

# MEXICO 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mexico, which has 31 states and a federal district, is a multiparty federal republic with an elected president and bicameral legislature. In July 2012 President Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) won election to a single six-year term in elections observers considered free and fair. Citizens elected members of the Senate in July 2012 and members of the Chamber of Deputies in June. Observers considered the June 2015 legislative and gubernatorial elections free and fair. Civilian authorities generally maintained effective control over the security forces.

The most significant human rights-related problems included law enforcement and military involvement in serious abuses, such as unlawful killings, torture, and disappearances. Impunity and corruption in the law enforcement and justice system remained serious problems. Organized criminal groups killed, kidnapped, and intimidated citizens, migrants, journalists, and human rights defenders.

The following additional problems persisted: poor prison conditions; arbitrary arrest and detention; threats and violence against human rights defenders and journalists; threats and violence against migrants; violence against women; domestic violence; abuse of persons with disabilities; threats and violence against some members of the indigenous population; threats against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; and child labor, including forced labor by children.

Impunity for human rights abuses remained a problem throughout the country with extremely low rates of prosecution for all forms of crime. Neither general information about government investigations of human rights allegations nor information about specific cases was easily available to the public.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups also were implicated in numerous killings, often acting with impunity and at times in league with corrupt state, local, and security officials. The National Human Rights

Commission (CNDH) reported 32 complaints for “deprivation of life” between January and October 31.

In November the CNDH released a report regarding the January 6 killing of 10 individuals in Apatzingan, Michoacan. The CNDH report found the federal police responsible for grave human rights violations in six of the deaths, at least one of which it classified as an extrajudicial execution. Members of the army also were implicated in illegal detentions and injury to a number of citizens. A separate criminal investigation continued at year’s end.

On May 22, federal police killed 42 alleged armed criminals in a gunfight near Tanhuato, Michoacan; one police officer also was killed. Federal authorities claimed that police were in pursuit when the criminals attacked, and that police returned fire to subdue the group. Families of the victims and civil society sources, however, asserted the bodies showed signs of torture. The Michoacan Attorney General’s Office began an investigation, which was joined in August by the federal Office of the Attorney General. On May 26, the CNDH also initiated an investigation. During its visit in October, a mission of the Inter-American Commission on Human Rights (IACHR) pressed the government to continue its investigation of the case. The investigations remained ongoing at year’s end.

On July 7, the commander of the 97th Infantry Battalion allegedly ordered and participated in the illegal detention and extrajudicial killing of seven suspected members of an organized criminal group in Calera, Zacatecas. On July 31, a federal judge in Zacatecas ordered the arrest of the commander and three other military officers on charges of forced disappearance and premeditated aggravated homicide. At year’s end all four were being held in pretrial detention at the military prison in Mazatlan, Sinaloa. The National Defense Ministry (SEDENA), which provided forensic and judicial assistance to the civilian-led investigation, transmitted its findings to the federal Attorney General’s Office (PGR).

Civilian criminal proceedings continued in the June 2014 killings of 22 suspected criminals in Tlatlaya, state of Mexico. In June the Attorney General’s Office (PGJ) for the state of Mexico and the PGR confirmed that 11 of the 22 individuals were executed, at least half of whom had surrendered before they were killed. In November 2014 the PGR charged three soldiers formerly assigned to SEDENA’s 102nd Infantry Battalion with homicide, tampering with evidence, and abuse of authority and brought lesser charges against four additional soldiers. In early October a federal district judge dropped the charges against four of the soldiers due to insufficient evidence. The PGR appealed the ruling. Those charged remained in

pretrial confinement, and the four released from civil charges continued to face charges under the military justice system. Additionally, seven police officers from the state of Mexico were charged in July with torturing three women who witnessed the executions.

After the Federal Institute of Access to Public Information and Data Protection ordered it to do so, the PGR released documents in December 2014 that revealed municipal police were complicit in the 2010 killing of 72 migrants in San Fernando, Tamaulipas. The documents also showed police involvement in the deaths of 193 other victims found in mass graves in Tamaulipas in 2011.

On July 20, a federal judge in Nuevo Leon sentenced former corporal Juan Ortiz Bermudez to 18 years' imprisonment on conviction of intentional homicide in the 2010 killing of two unarmed civilians. It was the first time a civilian judge penalized a military officer in Nuevo Leon.

On March 2, a federal judge in Sinaloa sentenced four soldiers to nine years and four months in prison for intentional homicide in the 2008 killing of unarmed civilians.

## **b. Disappearance**

There were numerous reports of forced disappearances by security forces as well as numerous cases of disappearances related to organized criminal groups. In data collection the government often merged disappeared persons with missing persons, making it difficult to gather accurate statistics on the extent of the problem. While the federal criminal code includes provisions on "forced disappearances," the subfederal jurisdictions lacked legislation to define consistently this crime; 15 states classified "forced disappearance" as distinct from murder or kidnapping. Investigation, prosecution, and sentencing for the crime of disappearance remained rare.

In September government agencies reported to the Congress that 25,230 persons were recorded as missing or disappeared as of December 31, 2014. According to the National Data Registry of Missing Persons (RNPED), 24,812 of the cases came under state jurisdiction, while 418 cases were under federal jurisdiction. The PGR also reported that 74 persons had been located as of December 2014, 70 of whom were Mexican nationals. According to the government, the causes for disappearances included voluntary absence, migration, death, and unlawful

imprisonment. The CNDH received 12 complaints of “enforced or involuntary disappearances” from January through October 31.

