

- 1 PERU
Risking cold for gold
- 2 ARGENTINA
Capital lurches to the right
- 3 NICARAGUA
Democracy or party control?
- 4 COLOMBIA
Unearthing horrors
- 6 BOLIVIA
Farewell to glaciers
- 7 MEXICO
The invisible migrants
- 8 CHILE
Juvenile rights versus punishment
- 10 PERU
Debating age of consent
- 11 CARIBBEAN
Press freedom on the line
- 12 PANAMA
Colombian refugees at risk



The town of La Rinconada in southern Peru is packed with informal miners.

PERU

Hildegard Willer in La Rinconada

Risking cold for gold

Artisanal and informal gold mining thrives on Peru's altiplano, despite risks.

"Hot water? I don't think you're going to find that here," laughs the owner of a small pension in La Rinconada in Peru's southern highland department of Puno.

In fact, finding lodging with a supply of cold water is a luxury here in La Rinconada, a major center for artisanal and informal gold mining.

The town of 20,000 people is 5,400 meters (17,820 feet) above sea level, located at the foot of a majestic snow-capped peak high in Peru's southern Andes. Peruvian authorities consider it a small village. But only its infrastructure and budget are small.

"The state isn't present here, we don't have even a single police officer," complained Mayor Andrés Calcina Quella.

Campesinos from surrounding towns started to move here some 50 years ago in search of gold. But the major population boom in the town was not until the 1990s when the number of formal mining jobs decreased.

But despite the booming industry, the residents lacked sewage systems and garbage collection.

"The problem of solid waste and public health is probably the biggest contamination issue we have," said Fredi Mamani.

Mamani, originally from Putina, four hours away, has lived here for 25 years practicing artisanal mining in La Rinconada. He is currently president of La Rinconada's mining cooperative association that is aiming for the industry to drop its "informal" label.

Artisanal mining is defined as mining that uses less than 1,000 hectares (2,470 acres) of land concession and where miners move less than 25 metric tons of land per day using manual labor or basic equipment. The majority of artisanal miners work informally, that is, without official permission and at high-risk conditions.

Some 300 informal miners have joined cooperatives like Mamani's and have started negotiations to join the Ananea Corporation, the only company with a government con-

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cession to operate in La Rinconada.

Informal miners are seeking a certain stability, fearful that they will be evicted, while Ananea has become tired of paying fines for the numerous accidents and environmental contamination that artisanal miners have caused within its concession land.

These miners' production volumes illustrate the area's potential. According to Guillermo Medina, head of the Swiss Agency for Development and Cooperation-funded Environmental Management for Artisanal Mining project, Ananea produces 10-15 kilograms of gold each month, while the informal miners collectively produce up to 200 kilograms a month.

Medina helped organize talks between the Ananea and La Rinconada's mining cooperatives, which are set to buy a majority stake in the company sometime this year.

The high gold volumes has attracted many young people to the town, who are willing to climb up into the thin air, withstand the cold and work in pits where one can hardly stand until they find something.

Most artisanal miners work for one of the cooperatives. They work for the boss 20 days a month and have four days to mine whatever they can. The gold is taken from the mine and ground using giant rocks. It is then mixed with mercury, forming a ball which in early June was sold for US\$19 per gram.

The buyers then separate the gold from the mercury using gas lighters. The highly-toxic mercury evaporates into the air and returns again to the town in the form of acid rain and snow.

"We're conscious that mining generates contamination and we have tried to minimize its impact," Mamani explained. He said that for the state to recognize him and his fellow miners they have to present an environmental impact study. The mercury poses the greatest threat as it escapes, without a filter, into the air and soil.

On July 2, residents in several Puno provinces began large protests against what they complained was the environmental toll of informal mining in the area. They said that the important Ramis River had become polluted as a result of the activity. Residents carried out a series of road and bridge blockades and at the height of the five-day protests, some burned a police truck.

There have not yet been any reliable studies on artisanal mining's impact in La Rinconada. The town's population faces the greatest health risk, but gold fever is stronger than worries about health care, and is enough to make thousands of people brave the cold and thin air. □

ARGENTINA

Andrés Gaudin in Buenos Aires

Capital lurches to the right

Conservative candidate captures Buenos Aires' key mayoral office.

Six of every 10 voters in the Argentine capital voted for powerful businessman Mauricio Macri in the June 24 mayoral election, and for the first time since the bloody 1976-83 military dictatorship ended, Buenos Aires will be governed by a right-wing mayor.

Macri, 48, is the eldest child of an Italian immigrant who amassed his fortune benefiting from privatizations during the rule of former President Carlos Menem (1989-99). He became very popular thanks to the successes of the celebrated Boca Juniors soccer club, to which he has served as president since 1996.

With a campaign focusing on insecurity in the coastal capital, Macri won the electorate over with promises to take a hard stance against crime, but also to take on smaller-community projects — green spaces, city beautification — and received more than 45 percent of the vote in the first round of voting on June 3.

In the second round, with 61 percent, he topped ruling party candidate Daniel Filmus, the education minister who won 39 percent. Filmus, a young academic and education expert, who was first a member of the Communist Party before joining the Peronist or Judicialist Party, served as dean of the prestigious Latin American Social Sciences Faculty, or FLACSO.

Filmus' clear defeat was a major blow for President Néstor Kirchner, who hoped that a Peronist would be elected for the first time to govern Buenos Aires, and he took an active role in Filmus' campaign.

Until 1996, the capital had no autonomy and its government was selected by the president. That year there was the first mayoral election for the people of Buenos Aires.

The results also forced Kirchner to speed up his decisions for Oct. 28, when Argentines will go to the polls to elect a new president. On July 1, Sen. Cristina Fernández de Kirchner, the president's wife, announced her candidacy under the Front for Victory, the president's Peronist branch.

Artisanal mining in Peru

Approximately 11 percent of Peru's gold is produced by artisanal miners. The country produced 203 metric tons in 2006.

It is estimated that there are some 80,000 artisanal miners in Peru and another 20,000 that work off this industry. This activity causes environmental damages because of the use of mercury and high deforestation.

