

MEXICO 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. On July 1, citizens elected President Enrique Pena Nieto of the Institutional Revolutionary Party (PRI) to a six-year term in generally free and fair multiparty elections; Pena Nieto took office on December 1. Security forces reported to civilian authorities; however, there were instances in which elements of the security forces acted independently of civilian control.

Significant human rights-related problems included police and military involvement in serious abuses, including unlawful killings, physical abuse, torture, and disappearances. Widespread impunity and corruption remained serious problems, particularly at the state level, in the security forces, and in the judicial sector. Violence attributed to transnational and local criminal organizations, violence against women, and violence against journalists that limited freedom of expression persisted.

The following problems were reported during the year by the country's National Human Rights Commission (CNDH) and other sources: kidnappings; physical abuse; harsh, overcrowded prison conditions; arbitrary arrest and detention; and confessions coerced through torture. Additionally, there were reports of threats and violence against human rights defenders; kidnapping, robbery and abuse of migrants; domestic violence; trafficking in persons; abuse of lesbian, gay, bisexual, and transgender persons and people with disabilities; social and economic discrimination against some members of the indigenous population; and exploitation of child labor.

Despite some arrests for corruption, widespread impunity for human rights abuses by officials remained a problem in both civilian and military jurisdictions.

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces, acting both in and out of the line of duty, arbitrarily or unlawfully killed several persons during the year, often with impunity. During the year the CNDH received 45 complaints regarding arbitrary or unlawful killings and issued 14 recommendations to authorities (based on certifications that a case involved a

serious human rights violation and merited further investigation or sanction). For example, security forces allegedly killed Bulmaro Granados Sanchez, Josue Olea Lopez, Jose Carlos Atrixco Isidra, Ever Daniel Granados Garcia, Jorge Granados Avila, and Joaquin Granados Vargas on September 1. According to the families of the victims, the six men were attending a birthday celebration when Secretariat of National Defense (SEDENA) officers of the 19th Infantry Battalion entered the home in Guerrero, detained the men, and took them to Guayabo ranch where the men were beaten and killed. According to SEDENA, the men died in a confrontational shootout. However, the lawyer representing the families told media that a forensic report by the Guerrero attorney general's office demonstrated that the deceased did not fire any guns. The state and federal attorneys general offices, the Military Prosecutor's Office, and the CNDH were investigating the case at year's end.

On August 16, the CNDH issued a recommendation to the Secretariat of Public Security (SSP) and SEDENA to pay damages and called on authorities to prosecute all alleged perpetrators for the arbitrary detention, torture, forced disappearance, and execution of Jethro Ramsses Sanchez. Sanchez, an engineering student, was allegedly detained and beaten in May 2011 in Cuernavaca, Morelos, by municipal police officers under the command of Manrique Gonzalez Acosta. Gonzalez Acosta came under investigation for denying his participation in Sanchez's detention before judicial authorities. The municipal police later turned Sanchez over to federal police, presenting him as a transnational criminal organization (TCO) member. Federal Police transferred Sanchez to the military which took him to one of SEDENA's military facilities (24th Military Zone), where he was allegedly tortured and died as a result of the abuse. Although General Leopoldo Diaz Perez, commander of the 24th Military Zone, denied that the detention ever took place, the Military Prosecutor's Office investigation concluded that military forces tortured Sanchez, and he died on the same day. His body was clandestinely buried in Puebla. In July 2011 three military members were detained. Lieutenant Jose Guadalupe Orizaga y Guerra and Second Lieutenant Edwin Raziell Aguilar Guerrero were charged with the disappearance and torture of Sanchez, while Colonel Jose Guadalupe Arias Agredano faced charges of ordering his subordinates to cover up the crime. Although his case was initially before a military tribunal, on August 9, the Supreme Court determined that Colonel Arias Agredano must be tried in a federal civilian court in Morelos. As of the end of the year, there had been no prosecutions in the case. The SSP continued to reject the CNDH recommendation, and although SEDENA accepted the recommendation, nongovernmental organizations (NGOs) criticized the military for failing to comply with its terms thus far. On November 29, the CNDH invoked

its new constitutional authority to have the Senate call Genaro Garcia Luna, then head of the SSP, before the Senate to explain why the SSP had not accepted three CNDH recommendations, including in Sanchez' case, to which Garcia Luna responded that federal police were not involved in the incidents that motivated the complaint.

The CNDH continued to investigate the June 2011 death of Joaquin Figueroa Vasquez, who was reportedly killed in a high-speed chase by state and federal security forces. According to the human rights NGO Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), Figueroa's daughter was harassed and threatened by individuals dressed as police and other unidentified individuals in retaliation for her filing formal complaints in connection with her father's death, which prompted her to flee Veracruz in September.

During the year unidentified perpetrators killed sitting mayor Marisol Mora Cuevas in Veracruz and mayor-elect Edgar Morales Perez in San Luis Potosi. This was a decrease in alleged politically motivated killings of mayors from 2010 and 2011, when 20 sitting mayors were killed.

Impunity continued in the 2011 killings of Pedro Leyva Dominguez and Trinidad de la Cruz Crisostomo, activists from the Movement for Peace and Justice with Dignity (MPJD). On November 1, SEDENA announced that it, along with the Attorney General's Office (PGR), had detained Jesus Alfredo Salazar Ramirez for the November 2011 killing of MPJD activist Nepomuceno Moreno.

b. Disappearance

There were multiple reports of forced disappearances by the army, navy, and police. Most occurred in the course of sanctioned security operations. The CNDH received 52 complaints (down from 153 in 2011) and issued five recommendations to authorities in cases involving forced disappearance during the year. In several cases, security forces had detained persons incommunicado for several days. Since 2001 the Federal Criminal Code has classified forced disappearance as a crime. However, forced disappearances do not constitute a crime in several local penal codes. The Federal Criminal Code and the legislation of the 16 federal entities, which have classified forced disappearance as a crime, do not use the same definition, and penalties vary according to the jurisdiction. Sixteen states do not classify forced disappearances as a crime. On December 10, President Pena Nieto announced an initiative to reform the definition of forced disappearances in the federal code to meet international human rights standards.

The CNDH reported that there were at least 7,000 unidentified bodies of persons killed in the last six years in morgues and common graves, while a PGR-compiled list of more than 25,000 people who had disappeared since December 2006 was leaked to the *Washington Post* in November. Human rights organizations continued to call on the government to set up the national database of disappeared persons, which would include genetic and other information to identify the missing persons. On April 17, the government published a law for the National Registry of Missing or Disappeared Persons, with the purpose of creating a database of information for the National Public Security System to standardize and centralize information concerning missing and disappeared persons. However, by the year-end, the government had not yet published the regulations to ensure the database was operable or clearly delegated a government agency to host the database.

An August 30 press release by Amnesty International (AI) and the CMDPDH reported that the government's security approach has led to a drastic increase in the number of forced disappearances, noting that the complaints sent to the CNDH for forced disappearances went from four in 2006 to 153 in 2011. AI and the CMDPDH reported that from 2006 through August 2012, the CNDH received 390 complaints of forced disappearances, with 71 percent of those disappearances reported between 2010 and 2011.

On August 21, the CNDH found that the Secretariat of the Navy (SEMAR) was responsible for the June 2011 disappearances of six civilians in Nuevo Laredo, Tamaulipas. The CNDH reported that in June 2011 SEMAR detained the individuals in their homes, places of work and at other commercial establishments and then transported them in SEMAR vehicles to an unknown destination, without a court order or judicial proceedings. The six victims remained disappeared at the end of the year. Although the PGR and Military Attorneys General's office opened investigations, no one was held responsible for the disappearances.

The trial of Ciudad Juarez municipal police officers Eugenio de los Santos Decuesta, Francisco Javier Campoy Dominguez, and Leonardo Ivan Loya Hernandez, charged with the forced disappearance and killing of four men in March 2011, remained pending.

Kidnapping remained a serious and underreported problem for persons of all socioeconomic levels, and there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. There continued to be reports of kidnapping of undocumented migrants by criminal groups to extort

money from migrants' relatives or force them into committing criminal acts on their behalf.

On August 5, Mayor Nadin Torralba Mejia in Guerrero was kidnapped and remained missing at year's end.

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

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

In the state of Guerrero, the definition of torture is contained in the law creating the state's human rights commission rather than in the criminal code. Human rights NGOs reported that this anomaly resulted in inadequate investigation of and punishment for torture in the state.

During the year the CNDH received 1,642 complaints of cruel or degrading treatment and 20 torture complaints, compared with 1,626 complaints of cruel or degrading treatment and 42 torture complaints in 2011. The CNDH issued 22 recommendations in cases of cruel and degrading treatment and 11 recommendations in cases of torture during the year.

There were frequent reports of citizens and foreign nationals beaten, suffocated, tortured with electric shocks, raped, and threatened with death in the custody of arresting authorities. Foreign citizens filed numerous complaints before state-level human rights commissions for egregious mistreatment at the hands of arresting authorities or while in prison.

In one case, on January 17, a prisoner reported that customs agents used the sides of their hands to hit his throat, neck, back, and stomach for approximately 30 minutes. He stated that soldiers then took him to their headquarters, where they covered his eyes and placed a blanket on his head. He said they hit him on the head and knees with a hammer, hit his face, suffocated him with a plastic bag several times, and administered electric shocks to the inside of his legs.