On September 6, a team of IACHR experts released a report critical of the government’s initial investigation of the September 2014 disappearance of 43 students from a rural teachers college in Ayotzinapa, Guerrero State, and the concomitant killings of six others. The IACHR and the original government investigation concluded the students were arrested by local police and then handed over to drug traffickers in Iguala, Guerrero. In October the government extended the mandate of the team of experts until April 30, 2016, and agreed to “restart” the investigation and incorporate the recommendations from the September report, including the creation of a new investigation team to work alongside IACHR experts and the government. In September government officials stated foreign forensic experts had identified the remains of a second student (in addition to the remains of one student identified in 2014). In November the Attorney General’s Office announced the creation of a new special unit to investigate the students’ disappearance. In December the Executive Committee for Victims Assistance (CEAV) approved the first reparations to the family of one of six individuals killed during the incident.

On August 18, a federal judge in Nuevo Leon issued the country’s first civilian conviction of a military officer for the disappearance of a civilian. The court stripped Second Lieutenant Danny Hernandez Sanchez of his rank and sentenced him to 31 years and three months in prison for the forced disappearance in 2012 of a victim in the municipality of Los Herreras, Nuevo Leon.

Kidnapping remained a serious problem for persons at all socioeconomic levels, and there were credible reports of instances of police involvement in kidnappings for ransom, often at the state and local level. The government’s statistics agency (INEGI) estimated that 94 percent of crimes were either unreported or not investigated and that underreporting for kidnapping was even higher.

On May 7, Javier Cano Torre, a journalist from ABC Radio in the state of Guerrero, and three other individuals traveling with him were kidnapped. Cano Torre’s vehicle was found abandoned on the road between Iguala and Teloloapan. The four remained missing, and the case continued under investigation at the state level.

On September 10, the Baja California State Attorney General’s Office (PGJE) announced that it had charged four men with the kidnappings of more than 70

migrants in areas near Tijuana and Mexicali. The PGJE stated that while arresting the men, local authorities had rescued nine migrants who were found being held against their will by the group. The nine kidnapping victims were tortured and abused, some sexually, according to local authorities.

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

The law prohibits such practices and stipulates confessions obtained through illicit means are not admissible as evidence in court, but there were reports that government officials employed them.

There is no national registry of torture cases, and there is a lack of specific data on torture cases at the state level. From January to October 31, the CNDH received 587 complaints of “inhuman or degrading treatment” and 49 complaints of torture.

In Jalisco the state-level Human Rights Commission reported 89 torture complaints from January 1 to July 29, after reporting a total of 24 complaints for 2014. On April 26, Jalisco passed a law that increases sentences for those found guilty of torture. On September 25, a judge issued Jalisco’s first-ever sentence for torture to two local police officers found guilty of torturing a man to death while he was under arrest in 2014.

On November 12, the government of the Federal District of Mexico City acknowledged that district-level police had committed “acts of torture and cruel and inhuman treatment” against 90 citizens who participated in demonstrations in the Federal District during 2013 and 2014. The government accepted all recommendations issued by the Human Rights Commission of Mexico City (CDHDF), which included documentation of police actions that violated federal and state law. It was the first time the government of the Federal District admitted to acts of torture and mistreatment.

In June a judge sentenced Omar Rivera Vela, a former police inspector with the Ciudad Juarez municipal police to four and one-half years in prison for torture relating to an incident that occurred in 2013.

On December 2, a Chihuahua state judge dismissed charges against Cristel Fabiola Pina Jasso, Leonardo Gilberto de la O Ramos, and Jose Eduardo Estrada, all three of whom were falsely accused of extortion and had been detained since 2013. The judge also ordered an investigation into allegations that state police officers

tortured the three to secure confessions. On the same day, in a separate case, authorities released Adrian Vasquez from prison near Tijuana, more than three years after he was arrested and reportedly tortured by state police and accused of being a drug trafficker.

On October 7, the CNDH issued Recommendation 33/2015, which directs both SEDENA and the PGR to cooperate fully in the investigation by the UN Committee against Torture (CAT) of the 2009 arbitrary detention and torture of Ramiro Ramirez Martinez, Orlando Santaolaya Villareal, Rodrigo Ramirez Martinez, and Ramiro Lopez Vazquez by the military in the state of Baja California.

There were reports of abuse in public mental health institutions (see section 6, Persons with Disabilities).

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were often harsh and life threatening due to corruption, overcrowding, prisoner abuse, alcohol and drug addiction, and loss of security and control. In a 2015 report, the CNDH said prison occupancy was 25 percent above capacity and that conditions prevented or hindered inmates' "access to a decent life, as well as the means to achieve effective rehabilitation and social reintegration." There were numerous cases of corruption in the penitentiary system, including charges that the head of federal prisons and the former director of the Altiplano Prison allowed Sinaloa cartel leader Joaquin "El Chapo" Guzman Loera to escape. In 2012 the CNDH estimated that organized crime controlled 60 percent of prisons.

Civil society groups reported some abuses of migrants in some detention centers.

Physical Conditions: Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Some prisons often were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. In some cases prisoners reportedly had to pay a fee to be permitted to visit with family members. Authorities held pretrial detainees together with convicted criminals. Prison overcrowding continued to threaten health and life. The CNDH noted a lack of access to adequate health care was a significant problem. Food quality and quantity varied by facility, with internationally accredited prisons generally having

the highest standards. The CNDH reported 49 homicides and 62 suicides in state and district prisons in 2014.

The CNDH continued to report 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 women who lived with their children in prison did not receive extra food or assistance. Reports of physical and sexual abuse of female detainees continued.

Administration: At some state prisons, recordkeeping remained inadequate. Some states instituted mechanisms for alternative justice, including drug diversion courts, for nonviolent offenders. While prisoners and detainees could lodge complaints about human rights violations, access to justice was inconsistent, and authorities generally did not publicly release the results of investigations. The CNDH has an ombudsman dedicated to prison problems, but it does not provide legal representation for prisoners.