Approximately 60 percent of the country's artisanal miners work informally. The rest work for small companies and cooperatives.

The southern highland department of Puno and the Amazon department of Madre de Dios are Peru's artisanal mining centers, but now there are others in the north of the country in Piura and Cajamarca, where these miners often run into conflicts with local farmers.

Source: GAMA Project, CooperAcción

COLOMBIA

Gay rights law rejected. Colombia's gay community was outraged after the country's Senate rejected a bill on June 19 that would give homosexual couples access to social security benefits.

The Senate voted 34 against and 26 in favor of the bill, which had been approved five days earlier in the lower house.

The initiative was based on a landmark decision in the Constitutional Court earlier this year that gave homosexual couples property rights (*LP, Feb. 21, 2007*).

On July 1, Gay Pride Day, Bogota's gay, lesbian, bisexual and transgender population marched through the streets in protest.

"We pay taxes. Why can't we enroll our partners in social security?" read a banner from the gay rights group Colombia Diversa. —*LP*.



Region at a glance

- 2 COLOMBIA
Gay rights law rejected
- 3 CUBA
Cuban revolutionary dies
- 4 BOLIVIA
Charter writing goes into overtime
- 5 ANDEAN COUNTRIES
Trade benefits extended
- 9 EL SALVADOR
Fighting AIDS

CUBA

Cuban revolutionary dies. Vilma Espín, one of Cuba's staunchest defenders of women's rights, died June 18 of an undisclosed illness. Espín, wife of acting President Raúl Castro, founded the Federation of Cuban Women, an organization with some 3.5 million members, representing 86 percent of the Cuba's women over the age of 14.

She launched numerous women's and sexual minorities' rights program on the island.

"To discriminate based on race, color, ethnicity, religion, gender, or sexual preference is profoundly unjust and inadmissible in a society like ours that has advanced on genuinely human criteria," she said in a 1994 interview.

In the 1990s, the federation launched a campaign against violence against women, a problem that was largely ignored until then. In 1997, she created the National Group for the Prevention and Attention to Family Violence in an effort to put an end to this violence, which was widespread in Cuba (*LP, April 19, 2006*).

Espín was also a deputy of the National Assembly of Popular Power and a member of the State Council. —*IPS/LP*.

"He'll have to wonder if Macri was elected thanks to his excellent publicity campaign or simply for who he is and what he stands for," said journalist and political analyst Eduardo Aliverti. "Anyhow, we're facing a serious event; the capital's electorate took a violent turn to the right and gave the prize to someone who is a remaining symbol of the neo-liberal ideology that took over us in the 1990s."

This swing to the right by an electorate that had traditionally sided with progressive politics was not the only part of the election that turned heads. Even though voting is obligatory, with just over 68 percent of eligible voters turning out in the second round, it seemed that it did not matter to Buenos Aires voters that two opposing models for the country were at stake — it was the lowest voter turnout in Argentine history.

Three days after the election, Macri — who will take office Dec. 10 — met with Kirchner to ask him to void Law 24,588, which limits the capital's administrative independence and prohibits a city police force.

"The fear is rising among the people," Macri said after leaving the Casa Rosada presidential palace. "We have to act now against the criminals. I've come to tell the president that I need help for the city to have its own police force that answers to us."

Macri's notions about security are similar to the dictatorship's. He justified torture because "it's ridiculous that the police have to ask the thief to please confess."

He has also said that "homosexuality is a sickness that generates social violence" and that poor Argentines that collect paper and cartons to live off the little money that generates from recycling "are criminals that steal garbage and whom we have to take out of the street because they are as criminal as those who steal money."

Many analysts agree with Aliverti that there has been a "big philosophical change in Buenos Aires, because a [political] party didn't win here, but instead the candidate of an economic group." Macri designated as his Cabinet chief Horacio Rodríguez Larreta, who was responsible for privatizations in the defense sector and was also an advisor of Macri's father in the family business Sociedades Macri. Macri designated Néstor Grindetti as his future economy minister, who was also the top executive at the family company for 20 years.

What is certain is that the country's political turn, called the "Macri effect" has taken toll. Filmus' 39 percent support is the highest support attained by a Peronist candidate in Buenos Aires. But the president's project, supported by 60 percent of the country, was defeated; the left, which had 11 deputies in the Buenos Aires parliament, dropped to just two, and the Unión Cívica Radical of former President Raúl Alfonsín (1983-89) obtained no deputies in what was once one of the parties' main strongholds. □

NICARAGUA

Carmen Herrera in Managua

Democracy or party control?

Ortega creates citizen power councils.

President Daniel Ortega's plan to promote "direct democracy" in Nicaragua has sparked harsh criticism among some of his closest supporters.

In January, Ortega signed a decree to create a series of citizen power councils throughout the country. He confirmed six months later that the state and local officials members of the ruling Sandinista National Liberation Front (FSLN) must obey the new system, which is expected to take effect July 19, the 28th anniversary of the Sandinista Popular Revolution's defeat of the decades-long rule of the Somozas.

The councils will be overseen by a government office, the Communication and Citizen Council, to ensure that ministries work efficiently throughout the country. Ortega's wife, Rosario Murillo, will head the council.

These citizen power councils will be coordinated by the Communication and Citizen Council delegates, with participation of the FSLN political apparatus, the FSLN members in local governments and Sandinistas who are leading the country's major social organizations.

"Daniel believes in participatory democracy," said Ortega's economic advisor, former Sandinista guerrilla commandant Bayardo Arce. "Daniel goes beyond a parliamentary vision. We're experiencing a contradictory situation: one wants the populace to have more participation. We've inherited a country in which the only good thing it's had is macroeconomic health, but the people are poorer than before and with greater demands. We hope that many things are resolved through popular participation," added Arce.

But many doubt the viability of this model. In recent years, neighborhood and town committees created their own development councils based on a pluralist citizen participation model.

Grassroots Sandinista leaders and members of the Citizen Participation for Local Development Network agree that the election of these new councils in their areas has sparked skepticism among Nicaraguans who do not see the need for parallel bodies to those that were created four years ago under a citizen participation law.

