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**SUBJ:** 2000 COUNTRY HUMAN RIGHTS REPORT FOR MEXICO  
**TEXT:** UNCLAS E F T O SECTION 01 OF 25 MEXICO 008160

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SENSITIVE BUT UNCLASSIFIED - NOFORN

FOR DRL/CRA, WHA/MEX, AND WHA/PPCP

E.O. 12958: DECL: N/A  
TAGS: PHUM, ELAB, KSEP, MX  
SUBJECT: 2000 COUNTRY HUMAN RIGHTS REPORT FOR MEXICO

1. (U) SENSITIVE BUT UNCLASSIFIED - NOFORN - ENTIRE TEXT.
2. (U) FOLLOWING IS THE 2000 COUNTRY HUMAN RIGHTS REPORT FOR MEXICO.
3. (SBU) MEXICO IS A FEDERAL REPUBLIC COMPOSED OF 31 STATES AND A FEDERAL DISTRICT. GOVERNMENT IS DIVIDED INTO THREE BRANCHES: EXECUTIVE, LEGISLATIVE, AND JUDICIAL. ON JULY 2, VICENTE FOX QUESADA OF THE OPPOSITION ALLIANCE FOR CHANGE COALITION WAS ELECTED PRESIDENT. HE WILL BEGIN HIS 6-YEAR TERM ON DECEMBER 1. FOX'S VICTORY IN THE FREEST AND FAIREST ELECTIONS IN MEXICO'S HISTORY ENDED THE INSTITUTIONAL REVOLUTIONARY PARTY'S (PRI) 71-YEAR HOLD ON THE PRESIDENCY. IN OTHER DEVELOPMENTS, SPORADIC OUTBURSTS OF POLITICALLY MOTIVATED VIOLENCE CONTINUED TO OCCUR IN THE SOUTHERN STATES OF CHIAPAS, GUERRERO, AND OAXACA. IN THE CHIAPAS PEACE PROCESS, THE ZAPATISTA NATIONAL LIBERATION ARMY (EZLN) DID NOT TAKE UP GOVERNMENT OFFERS TO RE-START THE STALLED TALKS. THE JUDICIARY IS GENERALLY INDEPENDENT; HOWEVER, IT OCCASIONALLY HAS BEEN INFLUENCED BY THE EXECUTIVE BRANCH.

THE POLICE FORCES, WHICH INCLUDE FEDERAL AND STATE JUDICIAL POLICE, THE FEDERAL PREVENTIVE POLICE, MUNICIPAL POLICE, AND VARIOUS POLICE AUXILIARY FORCES, HAVE PRIMARY RESPONSIBILITY FOR PUBLIC SECURITY. HOWEVER, THE MILITARY PLAYS A LARGE ROLE IN SOME LAW ENFORCEMENT FUNCTIONS. CORRUPTION IS WIDESPREAD WITHIN POLICE RANKS AND A PROBLEM FOR THE MILITARY AS WELL. ELECTED CIVILIAN OFFICIALS CONTROL THE

POLICE AND THE MILITARY. THE MILITARY MAINTAINS A STRONG PRESENCE IN THE STATE OF CHIAPAS AND A LESSER, IF STILL SIGNIFICANT, DEPLOYMENT IN GUERRERO. SOME INDIVIDUAL POLICE OFFICERS AND MILITARY PERSONNEL COMMITTED SERIOUS HUMAN RIGHTS ABUSES.

THE GOVERNMENT CONTINUED TO DEREGULATE AND OPEN THE MARKET-BASED, MIXED ECONOMY. THE GROSS DOMESTIC PRODUCT (GDP) IN 1999 WAS \$484 BILLION AND THE INFLATION RATE WAS 12.3 PERCENT. ONE-FOURTH OF THE POPULATION RESIDE IN RURAL AREAS WHERE SUBSISTENCE AGRICULTURE IS COMMON. PER CAPITA GDP IN 1999 WAS ABOUT \$4,974. THE ECONOMY IS STILL RECOVERING FROM THE 1994 ECONOMIC CRISIS, AND REAL WAGES ARE LESS THAN BEFORE THE CRISIS. LEADING EXPORTS INCLUDE PETROLEUM, AUTOMOBILES, AND MANUFACTURED AND ASSEMBLED PRODUCTS, INCLUDING ELECTRONICS AND CONSUMER GOODS. INCOME DISTRIBUTION REMAINED SKEWED; THE TOP 30 PERCENT OF THE POPULATION RECEIVED ABOUT 67 PERCENT OF TOTAL INCOME, WHILE THE BOTTOM 30 PERCENT EARNED LESS THAN 7.4 PERCENT.

THE GOVERNMENT GENERALLY RESPECTED THE HUMAN RIGHTS OF ITS CITIZENS. HOWEVER, PROBLEMS REMAIN IN SOME STATES WHERE A POOR CLIMATE OF RESPECT FOR HUMAN RIGHTS IS OF SPECIAL CONCERN. CONTINUED ABUSES INCLUDE EXTRAJUDICIAL KILLINGS; DISAPPEARANCES; TORTURE AND OTHER ABUSE; POLICE CORRUPTION AND ALLEGED INVOLVEMENT IN NARCOTICS-RELATED ABUSES; POOR PRISON CONDITIONS; ARBITRARY ARREST AND DETENTION; LENGTHY PRETRIAL DETENTION; LACK OF DUE PROCESS; JUDICIAL INEFFICIENCY AND CORRUPTION; ILLEGAL SEARCHES; ATTACKS AND THREATS AGAINST JOURNALISTS; SOME SELF-CENSORSHIP; ASSAULTS, HARASSMENT, AND THREATS AGAINST HUMAN RIGHTS MONITORS; VIOLENCE AND DISCRIMINATION AGAINST WOMEN; CHILD PROSTITUTION AND ABUSE; DISCRIMINATION AGAINST INDIGENOUS PEOPLE; VIOLENCE AND DISCRIMINATION AGAINST RELIGIOUS MINORITIES; VIOLENCE AGAINST HOMOSEXUALS; LIMITS ON WORKER RIGHTS; EXTENSIVE CHILD LABOR IN AGRICULTURE AND IN THE INFORMAL ECONOMY; AND ISOLATED INCIDENTS OF TRAFFICKING IN PERSONS.

THE GOVERNMENT CONTINUED ITS EFFORTS TO IMPROVE HUMAN RIGHTS. THE GOVERNMENT SANCTIONED PUBLIC OFFICIALS, POLICE OFFICERS, AND MILITARY PERSONNEL, BUT ALLEGATIONS OF A CULTURE OF IMPUNITY IN THE SECURITY FORCES CONTINUED. THE GOVERNMENT SUPPORTED THE NATIONAL HUMAN RIGHTS COMMISSION (CNDH), AND CONGRESS AMENDED THE CONSTITUTION TO GRANT IT GREATER AUTONOMY FROM THE EXECUTIVE BRANCH. HOWEVER, THE CNDH PRIMARILY INVESTIGATES COMPLAINTS AGAINST FEDERAL AUTHORITIES AND HAS NO ENFORCEMENT POWERS.

ARMED CIVILIAN GROUPS OPERATING IN CHIAPAS COMMITTED HUMAN RIGHTS ABUSES. NARCOTICS-RELATED VIOLENCE, PARTICULARLY IN THE NORTHERN STATES, AND HUMAN RIGHTS ABUSES ALSO OCCURRED, ALLEGEDLY WITH THE ASSISTANCE OF MEMBERS OF THE SECURITY FORCES. SPORADIC GUERRILLA ATTACKS AGAINST GOVERNMENT PROPERTY AND PERSONNEL CONTINUED, BUT AT A LESSER RATE AND INTENSITY RELATIVE TO PREVIOUS YEARS.

RESPECT FOR HUMAN RIGHTS

SECTION 1 QRESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING  
FREEDOM FROM:

QA.QPOLITICAL AND OTHER EXTRAJUDICIAL KILLING  
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MEMBERS OF THE SECURITY FORCES, BOTH THE POLICE AND  
MILITARY, COMMITTED EWER POLITICAL AND OTHER EXTRAJUDICIAL  
KILLINGS IN COMPARISON TO PREVIOUS YEARS.

IN MARCH 1999, IN GUERRERO, MEN DRESSED IN FEDERAL JUDICIAL  
POLICE UNIFORMS AND ARMED WITH AUTOMATIC EAPONS KILLED  
AURELIO PENALOZA GARCIA, A FORMER STATE ATTORNEY GENERAL AND  
ADVISOR TO THE PRD'S UNSUCCESSFUL GUBERNATORIAL CANDIDATE.  
IN APRIL 1999, THE AUTHORITIES CHARGED BERNARDINO ALVEAR  
VILLA AND JUAN VALDOVINOS RODRIGUEZ IN CONNECTION WITH THIS  
MURDER. THE FEDERAL ATTORNEY GENERAL'S OFFICE'S (PGR)  
INVESTIGATION CONTINUED AT YEAR'S END, AND THERE WERE NO NEW  
DEVELOPMENTS IN 2000.

THERE WERE NO NEW DEVELOPMENTS REGARDING EITHER THE MAY 1999  
KILLING OF ONE EMIGRANT WHEN FEDERAL FISCAL POLICE OPENED  
FIRE ON A VAN CONTAINING 23 PERSONS, OR REGARDING THE AUGUST  
1999 CASE OF THE ARREST OF TAMAULIPAS PGR OFFICIALS CHARGED  
WITH THE MURDER OF FELLOW PGR OFFICIAL JAIME RAJID GUTIERREZ  
ARREOLA. THERE ALSO WERE NO NEW DEVELOPMENTS REGARDING THE  
OCTOBER 1999 DEATH OF COSEM DEMIAN SANCHEZ SASTRE, A MEMBER  
OF THE ZAPATISTA NATIONAL LIBERATION FRONT (FZLN, THE  
POLITICAL BRANCH OF THE EZLN), FOUND DEAD IN HIS CELL IN A  
TIJUANA DETENTION FACILITY.

THERE HAVE BEEN NUMEROUS REPORTS OF EXECUTIONS CARRIED OUT  
BY RIVAL DRUG GANGS, WHOSE MEMBERS HAVE INCLUDED BOTH ACTIVE  
AND FORMER FEDERAL, STATE, AND MUNICIPAL SECURITY PERSONNEL.  
THROUGHOUT THE COUNTRY, BUT PARTICULARLY IN THE NORTHERN  
BORDER STATES, VIOLENCE RELATED TO NARCOTICS TRAFFICKING  
INCREASED IN PROFILE. FOR EXAMPLE, 27 MURDER HOMICIDES WITH  
PRESUMED OR PROVEN DRUG CONNECTIONS TOOK PLACE IN THE CIUDAD  
JUAREZ, CHIHUAHUA AREA FROM JANUARY 1 TO AUGUST 31. THE  
MODUS OPERANDI OF THE KILLINGS HAS SHIFTED FROM THE  
KIDNAPINGS AND DISAPPEARANCES OF THE MID-1990'S TO ARMED  
ATTACKS IN PUBLIC AREAS THROUGHOUT THE CITY, IN WHICH  
INTENDED TARGETS AND INNOCENT BYSTANDERS FALL VICTIM. THE  
POLICE AND MILITARY WERE ACCUSED OF BEING RESPONSIBLE FOR  
DISAPPEARANCES, ARBITRARY DETENTIONS, TORTURE, USE OF  
EXCESSIVE FORCE, AND OTHER SERIOUS HUMAN RIGHTS VIOLATIONS  
AS THEY CARRIED OUT THE GOVERNMENT'S EFFORTS TO COMBAT DRUG  
CARTELS.

ON JULY 19, FIVE MEN WITH KNOWN DRUG CONNECTIONS WERE FOUND HANGED NEAR EL QUELITE, SINALOA. FAUSTO ANDRES ARELLANO VIDALES, ANACLETO VALLE GARCIA, GASTON HORACIO LOPEZ AMARILLAS, GUILLERMO GURROLA GUTIERREZ, AND CARLOS LOPEZ TORRES WERE ALL KIDNAPED ON JULY 16 FROM A STORE IN MAZATLAN, SINALOA BY WHAT WITNESSES DESCRIBED AS ARMED MEN IN FEDERAL JUDICIAL POLICE UNIFORMS. STATE AUTHORITIES BELIEVE A DRUG TRAFFICKING CONNECTION IS THE MOTIVE AND ARE INVESTIGATING.

ON APRIL 29, THE MORELOS STATE SUPREME COURT UPHELD THE STATE CONGRESS'S DECISION TO BAR EX-GOVERNOR JORGE CARILLO OLEA FROM HOLDING STATE OFFICE FOR THE NEXT 12 YEARS BECAUSE OF HIS ADMINISTRATION'S CONNECTION TO A KIDNAPING RING IN THE STATE. IN MARCH 1999, A COURT CONVICTED THE FORMER MORELOS STATE ATTORNEY GENERAL, CARLOS PEREDO MERLO, OF TOLERATING THE COVER-UP OF THE KIDNAPING, TORTURE, AND MURDER OF JORGE NAVA AVILES IN 1998. HE EVENTUALLY RECEIVED A SENTENCE OF LESS THAN 2 YEARS. THE COURT ALSO CONVICTED CUERNAVACA'S FORMER DEPUTY PROSECUTOR AND THE FORMER DIRECTOR OF THE STATE JUDICIAL POLICE ON RELATED CHARGES IN THE SAME CASE AND SENTENCED EACH OF THEM TO 3 YEARS AND 3 MONTHS. THE REMAINING PERSONS ACCUSED IN THIS CASE ARE STILL AWAITING TRIAL.

ON MAY 18, A CHIAPAS STATE COURT CONVICTED THE THEN-DIRECTOR OF THE AUXILIARY POLICE, EX-GENERAL JULIO CESAR SANTIAGO DIAZ, AND HIS TWO CHIEF LIEUTENANTS, ROBERTO GARCIA RIVAS AND ROBERTO MARTIN MENDEZ, OF "HOMICIDE BY OMISSION" AND SENTENCED THEM TO EIGHT YEARS IN JAIL IN CONNECTION WITH THE 1997 ACTEAL MASSACRE. THE MEN WERE CLOSE ENOUGH TO HEAR THE SHOOTINGS, BUT TOOK NO ACTION AND REPORTED THAT ALL WAS QUIET IN THEIR AREA WHEN QUESTIONED BY STATE OFFICIALS. OF THE 102 PERSONS DETAINED, 58 HAVE NOW BEEN CONVICTED AND SENTENCED, ALTHOUGH 24 HAVE HAD THEIR SENTENCES SUSPENDED. THERE ARE OUTSTANDING WARRANTS FOR 27 OTHERS.

ON MAY 10, 14 EX-POLICE OFFICERS INVOLVED IN THE 1997 KILLING OF SIX YOUTHS DURING A POLICE OPERATION IN THE MEXICO CITY NEIGHBORHOOD OF BUENOS AIRES WERE CONVICTED IN CONNECTION WITH THREE OF THOSE KILLINGS. ELEVEN OFFICERS WERE GIVEN THE MAXIMUM PENALTY OF 50 YEARS IN JAIL AND TWO WERE SENTENCED TO 18.5 YEARS. HOWEVER, IN SEPTEMBER, A JUDGE DENIED AN ARREST WARRANT FOR THE TWO EX-LEADERS, MOCTEZUMA ILHUICAMINA ZAEPEDA RODRIGUEZ AND JOSE LAMBERTO PONCE LARA, OF THE POLICE GROUPS IMPLICATED IN THE MURDERS. THE SAME JUDGE ALSO EITHER ACQUITTED OR DENIED ARREST WARRANTS FOR 15 OTHER POLICE IN SEPTEMBER. INVESTIGATIONS WERE STILL UNDERWAY FOR THE KILLINGS OF THE REMAINING THREE  
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YOUTHS.

FORTY-THREE PUBLIC OFFICIALS HAVE BEEN PUNISHED IN CONNECTION WITH THE 1995 AGUAS BLANCAS MASSACRE OF 17 INDIGENOUS FARMERS. ALSO, THE GUERRERO STATE GOVERNMENT HAS INDEMNIFIED THE DEBTS OF THE VICTIMS' FAMILIES. BOTH THE FEDERAL AND STATE GOVERNMENTS CONSIDER THE CASE RESOLVED.

THERE WERE NO NEW DEVELOPMENTS IN THE CASE OF GERARDO VILLARREAL RODRIGUEZ, WHO DIED IN NUEVO LEON, AFTER BEING TORTURED BY FOUR STATE POLICE OFFICERS; IN THE 1998 EL CHARCO KILLINGS; OR IN THE INVESTIGATION OF THE 1998 KILLING OF AN ALLEGED MIGRANT SMUGGLER, IN WHICH SEVEN MEMBERS OF THE GRUPO BETA POLICE UNIT WERE DETAINED.

SOME KILLINGS APPARENTLY WERE POLITICALLY MOTIVATED. ON JUNE 15, ARTEMIO ARTURO PEREZ, A PRD SUPPORTER ARRESTED FOR CAUSING A PUBLIC DISTURBANCE DURING A PRI POLITICAL RALLY IN MIXISTLAN DE LA REFORMA, OAXACA, DIED IN HIS JAIL CELL. PEREZ AND HIS FAMILY CLAIMED PRI PARTY MEMBERS FORCED PEOPLE TO ATTEND THE RALLY AND THAT PEREZ WAS ARRESTED FOR VOICING HIS DISAPPROVAL. THE PRISON AUTHORITIES DECLARED SUICIDE THE OFFICIAL CAUSE OF DEATH, BUT PEREZ'S FAMILY AND VARIOUS HUMAN RIGHTS ORGANIZATIONS CLAIM HE DIED FROM TORTURE. TWO FAMILY MEMBERS BEGAN A HUNGER STRIKE TO DEMAND ACTION AGAINST PRISON EMPLOYEES ALFREDO REYES, WILFRIDO HERNANDEZ SOLANO, AND LUIS FAUSTINO GONZALEZ, FOR ABUSE OF AUTHORITY, ILLEGAL DETENTION, AND TORTURE. THE CASE IS UNDER INVESTIGATION BY THE OAXACA STATE ATTORNEY GENERAL'S OFFICE AND THE STATE'S HUMAN RIGHTS COMMISSION.

THE DURANGO STATE HUMAN RIGHTS COMMISSION IS INVESTIGATING THE PRESUMED SUICIDE OF JOSE MANUEL URBINA, FOUND DROWNED IN A STATE SECURITY FACILITY. PAN DEPUTY VICTOR HUGO CASTANEDA SOTO QUESTIONED THE MANNER IN WHICH URBINA WAS ARRESTED AND NOTED THAT HIS BODY WAS FOUND IN A CROUCHED POSITION, A DIFFICULT POSITION TO MAINTAIN BY SOMEONE ATTEMPTING TO DROWN HIMSELF.

ON FEBRUARY 27, TWO SUSPECTS WERE ARRESTED FOR THE JANUARY 27, 1999 MURDER OF JORGE AGUIRRE MEZA, COFOUNDER OF THE SINALOA HUMAN RIGHTS DEFENSE COMMISSION AND A MAYORAL CANDIDATE IN THE MUNICIPALITY OF NAVOLATO. THE SUSPECTS ARE CURRENTLY IN JAIL AND ON TRIAL IN CULIACAN. ARREST WARRANTS FOR TWO OTHER SUSPECTS WERE ALSO ISSUED, ALTHOUGH THESE SUSPECTS ARE IN A MEXICALI JAIL ON UNRELATED CRIMES.

ON JULY 30, JUAN LOPEZ AND GABRIEL LUIS HERNANDEZ GOMEZ WERE ARRESTED IN CONNECTION WITH THE JUNE 1999 MURDER OF JOSE HIDALGO PEREZ, A MEMBER OF A POLITICALLY ACTIVE FAMILY IN SAN CRISTOBAL DE LAS CASAS, CHIAPAS. THEY ARE AWAITING TRIAL.

THERE WERE NO NEW DEVELOPMENTS ON EITHER THE 1999 CASE OF MAURICIO MARTINEZ HERNANDEZ, A MUNICIPAL WORKER KILLED BY A

POLICE OFFICER IN NAUCALPAN, IN THE STATE OF MEXICO, OR IN THE MAY 1999 ATTACK ON INDIGENOUS RIGHTS LEADER HERBERTO PAZOS ORTIZ.

FRANCISCO HERNAN CORTES, ONE OF THE PRESUMED AGGRESSORS IN THE SHOOTING ATTACK IN MAY 1999 AGAINST PRD SENATOR HECTOR SANCHEZ LOPEZ AND TWO COMPANIONS, REMAINS IN JAIL IN OAXACA.

IN OCTOBER 1999, A GROUP OF MEN ARMED WITH AK-47 ASSAULT WEAPONS ATTACKED ACAPULCO CITY COUNCILOR-ELECT MARCO ANTONIO LOPEZ GARCIA AND HIS FAMILY IN ROUTE TO A PRD ELECTION VICTORY CELEBRATION. THE COUNCILOR'S SON WAS KILLED, AND THE COUNCILOR SERIOUSLY WOUNDED. STATE AUTHORITIES CHARGED A PRD ACTIVIST WITH THE CRIME AND ALLEGED THAT HE WAS AFFILIATED WITH THE POPULAR REVOLUTIONARY INSURGENCY ARMY (ERPI). THE SUSPECT LATER REPUDIATED A CONFESSION THAT HE ALLEGES WAS COERCED BY TORTURE AND WAS RELEASED IN NOVEMBER 1999. PRD OFFICIALS REJECTED THE RESULTS OF THE STATE INVESTIGATION AS FALSIFIED AND CALLED FOR FEDERAL INTERVENTION. HUMAN RIGHTS OBSERVERS CHARGED THAT STATE AND FEDERAL AUTHORITIES USED THE INVESTIGATION INTO ELECTORAL VIOLENCE TO REPRESS OPPOSITION PARTIES AND PEASANT ORGANIZATIONS BY LINKING THE POLITICAL OPPOSITION TO INSURGENT GROUPS.

THERE WERE NO NEW DEVELOPMENTS ON THE JANUARY 1999 KILLING OF VILLAGERS IN TZACABEL, CHIAPAS.

ON JUNE 12, SEVEN CHIAPAS STATE POLICEMEN WERE KILLED AND ONE OTHER POLICEMAN AND A CIVILIAN WERE WOUNDED IN AN AMBUSH IN LAS LIMAS VILLAGE, MUNICIPALITY EL BOSQUE, CHIAPAS. ON JULY 26, THE FEDERAL ATTORNEY GENERAL'S OFFICE ANNOUNCED THE ARRESTS OF PRI SUPPORTER ALBERTO PATISHTAN GOMEZ, AND EZLN SUPPORTER SALVADOR LOPEZ GONZALEZ, IN CONNECTION WITH THE AMBUSH ON CHARGES OF MURDER, ROBBERY, AND POSSESSION OF ILLEGAL WEAPONS. THE FEDERAL ATTORNEY GENERAL'S OFFICE'S UNIT FOR CRIMES COMMITTED BY POSSIBLE ARMED CIVILIAN GROUPS UNCLAS E F T O SECTION 04 OF 25 MEXICO 008160

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CHARGED THAT PATISHTAN AND LOPEZ WERE PART OF AN ARMED 10-PERSON GROUP THAT CARRIED OUT THE ATTACK. THE FRAY BARTOLOME DE LAS CASAS HUMAN RIGHTS CENTER, HOWEVER, MAINTAINS LOPEZ'S INNOCENCE, CLAIMING THERE IS INSUFFICIENT PROOF AGAINST HIM.

THE 30-YEAR SENTENCE OF ABDEL LATIF SHARIF, CONVICTED IN CONNECTION WITH THE STRING OF MURDERS OF OVER 200 WOMEN SINCE 1993 IN CIUDAD JUAREZ, A CITY OF OVER 1 MILLION PEOPLE, WAS OVERTURNED ON APPEAL IN APRIL, BASED ON LACK OF

CONSISTENCY IN THE AUTOPSY REPORTS. SHARIF REMAINS IN CUSTODY AND WILL RECEIVE A NEW TRIAL. SINCE HIS ARREST, EIGHT MORE YOUNG WOMEN WERE KIDNAPED, RAPED, STRANGLED, AND THEIR BODIES DUMPED IN THE SAME AREAS OF THE DESERT WHERE PREVIOUS VICTIMS WERE FOUND. FOUR BUS DRIVERS ARE STILL IN DETENTION FOR ALLEGEDLY COMMITTING THE MURDERS WHILE SHARIF WAS INCARCERATED. THE BUS DRIVERS CLAIM THEY WERE TORTURED INTO CONFESSING AND THEIR CASE REMAINS UNDER INVESTIGATION.

SEVERAL HUMAN RIGHTS ORGANIZATIONS AND THE U.N. SPECIAL RAPPORTEUR ON EXTRAJUDICIAL EXECUTIONS, ASMA JAHANGIR, WHO VISITED THE COUNTRY IN 1999, BELIEVE THAT THE GOVERNMENT HAS MADE LIMITED PROGRESS IN SOLVING THESE MURDERS BECAUSE MOST OF THE VICTIMS WERE POOR, YOUNG WOMEN, FEW OF WHOM HAD ANYONE TO PRESS THE AUTHORITIES FOR INTENSIVE INVESTIGATION. SOME BELIEVE THAT POLICE AND PROSECUTORIAL INCOMPETENCE, AND LACK OF INVESTIGATIVE RESOURCES ALSO HAMPERED THE INVESTIGATION.

HOWEVER, IN ORDER ENHANCE THE INVESTIGATION INTO THE MURDERS IN CIUDAD JUAREZ, THE CHIHUAHUA ATTORNEY GENERAL'S OFFICE APPOINTED A SPECIAL PROSECUTOR IN 1998. THE SPECIAL PROSECUTOR'S OFFICE HAS 65 CASES IN PROCESS, RELATED TO 67 OF THE VICTIMS, THE REMAINS OF 23 OF WHICH REQUIRED EXTENSIVE SCIENTIFIC EXAMINATION IN ORDER TO IDENTIFY THEM. IN AUGUST, THE COURT SYSTEM IN CIUDAD JUAREZ HAD A TOTAL OF 145 CASES IN PROCESS AGAINST 103 PEOPLE FOR MURDERING WOMEN, INCLUDING FOR MOTIVES OF DOMESTIC VIOLENCE, CRIMES OF PASSION, DRUG CONNECTIONS, AND REVENGE.

NARCOTICS-TRAFFICKING ORGANIZATIONS COMMITTED MANY KILLINGS. HUMAN RIGHTS GROUPS ALLEGE THAT MILITARY AND POLICE FORCES ARE RESPONSIBLE FOR SOME KILLINGS GENERALLY ATTRIBUTED TO NARCOTICS TRAFFICKERS OR OTHER CRIMINALS, INCLUDING SOME OF THOSE WHOSE BODIES WERE DISCOVERED IN CHIHUAHUA IN DECEMBER 1999 (SEE SECTION 1.B.). THE DEGREE OF ANY CONNECTION, HOWEVER, IS UNCLEAR. THE ASSOCIATION OF FAMILIES OF DISAPPEARED PERSONS HAS ALLEGED THAT THE SECURITY FORCES WERE BEHIND MANY OF THE DISAPPEARANCES AND HAS ARGUED THAT THE CASES WERE NOT INVESTIGATED PROPERLY FOR THAT REASON.

SOME LAW ENFORCEMENT PERSONNEL HAVE BEEN KNOWN TO HAVE DRUG TRAFFICKING CONNECTIONS. FOR EXAMPLE, ON NOVEMBER 9, 1999 FOUR FORMER TAMAULIPAS STATE POLICE OFFICERS WERE AMONG A GROUP OF TEN MEN, INCLUDING NARCOTICS TRAFFICKER OSIEL CARDENAS-GUILLEN, WHO CONFRONTED A DEA OFFICER AND AN FBI OFFICER WITH AK-47'S AND AR-15'S ON A BUSY STREET IN MATAMOROS, TAMAULIPAS. CARLOS-GUILLEN AND HIS ASSOCIATES WENT INTO HIDING AND ARE BEING SOUGHT BY MEXICAN OFFICIALS.

ON AUGUST 8, THE NEWSPAPER "LA JORNADA" REPORTED THAT THE INTERNAL AFFAIRS DEPARTMENT OF THE FEDERAL ATTORNEY GENERAL'S OFFICE (PGR) SANCTIONED 3,060 PUBLIC SERVANTS BETWEEN DECEMBER 1996 AND MARCH 2000, DUE TO INVOLVEMENT IN ILLEGAL ACTIVITIES, ESPECIALLY DRUG TRAFFICKING.

THERE WERE REPORTS OF VIGILANTE KILLINGS AND VIOLENCE DURING THE YEAR. ON JULY 30, TWO THOUSAND RESIDENTS OF THE

COMMUNITY NUEVA PALESTINA, CHIAPAS, PUT AN INDIGENOUS MAN ON TRIAL FOR A ROBBERY AND MURDER AND KILLED HIM. THE STATE ATTORNEY GENERAL'S OFFICE DISPATCHED A TEAM TO INVESTIGATE AND TO HELP RESOLVE TENSIONS IN THE COMMUNITY.

QB.QDISAPPEARANCE

THERE CONTINUED TO BE CREDIBLE REPORTS OF DISAPPEARANCES. THE CNDH IS WORKING TO ESTABLISH A NATIONWIDE DATABASE TO ASSIST IN THE IDENTIFICATION OF UNKNOWN REMAINS, SOME OF WHICH MAY BE THOSE OF DISAPPEARED PERSONS.

ACCORDING TO THE NATIONAL PUBLIC SECURITY SYSTEM, THERE WERE 1,047 KIDNAPINGS IN 1997, 734 IN 1998, AND 607 IN 1999. HOWEVER, KIDNAPING IS AN UNDERREPORTED CRIME. IN MICHOACAN, POLICE HAVE BROKEN 89 KIDNAPING RINGS SINCE 1996, RESULTING IN 500 ARRESTS, INCLUDING 49 THIS YEAR. MEXICO CITY'S LEGISLATIVE ASSEMBLY PASSED A LAW TO IMPOSE MANDATORY MINIMUM SENTENCES OF 15 TO 20 YEARS FOR MEXICO CITY PUBLIC SERVANTS CONVICTED OF KIDNAPING. ALTHOUGH SIX KIDNAPINGS WERE REPORTED IN CHIHUAHUA STATE FROM JANUARY TO AUGUST 2000, ALL HAVE BEEN RESOLVED AND 11 SUSPECTS WERE ARRESTED AND REMAIN IN CUSTODY.

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IN DECEMBER 1999, NINE BODIES WERE RECOVERED FROM GRAVES OUTSIDE CIUDAD JUAREZ, CHIHUAHUA. SIX OF THE NINE BODIES

WERE POSITIVELY IDENTIFIED AND THE REMAINS RELEASED TO THEIR FAMILIES IN MAY. THREE OF THE SIX WERE U.S. CITIZENS NOT PREVIOUSLY LISTED AMONG THE 224 PEOPLE REPORTED MISSING IN THE STATE SINCE 1994. ALL OF THE VICTIMS ARE BELIEVED TO HAVE HAD TIES TO DRUG TRAFFICKING IN SOME WAY. THE RANCH WHERE THE BODIES WERE FOUND WAS CONFISCATED BY FEDERAL AUTHORITIES BUT SUBSEQUENTLY ORDERED RETURNED TO ITS OWNER IN JULY.

THE CHIHUAHUA-BASED COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS ALLEGES THAT MILITARY AND POLICE FORCES ARE RESPONSIBLE FOR SOME OF THE DISAPPEARANCES. LIKEWISE, THE ASSOCIATION OF FAMILIES OF THE DISAPPEARED PERSONS HAS ALLEGED THAT THE SECURITY FORCES WERE BEHIND MANY OF THE DISAPPEARANCES AND HAS ARGUED THAT THE CASES WERE NOT INVESTIGATED PROPERLY FOR THAT REASON.

C.QTORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

ALTHOUGH THE CONSTITUTION PROHIBITS TORTURE, THE PRACTICE

CONTINUES TO BE A PROBLEM. THE CONSTITUTION EXCLUDES AS EVIDENCE CONFESSIONS OBTAINED IN THE ABSENCE OF THE ACCUSED'S DEFENSE ATTORNEY, AND THE LAW EXCLUDES COERCED CONFESSIONS, INCLUDING THOSE EXTRACTED UNDER TORTURE. HOWEVER, THE POLICE OBTAIN INFORMATION THROUGH ABUSE, PROSECUTORS USE THIS EVIDENCE IN COURTS, AND THE COURTS CONTINUE TO ADMIT AS EVIDENCE CONFESSIONS EXTRACTED UNDER TORTURE. THE AUTHORITIES PROSECUTE AND PUNISH FEW OFFICIALS FOR TORTURE, WHICH CONTINUES IN LARGE PART BECAUSE CONFESSIONS ARE THE PRIMARY EVIDENCE IN MANY CRIMINAL CONVICTIONS. MANY VICTIMS DO NOT REPORT, OR DO NOT FOLLOW THROUGH ON, THEIR COMPLAINTS AGAINST THE POLICE DUE TO FEAR OF REPRISALS, THEREBY HAMPERING PROSECUTION OF THE PERPETRATORS. IN ORDER TO COMBAT TORTURE, THE CONGRESS PASSED LAWS TO PREVENT AND SANCTION TORTURE IN 1991 (REFORMED IN 1994), ADOPTED THE LAW OF THE DEFENSE OFFICE OF MEXICO CITY IN 1998, AND THE FEDERAL PUBLIC DEFENSE LAW IN 1998.

IN HER 1999 ANNUAL ADDRESS, THE THEN-PRESIDENT OF THE CNDH ACKNOWLEDGED THAT TORTURE CONTINUED TO BE A SERIOUS HUMAN RIGHTS PROBLEM. SHE CITED THE PGR AND THE DEFENSE SECRETARIAT AS THE MAIN ORGANIZATIONS ASSOCIATED WITH THE USE OF TORTURE. IN A REPORT PUBLISHED IN JULY 1999, THE U.N. HUMAN RIGHTS COMMITTEE EXPRESSED CONCERN THAT LAWS AIMED TO PREVENT TORTURE WERE INADEQUATE BECAUSE OF THE ABSENCE OF AN INDEPENDENT BODY TO INVESTIGATE ALLEGATIONS OF MISTREATMENT. THERE ARE PERSISTENT REPORTS BY NONGOVERNMENTAL ORGANIZATIONS (NGO'S) OF THE WIDESPREAD USE OF TORTURE BY THE POLICE AND THE SECURITY FORCES. NIGEL RODLEY, THE U.N. SPECIAL RAPPOREUR ON TORTURE, REPORTED IN JANUARY 1998 THAT TORTURE CONTINUED TO OCCUR DESPITE THE FACT THAT THE COUNTRY HAD IN PLACE AN ARRAY OF LEGAL SAFEGUARDS. HOWEVER, ACCORDING TO THE SECRETARIAT OF FOREIGN RELATIONS, NATIONWIDE TORTURE FELL FROM FIRST ON THE LIST OF HUMAN RIGHTS COMPLAINTS RECEIVED IN 1990 TO 31ST IN AUGUST, WITH SOME STATES REGISTERING ZERO COMPLAINTS.

ON AUGUST 4, A CNDH REPORT CHARGED THAT THE MILITARY HAD NOT ONLY FALSIFIED EVIDENCE AGAINST TWO ENVIRONMENTAL ACTIVISTS, RODOLFO MONTIEL FLORES AND TEODORO CABRERA GARCIA, BUT HAD ALSO VIOLATED THEIR RIGHTS TO DUE PROCESS, TORTURED THEM, AND HARASSED RESIDENTS IN THEIR HOME VILLAGE, PIZOTLA, GUERRERO. THE MILITARY DID NOT RESPOND PUBLICLY TO THE CNDH REPORT. MONTIEL AND CABRERA HAD BEEN ARRESTED ON MAY 2, 1999, ON CHARGES OF ILLEGAL DRUG CULTIVATION AND ILLEGAL POSSESSION OF ARMS, DURING WHICH TIME THEIR COLLEAGUE SALOME SANCHEZ ORTIZ WAS ALSO KILLED BY THE MILITARY. MONTIEL AND CABRERA STATE THE MILITARY TORTURED THEM TO EXTRACT THEIR CONFESSIONS. IN CONTRAST, THE GOVERNMENT NOTES THAT ON THREE SEPARATE OCCASIONS, MONTIEL AND CABRERA CONFESSED TO ILLEGAL ACTIVITIES AND THAT TESTS HAD INDICATED BOTH MEN HAD FIRED A GUN. HOWEVER, THE DEFENSE TEAM STATES THAT ON EACH OF THOSE OCCASIONS MONTIEL AND CABRERA WERE INTIMIDATED BY THE PRESENCE OF MILITARY PERSONNEL. INITIAL MEDICAL EXAMINATIONS PERFORMED IN 1999 BY GOVERNMENT AND CNDH DOCTORS DID NOT FIND EVIDENCE OF TORTURE, BUT A MEDICAL EXAMINATION BY INDEPENDENT DOCTORS ON JULY 29, DID FIND

PHYSICAL EVIDENCE CONSISTENT WITH TORTURE. THE CNDH RECOMMENDED THAT THE ARMY CONDUCT NUMEROUS INTERNAL INVESTIGATIONS ON ITS HANDLING OF THE ARRESTS AND DETENTION. ON AUGUST 28, A JUDGE SENTENCED CABRERA TO 10 YEARS FOR ILLEGALLY POSSESSING ARMS RESERVED FOR THE EXCLUSIVE USE OF THE MILITARY. MONTIEL WAS SENTENCED TO 6 YEARS AND 8 MONTHS ON THE SAME CHARGE, AS WELL AS FOR POSSESSING ARMS WITHOUT A LICENSE, AND ILLEGAL DRUG CULTIVATION. NUMEROUS HUMAN RIGHTS GROUPS MAINTAIN MONTIEL'S AND CABRERA'S INNOCENCE AND AMNESTY INTERNATIONAL HAS DECLARED THEM PRISONERS OF CONSCIENCE. IN APRIL, MONTIEL WON THE GOLDMAN INTERNATIONAL UNCLAS E F T O SECTION 06 OF 25 MEXICO 008160

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SENSITIVE BUT UNCLASSIFIED - NOFORN

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ENVIRONMENTAL PRIZE. DEFENSE LAWYERS, CITING MANY IRREGULARITIES IN THE JUDICIAL PROCESS, ARE APPEALING THE VERDICT.

