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Mexico

Country Reports on Human Rights Practices - [2005](#)

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Mexico, with a population 106 million, is a federal republic composed of 31 states and a federal district, with an elected president and bicameral legislature. In 2000 voters elected President Vicente Fox Quesada of the National Action Party to a six-year term in generally free and fair multiparty elections. While civilian authorities generally maintained effective control of the security forces, elements of the security forces frequently acted independently of government authority.

The government generally respected and promoted human rights at the national level; however, violations persisted at the state and local level. The government investigated, prosecuted, and sentenced several public officials and members of security forces involved in criminal acts; however, impunity and corruption remained a problem. Local police released suspects who claimed to have been tortured as part of investigations, and authorities investigated complaints of torture, but authorities rarely punished officials for torture. There was a marked increase during the year in narcotics trafficking-related violence, especially in the northern border region. Violence against women continued to be a problem nationwide, particularly in Ciudad Juarez and the surrounding area. Government efforts to improve respect for human rights were offset by a deeply entrenched culture of impunity and corruption. The following human rights problems were reported:

- unlawful killings by security forces
- vigilante killings
- kidnappings, including by police
- torture, particularly to force confessions
- poor, overcrowded, sometimes life-threatening prison conditions
- arbitrary arrest 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, allegedly with official involvement
- social and economic discrimination against indigenous people
- 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

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

Police killed several persons during apprehension or in custody. In May Federal Preventive Police (PFP) officers shot and killed three university students in Reynosa, Tamaulipas, during an apprehension that turned out to be a case of mistaken identity. The Tamaulipas governor called it an act of negligence and an abuse of authority; an investigation was pending at year's end.

In August American citizen Pauline Baeza died while in custody of local police in Ensenada, Baja California. Baeza was dropped on her head as three officers, two holding her by the legs and the other by the middle chain of her handcuffs, carried her into the police facility. Police put Baeza in a holding cell alone without calling for medical attention, and she died a short time later. On September 19, a state penal court issued arrest warrants for negligent homicide, abuse of authority, and aiding and abetting a crime for five officers involved. The cases remained pending at year's end.

There were numerous reports of executions carried out by rival drug gangs, whose members allegedly included both active and former federal, state, and municipal security forces. The government increased its military and law enforcement presence in the northern border area as part of "Operation Secure Mexico" in response to deadly attacks against government officials and general lawlessness (see section

1.d.). More than 1,200 persons were killed during the year in drug-related violence throughout the country, but particularly in the northern border area as well as the states of Michoacan and Sinaloa. In June unknown assailants firing assault rifles killed Alejandro Dominguez six hours after he was sworn in as Nuevo Laredo's police chief.

There were no developments, and none were expected, in the following cases of killings in 2004: in January of Socrates Tolentino Gonzales Genaro, in May of Manuel Zarate Villaruel, in July of Serafin Garcia, in August of Maximiano Cristobol Lorenzo, in September of Guadalupe Avila Salinas, and of indigenous leaders in Chiapas and Guerrero. There were no developments in the 2003 killing of Abelino Encino Guzman and the 2002 massacre of peasant farmers near Agua Fria.

In July Secretary of Government Carlos Abascal agreed to review the cases of 71 persons detained for the 1997 killing of 45 Tzotzil Indians in Acteal, Chiapas. In a December 22 press conference, Abascal stated that the Acteal investigation and case reviews were ongoing. Human rights groups complained that impunity continued eight years after the incident. According to the Fray Bartolome de las Casas Center for Human Rights, the criminal cases against 80 of the 87 persons arrested were still in the judicial process, and there were 27 arrest warrants outstanding at year's end.

There were instances of vigilante killings. On June 1, a guerrilla group claimed responsibility for killing former Guerrero secretary of government Jose Ruben Robles for his alleged role in the 1995 massacre of 17 indigenous farmers in Aguas Blancas, Guerrero.

