

MEXICO

EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Citizens elected President Felipe Calderon of the National Action Party (PAN) in 2006 to a six-year term in generally free and fair multiparty elections. Security forces reported to civilian authorities.

The most serious human rights issues in the country arose from the fight against organized crime, which involved frequent clashes between security forces and Transnational Criminal Organizations (TCOs). TCOs and gangs linked to them battled each other to establish or maintain control of trafficking routes and markets. In multiple instances, TCOs used brutal tactics against members of the public. TCOs remained the most significant perpetrator of violent crimes in the country, showing disregard for civilian casualties, engaging in human trafficking, and intimidating journalists and human rights defenders with violence and threats. Sometimes in the context of the fight against TCOs, but also at times unrelated to it, security forces reportedly engaged in unlawful killings, forced disappearances, and instances of physical abuse and torture.

The following problems also were reported during the year by the country's National Human Rights Commission (CNDH) and other sources: kidnappings; physical abuse; poor, overcrowded prison conditions; arbitrary arrest and detention; corruption and lack of transparency that engendered impunity within the judicial system; and confessions coerced through torture. Societal problems included: killings of women; domestic violence; threats and violence against journalists and social media users, leading to self-censorship in some cases; trafficking in persons; social and economic discrimination against some members of the indigenous population; and 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, killed several persons during the year.

On June 17, Joaquin Figueroa Vasquez was killed in a high-speed chase in a joint operation by state and federal security forces in the state of Veracruz and presented as an alleged TCO member. The autopsy report stated that the cause of death was a bullet wound to the head. Figueroa's family claimed that this wound and the others that Figueroa sustained were evidence of torture and a subsequent execution-style killing. In collaboration with the human rights nongovernmental organization (NGO) Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), Figueroa's family submitted information regarding the case to the Inter-American Commission on Human Rights (IACHR). The CNDH was also investigating the case at year's end.

On October 28, a military court found two officers and twelve soldiers guilty of violence resulting in the killings of three individuals at a military check point in La Joya, Sinaloa, in July 2007. The sentences ranged from 16 to 40 years in prison. NGOs and the CNDH advocated on behalf of the families involved.

There were no developments in the following two high-profile cases from 2010:

In March 2010 soldiers killed two students at Monterrey Technological University. Despite a subsequent CNDH report that determined through a thorough investigation that guns were planted at the scene and evidence was tampered with, no arrest had been made at year's end.

In June 2010 the CNDH concluded that the Secretariat of National Defense (SEDENA) altered the location in which Martin and Bryan Almanza Salazar, ages five and nine, respectively, were shot and killed in April 2010 to create the impression that the shots occurred during a firefight with a criminal gang. The CNDH concluded that the children had been killed by direct fire from army troops on the road from Nuevo Laredo to Reynosa, Tamaulipas. However, military findings concluded that the children had been killed by shrapnel from a grenade thrown by members of organized criminal organizations. The incident remained under investigation at year's end.

A number of killings committed by TCOs appeared to be politically motivated. Unidentified perpetrators killed seven mayors of small towns in states along the country's northern border during the year, allegedly for failing to cooperate with organized crime. In 2010-11, a total of 20 sitting mayors were killed. Most of the killings were linked to organized crime.

Three activists from the Movement for Peace and Justice with Dignity, which sought justice for victims of drug-related violence, were allegedly killed by TCOs during the year. Nepomuceno Moreno was killed in Sonora on November 30, and Pedro Leyva Dominguez and Trinidad de la Cruz Crisostomo were killed in Michoacan on October 6 and December 7, respectively.

b. Disappearance

There were multiple reports of forced disappearances by the army, navy, and police. Most occurred in the course of security operations. In several cases of reported disappearances, security forces had detained the missing persons incommunicado for several days. Following its March visit, the UN Working Group on Enforced or Involuntary Disappearances underscored patterns of impunity and a lack of investigation in cases of forced disappearance. The working group indicated that the number of new cases it accepted more than tripled from 2010. The group noted that the increased numbers of newly admitted cases and the high number of new allegations received during the visit could indicate a worsening situation of forced disappearances in the country.

On March 26, municipal police in Ciudad Juarez, Chihuahua, allegedly detained Juan Carlos Chavira, Dante Castillo, Raul Navarro, and Felix Vizcarra. Family members of the victims found their abandoned pick-up truck on March 27 in a tunnel far from where they had been detained. On April 14, the dead bodies of the four missing men were discovered. The state prosecutor's office commented publicly that it was investigating the case as a crime of enforced disappearance. Hector Murguia Lardizabal, mayor of Ciudad Juarez, said that he had also ordered the city's police department of internal affairs to investigate the case. Three local police were arrested on April 8 and at year's end legal proceedings against them were ongoing.

In February 2010 soldiers in Chilpancingo, Guerrero, allegedly beat and took Raul Evangelista Alonso from his home. Several days later in the same city, Roberto Gonzalez Mosso was abducted by masked individuals claiming to be from the Office of the Deputy Attorney General for Special Organized Crime Investigations (SIEDO). At year's end neither individual had been seen, and information on the status of the investigation was unavailable.

Kidnapping remained a serious problem for persons of all socioeconomic levels. The government reported a 6 percent increase in kidnappings in the first half of the year compared with the same period in 2010. Many kidnapping cases continued to

go unreported, as families feared repercussions and often negotiated directly with kidnappers. Informed observers believed the number of cases reported to authorities was far less than the actual number. There were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. In February a law against kidnapping went into effect that mandates harsher penalties for convicted kidnappers and the improvement of victims' services. The government continued to advance compliance with its 2008 "National Agreement on Security, Justice and Legality," which calls for the establishment of specialized, vetted antikidnapping units. At year's end 22 states had established such units.