ON APRIL 1, THE EX-PRESIDENT OF THE GUERRERO STATE PRD, DAVID MOLINA FRANCISCO, ALLEGES HE WAS FREED AFTER BEING HELD HOSTAGE FOR 40 HOURS BY MILITARY PERSONNEL. MOLINA CLAIMS HE WAS TORTURED PHYSICALLY AND PSYCHOLOGICALLY AND INTERROGATED ON ACTIVITIES OF INSURGENT GROUPS. THE PRD LODGED A FORMAL COMPLAINT WITH THE GUERRERO STATE HUMAN RIGHTS COMMISSION.

ON AUGUST 1, THE MEXICO CITY HUMAN RIGHTS COMMISSION RECOMMENDED THAT THE CITY'S ATTORNEY GENERAL'S OFFICE INVESTIGATE THE TORTURE OF JOSE LUIS MENDEZ BRIANO AND FERNANDO MARTINEZ BELTRAN, WHO WERE ARRESTED BY CITY POLICE ON JUNE 24 WHILE MAKING THEIR GET-AWAY FROM A ROBBERY. ONE OF THE MEN WAS TRANSFERRED TO THE HOSPITAL FOR TREATMENT OF VARIOUS INJURIES.

ON AUGUST 8, THE ZACATECAS STATE LEGISLATURE REQUESTED THAT GOVERNOR RICARDO MONREAL AVILA ORDER THE STATE ATTORNEY GENERAL TO DESIGNATE A SPECIAL PROSECUTOR TO INVESTIGATE THE LOCAL POLICE FOR THE ALLEGED TORTURE OF FOUR PEOPLE ACCUSED OF STEALING FARM EQUIPMENT IN 1999.

ON JULY 30, IN ECATEPEC, MEXICO STATE, AUXILIARY POLICE DISCOVERED FOUR CENTRAL AMERICAN MIGRANTS HIDING IN A RAIL CAR. THE POLICE ALLEGEDLY BEAT THEM, STRIPPED THEM OF THEIR CLOTHING, AND KEPT THEM IN A CELL FOR SEVERAL HOURS, BEFORE FINALLY LETTING THEM GO. THE FEDERAL PROSECUTOR'S OFFICE IN ECATEPEC HAS OPENED AN INQUIRY INTO THE ALLEGED VIOLATIONS.

STATE HUMAN RIGHTS COMMISSIONS ALSO RECEIVED REPORTS OF TORTURE ALLEGEDLY COMMITTED BY POLICE. THE JALISCO STATE HUMAN RIGHTS COMMISSION (CEDH) CHARGED IN SEPTEMBER 1999,

THAT THE STATE ATTORNEY GENERAL, FELIX LEDESMA MARTINEZ, AND THE MAYOR OF GUADALAJARA, FRANCISCO RAMIREZ ACUNA, HAD IMPEDED AN INVESTIGATION INTO AN ALLEGED CASE OF TORTURE TO PROTECT HIGH-RANKING MEMBERS OF THE GUADALAJARA MUNICIPAL POLICE FORCE. ON JANUARY 13, JALISCO STATE POLICE ARRESTED FORMER ARMORED CAR GUARD JESUS GALVAN ORTIZ IN GUADALAJARA, JALISCO. GALVAN CLAIMED POLICE TOOK HIM TO A HOUSE, TORTURED HIM, AND DEMANDED THAT HE CONFESS TO ROBBING AN ARMORED CAR. POLICE RELEASED HIM SEVERAL HOURS LATER AND NEVER CHARGED HIM. THE HOUSE WHERE GALVAN WAS ALLEGEDLY TAKEN AND TORTURED WAS LATER FOUND TO BELONG TO THE WIFE OF ATTORNEY GENERAL LEDESMA. ON FEBRUARY 8, LEDESMA ADMITTED TO OWNING THE PROPERTY BUT DENIED ANY KNOWLEDGE OF THE ALLEGED TORTURE. NONETHELESS, CITING PERSONAL REASONS, HE RESIGNED FROM OFFICE ON FEBRUARY 14. THE JALISCO CEDH IS INVESTIGATING GALVAN'S ALLEGATIONS.

GOVERNMENT OFFICIALS CONCEDED THE COUNTRY'S SERIOUS HUMAN RIGHTS SHORTCOMINGS. U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS (UNHCHR) MARY ROBINSON, WHO VISITED THE COUNTRY IN 1999, SAID PRESIDENT ZEDILLO'S ADMISSION THAT SERIOUS HUMAN RIGHTS VIOLATIONS OCCUR IN MEXICO WAS A POSITIVE SIGN. IN AN EFFORT TO FIGHT CORRUPTION AND PROVIDE BETTER PUBLIC SECURITY, THE GOVERNMENT CREATED A NEW FEDERAL PREVENTIVE POLICE IN 1999. THE 12,000-PERSON FORCE INCLUDES APPROXIMATELY 5,000 TRANSFERRED MILITARY PERSONNEL AND ANOTHER 6,000 FROM THE FORMER FEDERAL HIGHWAY POLICE.

OFFICIAL CORRUPTION AND COMPLICITY IN CRIME SOMETIMES LED TO HUMAN RIGHTS VIOLATIONS. ON MAY 26, TWO MEXICO CITY JUDICIAL POLICE AGENTS, AHUI OMAR CASTRO HERNANDEZ AND GERARDO BUSTAMANTE DOMINGUEZ, TOGETHER WITH RENE RODRIGUEZ MONROY, AN EX-EMPLOYEE OF THE CITY'S PUBLIC SECURITY SECRETARIAT, WERE ARRESTED ON EXTORTION CHARGES. THEY HAD ALLEGEDLY DEMANDED \$16,000 (150,000 PESOS) FROM NARCOTICS TRAFFICKER JOSE RIGOBERTO CABALLO, IN EXCHANGE FOR HIS FREEDOM FROM CITY CUSTODY.

ON AUGUST 8, JUAN RAMOS LOPEZ, JUDICIAL DIRECTOR OF THE CITY'S SECRETARIAT FOR PUBLIC SECURITY (SSP), LODGED A COMPLAINT AGAINST THE MEXICO CITY ATTORNEY GENERAL'S OFFICE (PGJDF) WITH THE MEXICO CITY HUMAN RIGHTS COMMISSION. RAMOS ALLEGED THAT THE PGJDF HAD BEEN PERSECUTING HIM EVER SINCE LAST NOVEMBER WHEN THE SSP APPROACHED THE PGJDF FOR INFORMATION ON THE DIVERSION OF FUNDS IN THE CITY'S AUXILIARY POLICE FORCE. A PGJDF INVESTIGATION INTO THE DIVERSION OF FUNDS CONTINUES AND 26 AUXILIARY POLICE COMMANDERS HAVE BEEN SUSPENDED FROM DUTY FOR THEIR INVOLVEMENT IN THE SCANDAL.

NARCOTICS-TRAFFICKING ORGANIZATIONS INCLUDED CORRUPTED PUBLIC OFFICIALS. THE FORMER GOVERNOR OF QUINTANA ROO, MARIO VILLANUEVA MADRID, IS SUSPECTED OF HAVING AIDED NARCOTICS-TRAFFICKING ORGANIZATIONS. HE FLED SHORTLY BEFORE HIS TERM OF OFFICE EXPIRED IN 1999 AND IS STILL BEING SOUGHT BY FEDERAL AUTHORITIES. VILLANUEVA MADRID CLAIMS HE IS UNCLAS E F T O SECTION 07 OF 25 MEXICO 008160

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INNOCENT AND THE VICTIM OF A POLITICAL FRAME-UP.

PUBLIC SECURITY OFFICIALS ALSO COMMITTED MORE SERIOUS CRIMES. A 1998 REPORT BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) DESCRIBED A DEFINITE PATTERN OF RAPE AND SEXUAL ASSAULT AGAINST WOMEN COMMITTED BY SUCH OFFICIALS. THE COMMISSION STATED THAT SOME WOMEN HAD BEEN SEXUALLY ASSAULTED BY LAW ENFORCEMENT OFFICIALS, PARTICULARLY THOSE IN DETENTION, OR THEY HAD BEEN ASSAULTED WITH THE OFFICIALS' CONSENT.

FOR EXAMPLE, ON JUNE 10, MUNICIPAL POLICE IN MATIAS ROMERO, OAXACA, ARRESTED ROLANDO JESUS VAZQUEZ VARGAS, A SERGEANT IN THE 6TH ARTILLERY REGIMENT, FOR THE RAPE AND BEATING OF MARIA DE CARMEN DOMINGUEZ. TWO OTHER MEN ARE ALSO BEING SOUGHT IN CONNECTION WITH THE SAME ASSAULT.

ON JULY 18, CHIHUAHUA STATE JUDICIAL POLICE ARRESTED THREE SOLDIERS, RUBEN VILLANUEVA SANCHEZ, ELEAZAR JIMENEZ FLORES, AND ROSENDO JUAREZ ZENIL, FOR RAPING AND BEATING AN AMERICAN TOURIST.

POLICE EXTORTED MONEY FROM STREET CHILDREN, AT TIMES ABUSED HOMOSEXUALS (SEE SECTION 5), AND VIOLATED THE RIGHTS OF ILLEGAL IMMIGRANTS (SEE SECTION 2.D.).

THE PENAL SYSTEM COMPRISES APPROXIMATELY 435 FACILITIES: 4 FEDERAL PENITENTIARIES, 8 FEDERAL DISTRICT PRISONS, 280 STATE PRISONS, AND 143 MUNICIPAL JAILS. PRISON OVERCROWDING CONTINUES, DESPITE AN EARLY RELEASE PROGRAM ENDORSED BY THE CNDH, LEGAL REFORMS REDUCING THE NUMBER OF CRIMES THAT CARRY MANDATORY PRISON SENTENCES, AND THE CONSTRUCTION OF NEW PRISONS. ANTONIO SANCHEZ GALINDO, TECHNICAL DIRECTOR OF THE COUNCIL FOR MINORS OF THE SECRETARIAT OF GOVERNMENT, ESTIMATED THAT THE PRISON POPULATION IN MEXICO IS 50 PERCENT OVER CAPACITY. ALTHOUGH THE CONSTITUTION CALLS FOR SEPARATION OF JUVENILES FROM ADULT PRISONERS, MEN FROM WOMEN, AND CONVICTED CRIMINALS FROM DETAINEES HELD IN CUSTODY, IN PRACTICE THESE REQUIREMENTS WERE VIOLATED ROUTINELY AS A RESULT OF OVERCROWDING. IN CIUDAD JUAREZ, CHIHUAHUA, THE STATE PRISON INCREASED ITS CAPACITY BY 400 BEDS TO 1,240, BUT THE FACILITY STILL HAS 2,720 INMATES. IT IS NOTEWORTHY THAT MEXICAN AUTHORITIES IN CHIHUAHUA STATE HAVE APPROVED THE CONSTRUCTION OF A SECOND PENITENTIARY IN CIUDAD JUAREZ TO EASE OVERCROWDING AND BEGUN CONSTRUCTION ON A NEW JUVENILE DETENTION FACILITY TO BE COMPLETED IN 2001.

PRISON CONDITIONS ARE POOR. MANY PRISONS ARE STAFFED BY UNDERTRAINED AND CORRUPT GUARDS, AND SOME LACK ADEQUATE

FACILITIES. PRISONERS COMPLAIN THAT THEY MUST PURCHASE FOOD, MEDICINE, AND OTHER NECESSITIES FROM GUARDS OR BRIBE GUARDS TO ALLOW THE GOODS TO BE BROUGHT IN FROM OUTSIDE. IN 1998 FEDERAL DISTRICT PRISON DIRECTOR CARLOS TORNERO DIAZ ADMITTED THAT GUARDS SUPPLY 40 PERCENT OF THE ILLEGAL DRUGS SMUGGLED INTO THE PRISONS AND THAT INMATES LACKED SUFFICIENT DRINKING WATER. DRUG AND ALCOHOL ABUSE IS A PROBLEM IN PRISONS. A BAJA CALIFORNIA STATE OFFICIAL ESTIMATED THAT 80 PERCENT OF THE STATE'S PRISON POPULATION IS ADDICTED TO DRUGS. CONFLICTS BETWEEN RIVAL PRISON GROUPS INVOLVED IN DRUG TRAFFICKING CONTINUE TO OCCUR.

IN MANY PRISONS INMATES EXERCISE AUTHORITY, DISPLACING PRISON OFFICIALS. INFLUENCE PEDDLING, DRUG AND ARMS TRAFFICKING, COERCION, VIOLENCE, SEXUAL ABUSE, AND PROTECTION PAYOFFS ARE THE CHIEF METHODS OF CONTROL USED BY PRISONERS AGAINST THEIR FELLOW INMATES.

ON MAY 17, THE FEDERAL PREVENTIVE POLICE (PFP) INTERVENED IN THE PENITENTIARY NUMBER 1 IN NUEVO LAREDO, TAMAULIPAS TO REGAIN CONTROL OF THE PRISON, WHICH HAD BEEN MAINTAINED BY A NARCOTICS-TRAFFICKER PRISONER GUILLERMO MARTINES.

ON SEPTEMBER 5, CLOSE TO 1,000 PFP PERSONNEL INTERVENED IN THE STATE PENITENTIARY IN TORREON, COAHUILA, TO BREAK THE REIGN OF CONTROL ESTABLISHED BY PRISONER MARTIN GALLARDO.

IN AUGUST, THE CNDH ISSUED A RECOMMENDATION TO THE GOVERNOR OF TABASCO REQUESTING AN IMMEDIATE INVESTIGATION INTO THE ADMINISTRATORS OF THE STATE PENITENTIARY. PRISON RIOTS AT THE STATE PENITENTIARY ON OCTOBER 22 AND NOVEMBER 3, 1999, LEFT 11 PRISONERS DEAD. THE CNDH REPORT CRITICIZED TABASCO PRISON ADMINISTRATORS FOR THEIR NEGLIGENCE IN NOT CARING FOR THE PRISONERS DURING SEVERE FLOODING AND FOR FAILING TO MAINTAIN ORDER, IMPARTIALITY, AND THE PHYSICAL INTEGRITY OF PRISONERS.

NO SPECIFIC LAW OR REGULATION ALLOWS HUMAN RIGHTS ORGANIZATIONS OR OTHER NGO'S TO VISIT PRISONS. HOWEVER, IN PRACTICE SUCH VISITS ARE PERMITTED IN CERTAIN SITUATIONS, ESPECIALLY FOR THE CNDH.

QD.QARBITRARY ARREST, DETENTION, OR EXILE  
UNCLAS E F T O SECTION 08 OF 25 MEXICO 008160

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THE CONSTITUTION PROHIBITS ARBITRARY ARREST AND DETENTION, BUT THE POLICE CONTINUED TO ARREST AND DETAIN CITIZENS

ARBITRARILY. ARBITRARY ARREST AND DETENTION WERE AMONG THE MOST COMMON HUMAN RIGHTS ABUSES. LEGALLY, A PROSECUTOR MAY HOLD A DETAINEE NO MORE THAN 48 HOURS BEFORE HE MUST PRESENT THE ACCUSED TO A JUDGE, EXCEPT WHEN THE ACCUSED IS CAUGHT IN THE ACT OR WITHIN 72 HOURS OF COMMITTING A CRIME.

THE CONSTITUTION PROVIDES THAT THE AUTHORITIES MUST SENTENCE AN ACCUSED PERSON WITHIN FOUR MONTHS OF DETENTION IF THE ALLEGED CRIME CARRIES A SENTENCE OF LESS THAN TWO YEARS, OR WITHIN ONE YEAR IF THE CRIME CARRIES A LONGER SENTENCE. THESE PERIODS CAN BE EXTENDED IF THE PARTIES AGREE. DETAINEES REPORTED THAT JUDICIAL OFFICIALS OFTEN SOLICITED BRIBES IN EXCHANGE FOR NOT PRESSING CHARGES, AND THOSE ABLE TO PAY WERE RELEASED FROM CUSTODY. TWO JUDICIAL POLICE AGENTS ALONG WITH AN EX-CITY GOVERNMENT EMPLOYEE WERE ARRESTED ON EXTORTION CHARGES ON MAY 26 (SEE SECTION 1.C.).

FEDERAL PROSECUTORS CONTINUED TO ADHERE TO THE RECOMMENDATION BY THE NATIONAL INDIGENOUS INSTITUTE (INI) THAT THEY DROP CHARGES AGAINST FIRST-TIME OFFENDERS ACCUSED OF DRUG CULTIVATION, AS DRUG TRAFFICKERS OFTEN FORCED INDIGENOUS DEFENDANTS, WHO WERE NOT MADE AWARE OF THE LEGAL SIGNIFICANCE OF THEIR ACTIONS, TO GROW THE CROPS. THE INI ALSO SUPPORTS PROGRAMS TO PROVIDE TRANSLATORS FOR INDIGENOUS DEFENDANTS AND TO ASSIST THEM IN OBTAINING BAIL BONDS.

THE LAW DOES NOT CONTEMPLATE FORCED EXILE, AND IT IS NOT PRACTICED.

#### QE.QDENIAL OF FAIR PUBLIC TRIAL

THE JUDICIARY IS GENERALLY INDEPENDENT, HOWEVER, ON OCCASION IT HAS SUFFERED FROM INEFFICIENCY AND LACK OF TRAINING. JUDICIAL REFORMS HAVE BEGUN TO ADDRESS SOME OF THESE PROBLEMS, BUT FULL RESOLUTION OF THESE PROBLEMS AWAITS MORE EXTENSIVE AND SYSTEMIC JUDICIAL REFORM. IN 1999, THE CONGRESS AND THE STATES PASSED CONSTITUTIONAL REFORMS DESIGNED TO STREAMLINE THE ADMINISTRATION OF JUSTICE AND REPEAL ARCHAIC LAWS. HUMAN RIGHTS GROUPS CRITICIZED THESE REFORMS, CLAIMING THAT THEY EFFECTIVELY ALLOW PROSECUTORS TO DISREGARD DEFENDANTS' ALLEGATIONS OF VIOLATION OF DUE PROCESS DURING CRIMINAL PROCEEDINGS. ON AUGUST 11, THE INTERNATIONAL JURISTS COMMISSION CITED MEXICO AS A COUNTRY WHERE JUDICIAL AUTHORITY HAS BEEN SEVERELY DIMINISHED BY THE PROCEDURAL IMMUNITY ENJOYED BY OFFICIALS OF THE STATE, PARTICULARLY THE MILITARY. HOWEVER, IN LATE AUGUST, GENERALS QUIROZ AND ACOSTA WERE ARRESTED ON CHARGES OF NARCOTICS TRAFFICKING AND ASSISTING THE CIUDAD JUAREZ BASED AMADO CARRILLO DRUG CARTEL. GENERAL ACOSTA WAS ALSO ACCUSED OF COMPLICITY IN THE DISAPPEARANCE AND TORTURE OF SEVERAL PERSONS IN GUERRERO DURING THE 1960S AND 1970S.

THE FEDERAL COURT SYSTEM CONSISTS OF A SUPREME COURT, 91 CIRCUIT COURTS OF APPEAL, 49 COURTS OF APPEAL, AND 185 DISTRICT COURTS.

EFFORTS TO IMPLEMENT THE 1995 JUDICIAL REFORMS CONTINUED. BEFORE THE REFORMS, THE PRESIDENT NOMINATED CERTAIN

GOVERNMENT OFFICERS AND THE SENATE HAD APPROVAL POWER. NOW THE PRESIDENT PROPOSES CANDIDATES FOR THE SENATE'S CONSIDERATION AMONG OTHER CANDIDATES. THE FEDERAL JUDICIAL COUNCIL STRENGTHENED ADMINISTRATIVE CONTROL OVER THE JUDICIARY, INVESTIGATED CASES OF CORRUPTION, AND REMOVED SOME CORRUPT JUDGES DURING THE YEAR.

BASED ON THE NAPOLEONIC CODE, THE TRIAL SYSTEM CONSISTS OF A SERIES OF FACT-GATHERING HEARINGS AT WHICH THE COURT RECEIVES DOCUMENTARY EVIDENCE OR TESTIMONY. COURT OFFICIALS MAY ADD NOTARIZED DOCUMENTS INTO THE CASE FILE. 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 HAVE ACCESS TO THE OFFICIAL FILE, ALTHOUGH A SPECIAL MOTION CAN ALLOW THE VICTIM TO SEE IT.

THE CONSTITUTION PROVIDES FOR THE RIGHT OF THE ACCUSED TO ATTEND THE HEARINGS AND CHALLENGE THE EVIDENCE OR TESTIMONY PRESENTED, AND THE GOVERNMENT RESPECTS THESE RIGHTS IN PRACTICE. IN GENERAL, COURT HEARINGS ARE OPEN TO THE PUBLIC AND IT IS COMMON TO FIND THE ACCUSED, RELATIVES OF THE ACCUSED, AND JOURNALISTS IN THE COURTROOM.

WHILE THERE IS A CONSTITUTIONAL RIGHT TO AN ATTORNEY AT ALL STAGES OF CRIMINAL PROCEEDINGS, IN PRACTICE THE AUTHORITIES OFTEN DO NOT ASSURE ADEQUATE REPRESENTATION FOR MANY POOR DEFENDANTS. MOREOVER, THE PUBLIC DEFENDER SYSTEM IS NOT ADEQUATE TO MEET THE DEMAND, ALTHOUGH IMPROVEMENTS IN SALARIES AND BENEFITS CONTINUE TO AMELIORATE THIS SITUATION. ATTORNEYS ARE NOT ALWAYS AVAILABLE DURING THE QUESTIONING OF UNCLAS E F T O SECTION 09 OF 25 MEXICO 008160

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DEFENDANTS; IN SOME INSTANCES A DEFENSE ATTORNEY MAY ATTEMPT TO REPRESENT SEVERAL CLIENTS SIMULTANEOUSLY BY ENTERING DIFFERENT ROOMS TO CERTIFY FORMALLY THAT HE WAS PRESENT, ALTHOUGH HE DID NOT ACTUALLY ATTEND THE FULL PROCEEDINGS.

PROVISION OF TRANSLATORS TO NON-SPANISH SPEAKING DEFENDANTS, INCLUDING INDIGENOUS ONES, IS GUARANTEED BUT POORLY IMPLEMENTED, RESULTING IN PRISONERS BEING CONVICTED WITHOUT FULLY UNDERSTANDING THE PROCEEDINGS OR DOCUMENTS THEY HAVE BEEN REQUIRED TO SIGN. HOWEVER, THE CNDH, THROUGH THE FOURTH INSPECTOR GENERAL'S OFFICE, HAS A PROGRAM TO ASSIST JAILED INDIGENOUS DEFENDANTS. THE NATIONAL INDIGENOUS INSTITUTE ALSO HAS JUDICIAL ASSISTANCE PROGRAMS FOR INDIGENOUS DEFENDANTS AND PROVIDES COUNSEL ON THEIR BEHALF. THE INI ALSO DISTRIBUTES LEGAL, EDUCATIONAL, AND INFORMATIONAL MATERIAL IN INDIGENOUS LANGUAGES.

A PARTICULARLY EGREGIOUS ABUSE OF DUE PROCESS IS THE PROSECUTION'S ABILITY TO USE EVIDENCE GATHERED BY MEANS OF TORTURE. WHILE TORTURE ITSELF IS A CRIMINAL ACT, JUDGES ROUTINELY ALLOW STATEMENTS COERCED DURING TORTURE TO BE USED AS EVIDENCE AGAINST THE ACCUSED. TWO ENVIRONMENTAL ACTIVIST IN GUERRERO WERE CONVICTED ALTHOUGH THEY ALLEGE THEY HAD BEEN TORTURED (SEE SECTION 1.C.).

THE CONSTITUTION PROVIDES FOR MILITARY JURISDICTION FOR SOLDIERS ACCUSED OF INVOLVEMENT IN CRIMES OR OFFENSES RELATING TO EITHER A VIOLATION OF MILITARY DISCIPLINE OR TO A CIVIL CRIME. IN CASES IN WHICH A MEMBER OF THE MILITARY COMMITS A CRIME AND IS ARRESTED BY CIVIL AUTHORITIES, THE MILITARY HAS THE RIGHT TO REQUEST TRANSFER IMMEDIATELY OF THE CASE TO MILITARY JURISDICTION. ALTHOUGH THE MILITARY RETAINS JURISDICTION OVER ITS PERSONNEL, IT HAS BEGUN COOPERATING WITH THE PGR ON INVESTIGATIONS OF COUNTER-NARCOTICS CASES INVOLVING SOLDIERS AND SAILORS, FOR EXAMPLE WITH THE AFOREMENTIONED ARREST OF GENERALS QUIROZ AND ACOSTA.

ON APRIL 17, THE CNDH CONCLUDED THAT ALLEGATIONS THAT THE MILITARY HAD TORTURED OR VIOLATED THE HUMAN RIGHTS OF HILDEGARDO BACILIO GOMEZ AND THE OTHER INCARCERATED MEMBERS OF A MILITARY DISSIDENT GROUP, THE PATRIOTIC COMMAND FOR RAISING PEOPLE'S AWARENESS (CPCP), WERE UNFOUNDED. HOWEVER, CRITICISM OF THE MILITARY JUSTICE SYSTEM CONTINUED.

THE ONLY POLITICAL PRISONER IS GENERAL JOSE FRANCISCO GALLARDO (SEE SECTION 4).

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION PROVIDES FOR THE RIGHTS TO PRIVACY, FAMILY, HOME, AND CORRESPONDENCE, AND THE LAW REQUIRES SEARCH WARRANTS.

IN NOVEMBER 1996, CONGRESS PASSED THE FEDERAL LAW AGAINST ORGANIZED CRIME, WHICH--AMONG OTHER INNOVATIONS--ALLOWS FOR ELECTRONIC SURVEILLANCE WITH A JUDGE'S PERMISSION. THE LAW PROHIBITS ELECTRONIC SURVEILLANCE FOR ELECTORAL, CIVIL, COMMERCIAL, LABOR, OR ADMINISTRATIVE PURPOSES.

ON JULY 19, JOSE MURAT CASAB, GOVERNOR OF OAXACA, ANNOUNCED THAT A ROUTINE CHECK OF HIS OFFICE HAD TURNED UP THREE LISTENING DEVICES. MURAT BLAMED THREE OFFICIALS OF THE FEDERAL SECRETARIAT OF GOVERNMENT, FRANCISCO EDUARDO DE LA VEGA Y AVILA, JOSE TRINIDAD RODRIGUEZ BALLESTEROS, AND OLAF IVAN CORRO LABRA FOR THIS ACT OF ESPIONAGE. THE THREE OFFICIALS LODGED A FEDERAL COMPLAINT AGAINST MURAT FOR CHARACTER DEFAMATION.

ZACATECAS GOVERNOR RICARDO MONREAL AVILA INSTRUCTED STATE ATTORNEY GENERAL GONZALEZ NAVARRO TO OPEN AN INVESTIGATION INTO ALLEGED ELECTRONIC MONITORING OF STATE GOVERNMENT OFFICIALS BY FEDERAL SECURITY AGENTS. IN ADDITION, STATE

POLICE CHIEF MIGUEL ANGEL HERNANDEZ ADVISED STATE REPRESENTATIVES THAT THEY WERE ALL BEING ELECTRONICALLY MONITORED, ALTHOUGH THE FACTUAL BASIS FOR THIS ADVICE WAS UNCLEAR.

THERE WERE NO NEW DEVELOPMENTS REGARDING ALLEGATIONS BY THEN-PRD SENATOR LAYDA SANSORES' IN 1998 THAT THE GOVERNMENT WAS RESPONSIBLE FOR A WIRETAPPING OPERATION AGAINST HER IN CAMPECHE STATE.

THE CONSTITUTION STATES THAT ALL PERSONS HAVE THE RIGHT TO MAKE FREE, RESPONSIBLE, AND INFORMED DECISIONS ON THE NUMBER OF CHILDREN THEY CHOOSE TO HAVE. THE 1984 GENERAL HEALTH LAW PROVIDES FOR CRIMINAL ACTION AGAINST THOSE WHO PRESSURE A WOMAN TO UNDERGO STERILIZATION PROCEDURES OR PERFORM SUCH PROCEDURES WITHOUT A WOMAN'S CONSENT. THERE HAVE BEEN RECENT REPORTS OF POSSIBLE VIOLATIONS OF INFORMED CONSENT STANDARDS WITH CONTRACEPTIVE DRUG USE IN THE STATE OF UNCLAS E F T O SECTION 10 OF 25 MEXICO 008160

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GUERRERO, BUT THESE CHARGES HAVE NOT BEEN SUBSTANTIATED. WOMEN MAY NOT REALIZE THAT PROCEDURES HAVE BEEN PERFORMED UNTIL AFTER THE FACT, AND MANY VICTIMS ARE RELUCTANT TO FILE COMPLAINTS, ALTHOUGH THERE ARE MECHANISMS FOR FILING FORMAL COMPLAINTS WITH THE NATIONAL MEDICAL ARBITRATION COMMISSION AND WITH THE NATIONAL AND STATE HUMAN RIGHTS COMMISSIONS. HOWEVER, IN SOME INDIGENOUS COMMUNITIES WOMEN CHOOSE STERILIZATION, BUT THEN OUT OF FEAR OF REPRISAL FROM THEIR HUSBANDS REPORT THAT IT WAS FORCED UPON THEM OR THAT THEY SIMPLY DID NOT UNDERSTAND THE NATURE OF THE PROCEDURE.

G. QUSE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

UNHCHR ROBINSON SUGGESTED IN NOVEMBER 1999 THAT THE GOVERNMENT CONSIDER CREATING A MILITARY HUMAN RIGHTS OMBUDSMAN TO COMBAT IMPUNITY IN THE ARMED FORCES. CNDH PRESIDENT, JOSE LUIS SOBERANES, RESPONDED THAT HIS AGENCY WAS CAPABLE OF DEALING WITH COMPLAINTS OF VIOLATIONS BY THE MILITARY AND HE ALSO CALLED FOR A RESTRUCTURING OF THE MILITARY. THE SECRETARIAT OF NATIONAL DEFENSE (SEDENA) HAS OFFICES IN CHIAPAS AND GUERRERO, TO DEAL WITH CITIZEN COMPLAINTS OF HUMAN RIGHTS VIOLATIONS. SEDENA, IN COORDINATION WITH THE CNDH AND STATE HUMAN RIGHTS COMMISSIONS, PROVIDES ITS OFFICERS HUMAN RIGHTS TRAINING. HOWEVER, ENLISTED TROOPS DO NOT ALWAYS RECEIVE INSTRUCTION ON HUMAN RIGHTS.

THE PEACE PROCESS IN CHIAPAS BETWEEN THE GOVERNMENT AND THE EZLN HAS NOT MOVED FORWARD DESPITE THE GOVERNMENT'S CALLS TO RESTART THE TALKS PRIOR TO THE FEDERAL ELECTIONS. BOTH PRESIDENT-ELECT VICENTE FOX QUESADA AND CHIAPAS GOVERNOR-ELECT PABLO SALAZAR MENDIGUCHIA HAVE ATTEMPTED TO RENEW DIALOG WITH THE EZLN, WHICH HAS NOT RESPONDED TO DATE.

OUT OF AN OVERALL STRENGTH OF THE MEXICAN ARMY OF 180,000 TROOPS, THE GOVERNMENT MAINTAINS AROUND 20,000 TROOPS IN SELECTED AREAS OF CHIAPAS TO CONTAIN THE EZLN-BACKED UPRISING THAT BEGAN IN 1994, AND ABOUT HALF THAT NUMBER IN GUERRERO TO HANDLE TWO MUCH SMALLER REBEL GROUPS THERE. IN GUERRERO, THE EPR AND THE EPRI MAINTAIN A PRESENCE, BUT WERE INACTIVE IN COMPARISON TO PREVIOUS YEARS. NGOS AND OTHERS HAVE ALLEGED THAT IN THE PROCESS OF DEALING WITH REBELS IN THESE TWO STATES, THE GOVERNMENT USED EXCESSIVE FORCE AND VIOLATED INTERNATIONAL HUMANITARIAN LAW.

FOR EXAMPLE, ON MAY 25, STATE POLICE FORCES AND THE ARMY ENTERED SAN ISIDRO MIRAMAR IN LOXICHA, OAXACA, TO DETAIN ALLEGED MEMBERS OF THE POPULAR REVOLUTIONARY ARMY (EPR). COMMUNITY RESIDENTS CLAIMED THEY WERE HARASSED, BEATEN, AND THREATENED BY POLICE AND MILITARY OFFICERS DURING THE ARREST OF OCTAVIANO HERNANDEZ PACHECO AND ANDRES ENRIQUE HERNANDEZ. SINCE 1996, MORE THAN 70 RESIDENTS OF LOXICHA HAVE BEEN ARRESTED FOR ALLEGED INVOLVEMENT WITH THE EPR. TWENTY-FOUR OF THESE WERE STILL IN PRISON, AS OF JULY. THE MEXICAN LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS HAS DECLARED 11 OF THEM PRISONERS OF CONSCIENCE. IN JULY, AMNESTY INTERNATIONAL CLAIMED THAT THE PRISONERS HAD BEEN SUBJECT TO TORTURE AND DEATH THREATS AND DENOUNCED THE ABSENCE OF DUE PROCESS IN THE HANDLING OF THE CASES. THE CHRISTIAN ACTION FOR THE ABOLITION OF TORTURE HAS DENOUNCED THE USE OF TORTURE AGAINST RESIDENTS OF LOXICHA SINCE 1996.

ARMED CIVILIAN GROUPS, SOME SUPPOSEDLY CONTROLLED OR SPONSORED BY LOCAL POLITICAL BOSSES LOOSELY AFFILIATED WITH THE PRI, WERE ALLEGED TO HAVE COMMITTED MANY HUMAN RIGHTS VIOLATIONS IN CHIAPAS, INCLUDING THE 1997 ACTEAL MASSACRE. NGO'S HAVE IDENTIFIED AT LEAST 15 SUCH GROUPS. SOME NGO'S AND PRESS ACCOUNTS CONTENDED THAT SOME OF THESE GROUPS WERE ARMY SURROGATES ARMED BY THE MILITARY AND USED TO ATTACK THE EZLN. THE GOVERNMENT DENIED THESE ALLEGATIONS AND LIKEWISE REJECTED THE EXISTENCE OF PARAMILITARY GROUPS. ON APRIL 18, THE FEDERAL ATTORNEY GENERAL'S OFFICE OPENED A NEW SPECIAL UNIT TO INVESTIGATE POSSIBLE ARME CIVILIAN GROUPS IN CHIAPAS.

ARMED CIVILIA GROUPS AND LOCAL POLITICAL FACTIONS IN CHIAPA, HAVE ALLEGEDLY COMMITTED MURDERS AND OTHER VILENT INCIDENTS. ON AUGUST 3, AS MANY AS 300 R AS FEW AS 30 MEMBERS OF THE "PEACE AND JUSTICE" ARMED CIVILIAN GROUP FIRED THEIR WEAPONS IN THE AIR, SET OFF FRAGMENTATION GRENADES, AND BURNED AT LEAST SIX HOUSES TO EVICT 90 EZLN SYMPATHIZERS FROM PARAISO, YAJALON MUNICIPALITY, CHIAPAS. THE EVICTION WAS APPARENTLY THE RESULT OF A 1997 LAND DISPUTE.

ON MAY 7, FOUR MASKED MEN KILLED THREE INDIGENOUS PERSONS AND WOUNDED ONE MORE ON THEIR RETURN HOME BY TRUCK TO TZANEMBOLOM, CHENALHO MUNICIPALITY, CHIAPAS. THE SURVIVOR WAS A REPORTED EZLN SYMPATHIZER, WHILE THE DEAD WERE ALL MEMBERS OF THE SAME PRO-GOVERNMENT FAMILY. IT IS UNKNOWN UNCLAS E F T O SECTION 11 OF 25 MEXICO 008160

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WHETHER THE ATTACK WAS POLITICALLY MOTIVATED, THE RESULT OF A FAMILY FEUD, OR A CRIMINAL ACT.

IN JUNE, THE MUNICIPAL AUTHORITIES OF CHENALHO, CHIAPAS, PROMISED TO FACILITATE THE RETURN TO THE AREA OF ALMOST 3,000 DISPLACED MEMBERS OF "THE BEES," A PACIFIST ORGANIZATION THAT SYMPATHIZES WITH SOME OF THE GOALS OF THE EZLN. "THE BEES" HAD BEEN DISPLACED FROM CHENALHO SINCE 1997.

SECTION 2QRESPECT FOR CIVIL LIBERTIES, INCLUDING:

QA.QFREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH AND OF THE PRESS, AND THE GOVERNMENT GENERALLY RESPECTS THESE RIGHTS IN PRACTICE. THE MASS MEDIA ARE NOT SUBJECT TO FORMAL CENSORSHIP BY THE GOVERNMENT. HOWEVER, THERE WERE REPORTS OF SOME SELF-CENSORSHIP. IN ADDITION, THREATS AND ATTACKS ON JOURNALISTS--SOME REPORTEDLY BY FEDERAL, STATE, OR LOCAL AUTHORITIES--HINDERED PRESS FREEDOM. NONETHELESS, THE MEDIA WERE FREER AND MORE INDEPENDENT THAN AT ANY TIME IN THE COUNTRY'S HISTORY. MANY OBSERVERS BELIEVE THAT DRUG TRAFFICKING ORGANIZATIONS OR CORRUPT SECURITY PERSONNEL IN THEIR PAY CARRIED OUT MOST OF THE ATTACKS ON THE MEDIA.

