Prosecutor's Office failed to convict any of the suspected criminals. Nevertheless, the report marked the first time the government assumed responsibility for its actions in the "dirty war."

On June 30, former president Luis Echeverria was placed under house arrest on charges of genocide, related to the 1968 killings of student demonstrators at Tlatelolco (see section 1.b.), marking the first arrest of a former president. Although a judge ruled on July 8 that the statute of limitations for the crime had expired, the special prosecutor won an appeal on November 29 that reinstated the arrest warrant. However, officials postponed a medical evaluation required to advance the court proceedings, due to Echeverria's reported poor health. The case remained pending at year's end.

On December 26, the state attorney general of Chiapas appointed a special prosecutor to investigate the 1997 killings of 45 Tzotzil Indians in Acteal, Chiapas, a case in which irregularities have been cited by lawyers and human rights groups. On July 27, a federal judge handed down sentences to 32 Tzotzil Indians for their roles in the massacre, while 51 others waited trial at year's end; 35 arrest warrants were outstanding.

There were no developments, and none were expected, regarding a 2004 vigilante attack on three PFP agents in the Tlahuac neighborhood of Mexico City. Twenty-six persons remained in prison, awaiting trial for their involvement in the crime.

In August the state government of Guerrero made a one-time payment of up to \$5,000 (55,100 pesos) to victims' families of the 1995 massacre of 17 indigenous farmers in Aguas Blancas.

Societal violence against women, including killings, remained a serious problem nationwide (see section 5).

b. Disappearance

There were no reports of politically motivated disappearances; however, there were credible allegations of police involvement in kidnappings. Local police, including high-level officers and also sometimes in collusion with federal agents, kidnapped civilians and demanded ransom from their families. According to media reports, the Attorney General's Office (PGR) released information through the Federal Institute of Access to Public Information (IFAI) indicating that PGR employees were allegedly involved in 39 cases of forced disappearance during the Fox administration that took office in 2000.

In several cases of reported disappearances, police had detained the missing person incommunicado for several days (see section 1.d.).

There were no developments in the case against a PGR agent and two counternarcotics agents accused in the September 2005 kidnapping

and extortion of a nightclub manager in Mexico City.

There were no developments in the April 2005 disappearance of Hermosillo investigative reporter Alfredo Jimenez Mota (see section 2.a.).

The Federal Special Prosecutors Office Against Organized Crime (SIEDO) continued investigating a case into drug-related disappearances and killings committed by Chihuahua State Judicial Police personnel arrested in 2004. At year's end nine officers awaited sentencing, while the former commander of the Chihuahua homicide unit, Miguel Angel Loya Gallegos, and three other former agents, remained at large. The Chihuahua state government offered more than \$9,200 (100,000 pesos) for the arrest of Loya.

On October 20, PGR agents arrested Jorge Bustos, a former commander in the former Federal Security Directorate, in connection with the 1974 disappearance of six members of the Brigada Lancandona, a guerilla organization. The case remained pending at year's end. The office of Special Prosecutor Carrillo Prieto arrested other former government officials connected to crimes during the dirty war, but the charges often failed to hold (see section 1.a.).

Kidnapping continued to be a serious problem for persons of all socioeconomic levels. Many cases went unreported, as families negotiated directly with kidnapers. Security forces made several high-profile kidnapping arrests and rescues, with the Mexico City government having claimed to resolve approximately 60 percent of nearly 900 reported kidnappings cases over the last six years; although the number of reported cases was believed to be far less than the actual number of kidnappings. Express kidnapping, in which a victim is detained for a short period to extract payment, often through forcing the victim to use an ATM card to drain his bank account, was a serious problem, with varying unofficial estimates that far surpassed the estimated number of traditional kidnappings.

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

Although the law prohibits such practices, they persisted, and torture in particular continued to be a serious problem. Despite the law's provisions to the contrary, confessions obtained by torture often were admitted as evidence (see section 1.e.). Many citizens distrusted law enforcement officials and the justice system in general and were reluctant to register official complaints. PGR officials stated that arrested criminals often registered false complaints of torture as a legal defense.

Authorities continued to use torture with near impunity in large part because confessions were the primary evidence in many criminal convictions (see section 1.e.). Human rights groups linked torture to the pervasiveness of arbitrary detention: police and prosecutors often attempted to justify an arrest by forcibly securing a confession to a crime (see section 1.d.).

The government took steps to implement preventive measures against the practice of torture. The federal government and some states implemented the Istanbul Protocol, the UN guidelines to investigate and document torture.

CNDH received six torture complaints during the year, not including alleged torture cases linked to the events in San Salvador Atenco and Oaxaca. CNDH and other human rights groups charged that authorities employed sophisticated psychological torture techniques as well as traditional methods to extract confessions.

On May 3 and 4, in San Salvador Atenco, state of Mexico, the state police and PFP attempted to evict flower vendors illegally installed in the town square, resulting in an armed confrontation with the protesting vendors and supporters from a local activist group, the Popular Front for the Defense of Land. Police and protesters sustained injuries; two protesters were killed (see section 1.a.); and 12 police were taken hostage, beaten, and later released by protesters. Police detained but soon released all but 33 of approximately 200 protesters. Subsequently, protesters and human rights groups registered complaints against the police through CNDH and government authorities, which included charges of excessive force, beatings of detainees, and sexual assaults of prisoners. State and federal investigations were pending at year's end. On August 17, the Supreme Court agreed to investigate the alleged human rights violations at Atenco but had made no ruling by year's end. The CNDH received 211 complaints of abuse and on October 16, released a report confirming complaints of sexual assault and torture against 26 detainees during and after the Atenco confrontation. The Secretary of Public Security, which is responsible for the PFP, rejected CNDH's recommendations, stating that federal agents responded legitimately to the protesters' attacks. The UN Committee on the Elimination of Discrimination against Women and the UN Committee Against Torture held sessions on Mexico, in August and November, respectively, and both expressed strong concerns about the acts of violence committed by security forces in Atenco, especially against women.