On November 23, President Fox's spokesman Ruben Aguilar reported that 32 persons faced indictment and 10 others were being sought in connection with the November 2004 vigilante attack on 3 PFP agents in the Tlahuac neighborhood of Mexico City.

There were no developments, and none were expected, in the 2003 lynching of Mariano Garcia Escamilla.

Organized military-style groups associated with drug cartels killed scores of persons during the year, including innocent bystanders and police. Local and international press continued to report that a group of former special forces soldiers (known as the "Zetas") collaborated with drug trafficking gangs. On October 1, four gunmen entered a hospital in Nuevo Laredo to carry off a wounded man suspected of being a cartel member and shot and killed a police officer. According to press accounts, more than 135 persons were killed by violence in Nuevo Laredo between January and October, including 14 police officers.

Societal violence against women was a serious problem. The media reported the discovery of the bodies of 34 women in Ciudad Juarez (see section 5).

b. Disappearance

There were no reports of politically motivated disappearances; however, there were credible allegations of police involvement in kidnappings. In September Public Security Secretariat officers detained an agent from the attorney general's office (PGR) and two Mixed Unit Against Drug Dealing agents on charges of kidnapping and extortion of a manager of a nightclub. The three agents were in custody and pending trial at year's end. In several cases of reported disappearances, police actually had detained the missing person incommunicado for several days (see section 1.d.).

On April 2, an investigative reporter disappeared in Hermosillo, Sonora, on his way to meet a source (see section 2.a.). He remained missing at year's end and was presumed dead.

There were no developments, and none were expected in the following cases: 13 Chihuahua State judicial police arrested in January 2004 in connection with forced disappearances and killings at the behest of the Juarez drug cartel and the 2003 disappearance of Marcelino Santiago Pacheco, leader of the Organization of Indigenous Zapotec People.

The special prosecutor for past social and political movements made no significant progress on prosecuting crimes committed during the country's "dirty war" era of the 1970s and 1980s. On July 26, a court refused to issue an arrest warrant for former president Luis Echeverria and his interior secretary, Mario Moya Polencia, for ordering the 1971 massacre of student activists. On September 21, a court again refused to issue an arrest warrant for Echeverria this time for his involvement in the 1968 Tlatelolco Massacre, which the court found did not meet the definition of genocide.

On August 22, a court cancelled the 15-year sentence General Arturo Acosta Chaparro received for drug trafficking. Generals Acosta and Francisco Quiros Hermosillo still faced charges related to the killing of 22 campesinos during the 1970s.

Kidnapping continued to be a serious problem for all socio-economic levels. There were unofficial estimates of three thousand kidnappings annually, but many went unreported, as families negotiated directly with kidnappers. Nonetheless, security forces made several high-profile kidnapping arrests and rescues during the year.

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 the justice system, including law enforcement officials, and were reluctant to register official complaints. A May study by the Chamber of Deputies Center for Social Studies and Public Opinion found that for every complaint filed with authorities, two or three complaints were not filed because the public perceived the justice system as ineffective.

Authorities rarely punished officials for torture, which continued to occur 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, as police and prosecutors attempted to justify an arrest, many times without a warrant, by securing a confession to a crime (see section 1.d.). Additionally, investigators often attempted to solve crimes by rounding up likely suspects and extracting confessions through torture.

Although the president signed the Facultative Protocol of the UN Convention Against Torture in March, the government did not generally implement preventive measures against torture and complete transparency in reporting incidents. In March the representative for the Office of the UN High Commissioner for Human Rights stated that torture continued, and in June Amnesty International (AI) reported that it had documented 46 cases of torture over the previous 18 months. In November the president of the National Commission for Human Rights (CNDH) Jose Luis Soberanes stated that the CNDH had received 12 torture complaints during the year. According to Soberanes, authorities have added more modern psychological methods of torture to the traditional methods of beatings, burning with cigarettes, near suffocation, and hitting with telephone books.