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. Independent monitors were generally limited to making recommendations to authorities to improve prison conditions.

Improvements: A number of states, including Baja California, Hidalgo, Morelos, Nuevo Leon, and Puebla, established special pretrial detention units during the year to reduce overcrowding. Fifteen drug treatment courts in Chihuahua, Durango, Mexico Morelos, and Nuevo Leon enabled participants to receive counseling and treatment for their addiction rather than serving time in a correctional facility, thus reducing prison overcrowding. Both federal and state facilities continued to seek international accreditation from the American Correctional Association (ACA), which requires demonstrated compliance with a variety of international standards. As of September 22, one state administrative facility in Chihuahua and six federal prisons; one federal training academy; and 15 state prisons in the states of Baja California, Coahuila, Chihuahua, and Mexico and the Federal District had achieved ACA accreditation. In February the ACA recognized the state of Chihuahua for earning ACA accreditation for every state correctional facility under its control. Since beginning the accreditation process, Chihuahua's prisons experienced sharp decreases in deaths, escapes, and riots. In 2014 only one violence-related death and no riots occurred in Chihuahua's prison facilities.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but the government often failed to observe these prohibitions.

#### **Role of the Police and Security Apparatus**

The federal police, as well as state and municipal police, have primary responsibility for law enforcement and the maintenance of order. The federal police are under the authority of the interior minister and National Security Committee; state police are under the authority of each of the 32 governors, and municipal police are under the authority of local mayors.

SEDENA, which oversees the army and air force, and the Ministry of the Navy (SEMAR), which oversees the navy and marines, also play a role in domestic security, particularly in combatting organized criminal groups. The secretary of national defense and the secretary of navy are cabinet-level officials who report directly to the president. The law requires military institutions to transfer all cases involving civilian victims, including human rights cases, to the civilian justice system under the jurisdiction of the PGR. If the victim is a member of the military, alleged perpetrators remain subject to the military justice system. 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 arrestees remain in military custody, outline specific procedures for the handling of detainees.

The National Migration Institute (INM), under the authority of the Interior Ministry (SEGOB), is the administrative body responsible for enforcing migration laws and protecting migrants. INM's 5,400 agents worked at ports of entry, checkpoints, and detention centers, conducting migrant apprehension operations in coordination with the federal police.

Although civilian authorities maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem. The country had extremely low rates of prosecution, and prosecutions could take years to complete. For example, as of August 25, civilian criminal proceedings continued against an army lieutenant and soldiers formerly assigned to SEDENA's Ninth Infantry Battalion for the alleged illegal detention and disappearance of six civilians in 2010. Civilian courts tried cases of human rights violations of civilians by military personnel, and there were a number of such prosecutions during the



year. By law elected officials enjoy immunity from prosecution, including for corruption, while they hold a public office, although state and federal legislatures have the authority to remove an elected official's immunity.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The directorate, however, has no power to ensure allegations are prosecuted or to take independent judicial action.

As part of the implementation of SEDENA's 2014-18 human rights program, in December the secretary of defense announced new human rights measures, including an agreement with the National Council to Prevent Discrimination (CONAOPRED), to create a center for equality and nondiscrimination.

The National Public Security Council approved new police training standards in August 2014, including mandatory training on human rights for all law enforcement personnel. Enforcing compliance with training standards remained a challenge, particularly among municipal police.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. 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 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 cases involving organized criminal groups. Under a procedure known in Spanish as "arraigo" (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established), certain suspects may, with a judge's approval, be detained for up to 80 days prior to the filing of formal charges. Human rights NGOs claimed arraigo allows authorities to detain someone first, then seek a reason to justify 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 alleged authorities used arraigo to obtain confessions using torture.

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 without a warrant. Police occasionally provided impoverished detainees counsel only during trials and not during arrests or investigations as provided for by law. Authorities held some detainees under house arrest. In June 2014 the armed forces issued a joint use-of-force doctrine, ordering transfer of detained individuals as soon as possible to civilian authorities and prohibiting use of military facilities as detention or retention centers.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. During its visit in October, the IACHR assessed that “arbitrary arrests are the norm rather than the exception.”

Pretrial Detention: Lengthy pretrial detention was a problem, although no information was publicly available on the percentage of inmates held in pretrial detention or the average length of time they were held. The law provides time limits within which an accused person must be tried. Authorities generally disregarded time limits on pretrial detention since caseloads far exceeded the capacity of the federal judicial system.

#### **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.

#### **Trial Procedures**

The civilian legal system was in a period of transition from an inquisitorial to an adversarial system. Until recently, the country had an inquisitorial-style legal system based primarily upon judicial review of written documents behind closed doors. A 2008 constitutional amendment, however, mandated that by June 2016 the federal and state governments should replace that system with an adversarial system that relies upon oral testimony presented in open court. While the federal government and nearly all of the states had begun to adopt the new criminal justice system, observers expected the complex transition, in which the old and new systems would coexist for a number of years, remained dependent on continuing

government support. In some states implementing the adversarial system, alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the new criminal justice system, all hearings and trials are conducted by a judge and follow the principles of public access, immediacy, confrontation, and cross-examination. Defendants enjoy a presumption of innocence and judges render judgments directly without the participation of a jury. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants have access to government-held evidence, although the law allows the government to keep elements of an investigation confidential until presentation of evidence in court. The law also provides the right of appeal.

As of September all of the country's 32 sub-federal jurisdictions had begun transitioning to the adversarial system and were at various stages of training and implementing reforms.

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. 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 functioned either in the judicial or executive branch. According to the Center for Research and Economic Study (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 prior to appearing before a judge.