In its November 2011 report, Human Rights Watch (HRW) reported more than 170 cases of torture committed by security forces in the states of Baja California, Chihuahua, Guerrero, Nuevo Leon, and Tabasco since the beginning of the government's fight against TCOs in 2006. The report noted that the most common forms of torture included "beatings, asphyxiation with plastic bags, waterboarding, electric shocks, sexual torture, and death threats." In response to the report, former president Calderon pledged to investigate all cases documented in the report and created a joint commission with HRW to follow progress. In December HRW reported that despite several meetings with the commission in 2011 and 2012, the government failed to demonstrate any meaningful progress in the investigation and prosecution of the cases documented in the report.

In August 2011 the CNDH issued a recommendation concluding that Israel Arzate Melendez did not receive a fair process when he was denied the opportunity to present evidence that his confession was the result of torture in 2010. On February 29, the UN Human Rights Commission, through its Working Group on Arbitrary Detention, called on the government to release Arzate immediately. On September 26, according to the NGO Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), the Chihuahua prosecutor's office transferred Arzate from prison to his home, where he remained under house arrest pending trial as of year's end. In October the Supreme Court assumed jurisdiction over the two amparos (challenges) filed by Arzate against the criminal charges against him.

In June the CNDH issued a recommendation against SEDENA for the torture and killing of Josue Manuel Esqueda Nieto who died from injuries he received during an interrogation carried out by military personnel in December 2011 in Nuevo Laredo, Tamaulipas.

On October 27, four Juarez police officers were arrested and charged with torture, aggravated rape, and misuse of authority related to the abuse of two men in their custody. Prosecutors alleged that one of the officers shot and wounded a man in his ankle and calf. Another victim claimed that the Juarez police officers raped and sexually abused him and his alleged accomplice while they were in custody.

The government took some steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. The PGR reported that from January 2011 through August 2012, it had applied the Istanbul Protocol at the national level in 96 cases, of which 11 resulted

in a finding of torture, 28 resulted in a finding of mistreatment (malos tratos), and 57 resulted in a negative finding of torture. According to the PGR, 17 of the country's 32 federal entities had passed regulations to implement the protocol and established offices to evaluate allegations. In its testimony before the UN Committee Against Torture (UNCAT) on October 31, the government reported that a total of 74 public servants have been prosecuted for incidents of torture between 2005 and 2012, but just six had been convicted.

The PGR reported it had provided training on human rights and torture to its local, state, and federal staff.

Instances of cruel, inhuman, and degrading treatment reportedly occurred in public mental health institutions (see section 6, Persons with Disabilities).

Prison and Detention Center Conditions

Treatment and physical conditions in prisons and detention centers were harsh and life threatening. During the year the CNDH and NGOs continued to report that corruption, overcrowding, prisoner abuse, alcohol and drug addiction, and loss of security and control were prevalent in most facilities.

Physical Conditions: According to the SSP, as of July there were 238,269 prisoners in 419 facilities, which was approximately 25.8 percent above capacity. Approximately 227,000 (95.3 percent) of those inmates were men and 11,000 (4.7 percent) were women. The official number of juvenile inmates was unknown on a national level given the decentralized recordkeeping for juvenile inmates. In Mexico City, the General Directorate on Juvenile Treatment reported that 604 male juveniles were incarcerated in four facilities in the city and that 31 female juvenile inmates were incarcerated in one facility. In its Strategic Plan for 2008-12, the SSP described the penitentiary system as "one of the most underdeveloped and abandoned components of public security."

Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Prisons were often staffed with poorly trained, underpaid, and corrupt guards, and authorities occasionally placed prisoners in solitary confinement indefinitely. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to threaten health and life, particularly in the state of Baja California where the state sought to address its high incarceration rate (nearly three times the national average) through

a combination of increasing facility capacity, early parole, and transfer of federal prisoners to facilities elsewhere.

As of November the SSP reported that 121 inmates had been killed in prisons, up from 71 in 2011. The SSP attributed 101 of the 121 deaths to prison fights, which highlighted the lack of security and control in many prisons.

The CNDH noted a lack of access to adequate healthcare was a significant problem at all facilities. Prisoners generally had access to potable water.

In September the CNDH reported that organized crime controlled 60 percent of prisons; it described the escape of 521 inmates in 14 incidents since 2010, sometimes with the help of corrupt prison officials, as a serious problem. The CNDH singled out prisons in the Federal District, Mexico State, Tamaulipas, Nuevo Leon, Quintana Roo, Oaxaca, Guerrero, Tabasco, and Nayarit for the worst prison conditions.

Several large scale riots and prison escapes occurred during the year. In January a total of 31 prisoners died in a prison riot in Altamira, Tamaulipas. On February 19, a prison riot in Apodaca, Monterrey left 44 dead and allowed 30 inmates to escape. On September 17, approximately 130 inmates escaped a prison at Piedras Negras. On December 18, a total of 15 prisoners and nine correctional officers died in a prison riot in Durango. Prison guards and officials were arrested or dismissed in several of the incidents for aiding in the escapes. In some cases prisons were at 180 percent of capacity.

Pretrial detainees were held together with convicted criminals. The CNDH continued to report that conditions for female prisoners were inferior to those for men, particularly for women who lived with their children in prison, due to a lack of appropriate living facilities and specialized medical care. There were reports that women who lived with their children in prison did not receive extra food or assistance. There continued to be reports of physical and sexual abuse of women while in detention.

Administration: There were improvements in recordkeeping in the federal prison system, largely due to a transition from a paper file system to electronic recordkeeping. However, at some state prisons, recordkeeping was inadequate.

The CNDH has an ombudsman dedicated to prison issues, but the office does not provide legal representation for prisoners. The CNDH received 1,311 complaints of human rights violations against prisoners.

Prisoners and detainees generally had reasonable access to visitors and could observe religious practices. While prisoners and detainees could lodge complaints about human rights violations, access to justice was inconsistent, and the results of investigations were generally not made public.

Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions. The CNDH made 745 visits to civilian and military prisons and 527 visits to detention centers nationwide during the year to monitor conditions.

Independent monitors are generally limited to making recommendations to authorities to improve prison conditions. The federal system made some improvements based on these recommendations.

Improvements: In October the government inaugurated two new state-of-the-art federal facilities in Sonora and Guanajuato that will eventually each hold 2,500 high-security prisoners. At year's end seven more federal facilities were under construction. In addition, as part of SSP's strategic plan, eight federal facilities have received international accreditation under the American Correctional Association. Authorities added programs to promote rehabilitation and an objective prisoner classification system. They also designed a new model parole for former inmates placed on probation as an alternative to prison, which will be under supervision of parole and probation officers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention as well as sponsoring or concealing an illegal detention. However, the CNDH reported receiving 1,720 complaints and issued 22 recommendations to authorities regarding arbitrary arrests and detentions during the year.

On January 21, Guerrero state judicial police arrested Maximino Garcia Catarino, a leader of the Organization for the Future of the Mixtec Peoples (OFPM) and beneficiary of protective measures ordered by the Inter American Court on Human Rights, on what AI called "false murder charges." Apparently, the police failed to

provide an arrest warrant or reason for Garcia Catarino's arrest. Only later did they accuse him of the February 2011 murder of Juan Teodoro Garcia from a neighboring community. During his detention, police allegedly beat Garcia Catarino for refusing to answer questions about other OFPM leaders. Garcia Catarino spent two months in detention before Guerrero's Superior Court ordered his release on March 20, finding that a lower court had ordered his detention and trial without reliable evidence. Local NGOs, including the Tlachinollan Mountain Human Rights Center, said that Garcia Catarino's arbitrary arrest and imprisonment was in reprisal for activism on behalf of his indigenous community.

In February 2011 elements of the Army dressed in civilian clothes allegedly detained Miriam Isaura Lopez Vargas in Ensenada, Baja California, under alleged drug possession charges and took her to barracks in Tijuana's Second Military Region where she was reportedly tortured and raped. Lopez remained in military custody one week before transfer to the National Arraigo Center and later to the Center of Social Re-adaptation where she was held until her release in September 2011. On September 28, the CNDH issued a recommendation to SEDENA for arbitrary detention, unlawful deprivation of liberty, torture, and sexual violence against Lopez. In its recommendation, the CNDH called on the military to ensure the immediate transfer of detainees to prosecutors, prohibit the use of military installations as detention and interrogation centers, and abstain from operations where military are dressed as civilians in unofficial vehicles. By year's end the PGR investigation had not resulted in identifying or holding to account any perpetrators in the case.

The NGO Freedom House reported that the military abused the provision of flagrancia (arresting someone caught in the act of a crime), which, it asserted, accounted for all registered arrests by the military.

Role of the Police and Security Apparatus

The federal police, under the SSP, as well as state and municipal police, have primary responsibility in law and in practice for law enforcement and the maintenance of order. SEDENA, which oversees the army and the air force, and SEMAR, which oversees the navy and the marines, also play a role in domestic security, particularly in relation to TCOs.