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

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

During the year the CNDH received 1,626 complaints of cruel or degrading treatment and 42 torture complaints, compared with 1,170 complaints of cruel or degrading treatment and 10 torture complaints in 2010. In some instances U.S. citizens reported receiving beatings, suffocation, and administration of electric shock when in the custody of arresting authorities.

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."

On August 31, the CNDH issued a recommendation regarding grave human rights violations suffered by Israel Arzate Melendez, a resident of Ciudad Juarez accused of having participated in the massacre of Villas de Salvarcar in January 2010, in which a group of young people were killed in Ciudad Juarez. Several days later soldiers reportedly detained Arzate as he was walking in the street. During the

ensuing car ride and upon arrival at the 20th Motorized Cavalry Regiment in Ciudad Juarez, Arzate was allegedly beaten, tortured with electric shocks to the chest and abdomen, and asphyxiated with a plastic bag. Soldiers later said that they had detained him for being in possession of a stolen vehicle. The soldiers presented Arzate before the public prosecutor 28 hours after his detention but kept him at the military facility, where in February 2010 he was allegedly forced to confess, under torture and threats, to having participated in the killings in Villas de Salvacar. On December 6, the Ninth District Judge of Chihuahua dismissed evidence allegedly corroborating security forces' use of torture on Arzate. According to the NGO Miguel Agustin Pro Juarez Human Rights Center (Center Prodh), Arzate remained in pretrial custody at year's end and was returned on several occasions to military custody, where he was again tortured.

The government took steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. According to the Attorney General's Office (PGR), 14 of the country's 31 states had passed laws to implement the protocol and established offices to evaluate allegations. Additionally the PGR reported that it had provided training on human rights and torture to its local, state, and federal staff. During the year the CNDH conducted 181 human rights-related courses for SEDENA, 49 for the PGR, and 186 for the Secretariat of Public Security (SSP). The courses included sections on torture. The CNDH made 33 visits to prisons during the year specifically to monitor the application of the Istanbul Protocol and investigate torture allegations by prisoners.

In May 2010 the UN Subcommittee on the Prevention of Torture made public the recommendations from its 2009 report and visit. The Foreign Affairs Secretariat announced in July 2010 an action plan to implement the 122 recommendations listed in the report, although it had not published information on specific actions taken by year's end.

Instances of cruel, inhuman, and degrading treatment were reported to occur in public mental health institutions, including the use of unconsented lobotomies on persons with disabilities (see section 6, Persons with Disabilities).

Prison and Detention Center Conditions

Prison conditions remained poor. During the year the CNDH and NGOs reported that corruption, overcrowding, prisoner abuse, alcoholism, and drug addiction were

prevalent in most facilities. According to the CNDH, health and sanitary conditions were poor, and most prisons did not offer psychiatric care. According to accounts related to consular officers by prisoners, poorly trained, underpaid, and corrupt guards staffed most prisons, and authorities occasionally placed prisoners in solitary confinement for indefinite periods. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to be a common problem. According to the SSP, as of July there were 227,671 prisoners in 431 facilities in the country, which were approximately 23 percent above capacity. Approximately 217,200 (95.4 percent) of those inmates were men and 10,470 (4.6 percent) were women. The official number of juvenile inmates was unknown. 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.”

Prison conditions in the country varied greatly across states and facilities. There were reports of dire and at times life-threatening conditions for prisoners due to overcrowding, posing risks to the prisoners’ physical safety and health. The CNDH noted that lack of access to adequate healthcare was a significant problem at all facilities. Prisoners generally had access to potable water.

The SSP reported that between July 2010 and July 2011, 52 inmates were killed in prison. The most significant prison riots during the year were caused by skirmishes between prisoners from rival gangs and cartels. In July an incident in a prison in Nuevo Laredo left seven dead and allowed 59 prisoners to escape, 35 of whom were being held on federal charges such as drug trafficking. Later that month a prison riot in Ciudad Juarez resulted in the deaths of 17 inmates. Cameras showed prisoners gaining access to cells using a guard’s keys and firing what appeared to be automatic weapons at the individuals inside. On October 15, 20 prisoners died and 12 were wounded in a prison riot at Matamoros’s state prison. Authorities claimed the riot was caused by feuding groups within the prison.

Pretrial detainees were routinely held together with convicted criminals. In its September report on the state of the penitentiary system, the CNDH noted 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 were reports of physical and sexual abuse of women while in detention.

In December 2010 inmate Gabriela Elizabeth Muniz Tamez was taken from an official police vehicle by unidentified armed men allegedly belonging to a TCO while being transferred from a prison to a nearby hospital in Monterrey, Nuevo Leon. Her body, which bore signs of torture, was later found hanging from a bridge in the city.

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

The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC), the CNDH, and state human rights commissions. The CNDH made 153 visits to civilian and military prisons and detention centers nationwide during the year to monitor conditions. The CNDH also opened 329 complaint cases based on concerns about human rights violations against prisoners and received 235 complaints of “cruel treatment.”

Independent monitors are generally limited to making recommendations to authorities to improve prison conditions. The CNDH has an ombudsman dedicated to prison issues, but the office does not provide legal representation for prisoners.

