

## **MEXICO**

### **CEDAW Optional Protocol Article 8 Examinations Concerning Gender Discrimination**

#### **CEDAW A/59/38 part II (2004)**

##### CHAPTER V

#### B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

390. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned.

391. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

392. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

#### Summary of the activities of the Committee concerning the inquiry on Mexico

393. By letter dated 2 October 2002, Equality Now, a non-governmental organization in special consultative status with the Economic and Social Council, and Casa Amiga, a rape crisis centre in Ciudad Juárez, Mexico, submitted information containing allegations of the abduction, rape and murder of women in the Ciudad Juárez area of Chihuahua, Mexico, in particular that, since 1993, more than 230 young women and girls, most of them maquiladora workers, had been killed in or near Ciudad Juárez. The organizations requested that the Committee undertake an inquiry concerning Mexico.

394. No information shall be received by the Committee if it concerns a State party which, in accordance with article 10, paragraph 1, of the Convention, declared at the time of signature or ratification of the Optional Protocol that it did not recognize the competence of the Committee provided for in articles 8 and 9. Mexico ratified the Optional Protocol on 15 March 2002 without making such a declaration. The Procedure under article 8 could, therefore, be applied to Mexico.

395. During its twenty-eighth session (13 to 31 January 2003) the Committee, pursuant to article 82 of its Rules of Procedure, requested two of its members (Ms. Yolanda Ferrer Gómez and Ms. Maria Regina Tavares da Silva) to examine the information provided and other available information and, in the light of their examination, the Committee concluded that the information provided by Equality Now and Casa Amiga was reliable and that it contained substantiated

indications of grave or systematic violations of rights set forth in the Convention. The Committee decided to invite the Government of Mexico to submit observations with regard to that information by 15 May 2003. The Government of Mexico submitted observations on 15 May 2003 and further observations on 7 July 2003. On 3 June 2003, Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights submitted additional information to the Committee.

396. At the Committee's twenty-ninth session (30 June to 18 July 2003) the Committee decided to conduct an inquiry. It designated the same two of its members to visit Mexico and to report to the Committee confidentially at its next session in January 2004.

397. On 11 August 2003, the Government of Mexico was informed of the Committee's decision to establish an inquiry, and was requested to consent to a visit by the two members designated by the Committee. On 27 August 2003, the Government of Mexico agreed to the visit, confirmed Ms. Patricia Olamendi, Vice-Minister for Global Issues in the Ministry of Foreign Affairs, as its designated representative for the inquiry, made a commitment to provide all the assistance necessary to ensure that they could carry out their mission properly and agreed that the visit take place from 18 to 26 October 2003. From the outset, the Government of Mexico showed a willingness to cooperate fully with the Committee.

398. The two designated members of the Committee carried out the inquiry on the aforementioned dates. They visited the Federal District and State of Chihuahua (Chihuahua City and Ciudad Juárez) during the visit to Mexico.

399. In the Federal District, Ms. Ferrer Gómez and Ms. Tavares da Silva met with the Ministry of the Interior (Head of the Human Rights Promotion and Protection Unit, Deputy Director-General of the Unit and Adviser to the Under-Secretary for Human Rights), Ministry of Development (SEDESOL) (Minister, Under-Secretary for Urban Development and Land Management and Director-General of the Institute), Federal Government Commissioner for the cases of women in Ciudad Juárez, Public Prosecutor's Department/Office of the Attorney-General of the Republic and three Deputy Attorneys-General (Organized Crime, Regional Control, Protection and Criminal Proceedings and International Affairs) and the Directors-General of the Office of the Attorney-General (Crime Prevention, Victim Support), the National Women's Institute (INMUJERES) (Chairperson of the Institute, Technical Secretary, Coordinator for Advisers and Deputy Director-General for International Affairs), National Human Rights Commission (Second General Representative), Ministry of Foreign Affairs (Under-Secretary for Global Issues and Human Rights, Adviser to the Under-Secretary and Deputy Director-General of the Directorate-General of Human Rights). The members of the Committee also met with nine representatives of the Special Committee of the Senate to Monitor the Murders of Women in Ciudad Juárez, five representatives of the Commission on Equity and Gender of the Chamber of Deputies and the Subcommittee of Coordination and Contact to Prevent and Sanction Violence against Women in Ciudad Juárez. The experts also met with United Nations bodies (the United Nations Development Fund for Women (UNIFEM)) and non-governmental organizations (Mexican Committee for the Defence and Promotion of Human Rights and Milenio Feminista).

400. In the capital of the State of Chihuahua, the members of the Committee conducted interviews

with the interim State Governor and Secretary-General of the Government, the Assistant State Public Prosecutor and the Director of Legal Affairs of the Office of the Public Prosecutor. They also called on the Head of the Chihuahua Women's Institute.

401. In Ciudad Juárez, Ms. Ferrer Gómez and Ms. Tavares da Silva held interviews with joint State/Federal, Federal and municipal authorities together with associations of the mothers of the women murdered or abducted in Ciudad Juárez or Ciudad Chihuahua, mothers and other relatives of victims and representatives of civil society. They visited sites where numerous victims' bodies had been found in 2001 and 2002/3, sites of maquiladoras and the poorest areas of Ciudad Juárez. They interviewed the Assistant State Public Prosecutor for the northern Region, the Special State Prosecutor (Joint Office of the Prosecutor for the investigation of the murders of women), the Personal Assistant to the Mayor, the Representative of the Office of the Attorney-General of the Republic, the Head of the Federal Section of the Joint Agency for the Investigation of the Murders of Women and the General Coordinator for Human Rights and Citizen Participation of the Ministry of Public Security (Preventive Federal Police).

402. In Ciudad Juárez, the two experts also met with organizations of the victims' relatives and mothers of victims (Nuestras Hijas de Regreso a Casa, Justicia para Nuestras Hijas, Integración de Madres de Juárez), local non-governmental organizations (Red Ciudadana No Violencia y Dignidad Humana, Casa Promoción Juvenil, Organización Popular Independiente, CETLAC, Grupo 8 de marzo and Sindicato de Telefonistas) and representatives of the local, national and international non-governmental organizations Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights.

403. On 23 January 2004 during its thirtieth session (12-30 January 2004), the Committee, after having examined the findings of the inquiry, adopted its report including conclusions and recommendations addressed to the State party. Pursuant to article 8, paragraphs 3 and 4, the findings, comments and recommendations of the Committee were sent confidentially to the Permanent Representative of Mexico to the United Nations in New York with a request that the Government of Mexico submit observations thereon within six months of receipt.

404. On 21 July 2004, during its thirty-first session (6-23 July 2004), the Government of Mexico submitted its observations to the Committee. The Committee also received supplementary information from Equality Now, dated 7 July 2004. The Committee designated Ms. Ferrer Gómez and Ms. Tavares da Silva to examine the observations and additional information and to report thereon to the Committee.

405. Having considered the Government's observations the Committee decided, in accordance with article 9, paragraph 2, of the Optional Protocol, to invite the State party to submit, by 1 December 2004, a detailed report on steps taken, measures implemented and results achieved in relation to all the recommendations of the Committee contained in the Committee's findings transmitted to the State party on 23 January 2004.

406. All activities of the Committee or its designated members in relation to this inquiry were carried out in strict compliance with the relevant confidentiality provisions of the Optional Protocol and the Committee's rules of procedure.

407. The Committee noted that it will consider follow-up measures taken by the Government in response to its inquiry at its thirty-second session (10-28 January 2005).

408. The Committee decided that it would issue a summary of its findings and recommendations and the Government's response at a future date.

## **CEDAW A/60/38 (Part I) (2005)**

### **Chapter V**

#### **Activities carried out under the Optional Protocol to the Convention**

33. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

#### **A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol**

34. The Committee took action on communication 2/2003 (see annex III to the present report).

#### **B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol**

35. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned.

36. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

37. The Committee continued its work under article 8 of the Optional Protocol during the period under review. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

38. Pursuant to rule 77 of the Committee's rules of procedure, the Secretary-General brought to the attention of the Committee information that had been submitted for the Committee's consideration under article 8 of the Optional Protocol.

#### **Summary of the activities of the Committee concerning the inquiry on Mexico, and follow-up**

39. The Committee reiterated its decision, taken at its thirty-first session, to issue at a future date the substantive findings and recommendations emanating from its inquiry, in accordance with article 8 of the Optional Protocol, in regard to Mexico, together with the State party's observations (see A/59/38, part II, chap. V.B). The Committee issued these findings and recommendations, together with the State party's observations, on 27 January 2005 (CEDAW/C/2005/OP8/Mexico).

40. The Committee recalled its decision requesting the Government of Mexico to submit information, by 1 December 2004, about measures taken in response to the Committee's

recommendations submitted to the State party on 23 January 2004. It received preliminary information on 13 December 2004 and additional information on 17 January 2005. It decided to request the Government of Mexico to submit additional information on follow-up given to the Committee's recommendations in a succinct report, of up to 10 pages, by 1 May 2005. The Committee further decided to invite the three NGOs that had submitted the information that led to the Committee's decision to conduct an inquiry under article 8 of the Optional Protocol in regard to Mexico, Equality Now, Casa Amiga and the Mexican Committee for the Defense and Promotion of Human Rights, to provide their views in a succinct report to the Committee, by 1 May 2005, on the current situation concerning the killings and abductions of women in the Ciudad Juárez area of Mexico, and in particular their evaluation of the State party's actions in response to the Committee's findings and recommendations. The Committee decided to consider Mexico's follow-up response, together with any information that might be received from the NGOs, at its thirty-third session, scheduled to take place from 5 to 22 July 2005.

## **CEDAW/C/2005/OP.8/Mexico (2005)**

### **Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico**

At its thirty-first session in July 2004, the Committee on the Elimination of Discrimination against Women concluded an inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in regard to Mexico that also included a visit to the State party's territory. The Committee included a procedural summary of the inquiry in its annual report (A/59/38, Part II, Chapt. V.B). It decided to make public at a later date its findings and recommendations regarding the abduction, rape and murder of women in the Ciudad Juárez area of Chihuahua, Mexico, as well as the observations received from the Government of Mexico thereon.

The present document is being issued pursuant to that decision and is divided in two parts. Part one consists of the Report of the Committee – findings and recommendations. Part two contains the observations of the Government of Mexico on those findings and recommendations.

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## **Part one**

### **Report of the Committee – Findings and recommendations**

#### **I. Introduction**

1. In accordance with article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, if the Committee receives reliable information that, in its opinion, indicates grave or systematic violations by a State Party of the rights set forth in the Convention, the Committee shall invite the State Party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information received. Subsequently, the Committee may designate one or more of its members to conduct an inquiry and report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory. All actions carried out by the Committee shall be confidential and the cooperation of the State Party shall be sought at all stages of the proceedings.
2. Mexico ratified the Optional Protocol on 15 March 2002. Therefore, the procedure set out in article 8 of that Protocol is applicable to Mexico.
3. In a letter dated 2 October 2002, the non-governmental organizations Equality Now and Casa Amiga, located in New York, United States of America, and Ciudad Juárez, Mexico, respectively, requested the Committee to conduct an inquiry, under article 8 of the Protocol, into the abduction, rape and murder of women in and around Ciudad Juárez, State of Chihuahua, Mexico, in order to reinforce the support it had already given to the case following its examination of Mexico's fifth periodic report, submitted in implementation of the Convention at its exceptional session in August 2002 (in its observations, the Committee had expressed particular concern at the apparent lack of results of the investigations into the causes of the numerous murders of women and the failure to identify and bring to justice the perpetrators of such crimes and called on the State party to promote and accelerate compliance with Recommendation No. 44/98 of the Mexican National Human Rights Commission in relation to the investigation and punishment of the Ciudad Juárez murders). The two non-governmental organizations provided specific information about the issue.
4. At its twenty-eighth session (January 2003), the Committee, pursuant to article 82 of its Rules of Procedure, requested two members of the Committee (Ms. Ferrer Gómez and Ms. Tavares da Silva) to undertake a detailed examination of the information provided. The two experts carried out

that examination in the light of other information available to the Committee, in particular the relevant conclusions of the other treaty bodies and the reports of the United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers. In the light of the examination carried out by Ms. Ferrer Gómez and Ms. Tavares da Silva, the Committee concluded that the information provided by Equality Now and Casa Amiga was reliable and that it contained substantiated indications of grave or systematic violations of rights set forth in the Convention. In accordance with article 8 (1) of the Optional Protocol and article 83 (1) of the Committee's Rules of Procedure, the Committee decided to invite the Government of Mexico to cooperate with it in the examination of the information and, to that end, to submit its observations by 15 May 2003 (cf. letter from the Chairperson of the Committee, sent by the Secretary-General of the United Nations on 30 January 2003).

5. On 15 May 2003, through a note from the Permanent Mission of Mexico to the United Nations in New York, the Government of Mexico submitted its observations concerning the allegation made by the non-governmental organizations Casa Amiga and Equality Now. As well as providing detailed information about the issue, the Government of Mexico volunteered (i) to respond immediately to the request for additional information and, to that end, referred the Committee to the Under-Secretary for Global Issues of the Ministry of Foreign Affairs; (ii) to invite the Committee to visit the country and to guarantee the conditions and facilities necessary to enable the inquiry to be conducted in total freedom; and (iii) its complete willingness to implement any recommendations adopted by the Committee after the inquiry. The Government of Mexico provided, *inter alia*, information about recent actions taken at the State, federal and legislative levels to address the situation in Ciudad Juárez.

6. On 3 June 2003, Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights (it should be emphasized that the Mexican Committee provided relevant information to the Committee prior to the examination of Mexico's fifth periodic report in August 2002) submitted additional information to the Committee, updating it about recent events that had allegedly taken place in Juárez. That information referred to the newly-discovered murders, the ongoing impunity of those responsible, threats directed towards those calling for justice for women, growing frustration on account of the authorities' lack of due diligence in investigating and prosecuting the crimes in an appropriate manner and an emerging pattern of irregularities and incidents pointing to the possible complicity of the authorities in the continuing violence against women in Juárez. Reference was also made to a similar pattern of murders and disappearances involving women in Chihuahua City — a possible consequence of the impunity in Juárez and the spread of criminal activities. Attached to the information was the report of the Special Rapporteur on women's rights of the Inter-American Commission on Human Rights (IACHR), published in March 2003, following her visit to Mexico, which included a visit to Ciudad Juárez.

7. By means of notes verbales, dated 27 June and 7 July 2003, the Government of Mexico provided additional information which drew attention to recent results obtained in the investigations and details regarding the creation of a mechanism providing for coordination between federal bodies and civil society and its links with State and municipal institutions and the National Congress (Subcommittee of Coordination and Contact to Prevent and Sanction Violence against Women in Ciudad Juárez, chaired by the Minister for the Interior). That additional information from the Government also provided details of a planned 40-point action plan forming the basis of the

Subcommittee's monitoring activities: actions in the area of the promotion of justice; actions in the area of social development and actions to promote women's human rights in Ciudad Juárez.

8. At its twenty-ninth session (July 2003), after having examined all the information submitted by the Government and taking into account the supplementary information provided by Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights, the Committee decided to conduct a confidential inquiry under article 8 (2) of the Optional Protocol and article 84 of its Rules of Procedure and nominated two of its members, Ms. María Yolanda Ferrer Gómez and Ms. Maria Regina Tavares da Silva, to conduct the inquiry and report thereupon to the Committee. Lastly, the Committee decided to request the Government of Mexico, pursuant to article 8 (2) of the Optional Protocol and article 86 of the Rules of Procedure, to consent to a visit by the two members in October 2003 (the Government of Mexico was notified of that request by means of a note from the Secretary-General of the United Nations dated 11 August 2003). On 27 August 2003, the Government of Mexico consented to the visit of the two experts and made a commitment to provide all the assistance necessary to ensure that they could carry out their mission properly. Through that same note, Ms. Patricia Olamendi, Under-Secretary for Global Issues of the Ministry of Foreign Affairs, was confirmed as the representative of the Government of Mexico in accordance with article 85 (2) of the Rules of Procedure of the Committee. The Government agreed to the dates for the visit proposed by the Committee (18-26 October 2003). The two experts selected, Ms. María Yolanda Ferrer Gómez and Ms. Maria Regina Tavares da Silva, accompanied by two United Nations officials, Ms. Helga Klein and Mr. Renan Villacis, carried out the visit on the aforementioned dates.

## **II. Visit to Mexico, 18-26 October 2003**

### **Activities of the members of the Committee during the visit**

9. During their stay in Mexico, the members of the Committee visited the Federal District and State of Chihuahua (Chihuahua City and Ciudad Juárez).

10. In the Federal District, Ms. Ferrer Gómez and Ms. Tavares da Silva conducted interviews with the following authorities: Ministry of the Interior (Head of the Human Rights Promotion and Protection Unit, Deputy Director-General of the Unit and Adviser to the Under-Secretary for Human Rights), Ministry of Development (SEDESOL) (Minister, Under-Secretary for Urban Development and Land Management and Director-General of the Institute), Federal Government Commissioner for the cases of women in Ciudad Juárez (appointed on 17 October 2003), Public Prosecutor's Department/Office of the Attorney-General of the Republic and three Deputy Attorneys-General (Organized Crime, Regional Control, Protection and Criminal Proceedings and International Affairs) and the Directors-General of the Office of the Attorney-General (Crime Prevention, Victim Support), the National Women's Institute (INMUJERES) (Chairperson of the Institute, Technical Secretary, Coordinator for Advisers and Deputy Director-General for International Affairs), National Human Rights Commission (Second General Representative), Ministry of Foreign Affairs (Under-Secretary for Global Issues and Human Rights, Adviser to the Under-Secretary and Deputy Director-General of the Directorate-General of Human Rights).

11. The members of the Committee also met with nine representatives of the Ad Hoc Committee to Monitor the Murders of Women in Ciudad Juárez set up by the Senate and with five

representatives of the Commission on Equity and Gender of the Chamber of Deputies — the two committees that form part of the National Congress of the Republic.

12. The members of the Committee had the opportunity to take part in a meeting of the Subcommittee of Coordination and Contact to Prevent and Sanction Violence against Women in Ciudad Juárez, which brings together nine ministries/federal entities, the Public Prosecutor's Department/Office of the Attorney-General of the Republic, the National Human Rights Commission and representatives of civil society.

13. The experts also met with United Nations bodies (the United Nations Development Fund for Women (UNIFEM)) and non-governmental organizations (Mexican Committee for the Defence and Promotion of Human Rights and Milenio Feminista).

14. In the capital of the State of Chihuahua, the members of the Committee conducted interviews with the interim State Governor and Secretary-General of the Government, the Assistant State Public Prosecutor and the Director of Legal Affairs of the Office of the Public Prosecutor. They also called on the Head of the Chihuahua Women's Institute.

15. In Ciudad Juárez, Ms. Ferrer Gómez and Ms. Tavares da Silva held interviews with joint State/Federal, Federal and municipal authorities together with associations of the mothers of the women murdered or abducted in Ciudad Juárez or Ciudad Chihuahua, mothers of victims and representatives of civil society. They also visited sites where numerous victims' bodies had been found in 2001 and 2002/3, sites of maquiladoras and the poorest areas of Ciudad Juárez.

16. The two experts conducted an interview with the Assistant State Public Prosecutor for the Northern Region, the Special State Prosecutor (Joint Office of the Prosecutor for the investigation of the murders of women), the Personal Assistant to the Mayor, the Representative of the Office of the Attorney-General of the Republic, the Head of the Federal Section of the Joint Agency for the Investigation of the Murders of Women and the General Coordinator for Human Rights and Citizen Participation of the Ministry of Public Security (Preventive Federal Police).

17. In Ciudad Juárez, the two experts also met with organizations of the victims' relatives (Nuestras Hijas de Regreso a Casa, Justicia para Nuestras Hijas, Integración de Madres de Juárez), mothers of victims, local non-governmental organizations (Red Ciudadana No Violencia y Dignidad Humana, Casa Promoción Juvenil, Organización Popular Independiente, CETLAC, Grupo 8 de marzo and Sindicato de Telefonistas) and representatives of the local, national and international non-governmental organizations Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights.

### **General conditions for the visit**

18. The Government of Mexico was fully supportive of the visit and was cooperative throughout, respecting the confidential and independent nature of the investigation. It did everything necessary, both in Mexico City and in the State of Chihuahua, to ensure that the two experts conducting the investigation were able to complete the scheduled programme of work as effectively as possible and guaranteeing their security at all times. In particular, the two experts express their appreciation and

gratitude for the excellent cooperation provided by the Mexican authorities with regard to logistics and to the provision of extensive and up-to-date oral and written information. They would also like to receive information concerning the mandate of the Commissioner, and about her functions and powers and other important matters which may arise and may be of interest, so that this information can be included in the report to be submitted to the Committee.

19. Ms. Ferrer Gómez and Ms. Tavares express their sincere thanks to all the representatives of civil society with whom they met during their visit. The extensive and concrete information freely provided during those meetings helped broaden their understanding and increase their knowledge of the present situation.

20. Lastly, they express their appreciation for the measures taken by the Federal authorities in Ciudad Juárez to provide protection for a member of a non-governmental organization involved in the case of the murdered and disappeared women in Ciudad Juárez, who was threatened during an incident that occurred during the experts' visit. They express their desire to be kept informed of developments in this regard.

21. The two experts are very grateful to the Resident Coordinator/Representative of the United Nations Development Programme (UNDP) and his colleagues, for their invaluable assistance, including all the logistical and technical facilities provided to the experts during preparations for the mission and during the visit to Mexico City and Ciudad Juárez.

### **III. Gender-based discrimination and violence - the situation in Ciudad Juárez**

#### **General context and evolution of the situation**

22. Ciudad Juárez lies in the northern part of the State of Chihuahua, on the border with the United States of America. With a current population of 1.5 million (including the floating population), it is the largest centre in the State of Chihuahua (Mexico's "Big State"), accounting for 40 per cent of the State's overall population. It includes an industrial sector that has seen dizzying growth, especially over the last decade, due to the growth of the maquila industry, which has brought an increase in the flow of migrants from other parts of Mexico, compounded by the presence of foreign migrants. Regarded as an "open door" to employment prospects and better opportunities, Ciudad Juárez is also an "open door" to illegal immigration and drug trafficking.

23. The accelerated population growth has not been accompanied by the creation of public services needed to respond to the basic needs of this population, such as health and education, housing, and sanitation and lighting infrastructures. This has helped create serious situations of destitution and poverty, accompanied by tensions within individual families and within society as a whole. During a visit to the city's western district, the delegation was able to witness the extreme poverty of the local families; most of those households are headed by women and live in extreme destitution. Furthermore, the delegation was informed by various sources that in Ciudad Juárez there is a marked difference between social classes, with the existence of a minority of wealthy, powerful families, who own the land on which the marginal maquilas and urban districts are located, making structural change difficult. The overall situation has led to a range of criminal behaviours, including organized crime, drug trafficking, trafficking in women, undocumented migration, money-laundering,

pornography, procuring, and the exploitation of prostitution.

24. All authorities consulted by the delegation recognize that the city's erratic growth, together with a combination of social, economic and criminal factors, have resulted in a complex situation characterized by the rupture of the social fabric. One of its most significant aspects is the increase in violence in various forms, affecting the whole population — men, women and children. This rupture is also reflected in the acceptance of violence against women, which is regarded as a “normal” phenomenon within the context of systematic and generalized gender-based discrimination.

25. In addition, the situation created by the establishment of the maquilas and the creation of jobs mainly for women, without the creation of enough alternatives for men, has changed the traditional dynamic of relations between the sexes, which was characterized by gender inequality. This gives rise to a situation of conflict towards the women — especially the youngest — employed in the maquilas. This social change in women's roles has not been accompanied by a change in traditionally patriarchal attitudes and mentalities, and thus the stereotyped view of men's and women's social roles has been perpetuated.

26. Within this context, a culture of impunity has taken root which facilitates and encourages terrible violations of human rights. Violence against women has also taken root, and has developed specific characteristics marked by hatred and misogyny. There have been widespread kidnappings, disappearances, rapes, mutilations and murders, especially over the past decade.