THE GOVERNMENT RETAINS CONTROL OVER BROADCAST LICENSING, WHICH CRITICS CLAIM LED SOME BROADCAST MEDIA TO PRACTICE SELF-CENSORSHIP. THE PERSISTENCE OF OFFICIAL INFLUENCE--AND ITS GREATEST CONCENTRATION--WAS MOST APPARENT IN TELEVISION. INSTEAD OF PAYING A 12.5 PERCENT TAX ON ADVERTISING REVENUES, TELEVISION BROADCASTERS PROVIDED FREE BROADCAST TIME TO THE GOVERNMENT, WHICH GAVE IT CONVENIENT ACCESS TO THIS POWERFUL MEDIUM. OFFICIAL ADVERTISING IN THE MEDIA CONTINUES BUT DISGUIISING IT AS NEWS COVERAGE IS MORE COMMON AT THE STATE THAN AT THE NATIONAL LEVEL.

THE MANY CREDIBLE REPORTS OF ATTACKS ON JOURNALISTS CONSTITUTED THE MOST SERIOUS PROBLEM FOR PRESS FREEDOM. THE COMMITTEE FOR THE PROTECTION OF JOURNALISTS AND MEDIA COMMUNICATIONS REPORTED THAT 1999 SAW A DECLINE IN THE NUMBER OF AGGRESSIONS AGAINST JOURNALISTS; FROM 202 IN 1998

TO 135 IN 1999.

THERE WERE NO NEW DEVELOPMENTS IN THE 1999 HARASSMENT CASES OF SERGIO HARO CORDERO OR JESUS BARRAZA ZAVALA.

THERE WAS NO INFORMATION AVAILABLE ABOUT THE MEXICO CITY ATTORNEY GENERAL'S OFFICE'S (PGJDF) INVESTIGATION OF THE FEBRUARY 1998 KILLING OF LUIS MARIO GARCIA RODRIGUEZ, A REPORTER FOR THE MEXICO CITY DAILY NEWSPAPER "LA TARDE."

ON AUGUST 14, THE CNDH RECOMMENDED THAT THE CENTER FOR INVESTIGATION AND NATIONAL SECURITY (CISEN) INVESTIGATE AND SANCTION AGENT ABRAHAM PONCE CALVO FOR VIOLATING THE PRIVACY RIGHTS OF MIGUEL BADILLO CRUZ, A COLUMNIST FOR THE NEWSPAPER "EL UNIVERSAL," AND HIS WIFE. BADILLO COMPLAINED THAT ON JUNE 13 AND 14 PONCE HAD TRACKED HIS WIFE'S MOVEMENTS FROM HIS CAR. PONCE DENIED THE ALLEGATIONS, STATING THAT FROM JUNE 12 TO 15 HE WAS IN A DIFFERENT LOCATION INVESTIGATING ORGANIZED CRIME.

ON JUNE 15, MEN DRESSED IN POLICE UNIFORMS KIDNAPED FREDDY SECUNDINO SANCHEZ, A WRITER FROM THE MAGAZINE EPOCA, OUTSIDE HIS HOME IN CIUDAD JUAREZ, CHIHUAHUA. THE MEN DROVE HIM AROUND IN A TAXI WHILE THEY BEAT AND THREATENED HIM AT GUNPOINT BEFORE RELEASING HIM. ON JUNE 7, SANCHEZ RECEIVED A DEATH THREAT VIA TELEPHONE.

ON JUNE 22, UNKNOWN MEN OPENED FIRE ON LILY TELLEZ, A HIGH-PROFILE NEWS ANCHOR AND REPORTER FOR THE NATIONAL NETWORK TV AZTECA, WHILE SHE WAS DRIVING ON THE MEXICO CITY BELTWAY. TELLEZ WAS UNINJURED, BUT HER CHAUFFEUR AND TWO BODYGUARDS WERE WOUNDED. THE MOTIVE FOR THE ATTACK IS UNKNOWN, BUT SPECULATION HAS FOCUSED ON TELLEZ'S INVESTIGATIVE REPORTING ON NARCOTICS AND THE FRANCISCO STANLEY MURDER CASE.

TELEVISION NEWS INDEPENDENCE HAS BEEN ENHANCED BY GREATER POLITICAL PLURALISM, GENERATIONAL CHANGE IN MEDIA LEADERSHIP, AND GROWING COMPETITION FOR ADVERTISERS AND VIEWERS, WHICH CONTINUED TO SEPARATE GOVERNMENT AND MEDIA INTERESTS. MOREOVER, AS MUCH OF THE NATIONAL MEDIA DEVELOPED HIGHER JOURNALISTIC STANDARDS AND INDEPENDENCE OVER THE PAST 10 YEARS, GOVERNMENT INFLUENCE DECLINED. THE MEDIA SHOWED A HIGH DEGREE OF EDITORIAL INDEPENDENCE, PARTICULARLY IN THE CAPITAL AND OTHER MAJOR URBAN CENTERS. DIRECT CRITICISM OF THE GOVERNMENT, ESPECIALLY IN RADIO AND THE PRINT MEDIA, WAS SEVERE AND FREQUENT.

THE ROLE OF THE MEDIA IN THE ELECTORAL PROCESS WAS AN ISSUE IN THE MEXICAN PRESIDENTIAL ELECTIONS THIS YEAR. BECAUSE OF CONCERN THAT MEDIA FAVORED THE RULING PRI PARTY IN PAST UNCLAS E F T O SECTION 12 OF 25 MEXICO 008160

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ELECTIONS, BOTH THE FEDERAL ELECTORAL INSTITUTE (IFE) AND THE NEWSPAPER REFORMA MONITORED MEDIA ACCESS FOR EACH OF THE CANDIDATES, ESPECIALLY BROADCAST MEDIA. THE RESULTING ANALYSIS SHOWED THAT THE NATIONAL COVERAGE WAS BASICALLY BALANCED, ALTHOUGH THE RULING PARTY RECEIVED MORE FAVORABLE COVERAGE IN THE RURAL AREAS. THE MONITORING AND THE REGULAR PUBLICATION OF THE RESULTS SERVED AS A USEFUL CHECK ON ANY ATTEMPTS TO INFLUENCE THE ELECTIONS THROUGH MEDIA ACCESS.

IN ADDITION, IN THE MIDDLE OF THE CAMPAIGN, THE GOVERNMENT ATTEMPTED TO CHANGE THE PROCEDURES FOR THE DISTRIBUTION OF GOVERNMENT PUBLICITY PLACED IN MEDIA, PLACING CONTROL OF ALL GOVERNMENT ADVERTISING IN THE HANDS OF THE SECRETARIAT OF GOVERNMENT, WHICH WOULD THEN FUNNEL THE ADVERTISING THROUGH THE GOVERNMENT-OWNED NOTIMEX NEWS SERVICE. MEDIA OUTLETS PROTESTED, VOICING CONCERN THAT SPENDING DECISIONS WOULD BE BASED ON POLITICAL CONSIDERATIONS. THE GOVERNMENT RETRACTED ITS PLAN AND REVERTED TO THE SYSTEM WHERE EACH GOVERNMENT ENTITY WAS RESPONSIBLE FOR ITS OWN PAID ADVERTISING.

THE CONSTITUTION RECOGNIZES ACADEMIC FREEDOM IN HIGHER EDUCATION, AND THE GOVERNMENT RESPECTED THIS PROVISION IN PRACTICE. IN APRIL 1999, A STUDENT "STRIKE" AT THE NATIONAL AUTONOMOUS UNIVERSITY OF MEXICO (UNAM) TO PROTEST A PROPOSED TUITION INCREASE SHUT DOWN THE UNIVERSITY. ON FEBRUARY 6, FEDERAL PREVENTIVE POLICE (PFP) ENDED WITHOUT THE USE OF FORCE THE NINE-MONTH LONG CAMPUS OCCUPATION AND REMOVED STRIKING STUDENTS, WHICH ALLOWED CLASSES TO START AGAIN ON FEBRUARY 14. CLASSES WERE DISRUPTED ONCE AGAIN HOWEVER, WHEN ON MARCH 6 STRIKERS REOCCUPIED THE UNIVERSITY ADMINISTRATION BUILDING AND DEMANDED THE RELEASE FROM PRISON OF FELLOW STRIKERS. ON APRIL 14, AT THE REQUEST OF UNAM RECTOR JUAN RAMON DE LA FUENTE, 3,000 PFP PERSONNEL ARMED WITH BATONS AND RIOT SHIELDS POSITIONED THEMSELVES IN AND AROUND THE UNAM CAMPUS TO FORESTALL A STRIKERS' RE-OCCUPATION OF THE CAMPUS DURING EASTER VACATION. THE PFP WAS LATER REMOVED. ON JUNE 7, THE PGR RELEASED ON BAIL THE LAST SIX JAILED STRIKE LEADERS. SOME HUMAN RIGHTS GROUPS MAINTAIN THAT THE PFP VIOLATED STUDENTS' RIGHTS DURING THEIR ARRESTS AND MANY PEOPLE EXPRESSED CONCERN OVER THE PFP'S "PEACEKEEPING" PRESENCE ON CAMPUS.

#### QB.QFREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR THE RIGHT OF ASSEMBLY, AND THE GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. THE ONLY REQUIREMENT FOR HOLDING DEMONSTRATIONS IS THAT GROUPS THAT WISH TO MEET IN PUBLIC AREAS MUST INFORM LOCAL POLICE AUTHORITIES IN ADVANCE. ORGANIZED, PEACEFUL DEMONSTRATIONS OCCUR FREQUENTLY THROUGHOUT THE COUNTRY.

THE POLICE SHOWED RESTRAINT AND AVOIDED CONFRONTATION WITH UNAM STUDENT STRIKERS, WHO CONDUCTED PERIODIC MARCHES THROUGH THE STREETS OF MEXICO CITY (SEE SECTION 2.A.).

ACCORDING TO THE NGO GENERAL OFFICE OF CITIZENSHIP PARTICIPATION AND SOCIAL CONDUCT, IN THE FIRST HALF OF 2000, ON THE NATIONAL LEVEL THERE WERE 83 MARCHES WITH 291,560 PARTICIPANTS AND 58 BLOCKAGES WITH 54,552 PARTICIPANTS. IN MEXICO CITY THERE WERE 43 MARCHES WITH 13,255 PARTICIPANTS, AND 60 BLOCKAGES WITH 10,990 PARTICIPANTS.

THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION, AND THE GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. POLITICAL PARTIES, OPPOSITION, AND INDEPENDENT ASSOCIATIONS FUNCTIONED FREELY WITHOUT GOVERNMENT INTERFERENCE OR RESTRICTION. THE FEDERAL ELECTORAL CODE RECOGNIZES NATIONAL POLITICAL PARTIES AS WELL AS POLITICAL ASSOCIATIONS. POLITICAL ASSOCIATIONS CAN PARTICIPATE IN ELECTIONS THROUGH AN AGREEMENT WITH A POLITICAL PARTY BUT ARE NOT ALLOWED TO USE THEIR NAMES OR SYMBOLS DURING THE ELECTION CAMPAIGNS. POLITICAL PARTIES DO NOT HAVE LEGAL STATUS UNTIL THEY RECEIVE THEIR OFFICIAL DESIGNATION FROM THE FEDERAL ELECTORAL INSTITUTE (IFE). THE IFE CURRENTLY RECOGNIZES 8 POLITICAL PARTIES AND 31 POLITICAL GROUPS. THREE PARTIES LOST THEIR REGISTER AS A RESULT OF THE 2000 ELECTION BECAUSE THEY OBTAINED LESS THAN 2 PERCENT OF THE VOTE.

CITIZENS ARE FREE TO ASSOCIATE AND MAY FORM PRIVATE OR CHARITABLE ASSOCIATIONS. HOWEVER, IN 1998 THE MEXICO CITY LEGISLATURE PASSED A LAW THAT GAVE THE CITY GOVERNMENT MORE INFLUENCE OVER PRIVATE CHARITIES. AS MANY AS 7,500 NGO'S ACTIVE IN THE COUNTRY ARE AN IMPORTANT AND VOCAL PART OF CIVIL SOCIETY. THE GOVERNMENT WAS ACCUSED OF HARASSING NGO'S, ESPECIALLY IN THE STATE OF CHIAPAS (SEE SECTION 4).

#### QC.QFREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR THE RIGHT TO PRACTICE THE RELIGION OF ONE'S CHOICE. THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE WITH SOME GOVERNMENT REGULATIONS. IN NOVEMBER 1998, THE GOVERNMENT AND REPRESENTATIVES OF MANY UNCLAS E F T O SECTION 13 OF 25 MEXICO 008160

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RELIGIOUS DENOMINATIONS SIGNED A RELIGIOUS CODE OF CONDUCT THAT REAFFIRMS FREEDOM OF RELIGION. THE LAW BARS THE CLERGY FROM HOLDING PUBLIC OFFICE AND FROM ADVOCATING PARTISAN POLITICAL VIEWS.

TO VISIT THE COUNTRY FOR RELIGIOUS PURPOSES, FOREIGN RELIGIOUS WORKERS MUST SECURE GOVERNMENT PERMISSION. ALTHOUGH THE GOVERNMENT LIMITS THE NUMBER OF VISAS EACH RELIGIOUS GROUP IS ALLOWED, IT HAS GRANTED VISAS TO 25,761 FOREIGN RELIGIOUS WORKERS SINCE 1994, 2,555 OF THEM IN THE

FIRST SIX MONTHS OF 2000. SOME RELIGIOUS GROUPS ALLEGE THAT IT IS GOVERNMENT POLICY TO KEEP FOREIGN RELIGIOUS PRACTITIONERS OUT OF CHIAPAS AND OAXACA, THUS MAKING IT MORE DIFFICULT FOR RELIGIOUS WORKERS GOING TO THOSE STATES TO OBTAIN VISAS. THE GOVERNMENT MAINTAINS THAT IT DOES NOT DENY VISAS BASED ON RELIGION, AND DOES NOT EXPEL RELIGIOUS WORKERS BASED ON THEIR RELIGIOUS ACTIVITIES. RATHER THE GOVERNMENT ARGUES THAT FOREIGN RELIGIOUS WORKERS HAVE BEEN EXPELLED FOR INAPPROPRIATE POLITICAL BEHAVIOR.

THE GOVERNMENT LIFTED ALMOST ALL RESTRICTIONS ON RELIGION IN 1992. CATHOLICS, AS WELL AS MEMBERS OF OTHER FAITHS, MAINTAIN THEIR OWN SCHOOLS. ON SEPTEMBER 11, THE SECRETARIAT OF PUBLIC EDUCATION (SEP) ANNOUNCED THAT IN THE LAST DECADE MATRICULATION IN PRIVATE SCHOOLS HAS GROWN BY 37 PERCENT. THE CATHOLIC CHURCH ASSERTS THAT THE GOVERNMENT REGULATES HOW ITS SCHOOLS ARE RUN AND THE RAISING AND SPENDING OF FUNDS. ANY RELIGIOUS GROUP'S ABILITY TO OWN AND OPERATE MASS MEDIA IS LIMITED.

TO OBTAIN LEGAL STATUS, RELIGIOUS ORGANIZATIONS MUST REGISTER WITH THE OFFICE OF RELIGIOUS AFFAIRS IN THE SECRETARIAT OF GOVERNMENT. SINCE 1992 OVER 5,650 RELIGIOUS ASSOCIATIONS HAVE BEEN REGISTERED.

RELATIONS WERE DIFFICULT BETWEEN THE CATHOLIC DIOCESE OF SAN CRISTOBAL DE LAS CASAS, CHIAPAS, AND THE GOVERNMENT DURING THE TENURE OF BISHOP SAMUEL RUIZ, WHICH ENDED IN APRIL 2000. THE GOVERNMENT BLAMED SAMUEL RUIZ FOR EXACERBATING ITS PROBLEMS WITH THE EZLN AND THE INTERNATIONAL HUMAN RIGHTS COMMUNITY (SEE SECTION 1.G.). THE DIOCESE COMPLAINED THAT ITS LAY CATECHISTS WERE THREATENED AND HARASSED, AND THAT FOREIGN CLERGY WORKING FOR THE DIOCESE COULD NOT HAVE THEIR VISA STATUS CLARIFIED.

THE NON-CATHOLIC CHRISTIAN POPULATION GREW IN CAMPECHE, CHIAPAS, YUCATAN, AND ALONG THE NORTHERN BORDER. MORE THAN 100 EVANGELICAL CHILDREN IN SIX NEARBY COMMUNITIES HAVE BEEN DENIED ACCESS TO LOCAL PUBLIC SCHOOLS SINCE 1994. (SEE SECTION 5). IN CERTAIN INDIGENOUS COMMUNITIES PRACTICING TRADITIONAL, SYNCRETIST RELIGION, A LONG HISTORY OF RELIGIOUS INTOLERANCE AND EXPULSIONS EXISTS. IN THESE COMMUNITIES, RELIGIOUS DIVERSITY IS VIEWED AS A THREAT TO INDIGENOUS CULTURE. (SEE SECTION 5).

THE GOVERNMENT WAS STILL INVESTIGATING THE CASE OF 13 PROTESTANTS ARRESTED IN MITZITON, CHIAPAS IN JUNE 1999, BUT REPORTED NO NEW FINDINGS ON THE CASE.

#### D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES FOR THE RIGHT OF FREE MOVEMENT, AND THE GOVERNMENT DOES NOT RESTRICT THE MOVEMENT OF ITS CITIZENS INTO, OUT OF, OR WITHIN THE COUNTRY, EXCEPT IN CHIAPAS WHERE THE GOVERNMENT ATTEMPTS TO KEEP PERSONS AWAY FROM EZLN AREAS.

IN PARTS OF CHIAPAS, THE ARMY AND FEDERAL IMMIGRATION AUTHORITIES MAINTAIN STRICT CHECKPOINTS TO STEM ILLEGAL IMMIGRATION AND TO VERIFY THAT PERSONS WITH TOURIST VISAS ARE ENGAGED IN TOURIST ACTIVITIES. CHURCH AND HUMAN RIGHTS ACTIVISTS CLAIM THAT WITH THESE CHECKPOINTS THE GOVERNMENT IS FOSTERING A XENOPHOBIC CLIMATE. IN ADDITION, CHURCH GROUPS COMPLAIN ABOUT LEGAL REQUIREMENTS FOR VISITING FOREIGN RELIGIOUS WORKERS (SEE SECTION 2.C.).

CORRUPT POLICE SOMETIMES VIOLATED THE RIGHTS OF ILLEGAL IMMIGRANTS. IN MAY 2000, THE CNDH DENOUNCED THE MISTREATMENT OF CENTRAL AMERICAN MIGRANTS BY MEXICAN AUTHORITIES AND SOCIETY. STUDIES CONDUCTED BY THE COLLEGE OF MEXICO INDICATE THAT HUMAN RIGHTS VIOLATIONS AGAINST CENTRAL AMERICAN MIGRANTS WERE ON THE RISE. ON MAY 2, THE NEWSPAPER "LA JORNADA" REPORTED THAT APPROXIMATELY 2,455 COMPLAINTS OF HUMAN RIGHTS VIOLATIONS HAD BEEN FILED BY CENTRAL AMERICAN MIGRANTS IN 1999.

THERE WERE INCIDENTS IN WHICH ILLEGAL IMMIGRANTS EITHER WERE HARASSED OR INJURED. IN ONE INCIDENT ON APRIL 11, 2000, MEMBERS OF THE STATE AUXILIARY POLICE AND FEDERAL JUDICIAL POLICE ARRESTED SEVEN INDIGENOUS RESIDENTS OF OAXACA STATE UNCLAS E F T O SECTION 14 OF 25 MEXICO 008160

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IN A BUS TERMINAL, MISTAKING THEM FOR ILLEGAL GUATEMALAN MIGRANTS. AFTER BEING INTERROGATED BY FEDERAL AND STATE AUTHORITIES, THEY WERE RELEASED. ON APRIL 13, 2000, THE CNDH OPENED AN INQUIRY INTO THE VICTIMS' CLAIM OF CULTURAL DISCRIMINATION.

ON JULY 30, IN ECATEPEC, MEXICO STATE, AUXILIARY POLICE ALLEGEDLY BEAT FOUR CENTRAL AMERICAN MIGRANTS HIDING IN A RAIL CAR (SEE SECTION 1.C.).

THERE WAS NO NEW INFORMATION AVAILABLE ABOUT THE ALLEGED BEATING IN MARCH 1999 OF FOUR INTENDING IMMIGRANTS NEAR MEXICALI, BAJA CALIFORNIA, BY FEDERAL FISCAL POLICE.

THERE WERE ALSO CREDIBLE REPORTS THAT POLICE, IMMIGRATION, AND CUSTOMS OFFICIALS WERE INVOLVED IN THE TRAFFICKING OF ILLEGAL MIGRANTS (SEE SECTION 6.F.).

THE LAW PROTECTS FOREIGNERS WHO MIGHT FACE POLITICAL PERSECUTION IF THEY WERE TO RETURN TO THEIR COUNTRIES OF ORIGIN. THE GOVERNMENT ACCEPTS THE PRINCIPLE OF FIRST ASYLUM AND REVIEWS EACH CLAIM ON A CASE-BY-CASE BASIS WITH THE ASSISTANCE OF THE OFFICE OF THE U.N. HIGH COMMISSIONER

FOR REFUGEES (UNHCR). IN JUNE 1999, UNHCR CHIEF SADAKO OGATA VISITED MEXICO AND SIGNED AGREEMENTS WITH THE GOVERNMENT TO STRENGTHEN PROTECTION FOR REFUGEES.

THERE WERE NO REPORTS OF THE FORCED RETURN OF PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

SECTION 3QRESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTION GIVES CITIZENS THE RIGHT TO CHANGE THEIR GOVERNMENT PEACEFULLY THROUGH PERIODIC ELECTIONS. AS A RESULT OF ELECTORAL REFORMS APPROVED AND IMPLEMENTED IN RECENT YEARS, THE POLITICAL AND ESPECIALLY THE ELECTORAL PROCESS HAVE BECOME MORE TRANSPARENT. ELECTIONS ARE OPEN AND GENERALLY FAIR, ALTHOUGH SOME ABUSES CONTINUE TO OCCUR. PRIOR TO THE JULY 2 PRESIDENTIAL ELECTIONS, THE PRI HAD DOMINATED POLITICS, CONTROLLED THE FEDERAL GOVERNMENT, AND WON EVERY PRESIDENTIAL ELECTION, SINCE ITS FOUNDING IN 1929. HOWEVER, IN A HISTORIC ELECTION VICENTE FOX, A MEMBER OF THE NATIONAL ACTION PARTY AND PRESIDENTIAL CANDIDATE OF THE ALLIANCE FOR CHANGE COALITION, GARNERED 43.3% OF THE VOTE ON JULY 2, TO WIN THE PRESIDENCY.

THE LEGISLATURE AMENDED THE CONSTITUTION TO ALLOW THE 9 MILLION CITIZENS ELECTORS RESIDENT OVERSEAS TO VOTE IN NATIONAL ELECTIONS. HOWEVER, DIFFERENCES OVER THE COSTS AND REQUIREMENTS FOR VOTING PREVENTED THE SENATE PASSAGE OF THE REQUIRED IMPLEMENTING LEGISLATION FOR THE 2000 ELECTION.

PRESIDENTS ARE ELECTED EVERY 6 YEARS AND CANNOT BE REELECTED. PRESIDENT ERNESTO ZEDILLO IS CREDITED WITH INITIATING MAJOR REFORMS TO THE NATIONAL ELECTORAL PROCESS. NOT ONLY DID HE SUPPORT LEGISLATION MAKING THE IFE AN INDEPENDENT AGENCY, HE ALSO DECLINED TO HAND-PICK HIS PARTY'S CANDIDATE FOR THE PRESIDENTIAL ELECTION IN 2000. INSTEAD, THE PRI ORGANIZED A MULTI-CANDIDATE PRIMARY.

IN THE CHAMBER OF DEPUTIES, THE PRI HOLDS 211 SEATS, THE PAN 207, THE PRD 50, THE GREEN ECOLOGIST PARTY (PVEM) 17, THE LABOR PARTY (PT) 7, DEMOCRACY CONVERGENCE (CD) 3, THE NATIONALIST SOCIETY PARTY (PSN) 3, AND THE SOCIAL ALLIANCE PARTY (PAS) 2. THE PRI HOLDS 59 SEATS IN THE SENATE, THE PAN 45, THE PRD 17, THE PT 1, PVEM 1, AND CD 1. LEGISLATORS CAN CHANGE THEIR PARTY AFFILIATION.

ON THE STATE LEVEL, THE PRI GOVERNS 19 STATES, THE PAN 8, THE PRD 1, PRD-PT COALITIONS 3, AND PAN-PRD LED COALITIONS 2. ON THE MUNICIPAL LEVEL, OPPOSITION STRENGTH IS WELL ESTABLISHED. THE PRD GOVERNS THE FEDERAL DISTRICT AND THE PAN GOVERNS 13 OF THE 20 LARGEST METROPOLITAN AREAS.

ON AUGUST 20, CHIAPAS VOTERS GAVE OPPOSITION ALLIANCE FOR CHIAPAS CANDIDATE PABLO SALAZAR MENDIGUCHIA A DECISIVE VICTORY OVER THE PRI'S SAMI DAVID DAVID. AS DURING THE FEDERAL ELECTIONS, THE ARMY WAS CONFINED TO BARRACKS AND THE POLICE PRESENCE WAS RESTRAINED. ALTHOUGH THERE WERE REPORTS OF MINOR, ISOLATED IRREGULARITIES, VOTING WENT SMOOTHLY

GENERALLY, AND THE SANCTITY OF THE BALLOT WAS RESPECTED. IN HIS VICTORY SPEECH, SALAZAR SUPPORTED THE DEMILITARIZATION OF CHIAPAS AND THE INTRODUCTION IN CONGRESS OF THE CONGRESSIONAL CHIAPAS PEACE COMMISSION (COCOPA) DRAFT LEGISLATION BASED ON THE 1996 SAN ANDRES ACCORDS BETWEEN THE EZLN AND THE FEDERAL GOVERNMENT.

THE FEDERAL ELECTORAL INSTITUTE (IFE), OPERATING WITH FULL AUTONOMY, ARRANGED THE JULY 2 FEDERAL ELECTIONS, THE FAIREST AND BEST ORGANIZED ELECTIONS IN THE COUNTRY'S HISTORY. THE IFE IMPLEMENTED THE EXTENSIVE CONSTITUTIONAL AND LEGISLATIVE UNCLAS E F T O SECTION 15 OF 25 MEXICO 008160

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SENSITIVE BUT UNCLASSIFIED - NOFORN

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REFORMS PASSED IN 1996 TO HELP PREVENT ELECTORAL FRAUD AND TO CREATE MORE UNIFORM CONDITIONS FOR POLITICAL PARTY PARTICIPATION BY REGULATING CAMPAIGN FINANCE, ADVERTISING, AND OTHER AREAS. IT STANDARDIZED THE VOTER REGISTRATION LIST AND RECRUITED AND TRAINED THOUSANDS OF CIVIL VOLUNTEERS TO SERVE AS INDEPENDENT ELECTORAL WORKERS AT THE VOTING BOOTHS. THE IFE ALSO HAS PROVIDED SUPPORT TO STATE ELECTORAL INSTITUTES IN RUNNING STATE AND LOCAL ELECTIONS AND WAS INSTRUMENTAL IN OVERHAULING ELECTORAL DISTRICT BOUNDARIES TO REFLECT DEMOGRAPHIC SHIFTS.

ALTHOUGH THERE ARE NO LEGAL IMPEDIMENTS TO THEIR FULL PARTICIPATION, WOMEN ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. THE ELECTORAL CODE SAYS NO MORE THAN 70 PERCENT OF CANDIDATES CAN BE OF THE SAME GENDER. HOWEVER, ALL POLITICAL PARTIES ARE ATTEMPTING TO INCREASE THE NUMBER OF WOMEN WHO RUN FOR ELECTED OFFICE. THEY HAVE UTILIZED QUOTAS REQUIRING THAT A CERTAIN PERCENTAGE OF CANDIDATES ON A PARTY LIST BE FEMALE. IN PRACTICE HOWEVER, WOMEN ARE MORE OFTEN PUT FORWARD AS SUBSTITUTE (SUPLENTE) CANDIDATES WHO HAVE LITTLE CHANCE OF SERVING UNLESS THE TITULAR CANDIDATE LEAVES OFFICE. THE PRD LEADERSHIP IS 22 PERCENT FEMALE, 24 PERCENT OF ITS REPRESENTATIVES AND 13 PERCENT OF ITS SENATORS ARE FEMALE, AND IT HAS A FEMALE PARTY PRESIDENT. THE PAN HAS PREFERRED MORE INFORMAL METHODS TO INCREASE FEMALE REGISTRATION. NONETHELESS, 23 PERCENT OF ITS LEADERSHIP IS FEMALE, AND 11 PERCENT OF ITS SENATORS AND REPRESENTATIVES ARE FEMALE. PRI PARTY RULES MANDATE THAT A CERTAIN NUMBER OF ITS CANDIDATES BE WOMEN. TWELVE PERCENT OF THE PARTY LEADERSHIP, INCLUDING ITS PRESIDENT, IS FEMALE. FIFTEEN PERCENT OF BOTH ITS REPRESENTATIVES AND SENATORS ARE FEMALE.

WOMEN HOLD APPROXIMATELY 16 PERCENT OF THE SEATS IN THE CONGRESS. NO WOMEN SERVE AS GOVERNORS, ALTHOUGH THEY HAVE IN THE PAST. A WOMAN, ROSARIO ROBLES, SERVED AS HEAD OF GOVERNMENT OF THE FEDERAL DISTRICT FROM SEPTEMBER 1999 TO

DECEMBER 2000. NO WOMEN SERVE AS JUSTICES ON THE SUPREME COURT. OF THE 48 LEGISLATIVE ASSEMBLY DELEGATES IN MEXICO CITY, 11 WERE WOMEN.

CONSTITUTIONAL CHANGES IN 1996 EXPANDED THE RIGHTS OF INDIGENOUS PEOPLE TO ELECT REPRESENTATIVES TO LOCAL OFFICE ACCORDING TO "USAGES AND CUSTOMS," RATHER THAN STANDARD ELECTORAL LAW. ONLY THE STATES OF OAXACA AND QUINTANA ROO HAVE ENACTED THE IMPLEMENTING LEGISLATION. THESE CUSTOMS VARY FROM VILLAGE TO VILLAGE. IN SOME VILLAGES, WOMEN HAVE NEITHER THE RIGHT TO VOTE NOR TO HOLD OFFICE. IN OTHERS, THEY CAN VOTE BUT NOT HOLD OFFICE. WOMEN WERE EXCLUDED FROM THE POLITICAL PROCESS BY "USAGES AND CUSTOMS" IN OAXACA STATE AND EXPECTED TO FACE THE SAME PHENOMENON IN THE STATE OF QUINTANA ROO.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

A WIDE VARIETY OF HUMAN RIGHTS GROUPS OPERATE LARGELY WITHOUT GOVERNMENT RESTRICTION, INVESTIGATING ALLEGATIONS OF HUMAN RIGHTS ABUSES AND PUBLISHING THEIR FINDINGS ON HUMAN RIGHTS CASES. ALTHOUGH OFFICIALS GENERALLY HAVE BECOME MORE COOPERATIVE AND RESPONSIVE TO NGO VIEWS, THE GOVERNMENT ENFORCED ITS CONSTITUTIONAL PROHIBITION ON FOREIGNERS ENGAGING IN POLITICAL ACTIVITIES.

AFTER THE DECEMBER 1997 ACTEAL MASSACRE, FOREIGN CONCERN OVER CHIAPAS INCREASED SIGNIFICANTLY, AND MANY FOREIGNERS AND MEMBERS OF HUMAN RIGHTS GROUPS TRAVELED TO THAT AREA, OFTEN ON TOURIST VISAS, TO LEARN FIRST-HAND ABOUT CONDITIONS THERE AND TO OBSERVE THE HUMAN RIGHTS SITUATION AND DONATE SUPPLIES. HOWEVER, WHEN INDIVIDUAL FOREIGN ACTIVISTS IN CHIAPAS ACTED IN WAYS THAT THE GOVERNMENT CONSIDERED POLITICAL AND INCONSISTENT WITH THEIR TOURIST STATUS, THE GOVERNMENT ISSUED A LETTER OF DEPARTURE TO THOSE INDIVIDUALS REQUIRING THEM TO LEAVE THE COUNTRY UPON EXPIRATION OF THEIR VISAS.

ON JULY 4, DEPUTY SECRETARY OF GOVERNMENT JOSE ANGEL PESCADOR OSUNA ANNULLED THE TWO-YEAR EXPULSION OF TOM HANSEN, DIRECTOR OF MEXICO SOLIDARITY NETWORK, AND AGREED TO RECONSIDER THE EXPULSIONS OF 400 OTHER HUMAN RIGHTS ACTIVISTS, PRIESTS, AND FOREIGN DEVELOPMENT VOLUNTEERS. HANSEN WAS GRANTED A 15-DAY ELECTION OBSERVER VISA ON JUNE 30.

IN 1998, THE NATIONAL MIGRATION INSTITUTE (INM) BEGAN TO REQUIRE THAT PERSONS WISHING TO ENTER THE COUNTRY TO MONITOR THE HUMAN RIGHTS SITUATION APPLY 30 DAYS IN ADVANCE. INM PLACED A 10-DAY LIMIT ON THEIR VISITS, SET A LIMIT OF 10 VISITORS PER NGO, AND REQUIRED THAT VISITORS SUBMIT A DETAILED ITINERARY AND AGENDA. DOMESTIC AND FOREIGN NGO'S OBJECT THAT THESE NEW VISA REQUIREMENTS ACTUALLY RESTRICT HUMAN RIGHTS MONITORING AND GIVE THE GOVERNMENT THE RIGHT TO UNCLAS E F T O SECTION 16 OF 25 MEXICO 008160

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DECIDE WHICH HUMAN RIGHTS ORGANIZATIONS ARE LEGITIMATE. WHILE GOVERNMENT OFFICIALS PROMISED THAT THE PROCESS WOULD IMPROVE ACCESS FOR HUMAN RIGHTS OBSERVERS, THE EFFECT HAS BEEN THE OPPOSITE. HUMAN RIGHTS OBSERVERS REPORTED THAT THE PROCESS IS DIFFICULT, COMPLEX, RARELY RESULTS IN VISA ISSUANCE, AND INTERFERES SIGNIFICANTLY WITH THEIR ABILITY TO MONITOR HUMAN RIGHTS VIOLATIONS. ONE HUNDRED APPLICATIONS FOR HUMAN RIGHTS OBSERVER VISAS WERE MADE IN 1999 AND 95 WERE ISSUED. AS OF SEPTEMBER 15, 155 APPLICATIONS WERE MADE AND 74 WERE ISSUED.

NGO'S REPORTED THAT HUMAN RIGHTS WORKERS IN SEVERAL STATES RECEIVED DEATH THREATS WHILE WORKING ON CASES THAT IMPLICATED GOVERNMENT OFFICIALS. ON JUNE 13, ARTURO SOLIS, PRESIDENT OF THE CENTER OF BORDER STUDIES AND THE PROMOTION OF HUMAN RIGHTS, PUBLICLY ACCUSED FEDERAL IMMIGRATION AGENTS IN TAMAULIPAS OF INVOLVEMENT IN ILLEGAL IMMIGRANT TRAFFICKING. HE HAS SINCE RECEIVED NUMEROUS DEATH THREATS. THE CASE IS UNDER INVESTIGATION BY SECRETARIAT OF GOVERNMENT, THE NATIONAL HUMAN RIGHTS COMMISSION, AND A CONGRESSIONAL COMMISSION.

THERE WERE NO NEW DEVELOPMENTS IN THE INVESTIGATION INTO THE 1999 THREATS, HARASSMENT, AND ATTACKS AGAINST PRODH AND HUMAN RIGHTS LAWYER DIGNA OCHOA. MEXICO CITY JUDICIAL POLICE PROVIDE PROTECTION FOR OCHOA WHILE SHE IS WITHIN THE CITY LIMITS.

ON AUGUST 3, IN OAXACA, OAXACA, THE HOME OF ANGELICA AYALA ORTIZ, VICE-PRESIDENT OF THE MEXICAN LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS, WAS ROBBED. MISSING WERE AYALA'S COMPUTER, RECORDING EQUIPMENT, AND THE NEW TELEVISION AND VIDEO-RECORDER THAT REPLACED SIMILAR ONES STOLEN FROM HER HOME LAST YEAR. ASSERTING THAT THE ROBBERY WAS AN ACT OF INTIMIDATION, AYALA, WHO WORKS ON INDIGENOUS RIGHTS ISSUES, LODGED A COMPLAINT WITH THE STATE ATTORNEY GENERAL'S OFFICE, WHICH IS NOW INVESTIGATING.

IN AUGUST, ELEMENTS OF THE MEXICAN ARMY ALLEGEDLY BEGAN HARASSING HILDA NAVARRETE GORJAN, DIRECTOR OF THE HUMAN RIGHTS NGO THE VOICE OF THOSE WITHOUT A VOICE IN COYUCA DE BENITEZ, GUERRERO. ON AUGUST 18, MILITARY PERSONNEL WERE PARKED IN VEHICLES OUTSIDE NAVARRETE'S OFFICE WITH ARMS POINTED IN THE DIRECTION OF HER BUILDING. ON AUGUST 23, UNKNOWN PERSONS BROKE INTO THE OFFICE AND STOLE COMPUTER AND VIDEO EQUIPMENT.

THE NATIONAL HUMAN RIGHTS COMMISSION (CNDH), ESTABLISHED BY THE GOVERNMENT IN 1990, HAS STEADILY IMPROVED ITS

CREDIBILITY. FOR EXAMPLE, AS OF 2000, THE SENATE, INSTEAD OF THE PRESIDENT, APPOINTS THE COMMISSION'S PRESIDENT. ALTHOUGH MOST NGO'S HAVE A FAVORABLE OPINION OF THE CNDH, MANY ARE CRITICAL OF ITS METHOD OF PRESENTING INFORMATION, ESPECIALLY THE REPORTING OF COMPLIANCE WITH RECOMMENDATIONS. NGO'S ALSO CRITICIZED THE CNDH'S RELIANCE ON FORMER GOVERNMENT SECURITY OR JUDICIAL PERSONNEL AS INVESTIGATORS OF HUMAN RIGHTS ABUSE ALLEGATIONS.