The federal government worked to improve prison conditions by implementing its 2008-12 strategic plan focused on security, rehabilitation, and education. During the year the SSP worked to improve the federal penitentiary system through programs dedicated to preparing prisoners for future employment, modernization of security equipment, standardization of norms and procedures throughout the prison system, and creation of university majors in prison administration. The SSP also finalized and implemented a new prisoner classification system and file format for offenders housed in federal prisons. In November the SSP initiated an international accreditation process to standardize facilities in the federal penitentiary system. There were no known improvements in alternatives to sentencing for nonviolent offenders during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention. However, the CNDH reported receiving 1,744 complaints of arbitrary arrests and detentions during the year.

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 the Secretariat of the Navy (SEMAR), which oversees the navy and the marines, also play an important role in the fight against transnational organized crime.

According to the CNDH, SEDENA was the government entity with the greatest number of human rights complaints (1,695) filed against it during the year.

The CNDH stated that deployment of the armed forces for domestic law enforcement in the struggle against TCOs led to an increased number of reported human rights abuses. The lack of clear protocol for use of force and rules of engagement worsened the problem, leading President Calderon in December 2010 to instruct military and police forces to establish protocols for the legitimate use of force. SEMAR, which played an increasingly important domestic security role, saw CNDH human rights complaints more than double from 198 in 2010 to 495 in 2011. Credible human rights NGOs continued to charge that an opaque military justice system contributed to impunity, pointing to a failure to openly and promptly investigate, prosecute, and convict members of the military for human rights violations.

The CNDH reported that police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety. In August a Guatemalan migrant was beaten to death in Mexico State, allegedly by municipal police.

During the year the CNDH issued 25 recommendations (based on certifications that a case involved a serious human rights violation and merits further investigation or sanction) to SEDENA concerning allegations of human rights violations committed by members of the armed forces, compared with 22 in 2010. SEDENA accepted all of the recommendations and affirmed its commitment to collaborating with the CNDH on outstanding investigations. The CNDH issued six recommendations to SEMAR during the year, the same number as in 2010. The CNDH also issued six recommendations to the PGR and 15 to the SSP. All of these recommendations were accepted.

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. Human rights NGOs such as Center Prodh complained about a lack of access to the directorate and maintained the directorate had not improved SEDENA's human rights performance.

Despite a persistent lack of human rights-related prosecutions by military tribunals, SEDENA took steps to increase transparency on its handling of human rights cases, such as listing on its Web site the status of military trials and their compliance with CNDH recommendations.

SEDENA reported that at year's end 16 soldiers and three officers had been sentenced since 2006 for human rights-related crimes committed against civilians. Additionally, SEDENA reported that 168 soldiers were under investigation and 65 were in a military trial process for a variety of human rights offenses.

The CNDH provided human rights training to 30,108 military personnel during the year. SEDENA reported that during the year 207,829 soldiers participated in courses dedicated to human rights.

The SSP worked with the International Organization for Migration and experts from the ICRC to train federal police officers on human rights. The ICRC also provided training to military personnel on international human rights law. Additionally, the CNDH trained 10,169 SSP officials. The SSP in collaboration with the National Autonomous University of Mexico continued to provide human rights training to federal police officers throughout the country. The SSP, the Latin American Institute for Education Communication, and a foreign donor established a Masters Degree on Human Rights for SSP personnel. Separately, the CNDH provided training to 1,448 PGR personnel.

Arrest Procedures and Treatment While in Detention

By law only duly authorized officials are permitted to apprehend an individual. However, a warrant for arrest is not required if the official has reasonable suspicion about the person's involvement in a crime. Bail exists but not for persons being held in connection with drug trafficking or other forms of organized crime. In states that had not yet implemented the 2008 reforms, 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. According to many NGOs, in practice there were violations of this 48-hour provision. The CNDH received 423 complaints involving illegal detention.

In organized crime cases (involving three or more persons who organize for the purpose of committing certain crimes), suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. However, in recognition of the complex nature of organized crime, the constitution was amended to stipulate that, under a precautionary procedure known as “arraigo,” certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. In the absence of formal charges, persons so detained are not entitled to legal representation and are not eligible to receive credit for time served if convicted. During her July visit, UN High Commissioner for Human Rights Navi Pillay criticized this form of pretrial detention as a violation of due process that facilitated torture. Human rights groups, including the CMDPDH, alleged that arraigo was used to obtain forced confessions. In July the state of Chiapas 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. The PGR claimed it was not always notified in a timely manner of the detentions, which complicated efforts to prosecute and convict arrestees.

While detainees usually were allowed prompt access to family members and to counsel, there were complaints that in some cases police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. While indigent detainees are provided counsel under law, in practice counsel was generally only provided during trials and not during arrests or investigations. Detainees were sometimes held under house arrest. Human rights NGOs documented and the CNDH issued several recommendations confirming that the army frequently detained civilians for extended periods of time before placing them at the disposition of civilian authorities.

Pretrial Detention: The law provides time limits within which an accused person must be tried. However, due to caseloads that far exceeded the capacity of the federal judicial system and the fact that most state judicial systems still used the written inquisitorial criminal justice system, such time limits often were disregarded. The Mexican Center for Research and Teaching in Economics (CIDE) and HRW reported that more than 40 percent of prisoners were held in

pretrial detention, as opposed to serving time for a convicted offense. Many spent years in pretrial detention. According to CIDE the average period for prisoners awaiting trial is two years and of those sentenced, 14 percent were declared innocent after having served time in prison, and 85 percent received sentences of less than five years. For many of these, the time spent in prison ultimately exceeded the sentence, according to CIDE.