Although required by law, translation services from Spanish to indigenous languages at all stages of the criminal process were not always 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.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, the defendant first must be found guilty in a criminal case, a significant barrier given the relatively low number of convictions for civil rights offenses.

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

Although the law prohibits such practices and requires search warrants, there were some complaints of illegal searches or illegal destruction of private property.

### **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, posed a constraint on freedom of expression.

Violence and Harassment: Journalists were sometimes subject to physical attacks, harassment, and intimidation due to their reporting. Perpetrators of violence against journalists continued to act with impunity with few reports of successful investigation, arrest, or prosecution of suspects. Although organized crime was believed to be behind the majority of these cases, some NGOs believed there were instances when local government authorities participated in and condoned these acts.

According to international NGO Article 19, seven journalists were killed between January and September, compared with five in all of 2014. During the last decade, 370 journalists were killed, according to the Committee to Protect Journalists (CPJ), which noted that no indictments were issued in 90 percent of those cases.

During the first half of the year, Article 19 registered 227 cases of aggression against journalists, including assaults, intimidation, arbitrary detention, and threats; in 2014 there were 326 such cases.

On July 31, a photojournalist from Veracruz, Ruben Espinosa, and activist Nadia Vera Perez were killed in Mexico City, where they had sought refuge after being threatened for their work. Mexico City's attorney general, Rodolfo Rios Garza, led

the investigation, which resulted in the arrests of a suspect on August 4 and a former police officer on August 30. After his arrest the former police officer alleged that a third person aligned with the Zetas, one of the country's powerful drug cartels, committed the killings. On September 13, authorities arrested a third suspect.

In May independent journalist Pedro Celestino Canche Herrera, who was imprisoned on charges of sabotage in the state of Quintana Roo in August 2014, was released after 271 days in prison. A local court declared him innocent of charges that he directed protesters to block access to the state water and sewage commission.

Censorship or Content Restrictions: Human rights groups reported state and local governments occasionally worked to censor the media and threaten journalists. Journalists reported altering their coverage in response to a lack of protection from the government, attacks against members of the media and media facilities, false charges for publishing undesirable news, and threats or retributions against family, among other reasons. There were reports of journalists practicing self-censorship because of threats from criminal groups and of government officials seeking to influence or pressure the press. According to Freedom House, as much as 80 percent of the funding for advertising came from state and federal governments.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, reportedly threatening individuals who published critical views of crime groups. During a period of intense fighting between rival criminal groups in northern Tamaulipas in February, gunmen kidnapped a newspaper editor in Matamoros after he published front-page stories covering the violence. They threatened to kill him if he continued to publish related stories. Also in February unknown assailants threw a grenade at the Matamoros offices of a national television station that had covered the recent violence, injuring two guards. There were no charges in either incident.

Actions to Expand Press Freedom: SEGOB worked to strengthen the national protection mechanism designed to protect human rights defenders and journalists. SEGOB's Human Rights Directorate increased personnel and improved training for the mechanism, resulting in more rapid review of cases. Separately, the Office of the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), part of the PGR, reported it had trained more than 500,000 public servants and more than 1,100 journalists on the importance of freedom of expression. A report released by NGOs in July, however, stated the mechanism suffered from a

persistent lack of resources, personnel, and political support. During the year FEADLE did not prosecute any crimes committed against journalists.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. According to Freedom House, however, the government increased requests to social media companies to remove content. Some civil society organizations alleged that various state and federal agencies sought to monitor private online communications.

The International Telecommunication Union reported that 44 percent of citizens used the internet in 2014. Freedom House's 2015 *Freedom of the Net Report* categorized the country's internet as partly free.

While a 2013 constitutional amendment guarantees access to the internet as a civil right, NGOs alleged that provisions in secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to the police, and allowing security agents to obtain metadata from private communications companies without a court order. Furthermore, the law does not fully define the "appropriate authority" to carry out such actions.

Concerns persisted regarding the use of physical and digital violence by organized criminal groups in retaliation for information posted online, which exposed journalists and bloggers to the same level of violence as that faced by traditional journalists. Access to the internet became more widely available due to legislation that diversified the telecommunications market.

### **Academic Freedom and Cultural Events**

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

#### **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **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. 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, or other persons of concern.

At the Iztapalapa detention center near Mexico City and other detention centers, including in Chiapas, men were kept separate from women and children, and there were special living quarters for LGBTI individuals. Migrants had access to medical, psychological, and dental services, and the installation had agreements with local hospitals for any urgent cases free of charge. The National Refugee Commission (COMAR) and CNDH visited daily, and the INM and Children and Family Services' officials took trafficking and other victims to designated shelters. Human rights pamphlets were available in many different languages. The CNDH reported that some police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

#### **Internally Displaced Persons**

In parts of the country, drug cartels emptied entire rural communities to take land and natural resources. During the previous year, 281,400 persons were internally displaced due to drug trafficking violence, according to the annual report of the Internal Displacement Monitoring Centre. NGOs estimated hundreds of thousands of citizens, many fleeing areas of armed conflict between organized criminal groups, or between the government and organized criminal groups, became internally displaced. Individuals from Tamaulipas, Baja California, Guerrero, Sinaloa, and Michoacan accounted for the majority of internally displaced persons (IDPs). The CNDH alleged the government allocated only minimal resources to assist IDPs.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. NGOs, however, alleged that the government failed to screen migrants properly for refugee status. Attempting to meet the need, COMAR increased asylum adjudication capacity by 60 percent.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

### **Elections and Political Participation**

Recent Elections: Observers considered the July 2012 presidential election and the June 2015 legislative and gubernatorial elections free and fair. Due to constitutional reforms, the June elections were the first in which independent candidates could run. The country has rigorous requirements for independent candidates, including a minimum number of signatures required for candidacy, campaign finance restrictions, and limited use of media compared to candidates representing registered political parties. Nonetheless, in June the state of Nuevo Leon elected the country's first independent governor.