The CNDH stated that deployment of the armed forces for domestic law enforcement in the campaign against TCOs led to an increased number of reported

human rights abuses by government security forces upon civilians, sometimes with impunity. On April 23, SEDENA, SEMAR, SSP, and PGR published security protocols for chain of custody and use of force. The protocols, designed to reduce the time that arrestees remain in military custody, outline specific procedures for the handling of detainees. According to the PGR, 78 percent of the 32 complaints for torture that it received during the year occurred before April when implementation of the use-of-force protocols started and the PGR began training its staff in their use.

According to SEDENA's human rights Web site, based on the CNDH recommendations issued against SEDENA between December 2006 and December 2012, a total of 186 military members were charged for human rights violations, of whom 38 were prosecuted in the military justice system. However, credible human rights NGOs continued to charge that lack of transparency and the military justice system contributed to and encouraged impunity, pointing to a failure to openly and promptly investigate, prosecute, and convict members of the military for human rights violations. The human rights community continued to urge that complaints of human rights violations by the military be investigated and prosecuted by judicial systems outside the military chain of command.

The CNDH reported that police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety.

The CNDH received 1,503 complaints of human rights violations against SEDENA during the year, compared with 1,695 complaints in 2011. The CNDH also reported a decrease in complaints against SEMAR, noting that it received 418 complaints against SEMAR during the year, compared with 495 in 2011. The CNDH attributed the reduction in complaints against the military to an increase in human rights training programs. During the year the CNDH issued 15 recommendations to SEDENA concerning human rights violations by members of the army and air force, compared with 25 in 2011. The CNDH issued six recommendations to SEMAR during the year, the same number as in 2011.

The CNDH received 742 complaints against the PGR during the year and 45 complaints against SSP (in addition to 802 specifically against the Federal Police under SSP authority). The CNDH issued three recommendations to the PGR and nine to the SSP (which included any complaints against the Federal Police). Only the SSP had rejected a CNDH recommendation by year's end.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is tasked with promoting a culture of respect for human rights within the institution. However, the directorate has no power to ensure allegations are properly prosecuted.

During the year the CNDH increased its training of military members due to new training agreements with SEMAR and SEDENA as well as the use of new technologies such as videoconferencing and online training. As of October the CNDH provided human rights training to 254,786 military members, compared with 30,148 in 2011. Human rights NGOs continued to report a lack of access to the directorate and asserted that the directorate had not improved SEDENA's human rights performance.

Numerous agencies and organizations offered training to federal police officers, and SSP personnel in human rights; however, evidence of its effectiveness remained limited. While some state-level police academies mandated human rights training as part of their curriculum, many did not, and the training across states was not standardized.

Arrest Procedures and Treatment While in Detention

The constitution allows any person to arrest another if the crime is committed in his or her presence, and a warrant for arrest is not required if an official has reasonable suspicion about a person's involvement in a crime. This practice was abused. Bail exists, except for persons held in connection with drug trafficking or other forms of organized crime. In the 20 states that had not yet begun implementing the 2008 constitutional reforms of the judicial system, pretrial release on bond was available only in cases in which the charged offense was not considered a serious crime. In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest. However, there were violations of this 48-hour provision.

In cases involving three or more persons who organize to commit certain crimes, suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. However, under a precautionary procedure known as "arraigo" (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established), certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. Many human rights NGOs claimed that arraigo allows authorities to detain someone first,

then seek a reason to justify that detention. In the absence of formal charges, persons so detained are denied legal representation and are not eligible to receive credit for time served if convicted. Human rights groups, including the CMDPDH, asserted that authorities used arraigo to obtain confessions using torture. As of year's end the states of Chiapas, Chihuahua, Mexico, and Morelos had declared the practice illegal.

In areas involving military operations against TCOs, SEDENA personnel detained individuals without the involvement of state or federal investigators authorized to collect evidence for use in subsequent prosecutions. Detention notifications to the PGR were sometimes delayed, which complicated efforts to prosecute and convict arrestees.

Some detainees complained about lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. Indigent detainees were sometimes provided counsel only during trials and not during arrests or investigations as provided for in law. Some detainees were held under house arrest. Human rights NGOs documented, and the CNDH issued several recommendations confirming, that the army continued to detain civilians for extended periods before placing them at the disposition of civilian authorities. The CNDH issued 12 recommendations to the military (eight to SEDENA and four to SEMAR) during the year for detaining civilians before placing them at the disposition of civilian authorities, the same number as in 2011 (nine against SEDENA and three against SEMAR in 2011).

Arbitrary Arrest: The CNDH reported that it received 1,720 complaints and issued 22 recommendations in cases of arbitrary arrests during the year. Many arrests were made under arraigo. On November 24, the UNCAT condemned the common use of arraigo and called on Mexico to abolish its use from law and practice, at the federal and local level. In December the PGR acknowledged that of the nearly 4,000 cases of persons held under arraigo over the last two years, criminal proceedings were initiated only in an estimated 120 cases.

Pretrial Detention: The law provides time limits within which an accused person must be tried. Such time limits were generally disregarded as caseloads far exceeded the capacity of the federal judicial system, and most state judicial systems continued to employ the written inquisitorial criminal justice process. In 2011 the Mexican Center for Research and Teaching in Economics (CIDE) and HRW reported that more than 40 percent of prisoners continued to be held in pretrial detention, as opposed to serving time for a convicted offense. Many spent

years in pretrial detention. According to CIDE the average detention period for prisoners awaiting trial was two years. Of those tried, 14 percent were declared innocent after having served time in prison, and 85 percent received sentences of less than five years. For many, the time spent in prison ultimately exceeded the sentence.

States implementing the 2008 constitutional reforms of the judicial system, on the other hand, reduced the number of crimes with mandatory remand, and presented lower pretrial detention rates. These states were also beginning to adopt other measures associated with the 2008 judicial reform, such as pretrial services, house arrest, bail, and alternative dispute resolution.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, according to CIDE. Civil society organizations reported that corruption, inefficiency, and a lack of transparency continued to be major problems in the judiciary.

International bodies, including the Inter-American Commission on Human Rights (IACHR) and the Office of the UN High Commissioner for Human Rights, criticized the government's failure to limit military jurisdiction over human rights cases. Article 57 of the Military Justice Code defines crimes against military discipline as "state or common offenses that have been committed by active duty military." Civilian courts generally ceded jurisdiction to the military in cases where military personnel stood accused of human rights violations committed against civilians. The Supreme Court ruled in July 2011 that civilian courts should try all human rights abuses of civilians, including those committed by the military. Attempting to elaborate on that decision, in August the Supreme Court took steps to establish binding legal guidance by reviewing 30 cases related to the issue of civilian versus military jurisdiction. The Supreme Court limited military jurisdiction in several individual cases of crimes committed against civilians and determined in one case that provisions of the Military Justice Code, which has allowed the military to assert jurisdiction in human rights cases involving civilians, is unconstitutional. By year's end the Supreme Court had decided on 13 of the 30 cases, but had not yet established binding legal guidance, which requires that five consecutive cases addressing the exact same criteria produce the same ruling.

The government reported that between December 2011 and October 2012, the military had transferred jurisdiction to civilian courts in 231 pretrial investigations and 76 criminal cases. Although the government made some progress towards limiting military jurisdiction during the year, human rights NGOs urged amending the Military Justice Code to ensure human rights abuses committed by the military are not tried in military courts.

Trial Procedures

The civilian legal system is a hybrid system. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. The 2008 constitutional criminal justice reforms mandated nationwide implementation of an oral adversarial system and the presumption of innocence by 2016. The military also employed a hybrid inquisitorial-accusatorial legal system but continued to move toward an oral accusatorial system. In some states implementing the accusatory system, alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system. Partially because of increased use of alternative mechanisms, courts in reform states were burdened less by minor crimes.

At year's end, 22 states had passed legislation transitioning to the oral, adversarial system and were at various stages of training and implementation of the reforms; eight states were still legislating reforms; and two states had not yet developed legislation. Under the old system, still being used by the federal government, the federal district, and 20 states (some of which had passed reforms but were still transitioning to the new system) a typical trial consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file and only by special motion.

The 2008 constitutional criminal justice reform establishes that by 2016, defendants shall enjoy a presumption of innocence, and the accused shall have the right to attend the hearings and challenge the evidence or testimony presented. However, a majority of jurisdictions had not provided these rights, as they had not completed reform implementation and still operated under the inquisitorial system. Defendants are not tried by a jury.

While the law provides defendants with the right to an attorney at all stages of criminal proceedings, authorities regularly appointed a “person of confidence,” who was not required to meet any particular legal qualifications to represent a defendant. Because of the nascent implementation of the 2008 reforms, not all public defenders had preparation and training to serve adequately on the defendants’ behalf, and often the state public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch. There were rarely autonomous public defender services. According to CIDE, most criminal suspects did not receive representation until after they were placed under judicial authority, thus making individuals vulnerable to coercion to sign false statements before being presented to a judge.

Although the law requires translation services from Spanish to indigenous languages be available at all stages of the criminal process, this generally was not available in practice. The PGR reported several improvements in access to services in indigenous languages during the year, however, indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and were convicted without fully understanding the documents they were required to sign.