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 IACHR and the Office of the UN High Commissioner for Human Rights (OHCHR), criticized the government's failure to limit military jurisdiction over human rights cases. Article 57 of the military code of justice defines crimes against military discipline as "state or common offenses that have been committed by active duty military." In practice civilian courts generally ceded jurisdiction to the military in cases where military personnel stood accused of human rights violations committed against civilians. However, in July the Supreme Court ruled that civil courts at all levels should guide their decisions by the constitution and the country's human rights obligations under international conventions when such laws are found to conflict with other codes and norms, including Article 57 of the military justice code. President Calderon reiterated in a speech on December 10 his administration's commitment to transfer human rights crimes from military to civilian jurisdiction. At year's end two human rights cases involving the military had been transferred to civilian jurisdiction, and a Guerrero state judge had ordered that a third case also be transferred.

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 implementation of an oral adversarial system and the presumption of innocence by 2016. The military employs an inquisitorial legal system but continued to move toward an oral accusatorial system.

At year's end 12 states had passed legislation transitioning to the oral, adversarial system and were at various stages of training and implementation, and 13 states were in the process of legislating reforms. Under the old system, still being used by the federal government, federal district, and 23 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 defendants enjoy a presumption of innocence. However, such rights are not provided for in jurisdictions that have not completed reform implementation and still operate under the inquisitorial system.

The constitutional reform provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the government generally respected these rights in practice. In most cases court proceedings were open to the public. Defendants are not tried by jury.

While the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that authorities had to appoint a "person of confidence," who was not required to meet any particular legal qualifications to represent a defendant. Because of the nascent implementation 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 Amnesty International (AI) and 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 provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, NGOs noted that this generally was not done. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and some suspects were convicted without fully understanding the documents they were required to sign.

According to human rights NGOs, including HRW and AI, despite enactment of the 2008 judicial reform legislation, judges, particularly in areas that had not yet implemented the reforms, continued to allow statements coerced through torture to be used as evidence against the accused. Confessions were often the primary evidence in criminal convictions in these cases (see section 1.c.). NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant given in the absence of legal representation, providing prosecutors an incentive to obtain an incriminating first confession. For their part law enforcement officials complained that defendants frequently made baseless claims of coerced confessions as a way to win acquittal.

The 2008 justice reform establishes strict guidelines on the use of confessions, evidence, and expert testimony; allows consensual monitoring of telephone calls; and gives police more responsibility for conducting investigations. The reform stipulates that all hearings and trials must be conducted by a judge and under the principles of public access, immediacy, confrontation, and cross-examination, promoting greater transparency and allowing defendants to challenge their accusers. 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

In 2009 the Inter-American Court of Human Rights issued a binding ruling calling for the country to evaluate and reform the process of using military courts to try human rights cases involving civilians. In July the Supreme Court ruled that civilian courts must maintain cases involving human rights abuses of civilians in civilian jurisdiction. In August military prosecutors declined jurisdiction over two high-profile human rights cases (see section 6, Indigenous People). The government also held public ceremonies honoring victims in accordance with three Inter-American Court rulings.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters to which citizens have access to seek damages for a human rights violation. However, for a plaintiff

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

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

Although the law prohibits such practices and requires search warrants, the CNDH received 213 complaints of illegal searches or destruction of property during the year, most related to the fight against organized crime.

The NGO Tlachinollan Mountain Center for Human Rights, located in Ayutla de los Libres, Guerrero, reported instances of soldiers entering employees' homes without a warrant and appropriating personal property.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Press: Despite federal government support for 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 to their families. In their final report released in June following a country visit in 2010, the UN and Organization of American States special rapporteurs for the promotion and protection of the right to freedom of opinion and expression characterized the states of Chihuahua, Coahuila, Durango, Guerrero, Michoacan, Nuevo Leon, Sinaloa, and Tamaulipas as “completely silent” due to dramatic levels of media self-censorship.

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

Violence and Harassment: According to the NGO Article 19, during the year nine journalists were killed--four in the state of Veracruz--and two disappeared, compared with nine such killings and four disappearances in 2010. The CNDH reported that 70 journalists had been killed and 13 disappeared since 2000.

The PGR's Office of the Special Prosecutor for Crimes Against Journalists accepted jurisdiction of more than 15 cases between September 2010 and June 2011. The CNDH issued three recommendations on crimes against journalists during the year.

High-profile cases included the following:

Noel Lopez Olguin, a columnist for the newspaper *La Verdad de Jaltipan* in Veracruz, was kidnapped on March 8 and found dead on May 31 in that state. His body was discovered after a drug gang member confessed to the killing. According to reports, Lopez wrote stories on corruption involving organized crime.

Two reporters from *Notiver* in Veracruz were killed during the year. Miguel Angel Lopez Velasco, a columnist for the newspaper, was found dead in his Veracruz home along with his wife and 21-year-old son on June 20. Juan Carlos "El Naca" Carranza Saavedra was named as a suspect by the state attorney general and a three million peso (\$233,000) reward was offered for information leading to his arrest. Lopez's writings focused on drug trafficking and security. On July 26, the body of Yolanda Ordaz de la Cruz, a crime beat reporter for *Notiver*, was also found in Veracruz. A note left at the crime scene suggested a connection between the two killings. At year's end information on the investigations remained unavailable.

No developments were reported in the arrest and investigation of suspects associated with multiple 2010 cases of violence against journalists.