Participation of Women and Minorities: A 2014 constitutional reform requires equality between women and men in nominations to the Senate, the Chamber of Deputies, and state congresses. In the June legislative elections, 211 women were elected, up from 184 elected during the 2012 general elections.

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.

## **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. There were numerous reports of government corruption during the year. 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.

By law all new applicants for federal law enforcement jobs (and other sensitive positions) must pass a vetting process upon entry into service and every two years thereafter throughout their careers. According to SEGOB and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal level underwent at least initial vetting. Nevertheless, the CNDH continued to report 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.

Corruption: Responsibility for investigating federal police criminal or administrative abuse falls under the purview of the PGR or the Office of Public Administration (SFP), depending on the type of offense. In 2012 the country adopted the Federal Law Against Corruption in Public Procurement, which prohibits companies and individuals from offering money or gifts to secure a business advantage in the procurement of public contracts with the government. Observers considered the agencies generally effective and adequately resourced, but there was broad public criticism that corruption was not investigated, prosecuted, and punished. In November the PGR Office of the Special Prosecutor for Electoral Crimes (Fepade) filed for the arrest of the former Green Party president for distributing 10,000 discount club cards to voters in the June midterm elections. On November 25, he resigned from his position as the SEGOB undersecretary for prevention and citizen participation. The investigation continued at year's end.

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. The SFP monitors disclosures with support from each agency. Disclosures are required at the beginning and end of employment, and yearly updates are also required. Declarations are not made publicly available unless the official provides consent. Criminal or administrative sanctions apply for abuses.

Public Access to Information: The government passed the General Law on Transparency in February, which grants free public access to government information at the state and federal levels. Authorities implemented the law effectively. 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.

### **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, and the president or cabinet officials met with human rights organizations such as the UN High Commissioner for Human Rights, the UN Special Rapporteur for Torture, the IACHR, Amnesty International, and the CNDH.

Government Human Rights Bodies: The CNDH is an autonomous federal 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 verify 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 before the Senate government authorities who refuse to accept or enforce its recommendations.

All of the country's 31 states and the Federal District have their own human rights commission. The state-level commissions are funded by the legislatures and are instructed to be autonomous. The CNDH can take over cases from state-level commissions if it receives a complaint the commission has not undertaken adequate investigation.

## 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 law 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. Human rights organizations asserted authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized.

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

Victims of domestic violence in rural and indigenous communities often did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint.

Femicide (the killing of a woman based on her gender) is a federal offense punishable by 40 to 60 years in prison; it is also an offense listed in the criminal codes of all 31 states and the Federal District. The Special Prosecutor's Office for Violence against Women and Trafficking in Persons of the PGR is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 40 federal prosecutors dedicated to federal cases of violence against women, approximately 15 of whom specialized in trafficking countrywide.

In collaboration with civil society, the state of Mexico established the country's first "gender alert" system to collect information to support investigations of gender-based violence. At the national level, there were 72 shelters, of which 34 were operated by civil society organizations, four by private welfare institutions, and 34 by public institutions.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Sexual harassment is 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 institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem, but victims were reluctant to come forward, and cases were difficult to prove.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so, free from discrimination, coercion, or violence. Despite the existence of a national family-planning program, the lack of comprehensive sex education and access to contraceptives in public hospitals and rural areas continued to undermine the government's stated commitment to reproductive rights. Skilled attendants at delivery and in postpartum care were widely available except in some rural indigenous areas. The country's maternal mortality rate was 50 per 100,000 live births.

Discrimination: The law provides women the same legal status and rights 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, whereas the World Economic Forum reported women earned 43 percent less than men for comparable work. Women were more likely to experience discrimination in wages, working hours, and benefits (see section 7.d).

## **Children**

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

Child Abuse: There were numerous reports of child abuse. The government sought to increase comprehensive protection of children through passage of the General Law on the Rights of Children and Adolescents, adopted in December 2014. The law grants special attention to vulnerable children and adolescents,

including migrant children, children with disabilities, and children living in poverty. The law includes provisions to eliminate all forms of violence and exploitation of children as well as provisions to strengthen their access to justice. In December the government created a National Program for the Integral Protection of Children and Adolescents, mandated by law, which is responsible for coordinating the protection of children's rights at all levels of government. The program includes the creation of a National System of Information on Children and Adolescents, designed to improve data on treatment of children.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states, where some civil codes permit a minimum marital age of 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.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs continued to report sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

Statutory rape constitutes a crime in the federal criminal code. If an adult who has sexual relations with a minor between ages 15 and 18, the penalty is between three months and four years in prison. An adult who has sexual relations with a minor under age 15 is liable to a penalty ranging from eight to 30 years in prison. Laws against corruption of a minor and child pornography apply to victims under age 18. 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 crimes 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 exploiting of

children in prostitution do not require a complaint to prosecute and can be based on anonymous information.

Institutionalized Children: Civil society groups expressed concerns regarding violations of abuses of children with mental and physical disabilities in orphanages and care facilities (see section 6, Persons with Disabilities).

International Child Abductions: The country is 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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/country/mexico.html](http://travel.state.gov/content/childabduction/en/country/mexico.html).

### **Anti-Semitism**

According to the 2010 census, the Jewish community numbered approximately 67,000 persons, 90 percent of whom lived in Mexico City. There were no known reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization. NGOs reported programs for community integration had not been implemented. NGOs reported no changes in the mental health system to create community services nor any efforts by 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. In general children with disabilities attended school at a lower rate than those without disabilities. NGOs reported employment discrimination (see section 7.d.).