During the Oaxaca conflict (see section 1.a.), human rights organizations raised many complaints of alleged torture and maltreatment by state and federal police, both of protesters and bystanders. A coalition of local and international human rights organizations, including Fray Bartolome de las Casas and the Christian Association for the Abolition of Torture (ACAT), reported several arrests and beatings by armed individuals in civilian clothing during mid-August. On August 9, German Mendoza Nube, a kidney dialysis patient, and a member of the APPO-affiliated Popular Revolutionary Front, was allegedly removed from his wheelchair, stripped of his dialysis equipment, and forced to spend the night in jail without food or adequate medical attention. He was arrested for attempted murder (a charge from a previous year, unconnected to the current conflict) and other offenses. In the early hours of August 10, Ramiro Aragon Perez and two companions were detained, beaten, and delivered to Zimatlan municipal jail in Oaxaca State. The State Attorney General's Office charged Aragon Perez with a federal weapons offense. The PGR interviewed Aragon Perez and requested the local attorney general's office to investigate charges of possible torture. On August 11, Erangelio Mendoza Gonzalez, a member of the Oaxaca teachers' union and its leader between 1992 and 1995, was apprehended and brought to Cuicatlan jail. Human rights organizations claimed that he was physically abused in detention, denied medical attention, and held incommunicado for more than 72 hours before learning of the charges of robbery and property damage (the burning of a bus) against him.

Human rights organizations claimed that the charges against Mendoza Nube, Aragon Perez, and Mendoza Gonzalez were fabricated or

without merit. The three were released on October 30 as a result of negotiations between the Interior Ministry and the Oaxaca teacher's union. CNDH interviewed Mendoza Nube, Aragon Perez, and Mendoza Gonazalez; CNDH's conclusions had not been published by year's end.

On November 25, a particularly violent clash occurred in Oaxaca between the PFP and APPO. During an APPO protest, the PFP responded to attacks against its security corridor in the city center by firing tear gas on protesters and wielding clubs. That night the APPO set its own encampments ablaze and burned several state and federal buildings. The PFP detained 141 protesters and transported them to a federal prison in Nayarit State. Despite the Attorney General's denial of any human rights violations by federal forces, reports emerged of the mistreatment of detainees by federal and state police. By year's end, most of the protesters were released and the remaining detainees were transferred to state-run jails in Oaxaca. According to media reports, 66 protesters remained detained at the end of the year. CNDH reported that it interviewed and conducted medical checks of all 141 detainees and in some cases conducted examinations according to Istanbul Protocol guidelines to identify whether they were tortured.

In March the Chihuahua Supreme Court approved the appeal and reversed the conviction, based on lack of evidence, of a Ciudad Juarez police officer arrested in September 2005 for the rape of an American citizen in August 2005. No other suspects were sentenced or under arrest for the crime at year's end.

On July 29, David Meza, arrested in 2003 for the rape and murder of his cousin and tortured by police into confessing to the crime, was released due to lack of evidence.

There were reports of vigilante behavior, especially in Oaxaca when state and local police vanished from the capital during the months-long crisis. On October 24, according to media reports, dozens of residents in the Libertad neighborhood of the capital tied a local prison guard, Jose Manuel Dominguez, to a pole and beat him until he nearly lost consciousness. They left him bound to the pole through the night and turned him over to local authorities the following morning.

Prison and Detention Center Conditions

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

In many prisons, inmates exercised significant authority, displacing prison officials and creating general insecurity, leading to numerous inmate deaths, often at the hands of other prisoners. During the year there were at least 115 deaths, including 13 killings and 26 suicides, among a nationwide federal prison population of nearly 125,000. The Jalisco State Attorney General's Office investigated human rights violations in the Jalisco penitentiary system following an inmate's suicide in August. In the first four months of the year, seven inmates reportedly died in Jalisco's jails or holding cells. The Jalisco capital of Guadalajara installed video cameras in some of its municipal jails to promote transparency and comply with a recommendation from the State Commission of Human Rights concerning allegations of prisoner abuse.

CNDH noted that conditions for women prisoners were inferior to those for men, particularly for children who lived with their mothers in the jails. A 2006 study by the Christian Association for the Abolition of Torture-Mexico (ACAT) of a prison for women in Mexico City found that 81 percent of the prisoners reported mistreatment when apprehended or in custody: 51 percent received threats; 44 percent were beaten; and 12 percent were sexually abused or raped.

Pretrial detainees were routinely held together with convicted criminals.

The government permitted independent monitoring of prison conditions by nongovernmental organizations (NGO) and human rights organizations. The International Committee of the Red Cross, the CNDH, and state human rights commissions visited detainees during the year. The CNDH made 139 visits through October.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The federal, state, and municipal police forces included approximately 330,000 officers. The federal and state police are divided into preventive and judicial police. Preventive police maintain order and public security and generally do not investigate crimes. Judicial police serve as the investigative force under the authority and command of the public ministries (prosecutor's offices). The military is responsible for external security but also has significant domestic security responsibilities, particularly in combating drug trafficking and maintaining order.

Corruption continued to be a problem, as many police were involved in kidnapping, extortion, or providing protection for, or acting directly on behalf of organized crime and drug traffickers. Impunity was pervasive to an extent that victims often refused to file complaints.

Responsibility for investigating federal police abuse falls under the purview of the PGR and the Secretariat of Public Administration (SFP), depending on the type of offense. The CNDH also can receive complaints, but its recommendations are nonbinding and carry no legal weight. A similar mechanism exists at the state level. The CNDH provided human rights training for security and military forces, and the government continued professional training of its law enforcement officials. Between January and October, in conjunction with the CNDH, the National Defense Secretariat (SEDENA) trained more than 25,000 employees, and the Secretariat for Public Security (SSP) trained more than 11,000 employees in human rights issues.