According to human rights NGOs, including HRW and AI, judges continued to allow confessions coerced through torture as evidence against the accused. These confessions were often the primary evidence in criminal convictions (see section 1.c.). NGOs reported that judges often gave greater evidentiary value to the first statement of a defendant given in the absence of legal representation, providing prosecutors an incentive to obtain an incriminating first confession.

Where implemented, the 2008 justice reform also establishes strict guidelines on the use of confessions, evidence, and expert testimony; allows consensual monitoring of telephone calls; and gives police more responsibility for conducting investigations. The reform requires that all hearings and trials be conducted by a judge and follow the principles of public access, immediacy, confrontation, and cross-examination, in order to promote greater transparency and allow defendants to challenge their accusers. However, the law allows the government to keep elements of an investigation confidential until evidence is presented in court, and defendants do not usually have access to government-held evidence.

In June 2011 then President Calderon signed into law revisions to the “amparo” law, which reduce loopholes in the constitution that allowed lawbreakers to escape justice and provide for additional protection of civil liberties. Amparo is a

Mexican legal procedure, analogous to an injunction, designed to protect persons from any official act deemed to violate the rights enshrined in the constitution. An amparo can rescind the ruling of a court and provide protection against laws and administrative acts and recourse in land disputes. Although the Supreme Court began to apply the reform, as of year's end, the constitutional reform in amparo lacked implementing legislation, which would ensure that courts nationwide apply the reform.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters to which citizens have access to seek civil remedies for a human rights violation. However, for a plaintiff to secure damages against a defendant, the defendant first must have been found guilty in a criminal case, which was a high standard in view of the relatively low number of individuals convicted of human rights abuses in the country.

Regional Human Rights Court Decisions

The government made some progress during the year to implement four previous binding rulings calling on it to try human rights abuses by the military in civilian courts; the Supreme Court ruled on several cases and the military transferred some cases previously in military jurisdiction to civilian jurisdiction (see above).

The government made progress in implementing the Inter-American Court of Human Rights rulings in the emblematic cases of Organization of the Me'phaa Indigenous People members Valentina Rosendo Cantu and Ines Fernandez Ortega-indigenous women whom soldiers detained arbitrarily and raped in separate incidents in 2002. The federal government held public ceremonies in December 2011 and March 2012 acknowledging the state's responsibility, began construction on a Center for Attention to Victims, and inaugurated a new Special Prosecutors Office for Sex Crimes in Guerrero, complying with part of the Inter-American Court ruling. However, NGOs criticized the slow pace of the PGR's investigation and the failure to bring the case before a judge.

The IACHR called on the country to provide precautionary measures in eight cases during the year, and the government reached settlements in six cases by mutually agreeing to terms with alleged victims of human rights violations.

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

Although the law prohibits such practices and requires search warrants, the CNDH received 817 complaints of illegal searches and 123 complaints of illegal destruction of private property during the year.

On July 30, in the indigenous community of Kumiai de la Huerta in Baja California, approximately 30 members of the army and six armed civilians without a warrant allegedly entered three homes and raided personal belongings in search of drugs. The search squad allegedly questioned and threatened people, including children, and beat, blindfolded, and detained one young man, who was eventually set free on the outskirts of the community with the warning that if he reported the incident, the military squad would return and kill him and his family. The PGR and CNDH were investigating the case at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. In practice, however, attacks on journalists, threats of attacks, and a lack of adequate protection resulted in significant self-censorship. Most newspapers, television, and radio stations were privately owned, and the government had minimal presence in the ownership of news media. Media monopolies, especially on a local level, constrained freedom of expression.

Freedom of Speech: On October 24, the state of Puebla brought charges against two journalists for “abusing freedom of expression”; the state threatened 17 others with charges that were never brought. Prosecutors eventually dropped charges in both cases. An additional case in Tijuana reflected a similar pattern of intimidation.

Freedom of Press: Despite federal laws supporting freedom of the press, many journalists were the victims of threats, harassment, and violence. Reporters covering organized crime, including its links to corrupt public officials, acknowledged practicing self-censorship, recognizing the danger investigative

journalism posed to them and their families. Freedom House's 2012 *Freedom of the Press Report* categorized Mexico as a country "not free" for the press due to the threats and violence that reporters faced and impunity for the perpetrators of crimes committed against the press.

The law does not provide a legal framework for issuing permits to nongovernmental and noncommercial community radio stations.

Violence and Harassment: During the year the NGO Article 19 reported seven journalists were killed for reasons presumed to be related to their work and two disappeared, compared with nine such killings and two disappearances in 2011. Article 19 also registered 207 aggressions against journalists, media workers, and media installations during the year. Moreover, in the state of Veracruz alone, Article 19 reported that 10 journalists fled the state for their safety during the year.

The PGR's Office of the Special Prosecutor for Crimes Against Journalists reported that it initiated 113 pretrial investigations from January to November, and accepted jurisdiction in about 20 cases with eight completed prosecutions.

Between April and June, attackers killed six journalists and news-media workers in the state of Veracruz, including Regina Martinez, a journalist who had been beaten and strangled to death. Martinez had worked for *Proceso* magazine for the past 10 years and had recently published reports that included accusations of local government corruption. On October 30, the Veracruz State Prosecutor's Office announced that it had arrested Jose Antonio Hernandez, who had confessed to beating Martinez to death in an attempted robbery, and that a second suspect remained at large. When presented before the judge, Hernandez said that he was tortured into confessing to the crime.

On May 21, freelance journalist Zane Plemmons disappeared while covering TCO activity. According to his mother, who reported him missing on May 25, Plemmons was staying at a Nuevo Laredo hotel, where he was last seen by the hotel's desk clerk, who stated that she saw Plemmons outside of the hotel talking with individuals, possibly military personnel, based on their dress and vehicle. The clerk said that later the same night two armed and masked men emptied Plemmon's hotel room. State police alleged that the individuals who appeared to be military were actually TCO members. On June 28, the CNDH and the Nuevo Laredo state prosecutor began an investigation, which was ongoing at year's end.

There were multiple attacks on media outlets during the year. On May 11, gunmen opened fire and detonated grenades at the headquarters of *El Manana* in Nuevo Laredo. Following the attack *El Manana* published an editorial saying it would stop covering the disputes between drug cartels in the country for as long as necessary. In July three separate offices of *El Norte* were attacked in Monterrey. Two buildings were attacked with grenades and AK-47 gunfire, and the third was set on fire by arsonists. The initial attacks came just days after the newspaper had exposed corruption in the state's Vehicle Control Institute.

Perpetrators of violence against journalists continued to act with impunity with no developments reported in the investigation, arrest, or prosecution of suspects in multiple cases of violence against journalists since 2006.

On June 22, President Calderon signed amendments to Article 73 of the constitution, which allows federal authorities to assert jurisdiction over crimes against journalists, as well as the Law for the Protection of Human Rights Defenders and Journalists, which establishes a federal mechanism to provide protection measures. On November 30, the government published the regulations for the federal protection mechanism for journalists and human rights defenders, and the protection mechanism was operating by year's end. Although the constitutional reform federalizing crimes against journalists also took effect, secondary legislation to strengthen the federal government's ability to assert jurisdiction over such crimes had not passed at year's end.

Libel Laws/National Security: Twelve states have criminal libel laws making journalists vulnerable to imprisonment at the state level.

Nongovernmental Impact: TCOs allegedly exercised a grave and increasing influence over media outlets and reporters, frequently threatening individuals who published critical views of crime groups.

Local authorities made no arrests in the September and November 2011 cases of three Nuevo Laredo-based bloggers tortured and killed in alleged retaliation for posting comments on the Internet about local drug cartels.

Actions to Expand Press Freedom

On January 12, the federal government decriminalized defamation, libel, and slander when it repealed articles 1 and 31 of the law of crimes of the press. During the year the states of Campeche and Mexico repealed their criminal libel laws.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 28 percent of households had access to and 36 percent of the population used the Internet in 2011.

Two states continued to restrict the use of social media. A 2011 law in Veracruz, which created a “public disturbance” offense, continued to hinder the use of social media. Similarly, the state of Tabasco continued to outlaw telephone calls or social network postings that could provoke panic.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, unidentified actors carried out attacks on academics, artists, and intellectuals.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and the government generally respected this right. However, there were instances of security forces using force against demonstrators.

Freedom of Assembly

In May the CNDH filed complaints against the police with both the federal PGR and the state attorney general’s office for human rights abuses committed during a December 2011 student protest in the state of Guerrero, which resulted in deaths by gunfire of two student protesters. A CNDH report indicated that all security forces that day “used excessive force” and “were negligent in seeking a peaceful outcome with the protesters.” The report said 42 persons were detained arbitrarily, 24 were physically beaten, and one was tortured. On January 30, authorities charged two ministerial police from Guerrero, Ismael Matadama Salinas and Rey David Cortes, with the homicide of students Jorge Alexis Herrera Pino and Gabriel Echeverria de Jesus; the case remained pending at year’s end. Authorities also charged several members of the Guerrero Attorney General’s Office and the Federal Police for false statements in their declarations concerning the incident.