Human rights abuses in mental health institutions and care facilities, including those for children, continued to be a problem. Abuses of 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 the NGO Disability Rights International (DRI) reported on the privately run institution, Casa Esperanza. DRI alleged that residents, some of whom did not appear to have disabilities, were victims of pervasive sexual abuse by staff, and in some cases human trafficking, and were restrained using duct tape bandages or cages for extended periods of time. Eight residents were reported as permanently confined to their beds. Forty percent of women interviewed--all with psychosocial or psychiatric disabilities--had been surgically sterilized pursuant to an alleged standard practice to avoid pregnancy from sexual abuse. As of June most residents had been moved to other institutions, but no charges had been filed, and the director and staff continued at the facility with the remaining residents.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were 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, but in local elections elsewhere in the country, the availability of these services was inconsistent.

## **Indigenous People**

Although the law recognizes indigenous rights, indigenous groups continued to report the country's legal framework did not respect the property rights of indigenous communities or prevent violations of human rights. Most conflicts arose from interpretation of the "habits and customs" laws used by indigenous

communities. Habits and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes with limited federal or state government involvement. Communities and NGOs representing indigenous groups continued to report the government often failed to consult indigenous communities adequately when making decisions about the development of projects intended to exploit the energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous persons generally had limited access to health and education services. The CNDH stressed 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.

On July 22, Colima state police arrested 33 Nahua indigenous people from the Jalisco municipality of Ayotitlan and their lawyer, Eduardo Mosqueda, under charges of kidnapping, robbery, and plundering. The arrest occurred while they protested at the Pena Colorada Mine--located on the Colima-Jalisco border--to demand the payment of royalties, in accordance with a 2013 injunction granted by a federal judge, for iron ore mined on their land. Following the intervention of the Jalisco governor, authorities reduced charges against the 33 Nahua people to plundering and released them under bail. Attorney Mosqueda, also a human rights defender with the NGO Institute for Environmental Law, remained in prison without the option of bail, awaiting trial on robbery and kidnapping charges.

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. The lack of textbooks and teaching materials, as well as the lack of qualified teachers fluent in these languages limited education in indigenous languages.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against LGBTI individuals, but there were reports that the government did not always investigate and punish those complicit in abuses, especially outside the Federal District. Transgender persons may change their gender marker on identity documents only in Mexico City. The law prohibits



discrimination based on sexual orientation, but only in Mexico City does the law also prohibit discrimination based on gender identity. Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual public acceptance of LGBTI individuals.

In Mexico City the law criminalizes hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody. Civil society groups reported the full extent of hate crimes, including killings of LGBTI persons, was difficult to ascertain because these crimes were often mischaracterized as “crimes of passion,” which resulted in the authorities’ failure to adequately investigate, prosecute, or punish these incidents. In a public event on November 23, attended by 17 city mayors from other countries, Mexico City Mayor Miguel Angel Mancera declared the Federal District an LGBTI-friendly city and announced a series of events and festivities during the week to familiarize the population with issues affecting LGBTI individuals.

The National Council to Prevent Discrimination (CONAPRED) in Mexico City is the city government agency with the authority to resolve complaints of discrimination that occur within the Federal District. The national level CONAPRED received complaints of discriminatory acts in areas of employment, access to commercial establishments, and access to education and healthcare. Civil society groups reported difficulty in determining whether individual complaints were ever resolved.

### **Other Societal Violence or Discrimination**

There continued to be reports criminal groups kidnapped undocumented migrants to extort money from migrants’ relatives or force them into committing criminal acts on their behalf.

Self-defense groups--organized groups of armed civilians that claimed to fight crime in the face of inaction by governmental authorities--were concentrated in the southwestern states of Michoacan and Guerrero. The federal government required self-defense groups based in Michoacan to register with the country’s official rural defense force in 2014, but many members of self-defense groups did not join the force by the May deadline.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive official recognition from the government, unions must file for registration with the appropriate conciliation and arbitration board or the Secretariat of Labor and Social Security (STPS). In order for the union to be able to perform its legally determined functions, its leadership must also register with the appropriate conciliation and arbitration board or STPS. Conciliation and arbitration boards operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to intrinsic conflicts of interest within structure of the boards exacerbated by the prevalence of representatives from “protection” (unrepresentative, corporatist) unions.

Under the law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate conciliation and arbitration board, which may find that the strike is “nonexistent,” or in other words, cannot proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the conciliation and arbitration board finds the worker was unfairly fired and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

Although the law authorizes the coexistence of several unions in one worksite, it limits collective bargaining to the union that has “ownership” of a collective bargaining agreement. When there is only one union present, it automatically has the exclusive right to bargain with the employer. Once a collective bargaining agreement is in place at a company, another union seeking to bargain with the employer must compete for bargaining rights through a lengthy representation election process (“recuento”) administered by the conciliation and arbitration boards. The union with the largest number of votes goes on to “win” the collective bargaining rights. It is not mandatory for a union to consult with workers or have

worker support to sign a collective bargaining agreement with an employer. The law establishes that internal union leadership votes may be held via secret ballot, either directly or indirectly.

The government, including the conciliation and arbitration boards, did not consistently protect worker rights. The government's common failure to enforce labor and other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, and other labor problems. The conciliation and arbitration boards' frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining. A report commissioned by the President's Office, produced by CIDE and released in April, found no guarantees of impartial and efficient labor justice from the boards and recommended the eventual incorporation of the conciliation and arbitration boards into the judicial branch.