27. Although murders of women had occurred in Ciudad Juárez in previous years, it was in 1993 that the phenomenon intensified and started to become noticeable. In 1993, 25 women were murdered, according to information provided by the civil society organizations, which made the initial reports, and 18 murders according to Government sources based on a “newspaper survey” sponsored by the Chihuahua Women's Institute.<sup>1</sup> The murders increased rapidly in subsequent years, and in 1995 the first suspect, Abdel Omar Sharif, was arrested. During 1996 the murders continued, and members of the criminal group “Los Rebeldes” were arrested.

28. The situation continued to worsen, leading to the establishment, in 1998, of the Office of the Special Prosecutor for the investigation of the murders of women in Ciudad Juárez. Moreover, the National Human Rights Commission (CNDH) considered 36 of the murder cases and issued Recommendation 44/98, which found that the investigations conducted had “included actions violating the human rights of the women victims and their relatives. Also, international regulations and instruments had been violated, to the detriment of the aggrieved persons.” The same document acknowledges responsibilities and negligence on the part of the authorities and state agencies, specifically with regard to searching for and gathering of evidence, the determination of victims' identity, and the delays in the processing of cases. The CNDH believes that not only are the human rights of the victims and their families being violated, but — more importantly — there has also been no consideration of the systematic pattern of violence demonstrated by the murders. It should be noted that some points of the Recommendation concerning the establishment of the criminal

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<sup>1</sup> “Homicidios de mujeres: auditoria periodística” (January 1993-July 2003).

liability of State officials, at various levels, for negligence and grave omissions, were rejected by the State authorities.

29. The murders continued during 1999, extending to Chihuahua City, and some members of a new criminal group, “Los Ruterros”, were arrested.

30. At the same time, the international community began to become aware of the tragedy taking place in Ciudad Juárez. During the same year, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions visited Mexico and alerted the authorities to the insecurity and impunity reigning in the city and to the sexist nature of the crimes committed. Also, the United Nations Special Rapporteur on violence against women interviewed the Government concerning the specific murders of women that had occurred in Ciudad Juárez, and in 2001 the United Nations Special Rapporteur on the independence of judges and lawyers visited Mexico and addressed, among other matters, the question of the murders of women and the climate of impunity that surrounded them.

31. Finally, in 2002, in response to requests made by numerous individuals and organizations of civil society to the Inter-American Commission on Human Rights (IACHR) and its Special Rapporteur on Women’s Rights, the Federal Government invited her to visit the country — a visit that took place in February of that year. The following year, IACHR adopted and published a well-documented report, which presented an overall picture of the situation.<sup>2</sup>

32. Also in 2002, the Committee on the Elimination of Discrimination against Women made a recommendation concerning the murders and disappearances in Ciudad Juárez, within the context of its consideration of the fifth periodic report of Mexico on the Convention on the Elimination of All Forms of Discrimination against Women.

33. At the level of Mexican State authorities, and especially the Federal level, the extent of the problem is gradually being understood in its various aspects. The Senate and the Chamber of Deputies have set up special commissions to consider the question of the murders and disappearances, and have on several occasions since 2000 suggested that cases be handled at the Federal level.

34. There is a gradual realization of the extent of the problem, as a phenomenon that goes beyond isolated cases in a structurally violent society. Under these circumstances, focusing solely on the murders and disappearances as isolated cases would not appear to be the answer in terms of resolving the underlying sociocultural problem. Along with combating crime, resolving the individual cases of murders and disappearances, finding and punishing those who are guilty, and providing support to the victims’ families, the root causes of gender violence in its structural dimension and in all its forms — whether domestic and intra-family violence or sexual violence and abuse, murders, kidnappings, and disappearances must be combated, specific policies on gender

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<sup>2</sup> “Situación de los Derechos de la Mujer en Ciudad Juárez, México: el derecho a no ser objeto de violencia y discriminación”.

equality adopted and a gender perspective integrated into all public policies. This concept does appear to be on the political agenda, especially at the Federal level, but the authorities have been too slow in coming to terms with it, and it remains unclear whether such a process has occurred at all levels of authority.

### **Different forms of gender violence — data, characteristics and initial reactions**

35. Having identified the underlying problem, some of the ways in which gender violence is occurring within the context of Ciudad Juárez and Chihuahua City must be considered. First, the global data on the extent of the problem, provided by both non-governmental and governmental organizations, should be examined. The data do not tally, which is an issue addressed below.

36. According to the “newspaper survey” referred to above, which the experts received from various bodies, at both Federal and State levels, a total of 321 women were murdered between January 1993 and July 2003 in Ciudad Juárez. The Chihuahua Women’s Institute raised the figure to 326 during the experts’ visit, while the Chihuahua Interior Department, the Special Prosecutor and the representative of the Public Prosecutor’s Department/Office of the Attorney-General of the Republic all raised it to 328 during the same period. Other official sources, particularly the Public Prosecutor’s Department, had referred to 258 cases for the same geographical area up to the end of February 2003, while Amnesty International, in its August 2003 report, gives the figure of 370 murdered women in Ciudad Juárez and Chihuahua City. Furthermore, the non-governmental organizations visited by the delegation refer to a figure of 359 for the same area and period. With respect to the disappearances of women, too, the figures differ considerably, depending on whether the source is governmental or non-governmental. Whatever the true figure — and figures, although they are very important, are not the central issue — the primary point is the significance of these crimes as violation of women’s basic human rights and as the most “radical” expressions of gender-based discrimination.

37. According to the authorities, the murders in Ciudad Juárez have different motives, including domestic and intra-family violence, drug trafficking, crimes of passion, quarrels, robbery, vengeance and sexual motives. And yet, a significant proportion of the murders — around one third — include a sexual violence component and similar characteristics. Here, too, the figures differ: the Chihuahua Women’s Institute refers to 90 cases, the Special Prosecutor and the PGR representative in Ciudad Juárez give 93, and non-governmental organizations 98. The victims of these crimes were raped or sexually abused and in some cases tortured or mutilated. The corpses were then abandoned on waste ground and eventually discovered by passers-by, not by the police.

38. As mentioned in other reports produced by national and international bodies, the women who have been murdered or have disappeared are young women of humble origins — maquila workers, students, or employees of commercial companies — who are abducted and kidnapped, and then either raped and murdered or made to “disappear”.

39. Suggested motivations for these types of crimes of specific violence against women have included drug trafficking, trafficking in organs, trafficking in women for purposes of sexual exploitation, or the production of violent videos.

40. The authorities' response to the murders, disappearances and other forms of violence against women has been extremely inadequate, especially during the early 1990s, and even the Government accepts that there were errors and irregularities during that period. There are signs of a somewhat more positive attitude towards the prosecution and trial process, and indications that investigations are now proceeding more rapidly and with greater seriousness. However, in the most recent cases, despite evidence of an increased awareness of the seriousness of the facts, the state of the investigations is not entirely clear, and there are questions about the effectiveness of the legal process.

41. For example, the case of the eight corpses discovered in cotton fields in front of the Maquila Association in November 2001 led to public outrage and a massive protest, and gave rise to the "Campaign to stop impunity: not one murder more". The State authorities insist that they carried out a rapid and immediate campaign by arresting the suspected culprits, in particular *La foca* ("the seal") and *El cerillo* ("the match"). However, various individuals and groups contested those arrests, claiming that torture was used to extract confessions and, as a result, the individuals concerned later retracted their confessions. The suspicious death, while in detention, of one of the accused also fuelled the climate of doubt and mistrust in the legal process.

42. There also seems to be a tendency — especially among State authorities — to minimize the significance of these issues. In particular, some say that disproportionate attention is being paid to the situation in Ciudad Juárez and Chihuahua City, and note that violence against women in various forms, including domestic violence and violence within the family, and sexual violence, also exists in other Mexican cities and regions.

43. The experts were provided with a great deal of information by various sources concerning the obstruction of investigations, delays in searching for women who had disappeared, falsification of evidence, irregularities in procedures, pressure exerted on the mothers, negligence and complicity by State officials, the use of torture to extract confessions, and the harassment of relatives, human rights workers, and organizations of civil society who have been fighting for justice.

44. Within this brief general overview of the situation, mention should be made of the fundamental role played by organizations of civil society, groups working for victims' relatives, and groups of human rights workers in consistently and persistently calling attention to the situation of the crimes and violations of the human rights of women in Ciudad Juárez and to the urgent need to ensure that justice is done in terms of finding and punishing those responsible. They awakened the consciousness of the national and international communities. Special mention should be made of the pressure applied by the IACHR and its Special Rapporteur on Women's Rights, not only for the report it submitted, but also for the commitment won from the Mexican State to report regularly to IACHR over the past year.

### **Repetition of the phenomenon in other areas**

45. Overall, despite the new level of awareness and the efforts made at various levels, the situation in Ciudad Juárez remains highly complex, tragic, prolonged, and full of unacceptable uncertainties, suspicions, and horrors.

46. Although it is considered that there has been a drop in the number of murders and disappearances in Ciudad Juárez over recent months, perhaps the result of the measures being taken to deal with the situation, especially by the Federal Government, in fact the same phenomenon of murders and disappearances — including cases of sexual violence, and with a similar pattern — have been occurring in Chihuahua City at an increasing rate.

47. The delegation was also provided with information by various sources concerning similar murders that have occurred recently in other regions of Mexico, specifically in Nogales, Tijuana, León, and Guadalajara.

### **International commitments in the field of women's rights**

48. The primary progress in the situation lies in recognition that the problem exists and that an effective response, appropriate to the magnitude of the tragedy and to the obligations assumed by the Mexican Government with regard to the promotion and protection of women's fundamental human rights, must be found.

49. The promotion and protection of human rights is one of the obligations which have been actively assumed by the current Government. Mexico has signed and ratified the principal international human rights instruments, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights and its Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; and, in the specific area of women's rights, the Convention on the Elimination of Discrimination against Women. It is also bound by relevant regional instruments.

50. In the context of such international obligations and, in particular, of the Convention on the Elimination of Discrimination against Women, there have been serious lapses on the part of the Mexican State, specifically concerning articles 1, 2, 3, 5, 6 and 15 of the Convention.

51. Article 1 of the Convention states that “the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... of human rights and fundamental freedoms ...” Gender-based violence constitutes an exclusion and restriction which impedes the enjoyment of their fundamental rights. This is confirmed in the Committee's Recommendation No. 19, which states that “the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman ...” and that “gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms ...”.

52. The Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly in 1993, also states that “the term ‘violence against’ women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

53. As will be clear from the following, the situation in Ciudad Juárez — gender-based violence

and the resulting impunity — results in a clear violation of the provisions of the Convention.

54. Article 2 recognizes the responsibility of States to follow a policy of eliminating discrimination against women. To that end, they undertake “to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women”; “to establish legal protection of the rights of women ... and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination”; “to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation”; and “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”.

55. It is clear that there have been lapses and violations in the State’s fulfilment of its obligations in those areas. While there is now a greater political will, especially on the part of Federal agencies, to deal with discrimination and violence against women, it must be said that the policies adopted and the measures taken since 1993 in the areas of prevention, investigation and punishment of crimes of violence against women have been ineffective and have fostered a climate of impunity and lack of confidence in the justice system which are incompatible with the duties of the State.

56. Under article 5 of the Convention, States Parties are required to take appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

57. This obligation of the State has not been duly fulfilled; even the campaigns aimed at preventing violence in Ciudad Juárez have focused not on promoting social responsibility, change in social and cultural patterns of conduct of men and women and women’s dignity, but on making potential victims responsible for their own protection by maintaining traditional cultural stereotypes.

58. Similar observations could be made regarding article 6, which establishes the obligation “to suppress all forms of traffic in women and exploitation of prostitution of women” — a possible motive for the murders and disappearances which has been neither confirmed nor denied — and article 15, which states that “States Parties shall accord to women equality with men before the law” in all aspects of life and, specifically, establishes the right to the free “movement of persons”.

59. This is not the case in Ciudad Juárez and Chihuahua City, where a climate of fear and danger prevents many women, especially young women and women from the lower social classes, from freely leading normal lives. Furthermore, although the right to equality before the law is guaranteed in article 4 of the Mexican Constitution, it has not been, and is not being, guaranteed to women in the relevant proceedings carried out in Ciudad Juárez and Chihuahua City.

60. All of this shows that there are serious lapses, which it is urgent to remedy, in the Mexican Government’s fulfilment of its responsibilities as a State Party to the Convention.

## **IV. Murders and disappearances**

### **Principal problems**

#### **Profile of the murdered and disappeared persons**

61. Although, as has been shown, there are no really reliable statistics, most official sources agree that over 320 women have been murdered in Ciudad Juárez (the civil society organizations with which the delegation met maintain that there are 359 victims); one third of them have been brutally raped.

62. Violence against women has increased steadily during the past decade with a consequent rise in the number of murders motivated by sex, domestic problems and disputes or drug trafficking and use.

63. Generally speaking, the victims of crimes of sexual violence are pretty, very young women, including adolescents, living in conditions of poverty and vulnerability; most of them are workers in maquilas or at other jobs or are students.

64. For many years, these victims disappeared while on their way to or from their homes since they had to cross deserted, unlit areas at night or in the early morning. Now, these disappearances take place in broad daylight in the city centre, escaping police notice and with no one reporting having seen anything unusual.

65. As far as we know, the method of these sexual crimes begins with the victims' abduction through deception or by force. They are held captive and subjected to sexual abuse, including rape and, in some cases, torture until they are murdered; their bodies are then abandoned in some deserted spot.

66. As stated above, they are murdered because they are women and because they are poor. Since these are gender-based crimes, they have been tolerated for years by the authorities with total indifference. It is also alarming to learn that the problem is spreading under similar conditions to other cities in Mexico.

67. Some high-level officials of Chihuahua state and Ciudad Juárez have gone so far as to publicly blame the victims themselves for their fate, attributing it to their manner of dress, the place in which they worked, their conduct, the fact that they were walking alone, or parental neglect; this has provoked justifiable indignation and highly vocal criticism.

68. The current Governor of Chihuahua state told the delegation that while a murder in Juárez causes a major scandal, such things happen all over Mexico and are far more common in the United States.

## **Circumstances in which the bodies are found**

69. It is significant that in the crimes of sexual violence — during the past decade — the women's bodies have nearly always been found in the same deserted areas, which can only be reached by helicopter or four-wheel-drive vehicles. They are found when someone happens to pass by and reports them; the bodies have never been found as a result of investigation by the Public Prosecutor's Department/Office of the Attorney-General of the Republic.

70. Some of the victims have been shackled, beaten or tortured. Several of them have been mutilated; many were in an advanced state of decomposition; some were wearing clothes or were found with objects belonging to other women; and, in some cases, only the bones of victims who had disappeared years previously or, inexplicably, of girls who had spent years or months in the hands of their captors have been found. Some relatives also told the delegation they had heard that some bodies had been frozen for a period of time.

71. Far from hiding their victims, the murderers leave them in plain sight, perhaps as a challenge to the authorities since they have enjoyed total impunity thus far. By a curious coincidence, the discoveries of murdered youths have also coincided with the announcement of Government measures or actions taken by non-governmental organizations (NGOs), as if they were a response by or a threat from the criminals.

72. It is noteworthy that, according to several of the mothers mentioned above, they or their relatives saw their daughters' dead bodies with hair and skin; several days later, only bones remained. Some of them also received sealed coffins which the authorities did not allow them to open.

## **The disappeared**

73. It is impossible even to guess how many women have actually disappeared in Ciudad Juárez during the past decade; the current estimate varies from the 44 acknowledged by the State authorities to the 400 mentioned by NGOs and the 4,500 reported by the National Human Rights Commission.

74. The Government maintains that most cases do not really involve disappearances since a high percentage of the women working and living in Ciudad Juárez are from other parts of the country. Thus, they stay for a while and then leave; many go to the United States, leave with their boyfriends, run away after serious disagreements with their parents or flee from domestic violence. In addition, disappearance is not considered a crime in Mexico.

75. For these reasons, the authorities do not immediately investigate the cases which are reported and do not consider themselves obligated to act on reports of abduction; instead, they tell the disappeared persons' families to look for them and to make inquiries; days pass before an investigation is opened. In reality, according to civil society organizations and the victims' families, nothing is done and essential time, during which lives could be saved, is lost since there is evidence that the girls always remain in their killers' hands for several days before they are murdered.

76. There are many witnesses to the authorities' indifference to the desperation of families who report a disappearance; despite numerous attempts, they have failed to convince the appropriate agencies to open investigations. Days have passed without action being taken, and they have been told to look into the matter on their own. Even the Head of the Chihuahua Women's Institute said that families are kept waiting for hours before being interviewed.

77. Two of the many examples of this laziness and inertia speak for themselves:

78. In 1995, Cecilia Covarrubias Aguilar, aged 15, left home to take her newborn daughter to the hospital; both mother and baby disappeared. Her body was found some time later, but eight years passed before the little girl's whereabouts were known.

79. After searching constantly, her mother, Soledad Aguilar, found a child whom she believes to be her granddaughter and requested DNA testing; she was informed that the results were negative. On rereading the report, she later saw from the photographs that the authorities had replaced the little girl with another child. Despite her repeated requests, the little girl's footprints have not been compared with those taken from her granddaughter at birth. The local authorities have recommended that she should try to reach an agreement with the family in question.

80. Lydia Alejandra García Andrade disappeared on 2 February 2001. Her mother, Norma Andrade, filed a report on 16 February and was rudely told that her daughter must have run away with a boyfriend. She informed the delegation that two days later, at 9 p.m., a woman had called the police emergency number and reported that in front of her house, a young woman in a white car, naked from the waist down except for her socks, was being beaten. The car was parked there for an hour and a half but the police did not arrive until 11 p.m., by which time she had already been taken away. Her mother called a television station, told her story and said she hoped that there would not be another dead girl.

81. Lydia Andrade's body was later found. In August 2001, the Federal Bureau of Investigation (FBI) informed the police that they knew where she had been held, what had been done to her and why she had been murdered but, inexplicably, that information was leaked to the press and published and the accused fled. The police waited two months before checking the place in question.

82. The young woman's mother said that the autopsy had been incomplete. Pubic and other hair had been found on her body but had not been sent for analysis and she had been gang-raped. Her case is riddled with irregularities.

83. Both the Office of the Attorney-General of the Republic and the Special Prosecutor in Ciudad Juárez have reported that they are implementing a new system for classifying disappearances so that cases defined as "high risk" can be investigated immediately.

84. It is considered that a disappearance is high risk and should be investigated by the Office of the Special Prosecutor for the investigation of the murders of women if it is certain that they had no reason to leave their homes, if the disappearance occurred on the victim's way to or from school or if the victim is a young girl; these criteria exclude girls whose conduct is reprehensible or who have family problems.

85. The Head of the Chihuahua Women's Institute told the experts that although there have been changes since January 2003, only one squad is available and that in some cases, when a case of disappearance is reported, it cannot be investigated for five or six days even though immediate action is called for.

86. The authorities stated that cases which were not considered high risk were also investigated through the victims' unit of the Office of the Special Prosecutor for Sex Crimes and Crimes against the Family.

### **Investigations and trials**

87. Thus far, in the cases involving sex crimes, the murderers have acted with full impunity. Nearly all sources, including statements and comments made to the experts by Federal Government officials, the heads of federal agencies and several senators, have made it clear that the local authorities, both state and municipal, are assumed to have a years-long history of complicity and fabrication of cases against the alleged perpetrators.

88. On numerous occasions, civil society organizations and the victims' relatives criticized the shortcomings in the criminal justice system, maintaining that no case of homicide linked to sexual violence was investigated in depth, the scene of the crime was not preserved, evidence was destroyed, accusations were ignored, defendants were framed, evidence was lost, pages were removed from files, and some of them have only a few pages, indicating that years had gone by without any investigation whatsoever. They claim that greater importance seems to have been attached to the victims' private lives in an effort to justify the murders.

89. As an example, they cited the case of young Verónica Castro, who had been abducted and raped by police and then escaped and lodged a complaint against the bodyguard of the Chief of the Prosecutor's Office and two federal police officers, who were not even arrested and are now said to be no longer working in that unit.

90. In another case, which will be referred to later, it was reported that the day after the victims were found, the ground was dug up in the vicinity of the discovery, apparently to conceal any evidence.

91. The authorities in various entities argue that, for a long time, resources, training or experienced personnel were lacking.

92. The delegation was informed in official meetings at the federal, state and local level that protocols have begun to be implemented on how to handle the scene of the crime and the evidence, as well as specific manuals in all specialized areas, on which action is guaranteed because their application is mandatory. Resources of all kinds have also been allocated to guarantee that any necessary investigations will be conducted. The so-called "cold cases" concerning victims found between 1993 and 1997 have been reopened.

93. The Office of the Attorney-General of the Republic has exercised its power to take over 14 cases in which women were murdered, in response to a complaint and a person who turned himself

in, linking them to organized crime. Of those victims, eight were found in the cotton fields in November 2001 and six, in Cristo Negro, three in November 2002 and three in February 2003.

94. At the meeting in the Office of the Attorney-General of the Republic, in referring to the case in the cotton field, it was said that after carrying out an investigation, they had determined that the persons in custody were not guilty, adding that the problem would not be solved simply on the basis of the file. They recognized that there were clues hinting at a possible cover-up by elements of the municipal police.

95. In this connection, during a meeting held with Casa Amiga and Equality Now, an official involved in the case of the dead women found in the cotton field told the delegation that when they were in the process of identifying the victims, the investigation had been closed and the identities of the girls who had been murdered was disclosed without testimony from expert witnesses. Only days later, two people had already been arrested. When the DNA tests were done eight months later, only three corpses matched the initial identification.

96. He also said that in Ciudad Juárez, no investigation had been carried out, that there had been complicity, direct or indirect protection of the accused, and that there was a pattern of denying the problem, minimizing it, discrediting the victims, blaming them for their own fate and framing the accused.

97. In the same vein, a former Director of the Cerezo Prison in Ciudad Juárez testified during this meeting, and said that, being thoroughly familiar with both the criminals and the police, he was convinced that there had been complicity and a common interest between them and that they had agreed to protect drug dealers. He had noted that in the case of “los Rebeldes”, accused of the murder of “Lomas de Poleo”, there had been confessions under torture, which he confirmed in filing complaints to the National Human Rights Commission. He also said that it was not certain that Omar Latif Sharif, being in prison, had had any contact with them, or had been giving them instructions or paying them for the murders which were committed. When he was prison director, Sharif had been under his custody, isolated and under permanent surveillance, as he was convinced there was a very great chance he would escape. He had never been called to testify. In his view, the State judicial police had something to do with the murders and they were therefore trying to prevent the federal authorities from participating in the investigations.

98. The Office of the Attorney-General of the Republic said other avenues of investigation were being pursued in the cases it had taken over. Although no direct links among the victims have been determined thus far, some were at the same school or appeared in the same place and they are going to be studied one by one. Other circumstantial evidence will be analysed as well. Also, one of the statements is pointing to elements of the municipal police.

99. On 14 August, the Attorney-General’s Office for the State of Chihuahua and the Office of the Attorney-General of the Republic joined forces to carry out investigations as the Joint Investigating and Prosecuting Agency in Ciudad Juárez.

100. The Office of the Attorney-General of the Republic is doing an inquiry into 45 prior cases from the State Attorney-General’s Office in order to determine whether these cases come under

federal jurisdiction, propose appropriate action and identify, arrest and prosecute the accused. The common denominator of all these cases is that the women's murders were sexually motivated.

101. It was explained to the experts that they are systematizing all the information on the murders of the women in Ciudad Juárez, utilizing an updated data analysis system that will enable the institution's intelligence unit to support the Public Prosecutor's Office by processing information on past and present cases and even future profiles with a view to strengthening their action and improving the efficiency of the justice system. At the time of our visit, information contained in 34.5 per cent of the 224 files that had been found was already in the database.

102. They said they were at the stage of reviewing all the trials, and were prepared to reopen them or establish new avenues of investigation and that they would demand strict accountability in what would be a full-scale review, albeit with limitations, since, in many cases, the past had to be reconstructed.

103. Nonetheless, according to an explanation that was later given to the experts in Ciudad Juárez when they visited the local office of the Attorney-General of the Republic, what is actually happening is that since the files, which are incomplete or have problems, do not come under federal jurisdiction, when they are reviewed, they are returned for follow-up to the Office of the Special Prosecutor for the investigation of the murders of women, in other words, everything goes back to square one.

