Femicide: Alarming Problem Despite Vanguard Law

Lindajoy Fenley

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Ciudad Juárez, Chihuahua, is the first place that comes to mind when the topic of femicide in Mexico is raised. The boom in employment when multinational companies opened maquiladora operations exploded into an international alert when female bodies began showing up in vacant lots two decades ago (SourceMex, Sept. 11, 2002, April 30, 2003, July 30, 2003, Oct. 22, 2003, Feb. 4, 2004, Feb. 9, 2005, June 1, 2005, and March 1, 2006). In 2009, the Inter-American Court of Human Right (IACHR) held the Mexican government responsible for the murders of three of the victims and ordered it to pay restitution to their families, reopen investigations of the murders, and investigate officials accused of obstructing justice.

By then, Mexico’s Congress had already passed vanguard legislation to confront the femicide rampant throughout the country. The 2007 law includes a unique mechanism to prevent femicide called the Declaración de Alerta de Violencia de Género, or gender-violence alert. Female deputies in Congress drew up the proposal for gender-violence alerts "to prevent a repetition of what happened in Chihuahua," according to Yuriria Rodríguez, a lawyer who works with the Observatorio Ciudadano Nacional de Feminicidio (OCNF) and Católicas por el Derecho a Decidir, an OCNF organization. The alerta should set in motion a series of actions to make an environment safer and prevent violence against women.

In 2009, Congress published federal regulations establishing how municipal, state, and federal governments would work together under such alerts in areas where violence against women was a problem. Similar regulations must also be enacted on the state level.

Yet feminists say femicide—the killing of women and girls because of their gender—remains an alarming epidemic throughout the country. Organizations have asked for gender-violence alert declarations eight times. But each time—from Oaxaca and Chiapas in the south to Nuevo León in the north and Hidalgo, Guanajuato, and México state in the center—the government commission charged with enacting the alerts has rejected the requests.

"The existence of the gender-violence alert constitutes a positive de jure advancement," states a press release from the OCNF, a consortium of nearly 50 human rights and women’s organizations nationwide. "However, the implementation of its measures since its entrance into force four years ago is almost nil."

The OCNF says an average of six femicides per day occur in Mexico. The organization reported that, in the five and one-half years between January 2007 and June 2012, the number of femicides reached 4,112. Activists say that Chihuahua alone accounts for more than 1,500 femicides. Government statistics are not available because the concept of femicide is recent and not all possible femicides are investigated as such.

Impunity is the main driving force behind such assassinations, according to a television documentary made by the congressional press office. In the short video aired on the government TV channel, a narrator says, "In most cases, the guilty parties are not brought to justice. The macho education still instilled in Mexican homes is conducive to, and nourishes, these terrible acts."
International condemnation of the epidemic of femicides in Mexico and Central America has aided human rights organizations in Latin American countries to fight for justice. When the European Parliament officially condemned the murders as well as the impunity surrounding the crimes in the region in 2007, it also offered technical and professional assistance in solving such crimes (NotiCen, Oct. 18, 2007). Amnesty International (AI), which recognizes that violence against women is a global problem, has called for permanently integrating gender-based violence prevention into all US government programming overseas.


**Regulations approved state-by-state**

Mexico’s Ley General de Acceso de las Mujeres a una Vida Libre de Violencia—with the highest sanctions in Latin American—is considered one of the most innovative. Yet here, too, bureaucracy moves slowly. While Chihuahua became the first state to typify femicide as a specific crime in October 2010, it took more than three years for all 31 states plus the Federal District to do so. State laws are still in the process of being standardized.

In the state of México, where activists attribute a high rate of femicide to migration and proximity to the capital, the legislature in January considered two different proposals to improve femicide legislation. On Jan. 17, the Mexican daily Universal reported that the governor’s office proposed tougher penalties for both rape and femicide, with special sanctions when the perpetrator is a government official. State Deputy Ana Yurixi Leyva, however, supports a different bill drawn up earlier by her party, the Partido de la Revolución Democrática (PRD). She said the PRD proposal standardizes state laws with international as well as federal law. In the report, Yurixi said the governor’s bill could lend itself to a new manipulation of femicide statistics, making it look like the problem has diminished.

Baja California Sur Gov. Marcos Covarrubias of the Partido Acción Nacional (PAN) in December vetoed proposed reforms to his state’s penal code that would have toughened sentences in femicide cases, according to a report in the Jan. 29 edition of La Jornada, a Mexico City daily. The newspaper said that state attorney general Gamill Arreola Leal had argued that the reform is discriminatory and runs counter to Article 4 of Mexico’s Constitution that establishes the equality of men and women before the law, and it would not make sense that punishment for femicide—25 to 50 years in prison and a fine of 300 to 900 times the minimum daily wage—would be greater than that already established for parricide—a minimum of 20 years in prison and up to 300 times the minimum daily wage.