IN JULY 1999, HE U.N. SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS, ASMA JAHANGIR, VISITED THE COUNTRY AT THE GOVERNMENT'S INVITATION. THE CNDH IMPLEMENTED JAHANGIR'S SUGGESTION TO INVITE INTERNATIONAL OBSERVERS FOR THE 2000 PRESIDENTIAL ELECTIONS AND ACCREDITED 860 PERSONS.

GENERAL JOSE FRANCISCO GALLARDO RODRIGUEZ, ARRESTED IN 1993 ON A RANGE OF CHARGES, INCLUDING EMBEZZLEMENT AND DISHONORING THE MILITARY, WAS MOVED FROM A MILITARY TO A CIVILIAN JAIL. ON AUGUST 4, HIS LAWYER LODGED A COMPLAINT WITH THE FEDERAL ATTORNEY GENERAL'S OFFICE TO DEMAND ACTION AGAINST THE MILITARY TRIBUNAL FOR NEGLIGENCE OF ADMINISTRATION OF JUSTICE BECAUSE IT HAD ALLEGEDLY EMITTED ITS RESOLUTION AGAINST GENERAL GALLARDO 63 DAYS AFTER THE LEGAL TIME LIMIT.

SECTION 5: DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

THE CONSTITUTION STATES THAT MEN AND WOMEN ARE EQUAL BEFORE THE LAW. IT ALSO PROVIDES THAT EDUCATION SHOULD AVOID "PRIVILEGES OF RACE, RELIGION, GROUPS, SEXES, OR INDIVIDUALS." ON AUGUST 30, THE PUBLIC EDUCATION SECRETARIAT (SEP) ANNOUNCED THE PUBLICATION OF FOUR NEW BOOKS GEARED TO TEACH CHILDREN ABOUT DISCRIMINATION, VIOLENCE IN THE HOME, AND TOLERATION OF DIFFERING BELIEFS.

AMNESTY INTERNATIONAL HAS REPORTED THAT HOMOSEXUAL MEN AND WOMEN WERE LIKELY TO BE VICTIMS OF ABUSE AND VIOLENCE. THE CITIZEN'S COMMISSION AGAINST HOMOPHOBIC CRIMES REPORTS THAT ON AVERAGE THREE MURDERS ARE COMMITTED BECAUSE OF SEXUAL ORIENTATION PER MONTH, AND A TOTAL OF 190 SUCH KILLINGS HAVE TAKEN PLACE IN THE LAST 5 YEARS, MOSTLY IN MEXICO CITY, MEXICO STATE, AND VERACRUZ. POLICE FAIL TO INVESTIGATE  
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THESE CRIMES SERIOUSLY, ACCORDING TO GAY RIGHTS GROUPS.

ON AUGUST 24, JORGE ALVAREZ MEDINA, DIRECTOR OF REGULATIONS FOR AGUASCALIENTES MUNICIPALITY, AGUASCALIENTES STATE,

CONFIRMED THAT HE HAD AUTHORIZED THE POSTING OF A SIGN TEN YEARS AGO BARRING HOMOSEXUALS AND DOGS FROM A PRIVATE HEALTH CLUB. THE CASE CAUSED A PUBLIC OUTCRY IN AUGUST, AND GOVERNOR FELIPE GONZALEZ AND MAYOR REYNOSO FEMAT DISTANCED THEMSELVES FROM ALVAREZ'S ACTION. CNDH PRESIDENT JOSE LUIS SOBERANES STATED THAT THE STATE'S HUMAN RIGHTS COMMISSION SHOULD INVESTIGATE THE CASE.

#### QWOMEN

ALTHOUGH THE CONSTITUTION PROVIDES FOR EQUALITY BETWEEN THE SEXES, NEITHER THE AUTHORITIES NOR SOCIETY IN GENERAL RESPECT THIS IN PRACTICE. THE LEGAL TREATMENT OF WOMEN'S RIGHTS IS UNEVEN. WOMEN HAVE THE RIGHT TO OWN PROPERTY IN THEIR OWN NAMES AND TO FILE FOR SEPARATION AND DIVORCE. HOWEVER, IN SOME STATES A WOMAN MAY NOT BRING SUIT TO ESTABLISH PATERNITY AND THEREBY OBTAIN CHILD SUPPORT, UNLESS THE CHILD WAS A PRODUCT OF RAPE OR COHABITATION, THE CHILD RESIDES WITH THE FATHER, OR THERE IS WRITTEN PROOF OF PATERNITY.

THE MOST PERVASIVE VIOLATIONS OF WOMEN'S RIGHTS INVOLVE DOMESTIC AND SEXUAL VIOLENCE, WHICH IS BOTH WIDESPREAD AND UNDERREPORTED. ACCORDING TO A 1999 SURVEY BY THE NATIONAL INSTITUTE OF STATISTICS, GEOGRAPHY, AND COMPUTATION, SOME FORM OF DOMESTIC ABUSE OCCURS IN ONE OF EVERY THREE HOMES. IN ONLY ONE OF EVERY SIX HOMES SUFFERING FROM DOMESTIC ABUSE WILL THE VICTIM SEEK HELP. MORE THAN 65% OF ALL WOMEN SUFFER SOME FORM OF ABUSE, VERBAL OR OTHERWISE, BUT ONLY 30% LODGE FORMAL COMPLAINTS, ACCORDING TO THE MEXICAN ASSOCIATION AGAINST VIOLENCE TOWARDS WOMEN. IN 86% OF ABUSE CASES IT IS THE FATHER OR HUSBAND WHO COMMITS THE ABUSE. WOMEN ARE RELUCTANT TO REPORT ABUSE OR FILE CHARGES AND THE POLICE ARE RELUCTANT TO INTERVENE IN WHAT SOCIETY CONSIDERS A PRIVATE MATTER.

THE AUTHORITIES BEGAN TO IMPLEMENT AND ENFORCE THE LEGISLATIVE REFORM INITIATIVE ON INTRAFAMILY VIOLENCE CONGRESS PASSED IN DECEMBER 1997 TO DISCOURAGE AND PUNISH INTRAFAMILY VIOLENCE, ESTABLISH PROTECTIVE MEASURES FOR VICTIMS, AND EDUCATE THE PUBLIC. THE LAW ALSO EXPANDED THE DEFINITION OF RAPE TO INCLUDE SPOUSAL RAPE.

GROUPS, SUCH AS THE NGO CENTER FOR RESEARCH AND CARE OF WOMEN, ARE ATTEMPTING TO COUNTER THE WIDESPREAD VIEW OF DOMESTIC VIOLENCE AS PRIVATE, NORMAL BEHAVIOR AND TO DETER FUTURE VIOLENCE. ON JUNE 1, MEXICO CITY MAYOR ROSARIO ROBLES PUBLICIZED A HANDBOOK WRITTEN BY A COALITION OF FEMINIST NON-GOVERNMENTAL ORGANIZATIONS TO REDUCE DOMESTIC VIOLENCE AND TO HELP VICTIMS OF GENDER DISCRIMINATION.

UNDER CERTAIN CIRCUMSTANCES LIMITED TO THE STATUTORY RAPE OF A MINOR BETWEEN THE AGES OF 12 AND 18, THE CRIMINAL CODE ALLOWS A JUDGE TO DISMISS CHARGES IF THE PERSONS INVOLVED VOLUNTARILY MARRY. IN PRACTICE, THIS PROVISION IS RARELY INVOKED.

REGARDING THE APPROXIMATELY 200 WOMEN RAPED, MURDERED, AND

MUTILATED IN THE CIUDAD JUAREZ AREA SINCE 1993 (SEE SECTION 1.B.), THE CNDH DETERMINED IN 1998 THAT THE CHIHUAHUA STATE ATTORNEY GENERAL'S OFFICE'S INADEQUATE RESPONSE HAD VIOLATED THE HUMAN RIGHTS OF THE VICTIMS AND THEIR FAMILIES. THE CNDH THEREFORE RECOMMENDED THAT THE STATE ATTORNEY GENERAL AND THE MAYOR OF CIUDAD JUAREZ BE INVESTIGATED FOR NEGLIGENCE. IN THE SAME YEAR, THE AUTHORITIES APPOINTED A SPECIAL PROSECUTOR AND HIRED FOREIGN EXPERTS IN SERIAL KILLINGS TO ADVISE INVESTIGATORS.

THE FEDERAL CRIMINAL CODE PENALIZES SEXUAL HARASSMENT. MANY FEMALE VICTIMS WERE RELUCTANT TO COME FORWARD, AND CASES WERE DIFFICULT TO PROVE. NGO'S AND WOMEN'S AGENCIES BELIEVE THAT SEXUAL HARASSMENT IN THE WORKPLACE IS WIDESPREAD. A HANDBOOK DESIGNED TO CUT DOWN ON DOMESTIC VIOLENCE AND GENDER DISCRIMINATION WAS RECENTLY PUBLISHED (SEE THE PREVIOUS PARAGRAPH SECTION 5 ON DOMESTIC ABUSE).

THE CNDH'S FIRST INSPECTOR GENERAL'S OFFICE IS DEVOTED ENTIRELY TO PROTECTING THE RIGHTS OF WOMEN.

THE CONSTITUTION AND LABOR LAWS PROVIDE THAT WOMEN SHALL HAVE THE SAME RIGHTS AND OBLIGATIONS AS MEN, AND "EQUAL PAY SHALL BE GIVEN FOR EQUAL WORK PERFORMED IN EQUAL JOBS, HOURS OF WORK AND CONDITIONS OF EFFICIENCY." HOWEVER, WORKING WOMEN ARE GENERALLY PAID LESS THAN THEIR MALE COUNTERPARTS AND ARE CONCENTRATED IN LOWER-PAYING OCCUPATIONS. ACCORDING TO AN ACADEMIC STUDY, EVEN THOUGH GIRLS AND BOYS ATTEND SCHOOL AT SIMILAR RATES, A WOMAN ON AVERAGE NEEDS TO HAVE FOUR MORE YEARS OF EDUCATION TO EARN THE SAME SALARY AS A UNCLAS E F T O SECTION 18 OF 25 MEXICO 008160

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MAN IN A COMPARABLE POSITION.

LABOR LAW INCLUDES EXTENSIVE MATERNITY PROTECTION, INCLUDING SIX WEEKS' LEAVE BEFORE AND AFTER CHILDBIRTH AND TIME OFF FOR BREAST FEEDING IN ADEQUATE AND HYGIENIC SURROUNDINGS PROVIDED BY THE EMPLOYER. EMPLOYERS ARE REQUIRED TO PROVIDE A PREGNANT WOMAN WITH HER FULL PAY, PROHIBITED FROM DISMISSING HER, AND MANDATED TO REMOVE HER FROM HEAVY OR DANGEROUS WORK OR EXPOSURE TO TOXIC SUBSTANCES. IN ORDER TO AVOID THESE EXPENSIVE REQUIREMENTS, SOME EMPLOYERS, INCLUDING SOME IN THE MAQUILA INDUSTRY, REPORTEDLY VIOLATED THESE PROVISIONS BY REQUIRING PREGNANCY TESTS IN PRE-EMPLOYMENT PHYSICALS, BY REGULAR EXAMINATIONS AND INQUIRIES INTO WOMEN'S REPRODUCTIVE STATUS (INCLUDING ADDITIONAL PREGNANCY TESTS), BY EXPOSING PREGNANT WOMEN TO DIFFICULT OR HAZARDOUS CONDITIONS TO MAKE THEM QUIT, OR BY DISMISSING THEM. A 1999 REPORT BY HUMAN RIGHTS WATCH INDICATED THAT

THE GOVERNMENT NOT ONLY WAS AWARE OF SUCH PRACTICES AND FAILED TO PREVENT THEM OR TO PUNISH THE PERPETRATORS, BUT ALSO MADE PUBLIC EXCUSES FOR COMPANIES THAT VIOLATED THE LAW. IN THIS CONTEXT, THE U.S. NATIONAL ADMINISTRATIVE OFFICE (NAO), UNDER TERMS OF THE NORTH AMERICAN AGREEMENT ON LABOR COOPERATION (NAALC), THE LABOR SIDE AGREEMENTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT, ACCEPTED A CHALLENGE TO THESE PRACTICES IN THE MAQUILA INDUSTRY AND IN JANUARY 1998 RECOMMENDED MINISTERIAL CONSULTATIONS. AS A RESULT, THE U.S. AND MEXICAN SECRETARIES OF LABOR PARTICIPATED IN A CONFERENCE IN MERIDA, YUCATAN, IN MARCH 1999, ON GENDER DISCRIMINATION IN EMPLOYMENT. IN ADDITION, THE U.S. AND MEXICAN NAO'S ORGANIZED CROSS-BORDER OUTREACH SESSIONS IN AUGUST 1999 ON THE RIGHTS OF WOMEN IN THE WORKPLACE IN MCALLEN, TEXAS AND REYNOSA, TAMAULIPAS. THE CONFERENCE AND THE OUTREACH SESSIONS CONCLUDED THAT DISCRIMINATION EXISTS, AND IS NOT PERMITTED BY LAW. FURTHERMORE, GOVERNMENT AUTHORITIES HAVE TRIED TO INFORM WOMEN WORKERS OF THEIR RIGHT TO FILE COMPLAINTS AGAINST SUCH PRACTICES BY DISTRIBUTING BROCHURES AND OPENING GOVERNMENT OFFICES THAT WORK TOGETHER WITH NGO'S TO PUBLICIZE THE PROBLEM AND AVAILABLE REMEDIES.

TO PROTECT THE LABOR RIGHTS OF WOMEN, THE SECRETARIAT OF LABOR MADE 9,593 SAFETY AND HYGIENE INSPECTIONS IN PRIVATE FACTORIES AND PUBLIC INSTITUTIONS THROUGH AUGUST AND ESTIMATED IT WILL COMPLETE 13,790 BY THE END OF THE YEAR. YET DESPITE THE GOVERNMENT'S HAVING HIRED MORE FEDERAL INSPECTORS IN 1997 AND AGREEMENTS WITH MORE STATES TO EXPAND AND BETTER COORDINATE LABOR INSPECTIONS, STATE AND FEDERAL INSPECTORS CANNOT MONITOR ALL MAQUILA PLANTS.

THE NATIONAL WOMEN'S PROGRAM (PRONAM) MONITORED THE SITUATION OF WOMEN, MADE RECOMMENDATIONS TO THE GOVERNMENT REGARDING WOMEN'S ISSUES, AND WORKED WITH GOVERNMENT AGENCIES, INTERNATIONAL ORGANIZATIONS, AND NGO'S TO SUPPORT WOMEN'S CAUSES. PRONAM AND THE NATIONAL STATISTICS INSTITUTE COMPILED GENDER-SPECIFIC STATISTICS TO ASCERTAIN MORE ACCURATELY THE STATUS OF WOMEN. THE INTERNATIONAL LABOR ORGANIZATION (ILO), THE SECRETARIATS OF LABOR AND FOREIGN RELATIONS, AND PRONAM ALSO PROMOTED THE STATUS OF WOMEN IN THE WORKPLACE. IN ADDITION, PRONAM AND THE U.N. CHILDREN'S FUND (UNICEF) INITIATED IN 1999 AN ADVERTISING CAMPAIGN ATTACKING SOCIAL STEREOTYPES AND DISCRIMINATION AGAINST WOMEN.

#### QCHILDREN

CHILDREN UNDER THE AGE OF 15 ARE 35 PERCENT OF THE POPULATION, AND THE MEDIAN AGE OF THE POPULATION IS 21. THE GOVERNMENT MAINTAINS SEVERAL PROGRAMS TO PROMOTE CHILD WELFARE, SUPPORT MATERNAL AND INFANT HEALTH, PROVIDE STIPENDS FOR EDUCATING POOR CHILDREN, SUBSIDIZE FOOD, AND PROVIDE SOCIAL WORKERS. HOWEVER, THE CNDH RECEIVED NUMEROUS COMPLAINTS ABOUT THE SERVICES PROVIDED BY THE SECRETARY OF HEALTH, THE SECRETARY OF EDUCATION (SEP), AND THE INSTITUTE OF SOCIAL SECURITY. NINE YEARS OF EDUCATION ARE COMPULSORY AND THE LEGAL MINIMUM AGE FOR EMPLOYMENT IS 14.

NEVERTHELESS, ACCORDING TO SEP AND THE SIERRA NEIGHBORHOOD FOUNDATION, ONLY 31% OF MEXICANS BETWEEN 15 AND 20 YEARS OF AGE ATTEND SCHOOL.

UNICEF REPORTED THAT APPROXIMATELY 5 MILLION CHILDREN, 2 MILLION OF WHICH ARE UNDER 12 YEARS OF AGE, ARE WORKING. ABOUT 900,000 CHILDREN WORK IN AGRICULTURE, PARTICULARLY IN THE NORTHERN STATES. ACCORDING TO A 1999 NATIONAL NUTRITION SURVEY, 30 PERCENT OF CHILDREN UNDER 5 YEARS OF AGE, OR ABOUT 3 MILLION, SUFFER ANEMIA, WHILE ANOTHER 2 MILLION LIVE WITH CHRONIC MALNUTRITION.

NEVERTHELESS, AN ARRAY OF LAWS WERE PASSED THIS YEAR TO PROTECT CHILDREN. ON JANUARY 4, THE CONGRESS PASSED A CONSTITUTIONAL AMENDMENT TO PROTECT THE RIGHTS OF CHILDREN AND TEENAGERS AND GUARANTEE RESPECT FOR THEIR DIGNITY. THE NEW LAW ALSO INCREASED PENALTIES FOR THE SEXUAL ABUSE OR UNCLAS E F T O SECTION 19 OF 25 MEXICO 008160

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EXPLOITATION OF CHILDREN. CHILD PROSTITUTION AND PORNOGRAPHY ARE FELONIES UNDER MEXICAN LAW. ON MARCH 16, THE CONGRESS RATIFIED THE INTERNATIONAL LABOR ORGANIZATION'S CONVENTION 182 TO PROHIBIT THE WORST FORMS OF CHILD LABOR AND, ON MAY 31, THE CONGRESS PASSED THE PROTECTION OF THE RIGHTS OF CHILDREN AND ADOLESCENTS LAW.

CHILD LABOR IS PARTICULARLY COMMON AMONG MIGRANT FARMING FAMILIES. THE GOVERNMENT HAS ATTEMPTED TO MAKE SCHOOLING EASIER FOR THE CHILDREN OF SUCH FAMILIES BY MAKING THEIR EDUCATIONAL CREDENTIALS PORTABLE. BEEN INSTITUTED TO ALLOW FOR PORTABILITY OF EDUCATIONAL CREDENTIALS. THE MEXICAN ASSOCIATION OF CHILDHOOD AND YOUTH REPORTED THAT THERE IS A LARGE POPULATION, ESTIMATED AT 42,000, OF VULNERABLE STREET CHILDREN IN MEXICO CITY. STREET CHILDREN OFTEN BECOME INVOLVED WITH ALCOHOL, DRUGS, PROSTITUTION, PETTY THIEVERY, AND INCREASINGLY, VIOLENT CRIMES. CORRUPT POLICE OFFICIALS SOMETIMES EXPLOIT THESE CHILDREN BY PRESSURING THEM TO COMMIT PETTY CRIMES AND EXTORTING MONEY FROM THEM. THE CNND ATTEMPTED TO PROTECT CHILDREN BY EDUCATING THEM ON THEIR RIGHTS AND REVIEWING LEGISLATION TO ENSURE COMPLIANCE WITH RELEVANT INTERNATIONAL CONVENTIONS.

A REPORT BY THE NGO CENTER FOR RESEARCH AND ADVANCED STUDY IN SOCIAL ANTHROPOLOGY COUNTED 5,000 MINORS, 90 PERCENT OF THEM FEMALE, WORKING AS PROSTITUTES OR PORNOGRAPHY SUBJECTS. IN APRIL, THE MEXICO CITY ATTORNEY GENERAL'S OFFICE AND THE MEXICO CITY HUMAN RIGHTS COMMISSION REPORTED THAT NEARLY 12,000 CHILDREN IN MEXICO CITY ARE VICTIMS OF SEXUAL COMMERCIALISM, INCLUDING PROSTITUTION. THE NATIONAL SYSTEM

FOR THE INTEGRAL DEVELOPMENT OF THE FAMILY (DIF) RECEIVES AN AVERAGE OF ABOUT 35,000 COMPLAINTS PER YEAR OF PHYSICAL AND MENTAL ABUSE AGAINST CHILDREN, THE MAJORITY IN MEXICO CITY, MEXICO STATE, AND NUEVO LEON.

THE GOVERNMENT AND NGOS HAVE PROGRAMS DIRECTED AT CHILDREN THAT ADDRESS HUMAN RIGHTS ISSUES. GENERALLY, THESE PROGRAMS, SUCH AS THE MEXICO CITY-SPONSORED TREE HOUSE, ARE SUPPOSED TO PROTECT THE RIGHTS OF CHILDREN AND INSTILL A RESPECT FOR HUMAN RIGHTS THROUGH EDUCATION.

#### QPEOPLE WITH DISABILITIES

DISABLED PERSONS ARE ESTIMATED TO NUMBER BETWEEN 2 TO 10 MILLION. IN MEXICO CITY ALONE, 124 NGO'S DEALT WITH ISSUES AFFECTING THE PHYSICALLY DISABLED.

TWENTY-SEVEN OF THE 31 STATES HAVE LAWS PROTECTING THE DISABLED. LOCAL LAW REQUIRES ACCESS FOR THE DISABLED TO PUBLIC FACILITIES IN MEXICO CITY. HOWEVER, IN PRACTICE MOST PUBLIC BUILDINGS AND FACILITIES IN THE CITY DO NOT COMPLY WITH THE LAW. THE FEDERAL DISTRICT ALSO MANDATED ACCESS FOR PHYSICALLY DISABLED CHILDREN TO ALL PUBLIC AND PRIVATE SCHOOLS. THE MEXICO CITY SECRETARY OF EDUCATION, HEALTH, AND SOCIAL DEVELOPMENT MAINTAINED THAT 78 PERCENT OF THESE CHILDREN RECEIVED SOME SCHOOLING.

MENTAL DISABILITY RIGHTS INTERNATIONAL (MDRI), AN NGO, DISCOVERED THAT MENTALLY DISABLED PERSONS IN GOVERNMENT MENTAL HEALTH FACILITIES WERE MISTREATED AND THEIR RIGHTS WERE VIOLATED. ABUSES UNCOVERED FROM 1996-99 INCLUDED INHUMAN AND DEGRADING TREATMENT, MISUSE OF PHYSICAL RESTRAINTS, AND CRIMINAL NEGLECT THAT IN SOME CASES LED TO DEATH. MDRI FURTHER ALLEGED THAT BECAUSE THE ADMITTANCE PROCESS IS CONDUCTED WITHOUT JUDICIAL OR INDEPENDENT OVERSIGHT, PATIENTS COULD COMPLETELY LOSE INDEPENDENT DECISION MAKING POWER OR THEIR RIGHT TO INFORMED CONSENT OF TREATMENT. AS A RESULT OF THEIR 1999 REPORT AND AN EXPOSE BY THE NEWSMAGAZINE "PROCESO," THE SECRETARIAT OF HEALTH MADE OVER \$800,000 (8 MILLION PESOS) AVAILABLE TO IMPROVE CONDITIONS IN MEXICO CITY'S INSTITUTIONS AND TO PROVIDE OVER \$5,000 (50,000 PESOS) FOR EACH OF THE 400 PEOPLE LIVING IN THESE INSTITUTIONS TO PARTICIPATE IN COMMUNITY-BASED WORKSHOPS. THE SECRETARIAT OF HEALTH ALSO MADE \$1.7 MILLION (17 MILLION PESOS) AVAILABLE TO IMPROVE THE OCARANZA, HILDALGO INSTITUTION AS A PILOT PROJECT.

#### INDIGENOUS PEOPLE

THE INDIGENOUS POPULATION IS ESTIMATED AT 29 MILLION PERSONS OF INDIAN DECENT, 11 MILLION LIVING IN INDIAN COMMUNITIES, 5 MILLION NATIVE SPEAKERS OF INDIAN DIALECT, AND 9 MILLION INDIGENOUS PERSONS WHO LIVE IN EXTREME POVERTY. ALTHOUGH THERE IS NO CONSENSUS DEFINITION OF AN "INDIGENOUS" PERSON, ACCORDING TO THE NATIONAL INDIGENOUS PLURAL ASSEMBLY FOR AUTONOMY (ANIPA), THERE ARE 56 DISTINCT INDIGENOUS GROUPS, EACH WITH ITS OWN UNIQUE CULTURE AND LANGUAGE. INDIGENOUS PEOPLE ARE LOCATED PRINCIPALLY IN THE CENTRAL AND SOUTHERN

REGIONS AND REPRESENT A MAJORITY IN OAXACA (53 PERCENT) AND YUCATAN (52 PERCENT). HOWEVER, AS A RESULT OF LONG-STANDING PATTERNS OF ECONOMIC AND SOCIAL DEVELOPMENT, THESE GROUPS HAVE REMAINED LARGELY OUTSIDE THE POLITICAL AND ECONOMIC UNCLAS E F T O SECTION 20 OF 25 MEXICO 008160

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MAINSTREAM.

THE 1994 CHIAPAS UPRISING FOCUSED UNPRECEDENTED ATTENTION ON THE DEMANDS OF THAT STATE'S INDIGENOUS POPULATION FOR INCREASED ECONOMIC AND SOCIAL RIGHTS. AMONG ITS BASIC DEMANDS, THE EZLN CALLED ON THE GOVERNMENT TO ENACT MEASURES TO PROTECT INDIGENOUS CULTURES, PROVIDE MORE OPPORTUNITY FOR EMPLOYMENT, AND INVEST IN SCHOOLS, CLINICS, AND INFRASTRUCTURE PROJECTS. IN THE 1996 SAN ANDRES ACCORDS, THE GOVERNMENT AGREED WITH THE EZLN ON THE NEED TO EXPAND INDIGENOUS RIGHTS. HOWEVER, CONGRESS HAS NOT YET APPROVED THESE ACCORDS AND THE CONFLICT REMAINS UNRESOLVED. MEANWHILE, THE GOVERNMENT MAINTAINS A STRONG MILITARY PRESENCE IN PARTS OF CHIAPAS, A PRESENCE NGOS HAVE CALLED THREATENING AND INTIMIDATING TO THE INDIGENOUS EZLN SYMPATHIZERS (SEE SECTION 1.G.).

THE GOVERNMENT, THROUGH THE NATIONAL INDIGENOUS INSTITUTE, THE CNDH, AND VARIOUS NGOS, ATTEMPTS TO EDUCATE INDIGENOUS GROUPS ABOUT THEIR HUMAN RIGHTS. THE GOVERNMENT GENERALLY RESPECTS THEIR DESIRE TO RETAIN ELEMENTS OF THEIR TRADITIONAL CULTURE. THE CNDH'S FOURTH INSPECTOR GENERAL OFFICE REVIEWS AND INVESTIGATES VIOLATIONS OF INDIGENOUS RIGHTS. IN ADDITION, MORE THAN 130 NGO'S ARE DEDICATED TO THE PROMOTION AND PROTECTION OF INDIGENOUS RIGHTS.

INDIGENOUS PEOPLE DO NOT LIVE ON AUTONOMOUS RESERVATIONS, ALTHOUGH SOME INDIGENOUS COMMUNITIES EXERCISE CONSIDERABLE LOCAL CONTROL OVER ECONOMIC, POLITICAL, AND SOCIAL ISSUES. IN OAXACA, FOR EXAMPLE, 70 PERCENT OF THE 570 MUNICIPALITIES ARE GOVERNED ACCORDING TO THE INDIGENOUS REGIME OF "USAGES AND CUSTOMS," WHICH MAY NOT FOLLOW DEMOCRATIC NORMS SUCH AS THE SECRET BALLOT, UNIVERSAL SUFFRAGE, AND POLITICAL AFFILIATION (SEE SECTION 3). INSTEAD, THESE COMMUNITIES APPLY TRADITIONAL PRACTICES TO RESOLVE DISPUTES, INCLUDING CRIMINAL MATTERS, AND TO ELECT LOCAL OFFICIALS. IN 1998, QUINTANA ROO'S STATE LEGISLATURE PASSED A "USAGE AND CUSTOMS" LAW SIMILAR TO OAXACA'S.

THE LAW PROTECTS INDIGENOUS PEOPLE TO SOME EXTENT, AND THE GOVERNMENT SUPPORTS INDIGENOUS COMMUNITIES THROUGH SOCIAL AND ECONOMIC ASSISTANCE PROGRAMS, LEGAL RESOURCES, AND SOCIAL WELFARE PROGRAMS. HOWEVER, THESE MEASURES WERE NOT

SUFFICIENT TO MEET ALL THE NEEDS OF ALL INDIGENOUS PEOPLE. MOREOVER, ALTHOUGH THE NATIONAL POPULATION GROWTH RATE HAS SLOWED TO LESS THAN 2 PERCENT ANNUALLY, THE BIRTHRATE AMONG MARGINALIZED INDIGENOUS GROUPS LIKE THOSE IN CHIAPAS, IS AROUND 5 PERCENT. FURTHERMORE, THE COUNTRY'S GENERAL EDUCATION ACT PROMOTES INSTRUCTION IN SPANISH, BUT MANY INDIGENOUS PERSONS SPEAK ONLY THEIR NATIVE LANGUAGES. AS A RESULT, 1999 ANIPA STATISTICS SUGGEST THAT INDIGENOUS PEOPLE SUFFER FROM ILLITERACY AND LOW RATE OF SCHOOL ATTENDANCE.

#### QRELIIGIOUS MINORITIES

IN THE HIGHLANDS OF CHIAPAS AND OTHER INDIGENOUS AREAS, TRADITIONAL LEADERS SOMETIMES ACQUIESCED IN OR ORDERED THE EXPULSION OF PROTESTANTS BELONGING PRIMARILY TO EVANGELICAL GROUPS. ALTHOUGH RELIGIOUS DIFFERENCES WERE OFTEN A PROMINENT FEATURE OF SUCH INCIDENTS IN CHIAPAS, OTHER FACTORS SUCH AS ETHNIC DIFFERENCES, LAND DISPUTES, AND STRUGGLES OVER POLITICAL POWER WERE VERY OFTEN AT THE ROOT OF THE PROBLEM.

ON MARCH 5, MAYAN SYNCRETIST EVICTED 70 EVANGELICAL FAMILIES FROM PLAN DE AYALA, CHIAPAS. ON APRIL 16, THE SYNCRETISTS DROVE OUT THE 70 POLICE OFFICERS WHO HAD RECENTLY ESCORTED THE EVANGELICALS BACK TO THEIR HOMES AND WHO WERE STATIONED THERE TO KEEP THE PEACE. THE STATE GOVERNMENT HELPED NEGOTIATE A SECOND RETURN OF THE EVANGELICALS ON AUGUST 15.

PRO-GOVERNMENT SUPPORTERS HAVE ACCUSED THE CATHOLIC CHURCH IN THE THREE CHIAPAS DIOCESES OF SUPPORTING THE EZLN.

#### SECTION 6QWORKER RIGHTS

##### QA.QTHE RIGHT OF ASSOCIATION

THE CONSTITUTION AND THE FEDERAL LABOR LAW (LFT) PROVIDE WORKERS WITH THE RIGHT TO FORM AND JOIN TRADE UNIONS OF THEIR CHOICE. ABOUT 25 PERCENT OF THE TOTAL WORK FORCE IS UNIONIZED, MOSTLY IN THE FORMAL SECTOR, WHERE ABOUT ONE-HALF THE LABOR FORCE IS EMPLOYED.

NO PRIOR APPROVAL IS NEEDED TO FORM UNIONS, BUT THEY MUST REGISTER WITH THE FEDERAL LABOR SECRETARIAT (STPS) OR STATE LABOR BOARDS (JLCA) IN ORDER TO FUNCTION LEGALLY. REGISTRATION REQUIREMENTS ARE NOT ONEROUS. HOWEVER, THE STPS OR THE JLCA OCCASIONALLY HAVE WITHHELD OR DELAYED REGISTRATION OF UNIONS HOSTILE TO GOVERNMENT POLICIES, INFLUENTIAL EMPLOYERS, OR ESTABLISHED UNIONS. THE STPS AND THE JLCA ALSO HAVE REGISTERED UNIONS THAT TURNED OUT TO BE RUN BY EXTORTIONISTS OR LABOR RACKETEERS FALSELY CLAIMING TO UNCLAS E F T O SECTION 21 OF 25 MEXICO 008160

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REPRESENT WORKERS. TO REMEDY THIS, STPS OFFICIALS REQUIRED EVIDENCE THAT UNIONS WERE GENUINE AND REPRESENTATIVE BEFORE REGISTERING THEM.

HUMAN RIGHTS WATCH CRITICIZED THE GOVERNMENT'S SYSTEM OF LABOR TRIBUNALS IN A REPORT RELEASED IN DECEMBER, 1999, CLAIMING THAT THE RIGHT TO FREEDOM OF ASSOCIATION OFTEN WAS VIOLATED EVEN WHEN COURTS RULED IN FAVOR OF ORGANIZING WORKERS. THE REPORT STATES THAT IN THE CASE OF THE DEMOCRATIC UNION OF WORKERS OF THE MINISTRY OF THE ENVIRONMENT, NATURAL RESOURCES, AND FISHING THE COURTS ALLOWED WORKERS TO ORGANIZE FORMALLY, BUT GOVERNMENT OFFICIALS CONTINUED TO INTERFERE IN SUCH A WAY THAT THE UNION COULD NOT FUNCTION EFFECTIVELY.

LIKE THE FEDERAL LABOR BOARD (JFCA), THE JLCA ARE TRIPARTITE. ALTHOUGH TRADE UNION PRESENCE ON THE BOARDS IS USUALLY A POSITIVE FEATURE, IT SOMETIMES LED TO UNFAIR PARTIALITY IN REPRESENTATION DISPUTES. FOR EXAMPLE, THE BOARD MEMBER FROM AN ESTABLISHED UNION MAY WORK TO DISSUADE A JLCA FROM RECOGNIZING A RIVAL ORGANIZATION. TRADE UNION REGISTRATION WAS THE SUBJECT OF FOLLOW-UP ACTIVITIES PURSUANT TO A 1995 AGREEMENT REACHED IN MINISTERIAL CONSULTATIONS UNDER THE NAALC.

UNIONS FORM FEDERATIONS AND CONFEDERATIONS FREELY WITHOUT GOVERNMENT APPROVAL. MOST UNIONS BELONG TO SUCH BODIES. THEY, TOO, MUST REGISTER TO HAVE LEGAL STATUS. THE LARGEST TRADE UNION CENTRAL WAS THE CONFEDERATION OF MEXICAN WORKERS (CTM), TRADITIONALLY A PART OF THE LABOR SECTOR OF THE PRI, WHICH GOVERNED FROM 1929-2000, BUT AFFILIATION IS BY INDIVIDUAL UNIONS.

THE FEDERAL EMPLOYEE UNION FEDERATION (FSTSE), THE REVOLUTIONARY WORKER AND PEASANT CONFEDERATION, AND MOST OF THE SEPARATE NATIONAL UNIONS, SMALLER CONFEDERATIONS, AND FEDERATIONS IN THE LABOR CONGRESS (CT) ALSO WERE ALLIED WITH THE PRI. HOWEVER, SEVERAL UNIONS DO NOT ALLY THEMSELVES WITH THE PRI, INCLUDING THE LARGE TEACHERS' UNION, WHICH SEVERED ITS PRI TIES SEVERAL YEARS AGO, FREEING ITS MINORITY FACTIONS TO COOPERATE OPENLY WITH OTHER PARTIES, PARTICULARLY THE PRD. RIVALRIES WITHIN AND BETWEEN PRI-ALLIED CENTRALS ARE STRONG. THERE ALSO ARE A FEW SMALL LABOR FEDERATIONS AND INDEPENDENT UNIONS OUTSIDE THE CT NOT ALLIED WITH THE PRI. ONE IS THE SMALL, LEFT-OF-CENTER AUTHENTIC LABOR FRONT (FAT). MOST FAT MEMBERS SYMPATHIZE WITH THE PRD, BUT THE FAT IS INDEPENDENT AND NOT FORMALLY TIED TO THE PRD. IN NOVEMBER 1997, 160 LABOR ORGANIZATIONS REPRESENTING WORKERS IN THE PRIVATE AND PUBLIC SECTORS, LED BY THE TELEPHONE WORKERS AND SOCIAL SECURITY WORKERS UNIONS, FORMED THE NATIONAL UNION OF WORKERS (UNT)--A LABOR CENTRAL IN COMPETITION WITH THE OFFICIALLY RECOGNIZED CT. IN APRIL THE MEXICAN ELECTRICIANS UNION (SME) ANNOUNCED THAT IT WOULD WITHDRAW FROM THE CT OVER ITS FAILURE TO GIVE FULL SUPPORT TO THE SME'S OPPOSITION TO THE GOVERNMENT'S PLAN TO PRIVATIZE PARTIALLY THE ELECTRIC POWER SECTOR.

PRI-AFFILIATED UNION OFFICERS TRADITIONALLY HELPED SELECT, RAN AS, AND CAMPAIGNED FOR, PRI CANDIDATES IN FEDERAL AND STATE ELECTIONS AND SUPPORTED PRI GOVERNMENT POLICIES AT CRUCIAL MOMENTS. THIS GAVE UNIONS CONSIDERABLE INFLUENCE ON GOVERNMENT POLICIES BUT LIMITED THEIR FREEDOM OF ACTION TO DEFEND MEMBER INTERESTS IN OTHER WAYS, PARTICULARLY WHEN THIS MIGHT HARM THE GOVERNMENT OR THE PRI. THE CT, ESPECIALLY THE CTM, WAS WELL REPRESENTED IN THE PRI SENATORIAL AND CONGRESSIONAL DELEGATIONS, ALTHOUGH THEIR NUMBERS DIMINISHED SIGNIFICANTLY AFTER THE 1997 AND 2000 ELECTIONS.