104. There is a consensus among all sources, including the three levels of Government, that, being a border town, both Mexican and United States citizens could be implicated in the crimes, that the murderers might even live there and be involved in drug dealing, commit the murders in the United States and then bring the victims to Ciudad Juárez.

105. Hence, in the middle of the year, the Government of Mexico began asking the Federal Bureau of Investigation (FBI) for specialized technical support and advice. Cooperation was established for purposes of training and implementing a specific programme for violent crimes.

106. Civil society organizations which met with the delegations called for a binational convention to investigate crimes against women. They felt that it was inconceivable that there should be one on car thefts but not on horrific murders.

107. They said that in Ciudad Juárez, trials are not public and are frequently transferred to Chihuahua, which creates huge difficulties for families with no resources. The local authorities justify this decision by arguing that the Cerezo jail is overcrowded and that to be imprisoned in Chihuahua, they have to be tried there. Non-governmental organizations (NGOs), however, believe they are taken to Chihuahua because the Juárez prison allows visits and interviews with the press.

108. In the cases linked to domestic violence or common crime, the Government maintains that progress has been made in the investigation, identification and prosecution of the accused, and according to the authorities, most of those convicted have been sentenced to more than 20 years in prison.

109. This does not occur in acts of sexual violence. There are persons who are imprisoned for seven years, others for five and, although the Law establishes that the term of the sentence should be two years, files are sometimes incomplete and the judges are not convinced by the evidence. They may therefore order a retrial and go back to the beginning.

110. At the request of the Government of Mexico, a United Nations expert mission visited Ciudad Juárez, Chihuahua and Mexico, D.F. in September, in order to carry out a study and provide technical advice on technical legal measures, the discovery period and expert witnesses with a view to strengthening the ministerial and investigative procedures in cases where women are murdered.

### **Hostile attitude towards family members and the situation they face. Threats and defamation directed towards civil society organizations**

111. The meeting with a group of mothers of victims of murders and sexual violence was genuinely moving and powerful. It is inconceivable that people should be so dehumanized and that people who are so humble and battered by life, far from being supported and comforted, are mistreated and even threatened and harassed. The experts heard testimony exposing very serious arbitrariness and irregularities. Only a few examples will suffice to illustrate this.

112. Josefina González (mother of Claudia Ivette González), her daughter, disappeared on 10 October 2001 while returning from the maquila, as she had arrived two minutes late and they would not let her in. She was found the following month, on 6 November, in the cotton field. She was unrecognizable, but they told her it was her daughter; however, when she saw her, she was a skeleton and she wondered what they had done with her skin and her hair if only eight days had passed and the body was intact, but they told her she had been eaten by animals. The police cordoned off the entire area and said that they had cleaned it; however, several days later, they found her wet overalls, her voter card and her maquila apron. This makes her mother live in doubt. One year later, they returned the body but did not transmit the results of the DNA tests, claiming they had been lost. She requested the file and it was not given to her because she had to pay 1,000 pesos, which she did not have.

113. Ramona Rivera is the mother of Silvia Elena Rivera, who disappeared in July 1995. She lodged a complaint but was told she had to wait 72 hours; they told her to look for her herself and keep them informed. On 1 September, a patrol came to her house and informed her that her daughter had been found. She was very happy. They did not allow her son to accompany her, telling him they would bring her back later. They brought her to the area where the body had been found and, when she saw her, she recognized some of her clothes. It was then that she knew she was dead. They did not bring her back because “they had a lot to do” and she had to beg in the street to be able to return home. The crime was attributed to Sharif, who was already in prison. She goes there every month to see if there is any update on the culprits but they tell her that her case is very old.

114. Norma Andrade is the mother of Lidia Alejandra, whose case we referred to in the section on the Disappeared. Like other grandmothers, she is requesting that the processes required for adoption of her grandchildren be completed, since, in accordance with Mexican legislation, even though she is their guardian and they depend on her, she is not entitled to the subsidies given to working mothers.

115. According to testimony by the Ministry of Social Development, “Under the legal system, when a woman dies, her orphan children placed with their grandparents cannot be legally recognized by them. Hence, an adoption process must be initiated.”

116. It is typical of the general insensitivity there that this lady was threatened by the police who went to her house that she would be arrested if she did not appear in response to a summons to the Municipal Procurator’s Office, despite the fact that they were aware of the serious condition of her husband, who died 20 days later. When she did go, she found out that the purpose was to give her her daughter’s file.

117. Benita Monarrez is the President of the NGO known as “Integración de Madres por Juárez”. Her daughter disappeared on 21 September 2001 and was found on 6 November that same year. Her body was unrecognizable, on the pretext that they were protecting her, but it was not shown to her father or uncles either, according to testimony. She had to wait six months; the anthropologist told her she would show her a body that was in a tub of water, but it was only a skeleton. When she had seen photos of the body that had been found, it had been intact. She wondered what they were hiding from her, what evidence they did not want her to see, and whether that skeleton might be her daughter. They had told her that her daughter’s body was frozen. The file was closed and the Office of the Attorney-General of the Republic had reopened it. When they called her to testify, she saw that the complaints she had filed against an individual in the judicial police who was a friend of her daughter’s were not in the file. There had also been a photo, which was missing. She states that in the beginning, in the Office of the Special Prosecutor for the investigation of the murders of women, she had managed to read a document stating that organs were missing from her daughter’s body.

118. Rosaura Montañes, mother of Aracelia Esmeralda Martínez Montañes, who disappeared and was found strangled with numerous bruises in 1995, was taken to the amphitheatre to identify the corpse of her daughter, wrapped in a sheet, from 20 metres away; she was only shown a foot. She never knew whether it was really her daughter, and they did not let her bury her when she asked to. She asked what they were hiding; the peremptory reply was that the box was sealed and could not be opened.

119. Patricia Cervantes, the mother of Neyra Azucena Cervantes of Chihuahua, disappeared on 13 May 2003, immediately reported the disappearance and when she realized that the authorities would not do anything, her family initiated a search. A nephew of her husband came from Chiapas for that purpose. As her daughter was not found, she began to join protests with other families, accusing the Attorney-General’s Office and the Governor of negligence, and publicly denounced a woman who had collaborated with the authorities whom they believed was implicated in the murder.

120. On 13 July, they told her that her daughter’s skeleton had turned up in a place that was very difficult to reach and they went to identify her. On that occasion, they arrested her husband, on the pretext that they regarded him as suspicious. When her nephew protested, they arrested him too. They threatened the husband to force him to admit he was guilty, telling him that they were torturing the nephew and that he could be spared the suffering. Two days later, they succeeded in getting a confession out of the nephew and threatened her husband that if he said anything, they would kill his other daughter.

121. They showed her Neyra's clothes and said the remains would be delivered to her in a sealed urn in order to spare her the pain. She demanded to see her and saw that it was not her, that it was not the colour of her hair, and pointed out that the skeleton was completely clean, which they justified by saying that they had washed the bones. They asked for proof of identity, requesting the Office of the Attorney-General of the Republic to provide it, which was blocked by police, claiming they were following the Governor's orders. The same thing happened in other cases. Therefore, they filed a national and international complaint, which was admitted. The results are still pending.

122. Subsequently, a person passing himself off as an official of the Office of the Attorney-General of the Republic arrived at her house and, later, a priest, who said he had come on behalf of the Governor and asked her to recognize the corpse as that of her daughter, which she refused to do.

123. At the meeting with relatives, it was learned that occasionally some of the local newspapers printed were insensitive enough to print photos of remains or of semi-naked corpses.

124. In the meeting held with the Deputy State Attorney-General for the Northern District in Ciudad Juárez, the experts were told that they now had a Unit to deal with victims' relatives. It recognized that certainly there are cases in which no progress has been made and that some are reluctant to participate because they have lost faith.

125. They said the Legal Technical Bureau works with families of victims and with NGOs, but that they would like the files to be opened, which is prohibited by law. Nonetheless, he explained that it is an institutional channel for providing general information to the families and their representatives, and for keeping them informed of the progress in each case.

126. The harassment of human rights ombudsmen, victims' families and their attorneys, is steadily mounting. There is tension and violence against NGOs. Authorities of the state government have contended that some of them are profiting from the families' grief.

127. Being in Ciudad Juárez on 21 October, we were witnesses to the persecution of Ms. Marisela Ortiz, prominent fighter for clarification of the murders, who, starting at 5 p.m., was followed by two vans and threatened by an individual who, after blocking her car and showing his face, assured her that since she was bent on harassing them, they would kill her but that first they would kill her two-year-old and seven-year-old grandchildren and her children.

128. Ms. Norma Andrade, mother of one of the victims, as mentioned earlier, came to the hotel at 9 p.m. with a member of one of the non-governmental organizations whom we had interviewed. She was seeking our help because she had received a call from Marisela, asking for protection for her grandchildren and children, as she was about to be abducted by unknown men.

129. The terror this woman felt when she arrived at the hotel to meet the members of the Committee, followed by the two minivans, was indescribable. It had been requested that a representative of the federal Attorney-General's Office be present to give her protection and listen to a statement that she did not dare to make.

130. Marisela expressed to her the insecurity she had felt on a previous occasion when the State

police had offered to protect her from other threats and, far from feeling calm, she had been pursued and harassed. In the end she had accepted the protection of the federal authorities. Norma also complained that she had been subjected to persecution and threats from the police, that she had asked the State Prosecutor's Office for photographs of the Ciudad Juárez officers in order to report the individuals concerned, and that she had not been allowed to see them. The representative of the Attorney-General's Office promised to arrange access for her.

131. During the meeting at the Office of the Deputy Minister for Foreign Affairs, the experts related this event, which very clearly reflects the impunity with which the murderers act and shows that they are at liberty. They asked the authorities for protection for this struggling woman and for all those like her who are risking their lives to put a stop to the murders, have the guilty arrested and tried, and put an end to impunity.

### **Lack of confidence in the justice system**

132. The foregoing explains the lack of confidence that prevails with regard to the conduct of the state and municipal authorities. The chief of the Unit for the Promotion and Defence of Human Rights in the Ministry of the Interior told the delegation that they were trying to foster a culture of complaint and prevention and to regain credibility, which would be successful to the extent that people felt certain their complaints would be taken into account.

133. An official in the Ministry of Public Security at the federal level, who is responsible for the operations of the Federal Preventive Police, told the experts that the authorities had taken heed of the huge distrust that exists in the communities towards everything connected with the municipal and state governments, because people feel abandoned. He assured them that corruption was rife within the police agencies in Ciudad Juárez, that the police charged fees for allowing drugs to be bought and sold, that the authorities knew that the police had infiltrated the neighbourhood committees in order to find out about the complaints.

134. He explained how they tried to win people's trust, but insisted that it was necessary to abolish impunity, ensure transparency and provide access to the courts, that victims must be involved in their own proceedings in order to be able to defend themselves, and that it would be much better if there were a single Criminal Code.

### **Inconsistent data**

135. There are no clear and convincing records of the number of women who have been murdered and abducted. There is no agreement between the figures put forward by the various government agencies and those cited by non-governmental organizations.

136. According to a report submitted by the Mexican Government to the Inter-American Commission on Human Rights, it recognizes "326 cases of homicide, of which 92 are considered closed, as the guilty have been judged, 13 were transferred to the juvenile court, 114 are under investigation, i.e., in the preliminary investigation phase, 85 are in the trial phase, 12 were set aside owing to the death of the accused, 8 are in the reinstatement of proceedings phase after appeals were granted, and 2 were referred to other authorities because they were under their jurisdiction".

137. The Government assures us that judgements have been rendered in only 4 of the 90 cases considered to involve sexual violence, whereas nearly all of the civil society sources state that those 4 cases have not been resolved either, and that some of the accused may not be guilty. After eight years, only one prisoner has been convicted and punished, and that case is still in the appeal phase.

138. With regard to the monitoring of proceedings, the authorities report that “54 are in the pre-trial phase, meaning that a suspect has been identified and an arrest warrant issued in some cases; 21 warrants remain to be executed. Final disposition is pending in six cases, detention orders have been issued in two cases, proceedings are being reinstated in one case, and one case file cannot be located within the district”.

139. With regard to the progress of investigations, the authorities state that “despite the results achieved, much remains to be done, because most of the cases are in the investigation phase; as stated earlier, the advances are occurring in the cases where the motives are related to common violence”.

140. Although the most logical method of resolving the discrepancies in the statistics would have been for the Government to put forth the exact data, explain the motives and report on the status of the investigations, it was the Chihuahua Women’s Institute which on 28 August presented a tally of newspaper accounts for that purpose. Its results, as of 1 July, show 321 women dead in Ciudad Juárez, of whom 28 per cent were victims of sexual crimes, 16 per cent of crimes of passion, 5 per cent of domestic violence, and 8 per cent of unknown causes. The Institute reported that among the 90 victims of sexual crimes, 21 corpses had not been identified.

141. The director of the Chihuahua Women’s Institute told the experts that other sources refer to 98 sexual crimes, because the report submitted by the Institute does not include cases like that of one of the Cerro Bola victims, Erika Ivonne Ruiz Zavala, who disappeared in June 2001. She was found naked, with her hands bound, frozen to death as a result of an epileptic seizure, but as there had been no penetration, her case could not be regarded as a sexual crime, but simply as the killing of a woman. There are eight similar cases.

142. It must be stated that for the civil society organizations, the record-keeping has no credibility. The delegation was shown the results of some autopsies, in which it was apparent that the young women had suffered sexual assaults, that were recorded as deaths from unknown causes. They stated that some cases are presented as overdoses in order to cover up the real motive.

143. The Attorney-General’s Office in Ciudad Juárez recognizes 93 murders with sexual motives and specifies that 51 of them are serial killings.

144. According to the attorneys of the mothers with whom the delegation spoke, killings of women have increased. From 1993 to 1998 there was an average of one death every 12 days; from 1998 to 2003, one death every 11 days; and during the months that have elapsed in 2003, there has been one death every 10 days. There are no official figures on this.

## **Impunity**

145. In 1998, after analysing 27 cases of homicide and finding that the duty to provide justice was not being fulfilled because prevention measures were not being implemented, investigations were of insufficient duration, and a climate of impunity existed, the National Human Rights Commission adopted Recommendation No. 44 addressed to the governments of Chihuahua State and Ciudad Juárez.

146. The state and municipal authorities did not agree to initiate an administrative proceeding, leading to a determination of responsibility, against the chief of liaison of the State Attorney-General's Office, nor did they agree to institute an administrative investigation in order to determine the responsibility of the Deputy State Attorney-General for the Northern District in Ciudad Juárez, the Regional Coordinator and the chief of the Preliminary Investigations Unit, later the Coordinator of the Special Sexual Crimes and Crimes against the Family Unit, all of them assigned to the same Office of the Deputy State Attorney-General, as well as against officials of the Public Prosecutor's Office and members of the Expert Services and Judicial Police Unit who took part in the preliminary investigations mentioned in the document.

147. The authorities of Chihuahua State also refused to investigate any matters relating to the discharge of duties by the State Attorney-General.

148. Mention can also be made of the case of Commander Gloria Cobos, to whom many of the people interviewed referred, because she helped cover up the murder of Paloma Escobar while directing the work of the judicial police, by planting false evidence in order to incriminate the victim's boyfriend; expert analyses showed that the evidence was planted. The Prosecutor's Office accepted responsibility, released the detainee and suspended the commander from her duties. She was supposed to have been put on trial, but that did not happen.

149. Numerous sources, mainly in the non-governmental sphere, stated that those detained for sexual crimes might not be responsible for them, citing as evidence the fact that the murders are continuing.

150. Everything in this report shows that the justice system has not functioned effectively in cases of sexual crimes. The authorities implicated in the complaints have never been purged.

### **Transfer to the federal level**

151. The possibility of transferring the cases to the federal level is one of the most controversial issues in Mexico. In accordance with the Constitution, it is possible only in cases of drug, organ and human trafficking and other forms of organized crime. The Ministry of the Interior states that from the outset it dismissed the notion that this was the only question to be discussed (as compared with making a deeper diagnosis) since, while transferring the cases to the federal court might solve part of the problem, the authorities were seeking to address it in a comprehensive manner, without bypassing the State.

152. That idea that won out within the Government was to achieve coordination and, to that end, a Joint Agency was created. The federal Government has assumed responsibility, but from a political, not a legal standpoint; it is sharing responsibilities with the local authorities.

153. The Public Prosecutor's Department/Office of the Attorney-General of the Republic stated that each authority has its own sphere of competence and that, in accordance with the laws in force, it would almost be a crime to intervene. They said that the Senate should change the laws rather than ask that they be violated. Fourteen cases had been transferred to the federal level because they involved a complaint of organ trafficking. Although they believe that the killings of women are linked to organized crime, they pointed out that the definition of organized crime under Mexican law does not include homicide.

154. The government of Chihuahua State considers that the cases of murders and disappearances are common crimes and therefore fall under its jurisdiction. It agreed only to collaborate with the federal authorities.

155. In contrast to all of this, the Chamber of Deputies and Senate of the Republic and the National Women's Institute have repeatedly called for the cases to be transferred to the federal level. At the meeting held with the Special Commission dealing with the murders in Ciudad Juárez, some senators stated that what was involved was a national disgrace, which was sufficient motive for transferring the cases to the federal level, and that there were precedents in similar situations, such as in the cases of the murders of Colosio, Cardinal Posada, and others. Reference was made at that meeting to the fact that, in cases involving abduction, the law empowers the federal authorities to take charge of a local case.

156. Convened by the Equity and Gender Commission of the Chamber of Deputies and Senate, the Mexican Women's Parliament, constituted as a Bicameral Commission, was held in 2003 with the participation of 1,635 women from all strata of the country, representing the broadest ideological and political diversity. In its political declaration, the Women's Parliament stated that: "We again urge the chief of the executive branch to take control at the federal level of the investigations into the murders of women in Ciudad Juárez and put an end to impunity".

157. A round table at the Parliament was devoted to "The Ciudad Juárez Case". It declared a social disaster in the State of Chihuahua and Ciudad Juárez. In addition to calling for the cases to be transferred to the federal level, the resolutions adopted requested that at least one chamber of the Mexican Congress should ask the Supreme Court to appoint one or more special commissioners to investigate the grave violation of individual rights in the case of the murders of women and that these commissioners should determine the truth in an impartial manner, without political bias.

158. In reality, transferring the cases would be a positive political decision on the part of the federal Government, one that has been taken in other cases that go beyond the national scope. It is a demand of civil society, of the relatives of the victims, of the Congress and of other Mexican institutions.

## **V. Responses by the Mexican Government: policies and measures**

### **Responses in the early years**

159. The first observation to be made with regard to the Mexican Government's responses to coping with gender violence, including not only the murders, abductions and disappearances in Ciudad

Juárez and other localities, but also domestic violence and violence within the family, is that these are not isolated, sporadic or episodic cases of violence; rather, they represent a structural situation and a social and cultural phenomenon deeply rooted in customs and mindsets, and that therefore there must also be a global and integrated response.

160. While the crimes of sexual violence, in particular the so-called “multi-homicide” and “serial” crimes, are highly visible expressions of a general climate of violence, the less visible and more habitual forms, such as violence in the home and between family members, are also important aspects of the phenomenon.

161. First, there must be an effective response to each of the crimes, with serious and thorough investigations, punishment of the guilty and support for the victims’ relatives, and at the same time, a response that goes beyond that, with a view to achieving structural changes in society and in a culture which has permitted and tolerated such human rights violations.

162. As mentioned earlier, the initial reaction of the State was to consider the cases of murders and disappearances, and cases of gender violence in general, as inevitable happenings in a structurally violent society. Moreover, the recent opening — the result of pressure from civil society organizations, the victims’ relatives, human rights defenders and the international community — has not always been even at all levels of the Mexican State.

163. The delegation noted that, at various levels of State and municipal government, there is still a tendency to play down gender violence, even though steps are now being taken and special bodies are being established to tackle it. The measures taken in the past have been few and ineffective. This is true at all levels of the State. The year 1998 saw the establishment of the Office of the Special Prosecutor for the investigation of the murders of women in Ciudad Juárez, in the Office of the Attorney-General of Chihuahua. To date, seven special prosecutors have passed through the Office of the Special Prosecutor, without successfully concluding the investigations or administering justice in regard to the crimes involving the disappearance of women and the sexually motivated murders of women, the very crimes for which the Office was specifically established. This is demonstrated by the fact that no final judgement has been handed down in any of those murder cases.

164. Some initiatives were taken at the federal level of the legislature, both in the Senate and in the Chamber of Deputies: exploratory visits to the State of Chihuahua and to Ciudad Juárez; the reaching of agreement on various issues, specifically on the possible referral of cases to the federal courts; the establishment of special follow-up commissions; and proposed legislative amendments.

165. Some measures were also adopted at the federal executive level. The Attorney-General of the Republic began collaborating with the Attorney-General of the State of Chihuahua in investigating the murders, and, in April 2003, exercised the option of becoming involved in 14 investigations whose apparent connection with trafficking in organs brought them within its competence. In response to a request from the Inter-American Commission on Human Rights, the Ministry of the Interior is implementing measures to protect various persons under threat.

166. In addition, as part of the national mechanism for gender equality — the National Women’s Institute — set up in 2001, a special commission has been established to follow up the question of

the murdered women. This led to the creation of two bureaux in 2002: a bureau for dialogue and technical and juridical follow-up to the investigation of the murder cases in Ciudad Juárez; and an institutional State bureau to coordinate action to prevent and address domestic violence and violence against women. For the first time, the main aspects of the problem — specific cases and gender violence — are beginning to be tackled in complementary fashion.

167. Under the agreement signed by the Governor of the State, the Secretary-General of the government and the Attorney-General, the first bureau, chaired by the Secretary-General of the State government, is composed of the Office of the Attorney-General of the State, the Chihuahua Women's Institute, the legislature and the judiciary of the State, the municipal presidency of Ciudad Juárez, civil society organizations, relatives of victims and the National Women's Institute as a contributor.

168. In a document submitted to the CEDAW experts,<sup>3</sup> the civil society organizations and INMUJERES state that the bureau has not functioned adequately, because of difficulties and obstacles created by the Office of the Attorney-General of the State, particularly with regard to access to the files on the respective cases, inclusion in the bureau of persons not selected by consensus, the absence of federal authorities, especially the Office of the Attorney-General of the Republic, and the absence of experts qualified to conduct professional analyses and introduce new lines of inquiry.

169. The second bureau is composed of the Ministry of the Interior, the Ministry of Education and Health, the Office of the Attorney-General of the State, the Department of Labour and Welfare, the system for integrated family development, the Chihuahua Women's Institute, the State Commission on Human Rights, the State Legislature, the State Judiciary and civil society organizations. According to INMUJERES, the goal is to establish the institutional basis for coordination and consultation so as to prevent, address, report and evaluate domestic violence and violence against women. The specific objectives include follow-up to the national programme for life without violence; publicity and public-awareness campaigns; promotion of investigations; training of civil servants; reforms and new juridical frameworks, etc.

170. INMUJERES is pursuing other initiatives, specifically investigations, campaigns and an emergency hotline. It is one of the voices calling (in its message of 8 March 2003) for the option of jurisdictional transfer to be exercised with respect to the many murders of women in Ciudad Juárez.

171. It was only in 2003, primarily as a follow-up to the report and recommendations of the Special Rapporteur of the Inter-American Commission on Human Rights, that people began to face squarely the need for a comprehensive and integrated programme with distinct and complementary areas of intervention.

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<sup>3</sup> Dossier presented to CEDAW with information on progress and action related to the case of the women in Ciudad Juárez, Chihuahua.

## **Programme of collaborative action by the federal Government to prevent and combat violence against women in Ciudad Juárez<sup>4</sup>**

172. This Programme, which was launched in Ciudad Juárez on 22 July 2003, was designed not only to combat the serious effects of this problem, but also to address its many causes related to the disintegration of the social fabric in that city, which has found its most regrettable manifestation in gender violence.<sup>5</sup>

173. The Programme is based on three fundamental principles (coordination, social participation and transparency), and has three strategic focuses: (a) administration of justice and prevention of crime; (b) social advancement; (c) human rights of women. It contains 40 commitments and measures in these three areas.

