

MEXICO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mexico is a multi-party federal republic with an elected president and bicameral legislature. On July 1, 2012, citizens elected President Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) to a six-year term in generally free and fair multi-party elections; Peña Nieto took office December 1, 2012. Although authorities generally maintained effective control over the security forces, there were instances in which elements of the security forces acted independently of civilian control and committed human rights abuses.

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 and local levels, 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 country's National Human Rights Commission (CNDH) and other sources reported the following problems: 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 and lesbian, gay, bisexual, and transgender (LGBT) persons; kidnapping, robbery and abuse of migrants; domestic violence; trafficking in persons; abuse of 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, often with impunity. As of August 31, the CNDH had received 32 complaints regarding arbitrary or unlawful killings and issued one

recommendation to authorities (based on its findings that a case involved a serious human rights violation and merited further investigation or sanction).

On January 9, the government published the General Victims Law, which obligates the government to provide legal, medical, and economic assistance to victims of organized crime or abuse by government authorities. Congress subsequently passed revisions to the law that further clarified who should be considered a victim, the level of compensation to be paid by the state, and the composition and responsibilities of the new National System of Attention to Victims, which the Victims Law established.

On March 18, army personnel allegedly tortured and killed Alfredo Ruiz Rojas and a 15-year-old student in Valles Elizondo, Nuevo Laredo, Tamaulipas. According to media reports, the victims were travelling in a car when security forces approached and forced them from their car and into an adjacent army vehicle. The perpetrators then allegedly planted weapons in the victims' vehicle before leaving the scene. Authorities later found the victims' bodies at a separate location. The Secretariat of National Defense (SEDENA) and the Attorney General's Office of Tamaulipas issued a joint report stating that the victims died in a shootout with security forces. However, autopsy evidence of Ruiz Rojas' body suggested he had been tortured, and initial forensic evidence from the scene appeared to contradict the official account. According to the Human Rights Commission of Nuevo Laredo, Ruiz Rojas' body showed evidence that he had been beaten in the face, genitals, back, buttocks, and legs prior to being killed. The CNDH contended the incident was a case of "arbitrary detention, torture, and eventual murder" and was investigating the incident.

The military abuse case involving the arbitrary 2011 detention, torture, forced disappearance, and execution of Jethro Ramses Sanchez was officially transferred to a civilian court early in the year. In August 2012 the CNDH issued a recommendation to the former Secretariat of Public Security and SEDENA in the case. Sanchez, an engineering student, was allegedly detained and beaten in 2011 in Cuernavaca, Morelos, by municipal police officers under the command of Manrique Gonzalez Acosta. Although Gonzalez Acosta denied any participation, judicial authorities investigated his alleged role in Sanchez' detention. The municipal police later turned Sanchez over to federal police, presenting him as a transnational criminal organization (TCO) member. The federal police transferred Sanchez to SEDENA, which took him to one of its military facilities where he was allegedly tortured and died as a result of the abuse. The Military Prosecutor's Office investigation concluded that military forces tortured Sanchez and that he

died on the same day. His body was clandestinely buried in Puebla. In 2011 three military officers were detained. Lieutenant Jose Guadalupe Orizaga y Guerra and Second Lieutenant Edwin Raziél Aguilar Guerrero were charged with the disappearance and torture of Sanchez, while Colonel Jose Guadalupe Arias Agredano, former commander of the 21st Infantry Battalion, faced charges of ordering his subordinates to cover up the crime. Although his case was initially before a military tribunal, in August 2012 the Supreme Court determined that Colonel Arias Agredano must be tried in a federal civilian court in Morelos. In September the Attorney General's Office issued a warrant for the arrest of former 24th Military Zone commander Leopoldo Diaz Perez for his role in an alleged cover-up, although a district court later suspended the detention order. In November authorities arrested Colonel Marco Antonio Legorreta for his involvement in the case but later released him, citing lack of evidence. On November 28, a federal judge issued detention orders for 15 members of the police and seven members of the armed forces for their roles in Sanchez' death.

On June 3, authorities in Guerrero state found the bodies of three political activists who had been abducted on May 30. Five other activists escaped their captors and alleged that the mayor of Iguala, Jose Luis Abarca, had ordered their torture and killed one activist with a shotgun. A colleague one abductee called during his escape told reporters Abarca was connected to organized crime.

Unknown assailants in Oaxaca killed several political figures, including sitting mayors Feliciano Martinez Bautista and Jose Rene Garrido Rocha. On June 10, unknown assailants kidnapped and killed Jaime Orozco Madrigal, who was the PRI candidate for mayor of Guadalupe y Calvo, Chihuahua. Police officials continued to investigate the case at year's end.

Two local legislators from Oaxaca and Michoacan were killed within 24 hours of each other on September 11 and 12. In Oaxaca assailants attacked sitting deputy and mayor-elect of the town of San Andres, Everardo Hugo Hernandez Guzman, while he was eating at a local restaurant. On September 12, four assailants killed Michoacan deputy Osvaldo Esquivel Lucatero with machetes.

b. Disappearance

There were multiple reports of forced disappearances by the army, navy, and police. Most occurred in the course of sanctioned security operations. As of August 31, the CNDH had received 13 complaints of cases involving forced disappearance but had not issued any recommendations. In several cases security

forces had detained persons incommunicado for several days. While the federal criminal code classifies forced disappearance as a crime, forced disappearances do not constitute a crime in several local penal codes. The federal criminal code and the legislation of the 16 federal entities that 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 September 12, the Jalisco State Congress unanimously approved a reform to the local penal code to define forced disappearances as a crime, punishable by 10 to 40 years in prison, with longer sentences in cases involving minors, women, seniors, or persons with disabilities.

In February the Secretariat of Government (SEGOB) reported that 26,121 individuals had disappeared between 2006 and 2012, although government officials acknowledged the figures were not precise. According to criminal justice experts, most of these were likely to have been perpetrated by TCOs. The SEGOB report identified the groups most vulnerable to forced disappearance as human rights defenders, political and social activists, migrants, men living in areas of conflict, and women and children trafficking victims.

The government published a law for the National Registry of Missing or Disappeared Persons in April 2012 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. As of October 25, the government had not published the regulations to ensure the database was operable or clearly delegated a government agency to host the database.

Amnesty International (AI) noted that the government's registry lacked any mechanism to update it when more people are reported missing, or when disappeared individuals reappear or are otherwise accounted for. AI also said that the registry made no distinction between individuals who went missing and those who were forcibly disappeared or kidnapped by criminal groups. The CNDH reported that there were at least 7,000 unidentified bodies of persons killed between 2006 and 2012 in morgues and common graves.

Human Rights Watch (HRW) released a report in February, *Mexico's Disappeared*, that documented approximately 250 cases of disappearance since 2007. The examples included 149 cases of "forced" disappearance in which HRW concluded that security officials participated in the crime. The report concluded there were widespread problems with the legal, judicial, and law enforcement systems that significantly contributed to the problem of disappearances in the

country. It also maintained that authorities routinely failed to conduct thorough and expeditious searches and investigations in disappearance cases, and prosecutors rarely employed basic investigative practices critical to finding missing persons. In cases where prosecutors investigated, procedural delays and the lack of necessary investigative and legal tools often adversely affected the judicial process.