THE INTERNATIONAL LABOR ORGANIZATION (ILO) COMMITTEE OF EXPERTS (COE) HAS FOUND THAT CERTAIN RESTRICTIONS IN FEDERAL EMPLOYEE LABOR LAW, ADOPTED AT FSTSE REQUEST, VIOLATED ILO CONVENTION 87 ON FREEDOM OF ASSOCIATION, WHICH THE GOVERNMENT HAS RATIFIED. THESE RESTRICTIONS ALLOW ONLY ONE UNION PER JURISDICTION, FORBID UNION MEMBERS FROM QUITTING THE UNION, AND PROHIBIT REELECTION OF UNION OFFICIALS. IN 1998 THE COE AND THE ILO COMMITTEE ON APPLICATION OF STANDARDS REITERATED THEIR CRITICISM AND ASKED THE GOVERNMENT TO AMEND THE LAW. A 1996 SUPREME COURT DECISION INVALIDATED SIMILAR RESTRICTIONS IN THE LAWS OF TWO STATES, BUT THE DECISION APPLIED ONLY IN THE SPECIFIC INSTANCES CHALLENGED. IN MAY, 1999, THE SUPREME COURT EXTENDED THIS INTERPRETATION TO UNIONS IN FEDERAL GOVERNMENT ENTITIES.

THE CONSTITUTION AND THE LFT PROVIDE FOR THE RIGHT TO STRIKE. THE LAW REQUIRES 6 TO 10 DAYS' ADVANCE STRIKE NOTICE, FOLLOWED BY BRIEF GOVERNMENT MEDIATION. IF FEDERAL OR STATE AUTHORITIES RULE A STRIKE "NONEXISTENT" OR "ILLICIT," EMPLOYEES MUST REMAIN AT WORK, RETURN TO WORK WITHIN 24 HOURS, OR FACE DISMISSAL. IF THEY RULE A STRIKE LEGAL, THE COMPANY OR UNIT MUST SHUT DOWN COMPLETELY, MANAGEMENT OFFICIALS MAY NOT ENTER THE PREMISES UNTIL THE UNCLAS E F T O SECTION 22 OF 25 MEXICO 008160

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STRIKE IS OVER AND THE COMPANY MAY NOT HIRE REPLACEMENTS FO STRIKING WORKERS. PROVISIONS FOR MAINTAINING ESENTIAL SERVICES ARE NOT ONEROUS. THE LAW ALO MAKES FILING A STRIKE NOTICE AN EFFECTIVE, OMMONLY USED THREAT THAT PROTECTS A FALLING COMPANY'S ASSETS FROM CREDITORS AND COURTS UNTIL AN AGREEMENT IS REACHED ON SEVERANCE PAY. ALTHOUGH FEW STRIKES ACTUALLY OCCUR, INFORMAL STOPPAGES ARE FAIRLY COMMON, BUT UNCOUNTED IN STATISTICS, AND SELDOM LAST LONG ENOUGH TO BE RECOGNIZED OR RULED OUT OF ORDER. THE LAW PERMITS PUBLIC SECTOR STRIKES, BUT FORMAL PUBLIC SECTOR STRIKES ARE RARE. INFORMAL ONES ARE MORE FREQUENT.

DURING THE FIRST 8 MONTHS OF THE YEAR, THE JFCA REPORTED THAT 4,254 STRIKE NOTICES WERE FILED AND 21 LEGAL STRIKES OCCURRED IN FEDERAL JURISDICTION, --- PERCENT MORE NOTICES AND --- PERCENT FEWER STRIKES THAN IN THE SAME PERIOD IN 1999. FEDERAL LABOR AUTHORITIES DID NOT STRETCH LEGAL REQUIREMENTS TO RULE STRIKES NONEXISTENT OR ILLICIT, NOR DID THEY USE DELAYS TO PREVENT DAMAGING STRIKES AND FORCE SETTLEMENTS. HOWEVER, IN 1998 STRIKERS AT THE HAN YOUNG MAQUILADORA PLANT IN TIJUANA FILED AN "AMPARO" (A TYPE OF INJUNCTION) ACTION IN A FEDERAL DISTRICT COURT CHALLENGING THE RULING OF THE JLCA IN TIJUANA THAT DECLARED THE STRIKE BEGUN ON MAY 22 OF THAT YEAR TO BE ILLEGAL. ON MAY 3, 1999, THE COURT RECOGNIZED THE STRIKING UNION'S RIGHT TO THE COLLECTIVE BARGAINING CONTRACT AND DECLARED THE 1998 STRIKE TO HAVE BEEN LEGAL. ACTING QUICKLY ON THAT DECISION, THE UNION PUT STRIKE FLAGS AT THE PLANT, BUT THE JLCA DECLARED THE NEW STRIKE ILLEGAL BECAUSE IT HAD NOT YET BEEN OFFICIALLY INFORMED OF THE COURT'S RULING NOR GIVEN TIME TO ACT ON THAT RULING. EFFORTS TO RESOLVE THE CONFLICT THROUGH THE COURTS CONTINUED THROUGHOUT 2000.

THE CONSTITUTION AND THE LFT PROTECT LABOR ORGANIZATIONS FROM GOVERNMENT INTERFERENCE IN THEIR INTERNAL AFFAIRS, INCLUDING STRIKE DECISIONS. HOWEVER, THIS ALSO CAN PROTECT UNDEMOCRATIC OR CORRUPT UNION LEADERS. THE LAW PERMITS CLOSED SHOP AND EXCLUSION CLAUSES, ALLOWING UNION LEADERS TO VET AND VETO NEW HIRES AND TO FORCE DISMISSAL OF ANYONE THE UNION EXPELS. SUCH CLAUSES ARE COMMON IN COLLECTIVE BARGAINING AGREEMENTS.

EMPLOYER ORGANIZATIONS SLOWED EFFORTS TO PUSH FOR LABOR LAW REFORM EARLY IN 1999 AND ENTERED INTO DISCUSSIONS WITH THE GOVERNMENT, AND LABOR UNIONS ABOUT REFORMING THE LFT'S RULES OF PROCEDURE. GOVERNMENT, EMPLOYERS, AND UNIONS HAD NEGOTIATED REFORMS THROUGH TRIPARTITE NATIONAL AGREEMENTS AND COLLECTIVE BARGAINING AT THE ENTERPRISE LEVEL. REFORMS WERE EFFECTED ALSO VIA COOPERATION IN PROGRAMS TO INCREASE, AND COMPENSATE FOR, PRODUCTIVITY. GOVERNMENT, NATIONAL LABOR UNIONS, AND EMPLOYER ORGANIZATIONS MET PERIODICALLY THROUGHOUT THE YEAR TO DISCUSS WAYS AND MEANS OF COOPERATION TO BOOST PRODUCTIVITY, WAGES, AND COMPETITIVENESS. THE NEED TO REFORM THE LFT FIGURED IN THE 2000 PRESIDENTIAL CAMPAIGN AND IN THE FALL SESSION OF CONGRESS.

UNIONS ARE FREE TO AFFILIATE WITH, AND INCREASINGLY ARE INTERESTED IN ACTIVELY PARTICIPATING IN, TRADE UNION INTERNATIONALS.

QB.QTHE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE CONSTITUTION AND THE LFT PROVIDE FOR THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY. INTEREST BY A FEW EMPLOYEES, OR A UNION STRIKE NOTICE, COMPELS AN EMPLOYER EITHER TO RECOGNIZE A UNION AND NEGOTIATE WITH IT OR TO ASK THE FEDERAL OR STATE LABOR BOARD TO HOLD A UNION RECOGNITION ELECTION. LFT PROUNION PROVISIONS LED SOME EMPLOYERS TO SEEK OUT OR CREATE INDEPENDENT "WHITE" OR COMPANY UNIONS AS

AN ALTERNATIVE TO MAINSTREAM NATIONAL OR LOCAL UNIONS. REPRESENTATION ELECTIONS ARE TRADITIONALLY OPEN, NOT SECRET. TRADITIONALLY, MANAGEMENT AND UNION OFFICIALS ARE PRESENT WITH THE PRESIDING LABOR BOARD OFFICIAL WHEN WORKERS OPENLY DECLARE THEIR VOTES, ONE BY ONE. SUCH OPEN RECOUNTS ARE PREVAILING PRACTICE BUT ARE NOT REQUIRED BY LAW OR REGULATION. SECRET BALLOTS ARE HELD WHEN ALL PARTIES AGREE.

WAGE RESTRAINTS NO LONGER EXIST, EXCEPT FOR THOSE CAUSED BY RECESSION OR AN EMPLOYER'S DIFFICULT SITUATION. WAGES IN MOST UNION CONTRACTS APPEARED TO KEEP PACE WITH OR AHEAD OF INFLATION, BUT MOST WORKERS HAD NOT YET REGAINED BUYING POWER LOST OVER THE PAST DECADE.

THE COUNTRY'S RECORD IN INTERNAL UNION DEMOCRACY AND TRANSPARENCY WAS MIXED. SOME UNIONS WERE DEMOCRATIC, BUT CORRUPTION AND STRONG-ARM TACTICS WERE COMMON IN OTHERS.

A DISPUTED 1997 ELECTION FOR THE RIGHT TO THE COLLECTIVE BARGAINING CONTRACT FOR WORKERS AT A KOREAN-OWNED MAQUILADORA IN TIJUANA, BAJA CALIFORNIA CONTINUED TO PROVOKE CONTROVERSY. ALTHOUGH THE PARTIES REACHED A SETTLEMENT IN JANUARY 1998, ALLEGATIONS THAT PLANT MANAGEMENT VIOLATED UNCLAS E F T O SECTION 23 OF 25 MEXICO 008160

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HEALTH AND SAFETY REGULATIONS WERE CONSIDERED IN A PUBLIC HEARING BY THE U.S. NAO THAT YEAR. THE DISPUTE OVER UNION REPRESENTATION AT THE PLANT CONTINUED, AND IN MAY THE U.S. AND MEXICAN SECRETARIES OF LABOR SIGNED AN AGREEMENT ON STEPS TO RESOLVE THIS DISPUTE; PURSUANT TO THAT AGREEMENT THE MEXICAN LABOR SECRETARIAT HELD A PUBLIC NAFTA CONFERENCE IN TIJUANA IN JUNE TO ADDRESS THE ISSUES RAISED IN THE COMPLAINT.

IN ANOTHER CASE INVOLVING FREEDOM OF ASSOCIATION LINKED TO THE RIGHT TO ORGANIZE UNIONS, IN DECEMBER 1997, 9 UNIONS AND 24 HUMAN RIGHTS NGO'S JOINTLY FILED A SUBMISSION WITH THE U.S. NAO ALLEGING THAT A CTM-AFFILIATED UNION USED STRONG-ARM TACTICS TO INTIMIDATE WORKERS SO THAT THEY WOULD NOT VOTE IN FAVOR OF A RIVAL UNION TO REPRESENT WORKERS AT A PLANT IN MEXICO STATE. THIS SUBMISSION ALSO ALLEGED VIOLATIONS OF HEALTH AND SAFETY REGULATIONS. THE CANADIAN NAO ALSO RECEIVED A SUBMISSION ON THIS CASE IN THE SPRING OF 1998. THE U.S. NAO ISSUED A REPORT IN JULY 1998 THAT RECOMMENDED MINISTERIAL CONSULTATIONS. AT YEAR'S END, U.S., MEXICAN, AND CANADIAN LABOR AUTHORITIES CONTINUED TO DISCUSS THE ISSUES RAISED IN BOTH SUBMISSIONS. THE MAY 2000 AGREEMENT BETWEEN THE U.S. AND MEXICAN LABOR SECRETARIES CITED ABOVE AND ADHERED TO BY THE CANADIAN LABOR MINISTER

PROVIDED FOR THE MEXICAN LABOR SECRETARIAT HOLDING A PUBLIC NAFTA CONFERENCE IN MEXICO CITY IN LATE FALL TO ADDRESS THE ISSUES RAISED IN THE COMPLAINTS.

ON NOVEMBER 10, 1999, THE U.S. ASSOCIATION OF FLIGHT ATTENDANTS FILED A SUBMISSION WITH THE U.S. NAO ALLEGING VIOLATIONS OF WORKER RIGHTS TO FREEDOM OF ASSOCIATION AND TO BARGAIN COLLECTIVELY, PROTECTION OF THE RIGHT TO ORGANIZE; MINIMUM EMPLOYMENT STANDARDS; AND PREVENTION OF OCCUPATIONAL INJURIES AND ILLNESSES AT EXECUTIVE AIR TRANSPORT, INC. (TAESA). THE COMPLAINT FOCUSED ON THE VOTING PROCESS EMPLOYED WHEN THE MEXICAN FLIGHT ATTENDANTS UNION SOUGHT THE RIGHT TO REPRESENT FLIGHT ATTENDANTS EMPLOYED BY TAESA. THE U.S. NATIONAL ADMINISTRATIVE OFFICE (NAO) HELD A PUBLIC HEARING IN WASHINGTON IN MARCH AND ISSUED A REPORT IN JULY RECOMMENDING MINISTERIAL CONSULTATIONS.

DURING THE FIRST MAJOR STRIKE IN TEN YEARS WHICH OCCURRED AT A CIUDAD JUAREZ PLANT IN JULY, SOME PROTESTING WORKERS REPORTED THAT THEY WERE HARASSED BY POLICE AND REPRESENTATIVES OF THE UNION HOLDING CONTRACT AT THE PLANT. EARLIER IN THE SUMMER, THE LEADER OF A GROUP OF WORKERS CHALLENGING THE EXISTING UNION AT A PLANT IN TAMAULIPAS ASSERTED THAT HE HAD BEEN KIDNAPED AND HELD FOR MORE THAN 24 HOURS BY REPRESENTATIVES OF THAT UNION. ULTIMATELY, HOWEVER, THE NEW UNION WAS RECOGNIZED BY STATE LABOR AUTHORITIES, WHICH ALLOWED IT TO NEGOTIATE WITH PLANT MANAGEMENT.

THE PUBLIC SECTOR IS ALMOST TOTALLY ORGANIZED. INDUSTRIAL AREAS ARE HEAVILY ORGANIZED. EVEN STATES WITH LITTLE INDUSTRY HAVE TRANSPORT AND PUBLIC EMPLOYEE UNIONS, AND RURAL PEASANT ORGANIZATIONS ARE OMNIPRESENT. THE LAW PROTECTS WORKERS FROM ANTIUNION DISCRIMINATION, BUT ENFORCEMENT IS UNEVEN IN THE FEW STATES WITH LOW UNIONIZATION.

UNIONIZATION AND WAGE LEVELS IN THE IN-BOND EXPORT SECTOR VARY BY AREA AND SOPHISTICATION OF THE MANUFACTURING PROCESS. WAGES HAVE BEEN LOWER AND JOB CREATION HAS BEEN GREATER IN THIS SECTOR THAN IN MORE TRADITIONAL MANUFACTURING, BUT THE GAP CONTINUES TO NARROW. WAGES IN THE MAQUILADORA SECTOR ARE STILL LOWER THAN IN THE TRADITIONAL MANUFACTURING SECTOR, ALTHOUGH THEY ARE APPROACHING MANUFACTURING SECTOR LEVEL. SOME OBSERVERS ALLEGE POOR WORKING CONDITIONS, INADEQUATE WAGES, AND EMPLOYER AND GOVERNMENT EFFORTS TO DISCOURAGE UNIONIZATION IN THIS SECTOR. THERE IS NO EVIDENCE THAT THE FEDERAL GOVERNMENT OPPOSES UNIONIZATION OF THE PLANTS (THE MAQUILADORA SECTOR TENDS TO BE UNDER STATE JURISDICTION), BUT SOME STATE AND LOCAL GOVERNMENTS IN THE WEST ARE SAID TO HELP EMPLOYERS DISCOURAGE UNIONS, ESPECIALLY INDEPENDENT ONES.

#### QC.QPROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROHIBITS FORCED LABOR, WHICH INCLUDES FORCED AND BONDED LABOR BY CHILDREN. THERE HAVE BEEN NO

CREDIBLE REPORTS OF FORCED LABOR FOR MANY YEARS, WITH THE EXCEPTION OF ABUSES OF REFUGEES AND ILLEGAL IMMIGRANTS IN CHIAPAS (SEE SECTION 2.D.).

D.QSTATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

THE CONSTITUTION PROHIBITS CHILDREN UNDER 12 YEARS OF AGE FROM WORKING. THE LAW SETS THE MINIMUM LEGAL WORK AGE AT 14 YEARS. THOSE BETWEEN THE AGES OF 14 AND 15 MAY WORK ONLY UNCLAS E F T O SECTION 24 OF 25 MEXICO 008160

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LIMITED HOURS, WITH NO NIGHT OR HAZARDOUS WORK, WHICH GENERALLY MAKES HIRING THEM UNECONOMICAL. ENFORCEMENT WAS REASONABLY GOOD AT LARGE AND MEDIUM-SIZED COMPANIES, ESPECIALLY IN EXPORT INDUSTRIES AND THOSE UNDER FEDERAL JURISDICTION. ENFORCEMENT WAS INADEQUATE AT MANY SMALL COMPANIES AND IN AGRICULTURE AND CONSTRUCTION. IT WAS NEARLY ABSENT IN THE INFORMAL SECTOR, DESPITE GOVERNMENT EFFORTS.

THE ILO REPORTED THAT 18 PERCENT OF CHILDREN 12 TO 14 YEARS OF AGE WORK, OFTEN FOR PARENTS OR RELATIVES. MOST CHILD LABOR IS IN THE INFORMAL SECTOR (INCLUDING MYRIAD UNDERAGE STREET VENDORS), FAMILY-OWNED WORKSHOPS, OR AGRICULTURE AND RURAL AREAS. MEXICO CITY'S CENTRAL MARKET EMPLOYS APPROXIMATELY 11,000 MINORS BETWEEN THE AGES OF 7 AND 18, WHO WORK AS CART-PUSHERS, KITCHEN HELP, AND VENDORS. THE CHILDREN DO NOT RECEIVE A FIXED WAGE, AND MOST WORK LONG SHIFTS, STARTING IN THE EARLY MORNING HOURS. THE CTM AGRICULTURAL UNION'S SUCCESS YEARS EARLIER IN OBTAINING FREE TRANSPORT FOR MIGRANT SEASONAL WORKERS FROM SOUTHERN STATES TO FIELDS IN THE NORTH INADVERTENTLY LED TO A SIGNIFICANT INCREASE IN CHILD LABOR. THE UNION AND EMPLOYERS WERE UNABLE TO CONVINCING INDIGENOUS FARM WORKERS TO LEAVE THEIR FAMILIES AT HOME, AND MANY HAVE SETTLED NEAR WORK SITES IN THE NORTH. THE UNION HAS HAD SOME LIMITED SUCCESS IN NEGOTIATING WITH EMPLOYERS TO FINANCE EDUCATION IN SPANISH AND INDIGENOUS LANGUAGES NEAR WORK SITES AND IN OBTAINING SOCIAL SECURITY CHILD CARE CENTERS, BUT IT HAS HAD DIFFICULTY IN PERSUADING MEMBER FAMILIES NOT TO BRING THEIR CHILDREN INTO THE FIELDS. MANY URBAN CHILD WORKERS ARE MIGRANTS FROM RURAL AREAS, ARE ILLITERATE, AND HAVE PARENTS WHO ARE UNEMPLOYED. THE LAW BANS CHILD LABOR, INCLUDING FORCED OR BONDED LABOR (SEE SECTION 6.C.).

THE FEDERAL GOVERNMENT INCREASED THE NUMBER OF OBLIGATORY SCHOOL YEARS FROM 6 TO 9 IN 1992 AND MADE PARENTS LEGALLY LIABLE FOR THEIR CHILDREN'S ATTENDANCE, AS PART OF A REFORM

TO UPGRADE LABOR FORCE SKILLS AND LONG-TERM EFFORTS TO CONTINUE INCREASING EDUCATIONAL OPPORTUNITIES FOR AND PARTICIPATION BY YOUTH. SCHOLARSHIPS OFFERED TO FAMILIES OF THE ABJECT POOR UNDER THE GOVERNMENT'S "PROGRESA" ANTIPOVERTY PROGRAM KEPT AN ADDITIONAL 100,000 CHILDREN IN SCHOOL IN 1999. ACCORDING TO "PROGESA," THAT NUMBER INCREASED BY 18 PERCENT IN 2000.

MEXICO RATIFIED IN MARCH ILO CONVENTION 182 ON THE WORST FORMS OF CHILD LABOR AND ALSO ADOPTED LEGISLATION WHICH AFFIRMED CONSTITUTIONAL GUARANTEES FOR CHILDREN SUCH AS THE RIGHT TO LIFE, FREEDOM FROM ABUSE AND DISCRIMINATION, AND THE RIGHT TO EDUCATION. THE GOVERNMENT OF THE FEDERAL DISTRICT IMPLEMENTED A LAW ADOPTED IN JULY OF 1999 WHICH MADE MORE STRINGENT LIMITATIONS ON WORKING HOURS AND CONDITIONS FOR CHILDREN EMPLOYED AS SUPERMARKET BAGGERS AND AUTOMOTIVE ATTENDANTS.

#### QE.QACCEPTABLE CONDITIONS OF WORK

THE CONSTITUTION AND THE LFT PROVIDE FOR A DAILY MINIMUM WAGE. THE TRIPARTITE NATIONAL MINIMUM WAGE COMMISSION (GOVERNMENT, LABOR, AND EMPLOYERS) USUALLY SETS MINIMUM WAGE RATES EACH DECEMBER, EFFECTIVE JANUARY 1, BUT ANY OF THE THREE PARTIES CAN ASK THAT THE COMMISSION RECONVENE DURING THE YEAR TO CONSIDER A CHANGED SITUATION. IN DECEMBER THE WAGE COMMISSION ADOPTED A 10 PERCENT INCREASE EFFECTIVE JANUARY 1, 2000, BASED IN PART ON THE GOVERNMENT'S PROJECTION OF A 10 PERCENT ANNUAL INFLATION RATE FOR 2000. FOR THE FIRST TIME, ALL LABOR REPRESENTATIVES ON THE COMMISSION ABSTAINED FROM THE VOTE IN PROTEST, AND ALSO FOR THE FIRST TIME, THE GOVERNMENT STOOD FIRM ON ITS ORIGINAL OFFER. DURING THE COURSE OF THE YEAR, WAGE AND BENEFIT ADJUSTMENTS TO COLLECTIVE BARGAINING CONTRACTS AVERAGED ABOUT 13 TO 15 PERCENT, WHICH WAS SEVERAL POINTS ABOVE THE FINAL INFLATION RATE OF (ESTIMATED TO BE 8-9 PERCENT BY THE END OF THE YEAR.

IN ACAPULCO, MEXICO CITY AND NEARBY INDUSTRIAL AREAS, SOUTHEAST VERACRUZ STATE'S REFINING AND PETROCHEMICAL ZONE, AND MOST BORDER AREAS, THE MINIMUM DAILY WAGE WAS SET AT \$3.99 (37.90 PESOS). HOWEVER, EMPLOYERS ACTUALLY PAID \$4.55 BECAUSE OF A SUPPLEMENTAL 14 PERCENT SUBSIDY. THESE INCOME SUPPLEMENTS TO THE MINIMUM WAGE, AGREED TO IN ANNUAL TRIPARTITE PACTS, ARE FOR ALL INCOMES LESS THAN FOUR TIMES THE MINIMUM WAGE, DECREASING AS WAGES AND BENEFITS RISE. IN GUADALAJARA, MONTERREY, AND OTHER ADVANCED INDUSTRIALIZED AREAS, THE MINIMUM DAILY WAGE (BEFORE THE SUBSIDY) WAS \$3.70 (35.10 PESOS). IN OTHER AREAS, IT WAS \$3.44 (32.70 PESOS). THERE ARE HIGHER MINIMUMS FOR SOME OCCUPATIONS, SUCH AS BUILDING TRADES.

THE MINMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. FEW WORKERS (ABOUT 16 PERCENT) EARN ONLY THE MINIMUM WAGE INDUSTRIAL WORKERS UNCLAS E F T O SECTION 25 OF 25 MEXICO 008160

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SENSITIVE BUT UNCLASSIFIED - NOFORN

FOR DRL/CRA, WHA/MEX, AND WHA/PPCP

E.O. 12958: DECL: N/A

TAGS: PHUM, ELAB, KSEP, MX

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AVERAGE THREE TO FOUR TIMES THE MINIMUM WAGE, EARNING MORE AT BIGGER, MORE ADVANCED, AND PROSPEROUS ENTERPRISES.

THE LAW AND CONTRACT ARRANGEMENTS PROVIDE WORKERS WITH EXTENSIVE ADDITIONAL BENEFITS. LEGALLY REQUIRED BENEFITS INCLUDE FREE SOCIAL SECURITY MEDICAL TREATMENT AND PENSIONS, INDIVIDUAL WORKER HOUSING AND RETIREMENT ACCOUNTS, SUBSTANTIAL CHRISTMAS BONUSES, PAID VACATIONS, AND PROFIT SHARING. EMPLOYER COSTS FOR THESE BENEFITS ADD FROM ABOUT 27 PERCENT OF PAYROLL AT MARGINAL ENTERPRISES TO OVER 100 PERCENT AT MAJOR FIRMS WITH GOOD UNION CONTRACTS. IN ADDITION, EMPLOYERS FREQUENTLY SUBSIDIZE THE COST OF MEALS, TRANSPORTATION, AND DAY CARE FOR CHILDREN, AND PAY BONUSES FOR PUNCTUALITY AND PRODUCTIVITY.

THE LFT SETS SIX 8-HOUR DAYS AS THE LEGAL WORKWEEK, BUT WITH PAY FOR 56 HOURS. FOR MOST INDUSTRIAL WORKERS, ESPECIALLY UNDER UNION CONTRACT, THE TRUE WORKWEEK IS 42 HOURS, ALTHOUGH THEY ARE PAID FOR 7 FULL 8-HOUR DAYS. THIS IS ONE REASON WHY UNIONS JEALOUSLY DEFEND THE LEGAL BAN ON HOURLY WAGES. WORKERS ASKED TO EXCEED 3 HOURS OF OVERTIME PER DAY OR REQUIRED TO WORK OVERTIME ON 3 CONSECUTIVE DAYS MUST BE PAID TRIPLE THE NORMAL WAGE.

THE LAW REQUIRES EMPLOYERS TO OBSERVE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS, ISSUED JOINTLY BY THE STPS AND THE SOCIAL SECURITY INSTITUTE (IMSS), AND TO PAY CONTRIBUTIONS THAT VARY ACCORDING TO THEIR WORKPLACE SAFETY AND HEALTH EXPERIENCE RATINGS. LFT-MANDATED JOINT MANAGEMENT AND LABOR COMMITTEES SET STANDARDS AND ARE RESPONSIBLE FOR WORKPLACE ENFORCEMENT IN PLANTS AND OFFICES. THESE COMMITTEES MEET AT LEAST MONTHLY TO CONSIDER WORKPLACE NEEDS AND FILE COPIES OF THEIR MINUTES WITH FEDERAL LABOR INSPECTORS.

STPS AND IMSS OFFICIALS REPORT THAT COMPLIANCE IS REASONABLY GOOD AT MOST LARGE COMPANIES. FEDERAL INSPECTORS ARE STRETCHED TOO THIN FOR EFFECTIVE ENFORCEMENT IF COMPANIES DO NOT COMPLY VOLUNTARILY AND FULFILL THEIR LEGAL OBLIGATION TO TRAIN WORKERS IN OCCUPATIONAL HEALTH AND SAFETY MATTERS. THERE ARE SPECIAL PROBLEMS IN CONSTRUCTION, WHERE UNSKILLED, UNTRAINED, POORLY EDUCATED, TRANSIENT LABOR IS COMMON, ESPECIALLY AT MANY SMALL SITES AND COMPANIES. MANY UNIONS, PARTICULARLY IN CONSTRUCTION, ARE NOT ORGANIZED EFFECTIVELY TO PROVIDE TRAINING, TO ENCOURAGE MEMBERS TO WORK SAFELY AND HEALTHILY, TO PARTICIPATE IN THE JOINT COMMITTEES, OR TO INSIST ON THEIR RIGHTS.

INDIVIDUAL EMPLOYEES OR UNIONS ALSO MAY COMPLAIN DIRECTLY TO INSPECTORS OR SAFETY AND HEALTH OFFICIALS. WORKERS MAY

REMOVE THEMSELVES FROM HAZARDOUS SITUATIONS WITHOUT JEOPARDIZING THEIR EMPLOYMENT. PLAINTIFFS MAY BRING COMPLAINTS BEFORE THE FEDERAL LABOR BOARD AT NO COST TO THEMSELVES.

IN JULY A LARGE GROUP OF U.S., CANADIAN, AND MEXICAN LABOR ORGANIZATIONS AND NGO'S FILED A SUBMISSION WITH THE U.S. NAO ALLEGING THE FAILURE OF MEXICAN LABOR AUTHORITIES TO COMPLY WITH HEALTH AND SAFETY REGULATIONS RESULTING IN OCCUPATIONAL INJURIES TO A NUMBER OF WORKERS AT MAQUILADORA PLANTS BELONGING TO A U.S. COMPANY IN THE BORDER STATE OF TAMAULIPAS. THE U.S. NAO ACCEPTED THE SUBMISSION IN SEPTEMBER FOR FORMAL REVIEW (NOTE: A PUBLIC HEARING WILL MOST LIKELY BE HELD IN SAN ANTONIO OR BROWNSVILLE, TEXAS BY THE END OF THAT MONTH OR IN EARLY OCTOBER. END NOTE.)

#### F.QTRAFFICKING IN PERSONS

AVAILABLE INFORMATION DOES NOT SUGGEST THAT TRAFFICKING OF PERSONS IN OR TO THE COUNTRY IS A SIGNIFICANT PROBLEM. HOWEVER, THERE HAVE BEEN ISOLATED CASES OF ORGANIZED TRAFFICKING OF PERSONS FOR THE PURPOSE OF FORCED PROSTITUTION OR SEXUAL SERVICES, DOMESTIC SERVITUDE, FORCED OR BONDED SWEATSHOP LABOR, OR OTHER DEBT BONDAGE. MEXICO IS USED AS A TRANSIT COUNTRY FOR THE TRAFFICKING OF PERSONS, ESPECIALLY FROM CHINA, TO THE UNITED STATES AND CANADA. THE MEXICAN GOVERNMENT HAS SIGNIFICANTLY STRENGTHENED ITS COOPERATION WITH CHINA, THE UNITED STATES, AND OTHER COUNTRIES TO ADDRESS THIS PROBLEM. HOWEVER, THERE WERE CREDIBLE REPORTS THAT POLICE, IMMIGRATION, AND CUSTOMS OFFICIALS WERE INVOLVED IN THE TRAFFICKING OF SUCH PERSONS (SEE SECTION 2.D.).

THERE ARE NO SPECIFIC LAWS THAT PROHIBIT THE TRAFFICKING OF PERSONS; HOWEVER, IMMIGRATION LAWS, THE FEDERAL ORGANIZED CRIME LAW, AND FEDERAL AND STATE PENAL CODES CONTAIN LAWS THAT ARE USED TO PROSECUTE TRAFFICKERS OF UNDOCUMENTED MIGRANTS, WOMEN, AND CHILDREN.

**TOR:** 09/18/00 19:19:20

**DIST:** SIT: BABBITT BANBURY NSC HAMMER HANLEY HOLLIS MCLEAN MERLETTI NAPLAN ORFINI PATTEN SCHWARTZ SHEA SMITHP VALENZUELA WALLACE WILCOX

# Cable

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**PREC:** IMMEDIATE  
**CLASS:** UNCLASSIFIED  
**LINE1:** OAAEZYUW RUEHROA6016 2760421-EEEE--RHEHAAX.  
**LINE2:** ZNY EEEEE ZZH  
**LINE3:** O 020421Z OCT 00  
**LINE4:** FM AMEMBASSY ROME  
**OSRI:** RUEHRO  
**DTG:**  
**ORIG:** AMEMBASSY ROME  
**TO:** SECSTATE WASHDC IMMEDIATE 3324  
**INFO:** ////  
**SUBJ:** 2000 HUMAN RIGHTS REPORT FOR ITALY  
**TEXT:** UNCLAS E F T O SECTION 01 OF 07 ROME 006016

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NOFORN  
FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A  
TAGS: PHUM, ELAB, IT  
SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

REFS: A) STATE 156494, B) STATE 155388

1. SENSITIVE BUT UNCLASSIFIED - NOFORN - ENTIRE TEXT.
2. FOLLOWING IS THE 2000 HUMAN RIGHTS REPORT FOR ITALY.
3. INTRODUCTION

(PARA 2: CHANGE TO READ):  
THE ARMED FORCES ARE UNDER THE CONTROL OF THE MINISTRY OF DEFENSE. THE CARABINIERI ARE A MILITARY SECURITY FORCE, FORMERLY UNDER THE CONTROL OF THE MINISTRY OF INTERIOR, BUT REASSIGNED (MARCH) AS THE FOURTH BRANCH OF THE ARMED FORCES AND THUS UNDER THE MINISTRY OF DEFENSE. THE CARABINIERI REMAIN SUBORDINATED TO THE MINISTRY OF INTERIOR IN MATTERS OF INTERNAL SECURITY. FOUR SEPARATE POLICE FORCES REPORT TO DIFFERENT MINISTERIAL OR LOCAL AUTHORITIES. UNDER EXCEPTIONAL CIRCUMSTANCES, THE GOVERNMENT MAY CALL ON THE ARMY TO PERFORM SECURITY IN THE FORM OF GUARD DUTY IN CERTAIN LOCATIONS (E.G., "PATROLLING THE BEAT"), THUS FREEING THE CARABINIERI AND LOCAL POLICE TO PERFORM MORE EXTENSIVE POLICING DUTIES. FOR SEVERAL YEARS, THE ARMY SUPPORTED THE POLICE IN SICILY AND IN THE PROVINCE OF NAPLES, AREAS WITH HIGH LEVELS OF ORGANIZED CRIME. THE ARMY LEFT NAPLES AT THE END OF 1997 AND SICILY IN 1998 BUT WAS REDEPLOYED BACK TO BOTH LOCATIONS FOR A SHORT PERIOD IN 1999, DURING WHICH SPECIAL ACTIONS WERE IN PROGRESS AGAINST ORGANIZED CRIME. IN SEPTEMBER, THE GOVERNMENT SENT AN AUGMENTED FORCE TO NAPLES OF 500 POLICE AND CARABINIERI, SOME OF WHOM WORE MILITARY-

STYLE CAMOUFLAGE BATTLE DRESS UNIFORMS, TO UNDERScore ITS DETERMINATION TO COMBAT CRIMINAL VIOLENCE IN THE CITY.

(PARA 4: CHANGE TO READ):

THE GOVERNMENT GENERALLY RESPECTS THE HUMAN RIGHTS OF ITS CITIZENS, AND THE LAW AND THE JUDICIARY GENERALLY PROVIDE EFFECTIVE MEANS OF DEALING WITH INSTANCES OF INDIVIDUAL ABUSE; HOWEVER, THERE WERE PROBLEMS IN SOME AREAS. PRISONS ARE OVERCROWDED, THE PACE OF JUSTICE IS SLOW, AND SOME SERIOUS CRIME GOES UNPUNISHED WHEN TRIAL DELAYS RUN OUT THE STATUTE OF LIMITATIONS. LENGTHY PRETRIAL DETENTION IS COMMON. THE JUDICIARY INVESTIGATES OCCASIONAL REPORTS OF POLICE ABUSE. ALTHOUGH GOVERNMENT HAS TAKEN STEPS TO COMBAT CHILD ABUSE AND VIOLENCE AGAINST WOMEN, SOME CONTINUE TO BE VICTIMS OF DOMESTIC CONFLICT AND SOCIETAL DISCRIMINATION. CHILD LABOR, MAINLY INVOLVING IMMIGRANT CHILDREN, PERSISTS IN THE UNDERGROUND ECONOMY BUT IS INVESTIGATED ACTIVELY. CLANDESTINE IMMIGRANTS INCUR EXPLOITATION. TRAFFICKING IN WOMEN AND GIRLS TO ITALY FOR PROSTITUTION AND FORCED LABOR IS A GROWING PROBLEM, AS IS ALSO TRAFFICKING IN CHILDREN.

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

(PARA 2):

- 1ST SENTENCE: ADD "1999" AFTER "MAY 20."
- 2ND SENTENCE: CHANGE TO READ: A TERRORIST MOVEMENT KNOWN AS THE RED BRIGADES CLAIMED RESPONSIBILITY FOR THE KILLING.
- DELETE 3RD AND 4TH SENTENCES AND SUBSTITUTE: A SUSPECT DETAINED BY POLICE IN ROME IN MAY WAS SUBSEQUENTLY RELEASED, AND THE INVESTIGATION CONTINUES.

B. DISAPPEARANCE

C. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(PARA 1):

- ADD A NEW 3RD SENTENCE: NONGOVERNMENTAL (NGO) ASSOCIATION ANTIGONE, WHICH IS COMPOSED MAINLY OF LAWYERS, MAGISTRATES, AND ACADEMICS, PROMOTES THE RIGHTS OF DETAINEES, WORKS CLOSELY WITH THE EUROPEAN COMMISSION FOR PREVENTION OF TORTURE, AND MONITORS THE PRISON SYSTEM.
- OLD 3RD SENTENCE: CHANGE "IN MAY" TO "IN JUNE."
- OLD 6TH, 7TH, AND 8TH SENTENCES: DELETE AND SUBSTITUTE: IN A MAY LETTER TO PENAL AUTHORITIES, AI EXPRESSED CONCERN ABOUT SUITS FILED THE PREVIOUS MONTH BY INMATES OF THE SASSARI DISTRICT PRISON, WHO HAD BEEN SUBJECTED TO CRUEL AND DEGRADING PUNISHMENT. IN A SEPARATE COMMUNICATION, AI REFERRED TO ALLEGATIONS OF ILL TREATMENT AT NEWLY ESTABLISHED TEMPORARY DETENTION CENTERS FOR ALIENS (SEE SECTION 2.D).

(PARA 2: PLEASE DELETE.)

(PARA 3: PLEASE DELETE.)

(PARA 4: PLEASE DELETE.)

