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Invaluable Victims:

The Ciudad Juárez *Feminicide* from a Socialist Feminist Perspective

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List of Abbreviations and Acronyms

AMAC	Asociación de Maquiladoras de Ciudad Juárez (Maquiladora Association of Ciudad Juárez)
BIP	Border Industrialization Program
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNDH	Comisión Nacional de Derechos Humanos (National Human Rights Commission)
CPEVMCJ	Comisión para Prevenir y Erradicar la Violencia contra las Mujeres en Ciudad Juárez (Commission to Prevent and Eradicate Violence against Women in Ciudad Juarez, or "Commission for Juarez")
CCE	Comisión de Coordinación y Enlace para Prevenir y Sancionar la Violencia Contra las Mujeres en Ciudad Juárez (Coordination and Liaison Commission for the Prevention and Punishment of Violence against Women in Ciudad Juárez or "Commission for the Coordination and Liaison")
CPI	Corruption Perceptions Index (from Transparency International)
EU	European Union
FTA	Free Trade Agreement
IACHR	Inter-American Commission on Human Rights
ICHIMU	Instituto Chihuahuense de la Mujer (Chihuahua's Institute of the Woman)
IMECO	Instituto Mexicano de Estudios de la Criminalidad Organizada (Mexican Institute of Organized Crime Studies)
INEGI	Instituto Nacional de Estadísticas, Geografía e Informática (National Institute on Statistics, Geography and Informatics).
INMUJERES	Instituto Nacional para las Mujeres (National Institute for Women)
IR	International Relations
PAN	Partido Acción Nacional (National Action Party, Mexico)
PGJECH	Procuraduría General de Justicia del Estado de Chihuahua (State's Prosecutors Office for the State of Chihuahua)
PGR	Procuraduría General de la República (Attorney General's Office)
PRD	Partido de la Revolución Democrática (Party of the Democratic Revolution, Mexico)
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party, Mexico)
SRE	Secretaría de Relaciones Exteriores (Mexican Secretariat of Foreign Affairs)
NAFTA	North American Free Trade Agreement
NGO	Non-Governmental Organization
NHDRAC	Nuestras Hijas de Regreso a Casa [NGO] (Our Daughters Come Back Home)
OAS	Organisation of American States
SECODAM	Secretaria de Contraloría y Desarrollo Administrativo (Ministry of Comptrollership and Administrative Development).
SIEDO	Federal Unit of Specialized Investigation against Organized Crime.
UNCHR	United Nations Commission on Human Rights.
UNIFEM	United Nations Development Fund for Women
UNOCD	United Nations Office on Drug and Crime

Introduction[1]

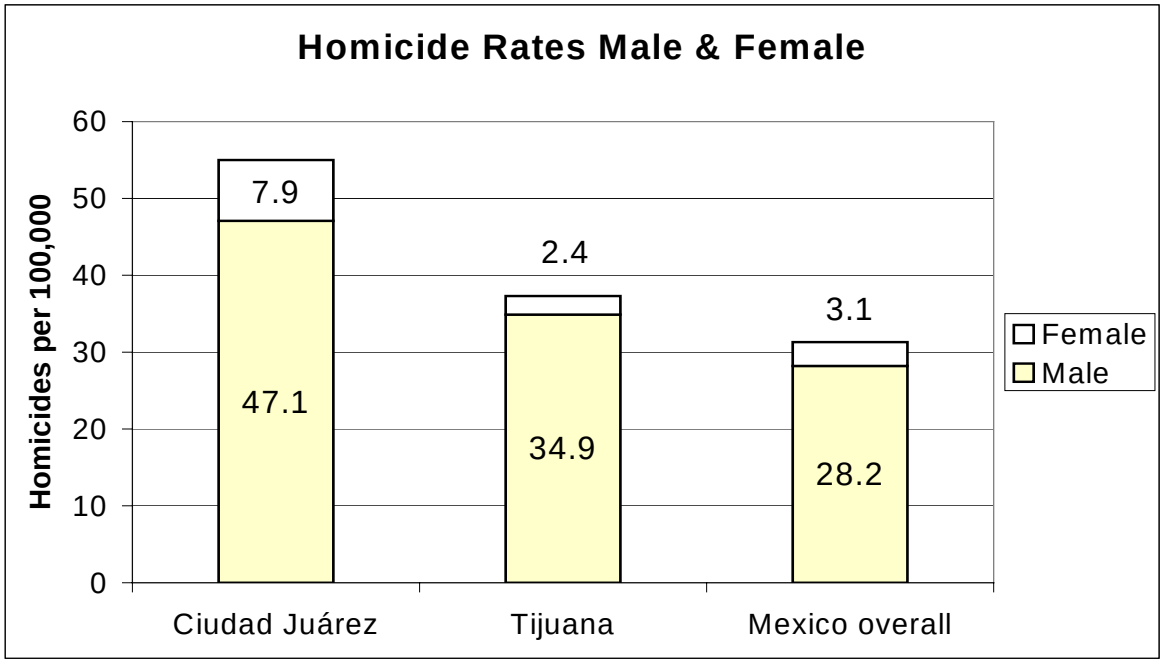
Ciudad Juárez, the Mexican city bordering with Texas, has for years known an economical growth impelled by the foreign-owned assembly plants (*maquiladoras)* that came in the 60's under tax-free export incentives. Since then, the city has prospered and received a large number of immigrants from the Southern states in hopes of obtaining a job in one of these plants or, to cross the border into the United States. However, in this period of economic prosperity, Juárez has known a wave of violence reflected as crimes against women throughout the last decade. Young girls from poor backgrounds have been abducted, tortured, mutilated, and raped before being murdered and their bones left amongst waste or thrown into public spaces that range from transited avenues to near-by abandoned terrains that previously served as cotton fields. In some cases, their remains are found by passers-by days or even years later. In other cases, the women are never found and their relatives have to live with the permanent anguish of never knowing what happened to them.

Reports indicate that at least 400 women and girls have been killed in Ciudad Juárez from the beginning of 1993 to the end of 2005. Just this past year, 29 women had been found as of the month of November.[2] Although numbers reported by the Mexican Government and those provided by non-governmental organizations differ significantly, they are both consistently large.[3] One group reported that, while 37 women had been killed between 1985 and 1992, approximately 269 were killed between 1993 and 2001.[4] According to Amnesty International, out of 370 women murdered, at least 137 were

[1] I would like to thank Marie-France Labrecque, Nicolas Hausséguy, Margarita Jáquez, Guido Barrientos, Irasema Coronado, Kathy Staudt and Claude Denis for their leads, helpful comments and suggestions.
[2] Diario de Juarez, "Hallan a otra mujer asesinada en Ciudad Juárez; suman 29 este año" November, 9, 2005.
[3] The National Commission for Human Rights (CNDH) reports 263 cases of women's homicides but claims the existence of 4,587 reports of missing women. The Special Rapporteur for the UNCHR reports 189 cases; The report of the IACHR "The Situation of the Rights of Women in Ciudad Juárez, Mexico: the Right to be Free from Violence and Discrimination," reports 285 cases of homicides of women and 257 missing women claims; Amnesty's International "Intolerable Killings: Ten years of abductions and murders in Ciudad Juárez and Chihuahua," reports 370 have been murdered of which at least 137 were sexually assaulted prior to death; Lastly, the Chihuahua's Institute of the Woman [*Instituto Chihuahuense de la Mujer*], "Homicides of Women: a Journalistic Audit," reports 321 cases. These numbers take into consideration the number of women murdered until 2003 but in the last two years there have been a total of 63 female killings putting the official figures around 400.
[4] Red Ciudadana de No Violencia y Dignidad Humana, "Reporte Ciudadano sobre el feminicidio en Juárez," 6 March 2002, p. 4.

sexually assaulted prior to death.[5] Moreover, 75 bodies have still not been identified due to the lack of evidence to confirm their identity.[6] Additionally, authors document that several girls have been wrongly identified.[7] The homicide rate for women in Ciudad Juárez is disproportionately higher than that for similarly situated border cities. One analysis concluded that the homicide rate from men in Ciudad Juárez was 47.1, and for women 7.9 (per 100,000). The rate for Tijuana, for example, also located along the northern border, characterized by a strong *maquila* presence and with roughly the same population, for the same period was 34.9 for men and 2.4 for women. The rate for the United Mexican States as a whole for the period was 28.2 for men and 3.1 for females.[8]

FIGURE 1:



[5] Amnesty International: 2003, p. 1
[6] *Ibid.*
[7] See Monárrez Fragoso, 2002; Chávez Ramírez, 2004; Minjares Baltazar, 2004; and Ramírez Acosta, 2004.
[8] Moreover, one analysis based on death certificates and other data concluded that 249 men were killed between 1990-1993, while 942 men were killed between 1994-1997 – a 300 % increase. According to the same study, 20 women were killed between 1990 and 1993, and 143 women were killed between 1994-1997, a 600% increase. See Howard, Cheryl A., Martínez, Georgina and Zulma Méndez. "Women, Violence and Politics," presentation to the LASA, March 17, 2000. Data retrieved from the report by the Inter-American Commission of Human Rights, 2003.

The term *feminicide* when referring to these crimes was first coined by Julia Monárrez Fragoso who defines it as "the misogynist murder of women for being women, perpetuated by men in a violent act that takes into account the power disparity among the sexes in the economic, political and social spheres"[9] and who points out that a distinction must be made between 'homicide' and 'feminicide' to be able to study the phenomenon from a gendered perspective.[10]

Given the violent and gendered nature of these crimes, they have attracted international public attention that calls for the prosecution of the people responsible. However, the Mexican justice system has proved deeply deficient putting into question its capacity and credibility. The response of the authorities over the past ten years has been to treat the different offences as ordinary acts of violence committed within the private domain, without recognizing the existence of a continuing pattern of violence against women. In this document, by applying the theory of Socialist Feminism, I aim to explain how the Mexican state oppresses women of low socio-economic background by acting as a mediator in favor of capitalist and patriarchal structures. Because the crimes in Juárez are committed against impoverished women, the state neglects to devote resources for the prevention and resolution of the crimes. Therefore, by failing to punish the violence against women, the Mexican state allows and perpetuates the crimes committed against more than 400 women.

Initially, I will do a presentation of the Feminist currents putting particular emphasis on the Socialist Feminism theory, its epistemology and its critiques. In this first chapter, we will also examine the Liberal, Radical, and Post-Modern Feminisms in order to provide a wide theoretical background. Furthermore, we will examine the theoretical gulf between Modernist and Post-Modernist feminist theories to better position Socialist Feminist within the context of Feminism. We will conclude this section by presenting the variables of the case to be taken into account in order to make an accurate Socialist Feminist reading of the crimes.

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[9] Monárrez Fragoso, 2002; p. 283. She clarifies that she first borrowed the definition from the feminists Dianna Russell and Jill Radford (1992). However, Monárrez Fragoso developed further the original definition and has been credited with being the first one to use it for the murders in Juárez.

[10] Other authors, such as Sergio de la Mora, go as far as defining *feminicide* as the "homicides of women allowed by the state." (De la Mora, 2003 p. 2)

The second chapter will serve to identify the subject of the *feminicide* case by placing it in its context and examining societal factors. First, Ciudad Juarez as the scenario for the crimes will be presented to the reader through three important aspects affecting the relations among citizens: the *maquiladora* industry, its consequent massive migration from the southern states and the drug trafficking cartel. This will serve to introduce the class and gender dynamics that will be presented in the two following sub-sections. After having defined the subject through class and gender considerations, I will present a small section on racial concerns before passing onto the government section.

The third chapter is titled 'governmental response' and will examine the authorities' proceedings on a regional and federal basis detailing the state institutions' reactions and discourses related to the murders in Juárez. The inefficiency of the governmental action is mainly represented by the lack of strictness in the investigative process, torture and harassment from officials and the absent rule of law in the Mexican legal system. This governmental response will also be the subject of the fourth chapter. In the last chapter however, we will interpret the actions of the government by positioning it as the simultaneous mediator of capitalist and patriarchal structures. In the case of patriarchy, the state acts as its mediator and as its communication medium. Consequently, the argument in this last section is two-fold and will discuss how the authorities, implicitly then openly, de-valued the victims' deaths before the public eye. By not addressing the pattern of violence from the outsets of the phenomenon or devoted any resources aimed at stopping the crimes, the authorities implied the lives of women (particularly those of impoverished backgrounds) were not a priority for the state. This implicit de-valuation of a woman is then reflected in the lack of justice rendered to its death. The tacit compliance of the authorities became an active attempt to tarnish the victims' reputation in an aim to justify the lack of convictions. Officials began utilizing an unfounded discourse on the victims 'misbehaviour' that focused on definitions of 'right' and 'wrong' femininity, thus, becoming the *porte-parole* of patriarchal concerns. This victim-blaming discourse had as effect a series of imaginary meanings that can only hinder the prevention and eradication of gendered violence in Ciudad Juárez.

The authorities in the State of Chihuahua have done little to solve the crimes in Ciudad Juárez, which have in the last years spread to the near-by city of Chihuahua and

to other border cities. In spite of the ever-increasing public pressure, from domestic and international sources, the government refuses to recognize the pattern of gendered violence as a symptom of its failure to protect human rights, specially the rights of women, in Mexico. With no significant resources or programs to address this problem, the message of the state continues to be the victims are not valuable. They were worth nothing and thus justice to their death, and the protection of those who are still alive, is not a priority for the Mexican government.

Chapter I: Feminist Theory

1.1 Gendering International Relations

Since this document is presented as the culmination of a Master's degree in International Relations (IR), a link with the field of study is suitable. One of the main objectives of studying the case of Juarez within the context of International Relations is to establish a connection with international factors, particularly economic, and how these have influenced the apparition of this phenomenon in the border. Since the border is a bi-national zone, thus, international by nature, the link to the International Relations field is then recognized. In this regard, I will examine the four main currents of Feminism that are present in the international context and/or that are predominant within the International Relations domain while providing a theoretical background for the case.

Feminist scholarship has often been neglected in International Studies for it reveals the partial and gendered nature of this field of the social sciences. IR's focus, particularly of Realism, on the "high politics" of diplomacy, war, and state affairs often call up a world of statesmen and soldiers who are assumed to be male. Although international political economy became a concern since the 70's, this often takes the form of analysis of relations between states and markets, and sometimes, of structures of domination and exploitation. In either case, gender relations are rarely considered a necessary part of the analysis. But many women as well have written on and thought about these issues from the outsets of the field. The discipline of International Relations was established in 1919 in the wake of World War I, in the (*Wilsonian*) hope that there should never again be such a war. However, it ignored the critiques of women organizing for peace, including those who would have held the Hague peace conference in 1915[11], in the midst of that war, and who opposed the punishing conditions imposed on Germany as they thought these conditions would spread poverty, disease, and enmity through Europe, thus generating further conflict, which it did.[12] This is why feminists are concerned to ask

[11] These conferences made historic advances in the development of international law and institutions. The second International Peace conference was held in 1907, largely initiated by citizen groups of women. A third conference, scheduled to be held in 1915, was permanently postponed by the outbreak of the First World War. For a discussion on how women activists promoted peace in 1915 by touring European capitals at war, see the article available at: http://www.binghamton.edu/womhist/hague/intro.htm

[12] Smith, 1999; 171-2

whose experiences are being taken seriously? In an early Feminist intervention in the IR discipline, Cynthia Enloe asked the question "where are the women?"[13] She found that women were playing central roles in international politics but not in traditional political positions. They were influencing diplomacy, political economy and war as wives of diplomats, cheap manufacturing labor, prostitutes around military bases and were crucial at the home front during wartimes. The intention of Enloe was to show that, although the conventional picture painted by traditional IR theory deemed these activities as less important than the actions of statesmen, the activities of these women were critically important to the functioning of the international economic and political systems.

My aim in this chapter is to present the Socialist Feminism theory in relation to other currents in Feminist thought to show how this theory seems as the most appropriate to interpret the *feminicide* of Ciudad Juárez. To accomplish this, in this first chapter I will present the four main variants in Feminist theory, namely, Liberal, Radical, Socialist and Postmodernist Feminisms. First, I will briefly discuss the origins of feminist thought and describe the main postulates of the first two theories, Liberal and Radical. Then, as my aim is to apply the Socialist Feminist theory, I will put particular attention to cover its origins in the Marxist tradition, the main concepts related to the theory, as well as the points of contention with the Liberal Feminism followed by its critiques. To be faithful to a chronological structure, the Postmodernist approach will then be introduced.[14] In this sense, the divergences between the Modernist tradition (Liberal, Radical and Socialist Feminisms) and the Postmodernist approach will also be discussed in order to better identify and understand the epistemology and the subject to which we will be referring in further chapters. At the end of the chapter, I will lie out the base for the application of Socialist Feminism in the case of the Juárez murders.

[13] Enloe, 1989.

[14] I will fully present the Socialist Feminism from its origins to date, including rather recent publications in which the so-called *dead project* comes back to life. Although Postmodernism precedes this new wave of Socialist Feminism, since Socialism Feminism is a Modernist approach and Postmodernism is the approach that followed, they will be presented in this order.

1.2 History of Feminism

According to Nancy Holmstrom (2002), Feminism as we know it today came to public attention in the eighteen century when Mary Wollstonecraft wrote *A Vindication of the Rights of Woman* (1792), where she advocated for equal opportunity for women based on a rational capacity common to both sexes, expressing "the wild wish to see the sex distinction confounded in society."[15] Her *wild wish* came about from her observation of society but also out of anger and in response to political theorist, Jean-Jacques Rousseau,[16] who in his publication of *Émile* claimed that the education of women should always be relative to men, how to please and be useful to them. Rousseau wrote that women should be taught in their infancy how to render the lives of men easy and agreeable.[17]

Some of the writers from Wollstonecraft's time, including Thomas Paine and John Locke, based their writings primarily on *natural rights*. They believed that the main thing differentiating men from animals was man's rationality and that all men were equal.[18] Wollstonecraft simply extended these rights to women, and this practice of 'including women' is something that liberal feminists have done ever since. In this sense, Liberal Feminism has been called the "add women and stir" version of liberal thought.[19]

According to Mary Dietz, Liberalism has three main characteristics:

- The concept that all human beings are rational agents whose existence and interests are independent from society. By this it is implied that context is not relevant and that the needs of people are independent from a social condition.
- The notion that the freedom that each individual has to pursue its happiness in its own ways must be ensured over all other considerations.
- Thirdly comes the importance of equality in liberal thought. Relative to this postulate of liberalism, as mentioned above, Locke had stated that God made all humans equal with an equal dignity and deserving of equal respect.[20]

[15] Holmstrom, 2002 cites Wollstonecraft in p 2.
[16] Zalewski, 2000 ; p. 6
[17] Rousseau [1762] 1955; p. 328
[18] Zalewski, 2000; p. 7
[19] Smith, 1999; p. 174
[20] Dietz, 2000; p. 125-27

1.3 Liberal Feminism

To apply the above-mentioned postulates to Feminism, Liberal Feminists would argue that as all human beings, and therefore women, are rational agents independent from social context (and thus from gender as the latter is viewed as socially constructed), free to pursue their happiness in their own way, and equal to men, then, women should enjoy equal freedom to participate in political life. Evidently, Liberal Feminism is not limited to a pursuit of political participation, but this is at the origin of their debate.

Marysia Zalewski describes Liberal Feminism as the first current of Feminism to develop in the 1970's.[21] She identifies six key words of concepts for the Liberal Feminism: *freedom*, *choice*, *rights*, *equality*, *rationality* and *control* (based on *natural rights).*[22] Accordingly, Liberal Feminism tends to conceive power in terms of access and citizenship in terms of civil liberties.[23] It poses the question of how involved and represented are women in politics and it looks at the ways in which women are excluded from power and from playing a full part in political activity.

Fundamentally, liberal feminists want the same rights and opportunities that are available to men, extended to women.[24] In the twentieth century this has resulted in demands for equal pay, equal rights to employment opportunities and a right to be part of the public world of politics and paid work just like men.[25] What is crucial in this regard is that the postulates of liberalism are reflected into a division of the "private" and the "public" sphere. Individual rights correspond to the idea that there is a private sphere of freedom, while political participation is conducted in the public domain.[26]

Regarding the State, Dominique Masson argues that Liberal concepts do show us the importance of political representation when analyzing it, however, their pluralist

[21] She claims that theories that developed during the 1970's were Liberal, Marxist/Socialist and Radical while in the 1990's we saw a blooming of Post-modern and Post-structural Feminisms. This division is made in order to classify the theories from the 70's "modernists" and those from the 90's "post-modernists." Zalewski, 2000; p. 3-4
[22] Zalewski, 2000; p. 7
[23] Dietz 2000; p. 136
[24] Smith, 1999; p. 175
[25] Zalewski, 2000; p. 7
[26] Dietz, 2000; p. 137

vision[27] does not consider the fundamental constraints that affect political action within the State.[28] Other Feminist currents focus on this discrepancy within the State and concentrate on the structure.[29] Such is the case of Radical feminism that claims that male domination is not simply the domination of individual men over women but *structural* domination.[30]

1.4 Radical Feminism

According to the writers of this theory, one way to think about the concept of structure is as a "system of hierarchical values embedded in society."[31] This means that in a patriarchal society, masculinity is generally given a higher value than things associated with women and femininity. Zalewski claims that it is this patriarchal structure that gives Radical Feminists a way of explaining why women are disadvantaged and she further identifies their six key words: *woman centered*, *patriarchy*, *oppression*, *experience*, *control*[32] and "*the personal is political*[33]". [34]

This theory is often considered old-fashioned since it claims that it is not simply men who are the "problem" but everything masculine in all aspects of society. Radical Feminists such as Catherine Mackinnon claim that the world has been dominated by male ideas and that women have been ignored.[35] In contrast to the Liberal Feminism, Radical feminists would not be satisfied with just allowing women to do the same things as men if a feminine perspective of reality is not recognized.[36] Furthermore, there is an important breakthrough that comes from Radical Feminism that should be emphasized,

[27] Pluralism is an umbrella term borrowed from American political science used to signify theorists who reject the Realist view of the primacy of the State and the coherence of the State-as-Actor. Smith, 1999; p. 161
[28] Masson, 1999; p. 1
[29] This is a consequence of bottom-up methodological considerations. The reliance on ideas about individuals being essentially separate (individualistic ontology) inherent in liberalism inhibits liberal feminism from seriously considering the impact of structures on women's lives.
[30] This claim is one simple definition of patriarchy. Zalewski, 2000; p. 11
[31] Dworkin, 1997.
[32] Both, Liberal and Radical feminists put particular attention to the 'control' of women over their lives but for Radicals what is crucial is to see the level of control wielded over and their ability to make free decisions because of their position within patriarchy. Zalewski 2000; p. 80
[33] This last one means that all activities and experiences should be politically scrutinized, including the most personal ones.
[34] Zalewski, 2000; p. 10
[35] Mackinnon, 1983; p. 635-58
[36] Zalewski, 2000; p. 14

the aim at re-defining reality according to a female point of view. Zalewski explains how this theory is focused, not on placing women on a central role but on the importance of understanding how women think.[37] An illustration of the results that we can observe of this redefinition of reality is, for instance, in the past when a man hit a woman for not having dinner ready, this behavior was not considered violent, now, it belongs to the category of domestic violence; thus, reality has been redefined to fit into a woman's perception.

In the work of influential feminist theorists such as Nancy Hartsock (1983), Dorothy Smith (1987) and Sandra Harding (1986), this approach gets developed into *standpoint feminism*, which is an attempt to develop a female version of reality. This is a controversial move in feminism since it assumes that there is such a thing as a feminine view of the world. It has been criticized mainly because it runs the risk of essentializing and fixing the views and nature of women by saying that *this* is how women see the world.[38]

Writers of this theory consider the State as a monolithical entity that acts in function of a certain group's interests.[39] What is for Marxists the domination of the *Bourgeoisie* is for the Radical feminists the domination of Men. The state is then, perceived as fundamentally patriarchal and always reflecting and institutionalizing masculine domination.

1.5 Marxist Tradition

Before we move onto the Socialist Feminism, it is important to give a brief historical background as to what currents are at its origins. Clearly, Socialist Feminism has been deeply influenced by Marxism. It was Marxist theories of class and capitalism that initially inspired Socialist feminists.[40] However, according to Amy Wharton,

[37] Zalewski, 1993
[38] As Rosemary Hennessy writes, "Basing feminist knowledge in any transparent appeal to women's experience tends to homogenize 'woman' as a universal and obvious category. It also tends to lock into the structures of feminist epistemology a binary opposition between male and female which naturalizes gender and erases the other social categories across which 'woman' is defined." Hennessy, 1993; pg. 68
[39] Smith, 1999; p 171-76
[40] Zalewski, 2000; p. 17

Socialist Feminism originated in part as a critique of structural Marxist perspectives that viewed capitalist economic processes as gender-neutral.[41]

Many 20th-century Marxists have deployed key concepts such as class, exploitation and capital but they do it in ahistorical and abstract ways, missing an opportunity to use them as a mean of revealing the social relations they represent. In the words of Sue Ferguson, Marxist economics is often just that, another form of Economics - not the defetishizing social critique of political economy as it was intended to be.[42] The capitalist drive of commodification falls short of the system's most basic need: the production of people which occurs primarily within the household and implicates men and women in very different ways. Because households have historically been organized around a sexual division of labor, men and women have developed distinct interests and constructed power relations to those ends. In these regard, Ferguson argues there is an inevitable connection between households and the formal economy which is manifest in two ways: capitalism's need for a healthy, renewed workforce and the household dependence on wages as the only mean of reproducing themselves. [43]

However, Marx did not devote much attention to the status of women within the class system because he considered the proletariat as indivisible. Another reason not to give gender a particular attention is because the centrality of the theory is on capitalism. This is the theoretical framework around which all other influences, such as gender, act. Other kinds of oppression were not central to their project of overturning capitalism.[44] Nevertheless, remarkable improvements of women's condition were made in the early years of the Russian Revolution when Alexandra Kollontai was in the government and women were organized independently within the communist party.[45] Such gains range from the end of legal restrictions on sexual behavior including homosexuality and abortion, to the provision of communal restaurants, laundries, and childcare.[46]

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[41] Wharton, 1991; p. 373
[42] Ferguson, 1999; p. 1-7
[43] Ferguson, 1999; p. 8-10.
[44] Holmstrom, 2002; p. 4
[45] Alexandra Kollontai was a Bolshevik feminist. She narrates in her memoirs some of the strategies of Russian women. For instance, the first Feminine Congress of Russia in December 1908 organized by bourgeois feminists. Here, Kollontai prepared the intervention of a group of female workers who signaled the specificity of women workers' problematic. Kollontai, 1979.
[46] Holmstrom, 2002; p. 5

Although most of these advances were eliminated later on, as women were certainly not emancipated in the Soviet Union, we can nevertheless observe that Feminism has had a rather different relation to Socialist States whose treatment of women as workers and their support for women working outside the home[47] allowed Socialist leaders to declare that they had solved the "woman question" [48] This is precisely what has made post-cold war feminist organizing in Eastern Europe so difficult, both because the association of women's rights reminds them of state socialism, and because the rush to marketization and deregulation of their economies swept away many of the gains of socialist states' women. This helps to explain the declining numbers of women in parliamentary politics in Eastern European countries.[49]

It is precisely in this un-gendered vision of the working class where Socialist Feminists diverge from Marxist theories. They believe that the production of goods and services of the working class also extends to the domestic sphere of labor. These are functions largely performed, without pay, by women (for instance, housework). It is through this type of work (and the less valued work performed outside the home) that the subordination of women to men is perpetuated.[50]

In the Marxist tradition, Socialist Feminism seeks to abolish the capitalist induced class structure within society by redistributing wealth and building a larger working class that controls its own production, but also adding the view that capitalism is gendered-biased.[51]

1.6 Socialist Feminism: Class or Gender?

In the mid-1970's many women within the women's liberation movement found themselves dissatisfied with the prevailing analyses of women's oppression. Liberalism was not radical enough, and radical feminism ignored economic realities. Many women found that Marxism was not adequate as well since, as Adrienne Rich describes, there

[47] Although critics have argued that women were only allowed to work because efficiency and productivity were lower in Socialist states (i.e. they needed more people to produce a particular good and therefore had to include women).
[48] Pettman, 1999; p. 486-7
[49] *World Government Directory* reported in 1994 that the number of women in parliament in East Europe had declined from 30 reported in 1987 to 8 reported in 1994. (Cited in Pettman, 1999; p. 486)
[50] Dooley, 2001; p. 2
[51] Dooley, 2001; p. 1

was a fear that class would erase gender once again, "when gender was just beginning to be understood as a political category."[52] According to Nancy Holmstrom, seeking to combine the best of Marxism and Radical feminisms, these women developed Socialist Feminism. Meanwhile, Marysia Zalewski traces the origins of the theory back to the time of the suffragists of the late nineteenth century.[53] According to the author, there was a debate between a socialist and a suffragist because the former was more interested in the inequalities brought about by class oppression, whereas the latter was more concerned with discrimination against women, "nowadays it can be summed up as the tension between class and gender."[54] Furthermore, Zalewski identifies the six key words related to this theory: *class capitalism, revolution, patriarchy, psychoanalysis*[55]*, subjectivity and difference*.