In October 2010 the government announced the launching of a journalist protection mechanism. While NGOs such as Article 19 noted that the mechanism had not been effectively implemented due to a lack of funding, insufficient consultation with civil society, and reliance on local rather than federal authorities for protection responsibilities, the government made efforts to involve civil society and work with international partners to train personnel involved in the mechanism's implementation. In a speech on December 10, President Calderon reiterated his administration's commitment to improve mechanisms to protect journalists and human rights defenders in cooperation with the CNDH and the UN.

He identified organized crime as the major source of kidnapping threats and noted that the mechanism had provided protection to 11 individuals thus far.

Libel Laws/National Security: Although defamation, libel, and slander are not federal offenses, 17 states have criminal libel laws making journalists vulnerable to imprisonment at the state level.

Nongovernmental Impact: TCOs exercised an increasing influence over media outlets and reporters, at times directly threatening individuals who published critical views of crime groups.

On September 24, police in Nuevo Laredo found the headless body of a female journalist who wrote on TCO activity as an online blogger under the pseudonym of “La Nena de Laredo” (“Laredo Girl”). Two other Nuevo Laredo-based bloggers were allegedly tortured and killed by TCOs in September and November, again in retaliation for posting comments on the Internet about local drug cartels.

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. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

As citizens increasingly used social media Web sites such as Twitter and Facebook to obtain and share drug-related news, violence against the users of these sites rose dramatically.

Two states introduced new restrictions on the use of social media. In August Veracruz officials arrested Gilberto Martinez Vera and Maria de Jesus Bravo Pagola for allegedly spreading rumors of violence on Twitter. They were released following protests from civil society groups, but the state created a new “public disturbance” offense for use in similar cases in the future. Similarly, the state of Tabasco outlawed telephone calls or social network postings that could provoke panic. Civil society groups feared that the laws could be used to curb freedom of expression online.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and the government generally respected this right in practice. However, there was at least once instance of security forces using force against demonstrators during the year.

On December 12, approximately 500 students from the Teachers' College of Ayotzinapa in the state of Guerrero, along with members of civil society organizations, blocked traffic on an important federal highway near the state capital and demanded a meeting with the governor to discuss conditions at the school. When state and federal police attempted to dislodge the protesters and reopen the highway, both security forces and protesters resorted to violence, during which police shot and killed two protesters, and protesters set fire to a gas station, resulting in the death of a gas station employee. NGOs and the state human rights commission condemned the killings. At year's end the governor of Guerrero had fired a number of high-ranking state officials in connection with the killings, and investigations were continuing.

Freedom of Association

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

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 movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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 February report, the CNDH estimated that approximately 11,330 migrants were kidnapped between April and September 2010 as they attempted to transit the country to cross the border into the United States, although the National Migration Institute (INM) disputed this claim, noting that they had registered only 222 such cases during the same period. Many migrants were reluctant to report such crimes due to fear of being deported.

Forty Central American migrants were abducted from a train in December 2010. Another mass kidnapping of migrants riding a train from Oaxaca to Veracruz took place in June. Both the CNDH and the INM continued to investigate the incidents at year's end.

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 in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: The closely contested 2006 presidential election, in which Felipe Calderon was elected president to a six-year term, was considered generally free and fair by most neutral observers, including EU representatives and local and international civil society organizations.

Participation of Women and Minorities: As of December there were 30 women in the 128-seat Senate and 141 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court, and there were four women in the 19-member cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. Some political parties utilized quotas requiring that a certain percentage of candidates on a party list be female.

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, chose local officials, and collected 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. The application of the law varied by village. In some villages women were not permitted to vote or hold office; in others they could vote but not hold office.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not always implement the law effectively. Credible reports indicated that officials frequently engaged in corrupt practices with impunity and that relatively few cases were brought 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.

During the year the PGR initiated legal proceedings against 102 employees for corruption, 18 of whom were convicted at year’s end. The INM dismissed 400 employees accused of corruption and human trafficking, 15 of whom were under PGR investigation at year’s end. The state of Veracruz fired more than 1,000 police officers after they failed newly implemented vetting checks.

The CNDH reported 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 abuse falls under the purview of the PGR or the Secretariat of Public Administration, depending on the type of offense.

On December 2, Humberto Moreira, the former governor of Coahuila (2005-11) and then party leader of the Institutional Revolutionary Party (PRI), announced his

resignation from party leadership amid escalating controversy over a debt scandal during his tenure as governor. In August the PGR began a criminal investigation into allegations that the state government of Coahuila had underreported its debt by almost \$3 billion and had forged official documents to obtain loans. The Secretariat of Finance filed a criminal lawsuit with the PGR against the state of Coahuila, and the investigation continued at year's end.

On September 1, federal police arrested a state police officer in connection with the August 25 arson attack on a casino in Monterrey that left 52 people dead. The unidentified state officer was one of several men seen in a surveillance camera video arriving at the casino in a caravan. Some of the men rushed in to set the building on fire in what authorities suspected may have been retaliation for the casino's owners refusing to pay an extortion demand to organized criminals. At year's end at least five suspects had been detained by federal authorities and investigations continued.

In May 2010 SIEDO prosecuted Cancun Mayor Gregorio Sanchez, and a federal judge charged him with money laundering, drug trafficking, and cooperating with drug traffickers. These charges were eventually dropped. Sanchez was arrested once again in July for allegedly smuggling Cuban citizens into the country, and for additional drug allegations, but he was released in August.

Financial disclosure and accounting laws are overseen by the National Banking and Exchange Commission. In practice authorities' application of the laws was inconsistent.