On April 10, the special prosecutor of attention to crime victims published *Protocols for the Search of Missing and Disappeared Persons*, to be implemented by all state prosecutors' offices throughout the country. The protocols abolish the previous 72-hour waiting period before authorities would investigate a missing person's case and instead require authorities to initiate investigations and searches in the first 48 hours of receiving a report of a missing or disappeared person.

Following a meeting with family members of disappeared individuals in May, the attorney general announced the creation of a Special Disappeared Persons Unit charged with locating disappeared individuals. The unit combines investigators with forensic experts and increases the number of investigators dedicated to disappeared persons cases from six to 12. Human rights organizations were critical that the announcement made no mention of the new unit's budget or proposed structure, and they were widely skeptical it would have a significant effect on the situation due to its small size relative to the scope of the problem.

The Secretariat of the Navy (SEMAR) paid compensation to the family members, offered scholarships to the victims' children, and provided psychological services to those affected by the 2011 disappearances of six civilians in Nuevo Laredo, Tamaulipas, in response to the August 2012 CNDH statement that unknown elements of the SEMAR were responsible for the disappearances. The specific units involved remained unknown. The CNDH reported that in 2011 military personnel detained the individuals in their homes, places of work, and at other commercial establishments and 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. The CNDH reported that SEMAR had been cooperative during the investigations that both the Federal Attorney General's Office (PGR) and Military Attorney General's Office were conducting. As of August 31, no charges had been filed.

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. The National System for Public Security reported 1,032 reports of kidnapping filed between

December 2012 and June 2013, although official estimates placed the number of unreported kidnappings considerably higher. 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 May 26, several assailants raided the downtown Mexico City bar "Heaven's After" and kidnapped 12 individuals at gunpoint. Surveillance video showed the gunmen moving the victims into at least eight different vehicles before driving away from the scene. On August 17, federal police investigators located the decomposed remains of the 12 victims in a mass grave in Tlalmanalco, Mexico State. According to official reports, members of a Mexico City drug gang kidnapped and killed the victims in retaliation for the killing two days earlier of one of its leaders. One of the victims, 16-year-old Jerzy Ortiz Ponce, was the son of Jorge "El Tanque" Ortiz, who was serving a 23-year prison sentence for organized crime and extortion. State and federal authorities arrested 18 suspects, including four police officers, and continued their investigation. On October 21, the Federal District Human Rights Commission (CDHDF) issued a recommendation in the case calling on the Federal District attorney general to conduct an inquiry into alleged official involvement in the kidnappings and murders.

On June 8, SEDENA officials reported rescuing 165 migrants kidnapped by a criminal group two weeks earlier in the municipality of Gustavo Diaz Ordaz, Tamaulipas. The migrants were allegedly traveling through Tamaulipas to the United States when a criminal group kidnapped them and demanded ransom money from their relatives. The victims included 77 individuals from El Salvador, 50 from Guatemala, 23 from Honduras, 14 from Mexico, and one from India. Seven children and two pregnant women were among the victims.

On September 20, John Jairo Guzman Vazquez, a Colombian citizen, was kidnapped with the alleged help of Mexico City police officers, including Apolonio Perez Tapia, a chief investigator with the Mexico City Police Internal Affairs, subsequently arrested for his role in the kidnapping. Four other police officers wanted in the case remained at large as of November 29. On November 20, Guzman escaped his captors and was returned to Colombia on November 22.

On October 8, officials from the Guerrero State Secretariat of Public Safety arrested 18 individuals, including 13 federal police officers, who were allegedly involved in a kidnapping ring in Acapulco, Guerrero. The individuals were

charged with kidnapping, murder, and participation in organized crime. No charges had been filed as the investigation continued.

On November 8, officials reported rescuing 61 migrants kidnapped by a criminal group in Reynosa and held for at least a week. The victims included seven minors and individuals from Honduras, El Salvador, Guatemala, Nicaragua, and the United States.

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 suspect has not been subjected to physical abuse.

As of August 31, the CNDH had received 1,084 complaints of cruel or degrading treatment and 25 torture complaints. The CNDH issued four recommendations in cases of cruel and degrading treatment and eight recommendations in cases of torture.

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. According to the human rights nongovernmental organization (NGO) Institute for Security and Democracy (INSYDE), other torture practices included hanging individuals from their feet, fingers, or neck. INSYDE also reported that torture methods varied by region. In the northern region, for example, the techniques were reportedly more sophisticated and designed to conceal any evidence of torture. Foreign citizens filed numerous complaints before state-level human rights commissions for egregious mistreatment at the hands of arresting authorities or while in prison.

On November 6, the Supreme Court vacated the conviction of Israel Arzate Melendez and ordered his immediate release, stating that his confession to involvement in the 2010 killing of 15 teenagers was obtained illegally under duress of torture. Arzate had alleged that he confessed after being tortured for more than 30 hours following his arrest. He subsequently spent two and one-half years in

prison and had been under house arrest since September 2012 while his case was under appeal. The Supreme Court ruling came more than two years after the CNDH's 2011 recommendation citing grave human rights violations by the 20th Motorized Cavalry Regiment in Ciudad Juarez against Arzate.

On July 18, the CNDH issued a recommendation in a case alleging that prison officials in Almoloya de Juarez, Mexico State, illegally detained and tortured CNDH employee Arturo Zarate Viten in December 2012. According to the recommendation, police authorities arrested Zarate Viten on allegations that he sexually abused a female coworker before transferring him to the maximum-security prison Altiplano. Prison officials then allegedly punched and beat him on several occasions while in detention. Despite the apparent physical evidence of alleged beatings, the CNDH recommendation noted that the on-duty physician at the prison examined Zarate Viten and concluded that there were no signs of abuse. A medical report from a different prison physician, however, as well as the CNDH staff's personal observations of the victim, confirmed that Zarate Viten had suffered injuries consistent with beatings and torture. The report also alleged that the prison officials taunted Zarate Viten saying, "We already know you are from the human rights [organization]. These are your human rights." The CNDH recommendation said that prison officials targeted Zarate Viten "in retaliation for belonging to a human rights organization." In August SEGOB delivered a statement to the CNDH accepting its recommendation.

In another example, two Ciudad Juarez municipal police officers reportedly tortured and killed 41-year-old Miguel Angel Gonzalez Parra on May 11. According to official reports, the assailants arrested Gonzalez Parra for drinking alcohol in a public space and transported him to an unknown location. Later that same day, police located Gonzalez Parra's body in an unpopulated area outside of the city. Following a tip, police arrested the two alleged assailants, who reportedly admitted to the crime. The state Attorney General's Office reported that Gonzalez Parra's body showed evidence that he was beaten severely before being killed.