Marxist principles were then applied to analyze how women's work in the home was crucial to the functioning of capitalism and yet how it was not regarded as real work just because it was not part of the market economy.[56] Radical feminist postulates were used to interpret the oppression of women by patriarchy as a structure. Hartmann refers to this relation as a "partnership" and illustrates by suggesting that capitalism generate the positions within the division of labor and patriarchy determine whether man or women fill them.[57] As Barbara Ehrenreich said in 1976, "there is no way to understand sexism as it acts on our lives without putting it in the historical context of capitalism."[58]

Regarding this view of capitalism and patriarchy playing the main roles in the oppression of women, Zillah Eisenstein proposed an analysis that aimed at a

[52] Holmstrom, 2002 cites Adrienne Rich (2001) in p. 4.
[53] Also referred to as '*suffragettes*,' this title was given to members of the women's suffrage movement in the United Kingdom. '*Suffragist*' is a more general term for members of the movement, whether radical or conservative, male or female. "Suffragist." Def. 2. *Webster's Ninth New Collegiate Dictionary*, 1983.
[54] Zalewski, 2000; p. 16.
[55] Psychoanalytic Feminism is based on Freud and his psychoanalytic theories. It maintains that gender is not biological but is based on the psychosexual development of the individual. Psychoanalytical feminists believe that gender inequality comes from early childhood experiences, which lead men to believe themselves to be masculine, and women to believe themselves feminine. As solution it was suggested to avoid the gender-specific structurization of the society by male-female coeducation. (Extract from the article available at www.wikipedia.org) According to Zalewski, "If psychoanalysis taught us that 'biology was not destiny', and instead revealed some of the processes through which the human social being emerges from the biological being, then it implies these tools [psychoanalytical theories] can be used to construct a picture of how women's subjectivities were created." Zalewski, 2000; p. 18
[56] Zalewski, 2000; p. 17
[57] Wharton cites Hartmann (1981) in p. 375.
[58] Ehrenreich, 1976; p. 3

reconciliation of both systems by designating the State as the mediator between them. However, as she recognizes in her acclaimed work, *Capitalist Patriarchy and the Case for Socialist Feminism*, the State acts in the interests of both simultaneously. [59]

Furthermore, Eisenstein affirms that, in the measure that women think the State participates in their oppression, Socialist Feminists believe the idea of citizenship rights given by the State is of ideological fiction and only serves to hide the reality of a male dominant class. Consequently, the emancipation of women can only come about once the Liberal State is abolished and its capitalist and patriarchal structures are dismantled.[60]

Throughout the 70's, Socialist Feminism seemingly overcomes both, Marxism's and Liberalism's *gender blindness*[61] and the *history blindness*[62] of Radical Feminism. However, another divergence within the theory was to come about.

Efforts to extend Marxist analysis by incorporating a theory of gender and male dominance were accompanied by a greater attention to subjectivity and the social actor. In the words of Amy Wharton, the resulting theory of gender inequality treats capitalism as a structure or system, while gender is analyzed from an agency perspective that assumes purposive actors.[63] This approach makes the distinction between agency and social structure and attempts to establish the interactive relations between the two. This application of ideas about capitalism and patriarchy as structures, led to the development of what has been called the *dual systems theory.*

The *dual systems theory,* assumes the systems of patriarchy and capitalism are distinct but intersected. The *unified systems theory* claims the two systems can not be separated.[64] In this regard, Amy Wharton argues the real challenge for Socialist Feminism is to conceptualize capitalism and gender from a perspective that recognizes these social relations as both a motivator of action *and* a property of structural position.[65] Wharton further states that Socialist Feminism therefore combines "structure and agency

[59] Eisenstein, 1979
[60] *Ibid*
[61] Socialist feminists of the 1970s had criticized Liberal and Marxist writers for using categories that were "gender-blind": "the individual" in Liberalism, "the working class" in Marxism.
[62] History, says the opening lines of the Communist Manifesto, "is the history of class struggles... freeman and slave...lord and serf...in a word, oppressor and oppressed."
[63] Wharton ,1991; p. 373
[64] Zalewski , 2000; p. 18
[65] Wharton, 1999; p. 375

approaches by supplementing a structural analysis of capitalism with a conception of patriarchy that emphasizes gendered actors' agency and consciousness."[66]

1.6.1 Sources of Tension Among Liberal and Socialist Feminisms

Socialist feminists criticize their Liberal counterparts, among other things because: 1) their notion of individuals as the sole carriers of rights guaranteed by the State; 2) their vision of the State as a neutral mediator refereeing between the different groups in society 3) their notion of "private" and "public" spaces[67] (for Socialist feminists this is also called the *Domestic Labor Debate.)*[68] This separation between public and private spheres is what incited feminists as Linda Nicholson to ask the question "to what point is the personal space political?"[69] If we were to take abortion or contraception as examples, Socialist and Liberal feminists would not agree on where this separation between the private and the public should stand, their argument would depend on the arrangements that society offers to bring up children. On one hand, as long as society appoints women as the sole responsible for the care of children nobody can decide for them if they should have them or not. On the other, as soon as society takes charge for the well being of children, women would no longer be able to claim this right. If her "private" choice brings on clearly "public" consequences – for instance, if her decision of having ten children instead of one will imply a significant redistribution of social resources – then we can no longer affirm that she is the only concerned.[70]

In relation to the role of the State, as we have seen, for Socialist feminists the State acts as the mediator (although not neutral) between and for the interests of the capitalist and patriarchal systems, as opposed to Liberal Feminists, who depart from a pluralist vision according to which the State can be a neutral arbiter for the different groups present in society.[71]

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[66] *Ibid*
[67] This last idea is also the source of intra-theory debate within Socialist Feminism.
[68] According to Zalewski, a practical proposition coming out of this debate was that there should be wages for housework. Zalewski, 2000; p.18 Nevertheless, no government seems to have taken it seriously so far.
[69] Nicholson, Linda, 1986; p. 363.
[70] Okin, 2000; p. 363-65
[71] Waylen, 2000; p. 207

According to Mary Dietz, another source of tension between Liberal and Socialist Feminists would be that the latter, on its criticism of capitalism, shows how the work of women is exploited and socially constructed and its political criticism contradicts the Liberal assumption according to which *representative democracy* is the only medium for the legitimate arbitrage of social change.[72] As many other authors have argued, the mere representation of women in government is not enough to ensure their emancipation.[73]

1.6.2 Criticisms of Socialist Feminism

Criticisms towards the Socialist Feminism theory include the weak presence of the concept of citizenship. Dietz cites Sheldon Wolin when the latter says the majority of theorists in the Marxist tradition are only interested in the masses or on the working class but they reject *citizenship* as a *bourgeois* and meaningless concept.[74] Consequently, the Socialist Feminists, as followers of the Marxist tradition, are not the exception to this generalization. Citizenship appears barely in their vocabulary. In their perspective *real citizenship* comes with collective property of the mediums of production and the end of oppression in the reproduction relations.

In this line of thought, the Socialist Feminists of the 70s were harshly criticized for simply adding gender to the analytical frame of Marxism. This, as we have seen, is more complex since in the *dual systems* camp, Marxism is at best a secondary consideration; at worst, it is irrelevant. What interests modern day Socialist Feminists is, or should be, the interaction of the capitalist and patriarchal systems acting simultaneously as one.

Other criticism is reflected in Dietz' text when she expresses her concern with an "incomplete vision of post-revolutionary emancipation," because she claims it reflects an economic (as opposed to a political) freedom and the image of a society of social autonomous beings and not of a political community composed of citizens.[75]

[72] Dietz, 2000; p. 140
[73] The so-called *Femocrats* are at the heart of this argument.
[74] Dietz, 2000; p. 139
[75] Dietz, 2000; p. 140

In general, critics have for the most part rejected the functionalist elements present in what is deemed as a simplifying conception of the State as the protector of certain groups.[76] This is to be improved if, as some Socialist Feminists claim, we admit that it is erroneous to assume that the State, men, or women have unique and uniform interests and that these are formed outside of the State.[77] In this regard, the State starts to be perceived not as an entity but as a process.

1.7 Postmodernist Feminism[78]

Since the 1990's there has been a shift in the writings of Feminist theory. In order to understand these changes, let us consider the meta-theories influencing feminist theories until that point. Theories in social sciences were for the most part Rationalist and based on a set of four Positivist assumptions:

- The idea that social science theories can use the same methodologies as theories of the natural sciences,
- That facts and values can be distinguished,
- That neutral facts can act as arbiters between rival *truth* claims, since *truth* does exist.
- That the social world has regularities which theories can "discover."[79]

It is the questioning of these assumptions that has characterized the theoretical international debate of the last decades. The emergence of non-positivistic theories, which together can be labeled as the Reflectivist position, include Postmodernism, Normative Theory, Critical Theory and Historical Sociology. Nevertheless, it will be misleading to say that all of these theories add up to *one* Reflectivist Meta-theory. They are all post-positivist in the way that they all reject one or two of the Positivist assumptions in Rationalism discussed above but they differ significantly over their empirical focus, and more fundamentally, on how they see knowledge being constructed.

[76] Waylen, 1999; p. 209
[77] Waylen cites Rosemary Pringle and Sophie Watson (1992).
[78] I do not intend to make further references to the Postmodernist approach throughout the document. This section is only for the purpose of further clarifying the gulf within Feminist theory, simultaneously, it will also serve to support my choice for a Modernist approach (Socialist Feminism).
[79] Smith, 1999; p. 169

In other words, Reflectivist accounts are "united more by what they reject than by what they accept."[80]

In the Reflectivist tradition, Postmodern Feminism rejects the Positivism as "scientific" or "value-free" and presumes that all theories have normative assumptions either explicitly or implicitly. Furthermore, Postmodernist feminists claim that is not advised to fix the identities of women since it might be perceived as authoritarian to do so. Whether it is men who write about what the role of women should be or women who claim to 'know' how a woman should behave, there is always a judgment implied. Whether a woman is a 'mother' a 'worker' or a 'human subject' is not at the heart of their argument. They are more concerned with the process of how one becomes a woman. In sum, Postmodernists are not concerned about the 'why?' but about the 'how?'[81]

In this regard, they claim the existence of a 'subject' is an illusion. Marysia Zalewski illustrates the difference between the Modernist theories that we have covered (Liberal, Radical and Socialist Feminisms) and the Postmodernist approach by affirming the former sees the human subject as an apple that has a vital core while the latter thinks of the subject more like an onion – "peel away the layers and there is nothing there at the core." [82]

1.7.1 The Gulf Between Modernist and Post-Modernist Feminists

Many contemporary feminists have claimed there are enough commonalities between Liberal, Radical and Socialist Feminisms to class them together as modernist and, that there is a large *gulf* between Modernist and Postmodernist Feminisms.[83] Modernist feminists have conceived theory as an explanatory tool and guide to action, while for Postmodernist theory is a method to expose the process of knowledge making. Scholars write about the gulf in terms of the theoretical differences; as a summary of these discussions, let us use the following table that sums up the critiques these approaches have of one another.

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[80] *Ibid*
[81] Zalewski 2000; p. 24
[82] Zalewski, 2000; p. 23
[83] Several authors refer to this 'gulf' as a 'paradigm shift' or a 'theoretical shift'. (see Alcoff, 1997; p. 5 and Barrett and Phillips 1992; p. 2)

TABLE 2: The Theoretical Gulf

Modernists on Postmodernists	Postmodernists on Modernists
Postmodernists have abandoned all belief in the subject, which means that claims for rights on behalf of subjects cannot be made.	Modernists are under the illusion that there are real, *a priori* subjects on which to make claims to rights
Postmodernists deny there is a 'real truth'. If this is the case, how can anyone ever prove anything is right or wrong?	Modernists are under the illusion that there is a 'real truth' out there waiting to be discovered.
Postmodernism cannot provide an agenda for political action and is apolitical or even anti-political.	Modernists are under the illusion that it is possible to have sure grounds for political action.

Source: Based on Zalewski (2000): Chapters1and 2.

1.8 Socialist Feminism's Epistemology

In the Epistemological arena we can conclude that Liberal and Socialist feminists share the same ground because both are rooted in Modernist epistemology that accepts Enlightenment concepts of a rationality that is flawed only by its sexism.[84] Additionally, this epistemology structures the political practices of both, Liberal and Socialist Feminism. For Liberal Feminists this has typically meant political campaigns to have women included in the "rational worlds of men."[85] On the other hand, Socialist Feminists have inherited and worked with the Modernist epistemology of Karl Marx which implies "they accept not only the rational/irrational dichotomy so central to that epistemology, but also the modernist search for truth and liberation."[86] Zalewski claims that Socialist feminists, especially in their earlier manifestations, are the "quintessential Modernists because Marx's project was in many ways an attempt to complete the Enlightenment project that liberalism had failed to achieve."[87]

[84] Heckman, 1992; p. 40
[85] Zalewski, 2000; p. 71
[86] Okin, 2000; p. 363-65
[87] Zalewski, 2000: p. 72

Additionally, in the Modernist tradition, objective knowledge is important. For them, politics is about power and who gets 'what, when and where' and in order to make that just and fair, we need to establish correct and true principles and know precisely what these are (epistemology) and who they might be applied to (subjects).[88]

In other words, each of the Modernist Feminisms identifies features (gender roles or patriarchy) that can be considered causal explanations and consequent instrumental manipulation. In this sense, the purpose of theory for Liberal, Radical and Socialist Feminisms, is to offer both an explanation and suggestions for political action. Hence my choice for a Modernist approach in the *feminicide* case.

1.9 Framing The Case

In the case of the *feminicide* of Ciudad Juárez, it is important to examine several aspects. Namely, most of the killings were committed against young, female and impoverished individuals. Class relations are, like gender, race, and age, an inescapable condition of people's lives. As such, they are reciprocally implicated: class is constituted in and through the experience of gender and age, and vice-versa.

When it comes to gender and class considerations within this phenomenon, it will be a priority to establish the patriarchal and capitalist links that are studied in the Socialist Feminism theory. Then, the application of the Socialist Feminist theory to the Juárez case will be three-fold:

- First, the subject of our case will be defined through considerations of gender and class.
- Since we will be focusing on the governmental action and its women's oppression by omission to convict the murderers in a simultaneous defense of capitalism and patriarchy, a second chapter will center on the Mexican authorities' measures.
- Socialist Feminism considers the state as non-neutral mediator of capitalist and patriarchal concerns, thus the epistemological section will be devoted to explore capitalist and patriarchal principles embedded in governmental action.

[88] *Ibid p.* 70

Chapter II: The Subject

2.1 The Subject in the Scenario: Ciudad Juárez

This border town in the state of Chihuahua is a gateway for many Mexicans who migrate northwards in search of jobs within the *maquila* industry that dominates the area.[89] Ciudad Juárez, as a key manufacturing-center, attracts a huge labor force that, arguably, is not prepared to welcome. Additionally, it is also a hub for migration, both legal and illegal, to the United States. Juárez is characterized by a diverse array of especially serious challenges. Its geographical position has also turned it into fertile territory for drug trafficking that, combined with the subsequent high crime rate, police corruption and cartel's domination gives the city an aura of illegality and insecurity.

In this section we will present this city as the scenario for the crimes against women by three omnipresent aspects of life in Juárez: *maquila* industry, massive migration and drug traffic. The last two aspects, although independent from one another, foster when combined an unsafe environment for all citizens in Juárez.

With over 1,200,000 inhabitants,[90] the Municipality of Juárez is the largest city in the State of Chihuahua, itself the biggest (although not the most populated) State in Mexico. In the census of 2000, it was ranked sixth biggest city in the country, surpassing its sister border city of Tijuana.[91] The census showed that 40% lived below the line of extreme poverty. At the time, it was estimated that 300 people arrived at the city from the country's southern states every day.

Because of its location and industrial development, the population has grown and continues to expand extremely rapidly. According to Raúl Gómez Franco, a third of Ciudad Juarez' population comes from another state. Furthermore, he claims that between 1995 and 2001, more than 350,000 people moved to this city to look for work

[89] *Maquilas* or *Maquiladoras* are factories set up by the US and other foreign companies to exploit cheap labor and favorable tariffs in the region near the US border. (Amnesty International, 2003; p. 2)
[90] The actual number of people living in Ciudad Juarez is a matter of some dispute. The Mexican government –reputedly anxious to underestimate the population of a state controlled by the opposition – has been quoted as putting it at roughly a million, whereas local business groups –interested in presenting a large, available workforce to prospective investors—put it at almost twice that number.
[91] The 2000 Census presented Ciudad Juárez with 1.217.818 habitants and Tijuana, Baja California with 1.212.232 people.

within the *maquiladoras.*[92] Most of this 'floating' population came from states like Veracruz,[93] Chiapas and Oaxaca attracted by private businesses hired by *maquiladoras* to find a cheap labor force that established offices in these states and promised housing and work to thousands of impoverished farmers. Gómez Franco compares the number of *maquilas'* employees in 1980 being registered at 42, 412 workers, to 1990 when there were 120,854 and to that registered in 2000, when the industry reached its peak at 255,740 workers, out of which, only 27.4% was from Ciudad Juarez.[94] It is important to note that according to the National Institute of Statistics, Geography and Informatics (INEGI), 200,000 of these workers were female.[95]

In this regard, changes so drastic in the city's configuration may lead to cultural, economic and social differences within the population that generate particularly complex problems. Moreover, Ciudad Juárez does not possess sufficient infrastructure or public services to meet the needs of the ever-increasing population. Marginalized sectors of the population often lack access to decent housing, clean drinking water, sanitation and public health services. Additionally, *maquila* workers are exposed to a greater danger since they have to walk long distances alone during the night to start their day at 6 am, or to come back home after the afternoon shift that finishes at midnight, in areas that are not illuminated and where, because they are not paved, police cars cannot even reach.

During the 1980's the economy of the city was thriving and the *maquila* industry provided thousands of jobs, which provoked the massive flow of migrants of the 1990's. However, the prosperous times of the city came to a halt in 2001. The attacks of September 11th, and the economic recession of the United States that followed, had an impact on the companies established in Juárez. Moreover, as China walked in the world's economy with its hundreds of millions of low-wage workers, Mexico was soon supplanted as exporter to the United States in the automobile and textile sectors. Beginning in 2001, 500 of Mexico's 3,700 maquiladoras, several of which were located

[92] Gómez Franco, 2004; p. 182. Other sources claim that it is more than half of the population of the city is composed of people from other states of the country. (see Amnesty International's report, 2003)
[93] He claims that out of the 1.5 million people that have left Veracruz, 120,000 came to Juarez. Gomez Franco, 2004 ; p. 186.
[94] "Which means that 185,640 workers (72.6%) were migrants." Gomez Franco, 2004; p. 187.
[95] *Ibid*

in Juárez, have shut down at a cost of 218,000 jobs.[96] Since the Peso began appreciating in 1999, costs for *maquiladoras* have risen by 30%. But, Mexico's problems competing with China go much deeper. Along with low labor costs and rising productivity, China offers a sophisticated base of suppliers, tax breaks, well-trained managers and efficient ports. In Mexico, businesses complain about high taxes and crime, red tape, transportation tie-ups at the congested border, poor infrastructure and a shortage of skilled technical workers and managers.[97]

The year 2001 marked the beginning of a critical point for the *maquiladora* industry that, according to the INEGI, eliminated an average of 4,260 jobs per month.[98] Arturo Duarte Méndez writes that trying to face the hard situation migrants in Juárez came to bear, they formed several shelters such as the *Casa del Veracruzano* to provide food and housing to the newly arrived that were jobless and on the streets.[99] Many jobs were lost in this border town, nevertheless, more people kept coming and those that were already in Juárez didn't leave.[100] This had severe implications since, in view of the situation, many people organized and invaded private terrains that were either abandoned or too far into the outskirts and built houses out of cardboard boxes. These terrains are referred to as the 'parachute settlements' or simply as *'colonias.'* [101] With time, many of these *colonias* have obtained from the government the putting in place of some public services, such as electricity, but most of them, due to the illegal status of its occupation, have no infrastructure at all.

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[96] Forero, Juan. "As China Gallops, Mexico Sees Factory Jobs Slip Away" *The New York Times* Sept 3, 2003.

[97] Malkin, Elisabeth. "Manufacturing jobs are exiting Mexico; business leaders try to stop the exodus of factories to China." *The New York Times* Nov 5, 2002. p. W1

[98] Gomez Franco cites Juan Carlos Olivares, president of the National Council of the Maquiladora Industry when he enumerates several causes for the foreign companies to leave the city. Among them is, the lack of juridical stability of the country; Article 303 of NAFTA which says that by 2001 these companies should be paying higher tariffs; and, even the insecurity of the city which implied a cost for the maquiladoras. See Gomez Franco, 2004; p. 195

[99] According to the author, Dr. Tomás Julián funded this shelter when he saw several people from his city sleeping on the street. He has attended to more than 5,000 people in less than three years. There are several similar shelters such as *La Casa de Veracruz, La Casa del Migrante* and *La Casa del Chiapaneco.* Duarte Méndez, 2004 ; p. 112-13.

[100] Duarte Méndez claims that, of the people that arrived from Veracruz, only 10% came back home after the crisis in 2001. *Ibid*

[101] 'Parachute settlements' is an unofficial translation by the author of the term 'asentamientos de paracaidistas.' *Paracaidista* refers to a person that arrives 'out of nowhere' to settle in a terrain.

The most important challenge the city faces, however, is the illegal drug trafficking that has taken over since it became the home base of the Carrillo Fuentes' cartel. The Juárez cartel has become over the years one of the most powerful in the world and one of the biggest mafias ever documented.[102] Once the U.S. *War on Drugs* made trafficking from Colombia through Florida more difficult, El Paso-Juárez became a major trafficking corridor.[103] Drug Cartels in Mexico were controlled predominantly from the northern cities of Tijuana and Juárez in the early 90's. After the dismantling of the *Cartel de Tijuana*, the *Cartel de Juárez* took the leading position in the country. Once Amado Carrillo Fuentes, also called "the lord of the heavens," had established his flock on this city, the Juárez' cartel came to a reconfiguration after the death of its leader. In 1997, it was reported that Amado Carrillo died in a Mexico City hospital during a plastic surgery aimed at transforming his face in aims to become invisible before the law.[104] In the following months, Ciudad Juárez knew one of the bloodiest phases of its history. Dozens of persons, allegedly in the drug business, disappeared. Speculations ranged from "internal adjustments" within the cartel to "cleansing of witnesses and undesirable elements."[105] Violence in the city was extending to every sphere. Notably in this regard, almost all the killings classified as executions in the State of Chihuahua took place in Ciudad Juárez.[106] As a result, the dispute for power in the drug dealing business has made of Juárez a battlefield where combats for the control of illicit merchandise are fought cyclically. This has brought a grave problem of public insecurity: kidnappings, street shootings and increased women disappearances.

Drug trafficking, as the illegal business it is, requires a certain leniency from the authorities to operate. To obtain it, drug lords are known to bribe police members so that they turn the other way while businesses are conducted or worse, that they help transport and protect the merchandise. This high level of corruption among police members resonates in all levels of the government, and as we will explore later in the case, it

[102] For a detailed account of this organization see: Cretin, Thierry. *Mafias du monde. Organisations criminelles transnationales. Actualité et perspectives.* Collection « Criminalité internationale », June 2004.
[103] Bowden, 2002; Chap. 1
[104] Fernandez and Rampal, 2005; p. 147
[105] González Rodríguez, 2002; p. 104
[106] See *Procuraduría General de Justicia del Estado de Chihuahua, "Investigación sobre Mujeres Víctimas de Homicida Múltiple en Ciudad Juárez.*"

fosters illegality in all aspects of life in Mexico.[107] This can only deteriorate the rule of law while generating insecurity and fear among the citizens.

Moreover, the disputes among the municipality and the state governments, which were until recently ruled by different parties, are immersed in a constant struggle for power which do little to advance governance conditions in Juárez. Mexico was ruled by the Institutional Revolutionary Party [Partido Revolucionario Institucional](PRI) for more than 70 years, placing it between an authoritarian and a semi-authoritarian democracy.[108] The state of Chihuahua was a pioneer in electing the opposition party, the National Action Party [Partido Acción Nacional](PAN). Nevertheless, when the main venues of political control are lost, such as the Governor's position (lost by the PRI in 1992), the coercion practices hereto justified by the domination of the one-party system become independent and non-partisan.[109] In other words, the different police institutions (judicial and municipal) still enjoy the old legitimacy that for a long time provided plaques, police cars and uniforms, however, their *modus operandi*, until then predictable and subjected to the overlooking institution of the state, began to be unexpected and undesirable.

Consequently, among the drug trafficking cartels we find a good number of police and governmental employees, some of whom might have participated directly to the murder of women, or indirectly by tampering with the investigation process. Assertion that is confirmed by the Assistant Attorney General who declared "the women's murder investigation of the first years did show a relation [between the drug cartel and the murders]. The killers were even identified by the judicial police of Chihuahua, among them were several drug distributors. Since they were linked to the cartel, the local police stopped the investigations."[110]

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[107] Mexico ranked 65, along with Ghana, Panama, Peru and Turkey, in the annual Transparency International's Corruption Perceptions Index (CPI). The CPI ranks 159 countries in terms of perceived levels of corruption and classifies Mexico as a medium-high corrupt state. Data available at: http://www.transparency.org/policy_and_research/surveys_indices/cpi/2005

[108] During this time Mexico was also referred to as an *authoritarian presidency*, *omnipresent presidency a*nd *absolute sexennial monarchy*. These expressions are with the exception of 'absolute sexennial monarchy' quite self-explanatory. Sexennial (as well as *sexenio*) refers to the six-year presidential term. Hausséguy, 2006; p. 37

[109] Covarrubias, 2002; p. 4

[110] Fernandez and Rampal, 2005; p. 153

At the center of these investigations was a singular group: The Line [*La Línea*]. According to Jose Luis Santiago Vasconcelos, chief of the Mexican Federal Unit of Specialized Investigation against Organized Crime (SIEDO), 'the line' is sort of a cartel within the cartel, "drug dealers disguised as policemen."[111] This is an organization made up of municipal policemen, agents of the judicial police, hatchet men and smaller delinquents. Police teams in charge of combating organized crime, Mexican on the federal level as well as American, observe this group closely because according to them, the members of *La Línea* could be implicated in a number of women killings.[112]

In sum, Ciudad Juárez has been for the past two decades undergoing a severe rearrangement of its society, partly because of its location, in the line between Mexico and the United States; its industrial development, namely the *maquila* industry; the consequent massive migration, and drug trafficking. Moreover, the lack of infrastructure for the newly arrived supports insecurity and exposes them to dangerous situations, which combined with a paralyzed police force, sometimes due to drug related corruption, results in impunity. In this regard, Julia Monárrez Fragoso cites Monica McWilliams to establish how 'societies in stress' have an important role when it comes to violence against women. These societies are acknowledged as those going through a process of transformation, "whether it is modernization, civil unrest, war or terrorism, these changes contribute to the legitimization of violence."[113] In the next sections we will then define the subject towards which this violence has been directed.

2.2 Defining the Subject

According to Marysia Zalewski, the explicit political agenda of Modernist Feminists to improve the status, role and subject-hood of women in contemporary societies, implies that the primary subject to consider is indeed *woman.*[114] Hence, for Feminists within the Modernist current the subject can certainly be defined as for these theorists, as opposed to Postmodernist writers, there is such thing as a woman. For

[111] Fernandez and Rampal, 2005; p. 162
[112] *Ibid*
[113] McWilliams, 1998; p. 112 cited in Monárrez Fragoso, 2002; p. 288.
[114] Zalewski, 2000; p. 76

Socialist Feminists in particular, this implies not only that we can define the subject, but also that we can define it through class and gender considerations.

Moreover, Modernists feminists are 'frightened' of not being allowed to have control over their lives.[115] In this sense, the uncertainty of women in Juárez when they leave their homes of whether they will return there safely implies a clear lack of control of their own lives. The sexist and misogynist legacy of keeping women under control has propelled Modernist feminists towards a desire to make sure the subject of woman has clear foundations from which appropriate and recognized demands can be made. In this section, my aim will be then to define the subject in relation to class and gender issues (with a small section on race) in order to establish clear parameters for the analysis of these cases.

From the beginning of these crimes, between 1993 and 1995, the bodies of 30 'painful-homicide' victims in Ciudad Juárez, were a piece in a complex plot of sexual violence, drug trafficking, police corruption and mutual inculpation among the different actors of public life.[116] By the summer of 1995, the mood of the city had become tense. That year, there were reported 1,307 sexual offences from which 14.5% were raped women. By the first trimester of 1996, the number of sexual offences had increased by 35% with respect to the previous year. [117] For thirteen years, the number of victims has not ceased to increase.

Throughout these years, NGOs and authorities have differed in their statistics. In circumstances where the cause of death cannot be determined or the girl properly identified, the homicide cannot be registered in the *feminicide* numbers thus reducing the total amount of related deaths published in official reports. It was not until 2003, that the National Commission of Human Rights (CNDH) published a comprehensive account of 263 bodies from the files and forensic reports of the judicial police in Chihuahua. Until then, and even now, the number of girls had been the subject of disputes. Julia Monárrez Fragoso, researcher for the Colegio de la Frontera Norte, was the first to independently keep a record of the cases. She documented statistics based on newspaper clippings, lists

[115] *Ibid* p. 77
[116] 'Painful homicide' is the literal translation of the term '*homicidio doloroso*' under which were classified the crimes in the first years and which does not acknowledge the sexual violence nor the gendered nature of the killings.
[117] González Rodríguez, 2002; p. 14

given by NGOs and official case files, such as death certificates, and two governmental reports.[118] The resulting two articles showed her findings in regards to age, profession, and cause of death of the victims, which was a valuable tool to begin analyzing the situation and to identify the subject of these crimes. These articles, added to the forensic reports made public by the CNDH and the thorough report by Amnesty International, both published in 2003, will assist to better define the subject by providing the detailed information on the identity and special circumstances of the victims.

Following the public pressure to disclose an official number of victims, governmental institutions published two reports: The Report by the Special Prosecutor's Office for Women Homicides and Disappeared published in April 2002,[119] and the Audit of the Chihuahua's Institute of the Woman (ICHIMU) presented in July 2003.[120] Both of these reports were harshly criticized by non-governmental organizations. However, the ICHIMU's Audit, if not for other categories, does constitute a reliable source in regards to the age and name of the victims.

For the purpose of this essay, a database table was created from the forensic reports published by the CNDH and which was later controlled and completed by the data published in the ICHIMU's Audit, NGO's publications, newspaper articles and books that contain a description of cases.[121] This database, available as Annex I, is a sample of 297 cases that includes categories such as the identity, age, profession and cause of death of the victims. Although the women's skin-color is registered in the forensic reports, it has not appeared as a category in the studies published to date. Therefore, this is a newly created classification by the author since many arguments in regards to dark-skinned girls have circulated but no authors have quantified the data available until now.