Community leader Lesbia Rocha said that many believe that these new councils are part of a FSLN decision that will end up being "like the Sandinista Defense Committees of the 1980s, and they won't work because they will only benefit the Sandinistas instead of the entire citizenry."

Rocha, a representative of the Sandinista mayor of the Gaspar García de Tipitapa neighborhood near Managua, has been vocal about her opposition to these new councils.

"As a Sandinista, I don't agree with the creation of those citizen power committees parallel to community development committees," she said. "We have to work in favor of our municipality, to benefit everyone, as we have done up until now. When I do my social work I don't talk about party politics, but instead, the needs of the citizens, regardless of whether they are or not Sandinistas."

Some members of the already existing citizen participation groups say that the new councils are unconstitutional.

Antonio Ruiz is one of those people. He says that there has been little if anything said about what the relationship between these government-organized councils and the already existing ones will be. The new role of local governments is also unclear, he complained.

Nancy Aróstegui, another member of the network, says that the current government is contradicting legislation that defends municipal autonomy, a law that was approved during the 1979-90 Sandinista revolution.

"The creation of these citizen power committees does not take into account the historical process we've been through," she said. They "appear overnight without considering the advance of citizen participation over the last 20 years. It's wrong to deny that the people during these years, faced with a brutal neo-liberal model, has maintained its permanent struggle for space, voice and political influence in the country," regardless of party politics.

"In the areas where we work we have found that the people who are organizing the councils are political secretaries of the Sandinista party, the most loyal membership and in some cases they're supported by officials of the municipal mayor's offices and in the worst of cases by the Sandinista mayors themselves. I say 'in the worst case' because in this country, municipal autonomy was achieved in the [Sandinista] revolution," she added.

For Sofía Montenegro, of the Autonomous Women's Movement, grassroots Sandinista leaders, active members of local development committees, will be faced with a problem because they are part of a struggle that has meant making community development a priority. She says these new councils will weaken them, it would be a loss of political capital, and there will be repercussions on the pluralist economic, social and political relationships that have been established in these areas.

Montenegro warns that these new councils could cause another serious problem: conflicts of authority. "What mayor is going to submit to a party office? This kind of organization will open a Pandora's Box of conflict in the communities that have been peaceful." □

COLOMBIA

Susan Abad in Bogota

Unearthing horrors

Right-wing paramilitaries killed more than 14,000 people.

For Iván Cepeda of Colombia's National Movement of Victims of the State, the recent discovery of 4,000 graves that may hold remains of some 10,000 people is a "monstrous reality" that proves paramilitary invasions covered large areas in Colombia.

Colombia's Attorney General's office found 760 bodies, mostly dismembered, between April 2006 and June 2007 in the operation called "Dignity II." The dismembered corpses mirror the horrific and unscrupulous methods used by the extreme-right United Self-Defense Forces of Colombia (AUC) to maintain the political, social and economic power they have held throughout the country for 20 years.

Sen. Gustavo Petro of the opposition Alternative Democratic Pole party said that when the AUC began its power-grab more in 1985 they started with land appropriation, seizing thousands of hectares of the country's best land through a campaign of massacres and other forms of terror, leaving "14,000 dead and 3 million displaced."

BOLIVIA

Charter writing goes into over-time. The Constituent Assembly decided July 3 that it would hand in a draft of Bolivia's new constitution on Dec. 14, more than four months after the originally scheduled date of Aug. 6, the country's independence day.

But after 11 months of deliberations, the body has not made much progress.

One of the main problems was a divisive debate on how the articles would be approved.

Opposition representatives demanded that approval of two-thirds of the 225-member assembly be necessary for the articles to pass, while the ruling Movement to Socialism (MAS) party-allied members demanded a simple majority and two-thirds' approval on the final text (*LP, Nov. 15, 2006*).

MAS won the debate, but no article at all has been approved as of yet.

The final text must be approved in a national referendum. —LP.

ANDEAN COUNTRIES

Trade benefits extended.

US lawmakers agreed June 28 on an eight-month extension of a package of trade benefits for four Andean countries. The Andean Trade Promotion and Drug Eradication Act (ATPDEA), which allows 6,200 products from Bolivia, Colombia and Ecuador, including textiles, produce, flowers and metals, enter the United States tariff-free, in exchange for counter-drug programs, was set to expire on June 30.

The ATPDEA was already extended for six months last December. It has been in place since 2001.

Peru and Colombia are waiting for the US Congress to approve free trade agreements they signed and approved last year, but Colombia faces US lawmakers skeptical of links between high-ranking Colombian government officials and paramilitaries, as well as a history of human rights violations.

Peru's Congress recently passed a series of amendments to the agreement on labor rights, health, intellectual property and the environment to encourage Democratic lawmakers in the United States to pass the agreement. —LP.

According to a 2005 report of the General Comptroller's Office, the paramilitaries' and drug-traffickers' land takeovers total about 1 million hectares (2.47 million acres), the equivalent of 2.8 percent of the national territory and 5 percent of Colombia's arable land.

Petro says the AUC's control over vast areas of the country, "often in complicity with the armed forces," was not only about land.

The network of politicians and AUC members, an alliance that allowed them to have sway over government posts and public money, was pushed into the spotlight this past February when Colombia's Supreme Court ordered the arrest of six lawmakers for alleged ties to the paramilitaries.

In a 76-page report, the court said Rodrigo Tovar, known as "Jorge 40," an AUC chief leader in northern Colombia, had a plan in the works to take over the country's Caribbean coast in political capacities, "expanding its area of influence, procure financing and to have spokespeople" in important decision-making offices of the country.

In the months that followed, the court pursued politicians in the Magdalena, Bolívar, Sucre and Antioquia departments.

Twelve politicians have been jailed thus far in the so-called "parapolitics scandal," with the majority of them belonging to parties that support President Álvaro Uribe.

The arrests confirm what paramilitary leader Vicente Castaño told the magazine *Semana* in May 2005: 35 percent of the Congress was allied with the AUC. Vice President Francisco Santos warned in early May that "30 or 40 lawmakers will end up behind bars for the 'parapolitics' scandal."

The alliance between politicians and paramilitaries also gave the group access to public funds.