174. It was explained to the experts that the prime objective of the federal Programme is to assume political responsibility for the situation. As a result, it is not confined to the specific action of the Attorney-General of the Republic, but also involves the Ministry of the Interior, specifically its human rights focus, inasmuch as the whole question must be addressed from that perspective.

### *(a) Activities related to the administration of justice and the prevention of crime*

175. The 15 activities related to the administration of justice and the prevention of crime involve the Office of the Attorney-General of the Republic, as well as other institutions and departments responsible for public security, health, foreign affairs and migration.

176. According to information provided to the experts during their visit, the Government considers that 12 of these activities are under way, one has been completed and two are pending.

177. The ongoing activities include the collaboration which the Office of the Attorney-General of the Republic has been providing to the Office of the Attorney-General of the State in investigating the murders of the women. One aspect of the Programme has been the establishment of a joint agency of the public prosecutor's office in the municipality of Ciudad Juárez, Chihuahua, to investigate the murders of the women and related crimes. The agency is composed of officials of the two Offices.

178. The declared goal of this agency — the relevant agreement was published in August 2003 — is to go beyond earlier assistance and establish closer coordination between the two Offices. The agency's other aims are as follows: to find and detain the likely perpetrators and members of organized gangs whose primary illicit activity is to murder women and commit related crimes in the circumstances referred to earlier; to undertake such other initiatives and operations on a joint basis so as to shed light on the aforementioned murders of women and related crimes; and to establish a working group to assess progress in investigating and prosecuting the aforementioned murders.

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<sup>4</sup> See annexed text of the Programme.

<sup>5</sup> Programme of collaborative action by the federal Government to prevent and combat violence

against women in Ciudad Juárez — first monthly evaluation report, 22 August 2003, p. 1.

179. With a view to fulfilling those commitments, the Office of the Attorney-General of the Republic sent 75 new units specialized in investigating fraudulent acts and trained to deal with the cases in question, as well as experts and investigators to assist in the investigations under common jurisdiction.

180. Civil society organizations claim that, in their view, the joint agency is not really joint, for it actually involves coexistence between two prosecutors' offices in the same building, which collaborate in reviewing cases, but separately assume responsibility for cases in their respective areas of jurisdiction. There is no joint investigation and no common director for the joint agency. Several organizations take the view that, even so, the establishment of the agency is a very important step and that its performance should be monitored very closely so that its effectiveness might be assessed.

181. On the other hand, in the interview with the regional delegate of the Office of the Attorney-General of the Republic in Ciudad Juárez and the federal head of the joint agency, it was pointed out to the experts that the establishment of the joint agency was the best solution for the time being; while there was no formal referral of cases to the federal level, there was a de facto situation in which the federal authorities could intervene.

182. Other activities include cooperation from the FBI in the training of police officers and investigators from the Office of the Attorney-General of the State in investigative techniques, state-of-the-art procedures, and special training in reviewing murder cases and disappearances.

183. One important aspect of the activities has to do with public security. The comprehensive public security plan, launched on 22 July 2003, involves the coordination of federal, state and municipal policies and relies on nearly 700 members of the preventive federal police in Ciudad Juárez. Its focus is not only on security activities and police surveillance, but also on community support activities so as to enhance social integration in the most marginalized neighbourhoods.

184. There is no consensus between the authorities and non-governmental organizations in their assessment of the federal presence in Ciudad Juárez. The authorities stress that progress has been made in improving security and reducing crime. The non-governmental organizations stress that the presence of the preventive federal police does more to intimidate people than to prevent crime, and that the patrols are more likely to be in areas where robberies occur than in areas where women are at risk.

185. In the context of the administration of justice, the pending activities include psychological support for victims and their relatives, and psychological treatment for convicted offenders.

*(b) Activities related to social advancement*

186. The 14 activities in this area involve, in particular, the departments responsible for social development, health, migration, public security, public financing and credit, the economy, education,

INMUJERES, the Office of the Attorney-General of the Republic, the Ministry of the Interior, and civil society organizations.

187. The ongoing activities include programmes to combat dealing and trafficking in drugs, trafficking in women, prostitution, child pornography and kidnapping; measures to establish shelters for women and children who are victims of domestic violence; measures to set up two specialized centres for women who are victims of violence; actions to support migrant women and prevent situations of risk; and action to support and provide legal assistance to relatives of victims.

188. The pending activities include studies; violence-prevention campaigns in the local print and electronic media; action to combat piracy and contraband; and the obtaining of international resources for projects to strengthen the social fabric. The pending activities also include improvement of living conditions in marginalized urban areas (secure streets and transport) under the Habitat Programme. Information from the Ministry of Social Development suggests that progress is being made in that respect.

*(c) Activities related to the human rights of women*

189. The 11 activities to promote the human rights of women involve, in particular, the national mechanism for gender equality — INMUJERES — and the institutions responsible for, inter alia, education, employment and social welfare, and social development. The Government's document indicates that most of the planned activities are still pending.

190. The ongoing activities include training and public-awareness campaigns in the area of human rights for officials responsible for the administration of justice; methodological training from a gender perspective; promotion of awareness of the social and economic challenges facing women; and development of a system of indicators to monitor the situation of women in Mexico, which will call for studies and diagnostic analyses on issues including violence. The aforementioned process of inter-agency dialogue and collaboration is taking place.

191. The planned activities that are still pending include measures to promote education and support for the children of working mothers; improvement of working conditions for women in assembly plants, public-awareness and information campaigns on issues relating to violence, peace, security and self-esteem; a radio programme for young people on the question of the human rights of women; and other specific research projects in the area of gender equality.

**Coordination and Liaison Subcommission for the prevention and eradication of violence against women in Ciudad Juárez**

192. The Coordination and Liaison Subcommission for the prevention and eradication of violence against women in Ciudad Juárez was established on 6 June 2003 as a mechanism to coordinate the 40-point Programme within the framework of the Commission on Governmental Policy on Human Rights.

193. The aim of this mechanism is to plan and follow up activities under the Programme. Its members are the Ministry of the Interior, which is responsible for coordination, the Ministry of

Foreign Affairs, the Ministry of Social Development and the Ministry of Education. The following have been invited to participate: the Office of the Attorney-General of the Republic and, inter alia, the departments responsible for public financing and credit, the economy, employment and social welfare, INMUJERES and the National Commission on Human Rights.<sup>6</sup>

194. Work is under way in two different groups: a group dealing with the administration of justice and the prevention of crime; and a group dealing with social advancement and human rights of women. The relevant federal agencies and civil society organizations are participating in both groups.

195. The Subcommittee is also responsible for coordination with the Congress of the Union, the Chamber of Senators, the Chamber of Deputies, the judiciary of the Federation, the State government of Chihuahua and the municipality of Ciudad Juárez, with a view to achieving appropriate implementation and regular monitoring of the Programme.

196. The CEDAW experts were invited by the Ministry of the Interior to participate in a meeting of the Subcommittee and to follow the development of ongoing activities in the areas of the administration of justice and social advancement and human rights of women.

197. This coordination mechanism is absolutely essential if the situation is to be clarified, if violence is to be prevented and if the economic, social and cultural situation is to be improved. In addition, the Subcommittee brings together all the departments and institutions responsible for implementing the basic policies for comprehensive development in the various areas, the imperative now being to ensure effective coordination at all levels.

198. Most of the criticisms the delegation heard have to do with the need for a greater pooling of resources and the need to avoid duplication. It was also claimed that at present the Subcommittee, which should provide the impetus for joint action, is just functioning as an information forum without the involvement of state institutions of Chihuahua or municipal institutions of Ciudad Juárez.

199. Lastly, the civil society organizations argue that, notwithstanding expressed intentions, effective cooperation among the federal agencies and the State government is not being carried out in a comprehensive manner, as in some cases there is local opposition to the implementation of certain activities under the federal Programme.

### **Evaluation of the implementation of the Programme**

200. Although some actions and activities initiated previously have been included and continued, the Programme as a whole is still too new to make possible a thorough and sound evaluation. In its monthly reports on the implementation of the Programme, the Government has emphasized the main positive aspects of the actions carried out.

201. With regard to prosecution and public safety, the following results are mentioned, among

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<sup>6</sup> For a complete list of the members of the Subcommittee (full members, invitees and members

of working groups), see the document on coordination mechanisms of the federal Government in combating violence against women in Ciudad Juárez.

others: the establishment and operation of the Joint Agency; the arrest of the alleged perpetrator of three murders; the development of an information matrix for use in the investigations; constant air surveillance over the high-risk areas; a DNA data storage system; a reduction in the response time to emergency calls; a reduction in the crime rate; and security measures to protect human rights advocates and the families of victims or defendants.

202. With regard to social development and promotion of the rights of women, the following are mentioned, among other things: the provision of resources to civil society organizations to carry out 22 projects aimed at rebuilding the fabric of trust and social cohesion, with specific attention to preventing violence, serving the needs of vulnerable groups, supporting community health and combating corruption and various forms of addiction; an invitation to civil society organizations to participate in setting up a shelter and two care centres for victims of violence; the holding of workshops, conferences and forums on topics related to social participation, violence prevention and human rights.

203. Although they consider a global and multidisciplinary programme to be a positive step in general, the civil society organizations have criticized and expressed doubts about specific points relating to its efficacy, adequacy and resources and the lack of monitoring indicators and progress evaluation.

204. It is frequently observed that there is a lack of coordination between the many structures and institutions involved and that there is resistance on the part of some state authorities to allow the federal authorities to be actively involved.

205. From the standpoint of content, it is pointed out that many of the actions do not embody a gender perspective, or that they are not designed to address the specific problem of the murders and disappearances but are aimed at crime prevention in general.

206. With regard to the actions to promote social protection and women's human rights, the misgiving is expressed that they emphasize assistance rather than the empowerment of women.

207. Criticisms are also made about the nature of some of the campaigns, which, rather than placing the responsibility for solving the problem of violence against women on society as a whole, place it on the women themselves, thereby maintaining the existing culture of discrimination without seeking to bring about the necessary social and cultural changes.

208. There have also been criticisms of the arrangements for involving the family members of the victims. In theory, they are supposed to participate in the round-table discussions, but in practice they encounter difficulty in doing so, since the round tables do not have a mechanism for such collaboration.

209. Lastly, there have been criticisms about the lack of training and sensitization of the agents of

the local authorities aimed at changing attitudes with regard to gender-based violence and with regard to the issue of women's equality and human rights in general. In addition, there have been complaints about a lack of training in the use of the new criminal investigation equipment and methods.

210. These criticisms and comments should be seen against a background of mixed scepticism and hope. Civil society organizations regard the situation with some hope but also with caution, after so many years of impunity and of tolerance of the violence and even complicity on the part of the powers that be. "There have been so many promises made at all levels, that we are sceptical; we want to see the results before praising the Programme", a women's rights activist told the delegation.

211. One highly important aspect for the efficacy of the Programme is the provision of sufficient information by the authorities. People have no clear idea what is planned or in the process of implementation or already in effect, and this contributes to the general scepticism about political will.

### **Specific actions of the state and municipal authorities**

#### *(a) Legislative amendments*

212. The state authorities reported on the legislative amendments to the penal and procedural code with respect to gender violence, which entail the introduction of interim protection measures for the safety of victims and witnesses and the creation of new procedural tools for solving cases and detaining offenders.

213. Among other provisions, the maximum prison sentence was increased to 60 years, with the stipulation that in cases of murder of women or minors the penalties are cumulative, even if they exceed the overall maximum sentence. The penalty is augmented if the parties involved were married or cohabiting. Committing a crime under the influence of drugs is an aggravating circumstance. In addition, new criteria have been established for the protection and surveillance of witnesses to serious crimes when their safety is threatened. Under certain conditions the suspected offender may be subject to restrictions to prevent him from evading justice, and search warrants or detention orders may be obtained against an accused even before prosecution is initiated. These legislative amendments went into effect on 28 August 2003.

214. Civil society organizations have expressed some criticisms of these amendments and their potential to be used arbitrarily in some cases. They have questioned why, for example, a crime constituting in itself a serious violation of the fundamental rights of women should be subject to a heavier penalty when it is committed under the influence of drugs. Is the violation less serious when it is committed with full awareness and lucidity?

#### *(b) Other actions*

215. In addition to the actions being carried out in cooperation between the federal and state levels, there are some actions being undertaken by the authorities and institutions at the local level.

216. The following have been mentioned: improvement of the working conditions of the Special Prosecutor's Office in terms of equipment and resources; education and technical training of agents; establishment of programmes whereby citizens can report murders and disappearances of women by telephone; city prevention and surveillance measures; information campaigns through workshops and talks; support to relatives of the victims; follow-up of high-risk cases; construction and improvement of the facilities of the Forensic Medicine Service in Ciudad Juárez; and procurement of mobile laboratories to be used at the crime scene.

217. In addition, the Chihuahua Women's Institute is proposing to: (i) promote strategies for proper conduct of the investigations and combating impunity; (ii) raise awareness about the rights of women and the violation of those rights in Ciudad Juárez; and (iii) institute campaigns on preventing violence and defending women's rights, as well as programmes of support for the families of homicide victims.

218. On 28 August 2003, the Institute presented the results of the media survey discussed above, which was intended to unify opinion on the motives of the gender crimes and the statistics on them. The aim of the survey was to harmonize divergent data from various governmental and non-governmental sources. The results have been heavily criticized by civil society organizations in Ciudad Juárez, who question the data and the credibility of the analysis. The same scepticism has been expressed about the efficacy of the activities announced by the state authorities.

### **Commissioner for the Prevention and Punishment of Violence against Women in Ciudad Juárez**

219. In follow-up to the announcement made by President Vicente Fox in his speech to the nation on 1 September 2003 concerning the decision "to appoint a commissioner to coordinate the involvement of the Federal Government in resolving this problem, which does us so much harm", on 17 October Ms. Guadalupe Morfín Otero was appointed to perform that office.

220. The Commissioner's mandate includes making an analysis of the various areas of work and the respective tasks of the federal and state authorities and agencies in Ciudad Juárez, an assessment of the compliance by the Government with the 40-point plan, and drawing up a timetable for completion of the agreed actions.

221. Among her tasks are the following: to establish cooperation with the state and municipal governments; to study programmes to compensate for the harm done to the victims; to build ties with the relatives of the victims and with civil society organizations in order to learn their complaints and demands; and to help to restore the good name of Ciudad Juárez, which is now associated with the murders and disappearances of women.

222. According to the information provided to the experts, the Commissioner's job has three main aspects: listening to people, restoring the social fabric and creating a basis for stability and good governance in the future. In her own words, the performance of her task "is a debt of honour that the Mexican State owes to a highly vulnerable group, which we hope will be vulnerable no longer".<sup>7</sup>

223. Civil society and in particular the non-governmental organizations and organizations of

relatives of the victims have reacted positively and with expressions of hope to the appointment of the Commissioner. Because she is a well known attorney and defender of human rights and is not

<sup>7</sup> *El Universal*, Saturday, 18 October 2003.

politically tied to either of the two parties that hold power at the various levels (Partido Acción Nacional (PAN) at the federal and municipal levels and Partido Revolucionario Institucional (PRI) at the state level), in theory she is ideally situated to work independently and to be committed solely to dealing with the situation and finding a solution to it.

224. There were, of course, some points to be clarified during the visit, which took place very shortly after her appointment, concerning her strategy, the authority she will have to coordinate all levels of power effectively, the potential limitations resulting from the budget and the powers she is given, the extent of her access to the case files and in general the human and material conditions for the proper performance of her functions.

225. The appointment of the Commissioner is an important decision taken at a critical moment. In view of the suitable profile of the person appointed and the positive expectations and her good reception on the part of civil society organizations, it is only to be hoped that the Commissioner will succeed in resolving the situation in Ciudad Juárez and that this experience can be applied to other regions and cities in which gender violence may appear in a similar pattern of murders and disappearances.

## **VI. Contributions of civil society organizations**

### **Principal complaints and demands**

226. During its visit, the delegation met with various members of the Casa Amiga and Equality Now organizations and with other civil society organizations working with them on the campaign *Alto a la impunidad! Ni una muerte más!* (Stop impunity!), Not one more death!], who presented their views on the current situation and the measures taken by the Federal Government since July 2003.

227. According to Casa Amiga, beginning in 1993 the first to speak out against the killings of women in Ciudad Juárez were the groups 8 de Marzo, Gender Studies of the Autonomous University of Ciudad Juárez (María Elena Vargas) and the Independent Committee of Chihuahua for Human Rights.

228. They spoke of the importance of not politicizing the problem of the killings, maintaining that both parties in power (PRI and PAN) were at fault for not resolving the situation.

229. After a number of conversations with the Governor and the Prosecutor and Assistant Prosecutor that yielded no results, they had decided to convene the women's organizations to begin the struggle and had formed the Coordinating Group of Non-Governmental Women's Organizations, with 16 member groups.

230. They explained that they had succeeded in having the Special Agency for Sexual Crimes established in 1996 and the office of the Special Prosecutor established in 1998. Since then, they had been unable to meet with the Governor again, and campaigns had been launched to discredit and threaten the non-governmental organizations involved in the struggle, labelling them as propagandists and opportunists.

231. They emphasized that from the start one of their main demands had been the involvement of the federal authorities, acting in coordination with the state and municipal authorities in seeking a solution, but the Federal Government had refused to become involved, arguing that the cases were within state jurisdiction.

232. The main position of the non-governmental organizations is that the killings of women in the border areas are a two-nation problem affecting the entire region (including Las Cruces, El Paso, Valle Bajo, Ciudad Juárez and Valle de Juárez) and that an agreement should be concluded between the federal, state and municipal police of the region that would allow them to combine their efforts and achieve the following objectives:

- To solve scientifically and definitively the murders of women in the region over the past 10 years, particularly those of a sexual or serial nature;
- To locate the women who have disappeared over the past 10 years;
- To arrest, prosecute and sentence those responsible for the crimes;
- To provide non-demeaning, comprehensive and transparent institutional support to the relatives of women who have been murdered or have disappeared, in particular to their children, parents and spouses;
- To punish the officials who, by action or omission, have allowed the killings of women to reach such proportions in the border region, paying special attention to those who have tortured detainees to obtain false confessions, have been accomplices or accessories to the murders or have handled the cases negligently and irresponsibly.

233. They informed the delegation that throughout those years the non-governmental organizations had been conducting campaigns to counteract the violence against women prevalent in Ciudad Juárez. From those efforts there had emerged in 1999 the Casa Amiga Crisis Centre, where it soon became clear “what horror lurked in many homes” and that the way in which cases of violence, incest or rape were handled was old fashioned and discriminatory. Judges, prosecutors and employees of the agencies that handled such crimes were insensitive to the issue.

234. On repeated occasions, the civil society organizations had issued complaints, recommendations and protests about the negligence of the authorities and the inefficacy of the criminal justice system, none of which had been attended to, so that the crimes continued.

### **Incompetence of the authorities**

235. In brief, the serious shortcomings cited by the organizations involved in the Alto a la Impunidad! campaign with regard to the conduct of the prosecutors and investigative police are the following:

- A lack of effort to search for and locate the women whose disappearance has been reported;

- Unjustified delay and failure to take the necessary steps to conduct an adequate investigation, even when the victim's lawyer has requested, on the basis of sufficient information, that a suspect should be summoned for questioning and investigated; this is especially evident when the person is someone in authority;
- Fabrication of false evidence to divert the investigation and "manufacture" suspects; in that regard, they point out that individuals completely unknown to the families have testified to the effect that there were domestic problems that made a voluntary disappearance likely, and a review of the case files shows that the same individuals have testified in a number of different cases;
- Negligence in not summoning probable perpetrators and suspects for questioning;
- Unjustified delay in delivering the remains, typically for two to six days after the victim is identified, on the grounds that forensic tests are being done of which there is no record or reported result; in some cases the remains are delivered in sealed caskets, purportedly to "avoid infection", and the family members never know whether the remains are really those of their loved ones;
- Unjustified delay in producing or failure to produce the requisite forensic evidence, even when it is persistently requested by the victim's lawyer; in some cases the forensic evidence produced is inadequate;
- Concealment of evidence; an analysis done by the Mexican Committee for the Defence and Promotion of Human Rights indicates that the Special Prosecutor and the investigative police are not putting into the case files all the information provided by the families of the victims and even that material that could serve as evidence, such as the burned clothing of the victims, has disappeared.

236. They also mention efforts to deter providers of *coadyuvancia*, the lack of information provided either to them or to relatives, the absence of training and awareness-raising for prosecution and justice system officials, the shortage of essential resources for the investigation and the discriminatory attitude displayed by the authorities.

237. The National Human Rights Commission has monitored this situation constantly. Mention has already been made of its complaint regarding irregularities in the investigations and the responsibility of the authorities and its recommendations. We have been informed that in November 2003, the results of a new investigation of over 4,500 disappearances, including a case-by-case assessment of the situation, will be released.

238. We were told that the harassment and threats directed at the victims' families, their representatives and civil society organizations have intensified as national and international pressure increased.

239. Government officials have verbally attacked these people, blaming them for the national and international publicity that the situation has attracted. They have received telephoned threats, seen "strange" automobiles parked outside their homes and been pursued by vans or cars which, according to some of them, belong to the police.

240. Efforts to discredit the groups and organizations participating in the Alto a la Impunidad ("Stop the Impunity") campaign have increased and threats have been made, both indirect (as in the

case of the lawyer, Esther Chávez), and direct (as in the aforementioned case of Marisela Ortiz). Estela Castro of Justicia para nuestras Hijas (“Justice for our Daughters”) has also been subjected to acts of intimidation by the state authorities as a result of her *coadyuvancia* work.

241. These groups also maintain that no measures have been taken to protect accused persons, who report that they have been tortured in order to extract a false confession.

242. Many of these threats are not reported to the proper authorities because of doubts regarding their integrity and the general belief that they are not impartial.

243. It is said that the preventive measures ordered by the Inter-American Commission on Human Rights (IACHR) have been implemented slowly and tortuously and that they are not an effective response to the gravity and urgency of the situation. The Chihuahua State Human Rights Commission has also failed to take the measures requested of it, especially in the case of Marisela Ortiz and Rosario Acosta, members of the organization, Nuestras Hijas de Regreso a Casa (“Bring our Daughters Home”).

#### **Action taken by non-governmental organizations**

244. At present, the over 300 civil society organizations which make up the campaign, Alto a la Impunidad! Ni una Muerta Más! (“Stop the Impunity! Not one More Death!”), are still publicizing the murders of women at the national and international level and stressing the prevailing climate of impunity, denial of justice and discrimination against women.

245. They say that the greatest problem faced by women in Ciudad Juárez is violence since, even when no crimes are committed, women arrive at Casa Amiga every day after being beaten, bitten or burned with an iron and many girls aged 1 to 5 are known to be the victims of incest committed by their fathers, stepfathers, uncles or brothers. They are concerned at the lack of shelters capable of taking in the most serious cases.

246. The campaign organizes workshops, lectures, forums, marches and interviews with the national and foreign media in order to increase civil society’s awareness of the issue. It has also coordinated with Amnesty International, the Latin American and Caribbean Community for the Defense of Women’s Rights (CLADEM) and other organizations in order to step up the struggle.

247. They recognize that as a result of national and international pressure during the first half of 2003, various measures (mentioned in the relevant section of this report) have been taken at all three levels of government and that these may help to shed light on the murders and to prevent violence against women.

248. Although they believe that the establishment of the Technical-Legal Board for the assessment of measures taken was a step forward, the Board has not yet begun its functions since, because it was established by decree, the Public Prosecutor’s Office has argued that it is not empowered to investigate those measures. In addition, the Board does not include representatives of the Federal Government or experts capable of conducting a professional, case-by-case assessment or of suggesting methods and lines of investigation.

249. The NGOs consider that the Federal Government's 40-point action plan includes important activities, especially preventive measures, but that the necessary coordination is lacking and that the anticipated progress cannot be made because there is no involvement at the state and municipal levels. They are also concerned that there are no state and municipal members of the Subcommission responsible for follow-up; moreover, Chihuahua City is not represented. The establishment of two shelters is an encouraging first step in the provision of assistance to women victims of violence.