Concerning the category of the victims' profession, as we will see in chapter IV, during the first years of the crimes the authorities used a discourse to taint the reputation

[118] See Monárrez Fragoso, 2000 and 2002.
[119] [*Informe de la Fiscalía Especial de Homicidios de Mujeres y Desaparecidas*, 2002.] It was reported here that out of 279 homicides registered at the moment, only 76 were the result of serial killers and the other 203 were victims of non-serial crimes. The rapport claimed that of the latter, 70 to 80% had been solved.
[120] [Homicidios de Mujeres: *Auditoría Periodistica del Instituto Chihuahuense de la Mujer*, *julio* 2003] This report was highly criticized because, among other irregularities, considers as 'solved cases' those in the previous investigation process.
[121] These books include notably *Huesos en el Desierto* by Sergio González Rodríguez who in chapter 23 gives a detailed account of more than 100 victims.

of the victims and sometimes falsely claimed they were prostitutes. To avoid arriving at wrong conclusions in this regard, I put particular attention to corroborate, whenever possible, the occupation of the woman.[122] This proved particularly helpful since I was able to identify thirteen cases in which the ICHIMU's report declared a girl as being prostitute, bartender or dancer (all of which are frowned upon in Mexican culture), and was later described by the family members as a student or *maquila* worker, which supports the claim that the authorities discourse was unfounded. Most importantly, this category will assist us in establishing class patterns by allowing us to classify the profession and approximate revenue of the victims.

Unfortunately, no information is available from official sources since 2003, which makes it difficult to include data on the victims of the last two years. In this sense, the database is not comprehensive and does not include all the cases of the victims since 1993. It is however a sample of considerable size that allows us to draw conclusions and verify or reject claims in regard to the subjects of these crimes.

These findings, for instance, do not support the claims of several authors that claim the majority of the victims were *maquila* workers, an assertion that was rejected as well in Monárrez Fragoso's articles.[123] Nevertheless, our database shows that the *maquila* workers' group is more important than what Monárrez had stated. She claims that from a sample of 89 victims, only 13.5% worked in the *maquila* sector.[124] This group registered at 22% in our database, equally important to that of girls dedicated to the maintenance of their home. From the sample of 297 victims, of which 188 included the profession information, the database shows four main occupations of the victims in Juárez: *Maquila* worker, Homemaker/Housewife,[125] Student, and Employee.[126]

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[122] For instance, when there was no information available about the profession of the victim on the forensic report, I turned to the ICHIMU's audit, and all other sources. When two of the sources agreed, I considered the entry as valid. Whenever the only information available was that of the ICHIMU, and it declared the woman to be a dancer, bartender or prostitute, the entry was marked.

[123] Other authors also reject the claim that the majority of the victims worked in a *maquila.* See for instance, Rosa Linda Fregoso. Fregoso, 2000; p. 142

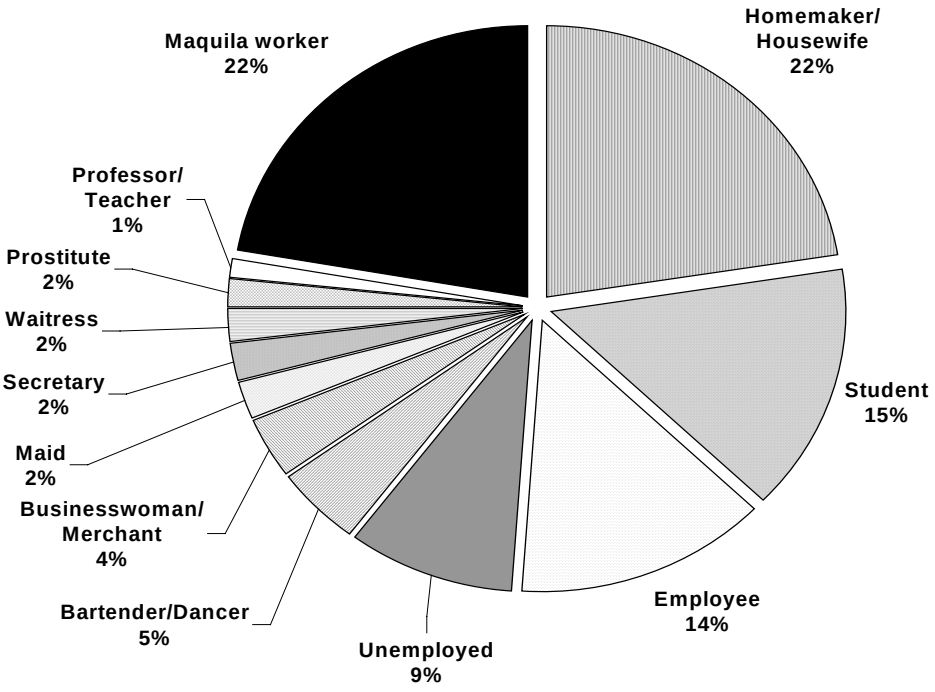
[124] Monárrez Fragoso, 2002 ; p. 300. Rosa Linda Fregoso claims this group is even smaller placing it at 8% of the cases. Fregoso, 2000; p. 142

[125] The occupation of these victims was declared as "*Hogar*" which can be translated as "Homemaker." I decided not to use exclusively this term nor the term "Housewife" not to imply all the victims had the same marital status.

[126] The class implications of these findings will be explored further in the next section.

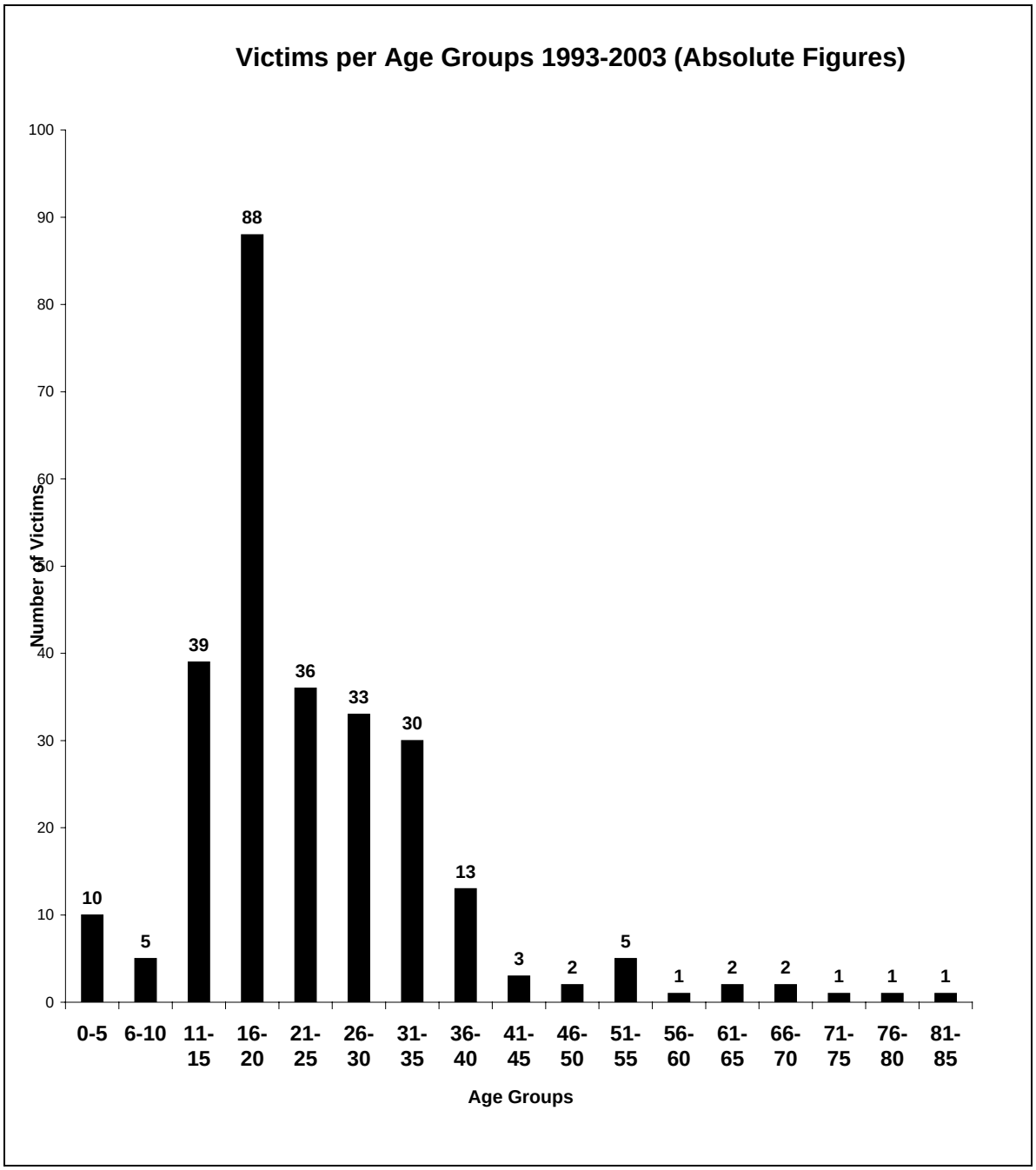
FIGURE 3:

Profession of Victims 1993-2003 (in Percent)



Moreover, the database shows the majority of the victims were between the ages of 11 and 25 years old. As shown in Figure 4, out of 272 women of whom information on age was available, the highest incidence of *feminicide* crimes is among victims between 16 and 20 years of age registering at 32.35% of the cases. The two following highest categories are that of 11-15 years old (14.34%) and 21-25 years old (13.24%). The categories of 26-30 and 31-35 registered at 12.13% and 11.03% respectively, establishing that an overwhelming majority of the victims were young women.

FIGURE 4:



In defining our subject, and by the data provided in Annex I, we can conclude the *feminicide* in Ciudad Juárez is perpetrated against young women that were for the most part either *maquila* workers, homemakers, students or employees. In the following section we will explore how the professions of the victims denote a low socioeconomic level thus, define the victims by class characteristics.

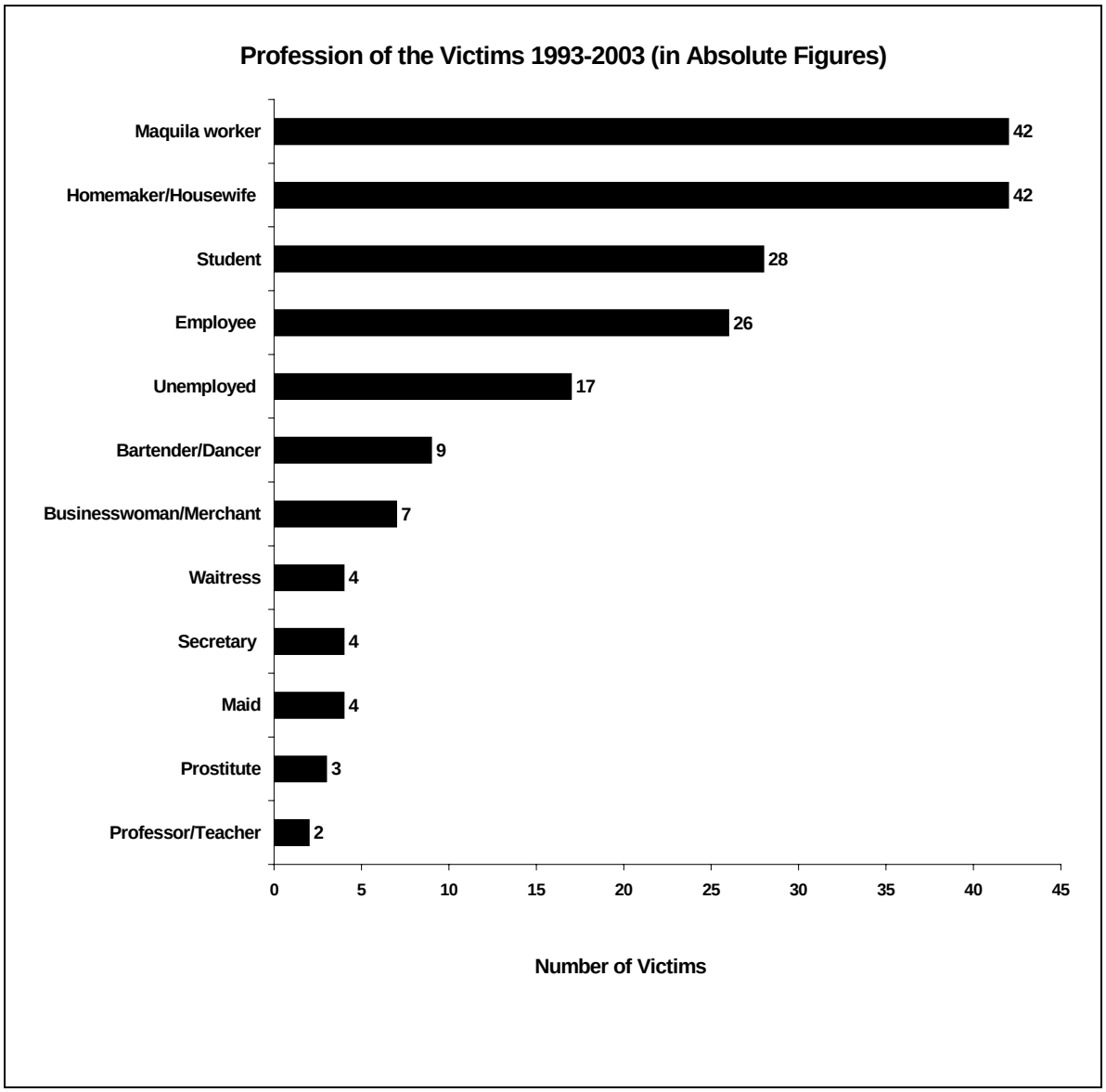
2.3 The Subject in Relation to Class Considerations

Oscar Máynez, former forensics director in charge of many of the victim's files, assures there is a class issue within the crimes. In an interview for French authors Marc Fernandez and Jean-Christophe Rampal, the criminologist states that besides the physical pattern, (the girls were for the most part brunettes, slim, and young), there was a socio-economic commonality: most of the girls were poor. "These acts are murders of class," he declared. [127] This assertion is backed up by almost every report or text written on the subject. Moreover, the Amnesty International's report states that all evidence seems to indicate these young women are chosen by their killers because they are women who have no power within the society of Chihuahua.[128]

Likewise, we can make the same statement if we take into account the class relations in Mexican and Chihuahua's society where little money means little power. In this regard, concerning revenue, the only salaries that we can estimate from the professions reported are those of the *maquila* workers which, as we can observe in Fig. 3, constitute as much as 22% of the victims. *Maquila* wages in Juárez are the equivalent of about 4 USD a day. In a working day of 8-9 hours, that brings it to an hourly rate of about 50 cents. This might be justified with the misconception that the living costs in Mexico are much cheaper than that of its northern neighbors. Nevertheless, this is misleading. Along the border, Mexican prices run on average 85 to 90 percent of U.S. prices. A *maquila* worker, for instance, may have to work for four hours in order to buy a kilo of beans and double that amount of time to buy one of beef.[129] As expressed by Charles Bowden in his book, *Juárez, the laboratory of our future*, "…what is happening in Mexico betrays our notion of progress…in the past two years wages in the *maquiladoras* have risen 50 percent, but inflation in that period is well over 100 percent."[130]

[127] Fernandez, Marc & Jean-Christophe Rampal, 2005; p. 36
[128] Amnesty International, 2003; p. 7
[129] For a chart on the cost of living in the border, see: www.womenontheborder.org/costofliving.htm
[130] Bowden, 1998: p. 76

FIGURE 5:



Originally, *maquilas* were restricted within twenty kilometers of the border. Gradually, in the 1980's this regulation loosened and then with the entry into force of NAFTA in 1994, the whole Mexican country became potential host for *maquiladoras*. Nevertheless, border cities –particularly their outskirts, remained their preferred location for factory settlement.[131] The *maquiladora* industry is the main job provider in Ciudad Juárez and even other segments of the economy, including the informal sector, generally revolve around the manufacturing business. As we can see in Fig. 5, there is a high incidence of

[131] Salzinger, 2003; p, 36

family members that declared the victim was a homemaker, as many as *maquila* workers. However, if we assume that in the context, if a murdered girl was a homemaker, chances are, her father or husband's job involves the *maquiladora* industry, we can position the victim on the same poor socio-economic level as the *maquila worker*.

By just observing the professions predominant within the victims we cannot conclude the vast majority came from a poor socio-economic background. Because, except for *maquila* workers, the fact that one is a homemaker, student or employee does not necessarily translate into a woman of impoverished background. The wife of a rich man, a university student or a white-collar employee would not fall in this category. However, taking into account the reported financial situation of the victims, we can claim that these professions denote poverty. A shoe-store employee or a homemaker in a shantytown does constitute economical despair and such was the case for most of the victims.

Claiming that almost a quarter of the victims were *maquila* workers brings us to an additional aspect of vulnerability for them. These girls are easily accessible and predictable targets since expected routes and itineraries rule their paths.[132] The maquila schedules make it dangerous for a woman and oblige her to walk alone at the early hours of the morning or late at night through parts of the city that have no lighting and where not even police cars dare to go in. The morning shift is from 6 a.m. to 3 p.m.; the afternoon shift from 3:30 p.m. to 11 p.m. and the night shift from midnight to 5 a.m. If we take into account an hours-long bus-ride we would have girls leaving their home as early as 4 a.m. in order to get to work on time, or women changing buses as late as 2 a.m. at the heart of downtown which by night is considered the red-light district.

Juárez, as a scenario for these crimes, combines overlaying structures. The murder of women that were born into structures of inequity is directly related with those same structures, consequently, it is necessary to take into account both class and gender. In the next section we will then explore the subject in relation to gender taking *maquila* workers as an example to illustrate the changes in roles occurring in Juárez society.

[132] Fernandez and Rampal, 2005; p.38

2.4 The Subject in Relation to Gender Considerations

According to Monárrez Fragoso, the *Feminicide* is directly linked to the patriarchal system that predisposes women to be murder, be it solely for the fact that they are women or for not being it "in the right way."[133] It is therefore necessary to define what is the "right way" of being a woman in Juárez and how this perception has drastically changed in the last 30 years, much more so than in the rest of Mexico. To do this, I will take *maquila* workers and the resistance from certain segments in society to their newly found independence to exemplify some of the changes in Juárez society.

Leslie Salzinger, author of *Genders in Production,* conducted a study of gender perceptions focusing on three *maquilas* in Ciudad Juárez, which will be particularly helpful to describe the changes in the role of women of the last years.[134] According to the author, when the program that established Mexico's *maquilas*, the Border Industrialization Program (BIP), was put into place in 1965 it was already framed in a gendered rhetoric.[135] However, seen in retrospective, the framework was all about masculinity. Trying to alleviate the problem of 200,000 returning and jobless *braceros*[136] on Mexico's border states, the U.S. and Mexican governments conceived a program that guaranteed tax-free policies for processing factories. This intended to encourage the establishment of businesses that could hire returning male farm-workers. By 1975, a decade after it was established, *maquilas* employed more than 67,000 workers, almost entirely at the border.[137] By early 1992, they provided work for seven and a half times that number. Notwithstanding this, the jobs were not going to returning *braceros*; in fact, they were not going to men at all. As Salzinger states, "from the outset, young women made up over 80 percent of *maquila* workers…. investors while increasingly willing to participate in the program as the years progressed, had arrived with their own ideas about whom to hire."[138]

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[133] Monárrez Fragoso, 2002 ; 286
[134] Salzinger, Leslie. "Genders in Production." University of California Press: 2003.
[135] Salzinger, 2003; p. 36
[136] For decades, the U.S. government *Bracero* Program had imported Mexican men to work in the fields of the southwest of the United States. Domestic pressures in the United States brought this to a halt in 1965. *Ibid*
[137] Governmental Institution for Statistics, INEGI report of 1990, cited in Salzinger, 2003; p. 36
[138] Salzinger, 2003; p. 36

By the time the *maquila* program was established, assembly plants were already operating in East Asia, explicitly advertising the virtues of their feminine labor force. The fact that these preconceptions were brought on when hiring women in Mexico, Salzinger attributes it to the circulation of images of women's docility. However, another group of analysts took the approach of comparing *maquila* jobs to similar industries in Asia arguing that these jobs were not traditionally women's jobs either in the United States or Mexico, and that therefore their feminization within the BIP was necessarily due to *structural* rather than *cultural* considerations.[139] Their motivation is difficult to track, however the fact remained that managers coming into Mexico took for granted that they would hire women. Prospective *maquiladora* investors simply assumed the workforce would be female and went on to enumerate Mexican women's many attractions: "From their earlier conditioning, they show respect and obedience to persons in authority especially men. The women follow orders willingly."[140]

In marked contrast to the sanguinity of trans-national managers about these desirable new workers, the preferential employment of young women in the *maquilas* elicited troubled discussions in local media and conversation about the erosion of traditional patriarchal structures.

Female employment, along with men's inability to obtain jobs in the *maquiladora* industry, changed the role of the *Juarense* women in society. The replacement of men as the breadwinner, as well as the increased economic independence of women, were the subject of criticism and provoked an outcry among members of the elite. This is better illustrated by several publications of the time. A 1971 article, "the *maquiladora* plants and the border's woman,"[141] encapsulated the city's conflicted attitude toward the industry's hiring practices. On one hand, it worried about the high number of single mothers in the plants and the local scarcity of maids. On the other, it praised Mexican women's special aptitude for *maquila* work and the plants' role in slowing the growth of prostitution in the city. The article captures the mixture of pride and shame that still characterizes local discussions of women's work in the industry.

[139] See González, Ruiz, Velasco and Woo, 1995.
[140] Salzinger, 2003; p. 37
[141] Cited by Salzinger, 2003 in p. 46

The elite's ambivalence was heightened by women workers' increasingly assertive self-presentation as their preferential employment continued. In interviews from that period, workers recounted newly found "independence" from formerly controlling fathers and husbands.[142] Writing in the early eighties, Patricia Fernández-Kelly described the emergent assertiveness of these young workers as scaring away men.[143] These developments evidently provoked anxiety in the city, as described in the articles printed in a major Mexico City paper. An article title ironically read, "*Maquiladoras*: Evil Exploitation of Women's Work Fracture Traditional Mexican Family Structure." The next day its sequel added, "Failure of the BIP to Employ *Braceros*: A Labor Force that Displaces the Man as Breadwinner."[144]

In 1981, in the context of an expanding industry that showed no sign of changing its employment practices, an article used one of many reports of the imminent arrival of men jobs to express elite anxieties about the erosion of local working-class manhood. "The husband, without work, lives off his wife, either losing his value as man of the house, if he still has it to lose, or otherwise, openly establishing a gigolo's existence."[145]

Media coverage was almost as perturbed by the women working as by the men who weren't, worrying over women's new and unnatural emancipation. Local pundits discussed young women's 'premature growth' and disproportionate authority in the home. A Justice of the Peace announced that divorces were increasing because male unemployment generated "a false independence among women."[146] In the social sphere, newspapers reported on women joining gangs in which they were "as dangerous and aggressive as men,"[147] something unheard of in the rest of the country. They were described as drinkers, partakers of free love, and bearers of children out of wedlock.

The year 1982 brought drastic peso devaluation –the first of a series that would follow over the upcoming decade. Between 1981 and 1982, the dollar value of the peso was cut in half and average maquila wages fell from US$234.30 weekly to US$105.60. After the first crisis, with many new *maquilas* opening and few people willing to work

[142] *Ibid* p. 38
[143] Fernández-Kelly, 1983; p. 133
[144] Fernández-Kelly, 1983; p. 138
[145] Salzinger, 2003; p. 44
[146] Unattributed clipping from the Center for the Orientation of Women Workers (COMO) archives, Ciudad Juárez, August 19 1977. Cited in Salzinger, 2003; footnote 37 p. 39
[147] El Diario de Juárez, June 7, 1989. Cited in Salzinger, 2003; Footnote 106 p. 46.

for low wages, the labor supply was suddenly cut in half. As the value of *maquila* wages fell, women workers that had become accustomed to higher salaries, looked elsewhere. Local newspapers reported them moving into better paying 'men's jobs' and crossing the border to earn dollars. Following the women workers' period of increased assertiveness, the image of the docile woman worker was dissipated. In the midst of soaring male unemployment rates, *maquilas* started hiring men. Subsequently, women's assertiveness was directed at new male workers. A union leader complained that the few men who entered the plants were forced out by the catcalling of women co-workers, "who were gleefully taking advantage of their unusual numerical superiority."[148]

Despite the burst of men hired in 1983, management remained skeptical about the utility of men for assembly work. Still focused on getting their hands on femininity, however embodied, a few plants hired transvestites. For a macho society such as in Mexico, transvestites are not well seen, however, in Juárez they were more 'valuable' for American managers than their male counterparts. Salzinger cites a manager that recalls, "…. the need for people was so great that we had men who walked around the plan dressed as women," adding, "we don't permit that anymore."[149]

Although managers acknowledged the possibility of hiring men, they did in the most disrespectful terms. Their first public statements included the possibility of hiring senior citizens or handicapped in contrast of hiring men, which was considered as a last resort. Not surprisingly, men responded to these mixed messages by entering the *maquila* doors hesitantly and it was not until the end of the decade that men constituted a stable 45 percent of the local workforce. Managers continued to cite the "*maquila*-grade female" as a standard against which to measure labor.[150] As a result, with rare exceptions, men were hired but marked upon entry as inferior. This has complex consequences both for their own sense of self and for inter-gender relations. According to Salzinger, there is still no structure of meaning within which "male maquila worker" makes sense.

Conversely, the main argument of this section is not that men in Juárez have been discriminated against in society, where they have kept their dominant role. It is

[148] *El Fronterizo*, August 31, 1983. Cited in Salzinger, 2003 pg. 44
[149] Salzinger, 2003; p. 45
[150] *Ibid* p. 48

exclusively within the context of the *maquila* industry that this discrimination took place a couple of decades ago. Our argument focuses instead on its effects from a gendered perspective. That is to say, in a conservative society where until recently men were the wage earners, the newly found economical power of women may have displaced them from their role. As we have seen, this can have different echoes in society. Patriarchy as the structure of Mexican society, does not easily allow the insertion of a newly emerged kind of women who, according to a set of predefined rules, do not behave in an appropriate way. The elite worried that women were forgetting their place at home while men were resentful for the success of their women. In both cases, women were frown-upon if they obtained success outside of the home. These are some of the gender-relations that have characterized Ciudad Juárez for the last decades and it is important to note them in order to differentiate the town from other cities in Mexico. The workingwomen of the border was not a typical example of Mexican femininity. For instance, still in 1997 the legislation in eight states in Mexico provided that women could not work without the consent of the 'chief of the family' and as long as their domestic duties were not overlooked.[151]

Violence may be perceived as one of the outcomes of this misplacement of men's role in society who might be lashing out their frustration onto women. As Monárrez Fragoso points out, the use of violence is more common among men than among women. She claims that violence is in the masculine culture an available and easy resource that is part of a network of physical and cultural experiences.[152] The author adds that men that perform violent acts, such as murder, believe they have all the right to kill some of these women.[153] In this sense, Monárrez Fragoso refers to the serial sexual murder as a ritualistic mythical act in modern patriarchy, "where sex and violence become one, where an intimate relation between manhood and pleasure is established."[154]

Perhaps men in Juárez, from a sense of righteousness, want to put women 'back in their place.' Perhaps, their behavior comes from a need to reaffirm their manhood through violence. In either case, the displacement of men as the authority figure in the

[151] Lang, 2004 ; p. 509
[152] Monárrez Fragoso, 2002 ; p. 282
[153] Monárrez Fragoso, 2002 ; p. 287
[154] Monárrez Fragoso, 2002 ; p. 284

societal relations of Juárez, and the frustration or hatred that comes with it, may be plausible causes for the extreme violence against the embodiment of these cultural changes, namely Juárez' independent women. Because, as we can observe by the figures presented in the last section, the vast majority of women victimized, by being students, employees, merchants or maquila workers showed clear signs of independence.

It is also particularly interesting to note that from the early years of this societal change, there was a will, even from some women, to demerit female success by linking it to a dubious morality sense. As an example, newspaper headlines read in 1981 "Prostitution in the *maquila*" while a cartoon in the same year showed a mini-skirted woman cooing over a union boss.[155] These writings and images already presented a *maquila* worker as a promiscuous woman, a discourse that has remained consistent until today within middle and higher strata of Juárez society. As we will explore in chapter IV, these prejudices will have an impact in the public discourse surrounding the murders of women.

2.5 The Subject in Relation to Race Considerations

Some Socialist Feminist authors include racial considerations in their analytical framework.[156] As Nancy Holmstrom stated in the preface of the book *The Socialist Feminist Project, a Contemporary Reader in Theory and Politics*:

> *"…all socialist feminists see class as central to women's lives…all of us see these aspects of our lives* [on gender, class and race] *as inseparably and systematically related, in other words, class is always gendered and raced."*[157]

In the case of the murders in Juárez, notions of skin darkness were found in the work of several authors who claim race is one of the main factors for the killings. Regarding these concerns, this section is aimed at making a modest note of caution concerning the tone of the skin when analyzing the *feminicide* case.