Internal controls and vetting processes were applied to new SSP entrants and incrementally expanded to existing staff. The SSP managed a database of police at all levels whose records, including misdeeds, are catalogued. The SSP expanded the Intranet-based communications platform, Plataforma Mexico, allowing for communication and coordination with federal and some state and local police throughout the country. At both federal and state levels, authorities provided for the establishment of Citizen Participation Councils (CPCs) to address citizen complaints about police and other justice system actors. CPCs created "observatories" to monitor criminal justice and security issues.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult in some states. The Federal Institute of Access to Public Information (IFAI), the agency responsible for freedom of information requests, received more than 120,000 such requests

during the year. All states have 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 the Supreme Court ruled that the PGR had the right to withhold information from the CNDH in cases that are actively under investigation. The decision was in response to the July 2010 case brought by the CNDH challenging the PGR's right to withhold information.

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 made periodic attempts 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. President Calderon and his secretary of government engaged in public discussions on several occasions with peace activist Javier Sicilia on human rights issues and the government's security strategy. These discussions resulted in the creation of a Special Prosecutor for Victim Assistance (PROVICTIMA) in September, which assisted approximately 3,000 crime victims by year's end. Some NGOs, however, expressed frustration over the difficulty to engage in constructive human rights discussions with government officials.

The UN and NGOs reported harassment of human rights defenders. The CNDH received 59 complaints of aggression against human rights activists and 16 requests for protection. NGOs maintained that state and municipal authorities harassed defenders. The Inter-American Court of Human Rights ordered protective measures in six cases involving human rights defenders during the year. In July the president announced the launch of a national mechanism to protect human rights defenders.

Government Human Rights Bodies: The CNDH is the 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, in fact, carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and reports this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly. NGOs and international organizations often drew attention to the failure of an institution to comply with or even accept CNDH recommendations. The CNDH was generally viewed by the public as unbiased and trustworthy. In June constitutional reforms increased the CNDH's capacity to investigate alleged violations and enforce its recommendations.

Each of the country's 31 states plus the Federal District has a state human rights commission autonomous from the CNDH.

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

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment. However, according to HRW and other NGOs, rape victims rarely filed complaints with police, in part because of the authorities' ineffective and unsupportive responses 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.

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

State-level laws sanctioning domestic violence are weak. Seven states do not criminalize it, and 15 states punish it only when it is a repeated offense. According

to a survey conducted by the National Institute of Public Health in several of the country's rural and indigenous communities, victims did not report abuses for a variety of reasons, including fear of spousal reprisal, shame, and the view that the abuse did not merit a complaint. There were no authoritative statistics available on the number of abusers prosecuted, convicted, and punished. The 2006 National Survey on Household Relationships, the most recent such survey completed, suggested that 67 percent of women over age 15 had suffered some abusive treatment.

According to the Citizen Femicide Observatory, more than 1,700 girls, teenagers, and women were killed between January 2009 and June 2010.

The PGR's Special Prosecutor for Violence against Women and Trafficking in Persons (FEMVITRA) is responsible for leading government programs to combat domestic violence and federal human trafficking cases involving three or fewer suspects. With only five lawyers dedicated to federal cases of violence against women and trafficking countrywide as of 2010, FEMVITRA faced challenges in moving from investigations to convictions, although it achieved several.

There were approximately 70 government-funded shelters. 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 also criminalized in 26 states and the Federal District. Twenty-two of these 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.

Sex Tourism: The country was a destination for sex tourists, particularly from the United States. There are no laws specifically prohibiting sex tourism with adults, although federal law criminalizes corruption of minors, for which the penalty is five to 10 years' imprisonment.

Reproductive Rights: Couples and individuals have the legal right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. However, services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national

family planning program, the lack of sex education and contraceptives in public hospitals and rural areas undermined the government's commitment to reproductive rights. The Population Reference Bureau reported that 66 percent of women used modern contraceptives. Information on maternal health was available 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 marginalized areas. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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, during the year women earned between 5 and 14 percent less than men for comparable work. INMUJERES reported that its national hotline received 5,881 calls during the year. The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

Children

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

Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care, to children living in communities where such services were in any event not widely available. According to UNICEF, 93.4 percent of children in the country were registered. However, states with large rural and indigenous populations, such as Chiapas, Guerrero, Oaxaca, and Puebla, had comparatively lower registration rates. According to UNICEF, as of 2009 only 61.7 percent of children in Chiapas were registered by their first birthday. At year's end, following appeals by UNICEF, the states of Oaxaca and Chiapas made birth registration free, resulting in the registration of thousands of previously unregistered children.

Child Abuse: In 2000--when the most recent survey was undertaken--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 ages 14 to 17 reported being treated violently 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, but no current statistics were available. The minimum marital age in the country is 14 for girls and 16 for boys with parental consent, and 18 without parental consent. UNICEF estimated that in 2008--the latest year for which information was available--approximately 19.2 percent of women and 4.5 percent of males married before the age of 18. Many of these marriages occurred in indigenous communities governed by the “usages and customs” regime.

Sexual Exploitation of Children: The antitrafficking law prohibits the commercial sexual exploitation of children. UNICEF reported that approximately 16,000 children were involved in commercial sexual exploitation. It was not uncommon to find minors engaged in prostitution. The NGOs Center for Studies and Investigation in Development and Social Assistance, Casa Alianza, and National Network of Shelters reported that sex tourism and sexual exploitation of minors were significant problems in resort towns and northern border areas.