250. The NGOs believe that the Joint Investigating Agency will not solve the problem for various reasons: on the one hand, it cooperates only with Ciudad Juárez and, on the other, although it is a coordination body, such cooperation continues only until it is established whether a case falls under state or Federal jurisdiction and the Public Prosecutor's Department Office of the Attorney-General of the Republic is involved in the investigation of all serial crimes. Although they report errors and inadequacies in the cases reviewed to the Joint Agency, nothing is ever done. They also maintain that the Agreement is very vague on the issue of cooperation in the area of tests conducted by experts and other procedures.

251. They say that they welcomed hopefully the appointment of Commissioner Guadalupe Morfin as an important step forward since she has the qualifications that they had requested: she is familiar with human rights issues and has the sensitivity which will allow her to take action, provided that she is given the necessary authority, infrastructure and resources to carry out her mandate; it is not yet clear whether this is the case.

252. The Head of the Chihuahua Women's Institute (ICHM) is considered to be on the Government's side; they say that, rather than defending the positions which she always used to take as an NGO member, she has attacked them and distanced herself from them. They consider that the Institute does not meet the needs of women in Ciudad Juárez and that it helped conduct the Media Survey on the murders of women, which, they maintain, distorted the truth in order to confirm the information provided by the Chihuahua state Public Prosecutor's Office.

253. They say that the fact that several families and activities have received funds has led to disputes between organizations for the families of victims and between NGOs themselves.

254. This has fomented dissent among the forces of civil society which are working to bring an end to the crimes in Ciudad Juárez and to promote public policies capable of transforming the current culture of gender-based violence in Mexico. This situation does not foster the climate of unity and cooperation which is essential to a solution to this terrible problem.

### **Assessment of the role of CEDAW**

255. The NGOs which have provided information to the Committee are the forces which, for the longest time and with the greatest persistence, have taken the lead in reporting this clear violation of human rights and demanding justice. They are also a source of truthful, heartrending testimony, criteria and evidence which are essential to the effort to shed light on many of the circumstances under which the crimes have taken place.

256. They consider that the intervention of international human rights bodies is essential and that

the latter's efforts and, in particular, those of the Committee, are responsible for the Mexican authorities' recognition of the gravity of the situation; they believe that, in addition to advocating for an end to these crimes, the Committee has an essential role to play with respect to the implementation of measures aimed at preventing and eliminating gender-based violence.

257. They thanked the Committee for its efforts, provided its representatives with all possible information and cooperation, and expressed confidence that the Committee's recommendations would be effective in promoting the process which has been initiated.

## **VII. Conclusions and recommendations**

258. The Committee welcomes the attention paid, the information provided, and the conditions established for the visit by the federal authorities, especially the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Social Development, the Public Prosecutor's Department and the National Women's Institute (INMUJERES), as well as the Senate and the Chamber of Deputies. It also thanks the authorities of Chihuahua state for the kind welcome extended to the experts and for the information provided. The Committee wishes to express its most sincere thanks, sympathy and respect to the mothers of the victims, who overcame their grief to offer their invaluable and heartbreaking testimony; it also recognizes and encourages their struggle to clear up the facts, punish the guilty, and end impunity. The Committee also thanks the organizations of civil society and the lawyers acting for the victims' families for the information provided, recognizing the important role they have played in this struggle to win full respect for women's human rights.

259. In the light of the information obtained by the group of experts during their visit to the territory of the State party, the Committee finds that the facts alleged and presented in the initial and subsequent communications of Equality Now and Casa Amiga, in association with the Mexican Committee for the Defence and Promotion of Human Rights, constitute grave and systematic violations of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, as well as of Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women and the United Nations Declaration on the Elimination of Violence against Women.

260. The Committee is greatly concerned at the fact that these serious and systematic violations of women's rights have continued for over 10 years, and notes with consternation that it has not yet been possible to eradicate them, to punish the guilty and to provide the families of the victims with the necessary assistance.

261. The methods used in the murders and disappearances perpetrated in Ciudad Juárez over the past decade have been used again in recent years in Chihuahua City and apparently in other parts of Mexico, offering further evidence that we are faced not with an isolated although very serious situation, nor with instances of sporadic violence against women, but rather with systematic violations of women's rights, founded in a culture of violence and discrimination that is based on women's alleged inferiority, a situation that has resulted in impunity.

262. In the light of these considerations, and especially of chapters III and IV of this report, and in support of the relevant recommendations recently submitted to the Mexican authorities by the

United Nations Committee against Torture, the Special Rapporteur of the Inter-American Commission on Human Rights, and Amnesty International, the Committee believes it timely and urgent to make the following recommendations to the Government:

#### **A. General recommendations**

263. The Committee considers that there have been serious lapses in compliance with the commitments made by Mexico through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, as evidenced by the persistence and tolerance of violations of women's human rights. This is shown by the continuation of very widespread and systematic violence against women and by the crimes of murder and disappearance of women as one of its most brutal manifestations. The Committee therefore makes the following recommendation:

**264. Comply with all obligations assumed under the Convention on the Elimination of All Forms of Discrimination against Women. Recall, in particular, that the obligation to eliminate discrimination against women refers not only to actions or omissions by the State at all levels, but also to the need to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.**

265. The Committee considers that at present, in response to growing national and international demands for urgent action, there has been a positive evolution in the attitude of the Mexican authorities at the federal level. The authorities have recognized that a serious problem exists and have made commitments to seek solutions, involving the various offices and authorities that must help to achieve a total and comprehensive change in the present situation. However, the Committee notes that these measures are still insufficient, and that the coordination among the three branches of Government that is required to implement these measures does not exist. Moreover, since the state and municipal authorities still tend to play down the importance and magnitude of the problem, and since there is no evidence that they are similarly prepared to tackle the problem in a thorough and critical manner, the Committee makes the following recommendation:

**266. Strengthen coordination and participation at all levels of authority — federal, state and municipal — with respect both to their mutual relations and to their relations with civil society, with a view to increasing the effectiveness of the mechanisms and programmes recently adopted and initiated, especially the 40-point action plan, and any others that may be considered appropriate. The Committee further emphasizes the responsibility of all authorities at all levels to prevent violence against women and to protect their human rights.**

267. Noting that the efforts recently made, although they represent a belated response to a problem that is 10 years old, might put an end to the murders of women and to impunity, and help to prevent and eradicate all forms of violence and discrimination against women, the Committee is nevertheless concerned that not all actions and programmes have clearly incorporated a gender perspective, that is, that consideration has not been given to the impact of such policies on women and men, bearing in mind their socially constructed roles and the power relations between them. Such a perspective is essential to the attainment of these objectives. The Committee therefore makes the following recommendation:

**268. Incorporate a gender perspective into all investigations, policies to prevent and combat violence, and programmes to restore the social fabric, bearing in mind the specific characteristics of gender-based violence against women, its causes and consequences, and the specific social responses that the situation requires, with a view to eliminating discrimination and establishing gender equality.**

269. The Committee welcomes the involvement of civil society organizations concerned with the murders of women in Ciudad Juárez in the work of the subcommission responsible for the follow-up of the 40-point action plan and welcomes their participation in certain projects being carried out in the area. However, the Committee is concerned at the climate of mistrust that continues to prevail, owing to many years of inaction and to the authorities' failure to respond. It therefore makes the following recommendation:

**270. In the implementation of the action plan, maintain a close relationship, consultation and dialogue with the civil society organizations in the subcommission and in all partner institutions; encourage the permanent sharing of information, taking into account the opinions and recommendations of the civil society organizations. Provide timely, comprehensive, and transparent information concerning all planned or current actions, their evaluation and their outcomes, in order to build confidence and facilitate cooperation among the various sectors and institutions of civil society.**

#### **B. Recommendations concerning the investigation of the crimes and punishment of the perpetrators**

271. The Committee is concerned that the majority of crimes against women, and in particular all crimes resulting from sexual violence, have not been solved by the relevant institutions. The Committee notes that, despite the establishment of the Joint Investigating and Prosecuting Agency, comprising the Public Prosecutor's Department and the Chihuahua State Prosecutor's Office, the two offices maintain separate chains of command and act independently. While it is true that 14 cases have been brought before the federal courts and that the Public Prosecutor's Department has stated that all files related to the murders of women are being systematically investigated, especially those involving sexual violence against women, each office acts according to its respective jurisdiction. Consequently, even though the Joint Agency was established by the Federal Government, it offers no guarantee that the cases will be fully resolved, nor does it ensure that the real culprits will be brought to trial. The Committee therefore makes the following recommendation:

**272. Strengthen the coordination and cooperation between the federal and state authorities through the Joint Agency established in Ciudad Juárez in August 2003, in order to ensure that each case is handled jointly by both authorities and that the Public Prosecutor's Department continues to review each case and to compile systematic records of all available information. Propose that the federal Government examine the possibility of giving the federal authorities jurisdiction over all crimes of sexual violence that have not been solved in the past 10 years, bearing in mind the State's responsibility to Mexican society as a whole and to the international community to ensure full respect for the rights of women as recognized in the Convention. In making this proposal, the Committee endorses the request made to that end by the special commissions of the Mexican Senate and Chamber of Deputies, the National**

**Women's Institute, the Women's Parliament, and other national and international entities.**

273. The Committee is concerned that, with respect to the murders and disappearances, there has been no serious and thorough investigation of each case and that complaints by relatives have even been ignored and evidence and proof destroyed. Impunity has prevailed for an entire decade, in which these crimes have been treated as common acts of violence belonging to the private sphere, and the existence of a pattern of discrimination, whose most brutal manifestation has been extreme violence against women, has been ignored. The Committee is also concerned at the inefficiency, negligence, and tolerance shown by the authorities charged with investigating the crimes, the evidence that false confessions have been obtained through torture, and the fact that cases are considered, and recorded, as having been concluded or solved when they are brought before the courts, even though the accused have neither been arrested nor punished. The Committee therefore makes the following recommendation:

**274. Investigate thoroughly and punish the negligence and complicity of public authorities in, the disappearances and murders of women, and the fabrication of confessions under torture; investigate and punish public officials for their complicity in or tolerance of persecution, harassment or threats directed against victims' relatives, members of organizations representing them, and other persons involved in defending them.**

275. The Committee is gravely concerned at the lack of due diligence shown by the state and municipal authorities in cases involving disappearances of women, the inconsistencies in their data, and the distinction made between women who are considered at "high risk" and those who are not when deciding whether to launch an immediate search or determination of their whereabouts. Such a practice discriminates against women whose conduct may not conform to the accepted "moral code", but who have an equal right to life. The Committee is also concerned at the lack of sufficient resources and staff trained to act on complaints, and the fact that days sometimes pass before an investigation is opened. It therefore makes the following recommendation:

**276. Establish early warning and emergency search mechanisms for cases involving missing women and girls in Ciudad Juárez and Chihuahua state, bearing in mind the close connection between disappearances and murders and hence the extreme danger that every disappearance represents, the fact that the first 24 hours are crucial, and that all cases of a similar pattern should be considered as high-risk disappearances and not simply cases of missing persons. The Committee also considers it essential to provide the competent authorities with the training and the human and material resources needed to act with due diligence.**

277. The Committee is concerned at the irregularities in the investigations, the apparent incompetence of the authorities, the strange conditions in which the victims are found, the irregularities in the forensic examinations, the number of victims who remain unidentified, and the apparent disarray in which case files are kept, all of which paint a glaring picture of the situation. It therefore makes the following recommendation:

**278. Adopt measures to ensure the total autonomy and independence of the forensic departments and experts in their investigation of the crimes, and provide the training and resources required for the effective, full, and prompt discharge of their duties and**

**responsibilities. Promote and guarantee the education and training of all public officials involved in investigations, including police officers, not only with regard to the technical aspects of the investigations, but also in terms of regarding violence against women as a violation of women's human rights. The Committee also recommends the establishment of a national register of murdered and abducted women.**

279. The Committee expresses its concern and dismay at the inhuman treatment accorded to the mothers and relatives of the victims of sexual murders and disappearances by local authorities, who appear to be insensitive to the terrible situations that they have to endure. It also expresses its concern about the difficulties encountered by the relatives of the victims and their representatives in seeking access to information about the investigations, and therefore makes the following recommendation:

**280. Demand that the mothers and relatives of the victims be treated with due respect, consideration, compassion, and sympathy for their grief, in accordance with the principles of humanity and respect for their fundamental rights as human beings, and punish the authorities responsible for this cruel and inhuman treatment. Ensure the functioning of the mechanism *coadyuvancia* (the right of the victims to name a lawyer to assist the prosecutor) and its legal representation in defence of the victims' interests during investigations and criminal proceedings.**

281. The Committee also expresses concern at the situation of insecurity prevailing in Ciudad Juárez as a consequence of the threats, persecution, aggression, and slander to which the mothers and relatives of the victims, their attorneys, and members of civil society organizations engaged in this struggle are subjected. It is of still greater concern to the Committee that some of these persons exhibit considerable insecurity and distrust (when offered protective custody by the state police). The Committee therefore makes the following recommendation:

**282. Urgently implement or strengthen effective measures for the protection of persons or institutions working to clear up the facts and ensure respect for human rights in Ciudad Juárez and Chihuahua state, since, like the victims' relatives who have organized for this purpose, they continue to suffer threats and harassment.**

283. The Committee shares the view that because Ciudad Juárez borders on the United States, responsibility for the crimes could lie with persons located on both sides of the border or belonging to international criminal networks engaged in trafficking in women, drugs, arms, organs, and so on, and makes the following recommendation:

**284. Consider establishing a cooperation agreement with the United States of America for the systematic investigation of the murders and disappearances.**

285. The Committee is alarmed at the fact that the murders of women are spreading to the capital of the state of Chihuahua and other cities of the Mexican Republic, and therefore makes the following recommendation:

**286. Sensitize all state and municipal authorities to the need for violence against women to be**

**regarded as a violation of fundamental rights, in order to conduct a substantial revision of the laws from that standpoint, for a diligent and effective investigation of such cases, punishment of the guilty, provision of support to the families of the victims, and for combating the structural causes of such violence as reflected in these crimes, in domestic violence, and at the level of society as a whole.**

### **C. Preventing violence, guaranteeing security and promoting and protecting the human rights of women**

287. The Committee notes that a number of measures have been taken to prevent the violence against women that prevails in Ciudad Juárez and emphasizes that, because what is involved is a structural situation and a social and cultural phenomenon deeply rooted in the consciousness and customs of the population, it requires a global and integrated response, a strategy aimed at transforming existing sociocultural patterns, especially with regard to eradicating the notion that gender violence is inevitable. From this standpoint it makes the following immediate, medium-term and long-term recommendations:

**288. Organize — with the active participation, at each stage of the process, of civil society organizations, including men and boys — massive, immediate and ongoing campaigns to eradicate discrimination against women, promote equality between women and men and contribute to women’s empowerment. Monitor such campaigns systematically with a view to achieving concrete and positive results. Include in educational and training programmes at various levels, including in the labour sector, information and sensitization modules on respect for others, human dignity and gender violence as a violation of human rights. Promote training and capacity-building for public officials in general, and judges and judicial personnel in particular, in the area of gender violence and human rights and the need to take the gender dimension into account in their actions and procedures and in judgements and judicial decisions. Heighten the mass media’s awareness of gender violence and challenge them to take a positive and pedagogical approach to the issue, bearing in mind their social responsibility, which stems from the power they wield in an information society.**

289. The Committee expresses concern at the situation of discrimination and insecurity that prevails in the maquilas, where nearly all women in the work force are employed. It also notes that most of the female population lives in poverty and extreme poverty, with no assurances of meeting its basic needs — work, education, health care, housing, sanitation infrastructure and lighting. All of this leads to serious situations and tensions within the families, many of which are headed by women. The Committee is likewise concerned at the criminal activity that prevails in Ciudad Juárez, such as organized crime, drug trafficking, illegal migration, trade in women, prostitution, exploitation of prostitution, pornography and other serious and degrading symptoms of delinquency. Accordingly, it makes the following recommendation:

**290. Step up violence prevention programmes and policies, including early warning mechanisms, the reinforcement of security in dangerous or isolated areas, monitoring programmes, systematic information on security measures, and so on. Adopt and promote all measures to restore the social fabric and create conditions to guarantee that women in Ciudad**

**Juárez are able to exercise the rights established in the Convention on the Elimination of All Forms of Discrimination against Women.**

291. The Committee expresses its concern at the vulnerability and fragility of the victims of violence and their sons and daughters, and at the family destabilization which results from this situation, including its impact on the mothers and other relatives of the murdered and abducted women. The Committee noted that the 40-point action plan calls for giving them the care they deserve, but such persons require systematic medical, psychological and economic assistance. For this reason, it makes the following recommendation:

**292. Guarantee legal support in providing access to justice and to all legal guarantees of protection for the victims of violence and the relatives of the murdered and abducted women. In this context, consider the need to facilitate adoption procedures for the grandmothers who have taken the children of the murdered and abducted women into their care and keeping so that they can receive the benefits to which they are entitled and have access to the social security benefits and social assistance which they would be entitled to receive through their mothers. Ensure also that the necessary resources are allocated to provide them with medical and psychological treatment and economic assistance.**

293. The Committee highlights as a positive measure the appointment of a federal commissioner for the prevention, punishment and eradication of violence against women in Ciudad Juárez; nonetheless, as it is still not clear to the visiting experts what mandate, power, budget and human and material resources she will have in order to act as effectively and expeditiously as possible, the Committee makes the following recommendation:

**294. Endow the Federal Commissioner for the Prevention, Punishment and Eradication of Violence against Women in Ciudad Juárez with the necessary rank and authority and sufficient structure, budget and staff to perform her duties properly in close cooperation with existing institutions and mechanisms at different levels, and ensure coordination with civil society organizations.**

**Part two**

**Observations by the State party - Mexico**

**Response of the Government of Mexico to the report on the visit by the members of the Committee on the Elimination of Discrimination against Women**

**Acronyms used**

AFI	Federal Investigation Agency
CENAPI	National Planning, Analysis and Coordination Centre on Information to Combat Criminality

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CNDH	National Human Rights Commission
DIF	National System for Integral Family Development
ENDRH	National Survey on the Dynamics of Domestic Relationships
FBI	Federal Bureau of Investigation
FEIHM	Office of the Special Prosecutor for the Investigation of the Murders of Women
IACHR	Inter-American Commission on Human Rights
ICHIMU	Chihuahua Women's Institute
IMSS	Mexican Social Security Institute
INEGI	National Institute of Statistics, Geography and Informatics
INMUJERES	National Women's Institute
MUSIVI	Women Without Violence, Centre for Victims of Violence in Ciudad Juárez, Chihuahua
NUVIDAC	Nueva Vida (New Life) Association
UNODC	United Nations Office on Drugs and Crime
OSC	Civil society organizations
PGJE	Office of the Attorney-General of the State of Chihuahua
PGR	Office of the Attorney-General of the Republic
RIAT	Real Time Analytical Intelligence
UNIFEM	United Nations Development Fund for Women
VICAP	Violent Criminal Apprehension Programme

## **Introduction**

The Government of Mexico hereby submits its response to the report on the visit to Mexico by two members of the Committee on the Elimination of Discrimination against Women, pursuant to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

The Government of Mexico expresses its appreciation for the visit by Ms. María Yolanda Ferrer Gómez and Ms. María Regina Tavares de Silva and for the results of their inquiry, which will help the Mexican authorities in their efforts fully to resolve the problem of violence against women in Ciudad Juárez.

Mexico would like the Committee to know that its recommendations are being taken into account in reviewing action taken to combat this problem and in defining new strategies. This document analyses the situation, describes the effect given to previous recommendations by other international bodies and by the Committee and refers specifically to the comments made by the Committee members.

The Government of Mexico acknowledges that the murders of women in Ciudad Juárez, Chihuahua, are a grave attack on the human rights of women and is committed to bringing all efforts to bear to resolve them and to eradicate their causes.

### **1. Economic, political, social, gender and crime context in Ciudad Juárez**

Ciudad Juárez is located in the northern part of Chihuahua State in Mexico, bordering the United States, and has a population of 1,392,200<sup>8</sup> inhabitants. It is an industrial, border city featuring an export processing industry (maquiladoras) and the transit of migrants, both Mexican and foreign. It forms an urban area together with El Paso, Texas. It contains nearly 40 per cent of the total population of the State of Chihuahua while 60 per cent of its population comes from other entities of the Mexican Republic.<sup>9</sup>

According to the Municipal Research and Planning Institute (IMIP), 50 per cent of the streets in Ciudad Juárez are not paved, there is an 80 per cent deficit of green spaces and 200,000 families live in neighbourhoods considered to be high-risk areas.<sup>10</sup> Ciudad Juárez is a relatively new city when compared with the country's other cities, and has in fact developed as a transit centre between Mexico and El Paso, Texas. From the outset Ciudad Juárez had a red light district, and the trafficking in women which that implies.

From the 1960s onwards, the national and international export processing plants (maquiladoras) settled in Ciudad Juárez because of its favourable geographic location. Thus 70 per cent of all the maquiladoras in the country are located in Chihuahua. This accelerated a process of urbanization in the area, which principally attracted young female job-seekers who were poorly educated and had little employment prospects.

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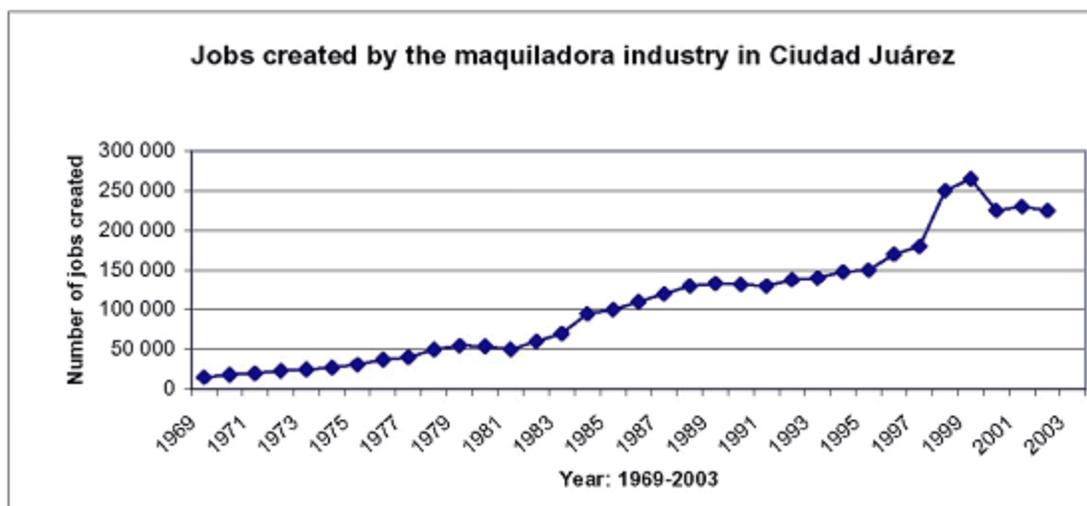
<sup>8</sup> INEGI, 2000 census.

<sup>9</sup> See XXI General Population and Housing Census, 2000, at [www.inegi.gob.mx](http://www.inegi.gob.mx).

<sup>10</sup> Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, management report, November 2003-April 2004, Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, Ministry of the Interior, May 2004, Mexico City.

As shown in figure 1, employment grew rapidly in Ciudad Juárez, from 10,000 jobs in 1969 to 215,000 in 2003. In other words, jobs were created at a rate of 2150 per cent over 34 years, or 700 per cent per decade. During this time work opportunities for women increased considerably, to the point that 55 per cent of all people working in this sector today are women. During the 1990s this figure was 60 per cent. Because women had possibilities of access to formal employment under better conditions they tended to drop activities such as voluntary or forced prostitution and jobs in domestic service. The average wage in the maquiladora industry is 3.5 times higher than the minimum wage when allowances such as exchange vouchers, private transport, day care centres, savings funds, health fairs, recreation activities and sports competitions are taken into account.<sup>11</sup>

Figure 1



Prepared by: Ministry of Foreign Affairs with data provided by the Chihuahua State Maquiladora Association (AMACHAC), located in Ciudad Juárez.

However, the increase in women's access to formal employment in the maquiladora industry did not help them to balance their working lives with their private and domestic lives, as the increase in their working hours led to a series of negative effects on their family lives, including domestic violence.