On December 1, following protests of the inauguration of President Enrique Pena Nieto, the Mexico City Human Rights Commission (CDHDF) claimed to have evidence of at least four cases of torture and 22 arbitrary detentions. Almost 70 demonstrators were arrested during the protests. Mayor Miguel Angel Mancera said that the detainee cases would be carefully reviewed. No charges had been filed by the end of the year related to the claims of torture and arbitrary detention. In reaction to the arrests, on December 27, the Mexico City legislature made changes to the local penal code to reduce the penalty for “attacks on public peace” from five to 30 years’ imprisonment down to two to seven years.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. However, according to several NGOs including AI, the army in the course of its operations occasionally restricted freedom of movement. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: In a 2011 special report, the CNDH estimated that approximately 11,330 migrants were kidnapped between April and September 2010 as they attempted to transit the country, although the National Migration Institute (INM) disputed this claim, noting it had registered only 222 such cases during the same period. Many migrants were reluctant to report such crimes due to fear of deportation.

There were numerous instances of armed groups limiting the movements of migrants during the year, including instances of kidnapping and murder. On October 17, the INM announced that 12 migration agents had been involved in kidnapping migrants and were being criminally processed.

On October 2, according to migrant rights activist Alejandro Solalinde, 40 migrants were allegedly kidnapped in the community of Medias Aguas, Veracruz. However, the Veracruz Attorney General's Office indicated that they had not received a formal report about the incident.

On October 7, authorities announced that they had arrested a leader of the Zetas cartel, Salvador Alfonso Martinez Escobedo, for the 2010 killings of 72 Central and South American migrants in San Fernando, Tamaulipas.

At year's end there were no further developments in the cases of the 2010 abduction of 40 Central American migrants from a train and the June 2011 mass kidnapping of migrants riding a train from Oaxaca to Veracruz.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

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

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

Elections and Political Participation

Recent Elections: The July 1 presidential election, which Enrique Pena Nieto won by a 6.6 percent margin, was considered mostly free, fair, and transparent. The Federal Electoral Institute oversaw the electoral process, and the Federal Electoral Tribunal, after conducting a comprehensive review of all electoral irregularities, declared the election valid on August 31.

Participation of Women and Minorities: In the July 1 legislative elections, 42 of 128 senators elected and 184 of 500 federal deputies elected were women. Two female justices sat on the 11-member Supreme Court, and there were three women in the 20-member cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. At the federal level, at least 40 percent of all candidates to elected office must be women.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to “usages and customs” law rather than federal and state electoral law. Usages and customs laws applied traditional practices to resolve disputes, choose local officials, and collect taxes without federal or state government interference. While such practices allowed communities to select officials according to their traditions, the usages and customs law generally excluded women from the political process and often infringed on the rights of women and religious minorities. In some villages women were not permitted to vote or hold office while in others they could vote but not hold office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. However, the government did not enforce the law effectively. Credible reports indicated that officials frequently engaged in corrupt practices with impunity and that relatively few cases came to trial. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties. A 2011 survey by Transparency International found that the average citizen spent about 14 percent of his or her income on bribes. In a 2012 survey on corruption, 23 percent of respondents told national daily *Reforma* that they had paid a bribe in the last year, and more than 80 percent replied that they believed there was significant corruption in the government, in the prison system, in political parties, and in the judiciary.

The law requires all federal and state-level appointed or elected officials from the middle to high ranks to provide income and asset disclosure for themselves, their spouses, and dependents. The Secretary of Public Functions (SFP) monitors disclosures with support from each agency. Disclosures are required at the

beginning and end of employment; yearly updates are also required. Declarations are not made available to the public unless the official provides consent; otherwise, it is the prerogative of SFP to monitor the statements. Criminal or administrative sanctions apply for abuses.

From April 2011 to October 2012, the PGR initiated legal proceedings for corruption against 1,100 employees, approximately 280 of whom were convicted by year's end. From January through November, the INM dismissed 500 employees accused of corruption and human trafficking (10 percent of the institution's manpower), 200 of whom were under PGR investigation at year's end.

By law all new applicants for federal law enforcement (and other sensitive positions) must pass a vetting process upon entry into service and every two years thereafter throughout their careers. In July the PGR announced that since April 2011, it had dismissed 729 officials, including federal ministerial police, investigators, and prosecutors, for failing to meet the requirements of the vetting process. At the state level, there was a lack of uniform vetting procedures.

The CNDH continued to report that police, particularly at the state and local level, were involved in kidnapping, extortion, and in providing protection for, or acting directly on behalf of, organized crime and drug traffickers. Local forces in particular tended to be poorly compensated and directly pressured by criminal groups, leaving them most vulnerable to infiltration. Responsibility for investigating federal police criminal or administrative abuse falls under the purview of the PGR or the SFP, depending on the type of offense.

The SFP is charged with sanctioning corrupt practices among federal executive branch employees. According to the SFP, in the last six years the agency levied 50,000 administrative sanctions against public workers for corrupt acts. The SFP referred more than 2,000 cases for criminal prosecution, but only 100 government officials served time in prison as a result of the referrals.

In April police arrested Nestor Moreno Diaz, former head of the Federal Electricity Commission (CFE), on charges that he received more than 30 million pesos (\$2.35 million) in bribes from Swiss electrical engineering company ABB. The SFP fined Moreno and four other CFE directors nearly 70 million pesos (\$5.48 million) and banned them from public service for 17 years and six months. Moreno remained in prison as his criminal case proceeds.

There were numerous investigations into corruption by police at the federal, state, and local level. Cases included the two highest-ranking federal police officials in Baja California. The SSP's police commissioner for Baja California, Luis Eduardo Vega Camberos, and his second in command, Alfredo Garcia Castillo, were arrested on September 27 in a PGR sting operation on charges of extorting local businesses.

On August 6, the government brought charges of crimes against public health for collaborating and fomenting narcotics trafficking against General Ruben Perez Ramirez and Major Ivan Reyna Munoz, two army officers already imprisoned for aiding and abetting narcotics trafficking.

Federal authorities arrested two tax officials in Coahuila during the year and issued arrest warrants for five former state officials for alleged involvement in loan fraud, which added more than 25 billion pesos (nearly two billion dollars) to the state's public debt.

On November 6, the congress passed legislation obliging states to increase the transparency of their budgets and their spending, debt hiring, and management and restructuring decisions. The fiscal transparency legislation also mandated harmonization of state financial accounts and reporting to better track use of public resources, including spending on public education and healthcare.

The Federal Institute of Access to Public Information (IFAI) is responsible for guaranteeing access to government information from the federal executive, legislative, and judicial branches. IFAI received 94,724 such requests during the year, with 2,544 requests related to the PGR and 1,930 related to the SSP. The law requires that information requests be answered within 20 days. There are minimal reproduction and mailing costs for requested information that is not available in digital format. The law includes exceptions to disclosure of government information, including for information that may compromise national security, impact the conduct of foreign relations, harm the country's financial stability, put another person's life at risk, or for information relating to pending law enforcement investigations. The law also limits disclosure of personal information to third parties.

Access to information continued to be difficult in some states. All states had laws complying with the 2007 constitutional reforms regarding access to information, and have signed formal agreements with IFAI to make the information system on

government operations, Infomex, available for petitions for state government information.

In March 2011 the Supreme Court ruled that the PGR had the right to withhold information from the CNDH in cases that were actively under investigation. In December the CNDH reported to the press that legal barriers and PGR's discretion sometimes impede CNDH's ability to carry out its mission, citing in particular PGR's ability to limit CNDH's access to pretrial investigations.

The SSP continued to expand the Intranet-based communications and analytical platform, Plataforma Mexico, which was continually updated with information on police at all levels and was utilized for personnel evaluations and ongoing investigations.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government attempted to engage civil society on human rights issues by encouraging participation in policy debates and engaging with victims and their family members in public discussions. Civil society played a participatory role in the implementation of the Law to Protect Human Rights Defenders and Journalists, with nine members from civil society forming an advisory board for the protection mechanism, four of whom had a vote in the governing board. The Secretariat of Government also involved civil society in the development of the implementing regulations for the protection law. Some NGOs, however, expressed frustration over difficulty in engaging in constructive human rights discussions with government officials.

The UN and NGOs reported continued harassment of human rights defenders, including by state and municipal authorities. The CNDH received 51 complaints of aggression against human rights activists and three requests for protection. A study conducted by the NGOs Urgent Action for Human Rights Defenders and Comite Cerezo Mexico documented 326 cases of human rights violations against human rights defenders between 2008 and 2011, 118 in 2011, and 47 in the first trimester of 2012, demonstrating an increase in threats.

On April 15, Father Alejandro Solalinde Guerra, a well-known defender of migrant and human rights in Oaxaca, received death threats and announced that he would extend a scheduled speaking tour in Europe while state and federal officials investigated the threats against him. At year's end the government was reportedly guarding the shelter and Solalinde; however, there was no reported progress in the investigations.

On November 28, armed men in Coyuca, Guerrero, shot and killed environmental activist Juventina Villa Mojica and her 17-year-old son Reynaldo Santana. Villa Mojica was the leader of a group of environmental farmers. The state prosecutor's office alleged that Villa Mojica and her son were traveling in an all-terrain vehicle when they pulled away from 10 state police officers who were protecting them to make a phone call. It was then that gunmen ambushed them. Local media reported that Villa had filed a complaint with authorities in early November after two of her nephews were killed and she received death threats, along with several farmers. Villa's husband, Ruben Santana Alonso, also a leader with the same group, was killed in February 2011.