By law penalties for violations of freedom of association and collective bargaining laws range from 16,160 pesos (\$960) to 161,600 pesos (\$9,640). Such penalties were rarely enforced and were insufficient to deter violations. Administrative and/or judicial procedures were subject to lengthy delays and appeals. To reduce backlogs and time to issue a ruling from a year to 90 days, some states began implementing oral trials at their labor boards. The government announced in July 2014 it would create 66 oral trial courts. As of March there were 19 courts located in four states. In the state of Mexico, the new process reduced the number of pending actions from 35,000 to 27,000.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions was politicized, and the government, including the conciliation and arbitration boards, occasionally used the process to reward political allies or punish political opponents. According to union organizers, the government, including the conciliation and arbitration boards, frequently rejected registration applications for new locals of independent unions and for new unions on technicalities.

Companies and protection unions used complex divisions and a lack of coordination between federal and state jurisdictions to manipulate the labor conciliation and arbitration processes. For example, a company might register a collective bargaining agreement at both the federal and the local level, and later alternate the jurisdictions when complaints were filed and appealed to gain favorable outcomes. In addition, union organizers from several sectors raised

concerns about the overt and usually hostile involvement of the conciliation and arbitration boards when organizers attempted to create independent unions.

Protection (unrepresentative, corporatist) unions and “protection contracts,” collective bargaining agreements signed by employers and these unions to prevent meaningful negotiations and ensure labor peace, continued to be a problem in all sectors. The combination of exclusivity in bargaining and the lack of a requirement that workers demonstrate support for a collective bargaining agreement or the union that negotiated it before the agreement could take effect facilitated the existence of these contracts. Protection contracts often were developed before the company hired any workers and without direct input from or knowledge of the covered workers. For example, in August a leader of the Confederacion de Trabajadores de Mexico (CTM)--a known protection union--claimed that he was negotiating a collective bargaining agreement to cover workers at a tire factory in San Luis Potosi that was not set to begin production until 2017.

Many observers noted working conditions of a majority of workers were under the control of these contracts and the unrepresentative unions that negotiated them, and that the protection unions and contracts often prevented workers from fully exercising their labor rights as defined by law. Independent unions, a few multinational corporations, and some labor lawyers and academics called on the government to institute legal reforms that would prohibit registration of collective bargaining agreements where the union cannot demonstrate support by a majority of workers or where workers had not ratified the content of the agreements. These same groups advocated for workers to receive hard copies of existing collective bargaining agreements when they are hired.

According to several NGOs and unions, many workers continued to face procedural obstacles and various forms of intimidation (including physical violence) from protection union leaders, or employers supporting a protection union, in the lead-up to, during, and after bargaining-rights elections from other workers, union leaders, violent individuals hired by a company, or employers favoring a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union.

In March thugs with insignia on their helmets from the CTM--the largest confederation of labor unions--threatened and physically attacked a Coahuila labor leader who had stated his desire to join the independent union Los Mineros in early 2011. The companies had already signed collective agreements with the CTM

without the knowledge of or ratification by the workers. Although a majority of workers in each plant signed affiliation cards with Los Mineros, the Coahuila labor board refused to set a date for a collective bargaining rights election or provide copies of the existing collective bargaining agreements between the companies and the CTM. As of November no election date had been announced.

Union elections were often delayed for many years, which resulted in serious irregularities. For example, in November an independent union in the automobile industry in Jalisco was narrowly defeated in a hard-fought election characterized by irregularities. More than five years after the company dismissed 12 union leaders for forming an independent union, 2,500 workers were finally able to choose between the independent union and the CTM's union. In the days leading up to the recuento process, the election board failed to provide a reliable list of voters and called the election with only a few days' notice. A team of international observers was denied access to the polling and to workers. Workers reported that the list of voters included ineligible names, such as deceased workers, management based in Japan, and security personnel.

Other intimidating and manipulative practices continued to be common, including dismissing workers for labor activism. For example, during the year every worker who was involved with a September 2014 informal work stoppage at a factory in Torreon over alleged wage theft was fired. Workers fired for labor activism often had difficulties being reinstated. In April, for example, authorities concluded that four of 122 workers who were fired in 2012 after trying to dislodge a protection union at an auto parts assembly plant in Coahuila should be reinstated. As of November none had been reinstated.

Independent labor activists reported the requirement that the conciliation and arbitration boards approve strikes in advance gave the boards the power to show favoritism by determining which companies to protect from strikes. Few formal strikes occurred, but protests and informal work freezes were common. For example, local farmworkers in San Quintin, Baja California, began a "wildcat" or unofficial strike on March 17, reportedly against the wishes of the protection unions that officially represented the farmworkers with farm owners. Workers engaged in work stoppages and demonstrations to demand improved working and living conditions during the year. They also demanded that the government begin labor inspections, enroll workers into the national social security, build clinics, and ensure access to decent education for their children.

Farmworker labor activists and owners in San Quintin reached an agreement on June 4 with the help of government representatives to end three months of strikes and protests, which had included sporadic violence. The agreement called for the full enforcement of labor law in the area, a three-tier increase of the minimum wage for workers, and increased government services and oversight. As of November, however, labor activists reported that farm owners and the government had not kept to the terms of the agreement and that farm owners systematically fired or imposed other forms of reprisal against farmworkers involved in the protests and strike action, such as increased workloads or mistreatment on the part of overseers and managers. The companies fired the worker leaders and those identified to have participated in work stoppages and demonstrations. Those leaders and participants were blacklisted and excluded from new seasonal work. On November 7, a total of 23 representatives of the San Quintin agricultural workers (the Alianza de Organizaciones Nacional, Estatal y Municipal por la Justicia Social), together with five representatives of workers from the Xochimilco area (located within the Federal District), obtained official recognition as a national union granted by the Federal District's local conciliation and arbitration board.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. Penalties for forced labor violations range from five to 30 years' imprisonment and generally were considered sufficient to deter violations.