The considerable increase in job offer led to the migration of job-seekers from the State of Chihuahua itself, but also of migrants from other areas of the country and other countries. Ciudad Juárez became a city of ongoing migratory activity, with approximately 300 people arriving daily, and it has a mobile population of 250,000.<sup>12</sup> Furthermore, approximately one sixth of the population of the State of Chihuahua, i.e. 431,850 people, was not born in Chihuahua, and the majority of this population lives in Ciudad Juárez.<sup>13</sup>

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<sup>11</sup> Data provided by the Chihuahua State Maquiladora Association.

<sup>12</sup> See Israel Covarrubias, *Frontera y anonimato. Una interpretación de la violencia sobre las mujeres en Ciudad Juárez (1993-2000)*, Master's thesis in Political Sociology, Mexico, Dr. José Mará Mora Research Institute, September 2000, p. 28.

<sup>13</sup> INEGI, 2003.

Public services in marginal and other areas of Ciudad Juárez did not keep pace with industrial and demographic growth, but emerged gradually and in an unplanned way. Lack of resources prevented the installation of water, electricity and drainage facilities and paved roads, in particular. The state government was caught short, overwhelmed by this growth. Nevertheless, the balance in terms of job opportunities for the people of Ciudad Juárez and neighbouring areas and of other states in the country has been satisfactory, as the above-mentioned indicators show.

In addition to the lack of services, there have been problems with crime, such as drug trafficking and money-laundering, which are frequently found in the Mexican cities bordering the United States.

Drug-trafficking, drug abuse and money-laundering increased sharply owing to the presence of the Juárez Cartel. As a result of the dismantling of the Cartel in 1993, the powerful drug-traffickers' control over the area was transferred to smaller cells with local operating networks.

The increase in drug use led to an increase in criminality in a population that lacked deep cultural roots and had a rather fragmented social fabric. In this context it is not surprising that Ciudad Juárez society itself judges drug abuse to be the second most important cause of public insecurity,<sup>14</sup> as crime grows at an annual rate of 12.3 per cent, whereas the population growth rate is 4.5 per cent.

Drug trafficking, like corruption and impunity, has made the problem of insecurity more difficult to solve.

The murders of women took place in the context of the factors described above. Although the murders were committed for diverse reasons, by different perpetrators, in different circumstances and according to differing patterns, they are all influenced by a culture of discrimination against women based on the erroneous idea that women are inferior. Because of this, the murders were not perceived at the outset as a significant problem requiring immediate and forceful action on the part of the relevant authorities.

According to the information submitted by the Chihuahua State government, between 1993 and May 2004 334 murders of women were reported in Ciudad Juárez. These figures are based on the number of victims, whether or not they are fully identified. Similarly, it should be noted that these numbers include only those murders committed in Ciudad Juárez and not those reported in other cities in the State of Chihuahua.

In many cases, the murders of women are part of a general context of violence against women. This, together with public opinion's strongly held views about the murders' possible causes, makes it extremely difficult to classify them on the basis of motive. However, in the light of the data

available concerning the perpetrators, witnesses and circumstances under which the murders took place, it is possible to make the following classification:

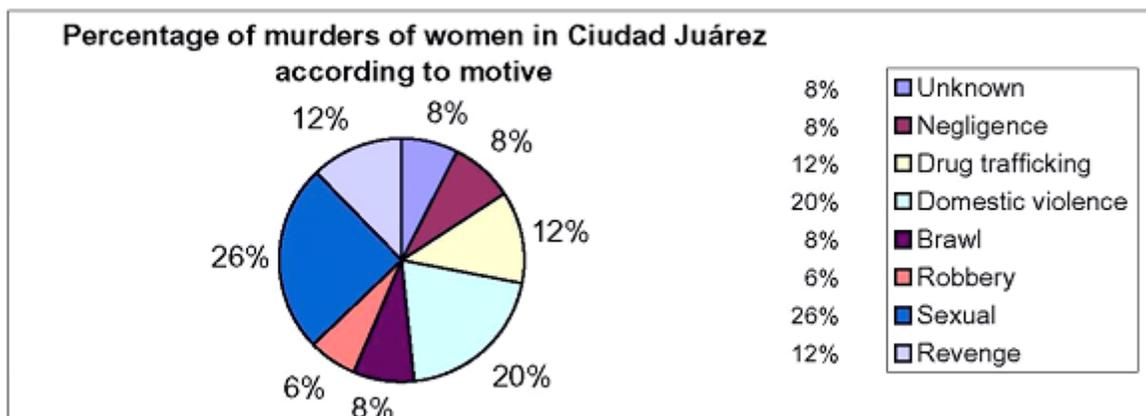
<sup>14</sup> Cited in management report, November 2003-April 2004, Commission for the Prevention and Eradication of Violence in Ciudad Juárez, in Radiografía Socio-Económica del Municipio de Juárez 2002, Así comenzó el 2003, op. cit., p. 70.

Approximately 66 per cent of the murders were the result of ordinary crimes involving family and domestic violence;<sup>15</sup> in 8 per cent of cases the motive is unknown. The remaining 26 per cent were acts of sexual violence.

The National Human Rights Commission (CNDH) refers to 4,587 *reports of disappearances of women*. It should be noted that the CNDH refers to reports of disappearances rather than the number of persons who remain disappeared. During the period 1993-2004 the state authorities received 4,454 reports of disappearances, which were investigated and clarified, with 41 reports still under investigation.

In the interest of confidence-building, the Attorney-General of the Republic and the State Attorney-General conduct an ongoing review of reports of disappearances of women and murder cases, in order to ensure accuracy of information.

Figure 2



Prepared by: Ministry of Foreign Affairs with data provided by the Office of the Attorney-General of the State of Chihuahua.

## 2. Action to eliminate discrimination against women in Mexico and international human rights obligations

Mexico is a multi-ethnic and multicultural nation whose original inhabitants came from Mesoamerica and Spain. In view of its cultural, social, economic and legal characteristics, it is fair to say that Mexican culture was founded on the basis of a female/male relationship which, for many years, attributed roles, stereotypes, patterns, values, traditions, customs and attitudes to each gender

that encouraged the subordination of women in society.

Women did not begin to demand their rights until the nineteenth century, at which point their rights to higher education and employment were recognized. A protracted struggle to obtain the vote began in 1915, and the first victory came in 1923, when women were permitted to vote and be elected to municipal office in San Luis Potosí. Yucatán followed suit in 1925 and Chiapas in 1926. At the

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<sup>15</sup> Data provided by the Office of the Attorney-General of the State of Chihuahua.

same time, the Act on Family Relationships was adopted, which states expressly that, in the home, husbands and wives have equal authority and standing and that, consequently, decisions concerning domestic issues and children must be taken jointly. In 1928, the Civil Code of the Federal District recognized absolute equality between women and men and, in 1946, the Federal Constitution explicitly provided for the participation of women under equal conditions with men (in municipal elections). In 1953, women obtained unrestricted citizenship.<sup>16</sup>

On 31 December 1974, the decree amending articles 3, 4, 5, and 123 of the Political Constitution of the United Mexican States to reflect women's equality before the law was published in the *Diario Oficial*.

The First World Conference on Women, held in Mexico in 1975, marked a watershed in the country's history, since it gave rise to international commitments that placed the issue of discrimination against women on the table and forced an analysis of deeply rooted cultural patterns, revealing new challenges facing the Mexican Government. The country's participation in subsequent United Nations conferences on women and its ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1981 led to the implementation by the State of new activities for the advancement of women.

Various plans of action were implemented, national legislation was amended on a number of occasions, public policies with varying objectives and scope were launched and, in 1983, the Federal Government created the National Population Programme, which gave rise to the National Programme of Action for the Integration of Women into Development. The latter encompassed activities in all areas of the country's economic and social policy. In 1985, the National Commission on Women, comprising representatives of the executive, legislative and judicial branches, was established as the body responsible for promoting and coordinating the aforementioned Programme through the relevant women's committees in the different states of the Federation and in public and social organizations.

In 2001, in accordance with the commitments entered into by Mexico under the Beijing Platform for Action, the National Women's Institute (INMUJERES) was established as the national machinery governing public policy on gender. Subsequently, every state in the Republic set up similar mechanisms to mainstream gender into public policies.

One of the cornerstones of INMUJERES is the National Programme for Equal Opportunity and Non-discrimination against Women (PROEQUIDAD), the main aims of which include combating

gender-based violence. To that particular end, the National Programme for a Violence-Free Life has been set up.

From a statistical point of view, the advancement of women in Mexico is clear from the following data, which show substantial improvements in their access to and participation in basic reproductive

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<sup>16</sup> Pérez Duarte, Alicia, *Legislar con perspectiva de género. Evaluación legislativa en materia de derechos humanos de mujeres, niñas y niños* (Legislating from a gender perspective. Legislative analysis of the human rights of women and children), Ed. INMUJERES, Mexico, 2002, p. 10.

health services, education and the labour market. Likewise, Mexican women now take an active part in the country's political life, as illustrated by their leadership in all fields: political, economic, social and cultural.

In 2003, 35 out of every 100 women were engaged in economic activities and 41.5 per cent of Mexican households received income generated by women. Women account for 51.8 per cent of the electoral roll.

The number of female candidates for the Senate rose to 30.8 per cent, while male candidates accounted for 69.2 per cent of the total. The increase in women's participation can be seen from the number of senators elected by proportional representation (37.8 per cent). There has been an increase in the number of female candidates for substitute senator positions filled by both simple majority and proportional representation.

As far as deputies are concerned, the ratio of male to female candidates for positions filled by simple majority is 2:1. Women's participation is higher in districts where proportional representation is used (44.4 per cent).

Men account for 72.6 per cent of public servants, while 27.4 per cent are women.<sup>17</sup> However, women occupy high-level managerial positions in large national and international companies.

It is clear that the efforts of Mexican women to achieve their rights has gradually borne fruit. However, it cannot be denied that much remains to be done to ensure that women can exercise all their rights fully and universally, particularly in certain areas, such as the right to a violence-free life.

In addition, while illiteracy has been steadily decreasing, the illiteracy rate is 11.3 per cent for women and 7.4 per cent for men. There are 3.6 million single-parent families in Mexico, of which 81.7 per cent are headed by women and the remainder are headed by men.

The current situation of women in Mexico is the result of a gradual process. Like all countries, it is making progress but also faces challenges. Consequently, the status of Mexican women cannot be studied solely from one perspective, such as that of the murders of women in Ciudad Juárez.

The Mexican legal system must still overcome obstacles in order to ensure that laws are drafted with a gender perspective and provide for equity and equality between women and men in accordance

with Mexico's international commitments. However, national and state institutions are already working to analyse laws and prepare legislative proposals to consolidate the required changes.

In Ciudad Juárez the indicators of improvement in the situation of women are very similar to those for the rest of the country. Furthermore, in the areas of employment and health they are well above the national average.<sup>18</sup> However, a number of challenges remain in the field of education,

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<sup>17</sup> INEGI, INMUJERES, Women and Men 2004.

<sup>18</sup> INEGI, Statistical data by municipality, INEGI, 2000.

particularly because the State of Chihuahua has the lowest secondary school graduation rate (69 per cent) (the national average is 75 per cent).<sup>19</sup>

Mexico has taken concrete legislative, executive and judicial steps to change women's subordinate role both at the national level and in Ciudad Juárez itself. Nevertheless, it must be acknowledged that a culture deeply rooted in stereotypes, based on the underlying assumption that women are inferior, cannot be changed overnight. Changing cultural patterns is a difficult task for any government, even more so when the emerging problems of modern society — alcoholism, drug addiction and trafficking, gang crime, sex tourism, etc. — serve to exacerbate the discrimination suffered by various sectors of society, in particular those that are already disadvantaged, such as women, children and indigenous peoples. Those problems must be countered with more proactive public policies that must also be more clearly coordinated at the international level.

In this context, as pointed out on a number of previous occasions and emphasized in this document, the murders in Ciudad Juárez are the result of many factors, including a culture that excludes and discriminates against women. The Mexican Government has worked constantly to combat that culture by means of a number of legislative and public policy actions. However, the emergence of uncontrolled and unwanted social phenomena, such as small-scale drug dealing and associated criminal behaviours, the increased consumption of drugs that were previously inaccessible on account of their price, ongoing national and international migration and corruption as well as the incompatibility between women's professional and home lives, have exacerbated that discrimination in spite of the Government's efforts.

It should be pointed out that the State did not respond to any of those criminal activities by implementing policies that intentionally or directly excluded or discriminated against women. This does not excuse the negligence of some authorities and the failure to build capacity at the local level to address the problem but does explain the complexity of the phenomenon and its causes.

### **3. Progress, obstacles and challenges facing the Government of Mexico in respect of the murders and disappearances of women in Ciudad Juárez**

#### *3.1 Situation of women in Ciudad Juárez, Chihuahua*

As stated in the contextual analysis of the situation in Ciudad Juárez, the government of the State

of Chihuahua acknowledges that 334 women were murdered between 1993 and May 2004. Of those, 66 per cent were the result of intra-family, domestic or ordinary violence involving husbands, boyfriends or other close family members.

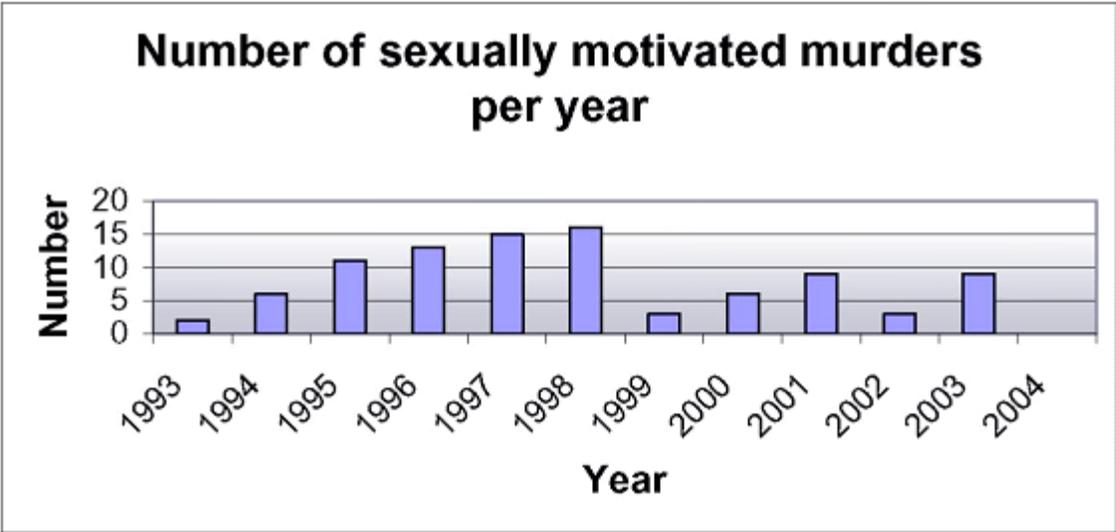
As illustrated by figures 3 and 4 below, the number of women murdered increased from 1993 onwards, but no clear trend emerges from the data. In contrast, the number of murders involving sexual violence reveals a pattern distinct from that of the rest of the murders and has gradually decreased from 1998 onwards.

<sup>19</sup> Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, Management report, November 2003-April 2004, Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, May 2004, Mexico City.

During the early years, the Mexican Government responded slowly to the situation and with limited effectiveness.

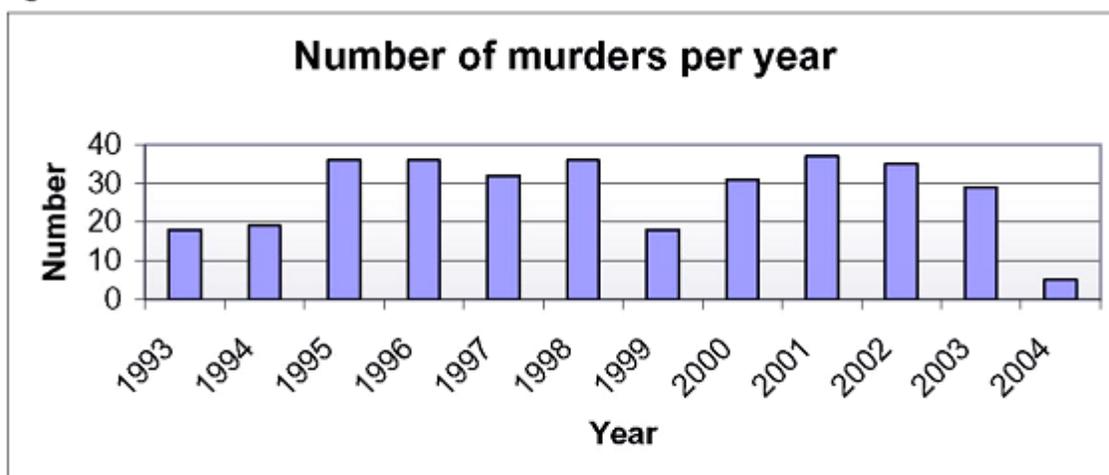
In order to promote the design of appropriate public policies, the Chihuahua Women’s Institute (ICHIMU) and the Office of the Attorney-General of the State of Chihuahua carried out a newspaper survey, which covers the period from 1993 to July 2003 and lists the number of identified and unidentified victims, the alleged perpetrator, the motive and the police department responsible for the investigation.

Figure 4



Prepared by the Ministry of Foreign Affairs with data provided by the Office of the Attorney-General of the State of Chihuahua.

Figure 3



Prepared by the Ministry of Foreign Affairs with data provided by the Office of the Attorney-General of the State of Chihuahua.

The classification of the motives led to a series of disagreements with members of civil society, who interpreted it as yet another incident of discrimination against women intended to downplay the problem. However, the aim of the survey was to determine the motives of the murders with a view to facilitating the implementation of public policies that responded more effectively to the problem's many causes.

The motive analysis shows that the measures needed to solve the problem go beyond increasing public security and establishing a system of justice that responds to women's needs: they must also include the construction of shelters, the promotion of women's human rights, the design of measures to prevent domestic violence and the implementation of new investigative techniques that will allow the authorities to uncover the real motives behind the murders of 28 women whose deaths are still unexplained.

It should be noted that ICHIMU carried out a comparison between its survey and that carried out by civil society organizations, in particular Grupo 8 de marzo. The comparison shows the errors that ICHIMU discovered in the list drawn up by the non-governmental organizations (annex 1A contains the newspaper survey carried out by the non-governmental organizations and annex 1B contains the comparison between the surveys carried out by the state government and the non-governmental organizations). [N.B.: Annexes are not included in this document.]

On the basis of the detailed analysis of the murders, the national Government designed a number of activities, described below, which, taken as a whole, represent an attempt to respond to the problems identified as appropriately as possible and with the involvement of civil society at both the Federal and state levels. The activities are designed to promote human rights, improve the system of justice, prevent crime and combat the disadvantages that lead to the commission of the crimes that occur on a daily basis in Ciudad Juárez. From 1998 onwards, these measures were accompanied by other actions relating to investigations, prevention and public security.

### *3.2 Progress in responding to this situation with the support of international organizations*

In 1998, the National Human Rights Commission (CNDH) issued recommendation 44/98. In response, the state government set up the Office of the State Special Prosecutor for the investigation of the murders of women in Ciudad Juárez (FEIHM). Although it is true, as the Committee experts have stated, that seven prosecutors have headed this body over recent years, its establishment led to an investigation process that has had promising results and has made it possible to identify, prosecute and punish the perpetrators in 45.72 per cent of the cases. (See annex 2, which includes a list of victims, the alleged perpetrator, the status of each of the investigations, length of the sentence and group of investigators involved.)

As can be seen from figure 5 below [*ed. note not reproduced*], in the case of homicides due to common or intra-family violence, there is a positive correlation between the date on which the report was made, or the corpse was found, and the sentencing of the accused in 104 cases.

However, there are evident shortcomings in the justice system, because many of the judgements for ordinary offences committed during 1993, 1994 and 1995, were delivered in or after 1998, the year in which the State Special Prosecutor's Office was established. Statistically, a correlation approaching 1.0 means that there is a relation between two facts or variables. In other words, when one occurs, in this case the murder, the other occurs sequentially; namely the judgement. This phenomenon can be seen in the justice system in 45 per cent of the murders of women in Ciudad Juárez, because there was a correlation of 0.77 in the sentencing of the accused.

However, this positive correlation is not found in the case of cases involving sexual offences, as shown by figure 6 below:

Figure 6



To overcome deficiencies and identify them as objectively as possible, the Government of Mexico has remained open to international scrutiny and to receiving support from any international agency that wishes to help resolve the problem. Since 1999, it has received the following visits, which have culminated in the formulation of specific recommendations:

- In July 1999, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions visited Mexico City and Ciudad Juárez.

- In May 2001, the Government of Mexico extended an invitation to the United Nations Special Rapporteur on the independence of judges and lawyers, who visited the country that year and made comments on the situation in Ciudad Juárez.
- At the invitation of the Mexican Government, the Special Rapporteur on the rights of women of the Inter-American Commission on Human Rights (IACHR) visited Ciudad Juárez in February 2002. The Special Rapporteur's report provided essential input for the Federal Government's design of a comprehensive policy on the matter.
- In November 2002, Noeleen Heizer, Executive Director of the United Nations Development Fund for Women (UNIFEM) expressed concern at the situation in Ciudad Juárez. The Government of Mexico invited her to visit the city; she interviewed victims' relatives and Government authorities.
- Seeking greater support for investigations, the Government of Mexico invited a team of experts from the United Nations Office on Drugs and Crime (UNODC), which visited the country from 26 September to 3 October 2003.
- In November 2003, the experts published their report. It has been most useful because of the elements it provided for analysing the justice system in Mexico, in general, and for reviewing of the case files of the women murdered in Ciudad Juárez. The United Nations team worked closely with officials of the Office of the Attorney-General of the Republic and of the Office of the Attorney-General of the State of Chihuahua. The experts had unlimited access to the files.
- The experts' recommendations have provided the Government with very useful feedback, specifically for modifying methods of investigation in the case of the women in Ciudad Juárez. The Federal Executive has also submitted a package of constitutional reforms designed to remedy structural problems in the system of investigating and prosecuting offences.
- An example of the Mexican Government's policy of openness towards international protection mechanisms was the ratification of several optional protocols, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 2002.
- The Government of Mexico has fully cooperated at all stages of the investigation procedure initiated by the Committee under the Optional Protocol.
- The Inter-American Commission on Human Rights (IACHR) is also examining the case and the Government of Mexico is providing information on progress in the investigations and on the measures taken to ensure that the problem is fully resolved.
- Twice a year, IACHR meets with representatives of the Government to study the offers of cooperation that Mexico has received and make a thorough examination of the reports submitted.
- The foregoing shows, once again, the Mexican Government's willingness to expedite the solution of the problem in Ciudad Juárez.

### *3.3 Progress made by the Government of Mexico in the promotion of human rights and social development*

In response to several of the recommendations made by the international bodies mentioned above, the state Governor, Patricio Martínez, established by decree the Chihuahua Women's Institute (ICHIMU).

The Institute was created by decree 274/02 and was formally established on 18 February 2003. Its Director is Victoria Caraveo Vallina. The Institute's mandate is to promote equal opportunities in education, training, health, employment and development; and also to ensure the full exercise of women's rights and foster a culture of non-violence so as to eliminate all forms of discrimination. Consequently, it has designed and implemented initiatives to prevent and address violence against women, particularly in the case of Ciudad Juárez. The following are its activities in this area:

**1. Programme of support to close relatives of the murder victims.** The programme offers the relatives the following services:

- **Psychological care:** provided to the father, mother and children of the victims, who have usually been excluded from this type of assistance. It is provided by ICHIMU and MUSIVI (Women Without Violence, Centre for Victims of Violence in Ciudad Juárez, Chihuahua) and is characterized by the fact that the individual is free to decide where to receive the services.
- Psychiatric consultation and group therapy is also provided, in an effort to promote family rehabilitation and devictimization.
- **Medical care** is provided by the General Hospital and the Women's Hospital and includes the provision of medicines by the Chihuahua State Civil Pensions System. This service is received through a credential provided by ICHIMU.
- **Training on criminal proceedings** is provided to ensure that victims' relatives are aware of their rights. It includes the organization of follow-up meetings in coordination with the Joint or Special Prosecutor's Office, the State Attorney-General's Office, and the victims' relatives and helps ensure follow-up of the cases in question.
- **Counselling and information** to settle family conflicts, whether or not they are related to the impact of the murder or disappearance on family life.
- **Reimbursement of funeral expenses.** When necessary, ICHIMU takes steps to obtain the reimbursement of funeral expenses from the appropriate institution.
- **Support for schooling expenses.** This includes enrolment fees, school uniforms, text books and exercise books for the children of the victims.
- **Fortnightly financial support for grocery supplies.** This support has been provided by ICHIMU since January 2004; previously, it was provided through the State Attorney-General's Office (PGJE).
- **Education** in sexual health with gender equity counselling.
- **Social action**, including different procedures for productive projects and intervening before official state agencies that can decide on them. Also, the establishment of the "Maria Sagrario" kindergarten in Lomas del Poleo, considered a high-risk area. It is hoped that the kindergarten will begin operating for the next school year.
- **Legal counselling** on the guardianship of minors, in accordance with the provisions of the state's Civil Code. This Code establishes that, in the absence of the parents or owing to their impossibility of exercising parental authority, parental authority is awarded to the maternal grandparents.