On December 7, the PFP raided the Oaxaca ministerial police headquarters, confiscating more than 340 guns to investigate whether any had been used in attacks against protesters. The investigation continued at year's end.

Arrest and Detention

Police arbitrarily arrested and detained persons suspected of crimes, in many cases without a warrant. In the legal system a suspect is deemed guilty until proven innocent. A prosecutor may hold a person up to 48 hours (96 hours in cases of organized crime) before presenting the suspect to a judge and announcing charges. The law provides that authorities must sentence an accused person within four months of detention if the alleged crime carries a sentence of less than two years' imprisonment, or within one year if the crime carries a longer sentence; in practice, judicial and police authorities frequently ignored these time limits (see sections 1.c. and 1.e.). A financial bond may be placed as bail only in cases that carry penalties of five years or less; otherwise, release is not available. Detainees were usually allowed prompt access to family members and to counsel, although in some cases, police detained persons incommunicado for several days (see section 1.c.). CNDH received 276 complaints of arbitrary detention from January to October.

On January 12, Martin Barrios, coordinator of the Tehuacan Valley Human and Labor Rights Commission, was released from a Puebla city jail after being arrested and detained in December 2005 by Puebla state police on charges of blackmail connected with a labor dispute at a textile factory.

Human rights organizations charged that federal police arbitrarily detained many of the 141 protesters in Oaxaca on November 25 (see section 1.c.).

In December 2005 Puebla state police arrested independent journalist Lydia Cacho in Cancun and took her across state lines to Puebla, where she was held for 30 hours on charges of libel filed by a prominent businessman. The Supreme Court was investigating whether violations of human rights were committed (see section 2.a.).

There were no developments in the case concerning the August 2005 detention and alleged ill treatment of more than 500 demonstrators in Cancun, Quintana Roo.

Lengthy pretrial detention remained a problem. Slightly more than 90,000 inmates, or 43 percent, awaited sentencing nationwide. The media reported that detainees were sometimes held several years without a trial.

Amnesty

According to CNDH, the federal government did not grant amnesty to any prisoners during the year. Although not officially considered amnesty, the PGR's Special Unit for Indigenous Affairs did grant freedom to 819 members of the indigenous community, with priority to the old and sick, between 2000 and year's end.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, government authorities occasionally influenced court decisions, particularly at the state and local level. Corruption, inefficiency, and lack of transparency continued to be major problems in the justice system.

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

Trial Procedures

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file, but only by special motion.

The law provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the government generally respected these rights in practice. In most cases, court hearings were open to the public.

During the year Chihuahua State passed comprehensive criminal procedural codes that permit oral trials for all crimes, improve investigation techniques, strengthen victim's rights, and provide for alternative sentencing. From August through December, the state provided intensive training for defense attorneys, prosecutors, judges, and investigative police, in preparation for the initiation of oral trials in January 2007. In August the state of Mexico began using oral trials in two courts for minor crimes.

Although the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that

authorities had to appoint a "person of confidence," who was not required to meet any particular legal qualifications, to represent a defendant. The public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch; there were no autonomous public defender services.

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

Judges continued to allow statements coerced through torture to be used as evidence against the accused (see section 1.c.), a practice particularly subject to abuse because confessions were the primary evidence in nearly all criminal convictions. NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant, thus providing prosecutors an incentive to obtain an incriminating first confession and making it difficult for defendants to disavow such declarations.

The law provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request the immediate transfer of the case to military jurisdiction, a practice condemned by the Inter-American Commission on Human Rights.

Political Prisoners and Detainees

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

A coalition of local and international human rights groups categorized some arrested leaders of APPO and the Oaxaca teachers' movement as political detainees (see section 1.c.), a concern they raised with the Inter-American Commission on Human Rights. Human rights groups expressed concern that state officials in civilian dress arrested prominent APPO leaders for political motives, filing charges that lacked merit, and failing to follow due process. Prisoners were reportedly visited by family, lawyers, and local and international human rights groups, although at times with difficulty (see section 1.c.).

Civil Judicial Procedures and Remedies

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

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

Although the law prohibits such practices and requires search warrants, authorities occasionally disregarded these provisions. The CNDH received 206 complaints of illegal searches from January to October.

Although the law permits wiretapping that is conducted pursuant to a judicial order in organized crime investigations, it cannot be submitted as evidence in a court of law without an order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and the press, and the government generally respected these rights in practice.

While the federal government usually tolerated criticism, state and local level officials occasionally responded to unfavorable news articles by threatening their authors with libel and defamation lawsuits. There were approximately 300 privately owned newspapers, and most radio stations were privately owned.

Despite federal government support for freedom of the press, many journalists worked in an extremely dangerous environment. On February 15, in response to the increasing violence, the federal government established the Office of the Special Prosecutor for Crimes Committed Against Journalists. Although his jurisdiction does not cover activities of drug cartels or organized crime, the special prosecutor identified drug trafficking, abuse of political power, and economic interests as the greatest threats to journalists, noting that since 1982, 53 journalists were murdered or had disappeared because of their profession.

During the year Reporters without Borders listed 10 journalists killed and one disappeared, although the Committee to Protect Journalists reported seven journalists killed and one disappeared. Other journalists were harassed, threatened, or attacked. The Special Prosecutor's Office received 78 complaints of harassment of journalists between March and August. The CNDH received 34 complaints between January and August. With the exception of the infringement of press liberties in Oaxaca, most threats against journalists related to reporting on organized crime. By year's end, state and federal authorities had not concluded their investigations into the killing of American citizen Bradley Will, a reporter working in Oaxaca without national press credentials (see section 1.a.).