(ADD AS A NEW 2ND PARA):

OVERCROWDED AND ANTIQUATED PRISONS CONTINUE TO BE A PROBLEM. WITH SPACE THEN FOR 35,000 PRISONERS, THE PRISON SYSTEM A DECADE AGO HELD 30,000 DETAINEES. NOW IT HAS SPACE FOR UNCLAS E F T O SECTION 02 OF 07 ROME 006016

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NOFORN

FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A

TAGS: PHUM, ELAB, IT

SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

35,000 BUT HOLDS OVER 53,000 DETAINEES, OF WHOM 3,500 WERE ADDED IN 1999 ALONE. OLDER FACILITIES TEND TO LACK OUTDOOR OR EXERCISE SPACE, COMPOUNDING THE DIFFICULTIES OF CLOSE QUARTERS. APPROXIMATELY 54 PERCENT OF DETAINEES ARE SERVING SENTENCES; THE OTHER 46 PERCENT CONSISTS MAINLY OF PERSONS AWAITING TRIAL OR THE OUTCOME OF AN APPEAL. NEARLY ONE OF THREE HAS BEEN JAILED FOR A DRUG VIOLATION. ONE IN FOUR IS AN ALIEN. OF DRUG USERS, ALMOST 10 PERCENT ARE HIV POSITIVE. SOME 83 PRISONERS DIED WHILE IN JAIL IN 1999, 53 OF WHOM FROM SUICIDE, WITH A REPORTED 920 UNSUCCESSFUL SUICIDE ATTEMPTS AND SOME 6,500 ACTS OF SELF-MUTILATION.

(ADD AS A NEW 3RD PARA):

THESE CONDITIONS GAVE RISE IN THE SPRING TO PROTESTS BOTH BY PRISONERS AND GUARDS. A TWO-DAY GUARD STRIKE IN SASSARI (WHICH LEFT INMATES WITHOUT FOOD OR WATER) LED TO A PRISONER RIOT IN MARCH, FOLLOWED BY RETALIATORY GUARD VENGEANCE IN APRIL. IN EARLY MAY, 82 SASSARI GUARDS AND WARDENS WERE ARRESTED IN CONNECTION WITH THE APRIL ABUSES. THESE ARRESTS PROVOKED SYMPATHY STRIKES AND DEMONSTRATIONS BY PRISON GUARDS ACROSS ITALY, WHO PROTESTED THEIR LOW PAY, LONG HOURS, AND THE CONDITIONS OF TENSION AND RISK UNDER WHICH THEY WORK. DURING THE SAME PERIOD, PRISONER PROTESTS ERUPTED AT SEVERAL JAILS AND PARLIAMENT DEBATED PROPOSALS FOR AMNESTY (I.E., DECRIMINALIZATION) OF CERTAIN CRIMES, PARDONS (I.E., SHORTENING OF SENTENCES), ALTERNATIVE PUNISHMENTS TO JAIL TIME, AND THE EXPULSION OF NON-EU NATIONALS SENTENCED TO PRISON. THE POPE'S CALL IN JUNE FOR (CATHOLIC) JUBILEE YEAR "CLEMENCY" ADDED TO PRESSURE ON PARLIAMENTARIANS AND RAISED PRISONER EXPECTATIONS. GIVEN THE CONSTITUTION'S REQUIREMENT THAT TWO-THIRDS OF EACH CHAMBER SUPPORT AN AMNESTY OR PARDON, HOWEVER, AND THE INABILITY OF GOVERNMENT AND OPPOSITION FORCES TO AGREE, NOTHING CHANGED.

D. ARBITRARY ARREST, DETENTION, OR EXILE

(PARA 1: DELETE LAST 3 SENTENCES.)

(PARA 4, 3RD SENTENCE: CHANGE TO READ):

PERSONS IN DETENTION INCLUDE NOT ONLY THOSE AWAITING TRIAL, BUT ALSO INDIVIDUALS AWAITING THE OUTCOME OF A FIRST OR SECOND APPEAL (SEE SECTION 1.E.).

E. DENIAL OF FAIR PUBLIC TRIAL

(PARA 2):

- 1ST SENTENCE: CHANGE TO READ: THERE ARE THREE LEVELS OF COURTS. A 1998 LAW, WHOSE IMPLEMENTATION BEGAN IN JUNE 1999, AIMED TO SPEED UP TRIALS BY ESTABLISHING THAT A SINGLE JUDGE WOULD HEAR CASES AT THIS LEVEL.

- OLD 4TH AND 5TH SENTENCES: PLEASE DELETE.

(PARA 3, PENULTIMATE SENTENCE: CHANGE "GOVERNMENT-HELD" TO "PROSECUTOR-HELD.")

(PARA 4: PLEASE DELETE.)

(PARA 5: PLEASE DELETE.)

(ADD AS A NEW 4TH PARA):

BOTH ITALIANS AND EUROPEAN INSTITUTIONS CRITICIZE THE SLOW PACE OF JUSTICE. IN APRIL, THE NATIONAL STATISTICAL INSTITUTE (ISTAT) REPORTED THAT THE AVERAGE TRIAL LASTS 35 MONTHS; APPEAL PROCEDURES CAN ADD ANOTHER 59 MONTHS. THE LENGTH OF TRIALS VARIES BY REGION - THOSE IN THE NORTH TEND TO BE SHORTER THAN THOSE IN THE SOUTH. THE EUROPEAN COURT OF HUMAN RIGHTS SAID ITALY RANKED FIRST BOTH IN NUMBER OF COMPLAINTS FILED AGAINST IT IN 1999 AND THE NUMBER OF ADVERSE DECISIONS (44 OUT OF 120) THE COURT RENDERED. THESE DECISIONS ALMOST ALWAYS CENTERED ON EXCESSIVE TRIAL DELAYS. IN JUNE, THE COUNCIL OF EUROPE'S COMMITTEE OF MINISTERS REITERATED TO THE PARLIAMENTARY ASSEMBLY THAT "EXCESSIVE DELAYS (IN ITALY) IN THE ADMINISTRATION OF JUSTICE CONSTITUTE AN IMPORTANT DANGER, IN PARTICULAR FOR THE RESPECT OF THE RULE OF LAW." WHILE NOTING THAT ITALIAN AUTHORITIES SHARED THESE CONCERNS, THE MINISTERS OBSERVED THAT "THE TREND IN THE NUMBER OF NEW CASES REFERRED TO STRASBOURG HAS NOT CHANGED."

(ADD AS A NEW 5TH PARA):

EXCESSIVE TRIAL DELAY HAS ALSO COMPLICATED THE OUTCOME OF JUDICIAL PROCESSES INVOLVING "CLEAN HANDS" INVESTIGATIONS OF CORRUPTION LAUNCHED IN 1991. PUBLIC PROSECUTORS UNCOVERED NUMEROUS INSTANCES OF ILLEGAL ARRANGEMENTS BETWEEN BUSINESSMEN AND POLITICAL FIGURES, INCLUDING ILLICIT FINANCING OF POLITICAL PARTIES, AS WELL AS TIES BETWEEN ELECTED OFFICIALS AND ORGANIZED CRIME. OVER 1,300 PERSONS WERE EITHER CONVICTED AND SENTENCED OR ACCEPTED PLEA BARGAINS. THOSE SENTENCED TO PRISON TERMS, GENERALLY FOR PERIODS OF 3 YEARS, WERE ABLE TO BENEFIT FROM A LEGAL SYSTEM THAT ALLOWS ALTERNATIVE PUNISHMENT FOR PERSONS WHOSE SENTENCES DO NOT EXCEED 4 YEARS. THUS FEW PEOPLE SERVED JAIL SENTENCES AS A RESULT OF THE TRIALS. THE MOST SENSATIONAL CASES INVOLVED MULTIPLE ACCUSATIONS AGAINST TWO FORMER PRIME  
UNCLAS E F T O SECTION 03 OF 07 ROME 006016

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NOFORN

FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

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TAGS: PHUM, ELAB, IT  
SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

MINISTERS, GIULIO ANDREOTTI AND SILVIO BERLUSCONI. WITH REGARD TO THE LATTER, TWO CASES ENDED AT THE APPEALS LEVEL (FOLLOWING LOWER COURT CONVICTIONS) WHEN JUDICIAL DELAYS AND MANEUVERS CAUSED THE TRIALS TO EXCEED THE STATUTE OF LIMITATIONS. BERLUSCONI WON ACQUITTALS IN TWO OTHER APPEALS CASES, HOWEVER, AS WELL AS ONE AT A LOWER COURT LEVEL, AND CITED THESE OUTCOMES AS VINDICATION, SIGNIFYING THAT THE ORIGINAL CHARGES HAD BEEN AN EFFORT BY ELEMENTS IN THE JUDICIARY TO ACHIEVE POLITICAL OBJECTIVES THROUGH PROSECUTORIAL MEANS. MILAN'S CHIEF PUBLIC PROSECUTOR RETORTED THAT BERLUSCONI'S CRITICISMS WERE AIMED AT UNDERMINING THE LEGITIMACY OF INVESTIGATING MAGISTRATES. IN THE CASE OF (NOW) SENATOR-FOR-LIFE ANDREOTTI, PROSECUTORS RELIED HEAVILY IN TWO SEPARATE TRIALS ON TESTIMONY BY TURNCOAT MAFIA WITNESSES ("PENTITI"). THESE TRIALS ENDED WITH COURT CRITICISMS OF BOTH THE PROSECUTION AND DEFENDANT. THE COURT SAID PROSECUTORS FAILED TO PRODUCE CONCRETE EVIDENCE BACKING UP VAGUE AND CONTRADICTIONARY TESTIMONY BY THE PENTITI. OTHER COURT OBSERVATIONS, WHICH ASSERTED ANDREOTTI HAD LIED AT THE TRIAL, FELL SHORT OF RESOLVING DOUBTS ABOUT HIS CONDUCT.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

(ADD AS A 2ND PARA):

ITALIAN COURTS ARE SENSITIVE TO CRITICISM, HOWEVER, AND IMPOSE FINES FOR "DEFAMATION." IN MAY, MEMBER OF PARLIAMENT ALESSANDRA MUSSOLINI WAS SUED FOR 600 THOUSAND DOLLARS (1.2 BILLION LIRE) BY TWO JUDGES ON THE HIGHEST APPEALS COURT. MS MUSSOLINI HAD CRITICIZED AS A "KILLER SENTENCE" A COURT RULING THAT FAILED TO CONSIDER RAPE DURING PREGNANCY AS AN AGGRAVATING FACTOR, WARRANTING A HEAVIER PENALTY. IN JULY, A COURT LEVIED A 27 THOUSAND-DOLLAR (55 MILLION LIRE) FINE AGAINST WEEKLY MAGAZINE "PANORAMA" FOR A 1997 ARTICLE DEFAMING ANTI-MAFIA PROSECUTORS IN PALERMO.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

(ADD AS A 2ND PARA):

CATHOLIC CHURCH AUTHORITIES VEHEMENTLY OPPOSED GAY COMMUNITY PLANS TO HOLD A WORLD "PRIDE WEEK" IN ROME DURING THE FIRST WEEK IN JULY, CONDEMNING IT AS A "PROVOCATION" AND AFFRONT TO THE CHURCH'S JUBILEE YEAR. DESPITE CHURCH CALLS TO POSTPONE OR RELOCATE THE EVENT, NATIONAL AND MUNICIPAL AUTHORITIES ALLOWED PLANS TO PROCEED AND WORKED WITH PRIDE WEEK ORGANIZERS TO ASSURE PUBLIC SAFETY AND PROVIDE ADEQUATE ACCOMMODATIONS FOR EVENT PARTICIPANTS.

C. FREEDOM OF RELIGION

(DELETE ALL AND SUBSTITUTE FORMULAIC LANGUAGE):  
THE CONSTITUTION PROVIDES FOR FREEDOM OF RELIGION, AND THE  
GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL,  
EMIGRATION, AND REPATRIATION

(PARA 1):  
- 4TH SENTENCE: CHANGE "1946" TO "1947."  
- 5TH SENTENCE: CHANGE "ON DECEMBER 13, ROYAL DESCENDANT"  
TO "IN DECEMBER 1999, ROYAL DESCENDANT."  
- ADD NEW LAST SENTENCE: IN MARCH, THE EUROPEAN PARLIAMENT  
VOTED AGAINST INCLUDING A REFERENCE TO THE SAVOYS' CASE IN  
ITS HUMAN RIGHTS REPORT.

(PARA 2: PLEASE DELETE.)

(PARA 3: PLEASE DELETE.)

(PARA 4: PLEASE DELETE.)

(PARA 5: PLEASE DELETE.)

(ADD AS A NEW 2ND PARA):  
POLITICAL ASYLUM IS OBTAINED ACCORDING TO THE 1951 U.N.  
CONVENTION RELATING TO THE STATUS OF REFUGEES. THE  
GOVERNMENT COOPERATES WITH THE U.N. HIGH COMMISSIONER FOR  
REFUGEES AND OTHER HUMANITARIAN ORGANIZATIONS ASSISTING  
REFUGEES. IT PROVIDES FIRST ASYLUM TO REFUGEES FLEEING  
HOSTILITIES OR NATURAL DISASTERS. SUCH REFUGEES ARE GRANTED  
TEMPORARY RESIDENCE PERMITS, WHICH MUST BE RENEWED  
PERIODICALLY AND DO NOT ENSURE FUTURE PERMANENT RESIDENCE.  
AMNESTY INTERNATIONAL HAS NOTED, HOWEVER, THAT ITALY LACKS A  
SPECIFIC LAW ON POLITICAL ASYLUM.

(ADD AS A NEW 3RD PARA):  
IN 1999, THE MINISTRY OF INTERIOR APPROVED 912 ASYLUM  
REQUESTS, DISAPPROVING SOME 12,000 OTHERS. NATIONALS OF  
UNCLAS E F T O SECTION 04 OF 07 ROME 006016

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NOFORN  
FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A  
TAGS: PHUM, ELAB, IT  
SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

YUGOSLAVIA, IRAQ, TURKEY, AND IRAN ACCOUNTED FOR OVER HALF OF  
THE APPROVALS. THESE CASES WERE CONSIDERED IN THE CONTEXT OF  
MASSIVE AND CONTINUING CLANDESTINE IMMIGRATION FLOWS, MAINLY  
BY SEA, INVOLVING ALBANIANS, SERBS, KURDS, NORTH AFRICANS,  
CHINESE, NIGERIANS, AND OTHER WEST AFRICANS, MANY OF WHOM  
ENTERED ITALY INTENDING TO TRANSIT TO OTHER MEMBER STATES OF  
THE EUROPEAN UNION. IN APRIL, ITALY APPROVED A MIGRATION  
ACCORD WITH ALBANIA (SIMILAR TO PREVIOUS SUCH ACCORDS WITH  
TUNISIA AND MOROCCO) AIMED AT PROMOTING REGULAR ANNUAL  
EMIGRATION OF 5,000 ALBANIANS. MORE AGGRESSIVE COASTAL

PATROLLING HELPED REDUCE ILLEGAL IMMIGRANT LANDINGS IN SOUTHERN ITALY (SOME OF WHICH INVOLVED SPEEDY RUBBER DINGHIES FROM ALBANIA, OTHERS RUSTY FREIGHTERS FROM TURKEY OR GREECE). THOSE LANDING IN THE FIRST 7 MONTHS OF THE YEAR NUMBERED 16,100, COMPARED WITH A KOSOVO-SWELLED 35,200 IN THE SAME PERIOD IN 1999. SOME 37,200 CLANDESTINES WERE REPATRIATED OVER THE SAME 7 MONTHS THIS YEAR, VERSUS 34,800 IN 1999.

(ADD AS A NEW 4TH PARA):

MOST CLANDESTINE MIGRANTS WERE PERSONS WHO WILLINGLY PAID FEES TO SMUGGLERS IN THE HOPE OF FINDING WORK IN EUROPE. SOME RISKED DEATH, AS SMUGGLERS UNLOADED THEIR HUMAN CARGO AT SEA TO AVOID CAPTURE BY PATROL BOATS. OTHERS WERE ENTRAPPED IN ILLEGAL ACTIVITIES, WERE PAID SUBSTANDARD WAGES, OR FORCED TO WORK AS PROSTITUTES TO PAY OFF DEBTS INCURRED IN THEIR PASSAGE (SEE SECTION 6.F.).

SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

(PARA 2: MERGE W/PARA 1, CHANGE "6 OF 25 CABINET POSITIONS" TO "4 OF 24 CABINET POSITIONS," AND DELETE 2ND SENTENCE.)

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

WOMEN

(PARA 1: PLEASE DELETE.)

(ADD AS A NEW 1ST PARA):

VIOLENCE AGAINST WOMEN REMAINS A PROBLEM. A 1998 ISTAT SURVEY (THE FIRST ONE NATIONWIDE) REPORTED THAT AT LEAST 9.4 MILLION WOMEN BETWEEN THE AGES OF 14 AND 59 HAD EXPERIENCED SOME FORM OF SEXUAL VIOLENCE DURING THEIR LIVES. NGO TELEFONO ROSA, WHICH PROVIDES A HOT LINE THROUGH WHICH ABUSED WOMEN CAN OBTAIN LEGAL, MEDICAL, AND OTHER ASSISTANCE, REPORTS THAT NEARLY HALF OF ALL COMPLAINTS IT RECEIVES NATIONALLY INVOLVE PHYSICAL VIOLENCE, MUCH OF IT AT HOME.

(PARA 2):

- 5TH SENTENCE: CHANGE TO READ: TELEFONO ROSA NOTES THAT THE ENTRY OF MORE WOMEN INTO THE POLICE FORCE HAS CONTRIBUTED GREATLY TO INCREASED COOPERATION BY FEMALE VICTIMS OF VIOLENCE.

- PENULTIMATE SENTENCE: PLEASE DELETE.

- OLD LAST SENTENCE: CHANGE TO READ: ACTING ON BEHALF OF LOCAL GOVERNMENT ADMINISTRATIONS, SOME 60 LOCAL WOMEN'S ASSOCIATIONS MAINTAIN AND RUN SHELTERS FOR BATTERED WOMEN.

(PARA 3: PLEASE DELETE.)

(PARA 4: CHANGE TO READ):

IN DECEMBER 1999, THE LABOR MINISTRY AND MAJOR TRADE UNION

CONFEDERATIONS AGREED ON A CODE OF CONDUCT REGARDING SEXUAL HARASSMENT IN THE WORKPLACE. THE CODE, WHICH FOLLOWS A 1991 EU RECOMMENDATION, IS TO BE ATTACHED TO NATIONAL SECTORAL LABOR CONTRACTS AS THEY ARE NEGOTIATED. TELEFONO ROSA REPORTS THAT PREVIOUS AD HOC LABOR CONTRACT SEXUAL HARASSMENT PROVISIONS HAVE WORKED AS A DETERRENT TO WORKPLACE HARASSMENT BOTH IN THE PUBLIC AND PRIVATE SECTORS.

(PARA 7):

- 4TH SENTENCE: CHANGE "FOCUSED ON WOMEN'S RIGHTS" TO "FOCUSES ON WOMEN'S RIGHTS."
- ADD AT END OF PARA: A DECREE APPROVED IN MAY REQUIRES CIVIL SERVICE RECRUITERS TO EXPLAIN IN WRITING THEIR MOTIVES FOR HIRING OR PROMOTING AS MANAGER A MAN RATHER THAN A WOMAN. THE RULE WAS DESIGNED TO PROMOTE WOMEN'S ACCESS TO THE HIGHER ECHELONS OF PUBLIC ADMINISTRATION AND IS TO APPLY IN OFFICES WHERE WOMEN MANAGERS NUMBER LESS THAN A THIRD OF THE TOTAL.

(PARA 8):

- 1ST SENTENCE: ADD "1999" AFTER "FEBRUARY."
  - ADD NEW 2ND SENTENCE: WITH SOME EXCEPTIONS (IF PREGNANT, THE MOTHER OF A CHILD BELOW 3 YEARS OF AGE, OR THE MOTHER OF A DISABLED PERSON), WOMEN ARE NOW ALLOWED TO WORK AT NIGHT.
  - ADD NEW LAST SENTENCE: A MARCH LAW ON PARENTAL LEAVE, WHICH GRANTS MOTHERS AND FATHERS AN EQUAL RIGHT TO TAKE LEAVE
- UNCLAS E F T O SECTION 05 OF 07 ROME 006016

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FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A

TAGS: PHUM, ELAB, IT

SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

WHEN A CHILD IS SICK, IS AIMED AT OFFERING EQUAL OPPORTUNITY WITHOUT PENALIZING WOMEN AT WORK.

(PARA 9):

- 1ST SENTENCE: CHANGE "CGIL LABOR INSTITUTE" TO "EUROSTAT;" CHANGE "20 PERCENT" TO "23.5 PERCENT."
- 3RD SENTENCE: CHANGE TO READ: ACCORDING TO A RECENT REPORT BASED ON ISTAT DATA, WOMEN ACCOUNT FOR 36 PERCENT OF THE LABOR FORCE (THE EU AVERAGE IS 42 PERCENT), WITH YEARLY GROWTH IN FEMALE EMPLOYMENT OF 2 PERCENT (VIS-A-VIS 0.2 PERCENT FOR MEN).
- 4TH SENTENCE: CHANGE "(CNEL) REPORTS" TO "(CNEL) REPORTED."
- ADD NEW 5TH SENTENCE: IN 1999, WOMEN OCCUPIED 19.1 PERCENT OF PUBLIC OFFICES, WERE 11.3 PERCENT OF TEACHERS, AND 3.8 PERCENT OF MEDIA EXECUTIVES.
- OLD 7TH SENTENCE: PLEASE DELETE.
- OLD 8TH SENTENCE: PLEASE DELETE.

CHILDREN

(PARA 1: CHANGE TENSES, AS FOLLOWS:

...SCHOOLING BECAME COMPULSORY....

...CURRICULUM ARE ALLOWED TO....  
...REFORM WAS INTENDED....  
...WHICH HAD BEEN HIGH.)

(PARA 2):

- 1ST SENTENCE: CHANGE TO READ: ABUSE OF CHILDREN IS RECOGNIZED AS A SOCIETAL PROBLEM; AN ESTIMATED 90 PERCENT OF VIOLENCE AGAINST MINORS IS COMMITTED WITHIN THEIR OWN FAMILIES.

- PENULTIMATE SENTENCE: CHANGE "ALBANIANS, AND SOME NIGERIANS" TO "ALBANIANS, OTHER EAST EUROPEANS, AND SOME NIGERIANS."

- OLD LAST SENTENCE: PLEASE DELETE.

- ADD NEW LAST SENTENCE: SOCIAL SERVICE INTERNATIONAL (AN ITALY-BASED NGO) ASSISTS IN REPATRIATING UNACCOMPANIED IMMIGRANT MINORS.

(PARA 3: PLEASE DELETE.)

(ADD AS A NEW 3RD PARA):

SEVERAL NEW LAWS AND GOVERNMENT PROGRAMS ENHANCE PROTECTIONS FOR MINORS. IN 1996, MINORS OFFICES STAFFED BY TRAINED POLICE (OFTEN WOMEN) WERE ESTABLISHED IN POLICE STATIONS AROUND THE COUNTRY TO OFFER EMERGENCY HELP FOR MINORS AND FAMILIES IN DISTRESS, AS WELL AS COUNSEL IN DEALING WITH OTHER GOVERNMENT SOCIAL AND JUDICIAL ENTITIES. A 1997 LAW ESTABLISHED AN INFORMATION GATHERING NETWORK TO COLLECT DATA ON THE CONDITION OF MINORS. A 1998 IMMIGRATION LAW FORMALIZED AN OFFICE IN THE MINISTRY OF SOCIAL AFFAIRS THAT PROTECTS THE RIGHTS OF UNACCOMPANIED IMMIGRANT MINORS. (IN 1997, THIS OFFICE SCREENED AND AUTHORIZED ENTRY PERMITS FOR NEARLY 48,000 MINORS AND 3,000 ACCOMPANYING ADULTS.) IN 1998, PARLIAMENT ENACTED A LAW TO COMBAT PEDOPHILIA, CHILD PORNOGRAPHY, THE POSSESSION OF PORNOGRAPHIC MATERIAL INVOLVING CHILDREN, SEX TOURISM INVOLVING MINORS, AND TRAFFICKING IN CHILDREN (SEE ALSO SECTION 6.F.). AN INNOVATIVE FEATURE OF THIS LAW'S IMPLEMENTATION INVOLVED THE ESTABLISHMENT OF A SPECIAL POLICE UNIT TO MONITOR AND PROSECUTE INTERNET SITES DEVOTED TO PROMOTING PEDOPHILIA.

PEOPLE WITH DISABILITIES

(DELETE ALL AND SUBSTITUTE):

IN JANUARY, A NEW LAW REPLACED PREVIOUS LEGISLATION THAT FORBADE DISCRIMINATION AGAINST DISABLED PERSONS IN EMPLOYMENT, EDUCATION, OR THE PROVISION OF STATE SERVICES. THE NEW LAW REQUIRES COMPANIES EMPLOYING MORE THAN 15 EMPLOYEES TO HIRE ONE OR MORE DISABLED WORKERS: THOSE WITH 15-35 EMPLOYEES MUST HIRE A SINGLE SUCH PERSON, THOSE WITH 35-50 MUST HIRE TWO AND, FOR LARGER COMPANIES, 7 PERCENT OF THE WORK FORCE MUST CONSIST OF THE DISABLED. COMPANIES HIRING THE DISABLED ARE GRANTED CERTAIN BENEFITS, INCLUDING LOWER SOCIAL SECURITY CONTRIBUTIONS, WHILE THE COST OF WORKER TRAINING IS BORNE BY THE GOVERNMENT. THE NEW LAW ALSO PROVIDES FOR MORE SEVERE SANCTIONS AGAINST VIOLATORS.

NATIONAL/RACIAL/ETHNIC MINORITIES

(PARA 1: PLEASE DELETE.)

(PARA 2: PLEASE DELETE.)

(ADD AS A NEW 1ST PARA):

"TRADITIONAL" MINORITIES INCLUDE FRENCH AND GERMAN SPEAKING ALPINE COMMUNITIES IN THE NORTH AND A MIXTURE OF GERMAN AND SLOVENE SPEAKERS IN THE NORTHEAST. THESE AREAS (RESPECTIVELY THE VALLE D'AOSTA, TRENTINO ALTO ADIGE, AND FRIULI VENEZIA GIULIA) ENJOY SPECIAL AUTONOMOUS STATUS, INCLUDING THE RIGHT TO USE NON-ITALIAN LANGUAGES IN GOVERNMENT OFFICES AND PUBLIC SCHOOLS IN THE FORMER TWO. (A MEASURE TO RAISE GERMAN AND UNCLAS E F T O SECTION 06 OF 07 ROME 006016

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FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A

TAGS: PHUM, ELAB, IT

SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

SLOVENE TO THE STATUS OF OFFICIAL LANGUAGES IN FRIULI VENEZIA GIULIA IS PENDING IN PARLIAMENT.)

(ADD AS A NEW 2ND PARA):

ROMA ARE ANOTHER TRADITIONAL MINORITY, BUT WITHOUT A SPECIFIC GEOGRAPHIC BASE. OF A NATIONAL TOTAL OF 115,000, SOME 70,000 ARE CITIZENS - MOST OF WHOM CAN TRACE ANCESTRY IN ITALY TO THE LATE FOURTEENTH CENTURY. MOST OF THESE ROMA LIVE IN THE CENTER AND SOUTH, IN CONDITIONS INDISTINGUISHABLE FROM THOSE OF OTHER ITALIANS. ROMA IN THE NORTH, WHOSE NUMBERS HAVE SWELLED WITH THE ARRIVAL OF 40,000 IMMIGRANTS FROM THE FORMER YUGOSLAVIA, LIVE IN MORE PRECARIOUS CONDITIONS. ALTHOUGH MANY MUNICIPALITIES ARE BUILDING PERMANENT SETTLEMENTS, POOR HOUSING, LIMITED EMPLOYMENT PROSPECTS, AND INADEQUATE EDUCATIONAL FACILITIES REMAIN PROBLEMS. WITH LIMITED INCOME AND JOB OPPORTUNITIES AVAILABLE, SOME TURN TO BEGGING OR PETTY CRIME - IN TURN GENERATING REPRESSIVE MEASURES BY POLICE AUTHORITIES. ROMA COMMUNITIES COMPLAIN THAT THEIR LANGUAGE DOES NOT ENJOY THE SAME PRIVILEGED STATUS AS THAT GRANTED TO MINORITY LANGUAGES IN THE AUTONOMOUS REGIONS.

SECTION 6. WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

(PARA 1: PLEASE DELETE.)

(ADD AS A NEW FIRST PARA):

THE LAW PROVIDES FOR THE RIGHT TO ESTABLISH TRADE UNIONS, JOIN UNIONS, AND CARRY OUT UNION ACTIVITIES IN THE WORKPLACE. THE UNIONS CLAIM TO REPRESENT BETWEEN 35-40 PERCENT OF THE WORK FORCE. TRADE UNIONS ARE FREE OF GOVERNMENT CONTROLS AND HAVE NO FORMAL TIES WITH POLITICAL PARTIES. THE RIGHT TO STRIKE IS EMBODIED IN THE CONSTITUTION AND IS FREQUENTLY EXERCISED. IN APRIL, FOLLOWING A PERIOD OF MULTIPLE LAND, SEA, AND AIR TRANSPORT SECTOR STRIKES, A NEW LAW CHANGED

PROVISIONS OF A 1990 MEASURE GOVERNING STRIKES AFFECTING ESSENTIAL PUBLIC SERVICES (E.G., TRANSPORT, SANITATION, HEALTH). THE NEW LAW DEFINED MINIMUM SERVICE TO BE MAINTAINED DURING A STRIKE AS 50 PERCENT OF NORMAL, WITH STAFFING BY AT LEAST ONE-THIRD THE NORMAL WORK FORCE. THE LAW ESTABLISHED COMPULSORY COOLING OFF PERIODS AND MORE SEVERE SANCTIONS FOR VIOLATIONS. BESIDES TRANSPORT WORKER UNIONS, THE LAW ALSO COVERS LAWYERS AND SELF-EMPLOYED TAXI DRIVERS. IN MAY, A TRANSPORT MINISTRY REGULATION REQUIRED ALL NATIONAL LABOR CONTRACTS INVOLVING EMPLOYMENT SECTORS COVERED BY THE LAW TO ADJUST CONTRACT PROVISIONS TO THE NEW RULES. THESE CHANGES ENJOYED THE BACKING OF THE THREE MAJOR NATIONAL TRADE UNION CONFEDERATIONS, WHICH SOUGHT TO AVOID INCONVENIENCE TO TOURISTS AND THE TRAVELING PUBLIC ALIKE DURING THE CATHOLIC CHURCH'S JUBILEE YEAR.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

(PARA 1):

- OLD LAST SENTENCE: CHANGE TO READ): MANY OF THESE FACTORIES, WHICH FACE THREATS OF INFILTRATION OR COERCION BY CHINESE ORGANIZED CRIME, ARE EQUIPPED WITH ESCAPE TUNNELS TO THWART LABOR INSPECTORS.

- ADD NEW LAST SENTENCE: CARABINIERI OFFICERS WHO WORK ON CHILD LABOR DEVELOPED A VIDEOCASSETTE PROGRAM TO EDUCATE SCHOOLCHILDREN ON CHILD LABOR LAWS, THEIR RIGHTS AS SPECIALLY PROTECTED WORKERS, AND WORKPLACE HAZARDS.

(PARA 2):

- 1ST SENTENCE: CHANGE TO READ: THE GOVERNMENT, EMPLOYERS ASSOCIATIONS, AND UNIONS CONTINUE THEIR TRIPARTITE COOPERATION ON CHILD LABOR. THEIR PERIODIC CONSULTATIONS, BEGUN IN 1997, COVER SUCH MATTERS AS BETTER ENFORCEMENT OF SCHOOL ATTENDANCE REGULATIONS, PROGRAMS TO REDUCE THE NUMBER OF SCHOOL DROPOUTS, FASTER ASSISTANCE FOR FAMILIES IN FINANCIAL DIFFICULTY, FURTHER RESTRICTIONS ON EXCEPTIONS TO THE MINIMUM WAGE LAW, AND CANCELING ECONOMIC OR ADMINISTRATIVE INCENTIVES FOR COMPANIES FOUND TO MAKE USE OF CHILD LABOR, WHETHER IN ITALY OR ABROAD.

- OLD 4TH SENTENCE: CHANGE "FOR THE FIRST TIME" TO "IN 1999."

(ADD AS A NEW 3RD PARA):

ITALY RATIFIED ILO CONVENTION 182 PROHIBITING THE WORST FORMS OF CHILD LABOR FOLLOWING COMPLETION OF PARLIAMENTARY ACTION IN MAY.

E. ACCEPTABLE CONDITIONS OF WORK

(PARA 1: DELETE 3RD SENTENCE.)

(PARA 2: MERGE WITH PARA 1.)

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FOR DRL/CRT, EUR/WE FOR DCAVIN, EUR/RA FOR MMISHRA

E.O. 12958: N/A

TAGS: PHUM, ELAB, IT

SUBJECT: 2000 HUMAN RIGHTS REPORT FOR ITALY

(PARA 3, 6TH SENTENCE: CHANGE TO READ):  
THE WORKMEN'S COMPENSATION INSTITUTE (INAIL) REPORTS THERE WERE A MILLION ACCIDENTS IN 1999, INVOLVING 1,309 DEATHS. ACCIDENTS OCCUR WITH THE GREATEST FREQUENCY IN THE INFORMAL ECONOMY, WHICH EMPLOYS BETWEEN 3.5-5.0 MILLION WORKERS.

F. TRAFFICKING IN PERSONS

(PARA 1: PLEASE DELETE.)

(ADD AS A NEW 1ST PARA):  
TRAFFICKING IN WOMEN AND GIRLS FOR PROSTITUTION AND FORCED LABOR IN ITALY IS A GROWING PROBLEM WHICH, ALTHOUGH CURRENT LAW DOES NOT ADDRESS TRAFFICKING AS SUCH, IS COMBATTED THROUGH RESORT TO PROVISIONS OF A 1958 LAW ON PROSTITUTION AND OTHER ARTICLES OF THE PENAL CODE. IN MARCH, THE GOVERNMENT PRESENTED A BILL ON "MEASURES AGAINST TRAFFICKING OF HUMAN BEINGS," WHICH WOULD INTRODUCE THE CRIME OF TRAFFICKING INTO THE ITALIAN LEGAL SYSTEM AS A MODERN FORM OF SLAVERY.

(ADD AS A NEW 2ND PARA):  
TRAFFICKING IN WOMEN AND GIRLS FOR PURPOSES OF SEXUAL EXPLOITATION INVOLVES VULNERABLE, ILLEGAL IMMIGRANTS, MOST OF WHOM COME FROM NIGERIA AND EASTERN EUROPE. FOR SOME, ITALY IS BUT A POINT OF ENTRY, THEIR ULTIMATE DESTINATIONS BEING ELSEWHERE IN WESTERN OR NORTHERN EUROPE. VARYING ESTIMATES SUGGEST NEARLY 20,000 FOREIGN WOMEN - FROM ALBANIA, NIGERIA, ROMANIA, MOLDOVA, UKRAINE, AND OTHER COUNTRIES OF EASTERN EUROPE - ARE INVOLVED IN PROSTITUTION, OF WHOM SOME 1,500 (ACCORDING TO SOCIAL RESEARCH INSTITUTE PARSEC) MAY BE FORCIBLY TRAFFICKED. TRAFFICKING IN CHILDREN FOR SWEATSHOP LABOR IS A PARTICULAR PROBLEM IN TUSCANY'S EXPANDING CHINESE IMMIGRANT COMMUNITY, THE LARGEST IN EUROPE, WHERE CHILDREN ARE CONSIDERED TO BE PART OF THE FAMILY "PRODUCTION UNIT." THE CHINESE CONSULATE IN FLORENCE COOPERATES WITH CARABINIERI IN PERSUADING FAMILIES TO ENROL THEIR CHILDREN IN SCHOOL.

(ADD AS A NEW 3RD PARA):  
THE MINISTRY OF EQUAL OPPORTUNITY HAS THE LEAD IN AN INTERGOVERNMENTAL COMMITTEE CHARGED, SINCE 1998, WITH MONITORING TRAFFICKING AND COORDINATING GOVERNMENT ACTIVITY TO COMBAT IT. OTHER MEMBERS INCLUDE THE MINISTRIES OF SOCIAL AFFAIRS, JUSTICE, INTERIOR, AND FOREIGN AFFAIRS, AS WELL AS A SPECIAL ANTI-MAFIA PROSECUTORIAL UNIT. MAJOR LAY AND CATHOLIC NGOS CONCERNED WITH TRAFFICKING, AMONG WHICH PARSEC AND CARITAS ARE THE MOST ACTIVE, COOPERATE WITH THIS BODY.

(OLD 2ND PARA):

- ADD A NEW 1ST SENTENCE: WHILE MOST PROSTITUTION INVOLVES WOMEN FLEEING ECONOMIC DESTITUTION IN THEIR HOME COUNTRIES, THOSE WHO ARE FORCIBLY TRAFFICKED ARE OFTEN UNABLE OR RELUCTANT TO CONTACT THE POLICE FOR HELP.

- OLD 1ST SENTENCE: CHANGE TO READ: A FEBRUARY 1998 IMMIGRATION LAW, FOR WHICH IMPLEMENTING REGULATIONS WERE COMPLETED IN NOVEMBER 1999 AND ASSISTANCE PROGRAMS ESTABLISHED IN FEBRUARY, PROVIDED TEMPORARY RESIDENCE/WORK PERMITS TO SUCH WOMEN WHO SEEK TO ESCAPE THEIR EXPLOITERS.

- OLD 2ND SENTENCE: PLEASE DELETE.

- ADD A NEW 7TH SENTENCE: IN JULY, THE GOVERNMENT SET UP A TOLL FREE NUMBER TO HELP VICTIMS TAKE ADVANTAGE OF THIS PROGRAM AND, IN THE FOLLOWING MONTH, RECEIVED 7,000 CALLS FOR HELP.