On August 29, the Municipality of Tijuana Internal Affairs Department announced that former Tijuana Secretary of Public Safety and current Ciudad Juarez Secretary of Public Safety Julian Leyzaola Perez would be barred from serving in public office in Baja California for eight years due to allegations of human rights abuses under his leadership. The decision, which included barring Leyzaola's second-in-command Gustavo Huerta Martinez, followed a 2011 recommendation by the Baja California Human Rights Ombudsman regarding accusations of torture and excessive force. In 2011 HRW alleged that Leyzaola was directly involved in

the “torture of individuals who had been arbitrarily detained, transferred to military bases of the 28th Infantry Battalion in Tijuana, Baja California, and subjected to beatings, electric shocks, death threats, and suffocation by elements of the Mexican Army for the purpose of obtaining false confessions.” The Internal Affairs Department did not announce any plans to prosecute Leyzaola or Huerta.

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. In May the National Conference of Law Enforcement (CNPJ) agreed to instruct all state attorneys general to implement the Istanbul Protocol at the state level. The CNJP also agreed to launch a national Istanbul Protocol training program, which was under development.

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 often harsh and life threatening, most notably in state-level prisons. 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. As of August 31, a total of 1,060 prisoners had filed complaints with the CNDH alleging human rights abuses while in detention.

Physical Conditions: According to the National Security Commission (CNS, formerly known as the Secretariat of Public Security), as of July there were 247,065 prisoners in 405 facilities, which was approximately 22 percent above capacity. An estimated 95 percent of those inmates were men and 5 percent were women. The official number of juvenile inmates was unknown on a national level due to the decentralized recordkeeping for juvenile inmates.

Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Prisons often were 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. Authorities held pretrial detainees together with convicted criminals. 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. The CNDH noted a lack of access to adequate health care was a significant problem at all facilities. Prisoners generally had access to potable water. In a report released in February, the Jalisco Human Rights Commission revealed that 70 percent of Jalisco's jails had poor facilities and at least 50 percent were overpopulated. The prisoner population at the Jalisco state prison Cihuatlan reportedly grew by 73 percent over the past six years and was 240 percent over capacity as of September.

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. A CNDH report released on June 25 found that prison conditions for female inmates did not meet national or international human rights standards. Specifically, the CNDH said that female inmates were inadequately prepared to return to society, experienced inhumane treatment, lacked appropriate health-care services, and received inferior legal and judicial services.

The CNDH reported in September 2012 that organized crime controlled 60 percent of prisons. The CNDH indicated that prisons in the Federal District, Mexico State, Tamaulipas, Nuevo Leon, Quintana Roo, Oaxaca, Guerrero, Tabasco, and Nayarit had the worst prison conditions.

Several large-scale prison riots occurred, although there were no reported mass escapes as of September, compared with 130 escapees in 2012. On February 2, a riot at the Islas Marias prison complex in the state of Nayarit left one inmate dead and five correctional employees and three inmates injured. Prison officials reported that the riot involved 650 inmates, with some setting fire inside the cells and breaking through protective fences surrounding the complex. According to media reports, the riot was sparked by the inmates' complaints over the lack of water and food, limited family visitations, and reduced exercise time.

On April 23, a prison riot at the La Pila prison in San Luis Potosi killed 13 inmates and injured another 65. According to official reports, at least 100 inmates participated in the riot. On August 29, eight inmates died in TCO-related violence during a riot at a state prison facility in Nuevo Laredo, Tamaulipas. According to a report by the state Secretariat of Public Security, several prisoners attacked the

victims with shanks in response to a verbal altercation that took place following the victims' arrival to the facility only hours earlier.

Administration: There were improvements in recordkeeping in the federal prison system, largely due to a transition from a paper file system to electronic recordkeeping. 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.

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 generally were not made public.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions. As of August 31, the CNDH had made 586 visits to civilian and military prisons 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: The federal government opened three new federal facilities in Sonora, Guanajuato, and Oaxaca, each with a capacity of 2,500 prisoners. As of September six additional facilities were under construction. The additional capacity alleviated some of the overcrowding in state prisons where federal prison inmates were held. Nine federal prisons and five state prisons in Chihuahua and Baja California received international accreditation from the American Correctional Association. Authorities added programs to promote rehabilitation and an objective prisoner classification system. They also continued to implement a new model of 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. As of August 31, however, the CNDH reported receiving

1,407 complaints and issued 11 recommendations to authorities regarding arbitrary arrests and detentions.

On May 30, the CNDH issued a recommendation to the commissioner of national security and the governor of San Luis Potosi in a case involving federal police officials who allegedly and arbitrarily arrested, raped, and tortured a 30-year-old woman in 2011. The CNDH report included, among others, recommendations to the commissioner of national security and the governor of San Luis Potosi to provide psychological and medical assistance to the victim and develop human rights training programs for federal police and other public officials under their jurisdiction.

HRW reported in 2011 that the illegal use of “flagrancia” (arresting someone caught in the act of a crime) was particularly pronounced within the military. The constitution permits the military to detain in flagrancia if suspects are actively committing a crime or immediately following the crime, but HRW concluded the military often used an illegal, broad definition of flagrancia to justify detentions. In most of the cases HRW documented, military reports justified flagrancia arrests by claiming soldiers were responding to anonymous tips and complaints by civilians.

Role of the Police and Security Apparatus

The federal police, under the CNS, as well as state and municipal police, have primary responsibility 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. SEDENA, SEMAR, the federal police, and the PGR have 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 SEDENA’s human rights website, based on the 113 CNDH recommendations issued against SEDENA between December 2006 and December 2012 (the most current data available), a total of 186 military members were

charged for human rights violations, of whom 38 were prosecuted in the military justice system. Human rights NGOs continued to charge that lack of transparency, institutional bias, and other failings of 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 committed 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. As of August 31, the CNDH had received 744 complaints and had issued two recommendations against SEDENA. During the same period, the CNDH received 331 complaints and issued two recommendations against SEMAR; 800 complaints against the PGR and issued two recommendations; and 735 complaints against the federal police and issued three recommendations.

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. The directorate has no power to ensure allegations are properly prosecuted.

The CNDH continued to increase its training of military members through training agreements with SEMAR and SEDENA. As of August 31, the CNDH provided human rights training to 262,646 military members.

Numerous agencies and organizations offered training to federal and state police officers in human rights, including the CNDH, which reported training 6,173 police officials as of August 31. Evidence of their effectiveness remained limited. State-level police academies increasingly mandated human rights training as part of their curriculum, but some did not, and the training across states was not standardized.

Arrest Procedures and Treatment of Detainees

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. 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, but 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. 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), however, 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 asserted that authorities used arraigo to obtain confessions using torture. Attorney General Jesus Murillo Karam, appointed to his position in December 2012, was an outspoken critic of the liberal use of arraigo. During a news conference January 29, he stated the practice of arraigo has a “perverse effect” on the judicial system in that it extends the judicial process and eliminates the need to use “more modern and scientific” approaches to bringing an investigation to a timely conclusion.

In May the Federal District (Mexico City) approved legislation to eliminate arraigo and replace it with a similar mechanism called “judicial control,” which allows a judge to order a five-day detention with the option for an additional five days. Several human rights organizations declared the new measure to be a repackaged version of the arraigo mechanism.