During the crisis in Oaxaca, there were reports of numerous violations of press freedom committed by groups allegedly linked to the state government as well as by the APPO (see sections 1.a. and 1.c.). On July 14 and August 11, respectively, unidentified individuals used acid

to destroy the transmission equipment of Radio Planton and Radio Universidad, stations sympathetic to the protesters. On August 10, armed assailants in Oaxaca attacked the newspaper Noticias, seriously injuring two employees. The newspaper continued to publish outside its main office. On August 22, state police allegedly fired on photographers from the newspapers Milenio and Reforma. There were reports that a Oaxaca-based station, known as Radio Ciudadana and reportedly linked to the governor, incited violence against protesters.

APPO commandeered numerous radio stations, forcing them to broadcast its message. On August 3, APPO threatened attacks on the newspapers Tiempo and Extra, alleging that they maintained close ties with the governor; both publications closed their offices. On August 16, APPO members physically attacked a Milenio journalist, accusing him of inaccurate reporting. On September 24, APPO members temporarily detained well-known Mexican journalist Ricardo Rocha in a hotel and took his equipment, including a camera and video tapes.

Reporters covering the various drug cartels and associated corrupt public officials acknowledged practicing self-censorship, recognizing the dangers investigative journalism presented to themselves and their families. In February an armed gang raided the offices of Nuevo Laredo's newspaper El Manana, firing bullets in the newsroom and beating two members of the editorial staff. In August the newspaper Por Esto was the target of attacks, with bombs and grenades, at its Cancun and Merida offices. The publication investigated drug trafficking in the region.

International press organizations contended that federal and state criminal defamation and libel laws violated freedom of expression and advocated their repeal.

In December 2005 authorities arrested Lydia Cacho in Cancun on charges of failing to respond to a libel and defamation summons filed by a wealthy businessman, Kamel Nacif Borge. Cacho, who claimed she was never informed of the summons, was then taken to Puebla and detained for 30 hours until released on bail. Her 2004 book, *The Demons of Eden*, documented a child pornography and prostitution ring, with alleged collusion between wealthy businessmen and public officials. While not accusing Nacif of wrongdoing, Cacho wrote of close business ties between Nacif and a central figure implicated in the ring, Jean Succar Kuri (see section 5). In February Mexico City media released recorded telephone conversations, apparently between Nacif and Puebla Governor Mario Marin, in which the two appeared to collude in Cacho's arrest. On April 18, the Supreme Court agreed to investigate the potential human rights violations involved in her detention, invoking a rarely exercised constitutional jurisdiction. On September 19, the court rejected a motion claiming insufficient evidence and resolved to continue investigating the case.

Internet Freedom

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

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occurred frequently throughout the country. Several times during the year demonstrators clashed with police, and subsequent arrests led to complaints of arbitrary detention, use of excessive force, torture, rape, and sometimes killings (see sections 1.a., 1.c., and 1.d.).

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. However, poor enforcement mechanisms allowed local authorities to discriminate against persons based on their religious beliefs, especially in the south. Federal and local governments often failed to punish those responsible for acts of religious discrimination. The constitution bars members of the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the state.

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

Societal Abuses and Discrimination

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

While state government officials claimed to have resolved the March 2005 conflict between Catholics and Protestants in the town of Zinacantan, civil society members disagreed and reported an inclination towards violence persisted. On August 22, tensions emerged again during the gubernatorial campaign. According to media reports, groups of Catholics and Protestants, allegedly associated with the political

parties Institutional Revolutionary Party (PRI) and the Party of the Democratic Revolution (PRD), respectively, clashed when Protestant parents reportedly were not allowed to participate in election-day festivities. A PRD-linked Protestant reportedly shot and killed a PRI-linked Catholic; two were wounded, and several members of both groups were detained. The state government Office for Religious Affairs attributed the events to social and political rather than religious tensions. Four remained in jail, and the case was pending at year's end. In July in San Juan Chamula, Chiapas, the media reported that a group of PRI-affiliated Catholics destroyed an illegally constructed evangelical church that was attended by members of the PRD; the Catholics threatened to expel or kill the eight evangelical families if they attempted to rebuild. According to state officials, on July 28, the parties involved resolved the dispute and signed an agreement to respect local authority and religious freedom.

According to the Hidalgo State Commission for Human Rights, the 40 families threatened with expulsion in October 2005 from San Nicolas, Hidalgo, remained in the town, and religious tensions had significantly diminished.

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they fear persecution. From January to August, the government granted refugee status or asylum to 61 applicants of 493 pending cases.

Although in many instances the National Migration Institute (INM) eventually released Cuban migrants, in some cases they were returned to Cuba. Among the more than 3,000 presumed Cubans who entered the country illegally during the year, 184 were identified as Cuban nationals and deported; the remaining were released, and it was assumed they applied for asylum in the United States.

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

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The presidential and congressional elections of July 2 tested the country's electoral institutions. They were determined to be generally free and fair by the majority of neutral observers, including European Union representatives and local and international civil society organizations. However, PRD presidential candidate Andres Manuel Lopez Obrador vigorously disputed PAN candidate Felipe Calderon's razor-thin victory margin in the electoral courts. The PRD also staged nonviolent protests and civil disobedience activities, including the blockage of streets in the capital as well as smaller demonstrations in several regional cities, demanding a full recount of ballots nationwide.

The Federal Electoral Tribunal ruled to recount approximately 9 percent of voting stations, principally those in which the PRD presented some evidence of inconsistencies. This partial recount had minimal impact on Calderon's 0.56 percent margin of victory.