- OLD LAST SENTENCE: ADD AFTER FIRST COMMA: SOME 743 WOMEN WERE ABLE TO BENEFIT FROM THESE PROGRAMS IN THEIR FIRST WEEKS OF OPERATION, AND

(OLD 3RD PARA):

- ADD: NGO ECPAT ("END CHILD PROSTITUTION, PORNOGRAPHY AND TRAFFICKING") WAS A MAIN ADVOCATE FOR THIS LAW, WHICH CRIMINALIZES PROSTITUTION OR PORNOGRAPHY INVOLVING MINORS, EVEN IF COMMITTED ABROAD. ECPAT LOBBIES FOR THE CONCLUSION OF BILATERAL ACCORDS TO PAVE THE WAY FOR LEGAL PROSECUTION IN ITALY OF ITALIAN RESIDENTS INVOLVED IN SEXUALLY EXPLOITING MINORS ABROAD. IN CONJUNCTION WITH OTHER CONCERNED NGO'S, ECPAT HAS WORKED TO ASSURE THAT POLICE TREAT JUVENILE PROSTITUTES AS VICTIMS OF TRAFFICKING, NOT CRIMINALS. IN MAY, ECPAT AND COMPONENTS OF THE TOURISM INDUSTRY (TOUR COMPANIES, TRAVEL AGENTS, COMPUTER RESERVATION SYSTEM PERSONNEL, AIRLINE COMPANIES, AIRPORT AUTHORITIES, AND TRADE UNIONS) UNVEILED A VOLUNTARY CODE OF CONDUCT DESIGNED TO IMPEDE SEX TOURISM.

FOGLIETTA

**TOR:** 10/02/00 02:29:17

**DIST:** SIT: BABBITT BANBURY NSC Davidson MCLEAN NAPLAN PATTEN SCHWARTZ SHEA SMITHP WILCOX Yee

# Cable

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**PREC:** ROUTINE  
**CLASS:** UNCLASSIFIED  
**LINE1:** RAAUZYUW RUEHBKA2520 3020827-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** R 290827Z OCT 99  
**LINE4:** FM AMEMBASSY BANGKOK  
**OSRI:** RUEHBK  
**DTG:** 290827Z OCT 99  
**ORIG:** AMEMBASSY BANGKOK  
**TO:** RUEHC/SECSTATE WASHDC 0498  
**INFO:** RUDKIA/AMCONSUL CHIANG MAI 4820  
RUEHPF/AMEMBASSY PHNOM PENH 4777  
RUEHVN/AMEMBASSY VIENTIANE 2320  
RUEHGO/AMEMBASSY RANGOON 9344  
RUEHML/AMEMBASSY MANILA 8904  
RUEHGP/AMEMBASSY SINGAPORE 2876  
RUEHJA/AMEMBASSY JAKARTA 3084  
RUEHKL/AMEMBASSY KUALA LUMPUR 1663  
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RUEHTC/AMEMBASSY THE HAGUE 5400  
RUEHMD/AMEMBASSY MADRID 0146  
RUEHLM/AMEMBASSY COLOMBO 2498  
RUEHFT/AMCONSUL FRANKFURT 5831  
RUEHHK/AMCONSUL HONG KONG 2418  
RUEHME/AMEMBASSY MEXICO 0087  
RUEHIN/AIT TAIPEI 7213  
RUEHBO/AMEMBASSY BOGOTA 0119  
RUEHLP/AMEMBASSY LA PAZ 0538  
RUEHQT/AMEMBASSY QUITO 0330  
RUEHGL/AMCONSUL GUAYAQUIL 0031  
RUEHZP/AMEMBASSY PANAMA 0029  
RUEHUB/USINT HAVANA 0153  
RUEHUL/AMEMBASSY SEOUL 4953  
RUEHKO/AMEMBASSY TOKYO 9575  
RUEHLO/AMEMBASSY LONDON 0131  
RUEHSM/AMEMBASSY STOCKHOLM 0699  
RUEHDG/AMEMBASSY SANTO DOMINGO 0102  
RUEHPU/AMEMBASSY PORT AU PRINCE 0017  
RUEHOT/AMEMBASSY OTTAWA 5964  
RUEHVC/AMCONSUL VANCOUVER 0056  
RUEHON/AMCONSUL TORONTO 0108  
RUEHSA/AMEMBASSY PRETORIA 0325  
RUEHJO/AMCONSUL JOHANNESBURG 0036  
RUEHIL/AMEMBASSY ISLAMABAD 0705  
RUEHME/AMEMBASSY MEXICO 0088  
RUEAWJC/HQS INS WASHDC  
RUEABNE/EPIC EL PASO TX  
**SUBJ:** BANGKOK CONSULAR ANTI-FRAUD REPORT (3RD QUARTER)

**TEXT:**

UNCLAS SECTION 01 OF 10 BANGKOK 012520

DEPT FOR CA/FPP AND FOR CA/OCS/ACS/EAP  
ALSO FOR INL/AP AND EAP/BCLTV  
MEXICO PASS TO JUAREZ

INS/HQ FOR HQINT, HQOIA, CAO AND FDL

EPIC FOR ASAT

E.O. 12958: N/A

TAGS: KFRD, CVIS, KCRM, SMIG, KWMM, ASEC, CPAS, SNAR, TH  
SUBJECT: BANGKOK CONSULAR ANTI-FRAUD REPORT (3RD QUARTER)

REF: A) BANGKOK 6412 AND PREVIOUS

- B) BANGKOK 7738
- C) BANGKOK 10517
- D) BANGKOK 12327

1. SUMMARY: THE ROYAL THAI GOVERNMENT (RTG) STEPPED UP ITS ARRESTS OF VISA FIXERS AND ALIEN SMUGGLERS: THAIS, GHANIAN, AN ALGERIAN AND A PAKISTANI WERE ALL SWEEPED INTO THE CLINK DURING THE LATEST POLICE RAIDS. THE GROWING TIES BETWEEN ALIEN SMUGGLERS AND OTHER TRANSNATIONAL CRIMINAL GANGS WAS DEMONSTRATED BY THE ARREST OF A MAJOR DRUG COURIER WITH COUNTERFEIT DOCS AND BY A LOCAL ENGLISH LANGUAGE MAGAZINE'S EXPOSE OF AMCITS AND OTHER WESTERNERS WHO ESCORT FEMALE SEX WORKERS TO JOBS OVERSEAS. THE RTG ANNOUNCED IT PLANS TO REVIEW ITS VISA ENTRY WAIVER PROGRAM IN THE WAKE OF RECENT VIOLENT ACTIVITY BY FOREIGNERS.

2. THE LATIN CONNECTION TO AMERICA PERSISTS, WHILE PHOTO-SUBBED CAMBODIAN DIPLOMATIC PASSPORTS APPEAR TO BE THE NEWEST ALIEN SMUGGLING INNOVATION IN THE REGION. AIRPORT INTERCEPTS OF MALAFIDE TRAVELLERS CONTINUE TO AVERAGE ABOUT 200 A MONTH, BUT TWO RECENT INCIDENTS THERE SUGGEST THAT SMUGGLERS ARE BEGINNING TO RETALIATE. AFO LED A FORUM WITH NIV LINE OFFICERS TO DISCUSS ADJUDICATION CRITERIA, PRINCIPLES OF CONSULAR REVIEW AND DISCRETION, AND TEAM SELF-MANAGEMENT CONCEPTS. END SUMMARY.

RTG STEPS UP ARRESTS OF ALIEN SMUGGLERS  
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3. RTG POLICE RECENTLY BUSTED SEVERAL MAJOR DOCUMENT FIXER AND ALIEN SMUGGLING RINGS; THE RINGLEADERS HAVE BEEN ARRESTED AND ARE AWAITING TRIAL. THIS SERIES OF ARRESTS COULD BE DUE IN PART TO EMBOFFS' EMPHASIS ON THE INCREASING TIES BETWEEN ALIEN SMUGGLERS AND DRUG TRAFFICKERS, FEMALE AND CHILD SEX WORKER RINGS, AND OTHER TRANSNATIONAL CRIMINAL MAFIAS. DETAILS:

-- 16 OCT 99 - RTG POLICE RAIDED MADHIA TRADE AND TOURS AFTER A TWO-YEAR INVESTIGATION REVEALED THE "TRAVEL AGENCY" WAS IN REALITY A FRONT FOR THE MANUFACTURE AND SALE OF COUNTERFEIT AND PHOTO-SUBBED PASSPORTS OF COUNTRIES ENJOYING VISA WAIVER STATUS FOR ENTRY TO WESTERN EUROPE AND THE U.S.,  
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SUBJECT: BANGKOK CONSULAR ANTI-FRAUD REPORT (3RD QUARTER)

CANADA AND AUSTRALIA. POLICE ARRESTED MOHAMMAD RAFID DEWAR (DPOB: 16 JUN 62, PAKISTAN), AND HIS "BUSINESS ASSOCIATES" MOHAMMAD ALFAKA, 36, BUCHO RADI, 33, HAFIJ MOHAMMAD SAHID RAMAN, 35, JAHIJ HUSEN, 31, MAHAMUD DORAHAMAN, 45, AND MOHAMMAD SALEH ATTAY, AGE UNKNOWN. RAFID'S CLIENTS WERE PRIMARILY INDIANS, ARABS, WEST AFRICANS AND CHINESE; HE SUPPLIED COUNTERFEIT PASSPORTS FROM MALAYSIA, SINGAPORE, ITALY, FRANCE, BELGIUM AND BRUNEI.

-- 7 OCT 99 - THE DEPUTY COMMISSIONER OF RTG IMMIGRATION ANNOUNCED THAT A RAID ON TWO BANGKOK APARTMENTS RESULTED IN THE SEIZURE OF 18 COUNTERFEIT AND FORGED PASSPORTS AS WELL AS 11 COUNTERFEIT DRIVERS' LICENSES AND I.D. CARDS. PASSPORT BREAKDOWN: U.K. (7), GHANA (5), U.S. (3), AUSTRALIAN (1), IRISH (1), AND FRENCH (1). ARRESTED WERE TWO GHANIAN NATIONALS, NANA YON AND SALIM SALEM, WHO ALLEGEDLY SOLD THE PASSPORTS ON THE STEEETS OF BANGKOK FOR 2,500-5,000 USD. DETAILS ON THE THREE U.S. PASSPORTS: PERSON, ROSALIE MARIE, DPOB: 8 MAR 72, NY, US PPT NO. 150165645; PERSON, CHRISTIAN CAROL, DPOB: 26 DEC 72, ILLINOIS, US PPT NO. 086596767; DETERS, JAMES AARON, DPOB: 27 MAY 75, MISSOURI, US PPT NO. 025757274.

-- 21 SEP 99 - CANADA'S IMMIGRATION CONTROL OFFICER (ICO) REPORTED THE RESULTS OF A POLICE RAID ON AN ALL-THAI COUNTERFEITING RING OPERATING IN THE BANGKOK AREA. THE ICO SURMISES THAT THE ALL-THAI NATURE OF THE RING AND THE LOW QUALITY OF THE DOCUMENTS SEIZED SUGGESTS THE DOCUMENTS WERE BEING PREPARED FOR THAI SEX AND FACTORY WORKERS DESTINED FOR ASIA AND THE MIDEAST, WHERE THE DOCUMENTS MIGHT ESCAPE DETECTION BY UNTRAINED BORDER OFFICIALS. SEIZED IN THE RAID: FRENCH PASSPORTS WITH THE "SERNAME" MISSPELLING IN BLOCK 1 OF THE BIODATA PAGE; COUNTERFEIT BRUNEI AND NEW ZEALAND PASSPORTS; SHEETS OF PAPER WITH ITALIAN, SINGAPORE, BRUNEI, FRANCE AND BELGIUM PASSPORT PAGE WATERMARKS VISIBLE TO THE NAKED EYE; METAL SHEETS FOR FRENCH AND NEW ZEALAND PASSPORT PAGES, AS WELL AS A METAL TEMPLATE FOR THE SHENGEN VISA; AND COLORED PASSPORT COVER MATERIAL.

-- 16 SEP 99 - RTG POLICE ARRESTED AN ALGERIAN, LAHOULA AHMED, 48, AT A SHOPPING MALL IN THE PLOENCHIT AREA A FEW BLOCKS FROM THE U.S. EMBASSY AFTER HE WAS CAUGHT TRYING TO MAIL COUNTERFEIT PASSPORTS WRAPPED IN FOIL PAPER (TO PREVENT UNCLAS SECTION 03 OF 10 BANGKOK 012520

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X-RAY DETECTION) TO CUSTOMERS IN FRANCE AND THE U.K. AHMED OPERATED A GARMENT BUSINESS AS A FRONT FOR THE MANUFACTURE AND SALE OF MOSTLY FRENCH PASSPORTS (AL-JALLI TRADING LTR. CO., LTD., YASSIR SAYD ALI, GEN. MGR., 28/7 SUKHUMVIT ROAD SOI 19, BANGKOK, TEL: 2533269, CELL: 01-815-0581). AFO INSPECTED AHMED'S TOOLS OF THE TRADE AT THE RTG'S CENTRAL IMMIGRATION OFFICE IN BANGKOK. THE 50 BLANK COUNTERFEIT FRENCH PASSPORTS ALL CONTAINED A CONTROL NUMBER BEGINNING WITH "98BL36" FOLLOWED BY THREE VARYING DIGITS. ALSO, THE WORD "SERNAME" WAS MISSPELLED IN BLOCK 1 OF THE BIODATA PAGE. FINALLY, POLICE ALSO SEIZED A LARGE SUPPLY OF UNASSEMBLED BIOPAGE LAMINATES AND COLOR-COPIED FRENCH ID'S.

BIG DRUG COURIER WITH FALSE DOCUMENTS NABBED  
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4. ON 28 SEP 99, RTG AIRPORT POLICE ARRESTED A MAN WITH 33 KILOS OF HEROIN CONCEALED IN 51 PAIRS OF BLUE JEANS WHO WAS ATTEMPTING TO DEPART BANGKOK. THE SUSPECT CLAIMED TO BE EJIKE CHIBUZO ANOSIKE, DPOB: 2 OCT 62, NIGERIA, PASSPORT NO. B520219, WITH DUBIOUS U.S. NIV ISSUED IN LAGOS. ASOKE ALSO CARRIED A TOGO PASSPORT IN THE NAME OF MAX TOGOLAISE, DPOB: 3 MAY 70, PASSPORT NO. 706722. AFO LAGOS QUICKLY CONFIRMED NO RECORD OF MRV ISSUANCE, AND AFO BANGKOK LATER ACCOMPANIED DEA S/A TO THE RTG CRIME SUPPRESSION DIVISION TO INSPECT THE PASSPORTS.

5. UPON INSPECTION, THE NIGERIAN PASSPORT CONTAINED COUNTERFEIT BIODATA AND PHOTO PAGES (PAGES POOR QUALITY AND PERFORATED PASSPORT NUMBERS AT TOP OF PAGE HAND-MADE) AND WHAT APPEARED TO BE A CHEMICALLY-WASHED MRV WITH THE UNLIKELY CONTROL NO. 19987897452787 AND FOIL NO. 07406996 ISSUED LAGOS 22 SEP 98. THE MRV PHOTO QUALITY WAS POOR AND THE EAGLE IN THE PHOTO AREA WAS FADED UNDER UV INSPECTION. THE TOGO PASSPORT APPEARS TO BE A COUNTERFEIT, BEARING NO. 706722 WITH POOR QUALITY PRINTING AND WET SEAL OVERLAP; THE BEARER'S PHOTO IS HANGING LOOSE FROM TWO GROMMETS SURROUNDED BY PERFORATIONS. COLOR COPIES OF THE DOCUMENTS HAVE BEEN POUCHED TO AFU LAGOS.

AMCITS, OTHER WESTERNERS ESCORTING SEX WORKERS OVERSEAS  
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6. AS FIRST REPORTED IN REFTEL A, ALIEN SMUGGLING SYNDICATES CONTINUE TO RECRUIT AMCITS AND OTHER WESTERNERS TO FACILITATE THEIR CLIENTS' TRAVEL THROUGH IMMIGRATION CHECKPOINTS TO THE U.S., CANADA, WESTERN EUROPE, AUSTRALIA, HONG KONG AND JAPAN. THE EVIDENCE SUGGESTS THAT IN MANY CASES, THE WESTERN ESCORTS (LOCAL SLANG: "JOCKEYS") POSE AS THE BOYFRIENDS OF YOUNG ASIAN WOMEN (LOCAL SLANG: "HORSES") DESTINED FOR THE SEX TRADE. SUSPECTED AMCIT JOCKEYS SOMETIMES VISIT BANGKOK AND OTHER POSTS IN THE REGION TO PICK UP NEW U.S. PASSPORTS AFTER CLAIMING THEIRS WERE "LOST OR STOLEN" (REFTEL A).

7. IN AN ARTICLE IN THE SEPTEMBER ISSUE OF BANGKOK'S "METRO MAGAZINE," THE LOCAL EQUIVALENT OF THE WASHINGTONIAN MAGAZINE, "TODD" CLAIMS THAT MOST THAI WOMEN "ARE WORKING GIRLS WHO WANT A CHANGE OF ENVIRONMENT AND TO EARN BIG BUCKS - GIRLS WORKING IN PROSTITUTION. IT'S PURE MARKET ECONOMY. FROM MY EXPERIENCE THEY'RE ALL GOING UNDER THEIR OWN STEAM." HE CLAIMS THAT THAI WOMEN PREFER TO GO TO HONG KONG, JAPAN, ENGLAND, GERMANY AND SWITZERLAND.

8. TODD OBSERVES THAT CHINESE WOMEN, "MOSTLY INNOCENT YOUNG COUNTRY GIRLS IN THEIR TWENTIES FROM SOME GOD-FORSAKEN POOR PROVINCE," GO TO THE U.S. AND CANADA, BUT NOT AS PROSTITUTES. LATER IN THE INTERVIEW, AFTER HE IS REMINDED OF THE BRITISH DOCUMENTARY "DISPATCHES" THAT SHOWED "WOMEN BEING BEATEN AND DUPED INTO PROSTITUTION" IN LONDON, TODD INSISTS: "I CAN'T SEE MYSELF AS DOING ANYTHING MORALLY WRONG. WE'RE GIVING PEOPLE OPPORTUNITIES. I'VE NEVER ENCOUNTERED ANYONE WHO'S BEEN FORCED."

9. TODD EXPLAINS THAT WESTERN JOCKEYS ARE RECRUITED IN BANGKOK BARS AND COLLECT ABOUT 2,000 USD PER TRIP IF THE WOMEN MAKE IT TO THEIR DESTINATION. JOCKEYS WHO RECRUIT NEW JOCKEYS RECEIVE A 250 USD COMMISSION. ACCORDING TO TODD, JOCKEY GANGS ARE OPERATING IN BANGKOK (KHAO SAN ROAD, SOI NGAM DUPLER, AND SUKHUMVIT) AND IN PHUKET. HE STATED THE MORE PROFESSIONAL JOCKEY GANGS USE GENUINE PASSPORTS CARRIED BY IMPOSTERS, WHILE THE LESS EXPERIENCED GANGS USE COUNTERFEIT PASSPORTS. HOWEVER: "THE TICKETS ARE ALL FROM THE SAME TRAVEL AGENT, SO IF THEY WANT TO GET YOU THEY COULD."

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SUBJECT: BANGKOK CONSULAR ANTI-FRAUD REPORT (3RD QUARTER)

10. TODD BELIEVES THE RISK IS WORTHWHILE BECAUSE PUNISHMENT IS UNLIKELY: "IN THE STATES YOU CAN GO TO JAIL, BUT MOST COUNTRIES CAN'T BE BOTHERED: THEY JUST SEND YOU BACK." MOST JOCKEYS HAVE LITTLE MONEY: "YOU HAVE TO REMEMBER THERE'S AN ALARMING AMOUNT OF WESTERNERS AROUND WITHOUT A POT TO PISS IN", SAYS TODD. YET TODD INSISTS THE JOCKEYS PARTICIPATE MORE FOR THE TRAVEL AND BECAUSE IT'S "A STORY TO TELL YOUR MATES WHEN YOU GET HOME."

RTG TO REVIEW VISA ENTRY WAIVER POLICY  
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11. THE OCTOBER 23 EDITION OF THE "BANGKOK POST" REPORTED THAT RTG OFFICIALS ARE RETHINKING THEIR 30-DAY VISA WAIVER POLICY FOR MORE THAN 50 COUNTRIES FOLLOWING A BLOODY GANGLAND-STYLE HIT ON THREE CHINESE MEN TRAVELLING IN A TAXI TO DON MUANG AIRPORT ON OCTOBER 16. THE TAXI WAS CUT OFF AND THE VICTIMS WERE GUNNED DOWN BY TWO FOREIGN KILLERS IN AN INCIDENT THAT WAS FRONT PAGE NEWS FOR SEVERAL DAYS. ON OCTOBER 27, BANGKOK'S DAILY "THE NATION" ALSO WEIGHED IN ON THE SIDE OF TOUGHER ENTRY REQUIREMENTS IN ITS LEAD EDITORIAL, COMPLAINING THAT THAILAND "IS NOW BECOMING A RENDEZVOUS FOR UNWANTED PERSONS FROM OTHER COUNTRIES."

12. THE OCTOBER 23 ARTICLE REPORTED THE RTG "WAS GROWING CONCERNED ABOUT THE ACTIVITIES OF FOREIGN CRIMINALS IN THAILAND." THE ARTICLE OBSERVED THAT "THAILAND HAS SEEN AN INCREASE IN CRIMES COMMITTED BY FOREIGN CRIMINALS WITH GANGS FROM OVERSEAS INVOLVED IN RUNNING THE FLESH AND DRUG TRADES AS WELL AS HUMAN TRAFFICKING." NOTING THE GANGS OPERATE MOSTLY IN BANGKOK, CHIANG MAI AND PHUKET, THE ARTICLE ADDED THAT "SOME OF THE GANGS HAVE OPERATED BY PROVIDING FALSIFIED TRAVEL DOCUMENTS FOR FOREIGNERS AND THAIS TO ENTER THE U.S., AUSTRALIA, NEW ZEALAND, CANADA, SCANDINAVIA AND EUROPEAN COUNTRIES."

13. COMMENT: LIKE MANY OTHER COUNTRIES, THAILAND IS WRESTLING WITH ONE OF THE DILEMMAS PRESENTED BY INCREASING GLOBAL CRIME: HOW TO BALANCE THE ECONOMIC BENEFITS FLOWING FROM OPEN BORDERS WITH EFFECTIVE BORDER SECURITY. NEVERTHELESS, IN THE CASE OF PRC CHINESE -- THE BIGGEST ALIEN SMUGGLING HEADACHE HERE -- THE RTG IS UNLIKELY TO CURTAIL THE PRC'S VISA WAIVER PRIVILEGES FOR IMPORTANT UNCLAS SECTION 06 OF 10 BANGKOK 012520

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BILATERAL ECONOMIC AND POLITICAL REASONS. END COMMENT.

AIRPORT INTERDICTIONS: ABOUT 200 PER MONTH  
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14. THE IMMIGRATION CONTROL AND ENFORCEMENT GROUP (ICE), WHICH IS COMPOSED OF IMMIGRATION SPECIALISTS FROM SEVERAL WESTERN EMBASSIES, RECORDED 625 INTERCEPTS WHILE ON CALL TO ASSIST AIRLINES SUSPECTING MALAFIDE PASSENGERS AT DON MUANG AIRPORT DURING THE THREE-MONTH PERIOD FROM JUNE THRU AUGUST 1999. PRC CHINESE CONTINUE TO LEAD THE RANKINGS WITH 161 INTERCEPTS, FOLLOWED BY PAKISTANIS (79), THAIS (57), SRI LANKANS (51), AND INDIANS (35). INTERESTINGLY, THE SRI LANKAN AND PAKISTANI INTERCEPTS DROPPED BY MORE THAN 50 PERCENT IN AUGUST, WHILE THE PRC INTERCEPTS INCREASED ABOUT 50 PERCENT IN JULY (FROM 38 TO 59) AND HELD STEADY IN AUGUST (61). EUROPE WAS THE TICKETED DESTINATION IN 178 CASES, FOLLOWED BY ASIA (135), THE U.S. (64), AUSTRALIA-NEW ZEALAND (63) AND CANADA (61). HOWEVER, AN ADDITIONAL 40 PERSONS WERE ON THEIR WAY TO SOUTH AMERICA/CARIBBEAN, WHICH SUGGESTS THE U.S. OR CANADA WAS THE TRUE DESTINATION. AN UNKNOWN NUMBER OF PASSENGERS TICKETED TO EUROPE AND ASIA MAY ACTUALLY HAVE BEEN EN ROUTE TO THE U.S. AND CANADA.

LATIN CONNECTION  
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15. ICE TEAM MEMBERS HAVE NOTICED AN INCREASE IN PRC CHINESE ATTEMPTING TO TRAVEL TO THE U.S. VIA LATIN AMERICA. ECUADOR, BOLIVIA, PANAMA AND CUBA HAVE APPEARED ON THEIR TICKETED ITINERARIES. LATEST DETAILS:

-- 18 OCT 99 - KLM AIRLINES ALERTED AIRPORT DUTY OFFICER TO ELEVEN (11) PRC CHINESE TICKETED HONG KONG-BANGKOK-AMSTERDAM-GUAYAQUIL. ALL CARRIED ECUADORIAN VISAS SHOWING ISSUANCE AT THE "CONSULADO DEL ECUADOR EN PANAMA" BY JORGE A. ANDRADE V, ALTHOUGH NONE OF THE PASSENGERS HAD EVER LEFT THE PRC UNTIL OCTOBER 18. ALL ELEVEN TRAVELLERS WERE FROM GUANGDONG; AGES RANGED FROM 16-40; "PROFESSIONS" INCLUDED FOUR FARMERS, FOUR EMPLOYEES, TWO BUSINESSMEN AND A STUDENT.

-- 15 OCT 99 - FOUR (4) PRC CHINESE ATTEMPTED TO BOARD A CHINA AIR FLIGHT TO AMSTERDAM, WITH ONWARD TICKETING TO UNCLAS SECTION 07 OF 10 BANGKOK 012520

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HAVANA VIA GUAYAQUIL AND PANAMA CITY. THE GUAYAQUIL-HAVANA-  
PANAMA TICKETS WERE ISSUED BY AVIATUR IN BOGOTA. ALL FOUR  
PASSENGERS CAME FROM GUANGDONG AND THE PASSPORTS SHOWED THE  
BEARERS WERE EITHER FARMERS OR UNEMPLOYED. THE FOUR WERE  
ACCOMPANIED BY TWO AGGRESSIVE CHINESE-THAI MEN CLAIMING TO  
BE LAWYERS.

-- 27 SEP 99 - ACCORDING TO INS/BANGKOK, ANOTHER ELEVEN  
(11) PRC CHINESE ATTEMPTED TO TRAVEL USING THE HONG KONG-  
BANGKOK-AMSTERDAM-GUAYAQUIL TICKETING WITH COUNTERFEIT  
ECUADORIAN VISAS ALLEGEDLY JUST ISSUED IN HONG KONG. THESE  
PRC TRAVELLERS MANAGED TO ARRIVE IN GUAYAQUIL BEFORE THEY  
WERE DETAINED AND DEPORTED TO THE PRC ON 29 SEP.

CAMBODIAN DIPLOMATIC PASSPORTS PHOTO-SUBBED  
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16. THUS FAR IN 1999, AFO IS AWARE OF AT LEAST SIX (6)  
CAMBODIAN DIPLOMATIC PASSPORTS INTERCEPTED DUE TO PHOTOSUB  
PROBLEMS; ONE OF THE PASSPORTS EVEN CONTAINED TWO A-1 U.S.  
MRV'S. DETAILS:

-- 10 OCT 99 - KOREAN AIRLINES STAFF AT DON MUANG AIRPORT  
SPOTTED TWO PHOTO-SUBBED CAMBODIAN DIP PASSPORTS, WHICH ALSO  
CONTAINED PHOTO-SUBBED B-2 NIV'S ISSUED BY EMBASSY  
VIENTIANE, APPARENTLY ON THE BASIS OF A DIP NOTE FROM THE  
CAMBODIAN EMBASSY THERE. THE BEARERS WERE PRC CHINESE.  
NAMES IN PPT'S: MEN, SAM EAN; DOB: 10 OCT 60, PPT NO.  
D0001697, MRV ISSUED 16 SEP 99; ALSO: VUTH, SAPPORN; DOB: 1  
APR 58, PPT NO. D0004753, MRV ISSUED AUG 99. POSSIBLE AMCIT  
ESCORT: PEN, RAKSMEY; DOB: 4 AUG 45, US PPT NO 102396578,  
ISSUED BOSTON 18 NOV 96.

-- 19 SEP 99 - KOREAN AIRLINES STAFF NOTICED PHOTO-SUBBED  
BIODATA PAGES AND TWO PHOTO-SUBBED U.S. A-1 VISAS IN A  
CAMBODIAN DIP PASSPORT. NAME IN PPT: LENG, TONY; DOB: 7 JUL  
63, PPT NO. D0001369. BEARER PLANNING TRAVEL TO BOSTON VIA  
SEOUL. POSSIBLE AMCIT ESCORT: KETH, SOVANN (DOB: 5 AUG 46,  
U.S. PPT NO. 102653979, ISSUED BOSTON 22 SEP 97). (1) A-1  
NIV CONTROL NO. 19971546520120 ISSUED BY DEPARTMENT ON 4 JUN  
97; (2) A-1 NIV CONTROL NO. 19951450830060 ISSUED BY PHNOM  
PENH ON 25 MAY 95.

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-- 2 SEP 99 - SAN FRANCISCO: PHOTO-SUBBED CAMBODIAN DIP  
PASSPORT WITH ALLEGEDLY GENUINE B1/B2 MRV WAS INTERCEPTED BY  
INS INSPECTORS AT SFO INTERNATIONAL AIRPORT. THE BEARER  
ARRIVED ON CHINA AIR. NAME IN PPT: ROS, ROEUN; DOB: 2 SEP  
68, PPT NO. D0000945; MRV FOIL NO. 16858087 ISSUED BY PHNOM  
PENH 17 SEP 97. BEARER WAS IDENTIFIED AS CAENG, SOKHEANG,  
DPOB: 1 JAN 63, CAMBODIA. HE STATED THAT HE PAID A MRS. NG  
17,000 USD FOR THE FIX. (NOTE: A PERSON USING THIS SAME  
PASSPORT AND MRV WAS DENIED BOARDING THE SAME FLIGHT IN  
BANGKOK ON 18 MAY 99; EMBASSY PHNOM PENH CONFIRMED LATER  
THAT IT HAD NOT ISSUED A VISA TO ROS - REFTEL B).

-- 20 APR 99; 1 MAR 99 - SAN FRANCISCO: INS INSPECTORS  
INTERCEPTED TWO OTHER CAMOBODIAN DIP PASSPORTS WITH MRV'S:  
NAMES IN PPT'S: CHHIM, TEP; DOB: 30 DEC 63, PPT NO.  
D0002681; SUOS, SAMEDY; DOB: 15 MAY 81, PPT NO. D0002634.

SMUGGLERS RETALIATE  
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17. TWO RECENT INCIDENTS AT THE AIRPORT SUPPORTS OTHER  
EVIDENCE THAT SOME SMUGGLERS ARE BECOMING FRUSTRATED AND ARE  
PREPARED TO RETALIATE. IN EARLY OCTOBER, EVA AIR'S DEPUTY  
SUPERVISOR REFUSED TO BOARD A GROUP OF PAKISTANIS AT THE  
AIRPORT DUE TO SUSPICIOUS DOCUMENTS AND TRAVEL ITINERARY. A  
WEEK LATER, HER CAR CAUGHT FIRE AND BURNED UP IN THE AIRPORT  
PARKING LOT. THE GAS LINE HAD BEEN CUT AND WHEN SHE TURNED  
THE IGNITION TO START THE CAR, THE GAS SPILLED ONTO THE  
ENGINE AND SPARKED THE FIRE. LATER, POLICE FOUND AN  
ANONYMOUS NOTE THAT CLAIMED THE INCIDENT WAS IN REVENGE FOR  
THE FAILED BOARDING A WEEK EARLIER.

18. ON THE EVENING OF OCTOBER 15, THE CHINA AIR SUPERVISOR  
CONSULTED THE ICE TEAM REP ON DUTY REGARDING FOUR (4) PRC  
CHINESE FROM RURAL GUANGDONG WITH SUSPICIOUS DOCUMENTS WHO  
WANTED TO TRAVEL TO AMSTERDAM AND THEN LATIN AMERICA (SEE  
PARAGRAPH - ABOVE). DURING THE CONSULTATION, THE ICE TEAM  
REP WAS AGGRESSIVELY CONFRONTED BY THE TWO CHINESE-THAI  
ESCORTS OF THE PRC'S. THE ESCORTS CLAIMED TO BE LAWYERS AND  
THE ICE TEAM REP OBSERVED THAT AN UNIDENTIFIED PERSON SOME  
DISTANCE AWAY WAS FILMING THE CONFRONTATION WITH A VIDEO  
CAMERA.

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ANTI-FRAUD TRAINING  
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19. DURING SEPTEMBER-OCTOBER, AFO LED A FORUM WITH NIV LINE OFFICERS DESIGNED TO REACH A WRITTEN CONSENSUS ON THAILAND-SPECIFIC ADJUDICATION CRITERIA FOR BASIC NIV CATEGORIES. THE IDEA IS TO BUILD KNOWLEDGE AND CONFIDENCE TO ADJUDICATE THE DAILY WORKLOAD ACCURATELY YET QUICKLY. WE ALSO DISCUSSED AND RECORDED FOR INCOMING OFFICERS BASIC PRINCIPLES OF CONSULAR REVIEW AND DISCRETION AS WELL AS TEAM SELF-MANAGEMENT TECHNIQUES.

20. IN ADDITION, LINE OFFICER ADJUDICATION TRAINING WILL CONTINUE TO EMPLOY SPECIFIC ANTI-FRAUD TECHNIQUES USING THE SOLID NUTS-AND-BOLTS MODULE DEVELOPED BY PREVIOUS AFO. MEANWHILE, AT LEAST ONE MEMBER OF AFU WORKS THE NIV FLOOR AREA DURING THE MORNING INTERVIEW AND DROP-BOX SESSION TO REVIEW DOCUMENTS, MAKE SELECTED PHONE INQUIRIES AND OTHERWISE ASSIST LINE OFFICERS IN POTENTIAL FRAUD CASES.

21. ON AUGUST 9-10, INS AND AFO CONDUCTED A TRAINING SESSION IN PHUKET, A PRINCIPAL TOURIST DESTINATION AND INTERNATIONAL CROSSROADS, FOR ABOUT 80 AIRLINE AND IMMIGRATION OFFICIALS AT PHUKET'S INTERNATIONAL AIRPORT (REFTEL C). AFO STRESSED THAT PREVENTION OF DOCUMENT FRAUD AND ALIEN SMUGGLING IS A USG LAW ENFORCEMENT PRIORITY AS THIS ACTIVITY HAS BECOME GLOBALIZED AND ITS MEMBERS INTERACT WITH OTHER TRANSNATIONAL CRIMINAL ELEMENTS.

VALIDATION STUDY  
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22. BANGKOK UPDATED ITS FOUR-MONTH VALIDATION STUDY (MAY 19 THRU SEPTEMBER 18) FOR 800 RANDOMLY SELECTED B1/B2 NIV APPLICANTS AND REPORTED THE RESULTS IN REFTEL D. IN THE CATEGORY THAT COUNTS: OF THE 435 APPLICANTS WHO WE ARE CERTAIN HAVE TRAVELLED, 409 RETURNED BY THEIR SCHEDULED RETURN DATE; 26 ARE STILL IN THE U.S. THIS WORKS OUT TO A RETURN RATE OF 94 PERCENT. HOWEVER, POST HAS BEEN UNABLE TO CONTACT ANOTHER 104 APPLICANTS WHO SHOULD HAVE TRAVELLED AND RETURNED ALREADY; WE SUSPECT THAT AT LEAST 19 OF THESE OBTAINED VISAS BY FRAUD (APPLICANT UNKNOWN AT PHONE NUMBER, PHONE DISCONNECTED, MOVED OUT, RESIGNED JOB, FAKE  
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E.O. 12958: N/A

TAGS: KFRD, CVIS, KCRM, SMIG, KWMN, ASEC, CPAS, SNAR, TH

SUBJECT: BANGKOK CONSULAR ANTI-FRAUD REPORT (3RD QUARTER)

EMPLOYMENT). ANOTHER 261 HAVE YET TO TRAVEL OR ARE NOT YET  
DUE TO RETURN TO THAILAND.

UPDATE: MORE ARRESTS IN "LOST THAI" CASE  
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23. FOLLOWING SUBMISSION ON 1 JUN 99 OF A USG REQUEST FOR  
EXTRADITION, RTG POLICE HAVE ARRESTED THREE OF SEVEN  
INDIVIDUALS CHARGED IN A U.S. FEDERAL COURT IN NORTHERN  
CALIFORNIA WITH CONSPIRACY TO TRANSPORT AND IMPORT THAI  
WOMEN AND MINORS INTO THE U.S. FROM 1994-95 FOR THE PURPOSE  
OF PROSTITUTION. THIS IS THE LATEST CHAPTER IN THE  
NOTORIOUS "LOST THAI" CASE IN WHICH BANGKOK-BASED GANGS  
COACHED, TRAINED AND SMUGGLED THAI SWEATSHOP AND SEX WORKERS  
INTO THE U.S. FROM 1992-95. MANY OF THESE WORKERS WERE  
LATER ARRESTED IN THE DOJ'S JOINT TASK FORCE RAIDS DURING  
1995-96 ON BROTHELS IN SEVERAL MAJOR CITIES IN THE U.S.