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. Police occasionally provided indigent detainees counsel only during trials and not during arrests or investigations as provided for in law. Authorities held some detainees under house arrest. Human rights NGOs documented, and the CNDH issued, several recommendations affirming that the army continued to detain civilians for extended periods before placing them at the disposition of civilian authorities.

Arbitrary Arrest: As of August 31, the CNDH reported that it had received 187 complaints and issued five recommendations in cases of arbitrary arrests. Many arrests were made under arraigo. On April 25, HRW issued a statement calling on Congress to reject a proposal to reduce the maximum arraigo period from 80 to 40 days. HRW said the practice of arraigo did not meet international human rights standards and urged Congress to eliminate the practice altogether at both the state and federal levels. During a December 2012 interview, Attorney General Karam stated that of the 4,000 individuals held in arraigo during the previous two years, only 120 ultimately were charged with a crime. He noted that these figures amounted to “more than 3,800 Mexicans who were unjustly held in arraigo.”

Pretrial Detention: The law provides time limits within which an accused person must be tried. Such time limits generally were 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 fewer than five years. For many the time spent in prison 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.

The government continued to lack a standardized process for civilian investigators to access case-related evidence from military personnel and bases, as called for by the 2011 Supreme Court decision, which found military jurisdiction in human

rights cases involving civilians unconstitutional. The military's Human Rights Directorate reported that the military has turned dozens of cases involving civilian victims over to federal and state prosecutors since 2011, but information about these cases was not readily available to the public. In October states participating in the UN Universal Periodic Review of Mexico noted that allegations of human rights violations committed by members of the military continued to be prosecuted in military courts, although a non-binding Supreme Court ruling declared this practice unconstitutional.

Although the government made some progress toward limiting military jurisdiction, human rights NGOs urged amending the military justice code to ensure human rights abuses committed by the military are not tried in military courts. Legislation to amend the military justice code remained pending in the Congress as of November.

Trial Procedures

The civilian legal system is a hybrid system undergoing reform. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. 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. Increased use of alternative mechanisms lessened the burden of minor crimes on courts in states implementing reform.

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

As of August 31, 26 states had passed legislation transitioning to the oral, adversarial system and were at various stages of training and implementation of the reforms, while six states were still legislating reforms. Three states fully operated with the new oral system, while 13 states partially implemented the new structure. Under the old system, still being used by the federal government, the Federal District, and 15 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 law provides defendants with the right to an attorney at all stages of criminal proceedings. Attorneys are required to meet legal qualifications to represent a defendant. Because of ongoing 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. According to CIDE, most criminal suspects did not receive representation until after they came 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. 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 made in the absence of legal representation, providing prosecutors an incentive to obtain an incriminating first confession.

Where implemented, 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. The law, however, allows the government to keep elements of an investigation confidential until evidence is presented in court, and defendants must have access to government-held evidence.

On April 2, the implementing legislation for the “amparo” law was published to the federal register, formally codifying it. Amparo is a 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.

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. 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 country is subject to the jurisdiction of the Inter-American Court for Human Rights. On February 13, the court granted precautionary measures to human rights defender Luz Estela Castro Rodriguez who, according to the court, faced “extreme risk” as a result of her work with a women’s rights organization in Chihuahua. In August the court reaffirmed its earlier ruling and further extended the precautionary measures to Castro Rodriguez through September 30.

Despite four separate court rulings ordering the government to reform its military code of justice, including its 2009 decision in the case of *Radilla Pacheco v. Mexico*, the government had not complied with the ruling as of November.

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

Although the law prohibits such practices and requires search warrants, as of August 31, the CNDH had received 465 complaints of illegal searches or illegal destruction of private property and had issued three recommendations.

On July 30, the CNDH issued a recommendation to SEDENA denouncing alleged acts against the indigenous community of Kumiai de la Huerta in Baja California.

In July 2012 approximately 30 members of the Second Motorized Cavalry Regiment and six armed civilians allegedly entered three homes without a warrant, raided personal belongings in search of drugs, threatened the occupants, including children, and beat and temporarily detained one young man. The CNDH recommendation instructed SEDENA to investigate the case and offer the victims compensation.

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. 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 March 6, the Supreme Court ruled that anti-homosexual slurs are not protected under freedom of speech laws. In its ruling the court stated, “homophobic expressions – i.e., the frequent allegations that homosexuality is not a valid option but an inferior condition – constitute discriminatory statements since they can be used to encourage, promote, and justify intolerance against homosexuals.”

Press Freedoms: Despite federal laws supporting freedom of the press, many journalists were the victims of threats, harassment, and violence emanating, in large part, from organized crime. 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 2013 *Freedom of the Press Report* called the country a ‘dangerous place for journalists’ and categorized it as “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: In March the human rights NGO Article 19 reported that there were 207 attacks or threats against members of the press in 2012, of

which members of police forces were responsible for 44 percent and organized criminal groups for 14 percent.

On August 19, the CNDH issued a general recommendation to the federal government stating how federal, state, and local governments should more effectively investigate and prosecute crimes against journalists. The recommendation, which indicated attacks on journalists had increased by 700 percent from 2000 to July 2013, included calls to end impunity, designate journalists as a protected class, and ensure that the agencies responsible for investigating and prosecuting cases properly prioritize these cases. The CNDH report also suggested stronger sanctions for authorities that defraud the justice system or are negligent in their pursuit of cases involving crimes against journalists; measures to guarantee the safety of journalists covering high-risk and sensitive issues; reparations for victims of violence; and a full review of the efficacy and competence of the different agencies handling these issues. The CNDH reported that during the year it had registered 98 cases of violence against journalists and that the states recording the most attacks in the period from 2010 to July 2013 were the Federal District (40), Veracruz (30), Chiapas (20), Mexico State (18), and Oaxaca (18). The states with most homicides of journalists were Veracruz (12), Tamaulipas (12), Chihuahua (11), and Guerrero (10), and the states that registered most disappearances were Michoacan (20) and Veracruz (20). The states that registered most of the attacks against media installations were Tamaulipas (10), Coahuila (9), and Nuevo Leon (7).

As of August 31, the CNDH reported four journalists had been killed and two disappeared for reasons presumed to be related to their work.

Perpetrators of violence against journalists continued to act with impunity with only a few developments reported in the investigation, arrest, or prosecution of suspects in multiple cases of violence against journalists since 2006.

On August 7, citing errors in due process, the Supreme Court of Veracruz overturned the conviction of Jose Antonio Hernandez, who in April received a sentence of 38 years and two months for the murder of prominent journalist Regina Martinez. Specifically, the court noted that the only concrete evidence implicating Hernandez in the crime was the coerced confession he gave after police officials allegedly tortured him. Forensic evidence from the crime scene, including fingerprint and DNA samples, also apparently did not match those of Hernandez. Regina Martinez had worked for *Proceso* magazine for 10 years and had published reports before her murder that included accusations of local government

corruption. In October 2012 the Veracruz State Prosecutor's Office announced that it had arrested Jose Antonio Hernandez, who had allegedly confessed to beating Martinez to death in an attempted robbery, and that a second suspect remained at large. At year's end police continued their investigation.