[155] *El Diario de Juárez,* July 29, 1981 and *El Mexicano,* August 5, 1981, cited in Salzinger, 2003; p. 41
[156] See among others: Janice Haaken, Cherrie Moraga, Ellen Meiksins Wood, Julie Sze
[157] Holmstrom, 2002 ; p. 2

Rosa Linda Fregoso, professor at the University of California-Davis, claims for instance "all the women killed were poor and dark." [158] Moreover, there is violence on the part of the state by its indifference to these crimes, because, she argues, "in this region of Mexico certain bodies (white) are held in higher esteem than others."[159] Other authors such as Ana María Alonso state that in Chihuahua people boast their 'whiteness' and subjectively look down upon people of darker skin. [160] There is indeed a stereotype of the Mexican northern states being 'whiter' than the southern provinces due in part to the relatively high concentrations of white people, besides the Mennonite and Mormon communities of Chihuahua, in comparison to the southern states in which the indigenous population is concentrated.[161] Furthermore, there is a higher value attributed to whiteness within Mexican society and thus, this applies as well in the northern provinces. Nevertheless, to consider the color of the skin as a reason for the authorities to overlook the cases would be overestimating skin tone in a *mestizo* society and overlooking the importance that the authorities attribute to class and money. Among American authors, there are some that claim the authorities have not provided justice because the women were poor and dark.[162] Only the class concern seems to be accurate because, although there is an irrefutable pattern within the murders that points to thin, longhaired, darker skinned girls, these physical characteristics do not play an important role in why the authorities discard investigating certain cases.

Furthermore, although there may be a correlation, we have to be careful not to imply that women from a poor background are dark-skinned, or the opposite. To avoid making a link between race and class in this case, it might be of importance to note that Chihuahua counts with a high rural 'white' population, including some of the Mennonite

[158] Fregoso, 2000; p. 143
[159] Fregoso, 2000; p. 147
[160] Fregoso cites Ana María Alonso when she notes that `Chihuahuans today boast of their collective whiteness.' In the North of Mexico, `whiteness became central to the creation of a regional sense of community and personhood…and is regularly evoked in the construction of a distinct norteño identity, opposed to that of the Mexicans in the Center, who are subjectively apprehended as less white.' (Fregoso, 2000; footnote 52).
[161] According to John P. Schmal, the only Mexican Census that asked for race was in 1921 and catalogued Chihuahua as the second state in the country with the highest concentration of 'White' people with 37% of its population. Schmal, 2004; p. 2.
[162] See Fregoso, 2000; p. 147, De la Mora, 2003 p. 5 and Nathan, 1997; p. 1

communities, which are among the most impoverished in the state.[163] These communities count with little more than 70,000 people in the state of Chihuahua and, regardless of their Caucasian origin or the whiteness of their skin, have been marginalized due to their socioeconomic level, exemplifying the importance that Mexican society attributes to class in comparison to racial origin.

To take the color of the skin as a variable would make it difficult to explain cases when it is combined with just another variable. For instance, why rich dark-skinned women are not attacked. Moreover, according to non-official sources, 9% of Mexico's population is cataloged as white.[164] As it is shown in Fig. 6, as much as 7% of the victims were registered as such in the forensic reports. The number of white victims seems relatively proportionate to that of the population. Besides, if we were to claim that it is a combination of gender (female), class (poor) and skin-color (dark) that play a role in the murders of women in Juárez, we would have a hard time explaining why the group that encompasses all three characteristics, namely indigenous women, have not been targeted even though they are by far the most neglected segment of the population. In Chihuahua, 9% of the Tarahumara population resides in Ciudad Juárez.[165] However, we can only observe one case where the victim belonged to this ethnic group.[166]

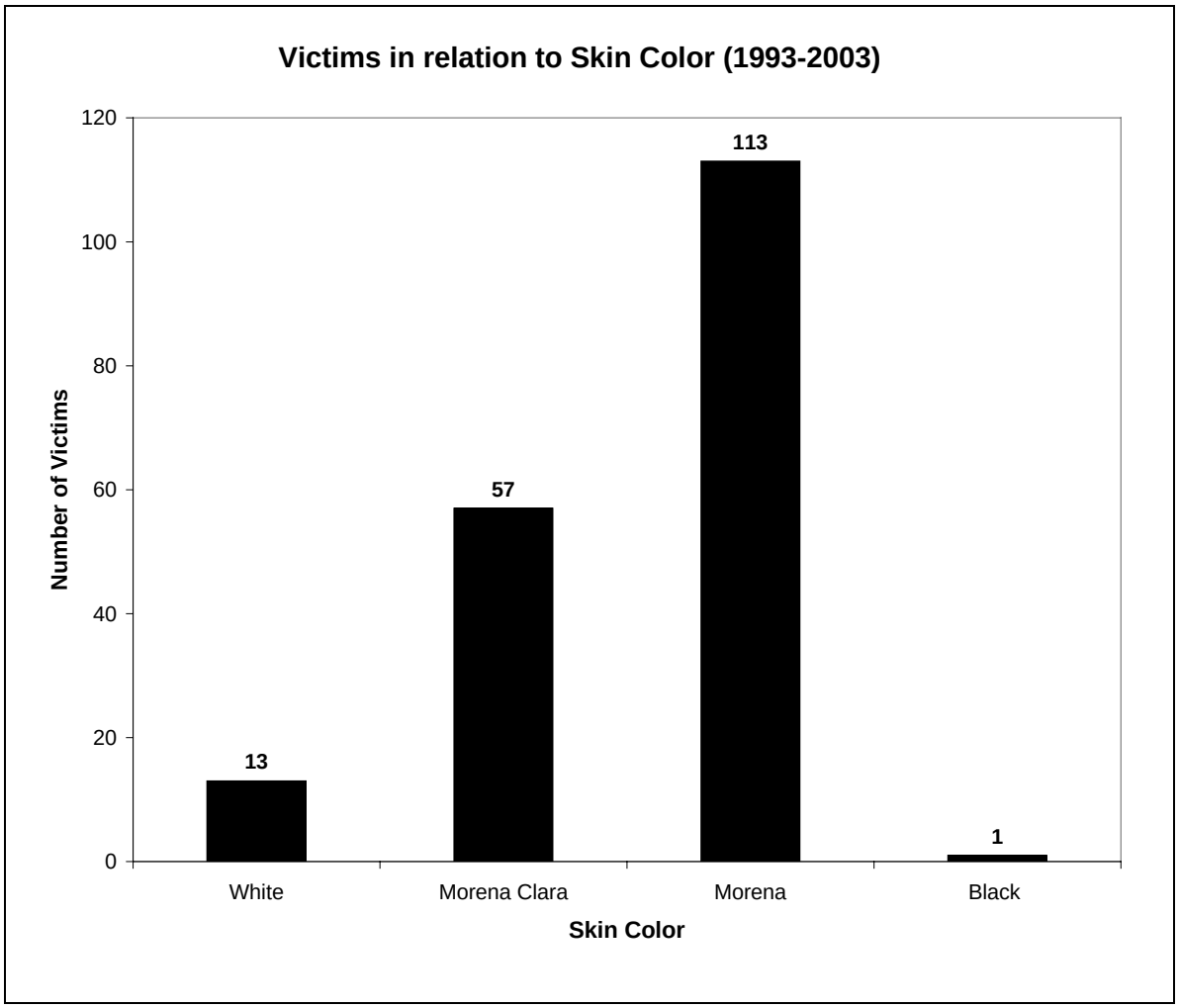
[163] The Mennonites migrated from Germany to Canada and arrived in Mexico in 1921. At first, President Álvaro Obregón accorded them the status of an independent community not ruled by Mexican laws. This agreement expired in 1971 and President Luis Echeverría did not renew it for he considered it unconstitutional. Nowadays, Mennonites are considered regular Mexican citizens and must abide by the Mexican Constitution. More recently, in spite of having succeeded in safeguarding their rural lifestyle, even in times of economical crisis, the Mennonites have resourced to low-paid salaries and urban street commerce. Arredondo López, 1997;

[164] For a socio-demographic description of Mexico, see the article available at : http://es.wikipedia.org/wiki/Demograf%C3%ADa_de_M%C3%A9xico

[165] Pintado Cortina, 2004 and *Plan Estatal de Desarrollo 2004-2010*. Chihuahua, available at: http://www.chihuahua.gob.mx/attach/planestatal2004/grupos%20etnicos.pdf

[166] See the case of Francisca Hernández in annex I, p. 3

FIGURE 6:



Echoing the concerns of the aforementioned writers, I decided to quantify the number of 'dark' girls by including the skin-color of the victim, stated in the forensic reports published by the CNDH, as a category in the annexed database in order to determine whether race considerations needed to be included in the analysis. In doing so, I encounter several obstacles:

First, in order to demonstrate the percentage of 'dark' victims is abnormally high, we should compare this number to the statistics of *Morenos* in Mexican society. In other words, we could only make satisfactory claims when the skin-color of the victims is controlled by that of the population. However, reliable racial statistics in Mexico are

hard to find. Since the Mexican census asks for languages, considering there are 62 indigenous dialects within the territory, not for race, racial statistics are not available.[167]

Which brings us to the second and most important complexity when making claims of race in the Mexican context.[168] The parameters of what constitutes 'dark' in Mexico are not well defined. The education system teaches Mexican children about the definitions of *criollo* (European born in the Americas), *mestizo* (mix of Indian and European), *mulato* (mix of Black and European), and *sambo* (mix of Black and Indian) races. However, these concepts are taught within the context of colonial times and have for a long time disappeared from daily discourse. To some people in Mexico, everyone who is not evidently Black or Asian, is consequently white or *mestizo* and utilizes both terms indistinctively. As an example, some of the mothers of victims in Juárez reported their missing daughters as 'white' while the same victims were later described in the forensic reports as *Morena Clara*.[169] More than a simple error, this denotes a lack of strict definitions in society and a great subjectivity when it comes to questions of the skin.

Trying not to confuse skin-color with race proves challenging when looking at official Mexican data. Such is the case of the table measuring skin-color published within the CNDH's report on the situation of women in Juárez. As we can observe in this table, available as Annex II, White Mexicans are grouped with the label 'White' separately from White Caucasians. Which is remarkable is that the data takes into account only the case of Hester van Nierop, from the Netherlands, as White Caucasian. The report classifies two cases of White Caucasian American women in the category of 'White.' The words 'White Caucasian' are taken in the strictest sense of the term, hence, a White Mexican would most likely be cataloged in the 'White' group or on the 'Slightly

[167] As mentioned earlier, the only census that questioned race was in 1921. It asked people whether they were "Indígena pura" (of pure indigenous heritage); "Indígena mezclada con blanca" (of mixed indigenous and white background); "Blanca" (of White or Spanish heritage); or, "Extranjeros sin distinción de razas" (Foreigners without racial distinction). Schmal, John, 2004 ; p. 1. Findings also available at: http://www.houstonculture.org/hispanic/census.html

[168] Recently, the difference in race definitions between Mexico and the United States became apparent in a highly publicized incident in which the African-American population in the U.S. complained about a stamp released by the Mexican post-office. The stamp featured a very popular cartoon character, a black boy named Memin Pingüín created in the 40's. The African-American community claimed it was offensive to Black people while the Mexican government defended the cartoon, and their right to honor it with a stamp, making allusion to different interpretations of what is racially offensive. For further information see the article by Mexican historian Enrique Krauze in the Washington Post: www.washingtonpost.com/wp-dyn/content/article/2005/07/11/AR2005071101413.html

[169] The names of these victims are indicated in Annex I.

Dark' [*Morena Clara*] if her hair happened to be brown.[170] This makes it very hard to verify if most victims were indeed dark-skinned. Moreover, it is worth noting that variations of darkness, due to their subjectivity, are rarely taken into account. For instance, as Fig. 6 illustrates, an examination of the CNDH's forensic reports showed that 38% of the girls were classified as M*orena* C*lara* and 61% as *Morena.* In contrast, the CNDH's own graphic groups these two categories into one, resulting in an overwhelming majority of *Morena* C*laras.*[171] By observing this data, not surprisingly, some authors rapidly concluded that 'all' the girls were dark.

Skin color in Mexico may be important unofficially, which is currently the subject of several inter-discipline debates. Nevertheless, the reporting of skin-color for official purposes makes little sense in the Mexican context. It is thus understandable that authors draw conclusions from data provided by otherwise reliable sources. In my analysis of the *feminicide* phenomenon of Ciudad Juárez, I focus solely on gender and class. When it comes to color of the skin concerns, my aim is only to draw attention to complexities stemming from cultural factors and to statistical irregularities, and encourage other authors to be cautious when using them.

[170] The term 'Slightly Dark' is a translation provided by the author of the term *Morena Clara*, which literally would mean 'Lightly Dark' but can seem as an oxymoron in the English language.
[171] Please refer to annex II. Graphic also available at :
http://www.senado.gob.mx/content/sp/informes/chihuahua/graficas/fr_fisicas.htm

Chapter III: The Governmental Response to the Crimes

3.1 Infertile Investigations

The response of the authorities to the crimes committed against women since 1993 has been markedly deficient, as such, it is a central aspect of the *feminicide* problem. According to Amnesty International, of 370 women murdered, 137 of which suffered from sexual violence prior to death, 75 bodies have still not been identified.[172] Moreover, other authors add that several bodies have been wrongly identified.[173] Not surprisingly, the vast majority of the killings remain in impunity. According to the Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights (IACHR),[174] in only 20% of the cases there have been prosecution and conviction.[175] On the other hand, almost as soon as the rate of killings began to rise, some of the Mexican officials responsible for investigation and prosecution began employing a discourse that in effect blamed the victim for the crime.

Overall, the impunity in which most violence based on gender remains serves to fuel its perpetuation. As the *Procuraduría General de Justicia del Estado de Chihuahua* (PGJECH) recognized for the Special Rapporteur of the IACHR, oversights occurred during the first years of these killings.[176] It acknowledges, for example, that it was not uncommon for the police to tell a family member attempting to report a girl missing to return in 48 hours even when it was clear there might be an incentive to investigate right

[172] Amnesty International, 2003: p. 1.
[173] See Monárrez Fragoso, 2002; Chávez Ramírez, 2004; Minjares Baltazar, 2004; and, Rámirez Acosta, 2004.
[174] The Inter-American human rights regime revolves around a commission and a court: The Inter-American Court of Human Rights and the Inter-American Commission of Human Rights.
[175] IACHR Special Rapporteur. Chapter IV, p. 15
[176] The system of *Procuradurías Generales de Justicia* (Public Prosecutor's Offices), also called *Ministerio Público* (Public Ministry) is based on the federated structure of the country's institutions. At the federal level, the *Ministerio Público de la Federación*, is part of the *Procuraduría General de la República (PGR)* [Office of the Attorney General], and is headed by the *Procurador General de la República* (Attorney General). In the case of the 31 states, the Public Ministry is part of the 31 *Procuradurías Generales de Justicia de los Estados (PGJE)* [State Public Prosecutor's Offices], each headed by their respective *Procurador General de Justicia del Estado*, (State Public Prosecutor). The Attorney General and the State Public Prosecutors are part of the executive branch of government and are proposed or directly appointed by the President or governor. Crimes can be subject to either state jurisdiction (in the case of ordinary criminal offences), federal or military jurisdiction. (Extract from Amnesty International, 2003 ; footnote 10)

away.[177] Several authors state the police did not start searching for the missing girls until a whole week had past.[178] Furthermore, reports document the response of the relevant officials to the victims' family members ranged from indifference to hostility and harassment. In this chapter, four aspects of the governmental response will be discussed:

- **The lack of strictness in the investigations;**
- **Torture and harassment;**
- **The absent rule of law;**

3.2 The Lack of Strictness in the Investigations

Irregularities and negligence in state investigations include the false identification of corpses; absence of expert tests on forensic evidence; failure to conduct autopsies or obtain semen analysis;[179] and failure to file written reports.[180] In addition, kilos of the victims' clothing, evidence and files were recklessly incinerated.[181] The PGJECH has recognized a lack of technical capacity and training for members of the judicial police. Officials of the State of Chihuahua have previously indicated that the deficiencies were such that, in 25 cases dating back to the first years of the killings, the "files" consisted of little more than bags containing sets of bones, which provided virtually no basis to pursue further investigation.[182] In this sense, it is plausible that a deficiency of resources might have played a role in the lack of rigorousness in the investigations.[183] However, in this

[177] In several cases, the first 48 hours have proved to be crucial. Such is the case of Lilia Alejandra Garcia who disappeared on February 14, 2001. The forensic report revealed she had been kept in captivity for at least five days prior to her death. Another case is that of María Isabel Nava who was found 23 days after she was reported missing. According to the autopsy, she had apparently been held in captivity for two weeks before being killed. (Amnesty International, 2003; pp. 3 and 7)

[178] See Chávez Ramírez, 2004; Minjares Baltazar, 2004 and Ramírez Acosta, 2004.

[179] The first and only semen analysis was taken in 1999

[180] Amnesty International, 2003;

[181] This last detail was disclosed during the conference by Marisela Ortiz, co-founder of Nuestras Hijas de Regreso a Casa, in Berlin (November 2005). For details on the conference see article available at: http://www.cimacnoticias.com/noticias/05dic/05120605.html Victor Ronquillo also makes a reference to the incineration of files. However, he claims a group of indigents came into the Prosecutor's office, which were in the process of changing location, and burned them to get warm on a winter's night. (Ronquillo, 1999; p. 16)

[182] See Letter from the Secretary of Government of Chihuahua to the Special Rapporteur of February 11, 2002.

[183] According to Minjares Baltazar, the Special Unit in charge to search for disappeared persons has only four agents. Furthermore, she quotes the family members of one of the victims saying the authorities always waited for the families to provide new leads. Minjares Baltazar, 2004 : p.46.

section we will examine how a combination of little expertise and a lack of will from the authorities resulted in unsolvable cases.

The shortcomings in the State's response were so severe that, pursuant the complaint filed by Federal Deputy Alma Angélica Vucovich Seele, the National Commission for Human Rights (CNDH) carried out an investigation of the Chihuahua's governmental response to 36 of the killings and issued its Recommendation 44/98 containing specific suggestions to remedy the deficiencies identified. The report detailed the problems in the official response to the killings. For instance, the nature of the crime in six of the cases could not be determined since the basic measures to trace the victims' identity had not been taken; moreover, some files were missing forensic reports or death certificates.[184] The CNDH also drew attention to the delay in processing the cases and called for clarification of the crimes and prosecution of the perpetrators, as well as for sanctions of the officials who had failed to comply with their duties under the law.

Particularly of concern about the authorities procedures to investigate these cases was their refusal to recognize a pattern or a link among them. For instance, when in 2001, eight bodies were found almost next to one another, officers still said these were isolated crimes.[185] Furthermore, it was later known that several of victims knew each other closely and even went out together.[186] The response of officer Manuel Esparza Navarrete[187] was that "it is not so important the link among the victims, the fact that they had a relationship or even that we found their lifeless bodies in the same place, all this could be circumstantial."[188] Indeed, we can not draw any conclusion from the fact that several of them worked in the same company, attended the same school or that they

[184] CNDH. Recomendación 044, 1998.
[185] Amnesty International,. 2003; p. 11
[186] For a detailed account of the nexus among several of the girls please see Chávez Ramírez, 2004 and Minjares Baltazar, 2004.
[187] Officer Esparza Navarrete has been the subject of criticism from the NGOs because, according to unofficial publications by one of the organizations, "he strangely holds three posts in relation to the *feminicides*: chief of *peritos* of the special prosecutor's office in Juarez; spokesperson for the F*iscalía Mixta* (at the federal and state levels) and, chief of the public ministry of the *fiscalía* (at the state level). See article by Nuestras Hijas de Regreso a Casa available at: http://www.mujeresdejuarez.org/revrapfemcdjz.htm
[188] Minjares Baltazar, 2004; p. 48

disappeared after visiting the same shoe store[189], but these lines of investigation were not documented in the reports, much less formally investigated.

As early as 1995, a group of criminal investigators arrived from Mexico City. The Interdisciplinary Group of the Public Prosecutor's Office of the Federal District [*Grupo Interdisciplinario de la Procuraduría General de la Justicia del Distrito Federal*] declared on October 26 that the files lacked the formality and strictness necessary.[190] Most importantly, the report of the Interdisciplinary Group (IG) recommended the establishment of a "Special Unit" to investigate the murders. As it was expected the IG awoke the reticence of police officials in Chihuahua, nevertheless, the special unit was created. This unit was named the Special Prosecutor's Office for Homicides of Women and Disappearances [*Fiscalía Especial de Homicidios de Mujeres y Desaparecidas*] and will be hereafter referred simply as the Special Prosecutor's Office.

3.2.1 Abdel Latif Karim Sharif Sharif and the Falsifying of Evidence

The case against Sharif Sharif serves as an illustration of markedly inefficient judicial investigations as it demonstrates the practices of the judicial police, such as misogynistic discourse, forced inculpation, recourse of the medias to legitimize their claims, and mafias within the justice system. Blanca Estela Carmona, an alleged junkie, accused Sharif of rape in October 1995.[191] A few weeks later, Governor Barrio Terrazas declared that 320 (!) witnesses had identified the Egyptian as the responsible of seven murders. The then Governor was harshly criticized for it would have been logistically impossible to formally take the declarations of so many witnesses in so little time. Later that month, Barrio Terrazas corrected his declarations. Then, he modified his statement a third time by saying they had identified two accomplices, Sharif's cousin and a Nigerian. By the last press conference of that month, Barrio Terrazas assured the public that the accomplices were two Mexican-American men "completely identified."[192]

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[189] Some of the girls were last seen after visiting the shoe store *Tres Hermanos* in the corner of *16 de Septiembre* and *Ave. Juárez* . Washington, 2005: p. 7. As other authors document, several girls, which lived in the outskirts of the city, were abducted in the same area of downtown where the shoe store is located while changing buses. See González Rodríguez, 2002. Monárrez Fragoso, 2002.
[190] González Rodríguez, 2002. p.55
[191] Fernandez and Rampal, 2005; p. 118
[192] González Rodríguez, 2002; p. 100

In spite of these declarations, the Supreme Court of the State of Chihuahua acquitted Sharif Sharif of six of the charges of which he had been accused in 1995 and 1996. Nevertheless, it sentenced him to 30 years in prison for the murder of Elizabeth Castro García. This first sentence of 1998 was reduced to 20 years in February 2003 by another judge that condemned that proofs in favor of Sharif had not been included in the case file. The second sentence was then revoked and Sharif was sentenced, for the third time, to the original verdict of 30 years in October 2005.[193] By then, the "serial murder" label that the PGJECH had given him had dissipated. According to Monárrez Fragoso, it was reported in 2000 that authorities had wrongly identified the body of Castro García.[194] In other words, the forensic evidence that Sharif Sharif murdered Elizabeth Castro García, for which he was judged and sentenced, not once but three times, and for which he is purging a prison term, was wrongly identified and is in fact someone else's.

This illustrates the lack of rigorousness that has characterized the investigations since the murders began. The basic identification measures were not taken properly, DNA exams were not performed, and thus, the Prosecutor's office, along with the Chihuahua's judicial system, sentenced a man without rightly proving he was guilty. It seemed as a political rather than a juridical decision. Sharif Sharif was the perfect suspect; he was a foreigner, without family, single, with a good income and most importantly, he had a history of violence behind him. He had been accused of rape in the United States and was pending judgment at the time he was detained.[195]

As the murders continued, in 1996 the state responded to public outrage by accusing Sharif Sharif of paying members of the gang *Los Rebeldes* to commit the crimes for him while he was in prison. Several members of the gang were rounded up in downtown and charged with six of the crimes. Then, in the spring of 1999, a bus driver took prisoner Nancy Villalba, a 14-year-old employee of General Motors, on the way from the *maquiladora.*[196] The man had driven her to the *Kilometer 17* of the highway to

[193] Cano, Luis Carlos. "Aumentan Sentencia a Homicida." *El Universal*. Saturday, October 29 2005. p.4
[194] Monárrez Fragoso, 2002. p. 297
[195] For a detailed account of the charges and convictions of Sharif Sharif in the United States, see Fernandez and Rampal, 2005. Chap. 4: "Chasseurs de Femmes," 113-42 or González Rodríguez, 2002. Chap. 7: "La Maldición de la Tía Bruja." 88-103.
[196] Amnesty International, 2003; p. 13. The minimum age to work in Mexico is sixteen. However, falsifying one's birth certificate in order to obtain work is not an uncommon practice among *maquiladora* workers.

Casas Grandes close to Ranch Santa Elena, where Castro Garcia's body had been found four years earlier. Authorities informed the driver raped, strangulated and left Nancy, thinking he had killed her. The child survived the attack, walked miles until a small house and denounced his aggressor who would be identified as Jesús Manuel Guardado Márquez of 25 years of age. In the midst of the scandal, newspapers published that he was an ex-judicial agent.[197] Authorities would later deny it. The authorities declared the alleged criminal, surnamed "*El Tolteca*"[198] was part of a group of bus drivers [*Los Ruteros*] working for the *maquila* industry that had been arrested and had confessed to five more killings. Faced with three distinct murder scenarios, state authorities opportunely constructed (invented?) an elaborate link between these two groups and Sharif Sharif with little substantive evidence to support their conspiracy theory. The CNDH later shed further doubt on the state's claims, reporting that suspects were arrested without warrants and denied attorney representation, sustaining family members' accusations of police torture to elicit confessions.[199]

In 2001, eight bodies were discovered on a very transited area in front of the offices of the Association of *Maquiladoras* of Ciudad Juarez. The following day, agents of the judicial police, dressed in black and without a badge, arrested Victor Javier García Uribe (*"El Cerillo")* and Gustavo González Meza (*"La Foca").*[200] The authorities of Ciudad Juárez, point to the detention of *"La Foca"* and *"El Cerillo"* as evidence of its prompt response. Nevertheless, during the Special Rapporteur to the IACHR's visit, numerous individuals, including some Mexican State officials, expressed serious concerns about allegations that these detainees had been tortured to coerce confessions.[201]

Besides the charges of torture, one of the main failures of these trials remains that, according to DNA exams, five out of the eight bodies for which García Uribe and González Meza were charged did not belong to the women in the accusation files.[202] Nonetheless, the state authorities maintained their accusations against these men and some government employees have even reported being pressured to tamper evidence.

[197] González Rodríguez, 2002; p. 226
[198] "Tolteca" refers to an indigenous group in the south of Mexico, perhaps indicating Guardado's origin and his status as a migrant.
[199] Fregoso, 2000; p. 137
[200] Fernandez and Rampal, 2005; p. 89
[201] IACHR Special Rapporteur. Chapter IV, p. 20
[202] Chávez Ramírez, 2004; p. 10

The head of forensic services at the PGJECH, Oscar Máynez, resigned his post as a sign of protest when asked to change the results of tests to inculpate the two men detained,[203] and two officials were fired as a result of their protest and refusal to alter proofs.[204]

Throughout the years, DNA analyses have yielded contradictory results and raised many doubts. For instance, in the aforementioned case, out of the eight bodies, only one's DNA test corresponded to the family's blood samples and was rightly identified.[205] Amnesty International signaled that the insistence of the local authorities on the validity of the results obtained from their own analyses despite the fact that they did not match those obtained by the federal laboratories belonging to the Office of the Attorney General, engendered further distrust among the relatives and violated the right of the victims to be identified.[206]

As we will explore further in the document, there is a noticeable lack of will that, together with an absence of expertise and resources, has resulted in the poor standard of the investigations and the failure to provide adequate guarantees to the victim's families and to the detainees. Trials cast doubt on the integrity of the criminal proceedings brought against several of those arrested in connection with these crimes. Meanwhile, year after year, the crimes continue. The discovery of the body of Viviana Rayas in May 2003 in the city of Chihuahua (one of several in the state's capital) and allegations that those arrested in connection with the case were tortured, demonstrate yet again that the abductions and murders are far from being solved and are now extending to other cities of the country.

3.3 Torture

As we saw in the last section, the proceedings of the PGJECH have been plagued with doubts about the reliability of the trials and detainees' safety. The first precedent was the process against Sharif Sharif, followed by the illegal arrest of both *Los Rebeldes* and *Los Ruteros*. Nevertheless, the cases that have been documented more in detail and

[203] *Alto a la impunidad: ni una muerta más, "Informe Temático: Asesinatos de mujeres en Ciudad Juárez, Chihuahua*," presented to the UN Committee on the Elimination of All Forms of Discrimination Against Women, August, 2002, at p. 7.
[204] Amnesty International, 2003; p. 53
[205] Chávez Ramírez, 2004; p. 11
[206] Amnesty International, 2003; p. 37

condemned by institutions such as the CNDH and Amnesty International are those of Victor García Uribe (alias) *El Cerillo* and Gustavo González Meza (alias) *La Foca.* In this section we will do an overview of the accusations of torture performed by the Mexican authorities in these two cases and their outcome.

Within hours after eight bodies were found in November 2001, García Uribe and González Meza were illegally arrested and allegedly tortured to elicit a confession. According to Juárez' author Jorge Chávez Ramírez, although there was not forensic evidence that inculpated these individuals, functionaries at all levels, from judicial police to Chihuahua's Prosecutor, participated in the "kidnapping, torture, fabrication of evidence and witnesses, violated the law and recurred to the media instead of the tribunals in order to demonstrate before the public eye the culpability of the two individuals accused."[207]

The authorities of Ciudad Juárez took pride in the rapid detention of *"La Foca"* and *"El Cerillo"*, both confessed in initial declarations, however, they later retracted those confessions and presented evidence that they had been tortured. [208] During her visit, the Special Rapporteur for the IACHR received two distinct sets of medical certificates. The set provided by the PGJECH, elaborated on November 11, 2001, at 2:40 a.m., relative to González indicates no external signs of violence, while that relative to García refers to a small zone of *equimosis* on his right arm that would heal in less than 15 days. The other set of certificates, which had been prepared by the Medical Unit of the detention center at 9:00 p.m. on the same day, attested in the case of González Meza to "*multiples quemaduras en genitales.*"[209] The certificate makes the same corroboration in the case of García Uribe.[210]

Subsequent reports indicate that the allegations of torture were denounced both publicly and to the authorities. Although local and international journalists took photos of the injuries, the judge did not investigate the allegations of torture and the confessions

[207] Chávez Ramírez, 2004; p. 9 Furthermore, it was not the first time the authorities recurred to the media in order to legitimize their claims. González Rodríguez declares they had done it in several occasions, notably in 1998 when arresting the alleged murderer of Hester Van Nierop, a citizen of the Netherlands. This, he claims, was a "*juridical-propagandistic*" resource when, due to the lack of evidence, authorities recurred to the spectacle of the media to silence public outrage. González Rodríguez, 2002; p. 121
[208] IACHR Special Rapporteur. Chapter IV, par. 49
[209] Original in the English report. Can be translated as "burn marks in genitals."
[210] IACHR Special Rapporteur. Chapter IV, par. 50

were included as evidence in the legal proceedings against them.[211] Predictably, these confessions showed signs of being pre-written and the result of coerced signing. For instance, in the detainees' declaration were sentences that seemed induced such as "…*we got her into the car and then they both killed her*."[212] Until recently in Mexico, many prosecutions relied solely on a confession, often extracted under torture. Preserving a crime scene has only recently become standard procedure.