While he reportedly said it is reprehensible that a woman is violated in her family and in society, depriving her of employment opportunities, education, heath, political participation, and domestic violence, the governor insisted that this situation cannot be solved with new additions to the penal code, according to La Jornada.

Feminists argue, however, that laws are necessary because perpetrators and officials who fail to protect women’s rights currently enjoy impunity.
Obstacles to gender-violence alerts

The state of México treated femicide like a political hot potato a few years ago. At the time human rights organizations filed a gender-violence alert request because of an alarming rise in the number of femicides—922 in just over five years with no identification of the victim in 526 of the cases—the governor had been tapped as a potential presidential candidate.

"People said it would be a political coup against the soon-to-be presidential candidate [of the Partido Revolucionario Institutional (PRI), Enrique Peña Nieto]," Rodríguez said.

After the National System to Prevent, Attend, Punish, and Eradicate Violence Against Women (SNPASEVM for its initials in Spanish) rejected the request for a gender-violence alert in México state in January 2011, a district judge ordered the group to reconsider the request since it met all necessary requirements. In his statement, the judge said it was clear members of the SNPASEVM had not even read the case documents.

"Most on the commission were Priistas [members of Peña Nieto’s party] and their arguments against accepting the gender-violence alert had nothing to do with the issues," Rodríguez said.

The declaration of a gender-violence alert, similar to the environmental alerts that inspired the concept, would put into motion a series of governmental actions including preventative measures such as making an area safer with better lighting, paving, and the like as well as criminal investigations, detaining suspects, and granting the families of femicide victims access to justice.

"The gender-violence alert has been misunderstood and misinterpreted," said Edith López, an activist lawyer and legal advisor to Sen. Angélica de la Peña, president of the Senate’s Comisión de Derechos Humanos and secretary of the Comisión para la Igualdad de Género. "This mechanism that is very noble and avant-garde to date has been inoperable."

Both Rodríguez and López said that regulations regarding the gender-violence alert are bureaucratic and plagued with intrinsic obstacles. For example, after receiving a request for an alert from organizations that have investigated alarming situations, the SNPASEVM must decide whether the request is warranted and then call for its own investigation. Made up of representatives from every state plus eight federal agencies, the SNPASEVM has never authorized an alert.

In addition to the above-mentioned case in the state of México, the OCNF lists the following situations that caused organizations to petition for gender violence requests:

• April 2008. Extensive femicide violence and kidnappings of women and girls in Oaxaca’s indigenous Triqui area, which has been embroiled in political conflicts for more than 50 years. The SNPASEVM refused to hear the case and those who had requested the alert later dropped it after unfounded rumors emerged that an alert would mean militarization of the region.

• May 2009. Imprisonment of women in Guanajuato who had sought clandestine abortions after being raped because legal abortion services were not available even though the state’s penal code allows for abortion in such cases.

• January 2012. A 689% increase crimes against women—both rapes and disappearances—between 2000 and 2011 in Nuevo León where 1,095 femicides were reported. The OCNF said there is
documented evidence that Army, special forces, and other police corporations’ officers have participated in several femicides.

- March 2013. Most of the 93 assassinations of women in the state of Hidalgo between 2009 and 2011 took place in the municipalities of Tula and Atitalaquia.

- May 2013. Only three of 24 female homicides in Guanajuato were investigated as femicides even though in more than 70% of the cases the women were killed with excessive use of force.

- November 2013. Femicides in Chiapas jumped from 22 in 2010 to 55 in 2013.

On March 2, Televisa reported that organizations in Oaxaca are preparing a gender-violence alert request because of an alarming increase in the crime in the state just north of Chiapas. The television network said there have already been 17 femicides in Oaxaca this year, up from 12 for the same period a year ago. Annual totals were 84 in 2013 and 80 in 2011. So far, all the requests have been denied without any investigation by the SNPASEVM. The most recent denial related to the increasing femicides in Chiapas was denied on Jan. 17.

"No one wants to be the first state where there is a gender-violence alert," López said. "They consider it a stigma."

However, the human rights lawyer considers an alert could benefit, rather than hurt, local governments. State and municipal governments would have access to federal funds to respond to the alert, she explained. They could get money for infrastructure improvements such as road and sidewalk paving, public lighting, camera monitoring systems, and training of police and other officials.

Meanwhile, available funds earmarked for gender-violence alerts are shrinking, López said, because they’ve never been used. "We started with some 30 million pesos [approximately US$2.3 million] and the annual budget is now down to something like 20 million."

PAN Deputy Karina Labastida Sotelo, secretary of a special congressional femicide commission, also reportedly said partisan motives have sabotaged the gender-violence alert. Since organizations began to request gender-violence alerts, according to Labastida, state governments with the highest femicide index have hidden their statistics.

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