Censorship or Content Restrictions: Attacks on journalists, threats of attacks, and a lack of adequate protection resulted in significant self-censorship in the media. The extent of, and reasons behind, self-censorship varied by state. Journalists reported altering their coverage in response to a lack of protection from the government, attacks against media headquarters, false charges for publishing undesirable news, and threats or retributions against family, among other reasons. For example, on April 7, police arrested Martin Ruiz, the director of the online news site e-consulta, and charged him with defamation against a senior government official from the state of Tlaxcala. The court released Ruiz Rodriguez after he posted a 35,000 peso (\$2,660) bail. The arrest came after the official, Ubaldo Velasco, filed a formal complaint of defamation against Ruiz following comments Ruiz made on his website calling the official a "mediocre" and "shackled old man." The case remained pending as of September.

In May the Committee to Protect Journalists reported that the lack of adequate protection for journalists had led to widespread self-censorship in the media.

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.

There were multiple attacks on media outlets. On February 8, five employees of El Siglo de Torreon newspaper were kidnapped, beaten, and later released with instructions from their captors to relay a message that the criminal group – believed to be a scion of the Sinaloa cartel – wanted "less coverage of the events at the Gomez Palacio Penitentiary." The events likely referred to the widely publicized unsuccessful mass escape from the prison in December 2012 that left 22 dead. The five victims of the kidnapping and beating were not journalists, but rather employees assigned to the newspaper's online, administrative, and advertising departments. Two weeks after the kidnappings, gunmen fired on the El Siglo de Torreon headquarters on three consecutive days, February 25-27. The attacks left one bystander dead and two federal police officers injured. El Siglo de

Torreon publicly abandoned all crime and investigative reporting in 2009 due to security concerns.

On March 11, Coahuila state newspaper *Zocalo*, headquartered in Piedras Negras, announced it would no longer publish stories related to organized crime to ensure the safety of the newspaper's staff and their families. The decision came after TCOs threatened newspaper director Francisco Juaristi's life using narco-banners posted in various area municipalities. In response to the threats, the federal police dispatched officials to provide additional security to the newspaper's headquarters.

Actions to Expand Press Freedom

On June 10, President Pena Nieto signed a major telecommunications reform bill intended to increase competition and enhance transparency in the telecommunications industry. During the signing ceremony, the president highlighted several features of the bill, commenting that it would "strengthen fundamental rights of freedom of expression and access to information." Specifically, the law updates the legal framework for the telecommunications industry, creates a single regulatory entity, allows for foreign direct investment up to 100 percent in telecommunications and satellite communications, establishes a Universal Digital Inclusion policy and a National Digital Agenda, and promotes greater telecommunications infrastructure coverage. As of September, however, the bill lacked the implementing legislation required for the reform to take effect.

Internet Freedom

According to the Federal Telecommunications Commission, 38 percent of the population used the internet in 2013. Freedom House's 2012 *Freedom on the Net Report* categorized the country's internet as "partly free." Two states continued to restrict the use of social media. A 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.

There was a growing concern about the use of violence by drug cartel gangs in retaliation for information posted online.

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. There were instances of security forces using excessive force against demonstrators.

Freedom of Assembly

In May the Mexico City government formally accepted the recommendation issued by the CDHDF following protests of the inauguration of President Enrique Peña Nieto in December 2012. The CDHDF recommendation cited the government's mistreatment of protesters, including 99 who were arbitrarily detained and accused of personal assault and causing damage to public and private property. The recommendation said that several protesters also showed signs of physical injury. The CDHDF issued a statement applauding Mexico City's government for accepting its recommendation, calling it an "opportunity to avoid repeating the same events from December 2012." No charges had been filed by the end of the year related to the claims of physical injury and arbitrary detention.

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. 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: There were numerous instances of armed groups limiting the movements of migrants, including instances of kidnapping and homicide. In early July unknown assailants kidnapped a group of 81 migrants near Reynosa, Tamaulipas, and held them captive in a house for several days. Acting on a tip, state and federal police officials located and rescued the kidnapping victims on July 17. All but one of the victims were Central American, including 39 from Honduras, 38 from Guatemala, and three from El Salvador. The perpetrators of the crime remained at large as of September.

Internally Displaced Persons (IDPs)

According to the CNDH, approximately 120,000 individuals were internally displaced as of July, most of whom fled their communities in response to violence related to narcotics trafficking. The CNDH blamed government negligence for the 98 percent impunity rate associated with violent crimes and cited this as a predominant factor driving IDPs' decisions to leave their homes. The CNDH also reported that criminal groups further victimized IDPs by routinely using fraudulent means to transfer or sell IDPs' abandoned homes as a means to generate income. Individuals from Tamaulipas, Baja California, Guerrero, Sinaloa, and Michoacan accounted for the majority of IDPs in the country. The CNDH alleged that the government allocated only minimal resources to assist IDPs.

Between July and August, two large groups totaling more than 2,000 residents of the state of Guerrero were internally displaced as a result of increasing violence in their communities. According to press reports, several hundred children were among the groups of IDPs. On July 16, a group of approximately 1,000 individuals from rural areas of the municipalities of Arcelia and San Miguel Totolapan fled their villages to seek refuge in a church in downtown San Miguel Totolapan. On July 30, another group of more than 1,000 individuals left their homes in Tierra Caliente, Guerrero, following armed conflicts between rival criminal groups that left several people injured. On August 18, the CNDH began an investigation in the case of 131 individuals from San Migeul Totolapan who were displaced in Acapulco. Authorities in Acapulco found the IDPs living on a public space near the city's shipping port. The CNDH continued to investigate 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. According to SEGOB, the country granted asylum to 1,569 individuals between 2012 and 2013.

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: Observers considered the July 1, 2012, presidential election, which Enrique Pena Nieto won by a 6.6 percent margin, 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, 2012.

On July 7, 14 states held statewide and local elections, including the highly contested race for governor of Baja California. These elections were also considered mostly free, fair, and transparent.

Participation of Women and Minorities: In the July 1, 2012, 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, but political parties at the state level often failed to meet the established gender quotas. At the federal level, at least 40 percent of all candidates for 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, but 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 2013 survey by Transparency International found that a third of citizens admitted paying a bribe to public officials in the last 12 months, up slightly from 31 percent in 2010-11 and significantly from 26 percent in 2006. The survey also found high levels of perceived corruption in public institutions. Citizens viewed political parties as the most dishonest, with 91 percent of respondents saying they were corrupt or extremely corrupt, followed by the police (90 percent), public officials/civil servants (87 percent), Congress (83 percent), and the judiciary (80 percent). More than 70 percent of respondents said the level of corruption had increased in the country in the last two years, and 79 percent said corruption in the public sector was a serious problem. An Ernst & Young representative told the press that businesses spend on average 5 percent of revenue on bribes and other corrupt practices.

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. On October 24, CNS Commissioner Manuel Mondragon y Kalb announced a one-year review of the vetting process to determine whether the process should be revised. Mondragon y Kalb noted that, while 98 percent of federal police officers and 70 percent of state law enforcement officials had been successfully vetted, applicants routinely “cheat” the system to gain approval despite their questionable backgrounds. 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 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 Secretariat of Public Administration (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.