Notwithstanding the criticism by international organizations on the state authorities' actions in Ciudad Juárez, this situation started reproducing itself in Chihuahua city denoting the pattern of falsification of evidence and abuse of power that the State Public Prosecutor's office pursues. The case of Vivana Rayas from the state's capital presents the same irregularities as those in Ciudad Juárez. There are serious doubts regarding the forensic evidence since DNA tests were not performed to confirm the identity of the body. The Special Prosecutor's Office found two alleged murderers within days of the crime and both signed a confession that was reportedly the result of torture. For the trials, witnesses declared being threatened by the PGJECH if they did not inculpate the accused, Cyntha Kiecker and Ulises Perzábal.[213]

By the aforementioned cases we can conclude the state's authorities are plunged in a policy of unsound cases and the inculpation of innocents without actually getting to the bottom of this grave problem and thus, perpetuating impunity and fueling the crimes to continue. The latest developments show the authorities were maintaining a broken down case against García Uribe all along. On July 14, 2005, more than three years after his arrest, "*El Cerillo*" was released from prison due to a lack of evidence.[214] By the same token, judge Fabio Valdés Bensasson, absolved the charges against Ulises Perzábal and Cinthia Kiecker based on the inconsistencies committed by the public ministry. Most

[211] The AI's report further notes that the judge from the 3rd Criminal Court, when asked to record the injures the detainees had suffered, replied there was not enough light; regarding the injures to their wrists result of being tied up, the judge replied they had been caused by their watches. Amnesty International, 2003; p. 52

[212] Moreover, the detainees used an atypical language and technical concepts to describe the victims. Minjares Baltazar 2004, p. 53.

[213] Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, 2004; p. 7

[214] Hernández, Margarita. "Empiezo una nueva vida.- 'El Cerillo'," *Periódico Norte*. Friday July 15, 2005. Article available at: http://www.nortedeciudadjuarez.com/especiales/espcerillo/cer10.html

importantly he incorporated the accusations of torture into the detainees' dossier.[215] Meanwhile, the perpetrators of these crimes are still on the loose.

3.4 Harassment

According to the IACHR Report, authorities have responded to these crimes and to the family members of victims in ways that were discriminatory and disrespectful.[216] As shown above, the authorities tended to deal with these cases by inculpating innocents and threatening detainees. Nevertheless, the harassment was not reserved to the accused; also lawyers, witnesses,[217] journalists,[218] members of civil society[219] and even the victims' families have been subjected to the authorities' persecution.

Such is the case of Evangelina Arce, the mother of one of the victims and member of the Chihuahua Independent Human Rights Committee, who was intimidated and assaulted on April 2003. She reported threats after she delivered a statement before the National Human Rights Commission in which she had stressed the failure of the authorities to take legal steps to locate and capture those who may have been responsible for her daughter's abduction.[220]

Moreover, reports indicate that several family members have been coerced to stop pursuing accountability. When the body of Neyra Cervantes was found in Chihuahua city, her cousin David Meza Argüeta traveled from Southern Mexico to pressure state authorities that refused to perform DNA tests on the recently found body. Subsequently,

[215] Zubía García, Ángel. "Liberan chivos expiatorios: feminicidas siguen libres." *Periódico Norte*. Article available at: http://www.nortedeciudadjuarez.com/especiales/espinseguridad/ins2.html
[216] IACHR Special Rapporteur. Chapter IV, par. 33
[217] Canadian director Martine Forand, reported that during the filming of her documentary of the Juárez cases she encountered difficulties to obtain testimonies from witnesses for fear of retaliation. Her film "Juárez: ville d'impunité," was transmitted on the series *Grands Reportages* on Tuesday, June 10, 2003 at 20h00. For her statement, see article available at www.cybersolidaires.org/index2b.html
[218] See among others, Sergio Gonzalez Rodriguez, who reported harassment from the *Secretaría de Gobernación* (Ministry of the Interior); 2002: p. 285. Diana Washington Valdez reported harassment in her book, Harvest of Women, 2005. Journalists Samira Izaguirre, José Antonio Tirado and José Loya have also been threatened and harassed. IACHR Special Rapporteur. Chapter IV, par. 68
[219] The Inter-American Commission on Human Rights has already called for precautionary measures for several activists, such as Ester Chávez Cano and Marisela Ortiz.
[220] Amnesty International, 2003; p. 61

he was detained and, although he proved he was not in the city at the time of the killing, he was charged with the murder of her cousin.[221]

Seems conceivable that authorities aim at inculpating a family member when there is no evidence pointing at a particular suspect. Their motivation can be two-fold: first, if it is a family member who perpetrated the crime then the murder is classified under domestic violence. Therefore, it is no longer of the competence of the Special Prosecutor's Office but of the Public Ministry at large. Second and most importantly, if it is classified as domestic violence, it is erased from the public eye since it does not show on the *feminicide* statistics.

Concerning the status of the files, we can observe that most of the cases are in the preliminary investigation phase, which implies that the only institution to hold the files is the Public Ministry. The Mexican legal system provides that the former has the monopoly in exerting penal action, which entails that in a preliminary investigation phase, the Public Ministry acts as authority, judge and part.[222] Family members have complained that this makes it hard to question the proceedings of this institution and obliges the offended to recur to tedious procedures before the same Public Ministry to allow the case to be presented before a judge.[223] Hence, it also implies the majority of the *feminicide* files are not yet in the hands of the Special Prosecutor's Office, which was created for this very purpose. Additionally, the regional penal code dictates that a person's disappearance does not result in an investigation in the state of Chihuahua. To begin an inquiry process, the police has to find the person, dead or alive, in order to open an investigation for "forced disappearance" or for murder.[224] Which gives very little hope to family members to find their loved ones alive.

Lawyers have also been subjected to a campaign of harassment and threats. On February 5, 2002, Mario Escobedo Anaya, the lawyer acting on behalf of González Meza, was shot dead by an agent of the Judicial Police.[225] According to official reports,

[221] Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, 2004; p. 4
[222] United Nations Office on Drugs and Crime, 2003. p. 14
[223] Nuestras Hijas de Regreso a Casa. "Actualización de los Casos, 2005." Available at: www.mujeresdejuarez.org
[224] Fernandez and Rampal, 2005; p.46
[225] Amnesty International, 2003. p. 62

the police acted in self-defense since the lawyer did not pull over and started to fire at police. However, the police cars were unmarked making it difficult to identify as official vehicles.[226] Days before his death, Escobedo had announced he would file a criminal complaint against state officials for allegedly kidnapping and torturing his client. The lawyer's father told local media he blamed the state police for his son's death and said his son had received telephone calls threatening to kill him unless he gave up the case. Chihuahua's Senator Javier Corral declared this incident had "all the signs of being a crime aimed at executing a lawyer for his work in exposing the illicit means that state police use to extract confessions."[227] In spite of criticism, the Public Prosecutor's Office investigated the death but pressed no charges against the agents involved.[228] Meanwhile, in February 2003, Gustavo González Meza *"La Foca"* was found dead in his cell at Chihuahua Maximum Security Prison, in circumstances that have not been clarified after he had undergone surgery. Family members declared not being notified about the surgery and in the file there are three different causes of death.[229]

In a similar incident, attorney Irene Blanco, defense lawyer in the trial against Sharif Sharif, blamed PGJECH officials of obstructing the execution of her tasks in the case and accused agents of harassment. After several threats, on May 13, 1999, her son Eduardo Rivas Blanco was victim of a shooting while he was driving home. Two men in a truck had followed him and emptied shooting machines on his vehicle. Attorney Irene Blanco publicly signaled the officials at the Public Prosecutors Office as the people responsible for her son's attack.[230] Eduardo survived the shooting and the incident is still pending investigation.[231]

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[226] Furthermore, a journalist from the newspaper *El Norte* took pictures at the scene of the crime of an unmarked Jeep Grand Cherokee, driven by police, with no bullet holes while the vehicle of Escobedo Anaya showed at least ten. *El Norte* contends that state police agents shot the Jeep themselves to strengthen their case against Escobedo Anaya. The journalist reported that the Jeep was not registered as an official state vehicle but was the private vehicle of Commander Roberto Alejandro Castro Valles. Article available at: www.nmsu.edu/~frontera/mar02/feat2.html

[227] Stevenson, Mark. "Activists blame police for lawyer's death in Juarez." *Associated Press;* February 8, 2002. Article available at: www.globalexchange.org/countries/americas/mexico/news/ap020802.html

[228] Vulliamy, Ed. "Murder in Mexico". *Observer*; Sunday March 9, 2003. Retrieved from: observer.guardian.co.uk/print/0,,4621258-110648,00.html

[229] Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, 2004 ; p. 7

[230] Del Valle, Sonia. "Desmiente el Procurador las Declaraciones de la Fiscal Especial para los Homicidios de Mujeres." *CIMAC Noticias;* Mexico, 26 may, 1999. Available at: www.cimac.org.mx/noticias/99052602.html

[231] González Rodríguez, 2002. 162

As a result of these practices, and the precedent of Mario Escobedo Anaya's assassination, the Inter-American Commission on Human Rights called for precautionary measures for García Uribe's lawyer, Sergio Dante Almaraz.[232] Regrettably, this did not suffice to safely guard the lawyer's integrity. At the end of 2005, he presented a plaint against officers of the State Public Prosecutor's Office for obstructing his job. In response, authorities charged him with auto theft, accusation that was later proved unfounded. The harassment reportedly continued and in a letter publicized by the newspaper *El Norte*, Dante Almaraz stated he feared for his life and, in case something happened to him, the people at the Prosecutor's Office may be responsible.[233] He was assassinated on January 25, 2006. According to the Amnesty International's executive director, Carlos Gómez Jiménez, the recommendation of the IACHR to protect Dante Almaraz never took place. He adds this homicide is an "aggravating example of justice in Chihuahua." [234]

A country that considers itself to be democratic and under the rule of law, must be able to protect the citizens' rights, namely the right to a safe life, the right to legal protection and the freedom of press among others. However, the violence against women in Juárez, torture and harassment from the authorities towards journalists, witnesses, lawyers, members of civil society and the victims' families constitute violations of the rights to life, physical integrity, liberty, security and legal protection enshrined in the Mexican Constitution and in different international treaties that Mexico has ratified.[235] In the next section the lacking rule of law of the Mexican system that has permitted these abuses will be described.

3.5 The Absent Rule of Law

In relation to the lack of justice for the victims of Juárez, Mexico has been severely criticized by several international bodies such as the IACHR, Amnesty

[232] Amnesty International, 2003 ; p. 62
[233] Almaraz, Dante. Letter to the Editor. *Periodico Norte*. 27 December 2005. www.nortedeciudadjuarez.com/paginas/cartas/car17.html
[234] Félix, G. "Pidieron a México proteger a Dante." *Diario de Juárez* January 28, 2006.
[235] Concerning torture, Mexico has signed the UN Optional Protocol to the Convention against Torture and Cruel Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture.

International, the European Union's Parliament and groups in the United States. The Washington Office for Latin-American Affairs, for instance, warned that the crimes against women in Juárez represented "a menace against the rule of law in Mexico."[236] Concerning this menace and the problem of violence in Mexico (and its borderlands), Rosa Linda Fregoso points out that it is not simply a problem for the state but is in fact endemic to it, "a by-product of an authoritarian government that has cultivated extreme forms of violence and corruption."[237]

To hinder these practices coming from the state, rule of law is a key component of the social and political orders found in liberal democratic states of our time. As a legal order, rule of law has at least four meanings. First, rule of law is a regulator of government power. Second, rule of law means equality before law. Third, rule of law means procedural and formal justice. Lastly, it means an independent judiciary.[238] In this section, we will take up these meanings one by one and briefly compare them to the governmental response in the case of Juárez.

First, as a power regulator, rule of law restricts government arbitrariness and power abuse since it puts limits on the discretionary power of the government. "Whenever there is discretion there is room for arbitrariness, and . . . in a republic no less than under a monarchy discretionary authority on the part of the government must mean insecurity for legal freedom on the part of its subjects." [239]

As we have seen, the Public Prosecutor's Office of Chihuahua has deliberately abused its discretionary power to commit torture, harassment, and to categorically deny justice to the families of the *feminicide* victims. Nevertheless, this behavior is not an exclusive trait of the Chihuahuan authorities but rather a prevalent attribute of the justice system in Mexico. According to the 1999 report of Human Rights Watch, "*Systemic Injustice: Torture, 'Disappearance' and Extrajudicial Execution in Mexico,*" these practices remain widespread despite numerous legal and institutional reforms. The report documents cases of torture and examines the violent abuses committed by police. Furthermore, the report shows that the Mexican government has failed to structure its

[236] Vallejo Mora, 2005. Article available at www.criterios.com/modules.php?name=noticias&file=print&sid=4479
[237] Fregoso, 2000; p. 144
[238] Bo, Li. 2000; p. 1
[239] Dicey, 1982; p. 110

justice system as a whole. The system, encompassing police, prosecutors and the courts- has failed to promote the rule of law.[240]

According to English legal expert A. V. Dicey, the second meaning of rule of law is equality before law. "Not only that no man is above the law, but (what is a different thing) that every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals."[241] In other words, courts must apply laws equally to all people regardless of their race, class, wealth, and/or religion.

Equality before the law is a universally recognized principle in democratic countries, although in practice this might differ from country to country. In the cases of Juárez, interpretation of this concept is two-fold. First, it refers to the equality of people in accessing justice. For the victims in Juárez, as they are impoverished women, there are considerations of class and gender when it comes to the claim for justice that impede the equality necessary for an efficient functioning of the legal system. Second, equality before the law also means the law must be applied whether the subject is a soldier, a clergyman or a governmental employee.

In the case of the negligent officers, since 1998, the CNDH has recommended the investigation of State Public Prosecutor, Arturo Chávez Chávez, the *Subprocurador*, Jorge López Molinar and other public servants of the *Subprocuraduría de la Zona Norte* in Ciudad Juárez.[242] Throughout the years, these and other officers involved in the Juárez' cases were not only immune to public criticisms, accusations of inefficiency, and even evaluations ordered at a federal level. As we will see, the most prominent of them were promoted at some point of their careers. For instance, despite poor performances and harsh criticism, former Special Prosecutor Suly Ponce was promoted to Coordinator of the Public Ministries in the State, which meant that she was at the head of the justice system in Chihuahua. Under public pressure, Suly Ponce quit her post beginning of 2002 but she was later designated as Minister of the Interior at the State level. Public Prosecutor, Arturo Chávez Chávez is another example in this regard since, in spite of being accused of negligence by the CNDH and of collaborating with the drug trafficking

[240] Human Rights Watch Report 1999; p. 15
[241] Dicey, 1982; p. 114-115
[242] CNDH report 44/98, 1998.

business, now works very closely with former Chihuahua Governor Francisco Barrio Terrazas at the Ministry of Comptrollership and Administrative Development [*Secretaria de Contraloría y Desarrollo Administrativo*] (SECODAM), the federal institution in charge of combating corruption and impunity of civil servants. Regarding former Governor Barrio Terrazas, he was contending in 2005 to become the PAN's pre-candidate for the presidency of Mexico. At the time, Barrio Terrazas, President Fox's "*anti-corruption czar*," was ironically involved in accusations of corruption himself.[243] These assertions and the pressure placed by civil organizations hindered him from achieving the presidential candidature.[244] Nevertheless, the most denounced case by civil organizations remains that of former State Prosecutor, Francisco Molina Ruiz who was in charge of the PGJECH between 1992 and 1995 during the first half of Barrio Terrazas term. In 1996, in spite of being suspected of holding nexus with the Juárez Cartel, he was commissioned to the National Institute of Drug Enforcement [*Instituto Nacional para el Combate de las Drogas*] (INCD). Furthermore, during the transition government of president elect Vicente Fox, he was in charge of justice affairs and public security. Before Fox formally took office, the irregularities of Molina Ruiz' career were widely publicized and again, his failure in the cases of Juárez came up and prevented him to fully integrate president Fox's cabinet.[245] This pattern of awarding those who have been negligent, right before the public's eye, can only help to reassure the population that officials in power are not accountable for their inefficiencies. Equality before the law means these officials must be judged for disowning their responsibilities.

On a positive note, progress was made when in January 2004, the Attorney General's Office created the Special Attorney General's Office for the Attention of Crimes Related to the Homicides in Ciudad Juárez [*Fiscalía Especial para la Atención de Delitos Relacionados con los Homicidios de Mujeres*] with the purpose of investigating

[243] For a detailed account see: Silva Fernández, José Alberto. "El Lado Oscuro de Pancho," available at: http://www.arcanorevista.com/politico/0000001.html

[244] Magally, Silvia. "Advierten madres de mujeres asesinadas que no lo dejarán: Descarada pretensión, de Francisco Barrio, a la presidencia." Cimac Noticias. Mexico, D.F. February, 2005 available at: http://www.cimacnoticias.com/noticias/05feb/05021003.html

[245] Nevertheless, he was president of the Commission for National Order of the PAN's National Council, where he was in charge of surveying the morality of the party's militants. Later, he obtained a key position at the SECODAM, the abovementioned ministry for the combating corruption and impunity of civil servants. (González Rodríguez, 2002; p. 332)

the accusations of negligence and abuse against the PGJECH.[246] After investigation of 50 of the Juárez cases, it announced that 81 of the 167 civil servants that acted on behalf of the PGJECH "could have incurred in administrative and/or penal faults."[247]

Former Special Prosecutor, Suly Ponce, was one of the officials accused of acting with negligence and abuse of authority in the making of the *feminicides'* files. After a judge of the First Court found her guilty and sentenced the former civil servant to prison, this sentence was later revoked and she was acquitted of all charges by the penal judge, Juan Carlos Carrasco.[248] Unfortunately, due to weak judiciary independence, the majority of the functionaries accused have gained their cases either before a penal judge or before the federal court.

This brings us to the third and fourth meanings of rule of law, procedural justice, and an independent judiciary. Procedural justice means that all rules, procedures and decisions can be deduced from the legal system itself.[249] In contrast, a legal system that emphasizes substantive qualities of lawmaking uses factors outside law, such as ethical, emotional, religious or political factors, to evaluate cases. Procedural justice "connotes the method of achieving justice by consistently applying rules and procedures that shape the institutional order of a legal system."[250] More specifically, according to this principle, as long as the process is fair, transparent and consistent, justice is obtained and legality is achieved.

When contrasting procedural justice with substantive justice, in the case of Juárez we can observe that evidence was not rightly handled and some confessions were obtained under torture. In these cases, it should not have been possible for the court to convict the alleged killers since first, there was no evidence of guilt beyond reasonable

[246] This Fiscalía was created by the Attorney General also to assist its body at the state level with the Feminicide files. After delivering a report on 365 files, it concluded his mandate. In January 2006, it was announced its conversion to a Fiscalia Nacional de Feminicidios with the aim at investigating these crimes at the national level. (Otero, Silvia. "Harán este mes Fiscalía Nacional de Feminicidios" *El Diario de Juárez; January 16, 2006)*

[247] The Fiscalía concluded that 7 *fiscales,* 20 agents of the Public Ministry, 10 sub-agentes of the Public Ministry, 1 subjefe of Previous Investigation Department, 2 chiefs of the Office of Conciliatory Procedures, 24 agents of the Ministerial Police (*Policia Judicial)* and 17 *peritos* (forensic services) could have incurred in administrative and/or penal faults.

[248] Rodríguez, Armando**. "**Exonera Contraloría a Ex Fiscal Especial." *El Diario de Juárez.* January 28, 2006.

[249] Bo, 2000. p. 6

[250] Shen, 2000; p.31

doubt and second, there was no procedural justice because the process of finding guilt violated the basic rights of the suspects. When this happens, based on the well-established law of criminal procedure, a judge should not allow the record of confession, obtained through illegal means, to go into the court as evidence. If he does, as happened in several of the Juárez' cases, in the end, the judge cannot claim that justice is done because the pre-determined procedural rule is not consistently nor transparently applied.

In this regard, Legal Expert Li Bo maintains that in a system that sacrifices procedural justice for the sake of substantive justice, the danger of arbitrary government power and the threat to individual liberty will be too great. Without fair and just procedure, there is no guarantee that the end result will be just (that is, substantive justice cannot be guaranteed). As such, procedural justice is seen as a necessary condition for substantive justice.[251] Additionally, concerning judiciary independence, he notes the judiciary system should be independent from the Legislative and Executive, "in the aim that every judge is free to decide matters before him without any improper influences, inducements or pressures."[252]

Regarding this issue, Pilar Domingo writes in her article *Rule of Law, Citizenship and Access to Justice in Mexico* that the problem of judicial independence in Mexico is two-fold. First, there are weaknesses in the formal constitutional provisions, which hamper rather than promote judicial independence.[253] Second, the political environment of the Mexican political system is hardly propitious for judicial independence, "where the power structures are not essentially subjected to constitutional control mechanisms, but rather these are secondary to an informal set of rules and dynamics."[254] As an example, she notes the appointment procedure for judges is strongly linked to the Executive. Before the constitutional reform of 1994, the President directly appointed the judges of the Supreme Court.[255] Although formally this has changed, and the Mexican Constitution nominally upholds the principle of judicial independence, the reality of political development shows the Supreme Court to be subordinated to the executive.

[251] Bo, 2000; p. 7
[252] *Ibid*
[253] Although she claims some of these weaknesses were changed after the constitutional reform of 1994
[254] Domingo, 1999; p. 175
[255] Domingo, 1999; p 177

This political bias continues to reproduce itself throughout the state levels of the judiciary even after the reform. As a general rule, the State Governor designates the Magistrates with the approbation of the local Legislature or of the Permanent Commission of the State. Also as a general rule, the Magistrates of the Superior Courts will remain in their post for six years, so that their entry and exit of the position coincides with the ruling period of the Governor.[256] As points out the report for the UN Special Rapporteur on the independence of judges and lawyers presented by the Human Rights Center Miguel Agustín Pro Juárez, "This has contributed to the docility that characterizes the judicial branch before the Executive in the federative entities."[257] Given the latter, we can hardly expect the courts to play a supervisory role in terms of constitutionality and procedural justice. Much less when judging the cases of the negligent officers of the Chihuahua's Public Prosecutor's Office.[258] This could play a role as well when there is pressure from the Executive to make fast convictions, as in the cases of several alleged murderers of women in the northern state.

In 2002, the Special Rapporteur for United Nations on the independence of judges and lawyers affirmed that 50% to 70% of federal judges are corrupt and that 95% of crimes in Mexico are unpunished.[259] This certainly fosters the environment, culture and system of impunity that we have been examining so far. In the words of Adolfo Aguilar Zinser, former Mexican ambassador to the United Nations, "the arbitrary, casuistic, and unpredictable way in which laws are applied and enforced in Mexico creates a system of widespread impunity at all levels of government. The most visible manifestations of this impunity are police abuses and persistent human rights violations."[260]

Appointments and promotion procedures are lax and alarmingly lacking merit-based assessments or requirements of appointees.[261] This was deeply rooted within the system before the constitutional reform and now, although the processes regarding appointments have changed, the promotion procedures remain clearly based on political

[256] Furthermore, in some states this could translate in stagnation since there is no re-election of the governor and thus, no re-designation of the judge. Arteaga Nava, 1998; p. 168
[257] Centro de Derechos Humanos Miguel Agustín Pro Juárez, 2001; Section 3
[258] As part of the Executive branch, the Public State Prosecutor, (as well as the *Subprocuradores)*, are also appointed by and report directly to the governor.
[259] Nuñez et Ballinas, 2002.
[260] Aguilar Zinser, 1993 ; p. 210
[261] Domingo, 1999; p. 176

affiliation rather than merit.[262] This political concord in the relations between the Executive power and the Judicial branch is also reflected in the declarations by Vicente Fox's team in 2000 when they affirmed that the transition cabinet and the Judicial branch had initiated "a new era of conciliation and unification of criteria."[263]

The election of Vicente Fox is noteworthy as a clear sign of democratization in Mexico. Domingo states that under conditions of economic uncertainty and political instability, the problem of rule of law and justice administration comes to the fore in political debate.[264] According to the author, it is clear that a transition is taking place at the political institutional level (particularly procedural advances in electoral matters). However, the creation of rule of law in the Mexican context is particularly difficult as it succeeds the democratic transition. According to Walther Bernecker, unlike the European case where the establishment of the rule of law preceded democracy, Mexico has to improve the human rights situation while completing the democratic transition at the same time.[265] Corruption as well as acceptance or fatality among the Mexican population towards injustice further impedes the creation of a functioning criminal justice system.

To put things in context however, one has to admit that the rule of law cannot be imposed top-down. Polls from the Ministry of Interior have shown that about two thirds of the interviewees agreed that "to break the law is not a big deal as long as you are not caught", and that "it is acceptable to take advantage of positions in the public service as long as the abuses are not exaggerated and the benefits are shared."[266] Hence, the long-term challenge remains to encourage law-abiding behavior by the citizens in general.

Efforts on the part of the Government should nevertheless be acknowledged. For this purpose, a small section on the recent institutional advancements and their challenges is included in this chapter.

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[262] Before the 1994 reform the inexistence of a judicial career in the nomination of Court Minister was merely routine since generally those that occupied the posts did not have practical experience but had occupied political positions. (Centro de Derechos Humanos Miguel Agustín Pro Juárez, 2001)
[263] La Jornada, August 18, 2000; p.7
[264] Domingo, 2001; p. 152
[265] Walther Bernecker, 2004; cited in Hausséguy, 2006. p. 101
[266] *Este País* cited in*:* López-Ayllón and Fix-Fierro, 2000: p. 504.

3.5.1 Institutional Advancement

The Mexican Government has implemented several actions explicitly acknowledging that the homicides seriously threaten the enjoyment of fundamental rights of women. It has as well sought the support of the international community and has requested assistance from experts.[267] For instance, it invited the Special Rapporteur for Extrajudicial Executions of the United Nations in July 1999. It also accepted the intervention of the Special Rapporteur on the Independence of Judges and Attorneys of the United Nations in May 2001; the Inter-American Commission on Human Rights' Rapporteur in February of 2002;[268] the United Nations Fund for Women's (UNIFEM); and a team of experts of the United Nations' Office on Drugs and Crime (UNODC). As a result, some of these institutions have published key reports on the situation of women in Juárez that further shed light on the need for improved governmental action. The UNODC report, for instance, highlights fundamental flaws in judicial procedures that have undermined effective investigations, destroyed credibility in the judicial system and regularly produced violations of the fundamental rights of relatives of victims and criminal suspects.[269] The report also urges radical reform in the areas of investigation and prosecution procedures and highlights the need for increased oversight of the state justice system by national and international institutions.[270]

During the year 2003, activism on behalf of the women of Juárez gained significant momentum. Amnesty International, the National Commission of Human Rights and the IACHR published their reports at different points of that year which served to pressure the government into implementing their recommendations. On the regional level, the Chihuahua's Institute of the Woman (ICHIMU) had already been created but it was until 2003 that this institution published its first report. On the federal level, the Coordination and Liaison Sub-Committee for the Prevention and Punishment of Violence Against Women in Ciudad Juárez [*Subcomisión de Coordinación y Enlace para Prevenir y Sancionar la Violencia Contra las Mujeres en Ciudad Juárez*] was created for the harmonization of policies and is answerable to the Governmental Human Rights

[267] Secretaría de Gobernación, 2004; p. 1
[268] Parts of the National Program on Human Rights are based on the report stemming from this visit.
[269] United Nations. Office on Drugs and Crime. *Report of the International Experts' Commission of the UNODC on the Mission to Ciudad Juárez, Chihuahua, Mexico*. United Nations, November 2003.
[270] UNODC, 2003; p.51

Policy Committee *[Comisión Política Gubernamental en Materia de Derechos Humanos*] of the Ministry of the Interior.[271] The Sub-Committee is integrated by diverse federal and state authorities such as the federal Ministries of Health, Labor, Economy, and Justice as well as by the National Institute for Women and the CNDH.[272] NGOs have permanent seats in the Sub-Committee and theoretically could take part in the adoption of decisions. However, according to Amnesty International, the Sub-Committee convened only once in Ciudad Juárez throughout the elaboration of its working plan, thus restricting the participation of relatives of victims and local organizations that could not afford the costs of travel to Mexico City.[273]

The Sub-Committee was later transformed into the Coordination and Liaison Commission for the Prevention and Punishment of Violence against Women in Ciudad Juárez (hereafter Commission for the Coordination and Liaison) reporting to the Ministry of the Interior. Soon after its establishment, the Commission began implementing the Action Program for the Federal Government's Cooperation to Prevent and Combat Violence against Women in Ciudad Juárez [*Programa de Acciones de Colaboración del Gobierno Federal para Prevenir y Combatir la Violencia contra Mujeres en Ciudad Juárez*]. This '40-points program' was announced on July 22, 2003 and is based on three strategic axes: the procurement of justice and crime prevention; social promotion, and respect of the Human Rights of women.[274] Accordingly, it consists of 40 commitments and measures in these three areas. Actions include the transfer of large numbers of Federal Preventive Policemen to Ciudad Juárez and the creation of the Joint Investigating and Prosecution Agency for the Investigation of the Murders of Women [*Fiscalía Mixta para la Investigación de los Homicidios de Mujeres*].[275] The fact of joining members of the state and federal prosecutors and judicial police in a new agency through a formal agreement was an important step in improving the investigative processes. Unfortunately, the CNDH highlighted a lack of transparent cooperation on the part of the PGJECH when dealing with federal police forces.[276]

[271] Amnesty International, 2003 (b); p. 2
[272] Secretaría de Gobernación, 2004; p. 6
[273] Amnesty International, 2004; p. 3
[274] CEDAW, 2005; p. 24
[275] Amnesty International, 2004; p. 4
[276] Amnesty International, 2004; p. 5

In order to improve this coordination and transparency, another institution was created. The Special Prosecutor's Office for the Attention of Crimes Related to the Homicides in Ciudad Juárez [*Fiscalía Especial para la Atención de Delitos Relacionados con los Homicidios de Mujeres*] was set up in order to harmonize federal involvement in the *Fiscalía Mixta* in Ciudad Juárez and to take over those cases already under federal jurisdiction.[277] The Special Prosecutor's Office was established in January 2004 (perceived by many as a response of the CNDH report delivered in December 2003) with Attorney María López Urbina as head of the institution. The Special Prosecutor's Office completed its mandate at the end of 2005 after having examined 365 feminicide files and enlarged its scope in January 2006 to include cases of violence against women at the national level. Disappointingly, efforts in this area have not been fruitful.[278] As we explored on the last section, Special Prosecutor López Urbina concluded there was probable cause for criminal and administrative investigations of 81 Chihuahua state public officials for negligence, omission and other related offences. Nevertheless, federal authorities insisted they did not have jurisdiction to officially investigate the cases and instead handed them back to the local Prosecutor's Office and courts in Chihuahua that conducted the flawed investigations in the first place.[279] It was then reported that judges suspended arrest warrants against state officials on at least three occasions and charges against some of the officials were dropped on the grounds that the statute of limitations had expired in relation to charges of negligence.[280] Throughout these cases, the failure to address the lack of judiciary independence in the first place should have been an indication that prosecutions were unlikely to succeed.