On July 14, a judge released Victor Garcia Uribe, one of four prisoners identified in June 2004 as a victim of torture. Two others had been released in 2004, and a fourth person remained in prison awaiting results from a review of his Istanbul Protocol filing. While authorities had not punished any police officers accused of torture in these cases, investigations continued at year's end.

Officials in the state of Jalisco failed to act on recommendations from the CNDH concerning reports that police tortured and mistreated protesters detained in May 2004 in Guadalajara. In May AI reported that several detainees were coerced, beaten, or threatened into making confessions or giving the names of those suspected of having carried out sporadic acts of violence that ensued when police clashed with demonstrators at the closing of the Third Summit of Heads of State and Government of Latin America, the Caribbean, and the European Union. The government had not sanctioned any officials involved.

On August 25, Mexico City police released Nadia Zepeda from prison. At the time of her conviction for drug offenses in 2003, Zepeda, then age 18, claimed police raped and tortured her while she was in custody at the police station, and human rights groups stated that her trial was deeply flawed. No sanctions were imposed against those accused, but Zepeda was pursuing complaints against them.

On June 19, local police in Ciudad Juarez arrested American citizen minor Bryan Torres on homicide charges. Torres reported that police beat and threatened him in an attempt to extract a confession to his involvement in the killing of two local police officers. No sanctions were imposed on the officers involved. Torres was appealing his conviction at year's end.

On August 6, an American citizen reported to the district attorney's office in Ciudad Juarez that local police had detained and raped her in the back of a police van. The victim and her family also complained that local police threatened them with arrest when they tried to report the crime at the municipal police station. Of the three officers involved in the incident, one officer was in custody, one officer was released on bail, and an arrest warrant was outstanding for the third officer.

Prison and Detention Center Conditions

Prison conditions remained poor. The CNDH reported that corruption, overpopulation, alcoholism, and drug addiction were prevalent in most facilities. Undertrained, 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 country's 455 penal facilities were at 125 percent capacity, with 1 prison at 270 percent capacity.

In many prisons, inmates exercised significant authority, displacing prison officials and creating general insecurity. In January military authorities were called into the maximum-security prison La Palma and later into other maximum-security prisons to regain control from convicted drug dealers who were subverting internal security and running their external criminal organizations from inside.

Extensive insecurity led to numerous inmate deaths, generally at the hands of other prisoners. There were at least 37 deaths in prisons throughout the country during the year, with 17 deaths in Mexico City prisons.

In 2004 the CNDH noted that female prisoners lived in worse conditions than male prisoners.

Pretrial detainees routinely were held together with convicted criminals.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The federal, state, and municipal police forces included 331 thousand 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 in 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. The National Defense Secretariat held numerous events, seminars, and classes in conjunction with the CNDH, and the military prosecutor's office offered human rights training to more than 16 thousand security forces.

In June the government deployed federal authorities and military forces along its northern border and elsewhere as part of "Operation Secure Mexico" in response to deadly attacks against government officials and general lawlessness. Also in June, federal authorities assumed control of all law enforcement activities in Nuevo Laredo, Tamaulipas, for 6 weeks while the government suspended the entire 700-officer municipal police force and investigated it for connections to drug traffickers and organized crime. The investigations led to the discharge of 250 police officers.

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.

Police detained missing persons incommunicado for several days. AI reported that on August 23, local police in Huitiupan, Chiapas, arrested Rosario Diaz Mendez, a Tzotsil indigenous person, and detained him in an unofficial detention center. Diaz's family was unable to confirm his whereabouts or establish his legal situation until August 25. Diaz claimed that during his detention police tied and blindfolded him and placed a plastic bag over his head in an effort to force his confession to involvement in a kidnapping.

In August police fired tear gas and detained more than 500 persons in a confrontation with demonstrators urging authorities to end an investigation of a children's home in Cancun, Quintana Roo. There were numerous injuries as a result of a violent clash between one group in the crowd and police, among them two women taken to the hospital in critical condition. Those detained complained of ill treatment, torture, and arbitrary detention. Local authorities were investigating the complaints at year's end.