Corruption: On February 26, police arrested Elba Esther Gordillo, the head of the country's main teachers' union, on charges of embezzling two billion pesos (\$200 million) in union funds. The Attorney General's Office alleged that Gordillo used associates to funnel union money first to bank accounts in Liechtenstein and Switzerland, then to the United States, where it was used to pay for designer clothes and handbags, homes, and expenses for Gordillo's private airplane. Gordillo remained in prison as of September while her criminal case continued.

On April 22, the Nayarit State Attorney General's Office announced that 120 state police officers had been relieved of their duties following allegations of corruption and abuse of power. In a statement to the press, the state attorney general stated that the officers were fired because "once someone is corrupt, they are always corrupt and have no place among us."

On June 14, police detained former Tabasco governor Andres Granier on charges of embezzling official funds. The media reported that federal prosecutors estimated Granier's administration siphoned off approximately 104,152,000 pesos (\$80 million) in federal funds intended for the state. Police found nearly seven million in cash in the home of Granier's former treasurer Jose Saiz Pineda, who was arrested June 8 as he attempted to cross into the United States. Both Granier and Saiz Pineda remained in prison at year's end.

Whistleblower Protection: No specific law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross

waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety. Criminal and labor codes, however, include provisions containing protections for whistleblowers. The Attorney General's Office operated a protection program for some witnesses who denounced activities of TCOs. In 2012 the Organization of American States (OAS) Mechanism for Follow-Up noted implementation of protection mechanisms remained inconsistent.

Financial Disclosure: 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 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.

Public Access to Information: 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. As of August 16, IFAI had received 72,648 such requests, with 2,013 requests related to the PGR and 2,156 related to the SEGOB (including CNS). 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, affect the conduct of foreign relations, harm the country's financial stability, endanger another person's life, 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 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.

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. SEGOB 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. During the October UN Universal Period Review for Mexico, several delegations raised concerns about the continued high levels of violence, killings, and threats against these human rights defenders and journalists.

The UN and NGOs reported continued harassment of human rights defenders, including by state and municipal authorities. As of August 31, the CNDH had received 38 complaints of aggression against human rights activists and one request for protection. In July the Office of the UN High Commissioner for Human Rights (OHCHR) issued a third report in its series on human rights defenders in the country. The OHCHR documented 89 aggressions against human rights activists between November 2010 and December 2012, although it acknowledged the number may be higher based on other independent figures showing 153 cases of aggressions between May 2012 and May 2013 (53 more than between 2011 and 2012). In June the OHCHR reported that 22 human rights defenders and five family members had been killed since 2006. Harassment of human rights defenders was most prevalent in the states of Oaxaca, Chihuahua, Coahuila, Guerrero, and the Federal District, where arbitrary threats and interference were among the most common forms of harassment directed at victims. In response to the threats, human rights defenders routinely were forced to move from their homes and communities. The UN report noted that impunity in many of these cases created an environment that invited new and repeat attacks on human rights defenders. A SEGOB report released July 2 indicated that the federal government was providing protection to 26 human rights defenders and journalists in accordance with requirements established in the Law for the Protection of Human Rights Defenders and Journalists. NGOs reported that application of these protection requirements was uneven.

On May 30, eight members of the indigenous rights group Unidad Popular were kidnapped in Iguala, Guerrero, following a demonstration they participated in against the local government earlier the same day, and one day after the group had

filed a formal grievance with the state Attorney General's Office against local government officials. On June 3, the bodies of three of the kidnapping victims – Arturo Hernandez Cardona, Angel Roman Ramirez, and Felix Rafael Bandera – were discovered along a nearby highway, with evidence that the victims had been blindfolded and tortured before being killed. The remaining five victims managed to escape their captors and remained in hiding as of September. Unidad Popular is an indigenous rights group that lobbies for resources for indigenous communities and supports teachers' movements in Guerrero. Following the kidnapping and killings, Unidad Popular received several additional threats, including a note to the group's leader on June 8 warning it to cease all activities. Several human rights organizations, including HRW and AI, called on federal authorities to conduct a full investigation into the matter. Despite these appeals, the PGR had not initiated an investigation, and the case remained in the hands of local authorities.

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. 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.

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: The federal penal code criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment.

Twenty-three states and the Federal District 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.

The federal penal code prohibits domestic violence and stipulates penalties between six months' and four years' imprisonment. Twenty-eight states and the Federal District stipulated similar penalties, although actual sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely fail to meet the required federal standards and often were unenforced, although states and municipalities, especially in the north, were beginning to prioritize domestic violence-related training.

Victims of domestic violence in rural and indigenous communities oftentimes 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 had 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.

Femicide is a federal offense punishable by 40 to 60 years in prison. As of September, 28 states and the Federal District 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 a report published in late 2012 by SEGOB's Human Rights Office, the number of female homicide victims increased dramatically over the past three years, particularly in the states of Chiapas,

Chihuahua, Durango, Guerrero, Michoacan, Oaxaca, Sinaloa, Sonora, and the Federal District. The study cited regional disparities in the number of female homicide victims, stating that a woman between the ages of 20 and 24 from the northeastern region of the country was 29 times more likely to be killed than a woman of the same age elsewhere in the country.

According to the National Femicide Observatory, between January 2010 and December 2012, offices of state attorneys general in 10 states (Sinaloa, Chiapas, Mexico State, Jalisco, the Federal District, Morelos, Guerrero, Veracruz, Durango and Guanajuato) registered only 388 femicides. The National Femicide Observatory disputed the figure and reported that the actual number of femicide victims was considerably higher.

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 prosecuting 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 achieved several convictions.

On February 4, masked gunmen broke into a beach resort bungalow in Acapulco, Guerrero, and raped six Spanish women who were vacationing in the area. According to official reports, the attackers tied up and gagged several male companions before repeatedly raping the victims over a period of at least three hours. The attackers allegedly spared a seventh woman of Mexican origin. On February 13, PGR officials reported the arrest of six suspects in the case, who allegedly confessed to the crimes. Police officials arrested a seventh suspect on March 7. Following the final arrest, the Guerrero Attorney General's Office stated that its investigation into the matter was closed.

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 the PGR operated one government shelter with a focus on adult sex trafficking victims. According to the National Network of Shelters, shelter staff were professional and the shelters well equipped; however, because government funding typically only covered shelter operations for eight months, there was a high turnover of personnel. Civil society and women's rights groups maintained numerous shelters as well.

Sexual Harassment: The federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the daily wage. Sexual harassment is explicitly criminalized in 15 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. In a study released in February by SEGOB, the National Commission to Prevent and Eradicate Violence Against Women (CONAVIM) reported that, of indigenous women who underwent sterilization procedures provided by public health services, 27 percent were sterilized after doctors consulted with only the woman's partner and not the woman herself. 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 website. According to government figures, the maternal mortality rate was 47 for every 100,000 live births. Skilled attendants at delivery and in postpartum care were widely available except in some rural indigenous areas.