The report of the CNDH of December 2003 also suggested the creation of a Commission independent from the Ministry of Interior. The Commission to Prevent and Eradicate Violence against Women in Ciudad Juarez [Comisión para Prevenir y Erradicar la Violencia contra las Mujeres de Ciudad Juárez] (CPEVMCJ or Commission for Juárez)

[277] Secretaría de Relaciones Exteriores, 2004 ; p. 4 par. d
[278] María López Urbina was removed from the post because of criticisms that she was ineffective. Mireille Roccatti, who headed the Juarez investigative office for just a few months, resigned the post in October 2005 to take a position in the administration of newly elected Mexico state Governor Enrique Peña. The Special Prosecutor's Office remained vacant since Roccatti's resignation until the creation of the national entity. For more details see the article available at: www.allbusiness.com/periodicals/article/869538-1.html
[279] Amnesty International, 2005; p. 1
[280] *Ibid*

was established in February 2004.[281] President Fox named Guadalupe Morfín Otero, a renowned human rights activist, as Head Commissioner.[282] This Commission's goal is the promotion and respect of international law's principles regarding human rights in governmental action regarding violence against women in Juárez. It also oversees that the Mexican state meets its obligations stemmed from international conventions, treaties and agreements when dealing with the Juárez cases.[283]

Although the Special Commissioner has played an important role in fostering contact with the families of victims and human rights organizations, and in developing projects to address underlying social problems, her powers are very limited as she has been denied access to the case files of the murder enquiries.[284] Moreover, NGOs have also expressed concern that the Commissioner is not effectively directing the Coordination and Liaison Commission into fulfilling its duty of synchronizing policies and cooperation among official agencies since important decisions have not been consulted nor informed to the Commission.[285]

The recent openness of the state to receive international organizations' representatives brought about one of the most meaningful highlights, the ratification of the Optional Protocol for the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in March of 2002. This is relevant because Article 8 of the Optional Protocol provides that whenever a systematic violation of the human rights of women are violated, the CEDAW Committee has the possibility of further investigating these cases while exhorting the full cooperation of the country. The CEDAW executive committee asked the Mexican federal government to accept the visit of two of its members in October 2003.[286] The subsequent report was presented during the 32nd period of session in January 2005. The investigation of the Juárez cases marks a milestone since it is the first of its type since the Optional Protocol was adopted in 1999.

[281] Diario Oficial de la Federación, 18 February 2004.
[282] The 'Commission for Juárez' is different from the Commission for the Coordination and Liaison because the latter still reports to the Ministry of Interior and is in charge of implementing the 40-points program. However, Guadalupe Morfín Otero, Head Commissioner of the former, also presides over the latter.
[283] Diario Oficial de la Federación, 18 February 2004. p. 1
[284] Amnesty International, 2005; p. 1
[285] *Ibid*
[286] CEDAW, 2005; p. 5

By the aforementioned, we can conclude that the Mexican Government has recently proved more opened to international intervention and has promptly reacted to it with the creation of new institutions. This however, should not be seen as an increased will to solve the crimes of Juárez but as the result of President Fox's motivation to establish Mexico's credibility on human rights issues and who has an interest in remaining consistent with his democratic discourse before the international eye.

Certainly, there has been some advancement in the institutionalization of responsibility on the resolution of the *feminicide* cases. Nevertheless, policies and ministerial investigations have only been partially developed leaving aside key questions such as the procurement of justice, the search for women reported as disappeared, the protection of witnesses and the reparation of damages.[287] Several organizations such as Amnesty International, the CEDAW and the United Nations Office on Drugs and Crime have called attention to the challenges that face the programs implemented so far. Of particular concern for these organizations is the absence of any judicial review of abuses, such as torture, resulting in apparent miscarriages of justice and impunity, and most importantly, the insufficient action to integrate gender perspective into every element of preventive and investigative measures to combat violence against women.[288]

The creation of institutions as the result of pressures by international organizations and civil society can only be seen as a step forward. Nevertheless, the recommendations issued in international reports could be better implemented by adopting a long-term approach, which could also solve some of the challenges met by these newly created agencies. As we examined, the report of the CNDH of 2003 brought about two key institutional reforms. However, further criticism on the modus operandi of these agencies (for instance the lack of cooperation of the PGJECH within the *Fiscalía Mixta)* resulted in the creation of more institutions in charge of encouraging a cooperating behavior. In an attempt to silence disapproval, the government adopts a short-term approach that can only result in the waste of resources and that does not reflect a clear political will to end the murders. The more institutions are created the less clear it is for the population who is responsible for ensuring the procurement of justice or the

[287] Ortíz Ortega and Belausteguigoitia, 2004; p, 5
[288] Amnesty International, 2004; p. 1

prevention of the crimes. By not joining forces (and resources) efforts are dispersed and disguise what institutions are accountable. When new agencies are created, the resources and power are shared with that of their predecessors and, as we can observe in the case of both Commissions under Guadalupe Morfín, this has resulted in divided power, limited influence and very little room to maneuver. A single Commission in charge of a diverse array of issues and with increased capacity could be more effective and solve the accountability problem.

Although in theory more institutions does not mean necessarily less transparency, in this case, because institutions are inefficient, creating a second institution to complement the first one can only lead to weak results and the problem of accountability becomes obvious. Moreover, when agencies are being created, the vested interest of stakeholders should be taken into consideration. The Sub-Committee in charge of elaborating the 40-points program is a good example of centralization of power and lack of stakeholder inclusion, because, by meeting in the country's capital, it automatically excluded parties with an invested interest. This brings us to a key argument; a major problem in Mexican structures, such as the Justice apparatus, is the deficient interaction among organisms. This is reflected in an inadequate division of powers (i.e. weak judiciary independence) and a lacking relation between federal and state institutions. Before creating agencies in charge of promoting cooperation among these organizations, the parameters of what that relation should be must be clearly established. Profound reform implies a transformation of governmental institutions' infrastructure, and it can only be achieved in time and with a rightly planned strategy.

As we saw in this section, programs have been put in place in order to improve transparency and reform certain institutions. However, they have been insufficient so far and the central problem remains the violence against women and the classicist and gendered discrimination towards them. In this context, much needed efforts for strengthening the rule of law in Mexico must consider—and bring into a central position—the question of a class and gendered perspective. In the following chapter we will examine the class and gender factors in adherence to the Socialist Feminism perspective on the State's actions.

Chapter IV: The Socialist Feminist Perspective on the State

4.1 The State as a Mediator for Capitalism

The Mexican state had in the beginning of the 20th century a government issued of the revolution with very marked socialist characteristics. However, this changed later on, particularly during the 90's, when Mexico adopted an ideology of neo-liberal capitalism. The structural reforms that took place were based on "the deregulation of markets, privatization of state enterprises, and trade liberalization."[289] These reforms were enthusiastically adopted and Mexico is currently the country that has signed the most free trade agreements in the world.[290] The Imports Substitution system that provided much support to the agrarian sector had been until the 80's the base for Mexican economy. Changing this system and cutting the resources that were given to farmers allowed Mexico to invest in other areas of the economy and to attract foreign investment, but it resulted as well in increased unemployment in rural areas, causing high levels of migration to urbanities, particularly to the northern region, and to the United States.

The marked class division in Mexico, however, was born long before these economical reforms; it is a legacy from colonial times. Many Mexicans would almost proudly claim in Mexico there is no racism but there is classicism. Whether this is a positive or true argument is uncertain, this claim serves only to illustrate that the murders of women in Juárez are framed within the capitalist structure that oversees Mexican society. In this section we will examine, in adherence to the Socialist Feminism theory, how the state acts as a non-neutral mediator favoring capitalism to the detriment of the lower classes, particularly impoverished women in the cases of Juárez.

[289] Livingston, 2004 ; p. 65

[290] Mexican trade agreements, in parenthesis the year of entry into force: Chile (1992), NAFTA: Canada and the U.S. (1994); G-3: Colombia and Venezuela (1995); Costa Rica (1995); Bolivia (1995); Nicaragua (1998); European Union (2000); Israel (2000); Northern Triangle: El Salvador, Guatemala and Honduras (2001); European Free Trade Association: Iceland, Liechtenstein, Norway and Switzerland (2001); Uruguay (2004) and; Japan (2005). Mexico adhered to General Agreement on Tariffs and Trade (GATT) in 1986 and joined the WTO in 1995. Since 1994 the country is a member of the OECD. Currently the Mexican government is negotiating among others the Free Trade Area of the Americas (FTAA). www.sice.oas.org/Trade/mex_e.asp

For Socialist Feminism, women have always been measured and judged by their capacity to produce. [291] As we have seen, the women murdered in Juárez worked for the most part in areas of the economy where they were easily replaceable. As Candice Skrapec, criminologist at the University of California explains, "[the] value of these women is so negligible that it seems there death is not taken seriously."[292] Thus, the depreciation of women's worth can be linked to the low skilled jobs they performed.

Marcela Lagarde, federal deputy for the Party of the Democratic Revolution [Partido de la Revolución Democrática] (PRD), adds "the victims are representative of the lower strata of society who unfortunately represent very little political weight."[293] For the Mexican government, this weight is not as important as that of the privileged relation with its commercial partners represented by trans-national companies omnipresent in the northern states. Political accountability is a rather new concept in Mexican politics, which since the last 15 years has been more concerned with being economically competitive in order to attract foreign investments.

In this light, several authors have linked the murders in Juárez as an obvious consequence of globalization or of Free Trade Agreements (FTA).[294] Although Rosa Linda Fregoso does not abide by this argument, she explains most cultural and journalistic accounts in the United States frame their interpretations of the *feminicide* within a critique of globalization and "to some extent, the U.S. and Mexican governments for entering into NAFTA."[295]

To directly blame globalization for the murders in Juárez may be far-fetched, nevertheless, it is indeed of importance to consider Free-Trade Agreements as a manifestation of capitalism, and thus of the structure in Mexico. To this, Fregoso adds part of what makes the link between *feminicide* and economic globalization so compelling is that it is drawn from an analogy based on 'the systemic relations between

[291] Ehrenreich, Barbara. "What is Socialist Feminism." (1976) Article available at: www.cwluherstory.com/CWLUArchive/socialfem.html
[292] Fernandez and Rampal cite Candice Skrapec from a press conference given in August 1999. Fernandez Rampal, 2005; p. 66. Further details were provided in the documentary by the BBC2, *The City of Dreams.* See: Skrapec, Candice. Interview. *The City of Dreams.* BBC2. London: 13 January 2001.
[293] Fernandez and Rampal, 2005; p.181
[294] See for instance Charles Bowden and Debbie Nathan.
[295] Fregoso, 2000; p. 139

globalization and the feminization of wage labor.'[296] The author makes reference to the work of Saskia Sassen when she underscores that the constitutive trait of this current stage of global capitalist expansion is the incorporation of Third World women into wage employment.[297] According to Fregoso, it is this feminization of wage labor that operates as the unifying trope for explaining what happens to women in export zones like Ciudad Juárez.

Additionally, several Socialist Feminism authors have also made reference to these concerns, which have been labeled as the 'feminization of poverty,' and which call attention to the weakened position of women in the globalization process.[298] In the "Socialist Feminist Project," Nancy Holmstrom writes:

> *The brutal economic realities of globalization impact everyone across the globe--but women are affected disproportionately. Displaced by rapid economic changes, women bear a greater burden of labor throughout the world as social services have been cut… Women have been forced to migrate, are subject to trafficking, and are the proletarians of the newly industrializing countries. On top of all this they continue to be subject to sexual violence and in much of the world are not allowed to control their own processes of reproduction.* [299]

Holmstrom adds that a Feminism that speaks of women's oppression and its injustice but fails to address capitalism will be of little help in ending women's oppression.[300] Similarly in *Women Workers and Capitalist Scripts: Ideologies of Domination, Common Interests, and the Politics of Solidarity*, Chandra Talpade Mohanty argues that because globalization has complicated class relations nationally and internationally, spatial economy is defined as "the manner by which capital utilizes particular space for differential production and the accumulation of capital and, in the process, transforms

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[296] *Ibid*
[297] Sassen, Saskia. "Losing Control? Sovereignty in an Age of Globalization." New York: Columbian University Press, 1996. p. 111. Cited by Fregoso, 2000; p. 139
[298] These writings focus on the view that neo-liberalism imposes its idea of the world as a global village while populations, particularly in the Third World, see increased problems of unemployment and lack of social programs due to the privatization of health care, education and natural resources. The term 'feminization of poverty' aims at demonstrating that women are the most affected by these changes since they are the ones rapidly and increasingly becoming impoverished and whose families are the most unprotected. For a further definition of the term see Gargallo, Francesca. "Ideas Feministas Latinoamericanas." Universidad de la Ciudad de México. 2004 p. 153
[299] Holmstrom, 2002; p. 2
[300] *Ibid*

these spaces and peoples." [301] Furthermore, the author argues that the increasing division of the world into consumers and producers has a profound effect on Third World women workers, who are drawn into the international division of labor. An argument echoed by Jessica Livingston who adds that gender plays a significant role in both obscuring and maintaining class relations in this new international division of labor.[302]

It is certain that we cannot leave aside the question of capitalism in the *feminicide* analysis. How else could we include the migrants' flux to a city that does not have social progress, just economic growth? Nevertheless, the *feminicide* is the result of a combination of different factors that include, among others: the drug cartel, corrupt police and impoverished unprotected women. The industrialization of the border can only be accountable for the latter, for we cannot blame international capital for the absent rule of law. Therefore, my argument is not that globalization or NAFTA are to blame for the killings in Juárez, but that they have contributed to exacerbate the problem by attracting a great number of migrants to a city already in distress to work in trans-national companies that have not cooperated with the government to implement adequate infrastructure for these workers. Accordingly, the Mexican government acts as a mediator for capitalism by ensuring the population provides cheap labor, instead of protecting its citizens by requiring trans-national companies to provide better schedules and working conditions for them. In other words, in the government's weighing scale, economic competitiveness prevails over social welfare.

As Chandra Talpade Mohanty wrote, international capital transforms the spaces and peoples it utilizes for production. Examples of this transformation in highly industrialized cities abound. A case in point can be the change of habits for the citizens in Juárez that were required to adapt to an American schedule from 8a.m. to 5pm.[303] In contrast, the working schedule for the rest of white-collared Mexico remains from 9 am-1 pm and 3pm -7 pm. Regardless, the American schedule applies only to white-collar

[301] Mohanty, 2002; p. 162
[302] Livingston, 2004; p. 60
[303] The Mexican government under Fox also decided that border cities with a high presence of foreign companies, such as Tijuana, Laredo and Ciudad Juárez, change their summer day-light savings schedule at the same time as the United States. This was done after trans-national companies lost millions in the time period in which the Mexican and American schedules had one-hour difference. Now these cities have a different schedule than the rest of Mexico.

employees, the personnel in the production floor is required to enter their jobs at 6am or leave them at midnight depending on which shift they are assigned.

As argued in previous chapters, the schedule assigned to workers on the production lines furnishes an additional aspect of vulnerability. Several of the victims were last seen after they left their job in a *maquiladora*.[304] Claudia Ivette González arrived two minutes late to the Lear Furokawa Plant 173 on October 10, 2001. She was denied entrance and sent home. That was the last time people saw her alive and, because the video taken from the surveillance camera was not made available to authorities, there are no leads as to what direction took Claudia Ivette after being rejected from the *maquila*. In response to her death, the Human Resources' Director at Lear Furokawa complained that Claudia Ivette's disappearance had damaged the image of the company.[305] Although there are other victims who worked at this particular plant, and whose bodies were found near the location of Claudia Ivette's body, nothing was ever investigated.[306] In November 2005, police found the lifeless body of María Esther Valerio, who also worked for Lear Corporation.[307]

Safekeeping its own interest, the *Maquiladora* Industry Association (AMAC) was concerned with the investors' reaction. According to this association, the slowing of capital flows, even if there is a slight increase since 2005, is the result of "our city's bad image based on disseminated information focused on the women murders and which forget the positive aspects of our municipality," declared its spokesperson.[308] For several years, the businessmen of Ciudad Juárez along with the AMAC have sponsored a campaign to better the city's image in the public eye.

In this regard, the government has a tacit agreement of mutual protection with businessmen and particularly with the *maquiladora* industry. Trans-national companies and their employees are never scrutinized in the *feminicide* investigations. Consequently, the AMAC always takes the same position as the government in their declarations to the

[304] See for instance the cases of Sagrario González Flores, Maria Isabel Nava Vázquez and Lilia Alejandra García, among others.
[305] Mimjares Baltazar, 2004; p. 45
[306] These victims include Sagrario González, Verónica Martínez Hernández and Elizabeth Castro. Minjares Baltazar, 2004; p. 36
[307] Cano, Luis. *El Universal*. Thursday November 10, 2005. Article available at estadis.eluniversal.com.mx/estados/vi_59177.html
[308] Diario de Juárez, May 1st 2004. Cited in Fernandez and Rampal, 2005; p. 179

press.[309] Moreover, although victims have been found in terrains belonging to prominent businessmen of the community, the authorities have never bothered to investigate the latter.[310] The high level of corruption in the Mexican State may play a role but it is also simply the clear depiction of higher classes inapproachability within a capitalist society.

When the main concern of the state is to keep attracting investments and increase its productivity, social networks for the population may be overlooked. As Marysia Zalewski accurately points out, "women cannot be truly protected by institutions structured around other interests."[311] In this sense, the priority of the Chihuahua's government was to keep the borderland competitive, particularly facing China or even other cities in Mexico, rather than solving the crimes. This is illustrated again and again by the behavior of authorities in Ciudad Juárez when it comes to investigating crimes against women inside foreign companies or to demanding from these companies that they provide better working conditions for their workers.

Providing for these better conditions would imply the cooperation between the government and businesses to implement public policies directed at protecting the workers, which is difficult in practice. Since the boards of trans-national companies are usually not in the country were the assembly plants are located, civil society and governmental representatives have to deal with provisory managers, making a real collaboration hard to achieve. Most importantly, the business community does not recognize their role in helping protect their workers. As we saw in chapter II, several victims were abducted while changing buses or on their way to work at the early hours of the morning. Although better schedules for women could serve to alleviate the problem, it is hardly a possibility. One of the driving forcers of capitalism is profit and existing sources of profit have to be thoroughly used. Changing the schedules would not provide production advantages to transnational companies, which would then not have an incentive to establish their plants in Juárez. While the state continues to give the priority to profit, production and competitiveness to the detriment of its citizens' safety, the murders of Juárez will continue.

[309] Marisela Ortiz from the NGO "Nuestras Hijas de Regreso a Casa" in a private interview with the author. Berlin; November, 2005.
[310] Washington Valdez, 2005;
[311] Zalewski, 2000; p. 98.

Concerning the different cases in which the victim was a little girl, the question that comes to mind is, where was the mother (or father) when this happened? This brings us to a key aspect of the problem, lack of public policies and services for women or the will to create them. In Ciudad Juárez, very few *maquiladoras* offer childcare and the government provides even fewer services of the kind. The few childcare institutions are for the most part private and hardly affordable for a woman earning a minimum wage. Even if a person could afford childcare, the schedules are not adapted to people working in *maquilas* since they open at 8 a.m. and close, at the latest, at 7 p.m.[312] Demanding companies that employ women with children to provide for these services would imply a cost which would make Juárez loose its competitiveness as a pool for cheap labor. This is an initiative for the betterment of women's condition that the state is not willing to support.

The state fails to protect women, regardless if they are *maquila* workers or not, by failing to implement protection policies targeted at their segment of the population and within a class configuration. The government has focused its efforts in prevention campaigns. These campaigns, not only indirectly blamed the victims and switched the responsibility onto them, something we will explore in the next section, but it also failed to acknowledge that the victims came from a poor background and that programs aimed at their protection had to be implemented. The first campaign came in 1998, five years after the murders began, and advised women to keep handy their car keys in order to defend themselves with them in the case of a potential attack.[313] The inadequacy of these campaigns seems obvious since most of the victims did not even have the means to own a car. Most of them traveled in the aging buses, called *Ruteras,* and many of them were abducted while waiting for, riding, or getting off them.

An extension to the argument that comes from a class reasoning in the murders of Juárez is that violence is symptomatic of deeper problems affecting marginalized communities. In the words of Janice Haaken "[violence] is a response to economic deprivations that require state intervention, particularly in ameliorating the effects of

[312] Marisela Ortiz from the NGO "Nuestras Hijas de Regreso a Casa" in a private interview with the author. Berlin ; November, 2005.
[313] Other advice included crying "fire" or to self-provoke vomit in order to disgust one's aggressor. Fernandez and Rampal, 2005; p. 37

poverty."[314] According to the author, for Socialist Feminists, violence is ill suited to a system based on creating highly motivated workers and on extracting maximum value from human productive activity. She adds, "…at the same time, physical violence through police powers, as well as economic violence in the form of inadequate food, housing, healthcare or employment are endemic in many communities."[315]

The problem with the issues that Haaken refers to as 'requiring state intervention,' comes when the state feels no longer responsible for providing things like adequate housing, healthcare or even safety for its citizens. Such is the case of the Mexican state, which in the last years has restructured its institutions to encourage individuals to provide for themselves. What normally is the duty of the state, such as protection, has been booming as a private business in the past few years in Mexico. The bodyguard profession, increasingly used by high and middle classes, is a good example of the privatization of security, where only those that have the means can pay for their safety. According to Miriam Lang, researcher for the Freie Universität in Berlin, we are witnessing a discursive transition from a welfare state to that of a state that motivates and encourages the population to provide for itself. [316] The traditional political system of the PRI was based on the provider and almighty *presidentialism,* whose legitimacy originated in the Mexican Revolution. In the frame of this system, citizens were always thought as male who received protection and material benefits in exchange of a passive consensus due to personal loyalties within a hierarchal and authoritarian system.[317] However in the context of a new democracy[318] and in the frame of a neo-liberal ideology, the citizens (male and female) start to be taken as active agents and individuals with a series of responsibilities, particularly economical. "What now rules social relations is the market and the citizens have to take care of their own development, as if they were impresarios of themselves, to optimize their access to this market. The job of the state is merely to encourage these individual and private initiatives in general"[319]

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[314] Haaken, 2002 ; p. 105
[315] Haaken, 2002 ; p. 106
[316] Lang, Miriam, p. 506 in Maihold, Günther (ed). "Las Modernidades de México: Espacios, Procesos, Trayectorias." Ibero-Amerikanisches Institut Preussischer Kulturbesitz. 2004.
[317] *Ibid*
[318] The democratic '*alternancia'* came with the election of Vicente Fox in 2000, however the country is still undergoing the democratization process.
[319] Lang, Miriam, 2004; p.506

In other words, the citizen has more liberty to follow its own initiative when capitalism provides the means, namely jobs. Implicitly, the individual will provide for his own well-being. The state would only need to assure a proper environment for capitalism to be effective while surveying its interests and does not need to provide for (or protect) the individual anymore. Nevertheless, this ideology can only work in countries where the infrastructure is already in place and institutions are working properly. As we explored in the last chapter, Mexican institutions for the protection of citizens are weakened and corrupt. When the state does not implement the public policies necessary for the development of its citizens, establish social networks or make institutions such as the justice system efficient, ideologies that are not adapted to the realities of the country can lead to perverse effects.

As Liberalism is based on concepts such as 'individual,' 'rights' and 'citizenship,' the liberal democracy that Mexico attempts to establish can not exist other than in a context where governance is based on the individuals' rights, including the state's capacity to ensure their respect. This type of regime is part of what we know as rule of law, however, as established, rule of law does not exist in Mexico today. Hence, the government, unable to protect the rights of its citizens, ends up being merely the mediator of capitalist interests without succeeding to implement the liberal democracy that was expected to come with it.

4.2 The State as a Mediator for Patriarchy

Capitalism as a structure has a particular relationship to people, which according to Marysia Zalewski, is geared towards getting the best use out of them in the context of satisfying the needs and ends of profit-making.[320] This, she claims, when intertwined with patriarchal ideologies, "can result in an attitude towards women that is not really in their best interests."[321] Socialist Feminism considers all institutions as structured by capitalism and patriarchy. The Mexican Political and Justice Systems are certainly not exempt.

[320] Zalewski, 2000; p. 84
[321] *Ibid*

In the patriarchal culture of Mexico, there is a strong dependency to male figures and concepts of a woman's value are defined by male standards. This has translated into a governmental action facing the *feminicide* that is deficient and that indirectly supports misogynist acts. These deficiencies are represented in two main forms and accordingly, the argument in this section is twofold. First, the murdered women were perceived of 'less value' due to a mixture of class and 'wrong' femininity by the authorities, which in turn did not devote the adequate attention or resources to the prevention and resolution of cases. Secondly, the authorities employed a strong discourse that contested the morality of the murdered women aimed at tarnishing the victims' reputation before the public eye in order to reduce the importance of their deaths and thus, public pressure.

4.2.1 De-valued Victims

In exploring the first aspect of authorities' discourse, namely the 'de-valuation' of the women's lives, Zalewski claims that all institutions are patriarchal and thus so is the state and the administration of justice. The author adds to that effect "if we take the radical precept that the structure is a hierarchy of values, male being at the top, we can affirm then that the lives of men are more worthy than those of women."[322] This is echoed in the writings of Mexican intellectuals such as Elena Poniatowska, who claims the murders of Juárez are the cruelest of Mexico's history. Poniatowska states "women in this border-town are considered less than garbage."[323]

Both the National Commission on Human Rights (CNDH) and Amnesty International refer to the murders of Juárez in terms of gender discrimination "that has been a persistent feature of the various offences against women as well as in the response provided by the State."[324] Moreover, Amnesty International quotes the UN Special Rapporteur on extra-judicial, summary or arbitrary executions, Asma Jahangir, when she said the following:

> *"The arrogant behavior and obvious indifference shown by some state officials in regard to these cases leave the impression that many of the crimes were deliberately never investigated for the sole reason that the victims were "only"*

[322] Zalewski, 2000; p. 84
[323] Poniatowska, Elena. *Ciudad Juárez: Matadero de Mujeres.* 2002. available at www.jornadasinfronteras.com/articulistas/elena.html
[324] Amnesty International, 2003; p. 9

young girls with no particular social status and who therefore were regarded as expendable." [325]

Furthermore, the report reads, the fact that the vast majority of the women murdered or reported missing come from poor backgrounds means that they suffer discrimination on two counts: on the basis of both gender and social class. In this sense, Amnesty International considers the reaction of the authorities to the disappearances, the way in which the killings are investigated and the inadequate protection programs in place to prevent such murders as examples of discriminatory treatment.[326]

If we explore the definition of the term *feminicide* in the way it has been given to these crimes, Monárrez Fragoso explains that it is the misogynist murder of women by men and is a way of continuous sexual violence where we must take into account the violent acts, the motives and the unbalance of power between the sexes in the economical, political and social spheres.[327] To this definition, Monárrez Fragoso adds there is a patriarchal reading that comes from the bodies of the victims. Every cadaver found, she argues, speaks of everything done to her; however, the cadaver will not speak of the woman's sexuality, and the authorities will have to provide an interpretation. "This is why the authorities built a vulgar surrounding around the body and gave the victims the stigma of a woman 'lost', a woman worth nothing."[328] Indeed, the authorities provided their own interpretations of who the woman was and they attributed the corresponding value. In Spanish the word '*perdida*' means either 'lost' or 'missing' but it also means prostitute in the literal sense of the term. In the de-valuation of the victim, even the subconscious associations of linguist games play a role. We witness the transformation of a woman into a marginal characteristic, a 'body,' a 'cadaver,' a 'tortured one,' a 'lost one.'

If we take the precept that roles are socially defined as true, in a society where a woman falls out of the definitions provided by not exerting properly her status of woman, there might be the illusion she can be punished without remorse. Society has tacitly endorse us to 'put her back in her place.' The key and recurrent question is not why an

[325] Amnesty International, 2003; p. 10
[326] *Ibid*
[327] Monárrez Fragoso, 2002. p. 283
[328] Emphasis on the word lost added by the author. Interview for WebMujer Actual, available at: http://www.webmujeractual.com/noticias/femicidio.htm.

individual kills another but why the members of a group (men) kill the members of another group (women). As genocide is a crime based on the supremacy of ethnics, *feminicide* is the crime based on masculine supremacy.