In its October report summarizing the findings of an international mission in Mexico, Project Counseling Services reported that defenders of migrants' human rights were under increasing threat. Moreover, between June 2011 and November 2012, the Religious Dimension of Human Mobility, a Catholic-run network defending migrant rights, documented 66 cases in which defenders of migrants' human rights were subject to threats against their person, or the security of their organization and facilities.

Government Human Rights Bodies: The CNDH is an autonomous agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It can call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to ensure that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly and may exercise its power to call government authorities who refuse to accept or enforce its recommendations before the Senate. On November 29, the CNDH exercised this authority to call SSP Secretary Genaro Garcia Luna before the Senate. NGOs and

international organizations often drew attention to the failure of an institution to comply with or even accept the CNDH recommendations.

The public generally viewed the CNDH as unbiased and trustworthy. A December study by the Autonomous Technical Institute of Mexico and the NGO Fundar Research and Analysis Center criticized the CNDH for not sufficiently exercising its legal authority to investigate and lodge complaints against public servants for human rights violations. The report also asserted that the CNDH investigations did not conform to international standards for documenting human rights abuses. In response, the CNDH defended its work and said that PGR's ability to limit access to pretrial investigations and other structural challenges were to blame.

Each of the country's 31 states plus the Federal District has a state human rights commission autonomous from the CNDH, with the authority to investigate human rights complaints against state and local authorities. The CNDH can take over cases from state level commissions if it receives a complaint that the state level commission is not adequately investigating the case. The effectiveness of the state commissions varied.

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

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

Women

Rape and Domestic Violence: Federal law criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment. Only 12 states have laws criminalizing spousal rape. According to the UN and NGOs, rape victims rarely filed complaints, in part because of the authorities' ineffective and unsupportive approach to victims, victims' fear of publicity, and a perception that prosecution of cases was unlikely. Human rights organizations asserted that authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized. Forced disappearances and sexual violence continued to be a widespread problem along the border region.

Federal law prohibits domestic violence and stipulates penalties between three months' and four years' imprisonment; actual sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws

sanctioning domestic violence largely fail to meet the required federal standards and often were unenforced.

Victims in rural and indigenous communities did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint. There were no authoritative government statistics available on the number of abusers prosecuted, convicted, or punished. According to the most recent National Survey on Household Relations conducted in 2011, 46 percent of women age 15 and older have in their lifetimes been victims of violence by their partner, with the incidence ranging from 30 percent in Chiapas to 57 percent in the state of Mexico.

On June 13, then President Calderon signed reforms to laws protecting women, most significantly making femicide (killing of a woman based on her gender) a federal offense punishable by 40 to 60 years in prison. By year's end 23 states had added femicide to their criminal codes. In many cases state laws allow for reduced sentences when a killing was associated with infidelity.

According to the National Femicide Observatory, between January 2010 and June 2011, only eight federal entities (the Federal District, Mexico State, Nuevo Leon, Oaxaca, Sinaloa, Sonora, and Tamaulipas), the state attorney generals' offices registered 1,235 femicides.

The PGR's Special Prosecutor's Office for Violence against Women and Trafficking in Persons is responsible for leading government programs to combat domestic violence and federal human trafficking cases involving three or fewer suspects. With only 15 federal prosecutors dedicated to federal cases of violence against women and trafficking countrywide, the special prosecutor faced challenges in moving from investigations to convictions, although it did achieve several convictions.

In June, 14-year-old Jessica Lucero was raped near Ecatepec, Mexico State. She reported the crime, implicating a neighbor to police, and was later raped again, then killed on July 14. State Prosecutor Alfredo Castillo reported that her death was related to drinking and was not related to her pressing charges.

There were approximately 70 shelters for women and their children funded at least in part by the government. Shelters were mostly for victims of gender-based violence, but one government shelter was exclusively for trafficking victims. According to the National Network of Shelters, shelter staff were professional and the shelters well equipped; however, because government funding typically only

covers shelter operations for eight months, there is a high level of rotation in personnel. Civil society and women's rights groups maintained numerous shelters as well.

Sexual Harassment: Federal law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary. Sexual harassment is criminalized in 21 of 31 states and the Federal District, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal government institution charged with directing national policy to achieve equality of opportunity between men and women, sexual harassment in the workplace was widespread, but victims were reluctant to come forward and cases were difficult to prove.

Reproductive Rights: Couples and individuals have the legal right to decide the number, spacing, and timing of their children and sometimes have the information and means to do so free from discrimination. Numerous NGOs reported that services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national family planning program, the lack of sex education and access to contraceptives in public hospitals and rural areas continued to undermine the government's commitment to reproductive rights. According to UN estimates from 2011, 67 percent of married women ages 15-49 used a modern method of contraception. Information on maternal health was accessible at public and private health clinics and online at the Federal Secretariat of Health's Web site. Skilled attendants at delivery and in postpartum care were widely available except in some rural and indigenous areas.

Discrimination: The law provides women the same rights and obligations as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, women continued to earn between 5 and 30 percent less than men for comparable work. According to the World Economic Forum, women earned 42 percent less than men for comparable work. According to the 2011 National Survey on Household Relations, 21 percent of women said they had been victims of discrimination in the work place in the last year; this figure was likely to be underreported. Women constituted 99 percent of domestic workers and therefore were more likely to experience discrimination in wages, working hours, and benefits. The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status. INMUJERES reported that 14 percent of women age 15 and

older have been required to take a preemployment pregnancy test in order to get a job. However, the new labor law, which was implemented on December 1, prohibits employers from requiring preemployment pregnancy tests. The National Counsel to Prevent Discrimination (CONAPRED) reported that through October, it received 81 complaints of discrimination against pregnant women and 92 complaints of discrimination based on gender during the year. Moreover, it received seven complaints of alleged discrimination by public officials against pregnant women and 44 complaints of alleged discrimination by public officials based on gender. The illiteracy rate for women living in urban areas was 5.3 percent, compared with 18.2 percent for women living in rural areas. In all but two states (Sinaloa and Sonora), women had lower literacy rates than men.

Children

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents.

Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or healthcare. According to UNICEF, 93.4 percent of children in the country were registered, while the Child Rights Information Network found that 30 percent of children under age five were not registered. States with large rural and indigenous populations, such as Chiapas, Guerrero, Oaxaca, and Puebla, had lower registration rates. Several NGOs noted that under-registration was a significant problem, particularly for more vulnerable populations.

Those without registration faced significant barriers to education, healthcare, protection, and employment according to the Be Foundation.

Child Abuse: In 2000, the date of the most recent survey, the Federal Elections Institute and UNICEF reported that 28 percent of children ages six to nine, 9 percent of those ages 10 to 13, and 10 percent of those ages 14 to 17 reported receiving violent treatment at home. According to the survey, 33 percent of rural children and youths and 26 percent of urban children and youths reported that adults sometimes resorted to insults and physical violence against children.

Child Marriage: Child marriage has historically been a problem in some parts of the country. The minimum marital age is 14 for girls and 16 for boys with parental consent, and 18 without parental consent. However, with a judge's consent,

children can be married at younger ages. According to the National Survey of Demographic Dynamics, in 2009, 23 percent of women ages 20 to 24 were first married before age 18. The rate was 19 percent in urban centers and 31 percent in rural communities.

Harmful Traditional Practices: There were unconfirmed reports of female genital mutilation/cutting taking place in eastern Mexico.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children; however, NGOs continued to report that sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas, were significant problems.

Statutory rape constitutes a crime in the federal criminal code. For an adult who has sexual relations with a minor between 15 and 18 years of age, the penalty is between three months and four years in prison. For an adult who has sexual relations with a minor under age 15, the penalty ranges from eight to 30 years in prison. Laws against corruption of a minor and child pornography apply to victims under 18 years of age. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For the crimes of involving minors in acts of sexual exhibitionism, or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage.

Perpetrators who promote, publicize, or facilitate sexual tourism involving minors, face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12 to 16-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage. The crimes of child sex tourism and prostitution of children do not require a complaint to prosecute, and can be based on anonymous information.

There were some complaints about the complexity of the application of the laws in practice. The lack of legislative harmonization between the general trafficking-in-persons law and the federal criminal code allowed defendants to obtain lower sentences or be acquitted for arguing that their cases were not tried under the

appropriate legal framework. In addition there were differences in laws and enforcement across the country's municipalities.

Institutionalized Children: On March 23, the NGO Disability Rights International reported to the Organization of American States (OAS) on grave human rights violations of rights of mentally and physically disabled children in orphanages and care facilities.

On June 12, a leaked video showed a State Family Council of Jalisco (CEF) psychologist from the Pedacito de Cielo orphanage pressuring two girls, ages five and seven, into agreeing to be adopted by a foreign couple. This incident capped a state comptroller's investigation of the CEF and the CEF secretary Claudia Corona Marseille. The state subsequently took administrative measures against Corona and, on July 4, suspended her indefinitely. In the Guadalajara metropolitan zone, systemic violations of children's rights were in 45 percent of private and state-owned orphanages. The Jalisco Human Rights Commission has recognized multiple allegations of child welfare abuses and maltreatment by the CEF. An NGO, the FIND Foundation in Guadalajara, accused CEF of ignoring proper adoption procedures and facilitating adoptions of children without consent from relatives, and of being complicit in the adoptions by foreign couples of Jalisco children via a judge in Colima.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_5831.html.