On October 3, an indigenous woman gave birth on the back lawn of a health clinic in San Felipe Jalapa de Diaz, Oaxaca, after the clinic staff allegedly denied her care. According to the town's mayor, the woman arrived at the clinic experiencing labor pains, but a clinic employee told her that the doctor was not available to help her. The mayor stated a nurse later refused to open the door for the woman, causing the woman to deliver the baby in a grassy space behind the clinic. The Oaxaca secretary of health acknowledged medical negligence in the case but accused the indigenous woman of not following medical instructions and for willingly giving birth "out of desperation" in the back lawn. He further justified the refusal of service by noting the clinic's limited resources to attend to the various needs of its patients. Another indigenous woman delivered a child outside

the same clinic July 18 following similar circumstances. The CNDH opened an investigation into the October 3 case and continued to look into the incident.

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 workplace in the past year; this figure likely underreported the problem. 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 pre-employment physicals and by continuing to make inquiries into a woman’s reproductive status. INMUJERES reported that 14 percent of women age 15 and older had been required to take a pre-employment pregnancy test in order to get a job, despite labor laws that prohibit employers from requiring such tests. The illiteracy rate for women living in urban areas was 5 percent, compared with 18 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 health care. According to the UN Children’s Fund, 93 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, health care, protection, and employment, according to the Be Foundation.

Child Abuse: According to data released by the CNDH in April, the number of child abuse cases reported increased by 266 percent between 2006 and 2012. During this period the CNDH reported receiving 10,727 complaints alleging child abuse. In 2012 alone the CNDH reported receiving 2,660 child abuse grievances, compared with 816 such complaints in 2006.

Forced and Early 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. 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 the eastern part of the country.

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. 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, and specialized services for child victims of sexual exploitation were often lacking.

Institutionalized Children: In March 2012 the NGO Disability Rights International (DRI) reported to the OAS on grave human rights violations of rights of mentally and physically disabled children in orphanages and care facilities.

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, 90 percent of whom live in Mexico City.

There were some reports of anti-Semitism during year. For example, a Twitter hashtag with an anti-Semitic theme became the second-most trending topic on January 18. The topic invited people to post derisive messages about soap, ashes, and gas in an offensive reference to victims of the Holocaust. At its peak the topic received more than 13,000 original postings on a single day. The Coordination Forum for Countering Anti-Semitism issued a statement condemning the messages.

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. The government did not effectively enforce the law. The Law for the Inclusion of People with Disabilities brings the country into compliance with the Convention on the Rights of Persons with Disabilities; however, DRI claimed that the law fails to establish new opportunities for community integration. DRI noted that under the 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 law does not recognize the right of person with disabilities to live in the community.

On January 16, the government published a decree amending and expanding various mental health provisions of the General Health Law. The revisions establish that mental health care be “provided with a focus on community and psychosocial rehabilitation as well as strict respect for human rights.” Among others, the changes require mental health care treatment to include “the reintegration of the person through the creation of social and welfare programs such as protected homes and workshops for the proper care of these patients.” DRI noted that the changes represented positive signs that the country’s mental health services were moving from an institution-based to a community-based mental health system. Also, for the first time in law, there is a provision for independent monitoring of health establishments, in which independent experts monitor human rights conditions for people with mental and behavioral disorders that are treated in health facilities. According to DRI, as of September there had been no changes in the mental health system to create community services, nor had there been any efforts by the authorities to have independent experts monitor human rights violations in psychiatric institutions.

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. Children with disabilities attended at a lower rate than those without disabilities.

According to data from the Federal District's Secretariat of Health, only 9 percent of the 244 hospitals in the district were wheelchair accessible, and only 9 percent had wheelchair accessible restrooms.

As of August 31, the CNDH had received 116 complaints of human rights violations against persons with physical disabilities and 17 complaints of human rights violations against persons with mental disabilities.

Widespread human rights abuses in mental health institutions and care facilities across the country, including those for children, continued to be a problem. Abuses against persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized 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.

In July DRI, the CDHDF, and other human rights organizations submitted an amicus curiae to the Supreme Court in the case of Ricardo Adair, a 24-year-old youth with Asperger Syndrome. Adair had lived under the legal tutorship of his parents since 2007, when a judicial review ruled he was unable to make decisions on his own. As a result he was unable to make fundamental choices about his own life. In the amicus curiae, DRI and its counterparts urged the court to recognize the right of persons with psychosocial disabilities to make decisions for their care and life. At year's end the court had not issued a ruling.

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.

The CNDH reported that indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous people generally were 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. As of August 31, the CNDH's Program for Promotion and Dissemination of Human Rights for Indigenous Peoples had held 266 outreach and training activities with the participation of 78,299 people, including conferences, training for public officials and prison personnel, interagency workshops, and outreach in indigenous communities.

On July 20, the body of indigenous rights activist Heron Luciano Sixto Lopez was discovered in a field in San Sebastian Tecomaxtlahuaca, Oaxaca, five days after a group of masked assailants kidnapped him from his office. An autopsy report indicated that the victim had been shot at least six times. Sixto Lopez worked for the indigenous rights organization Center for Assessment and Orientation for Indigenous Communities that promoted human and indigenous rights in the region. On August 1, the Inter-American Commission on Human Rights issued a statement condemning the killing and calling on the federal government to investigate and prosecute the crime. The Oaxaca State Attorney General's Office continued its investigation as of September.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages, but many indigenous children spoke only their native languages. 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. According to the UN, 25 percent of indigenous girls were denied by their own parents the opportunity to go to school. As of August 31, the CNDH had received 43 complaints related to human rights abuses of the indigenous population, but had

not issued any related recommendations. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

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

The law prohibits discrimination against LGBT individuals; however, LGBT persons reported that the government did not always investigate and punish those complicit in abuses. As of August 31, the CNDH had not received any complaints of human rights abuses against LGBT individuals. Discrimination based on sexual orientation and gender identity was prevalent, despite a growing public acceptance of LGBT individuals.

On October 6, two attackers released tear gas in an auditorium hosting the “Miss Gay 450 Durango” pageant, injuring several contestants and members of the audience. The Durango State Human Rights Commission condemned the attack and called on the community to promote tolerance and respect diversity.

Other Societal Violence or Discrimination

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

Self-defense militias – or civilian armed groups that claimed to fight crime – proliferated rapidly. According to the CNDH, civilian militias operated in 15 states and 101 municipalities throughout the country. These groups were concentrated in the southwestern states of Michoacan and Guerrero and emerged most frequently in small towns without a local police force and with a growing crime problem. Some groups called themselves “community police” and others “self-defense groups.” Federal and state authorities responded to the expansion of self-defense militias with conflicting statements and mixed reactions, ranging from law enforcement operations to disarm and arrest militia members to state efforts that sought to incorporate them into the law enforcement framework. The federal government issued clear condemnations of the militias. In a statement released on January 28, the CNDH said that self-defense militias were not justified, but that position subsequently was softened. The CNDH received multiple complaints from individuals alleging human rights abuses by members of the militia groups, including arbitrary detention and illegal raids.

In Michoacan dozens of self-defense groups emerged in rural communities along the mountainous western edge of the state. Armed with assault rifles and, in some cases, armoured vehicles, the groups claimed to defend their communities against kidnapping, extortion, and other violent crime perpetrated by drug traffickers. Security experts and press commentators cited difficulties in determining which of these groups were fighting crime and which were front groups for organized crime.