On September 5, the tribunal declared Felipe Calderon president-elect, ending rival candidate Lopez Obrador's two-month-long legal challenge of the election results. In its final decision, the tribunal ruled that while it found no evidence of fraud, it had found a number of irregularities, including a large number of apparently random counting and arithmetic errors. It also rebuked President Fox for his thinly veiled endorsements of Calderon and criticism of Lopez Obrador, as well as pro-Calderon television ads sponsored by a business group. The tribunal determined, however, that these irregularities provided insufficient grounds to invalidate the election. Lopez Obrador refused to accept the tribunal's decision, declared himself the "legitimate president," established a "parallel government," and vowed to continue acts of civil disobedience.

The results of concurrent congressional and state-level elections were far less controversial than the presidential election, although the results in several individual races were challenged, as routinely occurs. The PAN won three gubernatorial races and approximately 40 percent of congressional seats. The PRD retained the significant office of mayor of Mexico City and won the second largest number of seats in the lower house of Congress. Although its presidential candidate ran more than 10 percentage points behind the two leading candidates, the PRI came in second place in the upper house of Congress and finished in a close third place in the lower house. In addition, two recently

established political parties secured enough votes to guarantee their status as national parties entitling them to government funding.

During the year political parties, opposition groups, and independent associations functioned freely without government interference or restriction. National political parties needed Federal Electoral Institute (IFE) recognition based on having won at least 2 percent of the vote in the last national election. The IFE recognized eight national political parties. On October 3, the Supreme Court struck down state electoral laws barring independent candidates from running for public office.

There were 22 women in the 128-seat Senate and 116 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court. President Calderon appointed four women to his 21-member cabinet. One woman held a position in former president Fox's cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties continued their efforts to increase the number of women running for elected office. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no statistics available regarding minority participation in government.

The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law, rather than federal and state electoral law. Voter intimidation and conflict was not uncommon during elections in some indigenous communities (see section 2.c.). Traditional customs varied by village. In some villages, women did not have the right to vote or hold office; in others they could vote but not hold office (see section 5).

Government Corruption and Transparency

Corruption was a problem at all levels of government as public officials continued to be involved frequently in bureaucratic abuses and a variety of criminal acts with impunity (see sections 1.b., 1.c., 2.a., 5, and 6). In recent years all major political parties have been fined for illegal campaign funding. Paying bribes to administrative officials and security forces continued to be routine.

In February Mexico City media released recorded telephone conversations, apparently between businessman Kamel Nacif and Puebla Governor Mario Marin, in which the two appeared to collude in journalist Lydia Cacho's arrest (see section 2.a.). In the conversation, the voice identified as Nacif expressed thanks and offered the governor two "beautiful" bottles of cognac. On April 18, the Supreme Court agreed to investigate the potential human rights violations involved in Cacho's detention, invoking a rarely exercised constitutional jurisdiction. The case was under the review of the Supreme Court at year's end.

Since enactment of a 2002 law providing for public access to government information, transparency in public administration at the federal level has improved noticeably. Foreign media, citizens, and foreigners have successfully used the law, with an annual number of requests increasing from 24,000 in 2003 to more than 50,000 in 2005. At the state and local level, transparency remained mixed. According to the Federal Institute for Access of Information, the Federal District and 27 of the country's 31 states enacted transparency laws; 70 municipalities in the country had enacted transparency rules.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although federal government officials often were cooperative and responsive to their views, state and municipal authorities frequently harassed human rights defenders. UN agencies and other international bodies freely operated in the country and publicly criticized the government without restriction or sanction.

The semi-autonomous CNDH, which receives full funding from the federal government, has the authority to investigate allegations of human rights and did so in practice. CNDH operated without government or party interference, received adequate resources, and enjoyed the government's cooperation. During the year, CNDH issued 46 recommendations, although nonbinding and without legal weight (see section 1.d.), which were directed towards government entities on aspects related to human rights violations for which they were deemed responsible. While some recommendations were accepted and implemented, others were rejected (see sections 1.a. and 1.c.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Domestic violence was pervasive and vastly underreported. The law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; however, actual sentences were normally lenient. On the state level, laws sanctioning domestic violence, if any, are weak. Seven states have not criminalized domestic violence, and 15 states sanction family violence only when it is a repeated offense. Victims generally did not report abuse for a variety of reasons, including fear of reprisal by their spouses, fear of becoming economically destitute if their spouses are imprisoned, and the general disinterest of authorities in prosecuting such offenses. The special federal prosecutor for crimes against women, Alicia Elena Perez Duarte, reported that 1,600 women were killed annually, mostly from domestic violence. On December 19, the Senate passed a comprehensive bill aimed at preventing violence against women, including prevention and assistance measures provided by all levels of government.

The government's cabinet-level National Institute of Women (INMUJERES) reported that its national hot line established under the National Plan for a Life without Violence received more than 27,000 calls between January 1 and October 31, a dramatic increase since it was established in 2002. Although there were some government-funded shelters, civil society organizations and women rights groups maintained the vast majority of available shelters.

The law prohibits rape, including spousal rape, imposing penalties of up to 20 years. However, rape victims rarely filed complaints with police, due to seeing the widespread impunity for rape in the justice system. In February 2005 Special Rapporteur of the UN Commission on Human Rights on Violence Against Women Yakin Erturk stated that violence against indigenous women, in particular, was often "dismissed or justified within the context of cultural specificity."

Other forms of violence against women within relationships were similarly widespread and unpunished. On October 10, the Attorney General's Office of the Federal District reported that on average it received 60 complaints of sexual violence per day.

During the May 3 confrontation between PFP and citizens in San Salvador Atenco, CNDH confirmed 26 reports of sexual violence that occurred during the police operation (see section 1.a. and 1.c.).

