

## NOBEL WOMEN'S INITIATIVE DELEGATION TO MEXICO, HONDURAS AND GUATEMALA 2012

### BRIEFING NOTE: MEXICO

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#### **Introduction:**

Mexico is facing a major human rights and humanitarian crisis. Fifty thousand people have been murdered in the “war on drugs” just since 2007. Thousands more have been displaced, orphaned and forcibly disappeared. Mexican society is divided by fear, between those who welcome a military approach to the growing chaos and those who believe that the military approach is the cause of it. The Calderon government, with encouragement and financial support from the U.S. government, refuses to consider alternatives to its “war on drugs,” even as the situation grows worse and the ruling conservative party risks paying a high political price in the 2012 presidential elections.

This crisis has revealed a deeper and more ingrained institutional crisis. While thousands of crimes are committed in the context of the current violence, the justice system fails to prosecute even a tiny fraction of them. Rampant corruption, accepted as a way of life, now erodes any attempt to bring the situation under control.

Although a peace movement has arisen that seeks to support justice for the victims and advocates policy changes in dialogue with government officials, the number of new cases emerging far surpasses its capacity to address them. The gendered aspects of the crisis remain invisible and fall through the cracks as both human rights organizations and governments have difficulty understanding the mix of private and public dynamics shaping crimes against women. Gender-based violence—including rape and domestic violence—has risen precipitously under cover of a society engulfed in violence and lacking basic institutional capacity or political will to deal with it. Indeed, perpetrators of domestic violence and sexual assaults often blame gangs and organized crime to cover up their own actions. Women lead efforts to bring about justice in the cases of their loved ones and their communities. These bold human rights defenders become targets, with little means of protection or support.

#### **I. Context**

**1) Weak institutions, corruption and lack of justice.** Although Mexico did not experience the armed conflicts and military dictatorships of other countries in the region, its democratic and judicial institutions are weak and do not comply fully with their obligations. This is the result of 71 years of authoritarian, one-party rule (1929-2000), the persistence of systematic corruption, and the use of state apparatus in the interests of those holding political and economic power.

The justice system successfully prosecutes only an estimated 2% of crimes committed, excluding those that are not reported due to lack of faith in the system, those that are never investigated by authorities, and those that are thrown out of court. This situation

encourages the continued commission of political crimes, crimes by cartels, violence against women and gender-based crimes, and common delinquency—without punishment, social or legal consequences, or transparency.

The system also routinely discriminates on the basis of sex, class, ethnicity and age (see below). Moreover, there is a severe shortage of resources to respond to violations of human rights, exacerbated by the extreme rise in complaints since the onset of the war on drugs.

**2) Femicides, human rights violations and “simulation.”** An important precedent to the current crisis is the number of femicides in Ciudad Juarez, Chihuahua. First denounced in 1993, this case exemplifies gender-based violence since the murders of the young women share traits of extreme sexual violence and torture, and also reveals the lack of political will to investigate and resolve crimes against women in Mexico. In this case and others, the Mexican government has developed a response of carrying out formal and much-publicized actions to address the human rights problem without making any real changes or progress. Defenders call this tactic “simulation.” Thus, despite recent constitutional reforms on human rights and the fact that Mexico has ratified most international conventions, the enforcement of the law is totally inadequate due to the lack of real commitment and corruption at federal, state and local government levels.

**3) General violence and gender-based violence as part of the “war on drugs.”** The “war on drugs,” launched in December of 2006 by President Felipe Calderon and supported by the U.S. government, led to the deployment of some 45,000 troops throughout Mexico and a dramatic increase in violence. More than 50,000 people have been killed and thousands more disappeared, displaced and orphaned. Complaints of human rights violations involving security forces have risen at least sixfold. Militarization has brought new threats and additional risks to women human rights defenders, especially in indigenous regions, along the northern border and in other zones of intense conflict. Cases of rape, abuse and murder attributed to the armed forces have risen, along with similar crimes attributed to the drug cartels.

## **II. The Current Crisis for Women Human Rights Defenders in Mexico**

Mexican women human rights defenders confront threats and grave risks in carrying out their work while trying to assure their own personal safety. Government officials and security forces are often those responsible for the threats, along with conservative groups, hostile media, and criminal organizations. The challenges for the protection of defenders are to guarantee their immediate security through their own social and civil networks, since it is not possible to trust the government to do it. At the same time, to bolster the democratic state and rule of law they continue to demand that the government fulfill its obligations to assure the safety of human rights workers.

There are **three** main aspects that characterize the current human rights crisis:

**1) Lack of justice.** Human rights violations and threats to human rights defenders are often not even investigated properly. There are seldom sanctions, reparations for damages, or programs of prevention. This makes it possible for organized crime or individuals to become more violent against women and women defenders, in collusion with the authorities. To carry out the defense of human rights safely, it is urgent to end the impunity that causes the chain of violence against rights defenders, which often extends even to their own families.

In alarming contrast to the lack of effective legal proceedings in cases of human rights violations and attacks on human rights defenders, there has been an increase in the use of the justice system to criminalize social protest and the work of many defenders, in an effort to repress their activity.