In November 2004 local police in the state of Guerrero arrested and charged Felipe Arreaga Sanchez, an environmental activist, with the 1998 killing of the son of a politically connected local timber businessman, Bernardino Bautista. AI identified many irregularities with the case and declared Arreaga a prisoner of conscience. In September a judge dismissed all charges due to insufficient evidence and released Arreaga.

There were no reports of political detainees.

Lengthy pretrial detention remained a problem. A 2004 Open Societal Justice Initiative study estimated that there were approximately 82 thousand detainees awaiting trial, which constituted approximately 42 percent of all persons imprisoned. The media reported that detainees sometimes were held several years without a trial.

Amnesty

The CNDH cooperated with the PGR and the Public Security Secretariat to review cases of indigenous prisoners and secure prisoner releases as merited. By year's end authorities had released more than 300 indigenous prisoners (see section 5).

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.

In February Nuevo Leon became the first state to hold oral trials for crimes carrying maximum penalties of seven years. At least five other states were considering similar justice reforms.

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

The situation was often more complicated in cases of indigenous defendants who did not speak Spanish. Although the law provides for translation services to be available at all stages of the criminal process, this generally was not done. Consequently, defendants sometimes were unaware of the status of their cases, and suspects frequently were convicted without fully understanding the documents they were required to sign. The government continued an amnesty program for indigenous prisoners to try to rectify the problem (see section 1.d.).

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 declared 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

There were some reports of political prisoners. On December 27, the state of Guerrero Secretary General Armando Chavarria Barrera stated that his office was reviewing the cases of 9 potential political prisoners held in the state's penitentiaries and that an official count would be released when he had completed an investigation into all 18 Guerrero penitentiaries. The secretary general did not provide a time frame for the completion of this review nor what action would be taken if political prisoners were found.

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 59 complaints of illegal searches from January through August.

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 government generally tolerated criticism, 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, journalists worked in an extremely dangerous environment. Two journalists were killed during the year, and one disappeared and was presumed dead; others were harassed, threatened, or attacked. Between January and July, the CNDH received 54 complaints regarding violence against the media. In September the Committee to Protect Journalists stated that the country's northern states were particularly hazardous for journalists, particularly for those covering crime and drug trafficking.

The PGR participated in investigations of the killing of journalists and named special prosecutors in the states of Chihuahua, Durango, Oaxaca, Sinaloa, Tabasco, Tamaulipas, and Yucatan to deal specifically with crimes against the media. In June the PGR established a hot line to receive information and tips about cases involving the killing of journalists.

On July 18, a mob of alleged union members in Oaxaca forcibly evicted 31 staff members of the daily newspaper Noticias from a building owned by the paper. Noticias had criticized the Oaxaca State government and Governor Ulises Ruiz Ortiz. As police looked on, masked attackers carrying pickaxe handles destroyed equipment and forced staff to abandon the building. The following day, police confiscated a van delivering Noticias and arrested the driver. Authorities conducted no investigation.

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.

International press organizations contended that federal and state criminal defamation and libel laws violate freedom of expression and advocated their repeal. On February 24, authorities in Pachuca, Hidalgo, seized all copies of national daily El Universal that published an article criticizing the governor.

There were no government restrictions on the Internet or academic freedom.

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, and torture (see sections 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 have 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.

Religious associations must register with government to operate legally. Although the government may reject applications because of incomplete documentation, the registration process was routine. More than 6,300 religious associations were registered.

Societal Abuses and Discrimination

In the central and southern regions, some leaders of 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. On several occasions, village officials imposed sanctions on evangelicals for resisting participation in community festivals or refusing to work on Saturdays. In March, Catholics in Zinacantan, Chiapas, refused to admit Protestant children to schools, and the water supply was cut off for 90 Protestant families (approximately 300 persons) in the same community.