Gender-based violence in Ciudad Juarez and the state of Chihuahua, which have registered the unsolved killings of more than 350 women and young girls since 1993, continued with 18 killings of women registered in Ciudad Juarez during the year. Of the 17 cases opened to investigate the 18 killings, state authorities solved 12 cases, and the perpetrators were awaiting sentencing at year's end. According to the State Special Prosecutor's Office on Women's Homicides, the 18 women killed in Ciudad Juarez were not victims of sexual crimes, although approximately three quarters were victims of family violence in which the aggressor was a spouse, parent, or as in two cases, the victim's child.

David Meza, arrested in 2003 for the rape and murder of his cousin in Ciudad Juarez and tortured by police into confessing to the crime, was released on July 29, due to lack of evidence (see section 1.c.).

On December 12, the Fourth State Penal Court in Ciudad Juarez sentenced four men for the 2005 murder and rape of seven-year-old Airis Estrella Enriquez Pando. Luis Garcia Villalbazo was sentenced to 92 years' imprisonment for the murder and rape of Airis and the rape of three other girls; Eustacio Aleman Zendejas, Juan Manuel Alvarado Saenz, and Rogelio Sandoval Carrasco were sentenced to 40 years' imprisonment.

In January the PGR issued its final report from the Unit of the Special Prosecutor for the Attention to Crimes Related to the Homicides of Women in the Municipality of Juarez, Chihuahua, drawing on much of the work by the state's attorney general. The report concluded that 379 women were killed between 1993 and 2005, of whom 345 had been identified. The report stated that 125 of the homicides (33 percent) occurred in the home of either the victim or perpetrator, and that "the great majority of the homicides were perpetrated by a person close to the victim's circle of family or affection." According to the report, 31.5 percent of the murders were attributed to social violence in a border area, including drug dependency, drug trafficking, high rates of crime, gang violence, and prostitution. Authorities arraigned 289 persons and sentenced 177; 21 were found not guilty; and 91 awaited trial. Of the 47 women the PGR determined missing, 13 were located (three of whom were dead). The report detailed the various types of incompetence and irregularities committed in the investigations by state authorities, although the responsible officials were not sanctioned. The government established a fund of approximately \$2.7 million (30 million pesos) to assist the victims' relatives. The government also provided psychological, medical, and legal aid to relatives.

On November 8, the College of the North Border and the Commission to Prevent and Eradicate Violence Against Women in Ciudad Juarez presented publicly an academic study that categorized the nature of the murders of women from 1993 to 2005. By drawing from the cases of 442 murders of women, the study found that 28.5 percent were committed by a close male friend, boyfriend, or spouse; 33.9 percent involved sexual violence, entailing kidnap, torture, mutilation, and rape.

On February 17, the PGR appointed Alicia Elena Perez Duarte, a new special prosecutor with a nationwide mandate to examine the issue of violence against women.

While the killings in Ciudad Juarez drew international attention, violence against women remained a widespread phenomenon throughout the country. Special Prosecutor Perez Duarte reported that on an annual basis approximately 1,600 women were killed nationwide, mostly resulting from domestic violence. According to 2004 statistics, the rate of women homicide victims over age 15 was highest in the states of Nayarit (5.4 per 100,000 persons), Oaxaca (5.3), Mexico (4.8), Guerrero (4.7), Baja California (3.6), and Chihuahua (3.6). In August the UN Committee for the Elimination of Discrimination Against Women said that there were no visible results from government efforts to prevent gender violence.

Prostitution is legal for adults, and it continued to be practiced widely. While pimping and prostitution by minors under age 18 are illegal, these offenses also were practiced widely, often with the collaboration or knowledge of police. The country is a destination for sexual tourists and pedophiles, particularly from the United States. Apart from state laws against trafficking in persons, there are no specific laws against sex tourism, although federal law criminalizes corruption of minors, of which is punishable by five to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem (see section 5, Trafficking).

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

The law provides that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." While women earned less than men, the salary gap was decreasing.

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

Labor law provides protection for pregnant women, which some employers reportedly sought to avoid by requiring pregnancy tests in pre-employment physicals and by continuing to make inquiries into a woman's reproductive status. In April 2005 INMUJERES and several other government agencies launched a national campaign to raise awareness of laws protecting women against pregnancy testing.

Children

The government was committed to children's rights and welfare. Although the government maintained programs to support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers, problems in children's health and education remained pervasive. Public education is offered through the university level, including advanced degrees. Nine years of education are compulsory, and parents are legally responsible for their children's attendance. The 2002 INEGI census showed that 91 percent of children between ages six and 14 attended school, but only 68 percent of all children entering the first grade completed all nine years of compulsory education. In 2003 average educational attainment among the population 15 years of age and older was 7.9 years.

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

Government statistics for 2000 (the most current available) recorded the following rates of reported violent treatment in the home: 28 percent of those aged six to nine, 9 percent of those aged 10 to 13, and 10 percent of those between 14 and 17.

Child marriage remained a problem. UNICEF reported in a 2003 survey that 28 percent of women 20 to 24 years of age had been married or in a union before the age of 18. In 2003, according to INEGI, 12 percent of men and 27 percent of women married between the ages of 15 and 19.

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

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

Trafficking in Persons

While the law prohibits aspects of trafficking in persons, persons were trafficked to, from, or within the country, and there were credible reports that police, immigration, and customs officials were involved (see section 2.d.).

The country was a point of origin, transit, and destination for persons trafficked for sexual exploitation and labor. The vast majority of non-Mexican trafficking victims came from Central America; lesser numbers came from Brazil, Cuba, Ecuador, China, Taiwan, India, and Eastern European countries. Victims were trafficked to the United States as well as to various destinations in the country. Although there were no reliable statistics on the extent of trafficking, the government estimated that 20,000 children were sexually exploited each year. Sexual tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. Undocumented migrants from Central America and the poor were most at risk for trafficking.