An Attorney General's report from last October said that in three Colombian departments — Atlántico, Magdalena and Bolívar — at least 10 percent of the contracts made by mayors, governors and public hospitals were taken over by the AUC. An income and expense statement by the Soledad Maternity Hospital was found showing, according to the office, that the hospital was the paramilitaries' "petty cash."

The report said that the AUC charged 10 percent on all contracts in various municipalities throughout the Caribbean coast and created phony companies through which they funneled 1.5 billion pesos (about US\$628,000) from the Sabanagrande mayor's office in the Atlántico department.

The paramilitaries also hooked up to important multinational companies that provided economic support to the armed group.

Former AUC chief Salvatore Mancuso told reporters in mid-May that judges in the northern city of Medellín said that all the banana companies in the Uraba region paid US\$1 "for every banana box they took out of the country."

Apparently in return for the money, the paramilitaries killed union leaders who were headaches for these large companies (*LP, April 18, 2007*).

A US court in Alabama is currently hearing the case of the US-based mining Drummond Company Inc. for allegedly paying paramilitary groups in 2001 for the murder of union members Valmore Locarno Rodríguez, Víctor Hugo Orcasita and Gustavo Soler Mora. The Atlanta-based Coca-Cola Co. has also been accused by the National Food Industry Workers Syndicate of connection with the murders of seven union members between 1995 and 1996.

Even the country's beloved sport hasn't been spared from the scandal.

The Attorney-General's office is investigating allegations that paramilitary groups laundered money through the country's top three soccer divisions and through trading various players.

Gustavo Upegüi López, owner of Medellín's soccer club Envigado FC, known as a paramilitary and head of the so-called "Envigado Office" dedicated to organizing hits and drug-trafficking, was killed July 3, 2006, apparently over differences with another AUC chief, Diego Fernando Murillo, known as "Don Berna".

According to figures from the National Reparation and Reconciliation Commission, there are some 30,000 victims hoping that the government will return their lands to them and above all, tell them the whereabouts of their loved ones. Meanwhile, 58 disbanded paramilitary leaders have already begun to testify before the courts, hoping that the Justice and Peace law will apply to them. The law, approved in 2005, provides amnesty to demobilized paramilitaries (*LP, July 26, 2006*). □

BOLIVIA

Martin Garat in La Paz

Farewell to glaciers

Important water and energy sources in capital dwindling to a trickle.

Máximo Lawra Vargas says the high Andean peaks that tower over his village of Batallas outside of the Bolivian capital are not what they once were. They are rapidly losing their snow-cover, Lawra Vargas observes.

An agronomist for the human development department at the village's mayor's office, Lawra Vargas has been monitoring the effects of global warming on his village, 4,000 meters above sea level (*LP, Feb. 21, 2007*).

Most Batallas residents grow potatoes, quinoa and barley.

"Because of global warming, the rainy season has become shorter. We have to plant later and the harvests are smaller," Lawra said, adding that production here has decreased 30 percent.

Predictions for future effects are dismal. Lawra thinks that in 10 years the water courses which irrigate the fields of Batallas will have completely dried up from a lack of glacier runoff — an important water source that is essential in the dry season.

"Without glaciers, we can't water. Without watering there's no production. We're going to starve," Lawra said.

The World Bank-financed Andean Climate Change Adaptation Program has been monitoring South America's glaciers for 10 years, and has some alarming findings: the glaciers are melting, and quickly. Bolivia's famed Chacaltaya glacier, known for having the world's highest ski run at 5,300 meters (17,400 feet), may vanish soon.

According to Edson Ramírez, Bolivia's top glacier expert, glacier melt has increased significantly since the 1980s because both of the planet's natural cycle, in which cold eras are followed by warm eras, and man-induced climate change.

"The emission of greenhouse gases has increased the natural warming of the planet, and this warming at the same time makes phenomena like El Niño to be more frequent and violent," Ramírez said. He added that the glaciers lose a square meter of thickness every year, but that in 1998, they lost four meters of thickness because El Niño was so much stronger that year.

The consequences of this rapid glacier melt could be catastrophic for inhabitants of the Andes (*LP, Sept. 24, 2003*). Glaciers are an important source of drinking water for Quito, Ecuador. Peru, home to 70 percent of the world's tropical glaciers, predicts that electricity production could diminish as the waters that feed the hydroelectric plants decrease. Bolivia's altiplano, home to more than 2 million people, could be left without energy and water, a particular sore spot for Bolivians.

"The Tuni and Condoriri glaciers that provide drinking water and energy to El Alto and a large part of La Paz will disappear between 2025 and 2045," Ramírez said.

"The glaciers regulate the flow of water to the cities," he said. "They only receive precipitation during the rainy season, while thanks to natural glacier melt, they let water go down all year long. When they disappear, El Alto and La Paz will only receive water in the rainy season."

But in a few years, the demand for water will surpass the supply. El Alto receives a steady flow of migrants from other areas of the altiplano looking for work, and the mushrooming urban population is putting more pressure on the water supply.

There are some solutions to put off the shortage, although temporarily. The Bolivian government has plans to build a dam on the Huayna Potosi glacier, and the water grid for El Alto will need to be reconfigured since it loses 50 percent of the supply in leaks, but the government lacks funds for that project.

"Bolivia doesn't have the economic resources to take on this situation. Replacing the current infrastructure with another will be extremely costly," said José Luis Gutiérrez, of the National Climate Change Adaptation Program.

Bolivians take water seriously. In 2000 in the highland city of Cochabamba and in El Alto in 2005 (*LP, March 9, 2005*) Bolivians rebelled against foreign water companies that charged residents excessive fees for water.

But while Bolivians were busy throwing private water companies out of the country, very few people were thinking about the natural loss of water.

"When people turn the faucet and no water comes out, there could be violent reactions," warned Gutiérrez.

After Haiti, Bolivia has the lowest contribution to global warming in Latin America and the Caribbean, and according to Gutiérrez, Bolivia is starting to pay for the errors of the other countries.

"Our greenhouse gas emissions are minimal, and taking into account the large forests in the eastern part of the country, Bolivia helps to stop global warming," he said, referring to the fact that plants absorb carbon dioxide.