Anti-Semitism

According to the 2010 census, the Jewish community numbered approximately 67,000 persons.

There were several reports of anti-Semitism during year. For example, the Central Committee for the Jewish Community in Mexico and the public affairs agency Tribuna Israelita reported anti-Semitic social media attacks on a number of prominent Mexican Jewish intellectuals and activists.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. However, the government did not effectively enforce the law. In May 2011 a new Law for the Inclusion of People with Disabilities entered into force and replaced the previous Federal Law for Persons with Disabilities. On November 30, the government published regulations, which outline the responsibilities for different agencies. The new law proposes to bring the country into compliance with the Convention on the Rights of Persons with Disabilities; however, Disability Rights International (DRI) said that the new law fails to establish new opportunities for community integration. DRI noted that under the new law, the Ministry of Health is required to promote the creation of long-term institutions for people with disabilities in distress and the Ministry of Social Development must establish specialized institutions to care for, protect, and house people with disabilities in poverty, neglect, or marginalization. As such, DRI noted that the new law does not recognize the right of person with disabilities to live in the community.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. However, children with disabilities attended at a lower rate than those without disabilities. For example, on September 3, a nine-year-old girl in Chilpancingo, Guerrero, was prevented from enrolling in school when the school claimed it could not accommodate her wheelchair. Her mother submitted a complaint to the local human rights commission for discrimination against the minor child based on her physical condition. CONAPRED reported that through October, it had received 124 complaints of discrimination based on disability against individuals and 39 complaints of discrimination based on disability against federal public servants. Only 4 percent of the overall population with disabilities had finished university.

According to CONAPRED, 60 percent of all persons with disabilities reported insufficient access to health services. The CNDH received 216 complaints of human rights violations against persons with physical disabilities and nine

complaints of human rights violations against persons with mental disabilities during the year.

In its 2010 study and March 23 presentation to the OAS, DRI documented widespread human rights abuses in mental health institutions and care facilities across the country, including those for children. Abuses against persons with disabilities included lack of access to justice, the use of physical and chemical restraints, lobotomies on patients without consent, physical and sexual abuse, disappearances, and trafficking of children. Persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

DRI reported in 2010 that at the Samuel Ramirez Moreno Psychiatric Hospital in Mexico City, a man was restrained with a helmet and arm restraints during the day and bed restraints at night. In October DRI visited the institution again and interviewed nurses from the Samuel Ramirez Hospital, who said that the man was still at the hospital, which continued to use arm and bed restraints and the helmet to control him.

On March 20, the CDHDF issued a recommendation on the living conditions of persons with disabilities institutionalized in the Assistance and Social Integration Centers (CAIS) shelters under the jurisdiction of the Mexico City government. The CDHDF found a lack of adequate medical treatment, qualified staff, and basic medications, as well as unhygienic and degrading conditions. The CDHDF also reported that patients did not receive any rehabilitation with the purpose of reintegrating them into society. The CDHDF concluded that the CAIS shelters were violating the right to health; the right not to be subjected to cruel, inhuman, and degrading treatment; and the right to live in the community.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections are generally accessible for persons with disabilities, and ballots are available with a Braille overlay for federal elections. In Mexico City, voting centers were also reportedly accessible for local elections and Braille overlays were available; however, in local elections elsewhere in the country, the accessibility for voting centers and the availability of Braille ballots or overlays was inconsistent.

Indigenous People

Indigenous groups continued to report that the country's legal framework did not respect the property rights of indigenous communities or prevent violations of those rights. Communities and NGOs representing indigenous groups continued to report that the government failed to consult indigenous communities adequately when making decisions about the implementation of development projects on indigenous land. Consultation with indigenous communities regarding the exploitation of energy, minerals, timber, and other natural resources on indigenous lands remained limited.

Several members of the organization Coordinating Body of United Peoples of the Valley of Ocotlan (CPUVO), which opposed a mining project in their community in San Jose del Progreso in Oaxaca, were attacked and killed during the year. On June 16, Bertin Vazquez Ruiz and Guadalupe Andres Vazquez Ruiz were shot outside San Jose del Progreso's city hall by three men in a truck, whom CPUVO and human rights activists identified as a municipal official, the son of the municipal president, and an employee of a local mining company. On January 18, another member of CPUVO, Bernardo Mendez Vazquez, was killed, and on March 15, the former leader of CPUVO, Bernardo Vazquez Sanchez was killed.

On November 28, the Mexican Supreme Court ordered the release from jail of indigenous water rights activists Jose Ramon Aniceto Gomez and Pascual Agustin Cruz from the community of Atla, Puebla, after they spent nearly three years imprisoned on charges of stealing a vehicle. Mexican and international human rights groups, including Centro Prodh and AI, had called for their release, saying they were unjustly arrested and sentenced to nearly seven years in prison in retaliation for their legitimate and successful defense of their community's right to water. They were sentenced to seven years in jail despite what human rights groups say was a lack of evidence and due to discrimination they faced for being poor and indigenous.

In September the CNDH reported that Mexican indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous people were generally excluded from health and education services. The CNDH stressed that past government actions to improve the living conditions of indigenous people, namely social programs geared specifically to women, were insufficient to overcome the historical marginalization of indigenous populations. The CNDH's Program for Promotion and Dissemination of Human Rights for Indigenous Peoples held 358 outreach and

training activities with the participation of 18,178 people during the year, including conferences, trainings for public officials and prison personnel, interagency workshops, and outreach in indigenous communities.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages. In practice, education in indigenous languages was limited by the lack of textbooks and teaching materials, as well as by the lack of qualified teachers fluent in these languages. During the year the CNDH received 113 complaints and issued two recommendations on human rights abuses of the indigenous population. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

In May, Vidulfo Rosales Sierra, a lawyer for the Tlachinollan Mountain Human Rights Center in Guerrero, fled the country following receipt of an anonymous written death threat issued against him in reprisal for his work in litigating human rights cases. The threat referred specifically to Rosales' work on prominent human rights cases, many involving indigenous communities or individuals, in Guerrero.

The federal government made some progress in compliance with the Inter American Court of Human Rights case related to Valentina Rosendo Cantu and Ines Fernandez Ortega (see section 1. e.).

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

The law prohibits discrimination against and lesbian, gay, bisexual, and transgender (LGBT) individuals; however, LGBT persons reported that the government did not always investigate and punish those complicit in abuses. The CNDH received 28 complaints of human rights abuses against LGBT individuals during the year.

Discrimination based on sexual orientation and gender identity was prevalent, despite a growing public acceptance of LGBT individuals. As of October CONAPRED had received 132 complaints of discrimination based on sexual preference against individual persons, and 24 complaints of discrimination based on sexual preferences against federal public servants. Additionally, in a December press release, the IACHR announced that during the months of October and

November, the IACHR learned about and condemned the killing of 10 LGBT individuals during the year.

On March 10, the body of gender rights activist Agnes Torres Hernandez was found in a ravine near Atlixco, Puebla. Torres Hernandez was a well-known and outspoken advocate for transgender individuals.

On June 14, Jesus Armando Mendez Mendez, a 17- year-old transgender individual, was found murdered in Altamira, Tamaulipas. At year's end no charges had been brought and no suspects were under investigation.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

High-profile crimes against migrants in 2011, resulting in significant loss of life, prompted the passage in May 2011 of a comprehensive migration law intended to protect the human rights of migrants. On September 28, the government published the implementing regulations for the law. Several NGOs criticized the regulations for allowing for the discretionary application of the law by migration officials, and said that the regulations did not sufficiently provide protection for vulnerable migrant populations such as minor children and persons with HIV.

A joint report entitled the "State of Torture in Mexico" by the World Organization Against Torture and the Mexican NGO network Todos Los Derechos para Todos y Todos, describes inhuman conditions and severe overcrowding in migrant holding centers, in particular in the Iztapalapa center in Mexico City, and Century XXI center in Tapachula, Chiapas.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

On November 13, after a long debate, the Senate passed a final version of a labor reform law by 99 votes to 28, and former President Calderon signed the law on November 29. The reform, which took effect on December 1, represented the first update to Mexico's labor law in 40 years. Federal law provides workers the right to form and join unions, the right to strike in both the public and private sector, and the right to bargain collectively. However, the law places several restrictions on

these rights. The law does not prohibit antiunion discrimination nor does it require reinstatement of workers fired for union activity.

Although the law requires a minimum of only 20 workers to form an independent union, it requires official recognition from the government to register the union formally and establishes administrative procedures for registration. The law prohibits the coexistence of two or more unions in the same state agency. Article 372 of the labor law bans foreign nationals from being members of trade union executive bodies, and Article 395 was an “exclusion clause,” which allowed employers to terminate the contract of an employee who quits the union. In 2011 the Supreme Court determined that the exclusion clause was unconstitutional. On November 30, the law was modified and Article 395 was revoked.