UPDATE: THAI AMBASSADOR'S "EX" CONVICTED IN U.S.  
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24. ON 12 AUG 99, THE FORMER COMMON-LAW WIFE OF THAILAND'S  
CURRENT AMBASSADOR TO SWEDEN WAS CONVICTED BY A FEDERAL JURY  
IN L.A. OF INVOLUNTARY SERVITUDE, HARBORING ILLEGAL ALIENS,  
AND MAIL FRAUD. ACCORDING TO NEWSPAPER REPORTS: SUPAWAN  
VEERAPOL, THE EX-"NUMBER TWO" WIFE OF PRASART MANSUWAN,  
EMPLOYED UNDOCUMENTED THAI WOMEN IN "SLAVE-LIKE CONDITIONS"  
IN HER HOME AND RESTAURANT IN LOS ANGELES. A WELL-KNOWN  
THAI COMMUNITY SOCIALITE, SHE HAD HER WORKERS CRAWL WHEN  
SERVING GUESTS, WHO OFTEN INCLUDED THAI CONSULATE DIPLOMATS  
AND LOCAL JOURNALISTS FROM THAI LANGUAGE NEWSPAPERS. BASED  
ON VEERAPOL'S TESTIMONY AND USG REVIEW OF THE VICTIMS'  
IMMIGRATION DOCUMENTS, AMBASSADOR MANSUWAN MAY HAVE  
IMPROPERLY USED DIPLOMATIC NOTES TO OBTAIN NIV'S FOR THE  
HOUSE SERVANTS ABOUT 5-9 YEARS AGO WHEN HE CO-MINGLED THEIR  
NAMES WITH LEGITIMATE MFA TRAVEL REQUESTS SENT TO THE U.S.  
EMBASSY IN BANGKOK. POST HAS ENTERED THE NAMES OF ALL THE  
THAI PARTIES IN THIS CASE INTO CLASS.

HECKLINGER

**SECT:** SECTION: 01 OF 10  
<^SECT>SECTION: 02 OF 10  
<^SECT>SECTION: 03 OF 10  
<^SECT>SECTION: 04 OF 10

<^SECT>SECTION: 05 OF 10  
<^SECT>SECTION: 06 OF 10  
<^SECT>SECTION: 07 OF 10  
<^SECT>SECTION: 08 OF 10  
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<^SECT>SECTION: 10 OF 10

**SSN:** 2520  
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**DIST:**  
SIT: NSC

# Cable

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**PREC:** ROUTINE  
**CLASS:** UNCLASSIFIED  
**LINE1:** RAAUZYUW RUEHBSA6146 3111622-UUUU--RHEHAAX.  
**LINE2:** ZNR UUUUU ZZH  
**LINE3:** R 061622Z NOV 00  
**LINE4:** FM USEU BRUSSELS  
**OSRI:** RUEHBS  
**DTG:**  
**ORIG:** USEU BRUSSELS  
**TO:** RUEHC/SECSTATE WASHDC  
**INFO:** RUEHXQ/ALL EUROPEAN UNION POST COLLECTIVE  
RUCPDOG/USDOC WASHDC  
RUEHRC/DEPT OF AGRICULTURE WASHDC  
RUEAUSA/DEPT OF HHS WASHDC  
**SUBJ:** TRANSATLANTIC CONSUMER DIALOGUE  
**TEXT:** UNCLAS SECTION 01 OF 07 BRUSSELS 006146

SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON, EB/TPP/MTA-JGAGNON, EUR/ERA-  
HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND  
ECA/PE/C/EUR-MRAYMOND, CMINER  
USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND  
4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
USDA FOR FAS-OA/GALVIN, ITP-SHEIKH, FSIS-CWILCOX

E.O. 12958: N/A  
TAGS: ETRD, SENV, KIPR, WTRO, EUN  
SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

REF: BRUSSELS 3941

THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. NOT FOR  
INTERNET DISTRIBUTION.

1. (SBU) SUMMARY AND COMMENT: U.S. AND EU CONSUMER NGOS  
COMPRISING THE SENIOR LEADERSHIP OF THE TRANSATLANTIC  
CONSUMER DIALOGUE (TACD) MET WITH EUROPEAN COMMISSION AND  
USG OFFICIALS IN BRUSSELS SEPTEMBER 15 FOR THE FIRST EVER  
"TACD LEADERS MEETING." THE MEETING PROVIDED THE  
OPPORTUNITY TO CONVEY USG SUPPORT FOR THE TACD,  
UNDERScoreD BY U.S. DELEGATION HEAD ASSISTANT SECRETARY OF  
STATE TONY WAYNE. IN REMARKS AT THE OPENING SESSION,  
WAYNE HIGHLIGHTED THE GOAL OF FURTHERING TRANSATLANTIC  
UNDERSTANDING AND ADDRESSING WAYS TO COOPERATE WITH THE EU  
ON INCORPORATING CONSUMER INTERESTS INTO A BROADER POLICY  
DISCUSSION WITH STAKEHOLDERS.

2. (SBU) IN WORKING GROUPS ON E-COMMERCE (SEE PARAGRAPHS 6-19), FOOD (SEE PARAGRAPHS 20-24) AND TRADE (SEE PARAGRAPHS 25-31). U.S. AND EC OFFICIALS PROVIDED UPDATES ON POLICY DEVELOPMENT AND ACTIVITIES RELATED TO TACD'S PREVIOUS RECOMMENDATIONS. U.S. NGOS PRAISED THE BROAD AND SENIOR USG PARTICIPATION IN THE BRUSSELS MEETING AND THE ENGAGED U.S. APPROACH TO MANAGING THE DIALOGUE.

3. (SBU) THE TACD LEADERS MEETING DEMONSTRATED THAT, WITH CONTINUED CONTACT, GOVERNMENT AND NGO PARTICIPANTS ARE BUILDING TRUST AND KNOWLEDGE SO A MEANINGFUL EXCHANGE OF VIEWS CAN TAKE PLACE. THE SUBSTANTIVE QUALITY OF EXCHANGES COULD BE IMPROVED, AND ALL PARTIES' INVESTMENT OF TIME AND EFFORT IN THE TACD MAXIMIZED, IF BEFORE THE NEXT TACD PLENARY (SET FOR SPRING 2001), ALL PARTIES AGREE TO EXCHANGE DOCUMENTS TO BE DISCUSSED NOT LATER THAN ONE WEEK BEFORE THE MEETING, WITH THE UNDERSTANDING THAT THE MEETING WILL DO NO MORE THAN TAKE NOTE OF DOCUMENTS SHARED LATER. SETTING A DEADLINE WILL ALLOW GOVERNMENT REPRESENTATIVES TO BETTER PREPARE RESPONSES IN ORDER TO RAISE THE QUALITY OF DISCUSSION. END SUMMARY AND COMMENT.

4. (U) SENIOR REPRESENTATIVES OF CONSUMER NGOS PARTICIPATING IN THE TRANSATLANTIC CONSUMER DIALOGUE (TACD) HELD THE FIRST EVER "LEADERS MEETING" IN BRUSSELS SEPTEMBER 15 WITH USG AND EUROPEAN COMMISSION (EC) OFFICIALS. THE DAY-LONG MEETING INCLUDED WORKING GROUP MEETINGS ON FOOD, E-COMMERCE AND TRADE INVOLVING TACD NGO STEERING GROUP MEMBERS, NGO WORKING GROUP CHAIRS FROM BOTH THE U.S. AND THE EU, AND REPRESENTATIVES FROM RELEVANT USG AGENCIES AND EC DIRECTORATES GENERAL. THE MEETINGS PROVIDED AMPLE OPPORTUNITY FOR GOVERNMENT REPRESENTATIVES TO INTERACT WITH TACD REPRESENTATIVES AND DEEPEN CONTACTS WITH U.S. AND EU NGO LEADERS.

U.S. DELEGATION:

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ASSISTANT SECRETARY OF STATE FOR ECONOMIC AND BUSINESS AFFAIRS TONY WAYNE

EB - RUTH HALL

EB/PD - CAROL THOMPSON

EB/TPP - JAMES GAGNON

EUR/ERA - HANS KLEMM

FDA - CATHY CARNEVALE, LINDA HORTON, MICHELE LIMOLI

USDA - DEPUTY UNDER SECRETARY CAREN WILCOX, DIANE COATES

DOC - BARBARA WELLBERY, MARY STREET

FTC - HUGH STEVENSON

USTR - MARK MOWREY, RICHARD WHITE

AMBASSADOR MORNINGSTAR AND USEU STAFF

EC PARTICIPATION:

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THE EC OFFICIAL DELEGATION WAS LED BY DG HEALTH AND CONSUMER AFFAIRS (SANCO) ACTING DIRECTOR FOR CONSUMER AFFAIRS AGNE PANTELOURI AND DG EXTERNAL RELATIONS UNIT HEAD FOR U.S. AFFAIRS ERIC HAYES. NUMEROUS OTHER EC REPRESENTATIVES AND EXPERTS FROM THE DIRECTORATES GENERALE

FOR SANCO, TRADE, AGRICULTURE, INTERNAL MARKET, INFORMATION SOCIETY, ENVIRONMENT, JUSTICE AND HOME AFFAIRS ALSO PARTICIPATED IN THE WORKING GROUPS IN ADDITION TO A MEMBER OF THE EC'S WASHINGTON DELEGATION.  
UNCLAS SECTION 02 OF 07 BRUSSELS 006146

SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON; EB/TPP/MTA-JGAGNON, EUR/ERA-HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND ECA/PE/C/EUR-MRAYMOND, CMINER  
USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND 4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
USDA FOR FAS-OA/GALVIN, ITP-SHEIKH, FSIS-CWILCOX

E.O. 12958: N/A  
TAGS: ETRD, SENV, KIPR, WTRO, EUN  
SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

5. (SBU) ASSISTANT SECRETARY OF STATE TONY WAYNE LED THE U.S. INTERAGENCY DELEGATION. ASSISTANT SECRETARY WAYNE'S ADDRESS TO THE PLENARY SESSION FOCUSED ON U.S. SUPPORT FOR THE TACD AS PART OF A BROADER EFFORT TO INTERACT WITH CIVIL SOCIETY AND ENHANCE TRANSATLANTIC UNDERSTANDING. HE ALSO NOTED THAT WHILE CONSUMER GROUPS HAD ALREADY INFLUENCED USG DECISIONS IN SEVERAL AREAS, THERE ARE ALSO AREAS WHERE THE USG DOES NOT AGREE WITH TACD RECOMMENDATIONS. HOWEVER, HE STRESSED THE IMPORTANCE OF A CONTINUED DIALOGUE BASED ON MUTUAL RESPECT AS PART OF AN EFFORT TO MAKE PROGRESS ON ISSUES CRITICAL TO CONSUMERS, AND TO SUCCESSFULLY SHARE INFORMATION ON DIVERSE U.S. AND EU APPROACHES TO CONSUMER ISSUES. IN SIDE MEETINGS WITH U.S. OFFICIALS, U.S. NGO LEADERS LISTENED TO U.S. SUGGESTIONS TO FOCUS THE TACD AGENDA ON A NARROWER NUMBER OF GOALS, BUT EXPRESSED SKEPTICISM THAT PRIORITIZING THE AGENDA WOULD HASTEN RESULTS. NGOS DEFINE "PROGRESS" IN THE TACD AS PERSUADING THE U.S. AND THE EU TO IMPLEMENT THEIR JOINTLY AGREED RECOMMENDATIONS. U.S. NGOS IN PARTICULAR PRAISED THE EXPERTISE AND HEFT OF THE USG DELEGATION AND EXPRESSED SATISFACTION WITH ENGAGED USG MANAGEMENT OF THE TACD.

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E-COMMERCE WORKING GROUP  
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6. (U) THE E-COMMERCE WORKING GROUP DISCUSSION COVERED JURISDICTION AND ALTERNATIVE DISPUTE RESOLUTION (ADR) FOR CROSS-BORDER TRANSACTIONS, CODES OF CONDUCT, "CHARGEBACKS," "SELF REGULATION," "CO-REGULATION," ICANN, DATA PRIVACY AND THE SAFE HARBOR AGREEMENT, UNSOLICITED COMMERCIAL E-MAIL, AND INTELLECTUAL PROPERTY.

JURISDICTION AND ADR

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7. (U) IN THE DISCUSSION ON CROSS-BORDER CONSUMER TRANSACTIONS, TALKS FOCUSED ON THE INTERACTION BETWEEN ADR AND JURISDICTION. THE U.S. DELEGATION DISTRIBUTED A RECENTLY RELEASED FTC REPORT ON THE TOPIC NOTING THAT IT DID NOT NECESSARILY REFLECT ADMINISTRATION VIEWS, AND GAVE A READOUT OF THE FTC/DOC ADR WORKSHOP IN JUNE 2000.

8. (U) WHILE DISCUSSIONS ON MOST WORKING GROUP AGENDA ITEMS WERE CONSTRUCTIVE AND LESS POLEMIC THAN IN THE PAST, A NOTABLE EXCEPTION WAS THE EXCHANGE ON ADR/JURISDICTION. CONSUMER GROUP REPRESENTATIVES VOICED CONCERN ABOUT ANY ADR APPROACH THAT WOULD TAKE AWAY A CONSUMER'S RIGHT TO GO TO COURT. THEY SPECIFICALLY OPPOSED ANY PROVISION IN THE DRAFT HAGUE CONVENTION OR THE PROPOSED BRUSSELS REGULATION (AN UPDATE OF THE BRUSSELS CONVENTION ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN CIVIL AND COMMERCIAL MATTERS) THAT WOULD INFRINGE ON A CONSUMER'S RIGHT, UNDER SPECIFIED CONDITIONS, TO BRING AN ACTION IN HIS/HER HOME COUNTRY. (AGREEMENTS BEFORE A DISPUTE HAS ARISEN TO SUBMIT ANY RESULTING DISPUTE TO BINDING ARBITRATION HAVE BEEN PARTICULARLY WORRISOME TO CONSUMER GROUPS, THOUGH SUCH CLAUSES ARE PERMITTED IN CERTAIN CIRCUMSTANCES UNDER CURRENT U.S. LAW.)

9. (U) EC REPRESENTATIVES AGREED WITH THE GENERAL TENOR OF THE CONSUMER GROUPS' COMMENTS ON THIS SUBJECT. THEY NOTED THAT THE CURRENT DRAFT OF THE BRUSSELS REGULATION PRESERVES THE CONSUMERS' RIGHT TO FILE SUIT IN THEIR HOME COUNTRIES. THEY ALSO SAID THAT THE EC WAS WORKING ON PROPOSED GUIDELINES FOR NON-ARBITRAL TYPES OF ADR (A NONBINDING RECOMMENDATION ON ARBITRAL-TYPE ADR ALREADY EXISTS.)

10. (U) USG REPRESENTATIVES INDICATED THAT THE U.S. WAS STILL CONSIDERING THESE ISSUES, AND THAT THERE WAS A DECEMBER MEETING PLANNED IN THE HAGUE TO DISCUSS ADR. USG REPRESENTATIVES ALSO SUGGESTED THAT IT WAS IMPORTANT TO LOOK AT UNCLAS SECTION 03 OF 07 BRUSSELS 006146

SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON, EB/TPP/MTA-JGAGNON, EUR/ERA-HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND ECA/PE/C/EUR-MRAYMOND, CMINER  
USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND 4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
USDA FOR FAS-OA/GALVIN, ITP-SHEIKH, FSIS-CWILCOX

E.O. 12958: N/A

TAGS: ETRD, SENV, KIPR, WTRO, EUN

SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

PRACTICAL EFFECTS OF VARIOUS ADR SOLUTIONS, AND NOTED THAT FEW, IF ANY, CONSUMERS WOULD IN REALITY FILE AND SEEK SUBSEQUENT ENFORCEMENT OF INDIVIDUAL CASES AGAINST COMPANIES IN OTHER COUNTRIES FOR THE TYPICAL DISPUTE ARISING FROM CONSUMER INTERNET TRANSACTIONS.

CODES OF CONDUCT  
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11. (U) THE EC REPS BRIEFED TACD ON EFFORTS TO DEVELOP CRITERIA FOR ONLINE CODES OF CONDUCT. COMMISSIONER BYRNE HAS ASSEMBLED A CORE GROUP OF STAKEHOLDERS FROM THE BUSINESS AND CONSUMER COMMUNITY TO DEVELOP GUIDELINES THAT COULD BE USED BY ACCREDITATION BODIES. THE WORK OF THE GROUP IS POSTED ON THE WEB FOR COMMENT.

"CHARGEBACKS"  
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12. (U) CHARGEBACKS (THE RIGHT OF A CONSUMER TO WITHHOLD PAYMENT OF A CONTESTED CREDIT CARD CHARGE WHILE A DISPUTE IS INVESTIGATED) WERE THE SUBJECT OF A BRIEF DISCUSSION. THE TACD DOES NOT NOW HAVE RESOLUTION ON THIS SUBJECT, BUT IS WORKING ON THIS AREA. USG AND EC REPRESENTATIVES NOTED THAT THE OECD CONSUMER POLICY COMMITTEE WAS PLANNING TO HAVE A ROUNDTABLE ON THIS SUBJECT IN SPRING 2001. TACD NOTED THE NEED FOR FURTHER DATA ON WHAT IS ACTUALLY HAPPENING WITH CHARGEBACKS. AN EC OFFICIAL SAID THAT EVEN WHERE CHARGEBACKS RIGHTS EXIST IN EUROPE (THE U.K.), THEY ARE NOT WELL KNOWN. HE ALSO POINTED OUT THAT IT WOULD BE IMPORTANT TO AVOID INADVERTENTLY DISCOURAGING VOLUNTARY PROGRAMS THROUGH INTRODUCTION OF OBLIGATIONS.

UNSOLICITED COMMERCIAL E-MAIL  
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13. (U) ON UNSOLICITED COMMERCIAL E-MAIL (SPAM), EC REPRESENTATIVES DESCRIBED A PROPOSED DIRECTIVE, WHICH WILL UPDATE AND BROADEN AN EXISTING DIRECTIVE ON DATA PRIVACY IN THE TELECOMS SECTOR, CURRENTLY UNDER REVIEW BY THE EP AND MEMBER STATES. UNDER THE DRAFT DIRECTIVE, UNSOLICITED COMMERCIAL COMMUNICATION, INCLUDING E-MAIL, COULD NOT BE SENT UNLESS A CONSUMER CONSENTS IN ADVANCE -- A SO-CALLED "OPT-IN" APPROACH.

14. (U) USG REPRESENTATIVES NOTED THAT A BILL PASSED BY THE U.S. HOUSE OF REPRESENTATIVES TAKES A MORE TARGETED APPROACH, FOCUSING ON PROHIBITING DECEPTIVE E-MAIL HEADERS, REQUIRING UNSOLICITED

COMMERCIAL E-MAIL BE LABELED AS SUCH, AND PROVIDING FOR FTC ENFORCEMENT. PARTICIPANTS DISCUSSED THE DESIRABILITY OF A COORDINATED APPROACH, THOUGH TACD ITSELF DOES NOT HAVE A POSITION ON WHETHER AN "OPT IN" OR "OPT OUT" APPROACH IS PREFERABLE. ONE U.S. CONSUMER REPRESENTATIVE SUGGESTED EXPLORING WHETHER AN APPROPRIATE LABELING REQUIREMENT COULD LARGELY MOOT THE "OPT IN/OPT OUT" QUESTION.

SAFE HARBOR

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15. (U) ON THE SUBJECT OF THE DATA PRIVACY/SAFE HARBOR AGREEMENT, USG AND EC REPRESENTATIVES ANSWERED QUESTIONS ABOUT HOW COMPLAINTS COULD BE FORWARDED AND ADDRESSED, AND HOW THE FTC TAKES ENFORCEMENT ACTION. U.S. NGO LEADER MARK ROTENBURG (EPIC-ELECTRONIC PROJECT INFORMATION CENTRE), WHO HAS BEEN A VOCAL CRITIC OF THE AGREEMENT, SAID HE THOUGHT THE SAFE HARBOR AGREEMENT WAS ACTUALLY "PRETTY GOOD;" THE REAL TEST, HE SAID, WILL BE IMPLEMENTATION. OTHER NGOS URGED CLOSE MONITORING AND REPORTING. NGO REPS ASKED FOR CLARIFICATION ON A NUMBER OF ISSUES INCLUDING UNDER WHAT REGIME DATA COLLECTED ON A SITE SUCH AS AMAZON WOULD FALL. U.S. AND EC UNCLAS SECTION 04 OF 07 BRUSSELS 006146

SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON, EB/TPP/MTA-JGAGNON, EUR/ERA-  
HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND  
ECA/PE/C/EUR-MRAYMOND, CMINER  
USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND  
4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
USDA FOR FAS-OA/GALVIN, ITP-SHEIKH, FSIS-CWILCOX

E.O. 12958: N/A

TAGS: ETRD, SENV, KIPR, WTRO, EUN  
SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

REPS SAID THE QUESTION OF WHICH LAW WOULD APPLY IN A GIVEN CASE WAS LEFT OPEN IN THE NEGOTIATIONS.

16. (U) THE EC REPS NOTED THAT SAFE HARBOR IS MORE GEARED TO B2B PROCESSES AND THERE ARE GRAY AREAS IN THE B2C AREA. THE USG REP SAID SHE WOULD ENCOURAGE B2C INTERNET SITES SUCH AS AMAZON TO BE PRAGMATIC AND SIGN UP TO SAFE HARBOR RATHER THAN DO NOTHING AND THEN TRY TO ARGUE THAT THE EU DIRECTIVE IS NOT RELEVANT TO THEM. THE USG CONFIRMED ITS NOVEMBER 1, 2000 EFFECTIVE DATE, AND PLANS FOR A WORKBOOK TO HELP COMPANIES SIGN

UP AND SEMINARS TO RAISE AWARENESS ON THE SAFE HARBOR AGREEMENT. USG REPRESENTATIVES ALSO RESPONDED TO NGO QUESTIONS ABOUT ENFORCEMENT AND UPDATED PARTICIPANTS ON PLANS TO DEVELOP A WEBSITE WHERE COMPANIES CAN SIGN UP TO SAFE HARBOR.

ICANN

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17. (U) THE WORKING GROUP DISCUSSED THE CHALLENGE OF BALANCING THE NEED FOR TRANSPARENCY AND PRIVACY PROTECTION IN THE DOMAIN NAME SYSTEM. NGOS NOTED THE VALID CONSUMER PROTECTION AND PUBLIC POLICY REASONS FOR REQUIRING OWNERS OF DOMAIN NAMES TO SUPPLY NAMES AND ADDRESSES, BUT ALSO SAID THEY BELIEVE THE ABILITY TO BE ANONYMOUS ON THE NET SHOULD EXIST. TWO NGO REPRESENTATIVES SUGGESTED DISTINCT TRANSPARENCY REQUIREMENTS FOR COMMERCIAL VERSUS NON-COMMERCIAL ACTORS. NGOS ALSO RAISED SOME CONCERN ABOUT DE FACTO POLICY-MAKING ON INTELLECTUAL PROPERTY (IP) ISSUES BY THE UNIFORM DISPUTE RESOLUTION MECHANISM. THEY GENERALLY SUPPORT THE PROCESS AND RECOGNIZE THAT MANY GOOD DECISIONS HAVE BEEN MADE. HOWEVER, THE ISSUES ARE HIGHLY COMPLEX (E.G., A NAME MIGHT BE CONSIDERED GENERIC IN SOME COUNTRIES BUT NOT IN OTHERS) AND THERE IS A DANGER OF THE MECHANISM BEING USED TO MAKE INTERNATIONAL IP POLICY VIA A BACKDOOR.

INTELLECTUAL PROPERTY RIGHTS

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18. (U) IN A VERY BRIEF DISCUSSION OF INTELLECTUAL PROPERTY RIGHTS (IPR) ISSUES, THE EC REP STATED THAT THE COMMISSION DID NOT INCLUDE PROVISIONS ALLOWING THE PATENTABILITY OF BUSINESS METHODS PER SE IN THE PROPOSED REGULATION TO ESTABLISH A EUROPEAN COMMUNITY (EC) PATENT. HOWEVER, HE SAID THAT SOFTWARE COMPUTER PROGRAMS SHOULD BE PATENTABLE AND COMPUTER APPLICATIONS THAT INCLUDE BUSINESS METHODS SHOULD ALSO BE ELIGIBLE FOR PATENTS.

19. (U) ON THE EU COPYRIGHT DIRECTIVE (CURRENTLY IN THE DECISION PROCESS), NGOS SAID THEY WERE CONCERNED THAT THERE WAS NO MEANS FOR CONSUMERS TO CHALLENGE A RIGHTHOLDER WHO PUTS IN PLACE TECHNICAL MEASURES TO DENY ACCESS TO A WORK. THEY WERE ALSO CONCERNED THAT ONE OF THE PROVISIONS OF THE DIRECTIVE WOULD ALLOW RIGHTHOLDERS TO OVERRIDE RIGHTS OF ACCESS VIA CONTRACTUAL CLAUSES AND, ASSUMING THE CONTRACT IS ENFORCEABLE, MAKE NEW LAW VIA CONTRACT.

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FOOD WORKING GROUP  
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"PRECAUTIONARY PRINCIPLE

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20. (U) THE "PRECAUTIONARY PRINCIPLE" WAS THE FIRST AGENDA ITEM DISCUSSED IN THE FOOD WORKING GROUP. USG REPRESENTATIVES EXPLAINED THE DIFFICULTY IN RESPONDING TO AN AS-YET-UNDEFINED "PRINCIPLE." EC REPRESENTATIVES ACKNOWLEDGED THAT THE CONCEPT COULD EVOLVE AS THE "PRECAUTIONARY PRINCIPLE" COMMUNICATION WORKED  
UNCLAS SECTION 05 OF 07 BRUSSELS 006146

SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON, EB/TPP/MTA-JGAGNON, EUR/ERA-HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND ECA/PE/C/EUR-MRAYMOND, CMINER  
USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND 4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
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SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

ITS WAY THROUGH THE EU INSTITUTIONS -- THEY EXPECT OPINIONS FROM THE EP AND FROM THE COUNCIL IN THE COMING MONTHS. HOWEVER, THEY SAID, THE COMMUNICATION WAS AN ATTEMPT TO CLARIFY THE LIMITS OF THE "PRECAUTIONARY PRINCIPLE'S" APPLICATION. THIS CLARIFICATION WAS A SUFFICIENT PROXY FOR A PRECISE DEFINITION, ACCORDING TO THE EC REPS. USG REPRESENTATIVES RESPONDED TO NGO QUESTIONS ABOUT THE COMMENTS THE USG IS DEVELOPING TO ADDRESS THE CONCEPT IN CODEX, AND DESCRIBED WAYS PRECAUTION WAS BUILT INTO THE U.S. REGULATORY SYSTEM. U.S. NGO LEADER BRUCE SILVERGLADE (CENTER FOR SCIENCE IN THE PUBLIC INTEREST-CSPI) CRITICIZED U.S. CONCERNS THAT THE "PRECAUTIONARY PRINCIPLE" WOULD BE USED FOR PROTECTIONIST ENDS OR POLITICAL GAIN, AINTAINING THAT EU CONSUMERS WERE CONCERNED WITH SAFETY, NOT TRADE PROTECTIONISM. USG RERESSENTATIVES REITERATED THAT CODEX, NOT THE WTO, WAS THE PROPER VENUE FOR DISCUSSIONS ON THE "PRECAUTIONARY PRINCIPLE."

ANTIMICROBIAL RESISTANCE  
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21. (U) ON THE ISSUE OF ANTIMICROBIAL RESISTANCE, U.S. NGOS PRAISED THE EC FOR ITS WORK AND TOLD THE USG REPRESENTATIVES THAT AMERICAN CONSUMERS DO NOT WANT ANTIBIOTICS USED TO PROMOTE GROWTH OR AS PROPHYLACTICS IN ANIMAL PRODUCTION. NGOS ADDED THAT THEIR STUDIES SHOW THAT DISCONTINUING THE PRACTICE WOULD ONLY COST THE

AVERAGE CONSUMER \$10 A YEAR.

22. (U) USG REPRESENTATIVES GAVE A BRIEF DESCRIPTION OF THE HEALTH AND HUMAN SERVICES (HHS) TASK FORCE, AND POINTED OUT THAT ITS PRELIMINARY REPORT WAS A GOOD EXAMPLE OF THE KIND OF INFORMATION THE USG WOULD LIKE TO SHARE WITH TACD VIA THE WORLDWIDE WEB. EC REPRESENTATIVES LISTED THEIR STUDIES ON ANIMAL AND HUMAN USE OF ANTIBIOTICS AND OFFERED TO SHARE RESULTS. THEY ALSO REPORTED EC INVOLVEMENT IN A LAWSUIT BROUGHT BY PFIZER CORPORATION AND INDICATED THEY WOULD NEED TO WAIT ON THE COURT'S DECISION AND THEIR NEW DATA BEFORE MOVING FORWARD. THE EC AND USG AGREED TO A FOLLOW-UP DISCUSSION TO SHARE RELEVANT DATA.

BIOTECHNOLOGY

23. (U) THE TACD CALLED FOR MANDATORY LABELING OF ALL PRODUCTS CONTAINING GENETICALLY MODIFIED ORGANISMS. THE USG GAVE A BRIEF UPDATE ON "NEXT STEPS" FOLLOWING THE FDA PUBLIC MEETINGS, AS WELL AS A DESCRIPTION OF THE USDA ADVISORY COMMITTEE AND NAS AGREEMENT. USG REPRESENTATIVES EXPLAINED THAT THE FDA IS IN THE PROCESS OF CONSIDERING ALL THE COMMENTS THEY RECEIVED, AND THEREFORE THEY HAVE YET TO RULE ANYTHING OUT. PARTICIPANTS DISCUSSED VERIFICATION METHODS FOR "NON-GMO" PRODUCTS. THE FDA ALSO REPORTED THAT THE AGENCY IS PROPOSING A MANDATORY 120-DAY NOTIFICATION OF BIOTECH FOOD PRODUCTS, DEVELOPING GUIDANCE FOR VOLUNTARY LABELING OF BIOTECH FOODS, AND AUGMENTING ITS FOOD AND VETERINARY ADVISORY COMMITTEES WITH EXPERTS IN BIOTECHNOLOGY. THERE WAS ALSO A DISCUSSION OF VERIFICATION METHODS FOR BOTH GMO AND "NON-GMO" PRODUCTS.

NUTRITION LABELING

24. (U) TACD NGOS POINTED OUT THE DIFFERENCE BETWEEN U.S. AND EU LAWS ON NUTRITION LABELING. THE CONSUMERS ADVOCATED EC ADOPTION OF RELEVANT LAWS SIMILAR TO THOSE IN THE U.S. EC REPRESENTATIVES SAID THEY DIDN'T THINK THAT WAS NECESSARY.

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SENSITIVE

STATE PASS USTR FOR RWHITE, MMOWREY, CNOVELLI  
STATE PASS FTC FOR HSTEVENSON, MMTIHAL, JBERNSTEIN  
STATE PASS USEPA FOR EPA/OIA/ALMEIDA  
STATE FOR EB/PAPD-CTHOMPSON, EB/TPP/MTA-JGAGNON, EUR/ERA-HKLEMM, MMURPHY, EUR/PD-RHILTON, ECA-WBADER, AND ECA/PE/C/EUR-MRAYMOND, CMINER

USDOC FOR INTL COMMERCE-MSTREET, BHENGESBAUGH AND  
4211/MAC/EUR/OERUA/LCOOPER  
HHS FOR FDA-LHORTON, MLIMOLI, WBATTS  
USDA FOR FAS-OA/GALVIN, ITP-SHEIKH, FSIS-CWILCOX

E.O. 12958: N/A

TAGS: ETRD, SENV, KIPR, WTRO, EUN

SUBJECT: TRANSATLANTIC CONSUMER DIALOGUE

TRADE WORKING GROUP  
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25. (U) THE TRADE WORKING GROUP AGENDA CONTAINED  
TRANSPARENCY, FAIR TRADE AND ECO-LABELING,  
PHARMACEUTICALS AND WTO-RELATED SERVICES AND  
AGRICULTURE ISSUES.

TRANSPARENCY  
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26. (U) REGARDING TRANSPARENCY, USG  
REPRESENTATIVES CALLED ATTENTION TO USTR'S JUNE 8  
FEDERAL REGISTER NOTICE REQUESTING PUBLIC  
COMMENTS ON USG PROPOSALS TO IMPROVE OPENNESS IN  
THE WTO. THE U.S. NOTED ITS OFFER TO OPEN TO  
PUBLIC OBSERVATION ANY DISPUTE SETTLEMENT  
PROCEEDINGS (DSP) IN WHICH THE U.S. WAS INVOLVED.  
HAVING A TRACK RECORD OF TRANSPARENCY, DSPS MIGHT  
HELP FOSTER GREATER OPENNESS IN THE WTO. TACD  
REPRESENTATIVES OBSERVED THIS "LEADERSHIP BY  
EXAMPLE" WOULD BE AN EFFECTIVE WAY TO PROMOTE  
TRANSPARENCY. EC REPRESENTATIVES SAID ITS MEMBER  
STATES WERE NOT PREPARED TO OPEN UP BILATERAL  
DSPS. THIS COULD OCCUR ONLY WHEN THERE WAS A WTO  
CONSENSUS, THEY SAID.

ECO-LABELING, FAIR TRADE LABELING  
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27. (U) U.S. REPRESENTATIVES UNDERSCORED SUPPORT  
FOR ECO-LABELING THAT IS NON-DISCRIMINATORY AND  
PROVIDES MEANINGFUL INFORMATION TO CONSUMERS.  
THEY ALSO REPORTED THAT THE STATE DEPARTMENT'S  
"ANTI-SWEATSHOP PROJECT" HAD RECEIVED FUNDING.  
USG REPS NOTED THE U.S. WAS CONTEMPLATING NO  
FURTHER WTO ACTIONS ON ECO-LABELING AT THIS TIME.

WTO SERVICES  
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28. (U) NGO REPRESENTATIVES NOTED THEIR CONCERN  
THAT FURTHER WTO SERVICES LIBERALIZATION COULD  
LEAD TO INAPPROPRIATE DEREGULATION. THEY  
ASSERTED THAT U.S. DEREGULATION OF THE CIVIL  
AVIATION AND ELECTRICITY SECTORS HAD PROVED TO BE  
DETRIMENTAL TO CONSUMERS. NEGOTIATORS,  
THEREFORE, HAD TO PAY MORE ATTENTION TO CONSUMER  
NEEDS. EC REPS OBSERVED THAT LIBERALIZATION DID  
NOT AUTOMATICALLY MEAN DEREGULATION (A POINT  
SUPPORTED BY THE U.S. DELEGATION), AND THAT  
LIBERALIZATION HAD GIVEN CONSUMERS A MORE  
COMPETITIVE ENVIRONMENT WITH GREATER CHOICES. EC

REPS SAID THE EC WAS FOCUSING ON WAYS TO LIBERALIZE SERVICES, BUT NOT TO DEREGULATE COMPLETELY. NGOS SUGGESTED THAT CAPACITY-BUILDING ACTIVITIES SHOULD INCLUDE ASSISTANCE TO CONSUMER ORGANIZATIONS, BECAUSE CONSUMER PARTICIPATION WAS NEEDED TO CREATE A BALANCE BETWEEN LIBERALIZATION AND CONSUMER INTERESTS.

PHARMACEUTICALS  
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29. (U) ON THE SUBJECT OF PHARMACEUTICALS, TACD NGOS CLAIMED THE IMPLEMENTATION OF THE WTO'S TRADE RELATED INTELLECTUAL PROPERTY RIGHTS AGREEMENT (TRIPS) WAS HAVING A HARMFUL EFFECT ON INTERNATIONAL EFFORTS TO PROVIDE MEDICINE TO POOR COUNTRIES. TACD ASSERTED THAT THE WIPO AND WTO HAD APPROVED A SCHEME FOR GENERIC PRODUCERS IN ARGENTINA AND INDIA AND TO SUPPLY DRUGS TO SUB-SAHARAN AFRICA. THE U.S. RESPONSE WAS THAT INTELLECTUAL PROPERTY WAS BUT A SMALL PART OF THE ISSUE AND THAT THE MAJOR USG EFFORT IS BEING DIRECTED AT DELIVERING SAFE, EFFECTIVE MEDICINES TO POOR COUNTRIES. THE WHOLE LOGISTICS ISSUE WAS A HUGE PROBLEM THAT NEEDED TO BE ADDRESSED BY THE INTERNATIONAL COMMUNITY, SAID U.S. REPS. AT TACD'S REQUEST, U.S. REPRESENTATIVES AGREED THAT THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES WOULD HOST AN INTERAGENCY MEETING TO ADDRESS ISSUES AFFECTING ACCESS TO MEDICINES BY POOR COUNTRIES.

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MUTUAL RECOGNITION AGREEMENTS  
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30. (U) NGOS (PREDOMINANTLY FROM THE U.S.) EXPRESSED CONTINUING CONCERNS ABOUT THE POSSIBLE HARMFUL EFFECTS ON CONSUMERS OF MUTUAL RECOGNITION AGREEMENTS (MRAS). ONE NGO DISTRIBUTED AN ANALYSIS OF MRAS AND INVITED RESPONSES FROM GOVERNMENTS. THE EC DELEGATION

NOTED SOME OF ITS PRELIMINARY REACTIONS TO THE DOCUMENT; THE U.S. SIDE PROMISED TO RESPOND AS SOON AS IT HAD A CHANCE TO DISTRIBUTE IT TO APPROPRIATE USG EXPERTS.

AGRICULTURE

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31. (U) GIVEN TIME CONSTRAINTS, THE WORKING GROUP TOUCHED ONLY LIGHTLY ON AGRICULTURE ISSUES. NGOS NOTED THAT ONGOING AGRICULTURE DISCUSSIONS IN THE WTO WERE A PRIORITY CONCERN. ON THE MARGINS OF THE MEETING, THEY ALSO EXPRESSED CONCERN ABOUT THE REPORTED ECOLOGICAL DAMAGE BEING DONE BY LARGE HOG FARMS IN NORTH CAROLINA AND THE FACT THAT THE FULL MEASURE OF THESE COSTS WAS NOT BEING CAPTURED IN GOVERNMENTS' ESTIMATION OF THE BENEFITS OF FURTHER LIBERALIZATION OF AGRICULTURE TRADE.

MORNINGSTAR

**TOR:** 11/06/00 12:47:43

**DIST:** SIT: BLINKEN BRUNS NSC CRAWFORD DAVIDSON DUNCAN GREENWOOD KASS MUNTER  
NORLAND SAMANS YEE  
PRT: USTR{P\SOCKS\GRD-2PS,06}