Forced labor persisted in the agricultural and industrial sectors, as well as in the informal sector. Women and children were subject to domestic servitude. Women and migrants (including men, women, and children) were the most vulnerable to forced labor.

A December 2014 series of newspaper article exposed child labor, gender-based violence, discrimination against indigenous workers, debt bondage, illegal withholding of workers' wages in escrow to prevent workers from leaving their jobs, unsafe living arrangements for workers and their families, day labor on poverty wages, exclusion from social benefits, and toxic exposure to pesticides in Baja California Sur's agroexport fields. Workers in these agroexport fields engaged in work stoppages and demonstrations to demand improved working and living conditions during the year. Although farmworkers, owners, and the government reached an agreement on June 4--which called for the full enforcement of labor law in the area, an increase of the minimum wage, and increased

government services and oversight--labor activists reported that as of November farm owners and the government had not kept to the terms of the agreement (also see section 7.a.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children under age 15 from working and allows those between ages 15 and 17 to work no more than six daytime hours in nonhazardous conditions, and only with parental permission. The law requires that children under 18 must have a medical certificate in order to work. In June the government passed legislation establishing 18 as the minimum age for hazardous work. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially factories run by some foreign-owned companies, the "maquila" (manufacturing for export) sector, and 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 child laborers worked.

With regard to inspections at the federal level, the Secretariat for Social Development, the PGR, and National System for Integral Family Development have responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The STPS is responsible for carrying out child labor inspections. Penalties for violations range from 16,780 pesos (\$1,000) to 335,850 pesos (\$20,000) but were not sufficiently enforced to deter violations.

In August the Coahuila state government rescued 78 child laborers, some as young as eight, from a farm near Ramos Arizpe. The state indicted four defendants under labor trafficking charges in the case, which also involved 228 adult victims. The victims reportedly worked at least nine hours daily, received insufficient food, and were forced to live in unhygienic conditions.

According to the 2013 INEGI survey, the most recent data available on child labor, the number of employed children between ages five and 17 remained at 2.5

million, or approximately 8.6 percent of the 29.3 million children in the country. Of these children, 746,000 were between ages five and 13, and 1.8 million were between ages 14 and 17. Of employed children, 30 percent worked in the agricultural sector in the harvest of melons, onions, cucumbers, eggplants, chili peppers, green beans, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included services (25 percent), retail sales (26 percent), manufacturing (13 percent), and construction (4 percent).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation regarding “race, nationality age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.” The law provides for labor protection for pregnant women.

The government did not effectively enforce these laws and regulations. Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee’s wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

INMUJERES reported 14 percent of women age 15 and older had been required to take a pre-employment pregnancy test to obtain employment, despite labor laws that prohibit employers from requiring such tests. Women earned approximately 65 percent of their male counterparts. Their access to professional opportunities was often blocked by social structures and expectations, and many faced gender-based violence at work. The National Commission to Prevent and Eradicate Violence against Women reported in 2014 that 45 percent of women working in the maquila industry suffered some type of abuse, most commonly a hostile work environment, sexual harassment, long work hours, low wages, and dismissal for pregnancy.

#### **e. Acceptable Conditions of Work**

On September 24, the National Commission on Minimum Wages announced a single general minimum wage of 70.10 pesos (\$4.24) a day to be effective as of October 1. 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 83.70 pesos (\$5.07) per day for the year. The tripartite commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries and continued to block increases that kept pace with inflation.

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 Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The STPS is responsible for enforcing labor laws and conducting inspections at workplaces. As of November the number of inspectors nationwide was 946. This was sufficient to enforce compliance, and the STPS carried out inspections of workplaces throughout the year, using a questionnaire and other actions to identify victims of labor exploitation. Penalties for violations of wage, hours of work, or occupational safety and health laws range from 17,330 pesos (\$1,030) to 335,940 pesos (\$20,020) but were generally not sufficient to deter violations. Through its DECLARALAB self-evaluation tool, by October STPS had provided technical assistance to 1,073 registered workplaces to help them meet labor regulations.

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. This continued to be a common practice in the maquila sector, in which employers forced workers to take leave at low moments in the production cycle and oblige them to work, for example, over the Christmas holiday period, with no corresponding triple pay as mandated by law when workers opt for voluntary overtime on national holidays. In addition many companies evaded taxes and social security payments by employing workers informally, or by submitting falsified payroll records to the Mexican Social Security Institute (IMSS). In 2013,

the latest year for which such data are available, INEGI estimated 59 percent of the workforce was engaged in the informal economy.

Private recruitment agencies and individual recruiters violated the rights of large numbers of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they were often unregistered. The STPS registry was out of date and limited in scope. Although a few large recruitments firms were registered, the registry included many defunct and nonexistent mid-sized firms, and few if any of the many small, independent recruiters. Even though the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing complaints. There were also reports that registered agencies defrauded workers with impunity. Temporary migrant workers were regularly charged illegal recruitment fees. The recruitment agents placed those who demanded their rights on blacklists and barred them from future employment opportunities. During the year the NGO Proyecto de Derechos Economicos, Sociales, y Culturales, or ProDESC, filed a collective criminal complaint with the government for recruitment fraud to demand an inspection of a recruitment agency. The government inspection resulted in a fine of 57,750 pesos (\$3,500) being levied against the recruiter.

There were several complaints of poor working conditions in maquiladoras. Low wages, poor labor relations, long work hours, unjustified dismissals, the lack of social security benefits, unsafe workplaces, and the lack of freedom of association were among the most common complaints. Many women working in the industry suffered some form of abuse (see section 7.d.). Most maquilas hired employees through outsourcing with few social benefits.