But there is no quick and easy solution to stop global warming. An immediate



Scientists predict the Inti Illimani glacier in La Paz will lost its snow cap by 2050.

"When [the glaciers] disappear, El Alto and La Paz will only receive water in the rainy season."

— Edson Ramírez

reduction in greenhouse gas emissions would only produce tangible results after many years.

The glacier melt only stopped in one case, in 1992, following the eruption of the Pinatubo volcano in the Philippines a year earlier. The quantity of volcanic dust that was shot up in the atmosphere was enormous, and they formed a shield protecting the land from the sun, lowering the world's temperature by half a degree.

At the current pace, the Earth's temperature may rise by 5 degrees by 2100, according to Ramírez. His future glacier expert colleagues will have nothing to do in South America.

"There won't be any glaciers in the Andes," he said. □

MEXICO

Lorraine Orlandi in Mexico City

The invisible migrants

Internal migrant workers face gross threats while their plight goes unnoticed in shadow of emigration to the US.

Eight-year-old David Salgado left his Nahua village in Mexico's Sierra Madre mountains in December with his parents and five siblings, ages 3 to 15, to find seasonal farm work in the north of the country. A few weeks later, he tripped over a cord and fell in front of a moving tractor while picking tomatoes for export on a farm in Culiacan, Sinaloa — at a wage of about US\$6 a day. He was run over and killed.

His death prompted rights leaders at the United Nations and across Mexico to demand action to end what they call child exploitation by companies like Agrícola Paredes, a Mexican family business that exports produce and employed the Salgado family. The family is among 3.1 million internal migrant laborers in Mexico who work under dangerous conditions with no contracts or benefits, often on farms selling produce distributed in the United States and Canada.



David Salgado, a child migrant, was killed in an avoidable farming accident.

There are some 350,000 children like David Salgado, working illegally in northern Mexico to help their families survive poverty back home, and who are routinely exposed to harsh sun, pesticides and other risks, according to the United Nations Children's Fund, UNICEF (*LP*, June 27, 2007).

After investigating David's death, Jorge A. Bustamante, the UN Special Rapporteur for migrant rights, called the case "an example of child labor exploitation occurring on migrant worker farms in Sinaloa, Mexico." The statement was backed by more than a dozen Mexican rights groups. "This is not an isolated incident," he said.

Agrícola Paredes, a grower under contract with the Oppenheimer Group of Canada,

"The tomato sold in New York is the product of the blood of these children."

— Abel Barrera

paid the Salgado family 34,700 pesos in court-ordered damages plus 39,000 pesos in funeral and travel expenses and lost wages, or about \$7,000 in all, says general administrator Juan Carlos Aguila, adding that the family signed an agreement accepting the payment as sufficient.

Bustamante called that amount "shameful," and local rights workers say the boy's parents, who are illiterate and speak little Spanish besides their native tongue Nahuatl, did not know what they were signing. Local authorities ruled that the death had occurred on a public roadway and not on a private farm as witnesses reported, essentially clearing the company of responsibility, rights workers say.

Bustamante has called on Sinaloa state officials to force Agrícola Paredes to further compensate the family under international labor treaties, and to combat the use of child labor on that and other local farms and better protect children who travel with their migrant parents.

Aguila acknowledged that the company hires under-age laborers, but he says the practice is entrenched, rooted in the deep poverty of the migrants' hometowns. Families like Salgado's, who come from Guerrero state's La Montaña region, one of the poorest in Mexico, need the additional income that can be earned by their children and often refuse to work unless their children are hired, too, he says.

Child labor "can't be eliminated overnight, and not because the boss doesn't want to," Aguila said. "The parents hope to make a little money to take back home. They are frugal, they save it so they can survive the rest of the year in their hometowns."

The Tlachinollan Human Rights Center of La Montaña estimates that about 20,000 seasonal workers will leave the region around the Salgados' home this year to work in northern Mexico, and nearly half of them are children who are hired as young as 6. Last year, Tlachinollan documented 12 deaths among migrant children. At least two deaths besides Salgado's have been reported this year.

"The tomato sold in New York is the product of the blood of these children and of David," said Abel Barrera, Tlachinollan's director.

David Salgado's parents say they had no choice but to leave with their children to find work. They moved on to the farm owned by Agrícola Paredes from another where the children were prohibited from working.

"There is no work where we live," Cruz Salgado Paris said at a news conference organized by Tlachinollan in Mexico City several weeks after his son's death. "We have no way to feed our children."

"We don't go for pleasure," his wife, Agustina Aranda Huerta, added tearfully.

UNICEF says many children of migrant families arrive for seasonal farm work weak from malnourishment and suffer respiratory and other health problems from exposure to extreme weather and agricultural chemicals after they arrive.

Aguila, of Agrícola Paredes, argues that the company provides these migrants with better living conditions than they have at home and is working with local and federal officials to establish schools and build on existing day care facilities to help educate and care for children while their parents work. But it is difficult to convince families to forgo the extra income.

"These people arrive in critical condition, in a deplorable state of malnourishment," he said. "We pay their transportation, give them food, medical treatment. There are children with leukemia, pregnant women. A fortune is spent on caring for them."

He charges Tlachinollan and other groups with "politicizing" Salgado's death while failing to address the fundamental ills of poverty and social inequality that drive migrants from their homes.

The internal migrants represent one face of Mexican migration. Many more Mexicans cross into the United States to work, with an estimated 6.2 million undocumented Mexican migrants in 2005, according to the Pew Hispanic Center in Washington. Hundreds die each year trying to cross the border illegally. □

CHILE

Maxine Lowy in Santiago

Juvenile rights versus punishment

Long debate yields new adolescent crime law that emphasizes punishment over rights.

Former backers of Chile's Adolescent Penal Responsibility Law that went into effect on June 8 after a decade of legislative debate became the statute's harshest critics.

The United Nations Children's Fund (UNICEF) lobbied hard in Latin America for laws in line with the Convention on the Rights of the Child (CRC), ratified by all nations in the region by September 1991. But their efforts backfired in Chile, resulting in a measure so severe that UNICEF now says it violates the spirit of the treaty.