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

While no federal law prohibits all forms of trafficking in persons, two states enacted antitrafficking legislation, and there are 21 different state and federal laws that criminally sanction certain aspects of trafficking. At the federal level, corruption of minors, child prostitution and child pornography are felonies; anyone convicted of a crime related to a minor under age 18 can be sentenced from five to 10 years imprisonment. If the illicit activity involved a minor under 16 years of age, the sentence is increased by one third; if it involved a minor under 12 years of age, the sentence is increased by half. Persons who direct or facilitate the above illicit activity for purposes of financial gain may be imprisoned for six to 10 years. When physical or psychological violence is used for sexual abuse or to profit from exploitation of a minor, the penalties are increased by up to one half. The law also forbids forced or compulsory labor (see section 6.c.). While Baja California Norte in 2005 became the first state to approve a law specifically to combat trafficking in persons, the state legislature had to rescind it due to alleged incompatibility with federal laws. Michoacan and Chihuahua passed state antitrafficking legislation in July and November, respectively.

The government faced structural inefficiencies but made notable improvements in collecting data and fostering investigations, prosecutions, and convictions of trafficking cases. PFP and Save the Children entered into a formal collaborative relationship, which included a project to manage a Web-based database to track missing persons, including potential trafficking victims.

Authorities disrupted smuggling operations, which affected the movement of trafficking victims through the smuggling corridors, and arrested a number of suspected traffickers during the year. The government pursued approximately eight trafficking cases, all of which were active at year's end. As a result, the government conducted several rescues of potential trafficking victims, issued one active state arrest warrant, and

made one arrest under federal charges of child pornography. Nonetheless, securing convictions remained a challenge for the government.

On April 28, the PGR prevailed on appeal in a significant prosecution for trafficking in persons. The seven defendants, members of the Carreto family, were convicted, fined, and received prison sentences ranging from 19 to 27 years. The Carreto family filed a subsequent appeal, which was pending at year's end.

In April CNDH issued its first formal recommendation on trafficking, addressing the INM and Secretary of Labor in regard to a case involving two Chinese trafficking victims working in a Guanajuato factory. In following the recommendations, INM fined the company for activities unauthorized under the work visas granted. INM granted visas for the two victims to remain in the country, contingent on their assistance in a prosecution case.

On July 15, Jean Succar Kuri was extradited from the United States to Mexico on charges of corruption of minors and child pornography, among others. He was waiting trial in a Cancun jail at year's end.

Extradited from Thailand in August 2005, Thomas Frank White was detained in Puerto Vallarta, Jalisco, awaiting trial for corruption of minors and child prostitution.

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

There were credible reports that individual police, immigration, and customs officials participated in, facilitated, or condoned trafficking, primarily for money. Poorly paid frontline officials frequently extorted money from victims and traffickers.

In September 2005 a judge issued arrest warrants for seven INM agents in connection with their participation in a human smuggling ring; however, none were charged.

In September INM authorized the issuance of visas to trafficking victims to remain in the country, contingent upon their cooperation with law enforcement in prosecuting traffickers. By year's end, INM reported that it issued nine such visas to trafficking victims.

Several NGOs, including the Bilateral Safety Corridor Coalition, Casa Alianza, Fundacion Infancia, and Sin Fronteras, as well as IOM and ILO, assisted trafficking victims with prevention programs and protection services. However, NGOs had limited entry to INM detention centers (while CNDH enjoyed complete access). Although DIF operated shelters nationwide, the country lacked shelters exclusively dedicated to trafficking victims.

The government supported general trafficking prevention campaigns for children and women and administered special assistance programs for children repatriated to the country. While a partial framework existed to protect and provide social services to the victims of trafficking, undocumented migrants usually were deported before they could be identified and removed from the detention system. The government increased cooperation with NGOs and international organizations to build a network of trafficking victims' services and to identify potential trafficking victims. Bilateral cooperation against trafficking increased with programs to combat trafficking, increase protection for victims, and promote awareness.

Persons with Disabilities

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

Although the government made progress in treating persons with mental health illnesses, problems remained. According to the Pan American Health Organization, no more than 25 percent of those with a mental illness received adequate treatment. The World Health Organization reported that psychiatric hospitals overused electroshock treatment. The Ministry of Health stated that it investigated claims of abuse and spent three million dollars (33 million pesos) in 2005 to improve mental health treatment in four states.

During the presidential and congressional elections, the federal and state governments provided ballots, including ballots in Braille, ballot boxes, and a special ballot holder and marker for voters with vision and motor skill disabilities.

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

online portal to disseminate information and assistance.

Indigenous People

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

There were numerous allegations of the use of excessive force against indigenous people. During the year, the government maintained troops in selected areas of Chiapas and Guerrero, which was a continuing point of concern for many NGOs and indigenous rights groups, who complained of intimidation and threats from soldiers. Federal forces were also dispatched to Oaxaca to help restore order and to Michoacan in a large-scale antinarcotics operation (see sections 1.a., 1.b., and 1.c.).

Sporadic outbursts of politically motivated violence continued to occur in indigenous communities in the states of Chiapas, Guerrero, and Oaxaca. Historic land disputes also caused tensions in the indigenous regions.

Indigenous people did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In the state of Oaxaca, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs" law, which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation. These communities applied traditional practices to resolve disputes and choose local officials. While such practices allowed communities to elect officials according to their traditions, "usages and customs" laws tended to exclude women from the political process and often infringed on other rights of women.

The law provides some protection for indigenous people, and the government provided support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. Budget constraints, however, prevented these measures from meeting the needs of most indigenous communities, as severe shortages in basic infrastructure as well as health and education services persisted.

The law provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages, and the government did not provide a sufficient number of native language or bilingual teachers.