Socialist Feminists share with Radical Feminists the view that male supremacy is a structural problem requiring a transformation of society and its institutions.[329] When describing border cities in Mexico such as Tijuana and Ciudad Juárez, Jessica Livingston speaks of "a societal structure based on male dominance in the workplace and male rights to women who are perceived as stepping out of their traditional roles, whether by remaining unattached to a male protector or by attempting to enter the realm of paid labor."[330]

As we have seen, the *Feminicide* is directly linked to the patriarchal system that predisposes women to be murdered, because they are women or because of not being it in the right way. In this regard, the prevention campaigns mentioned in the above section, tainted with patriarchal concerns, aimed at teaching women how to repress 'wrong' femininity. The campaigns warned women about going to parties, dressing provokingly, and of consuming alcoholic beverages. As if to warn, if a woman does these things, there is a good chance a man can attribute himself the right to teach her a lesson. In other words, engaging in this behavior, justifies that woman is killed.

As an illustration of these perceptions, Minjares Baltasar quotes the mother of one of the victims that complains, "when I went to the authorities to report my missing child, the first thing they asked me is if she had a boyfriend with whom perhaps she run away, if she was 'crazy' or if she went out a lot." [331] By asking these particular questions, (instead of where does she work or how does she look like?) the authorities in charge of looking for missing people, implied 'inappropriate' behavior or 'bad morals' from the part of the girls.

These assumptions were not only endorsed but promoted by Chihuahua's authorities at all levels. For instance, Livingston makes reference to the fact that Chihuahua's legislature had attempted to enact a law that reduced the minimum sentencing for rape from four years to one year if the defendant could prove that the

[329] Haaken, 2002; p. 107
[330] Livingston, 2004; p. 66
[331] Minjares Baltazar 2004, p. 46

victim had provoked the attack.[332] It was only under threat of intervention from Mexico's Congress that the Chihuahua legislature overturned the law in September 2001.

Rosa Linda Fregoso recalls the Roman and Napoleonic codes that are the base for Mexico's legal system and that, according to the author, have ratified and promoted violence against women, especially in the private sphere, where male violence is normalized as "a mechanism of punishment and control."[333] In this judicial system, the idea of masculine authority and ownership over the lives of women is prevalent. The lack of legislation criminalizing domestic violence is a proof of the male impunity in the exercise of violence against women. Presently in Mexico, a woman cannot press domestic abuse charges if the wounds on her body heal within 15 days.[334]

The state, as a mediator for both considerations, has a vested interest in the maintenance of patriarchy and capitalism as the rule-makers in society. Dominique Masson writes in *Rethinking the State*, that the state's action is constraint by a loyalty to the maintenance of domination and the political action of women will eventually meet the structural limits inherent to the association of the state with patriarchy and capitalism.[335]

The structural limitations for political action have been widespread from the outset of the crimes. In the first years, civil society, mainly constituted of the victims' families, demanded state authorities concrete actions. Nevertheless, the authorities devoted very little attention or resources to these cases. The de-valuation of the victims had taken its toll and we came to expect very little action from the government to bring justice to their sort. As we can observe, the Special Prosecutor's Office in Chihuahua although created in 1995, did not seriously began functioning until 1998 after the National Commission on Human Rights issued its Recommendation 44/98. That is to say that for the first five years of the crimes, no particular unit was active in combating them and between the years of 1993 to 1998, the murders of women were included in the category of 'painful homicide' giving little importance to the gendered nature of the crimes. On the federal level, it was not until 2003 that the Special Prosecutor's Office was created, after the published reports of both the CNDH and Amnesty International

[332] Livingston, 2004; p. 66
[333] Fregoso, 2000; p. 144
[334] *Ibid*
[335] Masson, Dominique. « Repenser l'état : Nouvelles Perspectives Féministes » in *Recherches Féministes, numéro spéciale : Adieu à l'état ?.* April 1999. p. 5

exerted enough pressure to mobilize federal institutions. Coincidence or consequence of these two reports, President Fox announced in January 2004 the creation of a Commission to Prevent and Eradicate the Violence Against the Women of Ciudad Juárez [Comisión para Prevenir y Erradicar la Violencia contra las Mujeres en Ciudad Juárez] (Commission for Juárez). This Commission and the Federal Special Prosecutor began their duties in February 2004. Although Vicente Fox had made the eradication of violence against the women of Juárez, particularly in regards to Human Rights violations, a crucial aspect of his electoral campaign, the results of these promises arrived only four years after his election and eleven years after the killings started.

The political weight that these women represent was reduced even more by the authorities implicit and active discourse that the victims are worthless. While the number of victims continued to increase, action on the political and judicial arenas remained constantly subdued. It is precisely this indifference and the related governmental attitudes towards the victims that served as the medium in which patriarchal concerns were transmitted. Through their stance and apathy, the authorities were implicitly conveying the message that the victims were worthless because they did not exerted their womanhood in the right way. Their attitude was their communication channel.

However, the authorities required the complicity of the population when it came to demanding juridical and political answers to a problem of this magnitude. In the next section we will present how the authorities relied on already existing stereotypes, such as the borderland as a sin city where women are libertines, to build an unfounded discourse surrounding the victims in the aim of easing public demands.

4.2.2 An Unfounded Victim-blaming Discourse

Confirming the extremely low value that the Mexican state and trans-national capital attribute to the work and bodies of impoverished women is not enough to explain why the population, although alarmed since the beginning of murders, did not organize or demand the government to combat these violent acts until the end of the 90's. The murders of Juárez were not a major political subject until the report of the CNDH was published in 1998. From that moment on, civil society actions have gained momentum exposing this problem and collecting support worldwide. But what happened in the first

years of the crimes that only the families of the victims asked for justice? First, there is the stigma of worthlessness that authorities gave to victims and which we explored in the above section. However, the prejudice that an impoverished woman is worth less than other citizens needed to be justified before society, and for this purpose the authorities constructed a moral discourse to discredit the victims before the public eye. As early as the first bodies started to surface, the PGJECH declared these were girls 'went out a lot' and were a 'little crazy'.[336] By 1996, Governor Barrio Terrazas and State Prosecutor Francisco Molina Ruiz affirmed constantly the murdered women led a 'double life'.[337] In the *feminicide* case, the state was the mediator and the medium through which patriarchal notions influenced the perception of the killings in the population's imaginary.

With political figures constantly referring to the murdered girls as '*maquila workers* who led a double life', society soon inferred the *maquila* worker was a woman of dubious reputation. However, this is not a new prejudice established by the authorities, they simply took an already existing stereotype and reinforced it. As discussed in *Mujeres, antros y estigmas de la noche juarense* [women, clubs and stigmas of the Juárez' night], Jorge Balderas reminds us the *maquila* worker already had a dubious reputation among the members of middle and higher classes in Juárez.[338]

Sociologist Pablo Vila attributes this to the perception of the borderland as an area of endangerment because it is where Mexico meets "the country that for many years was considered the historical enemy, the country that, according to Mexican narrative, stole half of the national territories."[339] He claims that *maquiladora* workers, like prostitutes who service foreign men, represent "the openness of the border to the needs of the 'other,'"[340] As it is bluntly put in *Globalizing Social Violence: Race, Gender, and the Spatial Politics of Crisis*, Tryon P. Woods claims, "*maquiladoras*, representing the commodity exchange relationship of capitalism, come to symbolize prostitution."[341]

By reinforcing these images of *maquila* and prostitution, the authorities in effect diminished the importance of the crimes. Rosa Linda Fregoso argues the goal of this

[336] Statements made in an interview featured in Portillo, 2001.
[337] Ramirez Acosta, 2004 : p. 75. See also De la Mora, 2003 and Portillo, 2001.
[338] Balderas, J., " Mujeres, Antros, y Estigmas de la Noche Juarense." Solar. Chihuahua, 2002; p. 31 cited in Avila, Lopez & Orihuela, Bobadilla, 2003; p. 28
[339] Pablo Vila quoted in Livingston, 2004; p. 66
[340] *Ibid*
[341] Woods quoted in Livingston, 2004; p. 66

moral discourse of blaming the victim is a familiar strategy also used repeatedly in the United States in cases of sexual violence towards women.[342] This effort to devalue the deaths of women consists of accusing women of leading a double life as though non-traditional sexual behavior would justify their killings.[343]

Writers and experts endorsed this moral interpretation of the murders. According to José Antonio Parra Molina, a Spanish criminologist who was hired to analyze the phenomenon of Ciudad Juárez, women in this city are joining the work force at an earlier age, therefore discovering independence and maintaining sexual relations with more than one person. This behavior, he claims, leads to danger.[344] This meandering way of blaming the victim for lacking the moral strength to resist temptation has been equally perpetuated through the writings of several authors who portrayed Juárez as the negative outcome of a globalization and the women of the border as immoral.[345] Debbie Nathan echoes the authorities discourse in the following paragraph:

> *"Prostitutes do business in some bars, and in more casual fashion, so do many maquila girls. This is hardly novel for industrial workers in Dickensian circumstances. A century ago, New York City's factory girls were roaming dance halls and amusement parks, picking up unknown young men and trading sexual favors for romance and the "treats" - like clothing and entertainment - they couldn't afford."*[346]

These authors further anchor their interpretation of the *feminicide* on expressions of female sexuality while maintaining that the *maquila* industry perpetuates and reinforces a rigid version of femininity.[347] Authors like Nathan and Bowden claim that

[342] Fregoso, 2000; p. 138
[343] Authorities declarations include statements such as:*"Muchas de las mujeres asesinadas trabajaban entre semana de obreras y en los fines de semana como prostitutas para hacerse de mayores recursos."*("Many of the murdered women worked in factories during the week and as prostitutes during the weekend in order to make more money.") Cited in Fregoso p. 138.
[344] Quoted in Fregoso, 2000 ; p. 139
[345] See Debbie Nathan and Charles Bowden among others.
[346] Nathan, Debbie. "Death comes to the maquilas." *The Nation.* January 13, 1997. vol. 264 no. 2. p. 22
[347] Nathan goes on to describe the hyper-femininity of maquila workers in this manner: "Unlike their North American sisters, who dress for assembly line in no nonsense T-shirts and sneakers, most *maquila* girls don miniskirts, heels, gobs of lipstick and eye shadow." Nathan, 1997; p. 21.

this hyper-femininity spills over into the weekend and after-hours, thus supporting the state's characterization of maquila workers as leading "la doble vida."

Furthermore, this behavior (going out on weekends and after-hours) qualifies for the *Procuraduría de Justicia del Estado Zona Norte* (PJECH) as a "conduct that is not compatible with the moral standards."[348] This moral judgment manifested often when family of the victims asked for their assistance in finding one of the girls. When a missing-person report for a girl was filed, authorities in Ciudad Juárez would often dismiss it and discourage family members from making a formal complaint by stating the missing girl was most likely out with a boy and would soon return home. Not one of them did. The National Commission on Human Rights (CNDH) recognized that officials of the PGJECH had constructed an unfounded discourse in order to excuse or obscure their failure to discharge their responsibilities under the law. This, the CNDH underlined, was both discriminatory and an indication of the lack of will to protect the rights of the victims.[349]

Governor Barrio Terrazas diminished the CNDH's recommendations arguing they were based on a lack of information on the Commission's part that benefited the "political interest of different groups of the city."[350] After Barrio's term ended in 1998, the PRI candidate, Patricio Martínez made the murders of Juárez an important aspect of his electoral campaign. When he was sworn-in as Governor, he galvanized the Special Prosecutor's Office pressured by the CNDH and three years later the Chihuahua's Institute of the Woman (ICHIMU) was created thanks again to federal pressures. The Report by the Special Prosecutor's Office was published in April 2002, and the Audit of the Chihuahua's Institute of the Woman was presented in July 2003. Both documents were severely criticized not only for continuing to fuel the battle of the numbers that had been going on for years but for endorsing the discourse regarding the victims reputation that the authorities had been maintaining thus far.

After a careful evaluation of the forensic reports published by the CNDH and the Chihuahua's Institute of the Woman's Audit, I was able to identify thirteen cases in

[348] Subprocuraduría de Justicia del Estado Zona Norte. "Informe de Homicidios en Perjuicio de Mujeres en Ciudad Juárez, Chihuahua." 1993-1998.
[349] Comisión Nacional de Derechos Humanos. *Recomendación 044*, 1998.
[350] *La Jornada,* "Descalifica Barrio las cifras de la CNDH sobre mujeres asesinadas." July 2nd, 1998.

which there was a discrepancy between the reported woman's profession and that appeared in the ICHIMU's report. Some women were categorized as prostitutes, dancers or bartenders in the governmental report but were later declared as workers of other profession in the CNDH's database.[351]

Consequently, several NGOs have reproached the authorities for publishing false "proof" of their statements regarding the missing girls in official documents and through the local media. The newspaper *El Norte* published a false reportage with a picture that showed a "missing" girl who the authorities claimed had run away with her boyfriend. The girl showed happily coming back home. When the family members later denounced that the girl in the picture was not their daughter, who was still missing, the newspaper disclosed that Suly Ponce, the head of the Special Prosecutors Office, had provided the picture and the details to the article.[352] This shows that sometimes the discourse employed stopped tapping into abstractions of the collective memory and became the mere manipulation of facts.

We must also highlight the ongoing use of the term 'crime of passion' [*crimen pasional*] by the state authorities to categorize cases of women murdered by their spouse or partner. International human rights mechanisms have criticized the use of this definition as discriminatory against women, by implicitly legitimizing violence against women on the basis of male honor in response to what the perpetrator or society consider inappropriate female conduct.

As a consequence of the victim-blaming discourse and the constant references to *maquila* workers, a series of 'meanings' established in the imaginary of society. Consequently, although women are permanently in danger in Ciudad Juárez, few of them are aware of it. Betzabé Ávila López and Lorena Orihuela Bobadilla conducted a study that revealed the different "imaginary meanings" of these crimes within the citizens of Ciudad Juárez.[353] According to the researchers, high school students who were questioned if they felt endangered tried to exclude themselves from the sector at risk.

[351] Each time there was a discrepancy between the reports concerning the profession of the victim, the occupation given by the ICHIMU is marked with an @ to signify authority provided data. For an account of the cases please refer to Annex I.
[352] See the documentary by Lourdes Portillo and/or the article available at www.womenofjuarez.org
[353] Ávila López and Orihuela Bobadilla. "Significaciones imaginarias en torno a los asesinatos de mujeres en Ciudad Juárez." *El Cotidiano.* pp. 26-34

This meant that men felt automatically safe because of gender considerations. The latter might seem inadequate due to the high rate of homicide in Juárez, but the fact remains that men are not being killed for the simple fact of being men, and most importantly, no evidence of sexual violence on males has been reported.

Women, on the other hand, also thought they were not in the 'group at risk'. For instance, students claimed that it was only 'women of *la maquila*' who are abducted, and on their turn, *maquila* workers responded that it was only '*women that lead a double life*' that are victimized.[354] A good number of victims worked indeed in the *maquilas,* as much as 22%, however the incidence among students was also high registering at 15% of cases where the profession was reported. Both, students and *maquila* workers are very much at risk of being victims of the *feminicide*, but neither group acknowledges it.

This illustrates how the authorities discourse has been effective in sticking to the victims a stigmatization as a debauched woman within society that serves to diminish the importance of these crimes and thus, legitimizes the lack of criminals' convictions. These contradicting interpretations and competing perspectives of the victims create a problem of interpretation that makes effective counter-discourse difficult thus making the terribleness of this feminicide all the more effective in crippling of peoples' capacity to resist.

What happens with this type of discourse is that responsibilities are shifted. Within society, the authorities are responsible for guarding the safety of its members while protecting their rights. By switching the responsibility, it is now up to the citizens to uphold an adequate behavior to the environment in which they live, to resolve their disputes on a private matter and to seek for justice on their own. In this regard, it is remarkable that the families of the victims have not retaliated outside the law or that women in society have not "upraised" by randomly killing men. Families of the victims have nonetheless taken in charge of the investigations, organizing searches and sometimes providing evidence and leads that the police was not able to obtain. In the case of Sagrario González, this led to the conviction of its murderer, one of the few of the

[354] *Ibid*

feminicide, which was possible thanks to the collecting of evidence and the confession obtained by the victim's family members.[355]

In the early years, members in society accepted the victim-blaming discourse unchallenged because they assumed that if a woman didn't engage in 'bad' behavior she would be safe. This gives people a false sense of security and allows them to cope better with a permanent 'state of violence.' [356] As this belief proved wrong over the years, it also allowed the authorities to have less public pressure for a good part of the 1990's while this phenomenon was unfolding.

The victim-blaming discourse also punishes women still alive by forcing them to change their way of life. The key message is women are wrong for working in *la maquila*, for dressing in a certain way or for walking home alone, *they* are wrong, not the men who commit the unspeakable acts of violence. Women are discouraged from engaging in these activities or doing anything that could be deemed as provocative.

In sum, we can observe that the state has been effective as the mediator and medium of patriarchal considerations. In the end, impoverished women are seen as 'less valuable' than other citizens in the Mexican justice system. This is legitimized by a message the authorities clearly or implicitly tried to convey to the population via the victim-blaming discourse. The victims were presented as having a tarnished reputation and thus, their killers should not be severely punished, which makes it easier for the PGJECH to legitimize the lack of convictions. Moreover, by defining who are those victimized within moral grounds, women feel they can exclude themselves from the risk-group and prevent others from attacking by adhering to the rules of patriarchy; men on the other hand, believe they can protect the women close to them by making sure women follow the societal rules and thus, the patriarchal system is reinforced. The latter makes the population feel a little safer, which also shows at the time of contesting governmental action. By putting these moral standards, people are given the illusion that they are able to protect their own security. Most importantly, they cripple the population capacity to contest governmental action.

[355] The judicial police had not bothered to investigate the suspect before he confessed in spite of the victim's family insistence. Fernandez and Rampal, 2005;
[356] The term 'state of violence' refers to the situation Ciudad Juárez is currently undergoing that combines drug trafficking, the feminicides, shootings and the daily violence featured in media. Ávila, López & Orihuela, Bobadilla, 2003; p. 27

Conclusion

Throughout this document we have deepened our knowledge on how the *feminicide* phenomenon has unfolded and more specifically, how the Mexican government on the regional and federal levels have dealt with the situation. As the subject of these crimes are poor and young women, who are for the most part *maquila workers,* homemakers, students, and employees, they hold very little political power in the view of the authorities. The governmental action is characterized at first, by a series of inefficiencies and irregularities due in part to corruption within police institutions, related or not to drug trafficking organizations. The lack of rigorousness in the investigations was aggravated by torture and harassment against the alleged killers, journalists, activists and even the families of the victims. This defective governmental response is a symptom and consequence of the absent rule of law in Mexico. Moreover, the authorities utilized a discourse that in effect blamed the victim implying that if a woman steps out of what is consider 'right' expressions of femininity, she could be punished by an individual or a group of men. If this were the case, authorities would not be able to protect her. Because 'it is very hard to get out when is raining and not get wet,' the now famous words of Manuel Esparza Navarrete, spokesman of the Special Prosecutor's Office, the lack of protection that the police is willing to provide for its citizens is openly established. To keep the authorities' own allegory, the government's discourse shifts its responsibilities onto the citizens, who are now responsible of either adapting to the weather or providing for their own umbrella.

By making a Socialist Feminist reading of the governmental response, we can observe the state has acted as the mediator of capitalist concerns and patriarchal considerations to the detriment of impoverished sectors of the population, particularly women. In the case of patriarchy, authorities' actions also serve as the medium in which the population inferred the message that victims were of 'less value' since most of them were 'just' poor girls, prejudices which were later exacerbated by the authorities' discourse of the victims as leading 'a double life'.

Nevertheless, although Socialist Feminist theory is a useful tool in interpreting the *feminicide* case because of it focuses on a combination of gender and class, it fails to take into consideration the absent rule of law in new democracies. Viewed by the Marxists as

a tool by the dominant class to oppress the masses, rule of law is not given a preponderant role in Marxist theories or those issued of this tradition. Consequently, Socialist Feminism fails to take into account the inadequate functioning of state institutions. The environment of illegality and corruption in which the Mexican justice system is immersed played a crucial role for the perpetuation of the *feminicide* crimes. This is why a small section on rule of law was included but was free from theoretical interpretation.

Socialist Feminists depart from the assumption the state is a strong institution that oppresses women and the lower classes. Indeed, the Mexican state was a strong and oppressor state, which still allows it to enjoy its old legitimacy and practices. However, the process of democratization that started in the 90's has not come full cycle yet and the state is going through a dysfunctional phase. The more it needs to reform itself, the less it will be able to do it efficiently.

In this light, the state is too weak to protect the rights of its citizens but strong enough to oppress the rights of the weaker segments of the population. Human Rights violations have already become a political subject in Mexican discursive but the protection of these rights is not yet a feature of the state. This comes from a long tradition of *caciquism,* a Mexican way of *clientelism,* and the practice of relying on oppression rather than procedures, which has for long been tradition in the system. The old-school practices of torture and repression remain in modern Mexico. It is, however slowly, transforming towards a fully democratic state and gradually prioritizing the respect of Human Rights in its actions. Unfortunately, while we witness the misogynistic acts continue in Juárez we can observe it coincides with the stage of the Mexican state in which it is strong towards the weakest, i.e. impoverished women, and weak in the presence of the strong, namely international capital.

This essay was intended to give a Socialist Feminist interpretation of the *feminicide* case, consequently, several aspects, such of the role played by civil society was not given a primordial role. However, this aspect of the *feminicide* is pivotal in pressuring authorities to act and in changing the population's attitudes towards the crimes. Civil action and political accountability is the subject of a different study, one that focuses on agency, citizenship and women organizing for political accountability.

These writings come from a more Liberal Feminist tradition and were therefore not included in this essay.[357] Nevertheless, the author does recognize that non-governmental organizations have been instrumental in generating public debate about women's rights abuses as human rights violations.

Positive results of the political action exerted by civil society include the creation of governmental institutions that target gender issues, and the dissemination of information on the Juárez cases that has brought international support. The pressure exerted from the United States and Europe could bring President Fox and its successors to devote more resources for the resolution of these crimes.[358] These developments, in the long run, may assist in preventing and eradicating the violence towards women in Juárez.

Regarding this international pressure towards the Mexican government, it is worth noting that in the Americas, every country in the continent -with the notable exception of the United States- has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the most important international human rights instrument on women's rights. This Protocol enables individual women to file complaints with the United Nations when violations of their rights are not adequately redressed in domestic courts. Within the *feminicide* files there are already some cases to be presented before the Inter-American Court on Human Rights. Moreover, the Organization of American States adopted in 1994 the only international treaty specifically focused on violence against women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women also known as "the Convention of Belém do Pará". This binding treaty has been ratified by Mexico and was approved by the senate on November 1996. The aforementioned document establishes a series of duties by the Mexican State, and one key aspect of this Convention is the state must also establish the

[357] See for instance the article by Kathy Staudt and Irasema Coronado. "Civic Action for Political Accountability: Border Anti-Violence Organizing in Comparative Perspective." 2003; and the book "Fronteras No Mas: Toward Social Justice in the Mexico-U.S. Border" 2002, by the same authors.
[358] Moreover, there is a democratic clause in the Free-Trade Agreement signed between Mexico and the European Union that links commerce to the protection and respect of Human Rights, which could serve to exert pressure onto the Mexican Government. Although such clause does not exist in NAFTA, the pressure exerted by the United States can nevertheless influence the Mexican government regarding Human Rights policies.

judicial and administrative mechanisms in order that the women objected to violence have access to the reparation of damages and other ways of compensation.

In this regard, an important development in the *feminicide* case is the Congress of the Union's decision to create a fund to financially assist the victims' families, which in many cases include the orphaned children of the murdered woman. This fund, the equivalent of 6 millions of dollars, was conceived following the logic of reparation of damages. Once the Mexican legislators approved the sum to be allocated, the PGJECH through the Special Prosecutor's Office was appointed as the institution in charge of distributing this money. However, once again conflicting views of the *feminicide* on the federal and state levels could come to hinder the victims' families. Authorities at the PGJECH decided the money allocated would be referred to as a 'financial assistance' [*auxilio*] for the victims' family, overlooking the orders of Congress to consider it as 'the reparation of damages.' The difference on definitions is key because, on the one hand, it refers to a simple deliverance of financial aid while on the other, what the legislators demand, entails that the state recognizes its political and judicial responsibility in the case. This discussion is not only conceptual but it deals with a paralyzing incongruence of the state's own structures.

Meanwhile, the conditions to receive the compensations are set by the PJECH on a series of requisites that do nothing to ease the resentment of the families towards state institutions.[359] A key question remains why the 'Commission for Juarez' was not the designated institution to carry out this task. Nevertheless, the recognition on the federal level of the part played by the state in the *feminicide* is, optimistically, the beginning of a consensus on the obligation of the state, dictated by regional, national and international legislation to eradicate the violence against women. This reparation of damages, if carried out properly, would address as well the needs of the orphaned children that are for the most part raised by grandmothers with little resources. Marisela Ortíz, co-founder of the NGO *Nuestras Hijas de Regreso a Casa*, claims these orphans are so resented with

[359] For instance, the PJECH system determines the amount of money obtained by the victim's family in function of the victims suffering. That is to say that in the cases in which the sexual violence could not be determined in the forensic examinations, the family is not entitled to the compensation. The more signs of violence shown on the cadaver, the more money the family will obtain.

society in the way their mothers were treated, during their murder and post-mortem, that they could become potential murderers on their own.[360]

In this sense, a financial assistance to help alleviate the short-term needs of the victims' families should be just the first step into resolving the *feminicide* phenomenon. The living conditions of the marginalized population, particularly that of the newly arrived, need to be adequately address. For that, the authorities in Chihuahua and on the federal level need to take charge in providing decent housing, access to healthcare, education and infrastructure for the impoverished populations. The first step would be to stop referring to the migrants of this city as 'floating population,' which implies people who arrive to Juárez do not stay. The misconception that people that move to the border come to work (as opposed to going to school) and only on a temporary basis, fails to acknowledge the needs of the migrants to obtain the basic services, particularly education, which is at the heart of the problem. Education in the borderlands is essential, and an education system that provides gender issues' awareness should be the standard.

[360] Private interview in Berlin, November 2005.