Chile's juvenile justice system, dating to 1928, was guided by the concept of judges

statistics spotlight

ANDEAN COUNTRIES

Slight decline for coca production. The United Nations Office on Drugs and Crime (UNODC) released its World Drug Report 2007 on June 26, applauding an overall drop in coca cultivation in the Andean region.

UNODC director, Antonio Maria Costa, said that "the overall situation is stable, yet fragile."

"Global demand for cocaine has also stabilized, although the decline in the United States is offset by alarming increases in some European countries," the report stated.

The report said that the area under coca cultivation in Colombia, Peru and Bolivia dropped 29 percent since 2000 when it was at a record high of 221,300 hectares (546,600 acres). In 2006, production in the three Andean countries totaled 156,900 hectares (387,500 acres), a 2 percent drop from the year before. A big drop in coca production in Colombia was offset by increases in Bolivia and Peru. —LP

ANDEAN COUNTRIES Coca cultivation (in hectares)

Country	2005	2006
Colombia	86,000	78,000
Peru	48,200	51,400
Bolivia	25,400	27,500

ANDEAN COUNTRIES Cocaine production (in metric tons)

Country	2005	2006
Colombia	640	610
Peru	260	280
Bolivia	80	94

Source: UNODC

EL SALVADOR

Fighting AIDS. The Salvadoran government launched a plan June 27 to fight HIV/AIDS, urging citizens to get tested. 'Get tested. Positive or negative, we're all humans facing AIDS,' said the campaign.

From the time the first AIDS case was detected in the country in 1984 to February of this year, there have been 18,282 cases registered in El Salvador, said Elina Miranda, local coordinator of the World Fund against AIDS and other Serious Illnesses. The Health Ministry says 318 people have died from the disease in the country.

But Miranda says the figures could be higher by some 60 percent, because of an inadequate reporting system.

She says that heterosexuals are the majority of the cases comprising 79 percent, and that women are increasingly affected by the disease. In 1991, 3.2 men were HIV positive in El Salvador for every 1.7 women. In 2006, this number dropped to 1.7 men for every woman. —IPS.

as guardians, who acted in the best interest of youths up to 18 years of age. As if a benign parent, a juvenile court judge could send minors, alone in hearings without legal defense and no clear appellate process, to a closed facility allegedly for protection during an indefinite period of time.

If the judge determined that a minor, 16 to 18 years old, had knowingly broken the law (the discernment procedure), the adolescent would be tried as an adult in criminal court and incarcerated with adults.

After five years of revisions, in 2002, then President Ricardo Lagos (2000-2006) sent the Adolescent Penal Responsibility Bill to Congress, calling for a complete overhaul of the juvenile justice system to protect fundamental rights of minors.

The law that Congress passed in October 2005 established due process rights and eliminated the discernment procedure but reflected a priority for punishment over due process guarantees. It reduced the age that adolescents can be tried as adults from 16 to 14 years. Congress also established the maximum prison sentence of 10 years for serious crimes committed by 16- to 18-year-olds, and five years for adolescents between 14 and 15 years of age. Youths charged with crimes now come under jurisdiction of the criminal court system, instead of specialized juvenile courts.

Near the end of a one-year grace period for the National Minor Service to accommodate infrastructure and programs for an anticipated surge in detainees, a senator of the ultra-right wing Independent Democratic Union (UDI) party with tacit support from the Justice Minister and a segment of congressmen allied with the government, inserted a zero tolerance clause that required adolescents between 16 and 17 years old sentenced to five years for serious crimes must spend the first two years of the sentence in a closed facility.

Thirty-three lawmakers of the ruling Concertación Democrática political coalition challenged the constitutionality of the law on grounds that it violates the CRC, which provided justification for the law in the first place.

They pointed out that the treaty only permits imprisonment as a last resort for minors who commit serious crimes and for the shortest possible time. In addition, they argued it is unconstitutional to deprive criminal court judges of authority to rule according to the seriousness of a crime, and to designate an alternative to incarceration. This past June 13 the Constitutional Tribune rejected the claim, and allowed the law to stand.

"It was a long struggle that no doubt will persist between those of us who believe it's vital to create a special juvenile penal system with effective guarantees, against with those who essentially wanted a law that punishes," recalled attorney Miguel Cillero, a UNICEF consultant who helped draft the original bill. "There exists a completely exaggerated social alarm that fosters the belief that the issue can only be solved by very disproportionately strict penal measures. No empirical data shows any evidence that juvenile delinquency is out of control."

Justice Ministry statistics appear to support Cillero's allegation that tough-on-crime measures are unjustified for juveniles. Of total 448,128 police arrests during 2006, only 42,129, or 9.4 percent were offenders between the ages of 14 and 17. Moreover, 70 percent of juvenile arrests in 2006 were for non-violent crimes such as shoplifting, petty theft, and other crimes against property.

In the first two weeks since the Adolescent Responsibility Law went into effect June 8, judges appear to have taken a cautious approach, dictating stays of proceedings, in 80 percent of juvenile cases.

In such cases, the judge may order mandatory guidance counseling, job training, community service, drug rehabilitation or other conditions for a set period, through the National Minor's Service-funded Assisted Freedom Program, or Libertad Asistida.

Four nongovernmental organizations in the Santiago metropolitan area — and a total of 64 organizations nationwide — conduct court-ordered supervision and orientation for juveniles. Since 1990 its staff guides an average 160 juvenile offenders and their families each year in the six largely low-income municipalities of northern Santiago.

The program's first case under the new law was that of Fernando, a 14-year-old arrested June 8 for theft, who the court granted stay of proceeding on the condition that he go to school, after having dropped out two years ago. Adolescents under the Program's wings average 5 years behind in school or have dropped out, and, like Francisco, an estimated 42 percent live in single-parent households that struggle to make ends meet.

Director Mario Muñoz is angry that lawmakers thrust juvenile offenders into the criminal law system, instead of fostering non-punitive options.