A union established in accordance with its own bylaws may call for a strike or bargain collectively. The government can grant legal recognition to unions, a process known as “toma de nota,” either to union executive leaders individually or to the entire executive committee. The law limits the right to strike for a number of public officials, including many that do not exercise authority in the name of the government. The law also restricts government employees--including banking sector employees--from striking unless there is a “systematic violation of their rights” and requires that a two-thirds majority of workers in the relevant public service entity be in favor of a strike. Before a strike may be considered legal, a union must file a “notice to strike” with the appropriate labor authorities.

Although the law authorizes the coexistence of several unions, it sets rules on which union has priority and limits collective bargaining to the union that has the largest number of workers. Migrant workers are excluded from relevant legal protections.

The government did not consistently protect worker rights in practice. Its general failure to enforce labor and other laws left workers without much recourse with regard to violations of freedom of association, working conditions, or other problems. Union organizers from several sectors complained about the overt and usually hostile involvement of the government when organizers attempted to develop independent unions. The process for official government recognition of unions was politicized, and the government occasionally used the process to reward political allies or punish political opponents. According to union organizers, government labor boards frequently rejected union registration applications on technicalities. In addition, independent union activists claimed that the requirement that the government approve strikes in advance gave authorities

the power to show favoritism by determining which companies would be protected from strikes.

Although few formal strikes occurred, in part because of the numerous restrictions on strikes, informal work freezes by both union and nonunionized groups were fairly common. According to union activists, employers frequently did not attend conciliation meetings between the parties as a stalling tactic.

Protection (company-controlled) unions continued to be a problem in all sectors, and many observers noted that a majority of organized workers belonged to unrepresentative unions. Protection contracts are a violation of International Labor Organization Convention 87, regarding freedom of association. Officially sanctioned “protection contracts”--formal agreements whereby the company created an unrepresentative union in exchange for labor peace and other concessions--were common in all sectors and often prevented workers from fully exercising their labor rights as defined by law. These contracts were often developed prior to the company hiring any workers at a new job site and managed without direct input from workers. Collective bargaining agreements resulting from protection contracts usually failed to provide worker benefits beyond the legal minimum and impeded the rights of independent unions to effectively and legitimately bargain collectively on behalf of workers.

According to several NGOs and unions, many workers continued to face intimidation during bargaining rights elections from other workers, union leaders, or employers favoring a particular union. The practice of a voice vote was declared illegal by the Supreme Court but was still widely used. However, practices such as providing very limited notice prior to an election and allowing management or nonemployees to vote were increasingly common. The new labor reform law, which came into effect on December 1, establishes that union votes must be held via secret ballot, either directly or indirectly.

Workers were excluded from official unions for trying to organize their colleagues into separate, independent unions. The “exclusion clause” in the law gave these unions the right to prevent the formation of an authentic union by expelling agitators from the “official” union, thereby obliging the company to fire these individuals. Some fired workers accused unions of harassment and intimidation.

On May 31, the Worker Support Center (CAT) announced that it was obliged to cease all operations in the State of Puebla. The announcement came after the kidnapping and torture of CAT staffer Jose Enrique Morales Montano on May 15

and subsequent death threats made against CAT's executive director Blanca Velásquez. The CAT had barely restarted its community and educational outreach with workers and families in early 2012, after the December 2010 ransacking of their offices and the January 2011 death threats against Velasquez, when Leobardo Soto, a federal deputy and Confederation of Mexican Workers (CTM) leader in Puebla, publicly blamed the CAT for labor unrest. Soto stated in the local press that all means, including violence, would be used to prevent the CAT from continuing its work. The CAT filed a complaint with the Attorney General's Office, which opened an investigation into the incidents; however, by year's end the investigation had not progressed significantly. Protective measures recommended by IACHR in 2011 for the CAT were renewed on May 29.

Finnish auto parts producer, PKC Group, purchased a 7,000-worker wire-harnesses plant in Ciudad Acuña, Coahuila, in October 2011. The independent mining union, Los Mineros Section 307, was legally registered as a representative of workers at the factory since 2009, although company owners had never agreed to bargain with the local union section. On January 12, the PKC management announced to workers that it had signed a collective bargaining agreement with a CTM affiliated union in October 2011 in order to protect the workers' interests and that it was paying the workers' dues to the protection union. On February 3, Los Mineros filed for the legal right for a worker election to decide union representation and control of the collective bargaining agreement. After several attempts to refuse admission to Los Mineros request for an election, the Federal Mediation and Arbitration Board scheduled a vote for October 18. The vote was carried out after months of intense anti-Mineros campaigning by the PKC, allegedly in collaboration with the CTM and the local authorities. The campaign allegedly included the infiltration of Los Mineros meetings by CTM officials and company management, CTM-fueled rumors and threats of plant closure and mass lay-offs, a media slur campaign against Los Mineros and the Border Worker Committee Chief Financial Officer, and the deportation of a United Auto Workers staffer and film maker recording events leading up to the vote. For the day of the vote, more than 1,000 former PKC workers were rehired and instructed to vote for the CTM. Los Mineros officially withdrew its participation, claiming it was a fraudulent election, and requested another vote. In the meantime, a formal complaint citing the PKC's antiunion animus was filed with the Organization for Economic Cooperation and Development.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced or compulsory labor, the government did not effectively enforce such laws. Forced labor persisted in both the agricultural and industrial sectors. Women and children were subjected to domestic servitude. Migrants, including men, women, and children, were the most vulnerable to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 14 from working and allows those between the ages of 14 and 17 to work limited daytime hours in nonhazardous conditions, and only with parental permission. The new labor reform law, which came into effect on December 1, makes it a federal penalty to employ children under the age of 14.

The government did not effectively enforce such prohibitions. According to sources, including the International Labor Organization, government enforcement was reasonably effective in large and medium-sized companies, especially in factories run by U.S. companies, and in the “maquila” (in-bond export) sector, as well as other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in the agriculture and construction sectors; and nearly absent in the informal sector, in which most children worked. Complex divisions and a lack of coordination between federal and state jurisdictions complicated the labor inspection process. The Secretariat for Social Development, the PGR, and the National System for Integral Family Development all have responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The Secretariat of Labor and Social Security (STPS) is responsible for carrying out child labor inspections.

According to the National Institute of Statistics and Geography (INEGI), the number of employed children fell slightly from 10.8 percent in 2009 to 10.5 percent in 2011. Of employed children, 29.5 percent worked in the agricultural sector in the harvest of melons, onions, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included services (26.7 percent), retail sales (25.4 percent), manufacturing (11.9 percent), and construction (4.8 percent).

d. Acceptable Conditions of Work

On November 26, the minimum wage zones were reduced from three to two, and the minimum wage was set at 62.33 pesos (\$5.00) per day for Zone A and 59.08 pesos (\$4.75) per day for Zone B. Most formal sector workers received between one and three times the minimum wage. The National Council for Evaluation of Social Development Policy estimated the poverty line at 77.60 pesos (\$6.26) per day for 2012.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work more than eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage; the law prohibits compulsory overtime. The law includes eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Mexican Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials.

The STPS is responsible for enforcing labor laws and employed 776 federal labor inspectors during the year, compared with 376 in 2011. The STPS carried out regular inspections of workplaces, using a questionnaire and other actions to identify victims of labor exploitation. Between January and November, it undertook 75,031 inspections, including the monitoring of industries identified as having a high incidence of child labor (agriculture, coal mines, and construction). These operations identified 712 underage agricultural workers, removed workers under age 14, and penalized employers with fines. According to the STPS, training for labor inspectors included a program focused on enforcement of labor laws in the agricultural sector, but there was no program for labor inspections in the informal sector. Still, all workplaces are subject to STPS inspection.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. In addition many companies evaded taxes and social security payments by employing workers informally. INEGI estimated that 29.3 percent of the workforce was engaged in the informal economy.

There were several accidents in coal mines reported during the year. On May 18, two miners lost their lives in an explosion, and on June 8, one miner died after slipping off a platform (union leaders claimed that the platform transporting the miner did not have proper safety controls); both accidents occurred in Coahuila. On July 25, seven miners died after an explosion due to firedamp in Saltillo, Coahuila, despite assurances from the STPS that the company had been inspected 16 times before the accident. The union blamed the incidents on a lack of sufficient safety controls, and at year's end, an investigation into the accident continued. On August 3, six miners died in a mine after a collapse of a coal cave in Monclova, Coahuila. On November 30, three miners died and three were injured at a mine in Zacazonapan, Mexico State, when an error occurred as the miners were detonating to extract minerals.

The state-run oil company Petroleos Mexicanos (Pemex) also experienced several accidents where employees lost their lives during the year. On September 8, an explosion in the Cadereyta refinery killed one employee. On September 18, at a plant near the town of Reynosa, 31 workers (four from Pemex and 27 contractors) died in an explosion caused by a build-up of gas in Pemex pipelines. On October 18, the pressure of a gas leak caused a fire at a Pemex facility in the community Corralillos, leaving two contract employees injured. Another explosion and fire occurred in the refinery located in Salina Cruz, Oaxaca on October 20, leaving two Pemex employees injured. Although all the events cited above were believed to be accidents, illegal tapping of pipelines, often by criminal gangs, cost hundreds of millions of dollars and in some cases, sparked fires and caused accidents.