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Annex I: Database of cases

Date found	Name	Age	Skin color	Profession	Cause of death
23/01/93	Alma Mireya Chavarría Fávila	5	N/A	N/A	File lost (**)
25/01/93	Angelina Luna Villalobos	16	White	N/A	File lost
17/02/93	Body not identified	35	N/A	Prostitution @	Stabbed (**)
14/03/93	Jesica Lizalde León	29	N/A	Broadcaster	Gunshots
21/04/93	Ivonne De la O García	20	*Morena clara*	Maquila worker	(*)
03/05/93	Yolanda Álvarez Equihua	30-35	*Morena*	N/A	Strangled
13/05/93	Body not identified # 44/93	25	White	N/A	Raped and stabbed (*)
05/06/93	Verónica Huitrón Quezada	30	*Morena*	Dancer @	Stabbed, burned (**)
10/06/93	N/A	N/A	N/A	N/A	Beaten with concrete, raped (*)
14/06/93	Guadalupe Ivonne Estrada Salas	16	*Morena*	Maquila worker	N/A (*)
29/08/93	Body not identified # 84/93	28	*Morena*	N/A	Strangled
17/09/93	Marcela Santos Vargas	18	*Morena*	Employee	Gunshots (**) (file lost)
14/10/93	Mireya Hernández Méndez	20	N/A	Maquila worker	Strangled
14/10/93	Tomasa Salas Calderón	N/A	N/A	Employee	N/A
15/11/93	Esmeralda Leyva Rodríguez	13	*Morena clara*	Student	Raped (*) (**)
21/11/93	Rebeca Elizabeth Escobedo Sosa	24	*Morena clara*	Home	Stabbed
15/12/93	Gloria Yolanda Tapia Vega	52	*Morena clara*	Home	Raped and stabbed (*)(***)
11/01/94	Body not identified # 04/94	30	*Morena clara*	N/A	Strangled and beaten (*)
11/02/94	Emilia García Hernández	32	N/A	Maquila worker	Stabbed
11/03/94	María del Rocío Cordero Esquivel	10	*Morena*	Student	Raped and strangled (*)
29/03/94	Norma Patricia Alba Ríos	16	*Morena clara*	N/A	Gunshot
25/04/94	Lorenza Isela González Alamillo	23	*Morena clara*	Employee (Dancer @)	Strangled
12/05/94	Donna Maurine Striplin Bogas	26	White	Unemployed	Stabbed
08/05/94	Gladis Yaneth Fierro Vargas	10	White	Student	Raped and strangled (*)
25/06/94	María Agustina Hernández	35	*Morena*	Employee	Strangled (***)
08/08/94	Patricia (alias) La burra	30	*Morena*	Indigent	Beaten (**) (file lost)

Date found	Name	Age	Skin color	Profession	Cause of death
24/08/94	Antonia Ramírez Calderón	40	*Morena*	Employee	Strangled
24/08/94	Hilda Fierro Elías	N/A	N/A	N/A	N/A
22/10/94	ViridianaTorres Moreno	3	White	N/A	Brain injury due to beating
23/10/94	Graciela Bueno de Hernández	34	*Morena clara*	Employee	Gunshot
25/10/94	Body not identified # 107/94	20-25	N/A	N/A	Mutilated, strangled (*)
09/11/94	Body not identified # 113/94	22-24	*Morena clara*	N/A	Raped and strangled (*)
19/11/94	Esmeralda Urías Sáenz	14	*Morena*	Maquila worker	Strangled (*)
20/11/94	Guillermina Hernández Chávez	15	*Morena clara*	Employee	Intoxication by carbon dioxide (**)
10/01/95	Body not identified # 07/95	14-17	N/A	N/A	(*)
25/01/95	María Cristina Quezada Mauricio	32	*Morena*	Home	Raped and strangled (*) (***)
29/01/95	Graciela García Primero	27	*Morena clara*	Employee	Beaten
05/02/95	Leticia Reyes Benítez	18	*Morena*	Home	Gunshot
17/02/95	Carla Magdalena Contreras López	N/A	N/A	N/A	(*)
24/02/95	Miriam Arlem Vázquez Mendoza	14	*Morena*	Maquila worker	Raped and stabbed (*)
21/03/95	Alejandra Viezcas Castro	13	*Morena*	Student	Gunshots
21/03/95	María Inés Ozuna Aguirre	19	*Morena*	Student	Gunshot
25/03/95	Rosa Virgina Hernández Cano	31	*Morena*	Employee	Stabbed
17/04/95	Fabiola Zamudio	35	*Morena*		Intoxication
21/04/95	Karina Daniela Gutiérrez	25	*Morena clara*	Maquila worker	Strangled
06/05/95	Elizabeth Martínez Rodríguez	26	*Morena*	Maquila worker	Gunshot
30/06/95	Liliana Frayre Bustillos	23	*Morena clara*	N/A	Gunshots
04/07/95	Araceli Rosaura Martínez Montañez	19	*Morena clara*	Home	Strangled (**)
16/07/95	Erika García Moreno	19	White	Home (prostitute@)	Raped and Strangled (*)
06/08/95	Gloria Olivia Morales	28	N/A	Employee	Strangled
08/08/95	Patricia Cortés Campos	33	N/A	N/A	N/A
19/08/95	Elizabeth Castro García	17	*Morena clara*	Student/ Maquila worker	Raped and Strangled (*)

Date found	Name	Age	Skin color	Profession	Cause of death
20/08/95	Gloria Escobedo Piña	20	*Morena*	Employee	Raped and strangled (*)(***)
22/08/95	Body not identified # 122/95	18-20	*Morena*	N/A	Mutilated, raped (*)
22/08/95	Body not identified # 123/95	16-17	*Morena*	N/A	N/A (*)
27/08/95	Miriam (Ma.) de los ángeles Deras	28	N/A	Maquila worker	Gunshots
01/09/95	Silvia Elena Rivera Morales	16	*Morena*	Student/shoe store employee	Raped and strangled (*)
05/09/95	Body not identified # 137/95	20-24	N/A	N/A	Mutilated, strangled (*)
07/09/95	Rosa Isela Corona Santos	16	*Morena*	Employee	Gunshot
10/09/95	Body not identified # 139/95	18	N/A	N/A	Cut throat (*)
09/09/95	Olga Alicia Carrillo Pérez	18	*Morena*	Employee	White weapon in chest (*)
15/10/95	Adriana Martínez Martínez	N/A	N/A	N/A	Files N/A
02/11/95	Adriana Torres Márquez	15	N/A	N/A	Broken neck, mutilated, (*)
02/11/95	Body not identified # 165/95	18-20	N/A	N/A	N/A (*)
08/11/95	Francisca Lucero Gallardo	18	*Morena clara*	Maid	Gunshot
23/11/95	Ignacia Morales Soto	32	White (*Morena* according to ICHIMU)	Home	N/A (**)
24/11/95	Rosa Ivonne Paéz Márquez	14	*Morena*	Unemployed	Gunshot
15/12/95	Rosa Isela Tena Quintanilla	14	*Morena*	Student	Raped and Strangled (*)
26/12/95	Elizabeth Robles Gómez	23	*Morena*	Bartender	Raped and stabbed (*) (**policeman)
?/12/95	Laura Ana Inere	27	N/A	N/A	Gunshot
15/01/96	Body not identified # 09/96	0	N/A	N/A	(*)
09/02/96	Norma Mayela Palacios López	33	*Morena clara*	Employee	Brain injury by beating (*)
18/02/96	Francisca Epigmenia Hernández	25-30	*Morena* (Tarahumara)	Unemployed	Strangled (*)
10/03/96	Body not identified # 34/96	9-12	White	N/A	Raped and strangled (*)
13/03/96	Body not identified # 35/96	15-16	*Morena*	Maquila worker	Raped and strangled (*)
14/03/96	Body not identified # 38/96	17	N/A	N/A	Raped and stabbed (*)

Date found	Name	Age	Skin color	Profession	Cause of death
14/03/96	Silvia Ocón López	N/A	N/A	N/A	Files N/A
18/03/96	Lucy	17	*Morena*	Dancer @	Raped and stabbed (*)
18/03/96	Tanya	17	*Morena*	Dancer @	Raped and stabbed (*)
23/03/96	Body not identified # 40/96	17	*Morena clara*	N/A	Raped and strangled (*)
28/03/96	Guadalupe Verónica Castro Pando	17	*Morena*	Maquila worker	Raped and strangled (*)
28/03/96	Body not identified # 42/96	15-17	*Morena*	N/A	Stabbed (*)
29/03/96	Body not identified # 44/96	15-17	N/A	N/A	Raped and strangled (*)
6/04/96	Ignacia Morales	14-19	N/A	N/A	N/A
?/04/96	Josefina Reyes Salazar	26	N/A	N/A	N/A
?/04/96	Isalda Chávez	N/A	N/A	N/A	N/A
07/04/96	Rosario García Leal	17	N/A	Maquila worker	Stabbed, mutilated, raped (*)
28/04/96	Rosario Fátima Rodríguez	19	*Morena clara*	Home	Strangled
07/06/96	Araceli Gallardo Rodríguez	23	*Morena*	Employee	Gunshots (***)
10/06/96	Body not identified # 90/96	17	N/A	N/A	N/A
26/06/96	Elizabeth Ontiveros López		N/A	N/A	Stabbed
02/07/96	María Celia de Jesús Navarrete Reyes	13	*Morena*	Student	Beaten (*)
07/07/96	Body not identified # 96/96	20-25	White	N/A	Cuts, beaten (*)
10/07/96	Sandra Luz Juárez Vázquez	17	*Morena clara*	N/A	Strangled
30/07/96	Rocío Agüero Miranda	32	N/A	N/A	N/A (Found in corrosive acid)
09/08/96	Sonia Ivette Sánchez Ramírez	13	*Morena*	Student	Strangled, raped (*)
15/08/96	Soledad Beltrán Castillo	25	*Morena*	Employee	Tortured, gunshot.
16/08/96	Alma Leticia Palafox Zavala	15	N/A	Home	Decapitated (**)
19/08/96	Body not identified # 125/96	17	N/A	N/A	Raped and strangled (*)
31/08/96	Luz Adriana Martínez	N/A	N/A	N/A	Files N/A
30/09/96	Victoria Parker Hopkins	27	White	Unemployed	N/A
30/09/96	Rita Parker Hopkins	35	White	Unemployed	N/A
13/10/96	Claudia Ramos López	8	*Morena*	Student	Gunshot
31/10/96	Body not identified # 162/96	19-25	N/A	N/A	Strangled (*)

Date found	Name	Age	Skin color	Profession	Cause of death
02/11/96	Norma Leticia de la Cruz Bañuelos	30	N/A	Prostitute	Gunshots
14/11/96	Leticia García Rosales	35	*Morena*	Employee	Beaten, raped (*)
18/11/96	N/A	20-25	N/A	N/A	(*)
31/11/96	N/A	16	N/A	N/A	N/A (*)
06/12/96	Susana Mejía Flores	13	N/A	N/A	Stabbed, raped (*)
06/12/96	Brenda Mejía Flores	15	N/A	N/A	Stabbed, raped (*)
?/01/97	N/A	40	N/A	N/A	Gunshot in the head
16/01/97	N/A	16	*Morena clara*	N/A	Beaten, raped (*)
18/02/97	María de la Luz Murgado Gutiérrez	42	*Morena*	Waitress	Strangled (*)
11/03/97	Cinthia Rocío Acosta Alvarado	11	N/A	Student	Strangled and raped (*)(**)
14/03/97	Ana María Gardea Villalobos	10	N/A	Student	Tortured, raped (*)
21/03/97	Maribel Palomino Arvizo	19	*Morena*	Maid	Strangled and raped (*)
29/03/97	Silvia Guadalupe Díaz	19	N/A	Maquila worker	Raped (*)
13/04/97	Karina Soto Díaz	3	*Morena clara*	N/A	Gunshot
11/04/97	Miriam Aguilar Rodríguez	17	*Morena*	Unemployed	Beaten with a rock (*)
15/05/97	N/A		N/A		Strangled and raped (*)
19/05/97	Marcela Hernández Macías	34	*Morena*	Maquila worker	Strangled
29/05/97	Amelia Lucio Borjas	18	N/A	Student	12 stabbings (**)
31/05/97	Verónica Beltrán Manjarrez	15	*Morena*	Student	Gunshot (**)
09/07/97	Body not identified # 103/97	20-30	N/A	N/A	N/A
30/07/97	Elisa Rivera Rodríguez	63	*Morena*	Home	Gunshot
09/09/97	Martha Gutiérrez García	18	N/A	Home	Strangled (*)
28/09/97	María Irma Plancarte Lugo	29	N/A	Employee	Beaten, raped (*)
13/10/97	Brenda Esther Alfaro Luna	14	*Morena*	N/A	50 cuts, raped strangled (*)
13/10/97	Virginia Rodríguez Beltrán	20	N/A	Maquila worker	(*)
21/10/97	Juana Aguiñaga Mares	38	N/A	Unemployed	Gunshot
07/11/97	Sofía González Vivar	18	N/A	Unemployed	(*)
08/11/97	Norma Julissa Ramos Muñoz	21	N/A	Maquila worker	Gunshot
17/11/97	Eréndira Buendía Muñoz	19	N/A	Employee	(*)

Date found	Name	Age	Skin color	Profession	Cause of death
30/11/97	María Teresa Rentería Salazar	34	*Morena*	Maquila worker	Stabbed (*)(**)
01/12/97	Aracely Núñez Santos	20	*Morena*	Unemployed (Bartender @)	Stabbed (*)
02/12/97	Amalia María de los Dolores Saucedo Díaz de León	33	*Morena clara*	Employee	Broken neck and column
08/12/97	Karina Ávila Ochoa	29	N/A	N/A	(**)
09/12/97	Rosa Margarita Arellanes García	24	*Morena clara*	Unemployed	Gunshot (**)
21/12/97	Body not identified # 207/97	16-17	N/A	N/A	(*)
03/01/98	Yésica Martínez Morales	13	*Morena*	Student	Strangled (*)
24/01/98	Martha Esmeralda Veloz Valdez	20	*Morena*	Maquila worker	Raped, 21stabbings (*)
25/01/98	María Isela Núñez	20	*Morena*	N/A	Stabbed in the chest
27/01/98	Silvia Gabriela Laguna Cruz	16	*Morena*	Maquila worker	(*)
03/02/98	Ana Hipólito Campos	38	*Morena*	Home	40 stabbings (**)
16/02/98	Body not identified # 28/98		N/A	N/A	Lomas de Poleo case (*)
16/02/98	Body not identified # 29/98	17-19	N/A	N/A	Lomas de Poleo case (*)
16/02/98	Body not identified # 30/98		N/A	N/A	Lomas de Poleo case (*)
16/02/98	Body not identified # 31/98	14-17	*Morena*	N/A	Lomas de Poleo case (*)
16/02/98	Raquel Lechuga Macías	16	N/A	Maquila worker (unemployed @)	Beaten with a rock (*)(**)
16/02/98	Clara Zapata Álvarez	16	N/A	Maquila worker	Rifle shot
19/02/98	Perla Patricia Hernández Sáenz	22	*Morena*	Home	Stabbed (*)
23/02/98	Elizabeth Elba Verónica Olivas	17	*Morena*	Waitress	Strangled and stabbed (**)
17/03/98	Maria Rosa León Ramos	20	*Morena*	N/A	Stabbed in head and throat (*)
18/03/98	N/A	N/A	N/A	N/A	30 cuts in chest and neck
16/04/98	Argelia Irene Salazar Crispín	24	*Morena*	Maquila worker	Tortured, raped (*)
19/04/98	Body not identified #62/96	16	N/A	N/A	(*)
20/04/98	Laura Lourdes Cordero		N/A	N/A	(*)
29/04/98	María Sagrario González Flores	17	*Morena clara*	Maquila worker	Strangled, raped (*)
11/05/98	Gabriela Edith Martínez Calvillo	15	*Morena*	Student	Beaten (*)(**)

Date found	Name	Age	Skin color	Profession	Cause of death
25/05/98	Nora Elizabeth Flores	18	N/A	Maquila worker	Tortured, strangled, beaten
01/06/98	N/A	15	N/A		Strangled
27/06/98	Brenda Patricia Méndez Vázquez	14	*Morena*	Student	Raped and Strangled (*) ®
05/08/98	Araceli Lozano Bolaños	24	*Morena*	Dancer	Strangled (*)
03/08/98	Paulina Lizalde Gómez	15	N/A		Burned
18/08/98	Araceli Manríquez Gómez	25	*Morena clara*	Maquila worker	Stabbed
23/08/98	Olga González López	22	*Morena*	Maquila worker	Gunshots
31/08/98	Eréndira Ivonne Ponce Hernández	17	*Morena*	Secretary	Strangled, tortured (*)
18/09/98	Rocío Barraza Gallegos	23	*Morena*	Waitress	Gunshot (** police man)
19/09/98	Hester Susanne Van Nierop	28	White	Student	Strangled (*)
04/10/98	María Eugenia Mendoza Arias	32	*Morena*	Home (Dancer@)	Smashed head (*) ®
06/10/98	N/A	20	N/A		Raped, strangled, run over (*)
10/12/98	N/A	14	*Morena*	Student	Raped (*)
09/12/98	Celia Guadalupe Gómez de la Cruz	13	*Morena*	Student	Raped and strangled (*) ®
25/12/98	Elba Resendiz Rodríguez	40	*Morena*	Home	Gunshot
11/01/99	María Estela Martínez Valdez	33	*Morena*	Dancer	Raped and strangled (*) (**)
13/01/99	Patricia Monroy Torres	27	N/A	N/A	Gunshots
31/1/99	Rosalbí López Espinoza	25	*Morena*	Unemployed	Strangled (*)®
01/02/99	Paulina León	26	N/A	Home	Raped and strangled (*)
15/02/99	Elsa América Arreguín Mendoza	22	*Morena*	Home	Gunshots
15/02/99	Irma Angélica Rosales Lozano	13	*Morena*	Maquila worker	Asphyxia (bag in the head)(*)®
03/03/99	Elena García Alvarado	35	N/A	Employee	Cuts (*)®
12/03/99	Gladys Lizeth Ramos Escárcega	27	*Morena clara*	Maquiladora worker	Gunshot
22/03/99	Body not identified # 29/99	14-16	*Morena*	N/A	Burned (*) ®
19/04/99	María Santos Ramírez Vega	70	*Morena*	Merchant	Strangled (**)
06/06/99	Irma Arellano Castillo	63	*Morena*	Merchant	Stabbed (**)
07/06/99	Elizabeth Flores Sánchez	20	N/A	N/A	Hit with a piece of wood

Date found	Name	Age	Skin color	Profession	Cause of death
06/07/99	María Elba Chávez	21	N/A	N/A	(*)
07/07/99	Rosa María Rivera (a) la coneja	25	*Morena clara*	Prostitute	Strangled (*)
02/08/99	Bertha Briones	N/A	N/A	N/A	N/A
22/08/99	Vanesa Horcaditas	N/A	N/A	N/A	N/A
15/09/99	Body not identified #149/99	52	N/A	N/A	Stabbed with white weapon
15/10/99	N/A	15	N/A	N/A	Strangled (*)
16/10/99	María del Refugio Núñez López	27	*Morena*	Home	Stabbed (**)
21/10/99	Blanca Estela Vázquez Valenzuela	43	*Morena*	Unemployed (drug dealing@)	Gunshot (**)
25/10/99	Nelly América Gómez Olguín	23	*Morena*	Home (Dancer@)	N/A (**)
17/11/99	María de Lourdes Galván Juárez	26	*Morena clara*	Home	Gunshot
04/01/00	María Santos Rangel Flores	47	*Morena*	Seamstress	Dismembered (**)
05/01/00	Juana González Piñón	36	*Morena*	Maid	Stabbed (**)
19/01/00	Body not identified #13/00	28-30	*Morena clara*	N/A	Strangled
26/11/00	María Elena Salcedo Méraz	37	White	Employee	
29/01/00	María Isabel Nava Vázquez	18	*Morena*	Maquila worker	Stabbed and burned (*)®
14/02/00	Inés Silva Merchant	20	*Morena clara*	N/A	Asphyxia by strangulation (*)
07/03/00	Laura Rocío Lara Amaro	17	*Morena*	Student / employee	Gunshot
11/03/00	Alejandra Del Castillo Holguín	26	*Morena clara*	Home	Strangled
01/04/00	Amparo Guzmán Caixba	18	*Morena*	Maquila worker	Raped, broken column (*)®
24/04/00	Marisa Toribio Flores	11	*Morena*	Student	Gunshot
16/06/00	Martha Alicia Esquivel García	32	N/A	Home	
16/06/00	Sandra Herrines	37	White	Business	N/A
26/06/00	Irma Márquez	38	*Morena clara*	Maquila worker	Strangled (*)
28/06/00	Liliana Holguín de Santiago	17	*Morena*	Maquila worker	(*)®
03/07/00	Flor Emilia Monreal Meléndez	19	*Morena clara*	Maquila worker	Gunshot
04/08/00	Elodia Payán Núñez	46	*Morena clara*	Professor	Strangled, tortured (*)
13/08/00	Sonia Yareli Torres Torres	18	*Morena*	Home	Stabbed
07/09/00	María Elena Acosta Armendáriz	19	*Morena clara*	Maquila worker	N/A

Date found	Name	Age	Skin color	Profession	Cause of death
18/09/00	Elba Hernández Martínez	40	*Morena*	Secretary	Gunshots
04/10/00	Domitila Trujillo Posada	78	*Morena*	Home	Stabbed
24/10/00	María Elena Chávez Caldera	15-17	*Morena clara*	N/A	Mutilated, beaten (*)
04/11/00	María Verónica Santellanez Nájera	22	*Morena*	Maquila	Gunshot
06/11/00	Fátima Vanesa Flores Díaz	1	*Morena*	N/A	Beaten
07/11/00	María Isabel Martínez González	38	*Morena*	Home	Beaten
01/01/01	Laura Georgina Vargas	34	N/A	Street vendor	N/A (File lost)
14/01/01	Susana Enríquez Enríquez	29	N/A	N/A	Strangled, beaten (*)
19/01/01	Elvira Carrillo de la Torre	70	*Morena*	Home	Strangled
26/01/01	Brisia Janeth Nevares de los Santos	20	*Morena clara*	N/A	Stabbed (*)
21/02/01	Reina Saray Lara Luciano	3	*Morena*	N/A	Beaten (**)
21/02/01	Lilia Alejandra García Andrade	17	*Morena clara*	Maquila worker	Strangled, mutilated, beaten (*)®
04/04/01	Norma Leticia Moreno Quintero	23	*Morena*	N/A	Gunshot
09/04/01	María Julia Luna Vera	40	*Morena*	Merchant	Gunshot
26/04/01	Maria de los Ángeles Acosta Ramírez	19	*Morena clara*	Maquila worker	(*) Ejercito Nacional cases
30/04/01	Flor Idalia Márquez Valenzuela	15	*Morena*	Home	Gunshot
30/04/01	Laura Alondra Márquez Valenzuela	18	*Morena*	Home	Gunshot
12/05/01	Irma Rebeca Sifuentes Castro	18	*Morena*	Bartender	Strangled and beaten (*)
12/06/01	María Lourdes Gutiérrez Rosales	34	*Morena clara*	Employee	Beaten (*)
19/06/01	Antonia Valles Fuentes	45	*Morena*	Home	Stabbed
21/06/01	Gemma Nevárez García	4	*Morena*	N/A	Brain injury due to beating
19/07/01	Leticia Vargas Flores	34	*Morena*	Home	Gunshot
19/09/01	Consuelo Ortiz Contreras	2	*Morena clara*	N/A	Brain injury due to beating
08/11/01	Body not identified # 191/01	N/A	N/A		(*) (C y F)
08/11/01	Body not identified #192/01	N/A	N/A		(*) (C y F)
08/11/01	Esmeralda Herrera Monreal	15	*Morena clara*	Student/Maid	(*) (C y F)

Date found	Name	Age	Skin color	Profession	Cause of death
08/11/01	Laura Berenice Ramos Monárrez	16	*Morena clara (reported as white)*	Student	(*) (C y F)
08/11/01	Claudia Ivette González	20	*Morena clara (reported as white)*	Maquila worker (unemployed@)	(*) (C y F)
08/11/01	Bárbara Araceli Martínez Ramos	20	*Morena*	Bartender	(*) (C y F)
08/11/01	Verónica Martínez Hernández	18	*Morena clara*		(*) (C y F)
08/11/01	Mayra Juliana Reyes Solís	16	*Morena clara*	Unemployed	(*) (C y F)
08/11/01	Guadalupe de la rosa	19	*Morena clara*	N/A	(*)Ejercito Nacional (cases)
14/11/01	Martha Claudia Pizarro Velázquez	23	N/A	Dancer	Strangled (*)(**)
19/11/01	Alma Nelly Osorio Bejarano	21	N/A	Home	Strangled and beaten (*)
04/12/01	Francisca Torres Casillas	84	*Morena*	N/A	Brain injury produced by hit
06/12/01	Natividad Moncloa Moreno	39	*Morena*	Maid	Cut throat
21/12/01	María Luisa Carsoli Berumen	33	*Morena clara*	Secretary	Stabbed (***)
23/12/01	Susana Torres Valdivieso	20	N/A	Student	Gunshots
01/01/02	María López Torres	24	*Morena*	Home	Gunshot (***)
05/01/02	N/A	N/A	N/A	N/A	N/A
08/01/02	N/A	N/A	*Morena clara*	N/A	Stabbed
12/01/02	Hilda Roríguez Núñez	28	N/A		Run over by car
20/01/02	Lourdes Ivette Lucero Campos	26	*Morena clara*	Nutritionist	Beaten to death (**)
28/01/02	Mercedes Ramírez Morales	35	N/A	Maquila worker	Head banged with a rock (*)
21/01/02	Roberta Georgina Coronel Molina	N/A	N/A	N/A	(*)
19/02/02	Carmen Estrada Márquez	26	N/A	Home	Burned (***)
28/02/02	Clara Hernández Martínez	32	N/A	Home	Burned (***)
07/03/02	Leticia Caldera Alvidrez		N/A		Gunshots
19/03/02	Carolina Carrera	30ª	N/A	Unemployed	Battered, burned, asphyxia by bag in the head.
19/03/02	Alicia Carrera Lagunas	72	N/A	Home	Battered, burned, asphyxia by bag in the head.

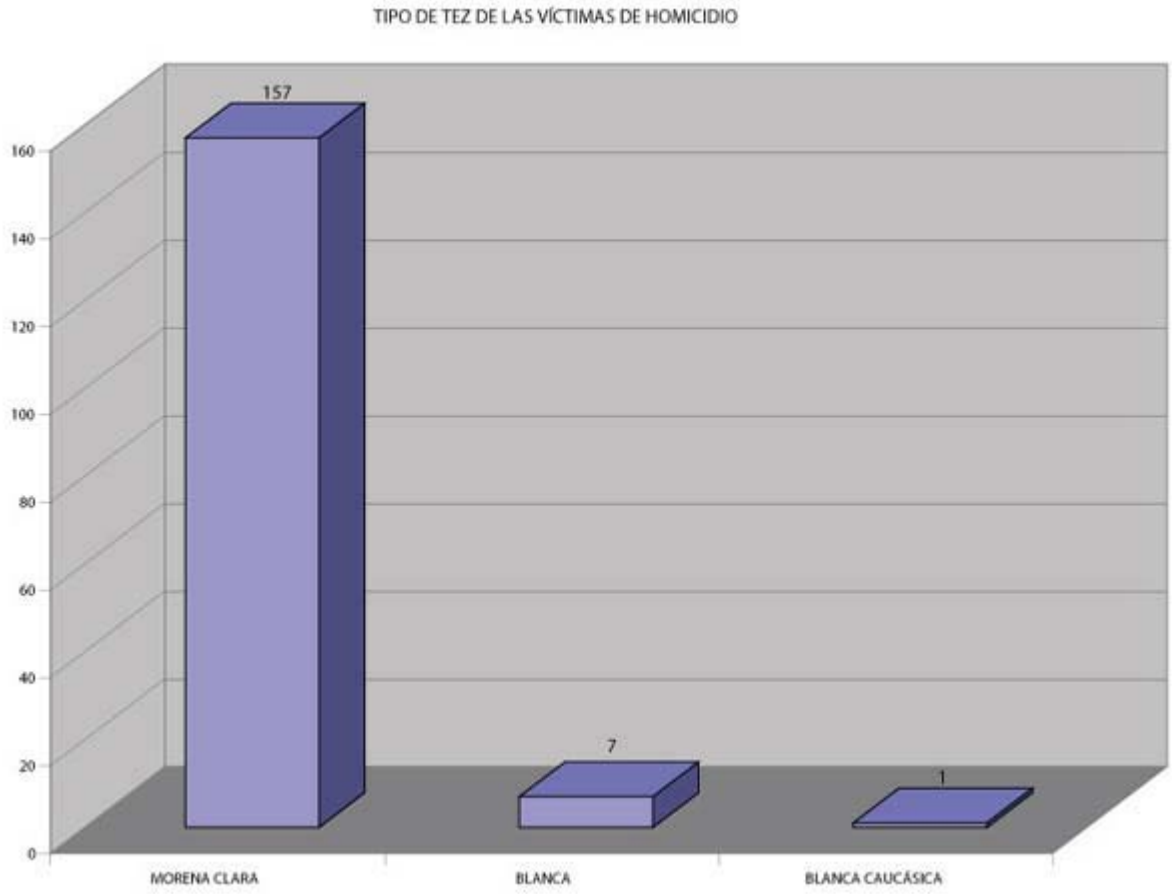
Date found	Name	Age	Skin color	Profession	Cause of death
21/03/02	Miriam Soledad Sáenz Acosta	14	*Morena*	Home	"accidental" gunshot (**)
20/03/02	Zulema Olivia Alvarado Torres	13	N/A	N/A	Asphyxia by strangling (***)
09/04/02	Maria Luisa de Herrera	24	N/A	Home	Gunshot (***)
13/04/02	Rosa Icela de la Cruz	19	*Morena*	Maquila worker	Beaten to death (***)
31/05/02	Elisa Lomas Ortiz	N/A	N/A	N/A	20 stabbings
27/05/02	Gloria Betance Rodríguez	34	N/A	Psychologist and Professor	Tortured, stabbed along with her husband (**)
02/06/02	Lucila Silva Salinas	30	*Morena clara*	Waitress	Broken column
09/06/02	Carmen Ivón Ontiveros	13	N/A	N/A	Hammered head* (**)
22/06/02	Linda Ramos Sandoval Sánchez	31	N/A	Business Woman	Gunshot in the head
28/08/02	Dora Alicia Martínez	34	N/A	Home	35 cuts
22/09/02	Body not identified # 197/02	N/A	N/A	N/A	N/A
23/09/02	Erika Pérez Escobedo	25-30	*Morena clara*	N/A (prostitution@)	Raped and strangled (*)
08/10/02	Body not identified # 202/02	12-16	*Black*	N/A	Cerro Cristo Negro case (*)
26/10/02	Gloria Rivas Martínez	15	*Morena clara*	Employee	Cerro Cristo Negro case (*)
20/11/02	Body not identified # 239/02	15-17	*Morena clara*	N/A	Cerro Cristo Negro case (*)
21/11/02	Daisy Rueda Salcido	20	*Morena clara*	N/A	Brain injury due to beating
02/01/03	Claudia Ivette Tavarez Rivera	22	*Morena*	Employee	Stabbed (**)
08/02/03	Lilia Juliana Reyes Espinoza	26	*Morena*	Accountant	Cut throat (*)
17/02/03	Violeta Mabel Alvídrez Barrios	18	*Morena*	Maquila worker/ Student	Cerro Cristo Negro case (*)
17/02/03	Juana Sandoval Reina	16	*Morena*	Student	Cerro Cristo Negro case (*)
17/02/03	Esmeralda Juarez Alarcón	16	*Morena*	Student	Cerro Cristo Negro case (*)
18/02/03	Brenda Berenice Delgado Rodríguez	5	*Morena*	N/A	Raped and stabbed (*)
24/02/03	Adriana Cecilia Adriano	20	N/A	Home	N/A
12/03/03	Brenda Lizeth Santos González	15	N/A	Home	N/A
06/04/03	Antonia Ceniceros Corral	60	*Morena clara*	Home	Strangled (*)

Date found	Name	Age	Skin color	Profession	Cause of death
20/07/03	Emy Yamilet Gaytán Núñez	2	N/A	N/A	(*)(***)
23/07/03	Miriam Garcia Solorio	22	N/A	Home	Gunshot (file not available) (**)
23/07/03	Karina Candelaria Ramos González	22	N/A	Unemployed	Gunshot (file not available)
23/07/03	Mayra Gema Alamillo González	20	N/A	Unemployed	Strangled, gunshot (file not available) (**)

@ Profession information provided by authorities.
(*) Signs of sexual violence
(**) Suspect(s) detained
(***) Family member suspected; lovers (or concubines) are considered as family members
® Crimes attributed to the gang *Los Rebeldes*
(Cy F) Attributed to *El Cerillo* and *La Foca.*

Annex II: Table of the CNDH report

SKIN COLOR OF THE VICTIMS OF HOMICIDE



LIGHT *MORENA* = 157
WHITE=7
WHITE CAUCASIAN= 1

SOURCE: National Commission on Human Rights (CNDH). "*Informe Especial de la Comisión Nacional de los Derechos Humanos Sobre los Casos de Homicidios y Desapariciones de Mujeres en el Municipio de Juárez, Chihuahua.* November 2003.

Table also available at:
http://www.senado.gob.mx/content/sp/informes/chihuahua/graficas/fr_fisicas.htm