In October 40 families (approximately 150 persons) were threatened with expulsion from San Nicholas in the state of Hidalgo for not contributing to the community and work projects. In November the governor of Hidalgo and officials from the secretariat of government met with representatives of the Protestant families and publicly assured their safety and right to remain; however, tensions remained high at year's end.

There were several cases during the year in which an evangelical member of a Catholic-dominated community was denied burial in the local Catholic cemetery under the "usages and customs" law. In such cases, the government's state religious affairs office attempted to mediate a solution between the families and local authorities, and in two cases, the state government assisted families to pay the burial expenses.

The Jewish community numbered approximately 45 thousand persons. There was one isolated report of an anti-Semitic act: In October demonstrators supporting workers of the Social Security Institute (IMSS) during contentious contract negotiations put up signs in front of an IMSS clinic that included swastikas and anti-Semitic slurs in reference to the IMSS Director Santiago Levy.

For a more detailed discussion, see the [2005 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 feared persecution. From January to July, the government granted refugee status or asylum to 131 applicants.

The government has provided temporary protection in the past to individuals who may not qualify 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

In 2000 voters elected President Fox in a multiparty election that international and domestic observers described as generally free and fair.

During the year eight states held elections for governor along with municipal elections, and the local press and human rights activists reported complaints of voter intimidation and fraud. In January post-election clashes in Oaxaca between activists from the Institutional Revolutionary Party and the Party of Democratic Revolution (PRD) resulted in 6 deaths, injuries to 20 persons, and 25 arrests.

In June President Fox signed a law allowing an estimated 11 million citizens living abroad to vote by mail-in ballot in the 2006 presidential elections.

In April the lower house voted to strip former Mexico City Mayor Andres Manuel Lopez Obrador of the immunity from prosecution associated with his office, a move widely considered a political ploy to prevent the popular PRD mayor from entering the presidential race. Lopez Obrador was accused of violating a court order to stop construction of an entrance road to a hospital and a prosecution could have prevented him from running for the presidency in 2006; however, the charges were not pursued.

Political parties, opposition groups, and independent associations functioned freely without government interference or restriction. National political parties must be recognized by the Federal Electoral Institute (IFE) and must receive at least 2 percent of the vote in national elections to maintain their registration. The IFE recognized eight national political parties. The law requires presidential candidates to represent a political party.

There were 27 women in the 128-seat Senate and 120 women in the 500-seat lower house. There were two female justices on the Supreme Court, one female cabinet member, and four women in the extended 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 who run for elected office through formal and informal means. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no statistics available regarding minority participation in government.

The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law, rather than federal and state electoral law. Voter intimidation and conflict was not uncommon during elections in some indigenous communities. Traditional customs varied by village. In some villages, women did not have the right to vote or hold office; in others they could vote but not hold office (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). All major political parties were fined for illegal campaign funding over the last few years, and paying bribes to public officials and security forces continued to be a part of everyday life. In November the coordinator general of the civil protection agency, Carmen Segura Rangel, resigned her position in connection with financial irregularities at the federal disaster assistance fund. The SFP fined her \$77,300 (\$773 thousand pesos) and banned her from holding a federal public administration position for 10 years.

Since enactment of a 2003 law providing for public access to government information, transparency in public administration at the federal level has improved noticeably, and the government provided access to citizens and non-citizens, including foreign media. Access to information at the state and local level remained slow. According to a study by the International Relations Center, at the end of 2004 more than half of the country's 31 states had enacted transparency laws, but only 25 of 1,062 municipalities in those states had registered 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.

AI reported that on November 20, human rights activist Gustavo Jimenez Perez was beaten severely by six men who forced their way into his house. Jimenez had been researching alleged official corruption in the distribution of humanitarian relief in the aftermath of an October hurricane. Human rights defenders reported that they were the target of threats and harassment, particularly at the state and municipal level, and that official investigations usually were ineffective in identifying the perpetrators.