The country does not have a statutory rape law, but it has laws against corruption of a minor and child pornography that 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 crime of involving minors in acts of sexual exhibitionism, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage. The production, facilitation, reproduction, distribution, sale, and purchase of child pornography carries a punishment of seven to 12 years' in prison and a fine of 800 to 2,000 times the daily minimum wage.

Perpetrators who promote, publicize, or facilitate sexual tourism involving minors, face seven to 12 years' 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 18-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage.

Institutionalized Children: The NGO Disability Rights International found in a 2010 study that mentally disabled children in orphanages and care facilities were subject to a number of grave abuses, including trafficking in persons (see Persons with Disabilities below).

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_3781.html.

Anti-Semitism

There were no reports of anti-Semitic acts. According to the 2010 census, the Jewish community numbered approximately 67,000 persons.

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, access to health care, and the provision of other services. However, the government did not effectively enforce all these stipulations. Public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 485,170 students with disabilities nationwide.

According to the National Commission for Persons with Disabilities, 63 percent of children with disabilities between the ages of six and 14 attended school, compared with 92 percent for those in the same age range without disabilities. Only 4 percent of the overall population with disabilities had finished university. According to the National Council to Prevent Discrimination, 60 percent of all persons with disabilities reported insufficient access to public or private health

care. The CNDH received 41 complaints of discrimination against persons with physical disabilities and six complaints of discrimination against persons with mental disabilities during the year.

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

In its 2010 study, Disability Rights International (DRI) found widespread human rights abuses in mental institutions and care facilities across the country, including those for children. Abuses against disabled persons included lack of access to justice, the use of physical and chemical restraints and unconsented lobotomies on some patients, physical and sexual abuse, and trafficking of children with mental disabilities. 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 outsiders at facilities where there was little supervision.

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 from at least March to September 2010. Authorities at the institution stated that long-term restraints were the only option they had to control the patient and that they were not administering any other form of treatment or therapy to improve his condition.

At the Cruz del Sur Psychiatric Hospital in Oaxaca in 2010, DRI investigators found a woman being held in a bed with restraints despite evidenced distress because she spoke an indigenous language that no member of the staff knew. The staff planned to keep her in restraints until members of her family arrived and could translate.

According to a 2010 survey by the National Council to Prevent Discrimination, 55 percent of persons with disabilities reported an income insufficient to cover their basic needs. More than 50 percent of those surveyed stated that their primary source of income was their family and only 40 percent reported having a job.

Indigenous People

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

Indigenous groups claimed that the country's legal framework neither respected, nor prevented violations of, the property rights of indigenous communities. Communities and NGOs representing indigenous groups reported that the government did not consult indigenous communities adequately when making decisions about development project implementation on indigenous land. There was also limited consultation with indigenous communities regarding the exploitation of energy, minerals, timber, and other natural resources on indigenous lands.

Indigenous persons did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In Oaxaca State, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs," which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation.

In May authorities detained Rufino Juarez Hernandez, the head of the Union of Social Well-Being of the Triqui Region, in connection with the April 2010 killings of two members of a humanitarian aid mission traveling in Oaxaca. Members of the European Parliament, who visited the country in September to determine the status of the case, applauded the detention but noted the justice system's continued failure to bring the crime to trial.

The government generally showed respect for the desire of indigenous persons to retain elements of their traditional culture. 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 27 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.

NGOs such as Fray Bartolome de las Casas and International Service for Peace reported that state authorities and nongovernmental actors harassed and abused indigenous human rights defenders.

In June the Tlachinollan Mountain Human Rights Center in Ayutla de los Libres, Guerrero, which reopened that month, reported security threats, including instances of soldiers entering employees' homes without a warrant (see section 1.f.).

In October 2010 the Inter-American Court of Human Rights ruled on the 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 court ordered the military to compensate the victims and their families, who had complained of harassment and intimidation by soldiers in the area since the court accepted the cases in 2006. In August the military declined jurisdiction over the cases and the PGR accepted jurisdiction. The federal government held a public ceremony in December in honor of the victims, complying with one aspect of the Inter-American Court ruling. The cases remained pending in federal courts at year's end.

The OHCHR, as well as NGOs AI, International Service for Peace, and the Network of All Rights for All, reported that Chiapas-based human rights defender Margarita Martinez and staff members of NGO Fray Bartolome de las Casas received death threats in November 2010 and October 2011 in connection with their work on human rights for indigenous groups in Chiapas. The group continued to receive protection, including from police, as instructed by the IACHR.

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

While Mexican society increasingly accepted the lesbian, gay, bisexual, and transgender (LGBT) communities, the CNDH and the National Center to Prevent

and Control HIV/AIDS stated that discrimination based on sexual orientation and gender identity persisted. In separate incidents during the year, unknown assailants killed two prominent LGBT activists. Authorities in both instances stated that the killings were “crimes of passion” within the gay community. Activists noted that this characterization was misleading and oversimplified patterns of violence against LGBT persons.

On May 3, Guerrero-based LGBT activist Quetzalcoatl Leija Herrera was found beaten to death near the city of Chilpancingo’s central plaza.

On July 23, security guards discovered the body of Cristian Ivan Sanchez Venancio in his home near the center of Mexico City. Sanchez, a member of the Revolutionary Democratic Party’s Coordinating Group for Sexual Diversity and an organizer of Mexico City’s annual LGBT Pride Parade, was stabbed to death.