The government generally showed respect for the desire of indigenous people to retain elements of their traditional culture. During the year, the CNDH's Office of the Fourth Inspector General investigated more than 1,800 complaints of violations of human rights among the indigenous population during the year, concluding that more than 400 were credible. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

Other Societal Abuses and Discrimination

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

The law prohibits several types of discrimination, including bias based on sexuality, and requires federal agencies to promote tolerance. In April 2005 the government launched a radio campaign to fight homophobia with material prepared by CONASIDA.

On November 9, the Mexico City legislative assembly passed a bill, later signed into law, which authorizes homo- and heterosexual couples to register their union with municipal authorities, according them inheritance and certain other rights normally accorded only to spouses.

There were several incidents of harassment and violent attacks against homosexuals. In the case of the June 2005 murder of Octavio Acuna, an activist for the rights of persons with HIV/AIDS, police arrested a minor on the charge of homicide; he remained in juvenile detention awaiting his trial at year's end. The state attorney general's office charged with the case, however, said that the investigation lacked any evidence that suggested the crime was connected to homophobia.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants, including rape. Robbery and killings by the criminal gangs, such as the Mara Salvatrucha and Barrio 18, intensified on the southern border and spread northward. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention.

Section 6 Worker Rights

a. The Right of Association

Federal law provides workers the right to form and join trade unions of their choice, and workers exercised this right in practice. According to INEGI, there were 43.6 million workers in the workforce, with 15 million in the formal sector--those paying taxes to the Mexican Institute for

Social Security (IMSS). Approximately 25 percent of the formal sector was unionized.

By law, 20 workers can form an independent union with a formal registration. Administrative procedures for registration are complex and burdensome, and government labor boards frequently rejected independent unions' registration applications on technicalities. A new union also must challenge the government-sanctioned union, if one exists, for control of the labor contract. Representation elections are traditionally open, which means management and officials from the existing union are present with the presiding labor board official when workers openly and individually declare their votes. Open elections resulted in intimidation of pro-union workers.

In late December 2005, Puebla labor rights activist Martin Barrios was jailed for two weeks after a local garment factory owner accused him of blackmail (see section 1.d.).

In February the Labor Secretariat withdrew the legal recognition (toma de nota) from Napoleon Gomez Urrutia, general secretary of the Mine and Metal Workers' Union, charging him with corruption, although no legal charges had been filed. The secretariat then recognized Elias Morales as the new general secretary. Gomez's attorneys argued that there was no basis in the law or the union statutes for withdrawing recognition, and two union congresses subsequently reaffirmed support for Gomez. His supporters called strikes at several key mines and steel mills around the country.

In an April 20 confrontation between striking workers and Michoacan state police, two union members were killed (see section 1.a.). Gomez fled to Canada after criminal charges were filed in the state courts of Sinaloa and San Luis Potosi alleging that he misallocated \$55 million (605 million pesos) of union funds. In August the union workers and the government negotiated a compromise, including a salary raise, which ended the 141-day strike.

The CNDH and human rights activists criticized the government's treatment of undocumented immigrant workers. On June 25, CNDH issued a report concerning INM abuses of 19 undocumented migrants from Central America who were apprehended in Coahuila in April 2005. The abuses included the beating of one migrant and the order that all 19 remove their shoes and walk one mile to a waiting vehicle.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and the government protected this right in practice. Collective bargaining contracts covered approximately 7 percent of workers. The law provides for the right to strike in both the public and private sector, and workers exercised this right. Although few formal strikes actually occurred, informal stoppages of work were common.

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

c. Prohibition of Forced or Compulsory Labor

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

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

d. Prohibition of Child Labor and Minimum Age for Employment

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

The Secretariat of Labor (STPS) is charged with protecting worker rights. Government enforcement was reasonably effective at large and medium-sized companies, especially in the maquila and other industries under federal jurisdiction. Enforcement was inadequate at many small companies and in the agriculture and construction sectors, and it was nearly absent in the informal sector in which most children worked.

During the year, STPS, the Secretariat of Social Development, and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children (see section 5). UNICEF stated that, despite the government's progress in reducing its incidence over the past 10 years, child labor remained a significant problem.

It was not uncommon to find girls under the age of 15 working in prostitution. Trafficking in children for sexual exploitation was a problem (see section 5).

e. Acceptable Conditions of Work

The law provides for a daily minimum wage, which is set each December for the coming year. For the year the minimum daily wages, determined by zone, were: \$4.46 (49 pesos) in Zone A (Baja California, Federal District, State of Mexico, and large cities); \$4.28 (47 pesos) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and \$4.19 (46 pesos) in Zone C (all other states). The minimum wage did not provide a decent standard of living for a worker and family, and only a small fraction of the workers in the formal workforce received the minimum wage. STPS is charged with protecting worker rights, including minimum wage provisions in the law, and it did so effectively.

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

The law requires employers to observe occupational safety and health regulations, issued jointly by STPS and the IMSS. Legally mandated joint management and labor committees set standards and were responsible for workplace enforcement in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the federal labor board at no cost to themselves.

While STPS and IMSS officials reported that compliance was reasonably good at most large companies, there were not enough federal inspectors to enforce health and safety standards at smaller firms. On February 19, 65 miners died in an explosion at the Pasta de Conchos mine in Sabinas, Coahuila. A CNDH investigation found fault with the government's inspection procedures and the employer's efforts to meet safety standards. The congressional commission determined that no conclusions could be drawn concerning culpability or the cause of the incident. Commission members from the PRD and Workers' Party issued a dissenting report that laid blame on both the government and employer. At year's end, the Coahuila attorney general was investigating the employees of the mining company and local employees of STPS on charges of negligence for failure to ensure safe working conditions at the Pasta de Conchos mine. At year's end, at least three other investigations related to this mining accident were still ongoing.