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. According to a 2003 survey of the National Statistical Institute (INEGI), 47 percent of women age 15 and over had suffered at least 1 incident of physical, emotional, or sexual aggression. Victims generally did not report abuse for a variety of reasons, including reprisal by their spouse, fear of becoming economically destitute if their spouse is imprisoned, and the general disinterest of authorities in prosecuting such offenses.

In January the government's cabinet-level National Institute of Women (INMUJERES) reported that the national hot line established under the National Plan for a Life without Violence received more than twice as many calls in 2004 (11,396) as in 2003 (5,460). While some government-funded shelters for victims of domestic violence have been built, civil society organizations and women rights groups maintained the vast majority of available shelters. In August the state of Chiapas opened a comprehensive domestic violence shelter just outside Tuxtla Gutierrez for victims of domestic violence and their children.

The law prohibits rape and includes penalties of up to 20 years; however, victims rarely filed complaints with police. In November the Supreme Court confirmed that marital rape was illegal. In February Special Rapporteur of the UN Commission on Human Rights on Violence Against Women Yakin Erturk stated that impunity for sexual violence against women in the country was extensive and that perpetrators of such crimes rarely were brought to justice. According to the NGO Mexican Commission for Human Rights, spouses or partners committed 58 percent of reported homicides against women, and in 63 percent of sexual assault cases, the woman brought charges against someone in her family. Rapporteur Erturk added that violence against indigenous women was often "dismissed or justified within the context of cultural specificity."

The problem of violence against women was particularly grave in Ciudad Juarez and the state of Chihuahua, where 34 killings were discovered during the year. In August Special Commissioner Morfin submitted her second progress report, which attributed the slow investigative process to a culture of impunity, dubious investigative techniques, including torture, and police corruption and ineptitude (see section 1.c.). Morfin acknowledged that the state and municipal authorities of Chihuahua had shown a more favorable attitude and a new willingness to investigate cases correctly, but federal, state, and local efforts to solve the killings and restore security needed to be better coordinated.

On May 30, the government named Mireille Roccatti the new special prosecutor assigned to investigate the unsolved killings of more than 350 women and young girls in Ciudad Juarez and surrounding area over the past 12 years. On September 15, Roccatti resigned as special prosecutor, stating that her work would be completed by year's end. The PGR announced plans to expand the prosecutor's mandate to investigate violence against women throughout the country.

In August CNDH issued its second special report on the Ciudad Juarez killings; it stated that between January 1993 and August, authorities had opened 367 cases: 169 cases were concluded in a court (144 resulted in convictions, 9 resulted in acquittal, and 16 were resolved by a court for minors), 184 cases were still in process, and 14 cases were closed. There were also 36 cases registered as disappearances.

In August an Argentine forensics team arrived in Ciudad Juarez to help identify bodies and provide technical assistance in investigations. Several suspects who claimed that police tortured them into confessing were released (see section 1.c.). The authorities signaled a greater willingness to investigate cases with the swift arrest of several suspects in the case of Airis Estrella Enriquez Pando, a seven-year-old girl who was raped and killed in May.

Prostitution is legal for adults, and it was 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. Trafficking in women and minors for prostitution was 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." In May, however, INMUJERES announced that women workers earned significantly less than their male counterparts, more than 50 percent less in certain occupations.

Labor law provides extensive 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 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 census conducted by the INEGI showed that 91 percent of children between ages 6 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 in the population aged 15 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 1-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 6 to 9, 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.).

While no federal law prohibits all forms of trafficking in persons, various laws forbid certain aspects of trafficking. In November Baja California Norte became the first state to approve a comprehensive law to combat trafficking in persons. At the federal level child prostitution and pornography are felonies; anyone convicted of introducing a minor under age 16 to pornography, prostitution, or sexual exploitation can be sentenced to 5 to 10 years' imprisonment. Accomplices to sexual abuse or exploitation of a minor may be imprisoned for 6 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.).