On June 4, the government published an amendment to the migration law passed in 2011 to protect further the human rights of unaccompanied child migrants. The amendment requires the government to assume responsibility for the child migrants and ensure appropriate measures are taken to protect their human rights. Several NGOs criticized the law's implementing regulations, which allow migration officials discretion in application of the law.

The World Organization Against Torture and the NGO network Todos Los Derechos para Todas y Todos released a joint report in October 2012, the *State of Torture in Mexico* that 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.

On August 25, 11 Central American migrants were killed and several more were injured when the cargo train they were riding derailed in rural Tabasco. According to Tabasco officials, at least 250 Honduran migrants were aboard the northbound train when it derailed. The train, commonly referred to as "The Beast," served as a regular means of transportation for thousands of migrants willing to pay a fee to criminal organizations in exchange for a ride on the train's roof. According to the CNDH, more than 140,000 Central American migrants transit the country each year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

National labor reform, which took effect on December 1, 2012, provides for the right of workers to form and join unions, to strike in both the public and private sector, and to bargain collectively. The law requires a minimum of 20 workers to form an independent union and requires official recognition from the government to register the union. A union established in accordance with its own bylaws may call for a strike or bargain collectively. Before a strike may be considered legal, a

union must file a “notice to strike” with the appropriate labor authorities. These elements of the federal labor law were unchanged in the reform.

Although the law authorizes the coexistence of several unions in one worksite, it sets rules on which union has priority and limits collective bargaining to the union that has the largest number of workers. The fact that only one union is legally recognized to negotiate for all workers effectively shuts out all but one union and prevents meaningful negotiations when that one union is a protection (company controlled) union. It is not mandatory for a union to consult with workers or have worker support in order to sign a first collective contract with an employer.

The government did not consistently protect worker rights. Its general failure to enforce labor law, to strengthen key elements of the federal labor law with the reform, and to enforce other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, or other problems. The government failed to address the serious lack of transparency surrounding unions. For example, it is not mandatory that the election of union leadership be conducted by secret ballot, and often workers forming a union may not even know there is already a union in place and recognized by a company. A proposed requirement that workers ratify union contracts was dropped from the reform legislation. Union organizers from several sectors complained about the overt and usually hostile involvement of the government when organizers attempted to create 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. Because of numerous restrictions, few formal strikes occurred, but protests and informal work freezes were fairly common.

Protection (company-controlled) unions continued to be a problem in all sectors, and many observers noted that a majority of workers in unions 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 often were developed before the company hired any workers 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, hired thugs, or employers favoring a particular union. Practices such as providing very limited notice prior to an election and allowing management or nonemployees to vote were increasingly common. The Supreme Court declared illegal the practice of a voice vote, but the practice was still used. The new labor reform law establishes that internal union leadership votes may 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 labor law gives 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 official or protection unions of harassment and intimidation.

For example, according to Proyecto de Derechos Economicos, Sociales y Culturales (ProDesc), an NGO that states its primary mission is the defense of economic, social, and cultural rights of underrepresented workers and communities, the Canadian company Excellon, which operated the silver mine “La Platosa” in the state of Durango, did not respect its workers’ and landowners’ rights protected under the law. In 2008 the company signed an agreement with landowners for the use of their land in exchange for rental payments and other contributions to the social and economic development of the community. ProDesc reported that Excellon failed to uphold fully the agreement. After losing what workers and observers claimed was a rigged bargaining rights election in July 2012, Excellon workers affiliated with the local 309 of the National Mining Union joined the landowners’ peaceful protest. Excellon denied that workers were intimidated into voting in favor of a union leader imposed on them by the company. On October 24, ProDesc reported that armed security forces broke into the protest camp (located on privately owned land with the consent of the landowners) to force the miners and landowners to end their protest. The landowners and the workers filed complaints with the Canadian authorities and the Organization for Economic Cooperation and Development. In November 2012 the

organization's national contact point in the country, which operates as part of the Ministry of the Economy, released its initial evaluation and concluded that the facts presented did not substantiate the need for further investigation. The decision was widely criticized, according to ProDESC.

Worker's rights advocates also decried labor law violations in the Atento call and data-processing centers in Mexico City. In recent years threatened workers made complaints to NGOs and the International Labor Organization (ILO) citing poor working conditions and violations of freedom of association. According to the independent Mexican Telephone Workers' Union (STRM), as well as national and international industrial and labor rights experts, the company holds a protection contract that it signed without informing the workers years ago. Workers reported that the company fired, harassed, and otherwise discriminated against worker activists who led or supported a democratic movement to oust the protection union. Since 2009 STRM reported that workers faced subsequently two fraudulent bargaining rights elections at which managers voted while thugs prevented eligible workers from placing their ballots. In June the ILO reported evidence of irregularities in the election process, including the inability of the protection union to prove that it has members. In addition workers reported that wage theft, unpaid overtime and bonuses, illegal firings, sexual harassment, and unsafe working conditions continued.

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 the agricultural and industrial sectors, as well as in the informal sector. 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 December 2012 labor reform law made it a federal crime to employ children under the age of 14.

The government did not effectively enforce such prohibitions. According to sources, including the ILO, 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 percentage 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).

The government made significant efforts to address child labor in the sugarcane sector. The government of Veracruz was in the process of formally installing the Committee for Planning, Evaluating, and Monitoring the Prevention and Eradication of Child Labor to address child labor in the state’s agricultural industry, as part of the cooperation agreement signed with the ILO in August 2012, the first of its kind in the country. ILO’s International Program on the Elimination of Child Labor and the System of Productivity Measurement and Progress (SIMAPRO) worked with sugarcane producers to develop corporate social responsibility programs to improve the safety, welfare, and future of the children and families of cane cutters. On June 27, the government established a Cross-Sectoral Commission for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers of Legal Age.

d. Acceptable Conditions of Work

The minimum wage was set at 64.76 pesos (\$4.90) per day for Zone A and 61.38 pesos (\$4.65) 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 (\$5.90) per day for the year.

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. Early in the year, the STPS was authorized to hire 179 additional inspectors. The STPS carried out regular inspections of workplaces, using a questionnaire and other actions to identify victims of labor exploitation. Between January and July, it undertook 59,746 inspections in 40,078 workplaces, including the monitoring of industries identified as having a high incidence of child labor (agriculture, coal mines, and construction). On April 9, the STPS trained 300 federal and local labor inspectors on child labor. 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. Nevertheless, 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 59 percent of the workforce was engaged in the informal economy.

There were several complaints of poor working conditions in maquiladoras. Low wages, poor labor conditions and relations, long work hours, unjustified dismissals, the lack of social security benefits and safety in the workplace, and the lack of freedom of association were among the most common complaints. Most maquilas hired employees through outsourcing with few social benefits. According to INEGI data, in 2008 more than 53,000 workers were employed under the

outsourcing model in the maquila sector, but as of April this number had declined to 45,000, largely due to the economic recovery and the labor reform.