**2) Culture of discrimination against women.** The Interamerican Human Rights Court has issued sentences against Mexico affirming that the Mexican government and its officials maintain a culture of discrimination against women which propitiates violence against women. This discrimination is intensified against indigenous, young, migrant, poor and lesbian women and women who demand justice. There are also more attacks on defenders who fight for women's reproductive and sexual rights. Conservative political and religious groups attack women defenders who promote the right to choose and who defend women in jail for aborting as well as those who defend sexual diversity. Discrimination exists not only in the laws and rules, but also in the practices of government officials that result in unequal access to justice and the preservation of a misogynist culture.

This aspect is important since the majority of those who seek justice are searching for loved ones, and many of those who denounce violations of human rights are women. Mothers, wives, and daughters seeking justice for family members are emerging as the new group of women defenders.

**3) Lack of real and effective public policy and defense from the Mexican state.** Given the military presence in many parts of the country and the absence of the state in others, government actions carried out in defense of human rights tend to be isolated. There is a serious lack of coordination between the three levels of government or between different offices, agencies and branches of government. Citizens do not know their rights or how the institutions set up to guarantee them work. Worse, there is a campaign to link the work of human rights defenders with criminals. The few guarantees offered by the government to defend rights, such as precautionary measures, are useless in practice since there is no budget to implement them and they are not coordinated among the institutions charged with applying them.

### **III. Exemplary Cases**

**1) Josefina Reyes:** Grassroots leader in the Valle de Juárez, Chihuahua who worked for peace and denounced violations of human rights by the armed forces sent into the region as part of the drug war. Reyes was assassinated Jan. 3, 2010. Following her murder, her family has suffered threats, attacks and the assassinations of her brother Rubén Reyes (murdered prior to Josefina's death); and brother, sister and sister-in-law María Magdalena Reyes, Elías Reyes y Luisa Ornelas (murdered in Feb. 2011).

**2) Marisela Escobedo:** In Aug. 2008, Rubi Frayre, daughter of Marisela Escobedo, disappeared. Her remains were found as a result of a search by the family that led to the culprit, Rubi's former boyfriend, Sergio Barraza, who confessed to the crime. Incredibly, three state judges let Barraza go free. As a result of Marisela's protests and public outcry, Barraza was later sentenced for the crime but had already fled. Marisela continued to demand justice and on Dec. 16, 2010 she was shot and killed as she protested outside the State Capitol. The crime has not been solved.

**3) Blanca Velásquez:** Defender and organizer for the labor rights in Puebla, Velásquez founded and directed the Center for Worker Support (CAT). Since 2008 she has been attacked repeatedly for denouncing violations of labor rights by transnational corporations. She has received death threats, beatings, and threats against her and other members of CAT. The organization has had its offices raided, archives, equipment and resources robbed, and phone lines tapped. Publicly, its business leaders have named Blanca as a social danger with the backing of government officials. This has endangered the organization and its members.

#### **IV. FACTS**

1. Since 2010, six women human rights defenders have been registered as murdered in Mexico: Chihuahua-Marisela Escobedo, Susana Chávez, Malena Reyes, Luisa Ornelas, Josefina Reyes; Oaxaca-Beatriz Cariño.
2. An estimated 98% of crimes committed in Mexico are never solved or sanctioned.
3. The war on drugs has left 50,000 dead, thousands of displaced and disappeared. Women represent the majority of those who file complaints in the search for justice for victims and their families.
4. The number of femicides recorded in Chihuahua since sending the army in has risen to 837 for the period 2008 – 2011—nearly double the total number of femicides in 1993 – 2007.
5. The last report by the Special Rapporteur on the Situation of Human Rights Defenders recognized that threats and especially “explicit death threats, against women human rights defenders” are one of the main forms of violence in the region, with more than half coming from Latin America, most of those (27) from Mexico.

#### **V. Petitions to the Mexican Government and International Organizations**

1. *Include a gender perspective in the diagnosis and risk analysis.*

This implies studying the gender-specific nature of threats to men and women, and of the impact of measures designed to protect them.

2. *Effective local protective measures.*

Applying only individual measures has been shown to be counter-productive since instead of protection and modifying the situation of risk, they increase risks by giving the government more control over the defenders and their work. Protective measures should include: a) an assurance that full investigations will be carried out and sanctions applied to officials involved in attacks on or discrimination against women defenders, b) guarantee psycho-social support, even in case of displacement, c) include processes with the media and with communities affected by the attacks on defenders.

3. *International monitoring to implement protective measures.*

The international community should monitor the situation to distinguish the rhetoric from the reality and measure real results. Follow up by international human rights organizations requires real indicators of evaluation, benchmarks and mechanisms for monitoring by civil society that take into account the differentiated impact on women.

4. *Focus support on the organizations and women human rights defenders themselves.*

Although the guarantee of rights is the responsibility of the government, it is fundamental to strengthen the organizations and create networks of women human rights defenders to enable women defenders to organize effectively to assure their own immediate and effective protection.