The government faced structural inefficiencies in collecting data and fostering investigations, prosecutions, and convictions of trafficking cases. Authorities disrupted smuggling operations, which often were directly involved in trafficking, and arrested a number of suspected traffickers during the year. Nonetheless, convictions remained elusive, and differentiating trafficking cases from other types of cases, such as alien smuggling, remained a challenge for the government.

In August foreign national Frank White was extradited from Thailand to Mexico to stand trial for corruption of a minor and child prostitution. White was accused of sexually abusing, making pornographic films of, and prostituting more than 75 children in the Puerto Vallarta area since 1999.

CISEN is the lead operational and coordinating agency for antitrafficking efforts. The National Migration Institute (INM), the PGR, the PFP, 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 the government participated in international investigations of trafficking.

The country was a point of origin, transit, and destination for trafficking victims. The vast majority of non-Mexican trafficking victims came from Central America; lesser numbers came from Brazil, Ecuador, China, Taiwan, India, and Eastern European countries. Victims were trafficked principally to the United States. Although there were no reliable statistics on the extent of trafficking, the government estimated that 20 thousand 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.

CISEN reported that trafficking is usually only one element of organized criminal gang activities. Transnational and domestic organized criminal networks and gangs were the primary perpetrators of trafficking in persons. Many illegal immigrants fell prey to traffickers along the Guatemalan border, where the growing presence of gangs such as Mara Salvatruchas and Barrio 18 made the area especially dangerous for unaccompanied women and children migrating north, whose numbers continued to increase.

Most victims of trafficking were poor and uneducated. Trafficking victims often related that they were promised a good job, 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.

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 a judge issued arrest warrants for seven INM agents in connection with their participation in a human smuggling ring. An investigation was ongoing at year's end.

During the year INM on a case-by-case basis began issuing visas to trafficking victims allowing them to remain in the country; at least four victims received such visas during the year.

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

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 such 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 it began a program to improve access in 13 airports.

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 \$3 million (\$33 million pesos) during the year to improve mental health treatment in four states.

During the 2003 congressional and state elections, the federal and state governments provided ballots, 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 the DIF and the Office for the Promotion and Social Integration of the Disabled to protect the rights of persons with disabilities. During the year 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 and the violation of international humanitarian law. 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.

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. The CNDH's Office of the Fourth Inspector General investigated violations of indigenous rights. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

Other Societal Abuses

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 the government launched a radio campaign to fight homophobia with material prepared by the CONASIDA.

A nationwide government survey released in May recorded that 44 percent of respondents said they would not share a house with an HIV-positive person, and 42 percent would not seek government intervention if their town banned homosexuals.

There were several incidents of harassment of, violent attacks on, and killing of homosexuals. On June 21, unknown assailants stabbed and killed Octavio Acuna while he worked in his condom shop in Queretaro. Acuna was a prominent human rights activist who campaigned for the rights of persons with HIV/AIDS and worked for a sexual education association; the legal representative of the Queretana Association for Sexual Education, to which Octavio belonged, said that she considered Octavio's killing an act of homophobia. An investigation continued at year's end.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants. Robbery and killings by the criminal gangs such as the Mara Salvatruchas 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 statistics, there were 45 million workers in the workforce, with 15 million in the formal sector--those paying taxes to the IMSS. Approximately 25 percent of the formal sector is unionized.

By law, 20 workers can form an independent union with a formal registration. Administrative procedures for registration are complex, and government labor boards frequently rejected 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 have resulted in intimidation of pro-union workers.

In May the labor board in Guanajuato became the first state labor board to order a secret ballot election and permit international observers to be present during a representation election. Turnout approached 80 percent, and there was no physical violence.

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.

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 on 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 age 14 and 16 may work only limited hours with parental permission, with no night or hazardous work. UNICEF reported that 16 percent of children age 5 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 work.

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: \$4.36 (48 pesos) in Zone A (Baja California, Federal District, State of Mexico, and large cities); \$4.23 (46 pesos) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and \$4.11 (45 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.

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