The following table contains a list of victims' relatives receiving support from ICHIMU:

Table 1

#	Case No.	Mother and/or relative	Victim
1.-	015/03	MA. DE JESUS RAMOS V. (D)	BARBARA A. MARTINEZ R
2.-	031/03	ROSAURA MONTAÑEZ LERMA	ARACELY ESMERALDA MTZ
3.-	036/03	MARTHA LEDEZMA HDZ	IRMA A. MARQUEZ
4.-	047/03	GABRIELA ACOSTA RAMIREZ(D)	MA. DE LOS ANGELES ACOSTA
5.-	171/03	IRMA MONRREAL JAIME	ESMERALDA HERRERA M.
6.-	172/03	ROSARIO HERNANDEZ HDZ (D)	VERONICA MARTINEZ HDZ
7.-	173/03	GLORIA SOLIS ORTIZ (D)	MAYRA JULIANA REYEZ
8.-	174/03	CELIA DE LA ROSA RAYO (D)	GUADALUPE LUNA DE LA ROSA
9.-	175/03	BENITA MONARREZ SALGADO	LAURA B. RAMOS
10.-	190/03	EMILIA BARRIOS BEJARANO	VIOLETA MABEL ALVIDREZ B.
11.-	211/03	MARIA DE JESUS DIAZ ALBA	SILVIA GUADALUPE DIAZ ALBA
12.-	212/03	MA. CONSUELO PANDO HDZ	VERONICA CASTRO PANDO
13.-	213/03	NORMA ESTHER ANDRADE	LILIA A. GARCIA ANDRADE
14.-	214/03	JUANA VILLALOBOS CASTRO	ANA MA. GARDEA V.
15.-	215/03	ROSA MA. GALLEGOS	ROCIO BARRAZA GALLEGOS(PJ
16.-	216/03	ANA MA. ALARCON ROMERO	ESMERLDA JUAREZ ALARCON
17.-	217/03	MARIA ROSARIO HDZ A.	ERENDIRA I PONCE HDEZ
18.-	222/03	VELIA TENA QUINTANILLA	ROSA I. TENA QUINTANILLA
19.-	241/03	IRMA MARI GARCIA DIAZ	ELLIZABETH CASTRO GARCIA
20.-	243/03	RITA RIVERA COVARRUBIAS	CLAUDIA TAVARES RIVERA
21.-	026/04	GLORIA VAZQUEZ GONZALEZ	MARIA ISABEL NAVA VAZQUEZ

22.-	031/04	EVANGELINA ARCE	SILVIA ARCE (D)
23.-	035/04	SANTOS MACIAS GARCIA	RAQUEL LECHUGA MACIAS
24.-	036/04	RAMONA MORALES HUERTA	SILVIA E. RIVERA MORALES
25.-	037/04	SILVIA ELVIRA HOLGUIN RANGEL	MELI AMERICA HOLGUIN RAN
26.-	038/04	SOLEDAD AGUILAR PERALTA	CECILIA COBARRUVIAS A.
27.-	039/04	IRMA JOSEFINA GLEZ RGUEZ	CLAUDIA IVETTE GLEZ
28.-	040/04	LUCIA MARES MATA	GRISELADA MARES MATA(D)
29.-	44/04	EVANGELINA CRISPIN ESQUIVEL	ARGELIA SALAZAR CRISPIN
29.-	45/04	MARISOL MERCHANT (HERMANA)	INES SILVA MERCHANT
30.-	46/04	PABLO MTZ Y MARCIANA MORALES	YESSICA MTZ MORALES
31.-		MARIA DE LA LUZ GARCÍA VDA. DE LA O	IVONNE DE LA O GARCÍA
32.-		JULIA CALDERA CHÁVEZ	MARIA ELENA CHÁVEZ CALDERA
33.-		VICTORIA SALAS RAMÍREZ	GUADALUPE IVONNE ESTRADA SALAS
34.-		PULA FLORES	MARIA SAGRARIO GONZÁLEZ FLORES
35.-		ANA ISABEL LARRAOITI ROMO	MAYRA JESSENIA NAJERA LARRAGOITI
36.-		MARIA ENRIQUETA LEAL GARCÍA	ROSARIO GARCÍA LEAL
37.-		MARIA ESTHER LUNA ALFARO	BRENDA ESTHER ALFARO LUNA
38.-		MURA LIDIA ESPINOZA LUNA	LILIA JULIETA REYES ESPINOZA
39.-		LILA IRASEMA MENDOZA	MIRIAM ARLEM VELAZQUEZ MENDOZA

**Chihuahua City**

1.-	VIRGINIA BERTHAUD MANCINAS	CLAUDIA JUDITH URÍAS
2.-	ILDA MEDRANO BELTRÁN	DINA GARCÍA MEDRANO

ICHIMU has sought to establish and strengthen contacts with as many mothers and/or close relatives of the murder victims as possible and it has made house calls with the State Special Prosecutor for the investigation of the murders of women. The public prosecutor's office in charge of the respective investigation has also been involved in the visits, providing information on progress in the investigations. (Annex 3 includes the list of victims, address, names of relatives and services being provided.)

In this process, ICHIMU remains in touch with the "Nueva Vida" [New Life] association (NUVIDAC) in the State of Coahuila; this has given it access to more information and brought it into contact with victims' families residing in Comarca Lagunera, in order to provide them with the care and support they require.

**2. Intersectoral coordination between different Government agencies.** To coordinate this work, the National Institute for Women (INMUJERES), the Chihuahua State government, the institutional State bureau to coordinate action to prevent and address domestic violence and violence against women and the Legal and Technical Bureau have established round-table discussion groups to follow up investigations into the murders of women.

Also, in December 2001, INMUJERES established a national inter-agency bureau to design and implement public policies aimed at preventing and eliminating all forms of violence against women, in which agencies of the Federal public administration and human rights and women's organizations participate.

**3. The 2003 National Survey on the Dynamics of Domestic Relationships (ENDIREH),** conducted in cooperation with the National Institute of Statistics, Geography and Informatics (INEGI) and INMUJERES. The survey's purpose is to obtain statistical information on families in a situation of intimidation and emotional, physical and sexual abuse so as to reinforce public policies in this area at the local and national levels. A supplementary sample was taken in Chihuahua State, with the cooperation of the agencies mentioned above and ICHIMU.

**4. Awareness-raising campaigns and state programme to prevent intrafamily violence,** in order to help families identify risk factors and strengthen protection factors. The campaign was conducted in the working-class districts of Ciudad Juárez using sociocultural development techniques.

**5. Family Violence Response Network.** In coordination with the Ministry of Social Development, the state health services, the state Integral Family Development office (DIF) and the State Attorney-General's office, an invitation has been issued to establish the Family Violence Response Network. The network would establish a coordination and liaison mechanism to enhance the response to cases of family violence throughout Chihuahua State.

**6. Crime prevention project: “Security and Surveillance”.** The project seeks to prevent crime by organizing surveillance operations in high-risk areas where women have disappeared. It is being implemented in coordination with the Municipal Public Security Department and the organization “Rescatemos Juárez” (Let’s come to the rescue of Juárez).

**7. Regular patrols by protection units in the quadrant: Vicente Guerrero, Ignacio Mejía, Francisco Villa and Insurgentes, in the Aldama District, by Vicente Guerrero, Mejía and Mariscal, in the Delicias District.** The patrols will pay special attention to schools in the sector, assembly industries (maquiladoras) and public transport units and terminals.

**8. Interviews with the public.** The staff of the Chihuahua Women’s Institute conducted surveys to clarify its goals and the challenges before it and to learn how the public perceived its progress.

Even though the Government is offering various support services for the families of the victims, not all the mothers of the murdered women take advantage of them, especially not those who have chosen not to establish any sort of relation with the Government but have turned instead to civil society organizations.

**9. With regard to prevention, the Chihuahua Women’s Institute sponsored the following events:**

- A “First Congress on children’s rights”, organized by various educational, municipal and state authorities, in which 300 children participated;
- “Teaching about gender” workshops held in coordination with the social work programme of the Autonomous University of Ciudad Juárez in the towns of Ciudad Juárez, Aldama, Guadalupe Distrito Bravos and Casas Grandes, attended by 194 women and men;
- “Gender equity and women’s rights” workshops sponsored by the group Mujeres por México, held in Ciudad Juárez, Casas Grandes and Chihuahua City and attended by a total of 150 persons;
- A workshop on “Gender perspective and the human rights of women workers”, which dealt with the various laws and international agreements for the protection of women;
- The presentation of a paper entitled “The Situation of women convicts” at the “Forum of Rehabilitation Centres for Women”;
- A conference on violence against women organized in Chihuahua City in cooperation with the Municipal Women’s Council;
- An event entitled “Action and ideas for a culture of peace in Mexico”, organized by the State Council for the Prevention and Treatment of Family Violence;
- An event entitled “Action for the integral prevention of violence and crime, the promotion and defence of human rights, treatment and services for victims and community services in

Ciudad Juárez”, which studied the origin, causes and consequences of the types of violence committed against women in the family, the community, the school and the workplace.

### **Action by the Office of the Attorney-General of the State of Chihuahua (PGJE)**

#### **Expert services provided by the Office**

The Department of Expert Services has modern forensic laboratories equipped with the latest technology for conducting forensic criminal investigations; the laboratories are distributed throughout the various regions of the country, notably in Chihuahua (Central Region) and Ciudad Juárez (Northern Region) as well as Cuauhtémoc (Western Region) and Parral (Southern Region) (see annex 13).

The Department also has six mobile laboratories operating in the regions, which are used to collect and analyse evidence, perform and process all kinds of laboratory tests and prepare expert reports without leaving the crime scene.

#### **Action by the Ciudad Juárez municipal government (see annex 14)**

- The Municipal Public Security Department trained its operational staff of 1,200 agents on the subject of violence against women and assistance to victims of sexual abuse, with the help of the Casa Amiga protection centre and the guidelines of the Ciudad Juárez Bar Association. The civilian outreach workers of the Community Police have been giving talks on domestic violence to 202 neighbourhood safety groups; under the project 7,200 local residents have been informed about domestic violence and encouraged to report incidents;
- The Community Police have received and responded to requests for better street lighting in areas considered to be high risk;
- The Public Security Department deals with an average of 800 calls for help on account of domestic violence each month. The most common reason for the calls is a physical attack on a woman;
- On 20 February 2003, the first stage of the D.A.R.E. programme was begun in 50 primary schools. This 17-week programme teaches fifth and sixth graders how to reject drugs and avoid sexual violence. Thus far, the municipal administration has completed three stages of the programme, in which 18,000 children participated. Next September, the fourth stage, involving 6,000 children, will begin. The Municipal Police Academy offered a series of self-defence courses for women to teach them how to ensure their own safety and how to avoid a possible sexual attack. To date, 22 courses have been offered, each attended by 40 women on the average, comprising groups of students, housewives, maquila industry workers and municipal government employees;
- Surveillance sweeps were carried out in high-risk areas for women. The sweep team Viajero Seguro inspects 8,000 public transport units monthly and is responsible for an average of 200 arrests on various grounds (riders molesting women, sexual stalking, drunken or drug-

related behaviour, the carrying of sharp-edged weapons and firearms);

- The Ministry of Education, working with the Municipal Police, started the Camino Seguro programme. This project includes the participation of the “Jaguar” team, which patrols the area surrounding 140 schools in violent neighbourhoods to prevent assaults, the selling of drugs and attacks on children and women. The municipal government established a mediation bureau to provide free advice to women who are victims of domestic violence. Municipal examining magistrates refer perpetrators of domestic violence to therapists. The Municipal Police received municipal funds to expand their facilities in the following areas: the largest immediate telephone response centre in Mexico was built; 60 video cameras were installed to monitor areas potentially dangerous for women’s physical safety; 50 per cent of the Public Security Department’s vehicle fleet was upgraded; 318 new vehicles were purchased and 100 per cent of its operational staff were equipped with radios and bullet-proof vests.

### **Action by the Federal Government**

In addition to all the steps the Government has taken to design and implement a comprehensive programme to deal with the diverse causes of the murders, in June 2003 it established the Coordination and Liaison Subcommission for the Prevention and Eradication of Violence against Women in Ciudad Juárez, Chihuahua (see annex 9).

The Subcommission was made up of federal authorities in a position to provide support and funds to improve the situation of women in Ciudad Juárez, as well as representatives of civil society organizations. The following institutions were members: the Ministry of Health, Ministry of Labour and Social Welfare, Ministry of the Economy, Ministry of Finance and Public Credit, Ministry of Education, Ministry of Social Development, Ministry of the Interior, Ministry of Public Security and Ministry of Foreign Affairs, the National Women’s Institute (INMUJERES), the National Institute for Migration, the Office of the Attorney-General and the National Human Rights Commission (CNDH). The United Nations Development Fund for Women (UNIFEM) participated as an observer.

To ensure the effectiveness of the Subcommission, the President of the Republic, Vicente Fox Quesada, named Guadalupe Morfin Otero as its director, responsible for coordinating the work of this body. The agreement by which she was appointed was published in the *Diario Oficial* of 3 November 2003 (see annex 4), and gave her the following functions:

- (a) To coordinate and follow up the work of the Subcommission;
- (b) To draw up and, if necessary, implement, with the participation of various public and private institutions, a programme of action to prevent and eradicate violence against women in Ciudad Juárez, Chihuahua, the top priorities being to ensure that the victims of that situation are treated with respect and to strengthen the rule of law.
- (c) To establish contacts with the members of the Interministerial Committee and its regularly invited participants and with other federal departments and agencies with a view

to coordinating the Subcommission's work, and to support the projects, programmes and measures adopted by federal departments and agencies to address violence against women in Ciudad Juárez;

(d) To establish contacts with the Chihuahua State government and the Ciudad Juárez municipal government in order to cooperate, in accordance with the principle of the distribution of powers established in the Mexican Constitution, in preventing and eliminating violence against women in Ciudad Juárez, strengthening the promotion and protection of human rights and providing effective access to justice and social development;

(e) To establish contacts with the victims' relatives and with individuals whose human rights were violated, civil society organizations and non-governmental human rights organizations, with a view to meeting their legitimate demands;

(f) To establish lines of communication with public institutions in other countries and with international agencies wishing to offer relevant information and technical expertise that might help to resolve social problems of this type, in accordance with applicable law;

(g) To set and apply the Subcommission's policy on public information, dissemination of information and communication, observing the criteria of transparency and accountability;

(h) To maintain open communication with government officials and private individuals involved in the conduct of political and public activities and with society at large, in order to create a climate of certainty and restore confidence in institutions;

(i) To further the Subcommission's objectives by maintaining regular liaison with the Congress and other concerned authorities and institutions with competence to take action regarding the events that prompted the establishment of the Subcommission;

(j) To carry out any task assigned by the Committee on Government Human Rights Policy through the Minister of the Interior in his capacity as Chairman of the Interministerial Committee;

(k) To submit a monthly report of its activities to the Committee on Government Human Rights Policy, via the Minister of the Interior in his capacity as Chairman of the Interministerial Committee, or via that Committee's Technical Secretary.

In response to the public's demand that the Government should take more vigorous action to address the causes underlying the threat to women in Ciudad Juárez, in February 2004 the Commission for the Prevention and Eradication of Violence against Women in Ciudad Juárez was established as a decentralized body within the Ministry of the Interior, with powers that can be summarized as follows:

(a) To formulate and implement programmes of action to address the root causes of the murders of women in Ciudad Juárez;

- (b) To establish mechanisms for documenting and analysing the causes of the killings;
- (c) To initiate the steps needed to ensure that federal agencies perform their duties responsibly;
- (d) To promote coordination among the various departments;
- (e) To support the local authorities and engage their cooperation in protecting the rights of the victims;
- (f) To respond to the demands of the victims' relatives;
- (g) To establish lines of communication with public bodies and international organizations through the appropriate channels and to maintain ongoing communication with government officials;
- (h) To set the policy on public information, dissemination of information and communication about the provisions of the decree establishing the Commission.

It should be noted that the Commission's authority extends to Chihuahua City in respect of criminal acts committed against women in circumstances similar to those in Ciudad Juárez.

The differences between the agreement under which the Commissioner had been operating and the decree of 18 February 2004 establishing the Commission are as follows:

<i>Agreement of 2 November 2003</i>	<i>Decree of 18 February 2004</i>
Merely analyses and classifies the causes of the violence being committed against women in Ciudad Juárez.	In addition to analysing and classifying information, can establish mechanisms to achieve its objectives.
Follows up the activities conducted by the various federal, state and municipal departments.	In addition, can set government policies to promote the rights of the women involved and eliminate the violence being committed against them.
Coordinates action by government departments.	Ensures that they complete their work.
Establishes contacts with local and state governments to follow up their activities.	Conducts activities in Ciudad Juárez and Chihuahua on its own authority.
Establishes relations with municipal, state and federal authorities in order to follow up action taken in Ciudad Juárez and Chihuahua.	In addition to supporting municipal and state governments and assisting them in their activities, seeks to eliminate the causes of the problem.

	Establishes links with public bodies and international organizations to obtain their support.
	Promotes the observance of human rights and of the recommendations made by the various international human rights bodies.
	Establishes a nine-member citizens' council to assist the Commissioner in her work.

As the chart illustrates, in the former agreement as well as in the current decree, the functions of the Commissioner are clearly defined and basically related to addressing the root causes of the murders in Ciudad Juárez. Her task is to coordinate the efforts of all offices, to create and implement public policy and to manage information and analysis, in order to promote the creation of a culture of equality and gender equity, in every aspect, and to foster respect for the human rights of women. (See annex 5, enclosed, the issue of the *Diario Oficial*, containing the decree.)

Nine months after her appointment, the Commissioner, in addition to coordinating programme activities, has become an effective bridge between the authorities and organizations working to defend human rights. In response to demands from the community, she initiated a review of the Federal Programme of Action to Prevent and Eliminate Violence in Ciudad Juárez (40-point programme), from a gender perspective, with a view to finding a genuine solution to the problem in Ciudad Juárez.

On 3 June 2004, the Commissioner for the Prevention and Elimination of Violence against Women in Ciudad Juárez submitted her management report. This report provides a social diagnosis of the situation in Ciudad Juárez, evaluates the 40-point programme thus far carried out by the federal government agencies, and contains a new work plan. (See annex 6, enclosed, complete report of the Commissioner.)

By way of illustration, listed below are a number of concrete actions carried out by the Commissioner, which required coordination among the public agencies in the three areas of Government and in society at large:

- Promoted the first meeting for relatives of murdered or disappeared women and civil society organizations, with Mr. Santiago Creel Miranda, Minister of the Interior, on 24 November 2003, and with Mr. Vicente Fox Quesada, President of the Republic, and the members of his Cabinet, on 25 November 2003;
- Requested the head of the Comprehensive Public Security Programme to provide protection for persons who lodged complaints against officials of the local Attorney-General's office;
- Maintained close communication with the Ministry of Social Development (SEDESOL) to

follow up its efforts to strengthen social capital, empower women and repair the urban fabric. The various co-investment programmes of that office have benefited 15,772 women and 11,645 men;

- Held, in Ciudad Juárez on 23 and 24 April 2004, an international forum entitled “The participation of civil society in judicial reform and improvement in the justice system”, convoked by the Foundation for Due Process, the National Centre for State Courts, the Juárez City Council and El Colegio de la Frontera Norte;
- The Commission promoted the signing of a cooperation agreement between the Ministry of the Interior and the National Institute of Statistics, Geography and Informatics (INEGI) which will contribute to the maintenance of a complete database for analysing and classifying factors giving rise to violence against women in Ciudad Juárez. Researchers from the Colegio de la Frontera Norte and the Municipal Research and Planning Institute joined in this effort;
- Prepared, for submission to the State Congress, a package of proposals for legislative reforms to bring the laws of the State of Chihuahua into conformity with the international human rights instruments signed and ratified by Mexico, especially those promoting the rights of women and children. This package was put together with the assistance of the Latin American branch of the World Organization Against Torture;
- Encouraged the formation of the Working Group to Forest Ciudad Juárez, participated in by the Ministry of the Environment and Natural Resources (SEMARNAT), the National Forest Commission, the National Water Commission, the Directorate of Parks and Gardens of the Municipality of Juárez, the Plant Nursery of the Ministry of National Defence (SEDENA) and the Municipal Institute for Research and Planning (IMIP);
- In response to an initiative by the Mexican Committee for the Defence and Promotion of Human Rights, initiated a visit to Ciudad Juárez by the Argentine Forensic Anthropology Team to assist with the identification of victims’ remains. That measure complies with a recommendation made by the Inter-American Commission on Human Rights;
- Obtained a pledge from the Ministry of Health for the construction of a new hospital model for mental health care in Ciudad Juárez, based on a community plan, a comprehensive vision respectful of the human rights of the patients and their families.

Each of the offices participating in the programme allocated resources for its implementation. The Commissioner is assisted by 18 persons in carrying out her mandate and has offices in Mexico City and Ciudad Juárez. The Federal Government will provide an additional \$14,000,000 pesos, the equivalent of \$1,400,000, to assist her in her work.

In compliance with the 40-point programme, the offices of the Federal Government have carried out a number of activities thus far, including the following:<sup>20</sup>

- (a) Installing four shelters for women victims of domestic violence in Ciudad Juárez. Three

of these are run by civil society organizations that have been working in the area of violence against women. One was established by the state government in cooperation with the National Institute for Social Development;

(b) Obtaining the signature of 26 agreements with organizations for projects involving social capital, prevention of domestic violence, care for groups in situations of risk and vulnerability, the culture of legality and action to combat corruption, community education, prevention and treatment of addiction and promotion of the gender perspective;

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<sup>20</sup> Commission for the Prevention and Elimination of Violence against Women in Ciudad Juárez, Management report, November 2003-April 2004, Commission for the Prevention and Elimination of Violence against Women in Ciudad Juárez, May 2004, Mexico City.