"The situation of youngsters who consume drugs and have antisocial behavior can only be solved with preventive policies and strategies that reduce social inequality, not with harsh punitive measures... And when a kid grows up deprived of all other rights, due process is like a cherry on top of a cake that smells bad." □

Leslie Josephs in Lima

Debating age of consent

Peru lawmakers lower age of consent, but harsh government criticism takes the bill back to the floor.

After Peru's celebrated 15-year-old chess whiz Emilio Córdova fell in love with a 29-year-old Brazilian woman and brought her home, Peruvians were not cheering his latest checkmate. Shouts of "provecho, provecho!" — "enjoy, enjoy!" — greeted him at the airport.

Peruvian sex columnist Esther Vargas cited in her column in the *Peru21* newspaper an headline from the Argentine daily *Clarín* that read: "The young chess player in love returned to Lima and was treated as a hero."

But had their romance blossomed on Peruvian soil, his girlfriend would be thrown in jail. Lawmakers are now trying to lower the age of consent in the country — from 18 to 14 — a move that has sparked a fierce debate among different nongovernmental organizations, government offices and Peruvians themselves.

On June 22, Peru's Congress voted 70-10 to lower the age of consent to 14. The bill was written by Congressman Alejandro Rebaza, a member of the ruling Aprista party. But President Alan García was not so keen on the idea, and even though the bill breezed through the unicameral congress, the president broke with his party, urging lawmakers to hold another round of debates.

"I'm the father of four daughters and it doesn't seem to me that at 14 they were able to give consent, which means a rational, responsible acceptance, measuring the consequences of an adult proposition," García said after the vote.

But the prominent women's organization Manuela Ramos has repeatedly stated that lowering the age of consent is absolutely necessary to give responsible adolescents sexual freedom. It's time to face reality, the Lima-based organization says. Its position is that the "reality" here is that Peruvians start having sexual relations early and that they are not necessarily linked to sexual violence.

Rosina Guerrero, who heads the reproductive rights department at the Center for the Promotion and Defense of Sexual and Reproductive Rights, known as Promsex, says that not approving the law would put adolescents' health at risk.

Some couples, when one member is a minor, may be afraid to go to health centers for pregnancy tests, sexually transmitted disease testing, or to obtain contraceptives, fearing that his or her partner will be arrested.

Some cheered the law's passage — despite García's intervention — because it would stop innocent youths from being thrown in jail for having consensual sex with a minor, treated as statutory rape under the law.

"The law will stop a 20-year-old person who makes love to a 17-year-old from becoming a criminal," said Peruvian psychoanalyst Roberto Lerner.

Such is the case of Ivestsi Lozano. Last year, the then-19-year-old from the jungle city of Pucallpa fell in love with a 16-year-old boy, and the two fled to Tacna in southern Peru. She is currently facing 30 years in prison for statutory rape.

Nevertheless, women's and children's defense offices both in and outside of the government have harshly criticized the measure, saying it only invites rape and sexual abuse.

Minister of Women and Social Development Virginia Borra, said that the bill leaves "the door open for rapes to go unpunished."

Carlos Rivera Paz from non-profit Peru's Legal Defense Institute pointed out that the "law will not decriminalize rape of minors between the ages of 14 and 18. That crime will stay."

But María Pía Hermosa, coordinator of the Peruvian children's rights organization Action for the Children, says that "consent" is only a way for rapes to go unpunished.

"Consent is the argument that allows rapists to sexually abuse minors," she said.

A strange facet of the law is that it contradicts an existing legislation that says adolescents at least 16 years old can marry with parental consent.

The law also completely ignores Peru's cultural diversity. In some rural regions, and especially in the country's Amazon region, sexual relations — as well as marriage and child-rearing — begin sometimes as young as 12 years old.

Clearly lawmakers opposed to the bill and Garcia have doubted 14-year-old girls' — they make little if any mention of the judgment and maturity of boys at that age — ability decide for themselves whether they want to have sex. They have instead, played up the carte blanche rapists will have, using physical, psychological and emotional persuasion to have sex with this girls, which some officials are a step away from calling "prey."

Instead of strengthening measures to combat rape, improve counseling, rape crisis and abuse centers for women, and sex education, they find it more prudent to criminalize the activity, regardless of whether it was truly consensual. There is no distinction between a 30-year man having sex with a 14-year-old girl and a 16-year-old girl and a 18-year-old young man.

Seemingly absent from the debate, however, are the country's very silent young people. □

inbrief

- The Brazilian government announced June 25 that it will resume construction on the Angra III nuclear plant. Construction was suspended in 1986 due to environmental concerns and lack of funds, and is expected to be completed by 2013. **Brazil** has two other nuclear plants — Angra I and Angra II — south of Rio de Janeiro that are already functioning.

- The Geneva-based United Nations Human Rights Council took **Cuba** off of a list of countries under special investigations, according to the governing rules of the new body, which replaced the Human Rights Commission last year.

- **Mexico's** state government of Veracruz, which took out an insurance policy for natural disasters with the British company Lloyd's, received a payment of US\$11.2 million on June 22 for flooding caused by atypical heavy rains in 2005 and 2006 damaging roads, bridges, schools and hospitals in the area.

- **Peru's** government-run National Institute of Culture filed a suit June 15 against the Mexican company Telmex for allegedly destroying a pre-Inca necropolis while laying a fiber-optic cable in the southern Ica department. The burial ground is some 2,000 years old and belongs to the Paracas culture.

- Municipal authorities in Caracas, **Venezuela** have launched the 'Cajita Social Lista,' a take off on a McDonald's iconic Happy Meal. The box contains a cookie and milk and is handed out for free by Caracas' mayor's office to some 3,000 children between 4 and 10 years old.

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CARIBBEAN
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Press freedom on the line

Region may be slipping into “complacency,” if it fails to act soon.

At a Caribbean media conference to mark World Press Freedom Day in May, Patrick Cozier, the general secretary of the Barbados-based Caribbean Broadcasting Union, issued a grim warning.

Cozier told delegates to the two-day meeting in St. Lucia that while the Caribbean was fortunate not to suffer the challenges encountered by journalists in South America, Southeast Asia, parts of Africa and the Middle East, the region should guard against lapsing into complacency as there were “threats which impinge upon the whole question of freedom and democracy in our societies.”