Other Societal Violence or Discrimination

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

The CNDH alleged in August that the PGR was withholding information on a case in Tamaulipas in which 72 migrants were kidnapped from a bus and killed, reportedly by TCO members, in August 2010. The CNDH claimed the PGR’s delay prevented them from making a recommendation. Another 50 migrants were reportedly kidnapped in Oaxaca in December 2010 by unknown persons. While one individual was arrested in June in connection with the Tamaulipas case, both cases remained under investigation at year’s end. These and other high-profile crimes against migrants prompted the passage in May of a comprehensive migration law intended to protect the human rights of migrants. At year’s end the government continued working with civil society groups to define the implementing regulations for the law.

The INM operated 52 migrant detention centers. The CNDH had an office in each of these facilities to monitor compliance for respect of detainee human rights. During its April visit, however, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families expressed concern over the conditions and treatment of migrants at the centers and recommended improving facilities and investigating allegations of abuse by authorities.

There were no developments in the September 2010 deaths of two suspected kidnappers in Asencion, Chihuahua, at the hands of a vigilante mob.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Federal law provides workers the right to form and join unions, provides for the right to strike in both the public and private sector, and protects the right to bargain collectively. However, the law places several restrictions on these rights. The law does not prohibit antiunion discrimination nor 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. It also includes an “exclusion clause,” which allows employers to terminate the contract of an employee who quits the union. During the year the Supreme Court of Justice determined that the exclusion clause was unconstitutional; however, the law had not been modified by year’s end.

A union that has been 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 also limits the right to strike of a number of public officials, including many that do not exercise authority in the name of the government; 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 must 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 these 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 stoppages of work 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. 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. However, practices such as providing very limited notice prior to an election and allowing management or nonemployees to vote were increasingly common.

An October 31 election at the Telefonica-affiliated Atento Services was cancelled due to reports of violence. Workers at the call center were reportedly subjected to

violence and intimidation by thugs outside the voting place and prohibited from entering. Workers claimed that they had planned to try to elect a nonprotection union, Telefonistas de la Republica Mexicana. The vote was subsequently rescheduled for November 9, and a protection union won. Workers sympathetic to Telefonistas de la Republica Mexicana claimed that they were again prohibited from voting.

Workers were reportedly expelled from official unions for trying to organize their colleagues into separate, independent unions. The “exclusion clause” in 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.

At the end of 2010, the offices of the Worker Support Center (Centro de Apoyo al Trabajador - CAT) were looted and threatening messages were targeted at employees in response to the CAT’s efforts to support workers at the Johnson Controls Interiors plant in Puebla. The leader of CAT received death threats. By April the Johnson Controls Interiors workers had ousted the “protection union” and signed a new agreement that included a 7.5 percent wage increase and better working conditions. However, CAT and its director continued to receive threats during the year, and its offices were again robbed. Authorities subsequently responded to the threats by instituting routine police patrols by CAT offices and providing dedicated cell phones to the CAT leadership in case of an emergency. The investigation continued at year’s end.

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 government did not effectively enforce such prohibitions. According to sources including the International Labor Organization, government enforcement was reasonably effective at large and medium-sized companies, especially in factories run by U.S. companies, or the “maquila” sector, and other industries under federal jurisdiction; inadequate at many small companies and in the agriculture and construction sectors; and nearly absent in the informal sector, in which most children worked. The labor inspection process is complicated by complex divisions and a lack of coordination between federal and state jurisdictions. 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.

The STPS was involved in programs that supported the elimination of child labor and the improvement of conditions for legally working minors. Beginning in September the STPS implemented a campaign in Baja California to educate workers and employers about agriculture workers’ rights in 26 states. The STPS continued to work with global donors to implement programs to combat child labor in the agriculture sector, including in Michoacan, Veracruz, Chiapas, and Sinaloa. During the year the Secretariat for Social Development and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children.

Child labor remained a problem. According to the most current government child labor survey, conducted between 2007 and 2009 by the National Institute of Statistics and Geography and the Ministry of Labor, the overall child occupation rate (five to 17 years old) fell from 12.5 percent to 10.7 percent, or approximately 3 million children. Forty-two percent of child labor occurred in the livestock and the agricultural sectors. Child labor in agriculture included the production of melons, onions, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included commerce, services, manufacturing, and construction.

d. Acceptable Conditions of Work

The minimum daily wage, determined by zone, was 59.82 pesos (\$4.29) in Zone A (Baja California, Federal District, state of Mexico, and large cities); 58.13 pesos (\$4.16) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and 56.70 pesos (\$4.06) in Zone C (all other states). 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 64 pesos (\$4.58) per day for 2011.

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. By law workers may remove themselves from hazardous situations without jeopardizing their employment.

The STPS is responsible for enforcing labor laws and employed 376 federal labor inspectors during the year, compared with 218 in 2007. The STPS carried out regular inspections of workplaces, using a questionnaire to identify victims of labor exploitation. Between January and November, it undertook 56,390 inspections, including the monitoring of industries identified as having a high incidence of child labor (agriculture, coal mines, and construction work). These operations identified 1,836 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.

In practice workers often could not remove themselves from hazardous situations without jeopardizing their employment. 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. The

Organization for Economic Cooperation and Development estimated that 43 percent of the workforce was engaged in the informal economy.

Environmental groups criticized the hazardous working conditions in mines, including exposure to methane gas and mercury poisoning. For instance, 14 workers were killed in a methane explosion on May 3, and on August 26, four workers were killed while working in a coal mine in Coahuila. The union blamed the incidents on a lack of sufficient safety controls.