Deportations from Antigua and Barbuda, arrests in Barbados, and a government advertising boycott of a leading Guyanese paper are among the developments that have forced Caribbean media workers to recall Cozier’s speech.

The Association of Caribbean Media Workers (ACM) said the crackdown has vindicated the predictions in its special report titled “The Looming Storm” released two years ago.

“There has never been any doubt in my mind that we face the prospect of a multifaceted assault on free expression in the Caribbean, if only because almost all our societies are in a state of social crisis,” said Wesley Gibbings, the ACM’s general secretary, who edited the 2005 report.

In Guyana, the Bharrat Jagdeo government has stuck to its position, despite regional and international criticism, of refusing to take out advertisements in the independent *Stabroek News*, which it felt had been critical of the administration prior to last year’s general and presidential elections.

The Government Information News Agency said that the decision to place advertisements in the *Kaieteur News* instead was based on economics rather than a press freedom issue.

“Kaieteur holds the mantle today as the largest private newspaper, carrying a deeper dissemination capacity than the *Stabroek News*, not only nationally but internationally within the Guyanese Diaspora in New York City,” the government news agency said.

Last month, a four-person regional media delegation, which tried to intervene in the dispute, said it was unable to resolve the issue after holding talks with Jagdeo.

Across the border, the state-owned Suriname Television Service pulled the plug on a popular news programme after Vice President Ram Sardjoe reportedly called on the producers not to air segments on the ongoing China-Taiwan diplomatic tussle in the country.

Producers of “Suriname Today” said the programme would have dealt with the efforts by Taiwan to get Suriname to switch its diplomatic allegiance from China.

The Surinamese Association of Journalists described the intervention as a “flagrant violation of the right of free expression.” Sardjoe insists that his intervention was necessary. “As the government we have to look after the national interest of the country,” he said.

In Jamaica, where general elections are due later this year, the media have been caught in the middle as the two main political parties intensify their campaigning.

Both the Press Association of Jamaica, which represents media workers, and the Media Association of Jamaica, which represents media owners, have raised concerns about “inflammatory” statements by the leadership of both parties.

The two bodies have since called for a meeting with the political ombudsman, Bishop Herro Blair, particularly after Prime Minister Portia Simpson Miller fired another salvo, accusing media bosses of suppressing news that portrays her party in a positive light.

Her comments seemed directed at the *Jamaica Observer*, after the paper did not carry a political poll which showed the ruling People’s National Party ahead of the main opposition Jamaica Labour Party.

In Antigua, the deportation of journalists Vernon Khelawan and Lennox Linton has also raised eyebrows.

Khelawan, a Trinidadian, and Linton, a Dominican, were booted out of the country earlier this month, with Prime Minister Baldwin Spencer saying they lacked the necessary work permits.

“There comes a time when one has to deal with the laws of this country and if it affects certain persons, so be it,” Spencer said, while his Labour Minister, Dr. Jacqui Quinn-Leandro, a former journalist, applauded the decision to expel the media workers. Both men deny the charges, and say they will take the matter to the Trinidad-based Caribbean Court of Justice, which has responsibility for interpreting the Caribbean Community (CARICOM) Single Market and Economy regulations that allow for free movement of workers, journalists included, across the region (*LP, Feb. 8, 2006*).

“This is not an assault on breached immigration regulations, it is an attack on the free press,” said the ACM, which has written CARICOM chairman Dr. Ralph Gonsalves, who is also the prime minister of St. Vincent and the Grenadines, about the issue. □

Colombian refugees at risk

Persecuted by armed groups, some Colombians find no relief across the border.

More than 1,000 Colombians are living in Panama as refugees or under humanitarian protection, mostly in the Darien region, the thin strip of land separating the two countries.

According to the National Roundtable of Migrants and Refugees — an umbrella group of religious and rights organizations — there are some 800 people under temporary humanitarian status and almost 950 refugees in Panama, and 347 Colombians are living there with refugee status.

Panamanian law makes a distinction between people under humanitarian protection and refugees.

A refugee is any person who fled his home country given to founded fears of individualized persecution by government authorities based on race, gender, or political affiliation that prohibits them from returning to their home.

Colombians under humanitarian protection are persecuted by illegal armed groups such as paramilitaries and guerrillas, groups outside of the government.

The organization Juspax says that people under humanitarian protection are “commonly known as displaced persons.” They come during big emigration waves seeking protection and “they are currently settled in the Darien province as a result of the armed conflict that has been going on in Colombia for more than four decades.”

There have been an increasing number of indigenous Colombians fleeing this conflict. In May 2006, 48 Wounan and 80 Embera indigenous community members arrived in Darien from Colombia.

According to a report by the Darien Apostolic Vicariate's Human Mobility Ministry last June, these indigenous Colombians were trying to escape the Revolutionary Armed Forces of Colombia (FARC) that have deemed these citizens “enemies” for denying to cultivate illegal crops on their lands. The indigenous also refused to join the FARC's ranks, and the armed group accused them of being “toads” or army informants.

Humanitarian status is only temporary and is intended to last up to two years. But Juspax says that the situation is forcing many people in this situation to stay for up to eight years.

Fernando Wing, who handles Juspax's refugee department, told the Central America Report that Panamanian authorities “still don't accept refugee as a status. They give these people certain economic aid for two months that doesn't meet their needs. If under humanitarian protection, they are not permitted to work, which makes their situation even worse. It's not even about paternalism, it's about alternatives to be created for these people to survive.”

Even though according to Wing, in 2005 the Panamanian and Colombian governments agreed to regulate the migration of these refugees, more than 200 requests for refugee status were rejected by Panamanian authorities, of which 90 percent were Colombians.

Juspax has expressed worry that the regularization process of the temporary population living near Panama's border with Colombia, particularly in Darien, is up in the air, and will be so under a special law is approved.

The lack of protection facing these people even after they have fled Colombia “deserves an immediate solution,” the organization said. “It's important for the Panamanian government to take the situation of this population into account” not only on an individual basis, but looking at the situation of violence and persecution these illegal armed groups are causing along the border, and the fact that “these people have been living on [Panamanian] territory many years supporting our country's development.” □

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