(c) Establishing a degree programme in social capital, with national and international specialists from the Autonomous University in Ciudad Juárez, the National Research and Planning Institute, the Chihuahua Entrepreneur Foundation A.C. and the National Institute for Social Development (INDESOL);

(d) Designing a programme for psychological care of victims of urban violence to be carried out in coordination with the National Autonomous University of Mexico;

(e) Designing two campaigns for the prevention of domestic violence at the national level, by the National Women's Institute (INMUJERES) and the Ministry of the Interior, respectively, which will be broadcast on radio and television starting in March;

(f) Obtaining the transfer of Victor García Uribe, alias *El cerillo* ("the match") from the Chihuahua City prison to the Ciudad Juárez prison;

(g) Maintaining a constant police watch on the home of Miriam García Lara, the wife of Victor García Uribe;

(h) Requesting support from the Ministry of Health to provide public funds for the psychological treatment of family members directly affected;

(i) Maintaining communications with the Mexican Federation of Private Health and Community Development Associations (FEMAP), which supports the Hospital de la Familia, the most important hospital in Ciudad Juárez, offering private health services to low-income women. The Federation has a network of community multipliers who work in various districts of Ciudad Juárez and are participating in the campaigns to prevent homicides;

(j) Initiating contacts with the coordinator of the Habitat Programme of the Ministry of Social Development (SEDESOL) to promote, in conjunction with the municipality of Ciudad

Juárez, the completion of community centres;

(k) The Ministry of Health:

- Signed a cooperation agreement with the state government, which contained a pledge to provide two special care facilities for women victims of violence, one in Chihuahua City and the other in Ciudad Juárez;
- Supplied financial support for staffing and operating a shelter for women and children who are victims of violence;
- Provided training for personnel in the state health sector in managing medical standards for the care of victims of family violence;
- Promoted the involvement of personnel from the health and education sectors and the University of Ciudad Juárez in a degree programme entitled, “Anthropology of Violence: methodological strategies”;

(l) The Ministry of Social Development, using the “surmounting urban poverty” model, provided resources for four research projects to be carried out in some of the areas where the families of the murdered women live:

- Let’s build a peaceful world, and leave violence in peace,
- Anti-violence counsellors,
- Reducing violence in the home,
- Women and depression;

(m) The Ministry of Labour and Welfare announced that the Ciudad Juárez Maquiladoras Association has obtained the following benefits for its workers:

- Investments to adapt private transport routes to meet the needs of each factory’s personnel;
- The opening of 29 day-care centres administered by the Mexican Social Security Institute, by civil society associations or by the Institute and the plant together;
- A savings account constituting 10 per cent of worker’s salaries. The maquiladora industry acts as a guarantee for workers in negotiating loans from the National Fund for Workers’ Consumption (Consumer Loans Series) (FONACOT);
- Distribution of food vouchers;
- The holding of fairs on health, safety, hygiene and the work environment, offering, inter alia, talks on preventing domestic violence;
- The holding of social and sporting events to promote family unity;
- The creation of a women’s self-prevention programme, with the dissemination of Ponte Viva (Stay Alert) videos, the distribution of leaflets and posters, and the holding of talks on prevention programmes and self-defence courses. In some plants, whistles, tear gas, etc. are handed out;
- The establishment of medical clinics on maquiladora premises. Some offer an initial dose of medicine, dental services and ophthalmology. There are also family planning programmes and campaigns on personal safety and on preventing family and sexual violence;
- Investments in the educational sector, to enable the children of workers to continue their schooling;
- The provision of job training and announcements of job vacancies to victims’

relatives needing such services;

(n) The National System for Integral Family Development (DIF) is responsible for a pilot project for vulnerable children, in particular, a family violence module. Its objective is to identify persons in situations of vulnerability whom the law defines as potential beneficiaries of social assistance and to define the type of care they need. The Chihuahua DIF will serve as a pilot state for the introduction of the family violence module;

(o) The National Women's Institute (INMUJERES):

- Conducted workshops and courses:
  1. A gender workshop for the personnel of the Attorney-General's office and for trial lawyers;
  2. A workshop entitled "Women should know their rights";
  3. A basic training course for women human rights facilitators;
  4. A gender empowerment course with thematic areas;
- Through the Proequity Fund, promotes the development of programmes designed by civil society organizations for achieving gender equity;
- Through the INMUJERES-National Council for Science and Technology (CONACYT) Sectoral Research and Development Fund, supported a research project on the incidence of gender violence in Ciudad Juárez, Chihuahua and in other federative entities;
- Provided support for the establishment of a shelter for women and children who are victims of family violence;
- Set up an emergency 24-hour hotline to assist women victims of violence;
- Invited the State of Chihuahua to participate in the state system of gender indicators (SEIG);
- Conducted a national domestic relationship dynamics survey in Chihuahua, which was completed in November 2003 and whose preliminary results were published in June 2004;
- Initiated a campaign in Ciudad Juárez called "Human Rights and Women", designed to prevent violence, using print and electronic media;

(p) The National Institute for Migration:

- Drew up and distributed leaflets warning women who emigrate to the United States to keep out of high-risk areas;
- Produced a poster on the subject of migrant women which was designed to alert women to the risks they run if they try to immigrate illegally into the United States;
- Through the Beta Groups, assists migrants, including women and children, in dangerous situations and emergencies;
- Regularly exchanges information with the Office of the Attorney-General of the Republic and the Office of the Attorney-General of the State of Chihuahua on the movement of aliens with a view to examining in greater depth any possible connection with the women's murders in Ciudad Juárez;
- Carries out schemes to counsel and protect migrant women through Beta Groups, in order to avert potential risk situations and situations where human rights could be violated;

- With a view to training Beta Groups, especially the group in Ciudad Juárez, ran a workshop on human rights and migrant women and children;

(q) The Ministry of Foreign Affairs provides ongoing coverage of the Government's activities aimed at remedying the problem in Ciudad Juárez; it fosters international cooperation to help solve the problem, including the visit of five experts from the United Nations Office on Drugs and Crime, which has provided technical, legal, investigative and expert advice to the state and federal police, and it promotes work aimed at harmonizing legislation. With the Ministry's support, the Chihuahua government organized the International Seminar for the Application of International Instruments and Recommendations regarding Human Rights, which was attended by judges, magistrates and state deputies and which was aimed at making progress in implementing the recommendations made by the experts from the United Nations Office on Drugs and Crime.

Although the appraisal of the 40-point programme prompted many activities, all of which were directed at seeking a comprehensive solution to the problem, much still remains to be done. Apart from the public security programmes, which have cut the crime rate by 14.5 per cent, no substantive results have been noted in eradicating the root causes of the problem.

In this context, the Commissioner has presented a new plan of work for the more detailed monitoring of activities carried out under the 40-point programme, where the stress will be on the following areas of work:

1. System of justice;
2. Victim support;
3. Strengthening of the social fabric;
4. Public policies with a gender perspective.

A detailed account of these measures is to be found in the Commissioner's report appended to this document (annex 6). Their functions and main thrust are as follows.

A **full damage repair strategy** schematizes the contents, elements and reasoning which will enable the Commission to contend with violence against women in Ciudad Juárez from a comprehensive, multidisciplinary angle.

At the suggestion of Commissioner Guadalupe Morfin, the Coordination and Liaison Subcommittee for the prevention and eradication of violence against Women in Ciudad Juárez meets alternately in Ciudad Juárez and Mexico City, to facilitate agreement on the shaping of public policies to enhance respect for, and solidarity with, the victims' relatives and with organizations interested in participation in this mechanism for dialogue.

Similarly, the Subcommittee will form working groups to address the following issues from a gender perspective:

1. Direct victim support;
2. Truth and justice;

3. Public policies with a gender perspective;
4. Strengthening of the social fabric.

These working groups tie in with the main areas of the Commission's full damage repair strategy in the following manner:

1. **Direct victim support** — closer contact is being established with victims' families in order to determine their needs and give them direct legal guidance and all-round support by referring them to free legal services, special support centres, shelters, hospitals and other bodies;
2. **Truth and justice** — the individual legal requirements of victims of violence will be identified and each file will be analysed in detail in the light of national law and international human rights standards;
3. **Public policies with a gender perspective** — public, academic and legislative debate will be encouraged so as to define the concept of "femicide" which will be used to revise the juridical, legal, federal and state framework on the basis of international law;
4. **Strengthening of the social fabric** — will provide elements for strengthening civil-society organizations and public institutions by forging links between public institutions as a means of repairing the social fabric.

The above-mentioned activities are implemented in such a way that victims' mothers receive decent treatment from the state and federal authorities. It is true that restoring trust among some of the sectors involved has been a slow process and that the underlying difficulty stems from the politicization of the topic.

#### *3.4 Progress made by the Government of Mexico in terms of investigation and prosecution*

On 21 June 2002, the Office of the Attorney-General of the State of Chihuahua requested cooperation from the Office of the Attorney-General of the Republic for the purpose of seeking the advice and specialized technical support of the Federal Bureau of Investigation (FBI).

On 16 April 2003, the Office of the Attorney-General of the Republic initiated preliminary inquiry PRG/UEDO/176/2003 and seized the federal judicial authorities of 14 women's murder cases in Ciudad Juárez.

Through a coordination and cooperation agreement published in the *Diario Oficial* of 23 July 2003 (see annex 7), the state and federal governments set up the Joint Agency for the Investigation of the Murders of Women in Ciudad Juárez, which is staffed by personnel from the Office of the Attorney-General of the Republic and government lawyers who assist in carrying out investigations. Since that date, cooperation between the two Attorney-General's offices has steadily improved.

On 13 August 2003, the Office of the Attorney-General of the Republic and the Office of the Attorney-General of the State of Chihuahua signed an *Agreement on Cooperation for the*

*Implementation of Joint Investigations to Elucidate Women's Murders Displaying Specific Characteristics and/or Similar Patterns of Behaviour.* The agreement was published in the *Diario Oficial* on 29 August 2003 (see annex 8) and, generally speaking, provides for the following:

- The setting up and staffing of a Joint Agency of the Public Prosecutor's Office in Ciudad Juárez, Chihuahua, to investigate women's murders and related crimes;
- The finding and detention of the alleged perpetrators and of members of gangs whose main illegal activity is murdering women and related crimes;
- The undertaking of all formalities and operations which must be conducted jointly in order to elucidate the women's murders and related crimes;
- The setting up of a working group to assess the progress made in investigating and prosecuting the women's murders.

Both Attorney-General's Offices are supplying human resources, material and data in order to complete criminal inquiries and the requisite operations for investigating and combating women's murders.

Once the cooperation agreement was signed, the name of the State Special Prosecutor's Office for the investigation of the murders of women in Ciudad Juárez, Chihuahua was changed to the *Joint Agency of the Attorney-General's Office in Ciudad Juárez, Chihuahua, to investigate women's murders and related crimes*. At least 11 federal public prosecutor's offices have been newly assigned to the Joint Agency to conduct investigations, liaise and act at the trial phase.

In addition, expert witnesses, detectives, public prosecutor's offices and forensic services specializing in DNA tests are assisting in the preliminary investigations conducted by the ordinary courts. Relatives are gradually being called in to provide DNA samples so as to build up evidence for the cases.

The activities of the Joint Agency include surveillance operations in high-risk areas and areas where the most women have disappeared. A helicopter patrols every day and at times of heightened risk.

The departments of the Attorney-General's Office which are involved in looking into the problem in Ciudad Juárez are:

- Office of the Deputy Attorney-General for Judicial and International Affairs;
- Office of the Deputy Attorney-General for Regional Control, Criminal Proceedings and Protection;
- Office of the Deputy Attorney-General for the Specialized Investigation of Organized Crime;
- Office of the Deputy Attorney-General for Human Rights, Victim Support and Community Services (Directorate General for the Support of Victims of Crime; Directorate General for Crime Prevention, Community Services and Citizens' Support Services and Directorate for Relations with International Human Rights Bodies and Interdepartmental Participation);

- National Planning, Analysis and Information Centre for Combating Crime;
- General Directorate of Expert Services.

It has repeatedly been asked, both at national and international level, why the Office of the Attorney-General of the Republic did not exercise its power to assume jurisdiction over the cases of women's murders in Ciudad Juárez. In this connection, in their report, the experts state that this power should take the form of a positive political decision on the part of the Federal Government to transfer cases which have gone beyond the national scope (report, paras. 151 to 158).

In the light of the foregoing, it seems appropriate to stress in this report, the Mexican legal and constitutional framework by which the Office of the Attorney-General of the Republic must abide when exercising its power to assume jurisdiction over ordinary law matters:

(a) Mexico is a representative, democratic and federal republic comprising free, sovereign states in all that concerns their internal governance, but which are united in a federation, in accordance with the Federal Constitution (Constitution, arts. 40 and 41). States may try ordinary crimes committed in their respective territories and the federation may try such crimes only when they are related to federal crimes, pursuant to the applicable legislation (article 73, (XXI) of the Constitution);

(b) Article 10 of the Federal Code of Criminal Procedure empowers the Federal Public Prosecutor's Office to try ordinary crimes when a connection exists between them and federal crimes;

(c) Article 475 of the Code stipulates that crimes are related when they have been committed by several persons acting together; when they have been committed by several persons acting in concert albeit in different places and at different times and when they have been committed for the purposes of procuring the means to commit another crime, facilitate its execution, perpetrate it and secure impunity;

(d) Under articles 2 and 3 of the Federal Law against Organized Crime, jurisdiction may be transferred when crimes are committed by a member of a gang. A "gang" is understood to mean a group of three or more persons who join together to engage permanently or repeatedly in conduct for the purpose of committing certain crimes;

(e) It is also possible to transfer cases involving the stockpiling of or trafficking in arms, as provided for in articles 83 bis and 84 of the Federal Law on Firearms and Explosives;

(f) The fact that the crime of homicide has been committed with firearms is not enough to entail federal competence. Given this framework, it is clear that the murders of women in the State of Chihuahua may be transferred to federal level only when it is proved that they are related to a crime, or crimes, provided for in the Federal Criminal Code or in special laws.

The Federal Law against Organized Crime determines in which cases and circumstances it must be held that the crimes it covers are committed by a gang. For this reason, all crimes which do not fall

within the scope of the above-mentioned law are ordinary crimes.

The Mexican authorities are obliged at all times to respect the division of federal and state competence. It is incumbent upon each federative entity to investigate and prosecute crimes committed within its jurisdiction and the federal authorities may intervene solely when laws specifically authorize them to do so.

In the instant case, it is not sufficient for senators and other members of the Congress of the Union to arrive at a consensus that the federal authority should in fact try cases outside its jurisdiction and competence. For that, it would be necessary to launch a process of constitutional reform which would have to be approved by two thirds of the Chamber of Deputies and the Senate of the Congress of the Union and by the majority of state legislative bodies. Even if any reform were to be approved, its effects could not be applied retroactively.

In order to prevent situations like that in Ciudad Juárez arising in the future, the Federal Executive referred to the Congress of the Union an initiative to revise article 73 of the Political Constitution of the United Mexican States and to expand the authority to transfer ordinary crimes to federal jurisdiction when it emerges that serious human rights violations have taken place. This initiative is being considered by the Congress of the Union as part of a package of constitutional reforms designed to strengthen the country's system of justice.

On 30 January 2004 the Office of the Attorney-General of the Republic (PGR) established the Office of the Special Prosecutor for the investigation of the murders of women in Ciudad Juárez, Chihuahua. Agreement No. A/003/04, creating the Office, was published in the *Diario Oficial* on that date (see annex 10).

The Office of the Special Prosecutor is headed by Ms. María López Urbina, a prominent PGR investigator and lawyer. Ms. Urbina is charged with investigating and prosecuting crimes relating to the murders and disappearances of women in the municipality of Ciudad Juárez, Chihuahua that fall under federal jurisdiction, including those formerly handled by the Joint Investigating Agency. She has the authority and rank of an official of the Ministry of the Interior and one of her goals is to investigate and document cases in which she finds evidence of negligence, inefficiency or tolerance on the part of public officials. She coordinates on a permanent basis with the competent administrative units in order to ensure that victims or aggrieved parties in cases falling within her competence are accorded the guarantees and rights to which they are legally entitled.

One of the first steps taken by the Office of the Special Prosecutor was to request assistance from the National Human Rights Commission (CNDH). The Office is currently examining the Commission's case files, which were used to compile the special report on the murders and disappearances of women in the municipality of Ciudad Juárez, Chihuahua. Its goal is to establish accurate figures for the numbers of murders and disappearances, as well as for other, related complaints. It is also examining all case files relating to the preliminary investigations into the murders of women in the municipality of Ciudad Juárez, regardless of whether they fall under the exclusive jurisdiction of the State Attorney-General's Office (PGJE). The aim is to identify any procedures that have not been implemented, as well as any lines of investigation that should be pursued in efforts to solve these crimes.

All the information relating to preliminary investigations and trials is collated by the Office of the Special Prosecutor, with the support of the National Planning, Analysis and Coordination Centre on Information to Combat Criminality (CENAPI), which is attached to the PGR.

The plan of work of the Office of the Special Prosecutor includes the following programmes:

- (a) **Programme to collate information concerning the murders of women and related crimes.** Consists of analysing and checking official state government and CNDH data relating to the murders of women, the alleged perpetrators, those sentenced or acquitted, the victims and their relatives, as well as women who have disappeared. This new review of the files provides an opportunity to respond to and meet the demands of civil society in this respect;
- (b) **Programme on murder-related offences.** Includes the review of all case files and the detection of any potential responsibility on the part of public officials;
- (c) **Programme on reported disappearances of women.** Provides for the creation of a database concerning disappeared women, and increases the emphasis on efforts to search for and find them;
- (d) **Crime victim support programme.** Includes the creation of a national register of crime victims regarding the murders of women in Ciudad Juárez. A forensic genetics database has been created, and the programme also promotes measures to compensate victims' relatives.

The measures implemented under these programmes are helping to strengthen the support provided to victims and to facilitate their interaction with government agencies and the international and governmental human rights agencies involved. They also help to educate staff of the Office of the Special Prosecutor in areas such as the gender perspective and international human rights law.

The Office of the Special Prosecutor coordinates with the Commissioner to prevent and eliminate violence against women in Ciudad Juárez, Chihuahua, in order to ensure that both agencies discharge their duties effectively. The Office also participates in coordination mechanisms introduced at the public, private and community levels to address the murders of women in Ciudad Juárez.

Up to 1 per cent of the total budget allocated by Congress to the PGR may be used to strengthen its investigations into the murders and disappearances of women throughout the country. The Office of the Special Prosecutor has also been allocated 63 public officials (Ministry of the Interior staff, experts, federal investigators, structural and administrative staff) to help conduct its inquiries. It has one office in Mexico City and another in Ciudad Juárez.

The activities carried out thus far under the Office's action programmes include the following:

- On 9 February the Special Prosecutor met with the Chihuahua State Committee of the PGR's Citizen Participation Board. She submitted her plan of work to the federal, state and municipal authorities, as well as to civil society and the media.

- On 10 February the Office received all relevant CNDH files.
- On 11 February the PGR's Director-General for Support to Victims of Crime and senior officials of its computing division began a preliminary review of the national register of crime victims. On the same day the Special Prosecutor met with the President of the Chihuahua Women's Institute (ICHIMU) and the relatives of women victims of sexually motivated murders in order to establish joint support mechanisms.
- On 25 February the forensic genetics database was set up by the PGR's expert services division.
- As part of the celebrations for International Women's Day, the Special Prosecutor for the investigation of the murders of women in Ciudad Juárez, Chihuahua, invited the PGJE, ICHIMU and the mayor of Ciudad Juárez to a symposium entitled "Respect for human rights, support for victims and non-discrimination against women". Those agencies responded to the appeal and agreed, in their respective areas of competence, to invite public participation. In addition to the presentations, there was a poetry recital and an address on the issue of women's rights. Statements delivered focused on women's rights, the gender perspective, domestic violence, violence prevention, non-discrimination and victim support, among other subjects. The event was attended by about 200 people and by most local and national media organizations.
- On 3 June 2004 the Special Prosecutor submitted her first report, which included the first results of all the activities carried out under the four action programmes. A list of the report's key findings is attached as annex 11.

*(a) Programme to collate information concerning the murders of women and related crimes*

With the support of the National Planning, Analysis and Coordination Centre on Information to Combat Criminality (CENAPI), this programme has been collating the information found in the 225 case files handed over by the State Attorney-General's Office to the federal Attorney-General's Office. The files amount to 50,791 pages, of which 30,274, or 59.61 per cent, have been examined. The following data have emerged from the collation process:

- 7,025 biographical descriptions;
- 2,072 domiciles;
- 3,757 telephone numbers;
- 253 vehicles;
- 26 weapons;
- 16 bank accounts.

This information, combined with the investigative and analytical work carried out by the Office of the Special Prosecutor, will be crucial in terms of carrying out a criminological study to determine whether there are identifiable behaviour patterns in the crimes committed against women in Ciudad Juárez.

The collation of the respective case files has thus far yielded the following data:

**Case files relating to murders of women, verified by CENAPI, at 30 May 2004**

Murder case files (certified copies)	225	100%
Criminal proceedings (4 of which are being heard in the Juvenile Court)	131	58%
Preliminary investigations	94	42%
<b>Total</b>	<b>225</b>	<b>100%</b>

In an effort to determine the true extent of the problem, one of the first actions undertaken by the Office of the Special Prosecutor was to submit an official request to the State Attorney-General's Office (PGJE) for all information relating to the murders of women registered in Ciudad Juárez, Chihuahua, between 1993 and 6 April 2004.

On 7 April 2004 Angela Talavera Lozoya, Special Prosecutor for the investigation of the murders of women in Ciudad Juárez, Chihuahua, announced that a total of 307 cases had been reported to the Deputy Attorney-General's Office for the northern region, of which 108 were ongoing preliminary investigations, 12 were being heard in the Juvenile Court, 12 were suicides and 175 were criminal proceedings. The total of 307 includes the 225 being investigated by CENAPI.

#### **Murders of women in Ciudad Juárez (acknowledged by PGJE)**

Total murders reported: 307 12 suicide cases recorded in accordance with the law 295 reported murders, plus the above 12 suicides	295	100%
Preliminary investigations under way	108	36.61%
Criminal trials or proceedings 175 criminal proceedings 12 cases sent to the Juvenile Delinquency Courts	187	63.39%
<b>Total</b>	<b>295</b>	<b>100%</b>

According to the data submitted by Ms. Talavera Lozoya to the PGR, 332 female victims<sup>21</sup> had been recorded up to 6 April, and a total of 218 cases had been resolved. In 104 of those cases judgement has been handed down and the remaining 114 are still in the investigation stage.

The Office of the Special Prosecutor proceeded to check this data against public documents in order to determine how many investigations there really were and identify the materials required for the examination of each case. Of the 307 reported cases, the Office of the Special Prosecutor has a certified copy of 271, of which 140 are preliminary investigations and 130 are criminal proceedings. The 36 remaining investigations are in the hands of local authorities and will be officially handed over to the PGR.

In view of the complexity of the problem, the quantity of information involved, and the various theories concerning the murders of women in Ciudad Juárez, the Office of the Special Prosecutor has decided to issue the findings of 50 cases, every four months. Its first report was issued on 3 June 2003.

*(b) Programme on murder-related offences*

The aims of this programme are to determine which cases should be investigated at the federal level, to help identify new and potential lines of investigation and procedures for elucidating the facts and to detect any administrative and criminal responsibility on the part of the public officials involved, with a view to alerting the competent authority.

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<sup>21</sup> This figure differs from that given earlier in this report, as it does not include the murders committed after Special Prosecutor Talavera had submitted her report.

Examination of the first 50 cases included the classification of all the information contained in the case files, with a view to examining them in the light of information contained in the other case files (names, domiciles, addresses, weapons, dates, etc.). The results obtained were subjected to a further technical and legal analysis aimed at identifying those proceedings that should have been carried out in order to ensure that the relevant preliminary investigations were properly conducted and to detecting possible responsibility on the part of public officials involved in the trials in question.

This analysis was performed using highly effective computer programmes, such as the Real-Time Analytical Intelligence Database (RAID).

As a result of this process, files have been established for each case, including suggestions as to how the cases should be investigated and details concerning the possible responsibility of public officials involved in the proceedings. These files were submitted to the PGJE, the CNDH and the Ministry of the Interior's Commissioner for the prevention and eradication of violence against women in Ciudad Juárez, Chihuahua. The files have not been made public in order to avoid hampering the investigations.

Analysis of the first 50 cases produced the following results:

Twenty-nine files related to cases at the preliminary investigation phase. Of that total, 20 concerned identified victims and 9 concerned unidentified victims.

Seven of these 29 proceedings will be investigated at the federal level. The nine cases involving unidentified victims were forwarded to the staff of the forensic genetics database, who will enter the respective genetic profiles into the system.

The 21 remaining files were related to true criminal trials. In 19 of these cases, sentences were handed down to 23 individuals, 20 men and 3 women. With respect to the remaining three cases, one involves an accused who has been acquitted, another is at the pre-trial phase and in the third case the accused alleges that he is a victim of torture and has retracted his

statement to the authorities.

These 21 trials involved 14 intentional homicides, 2 violent homicides, 1 culpable homicide, 2 parricides, 1 homicide with burglary, and 1 homicide involving an attempted cover-up.

With respect to the responsibilities of public officials, and with reference to state and federal laws, 81 of the 167 public officials involved in 29 preliminary investigations of the 50 cases analysed in the first report were found to have administrative and/or criminal responsibility, including:

- 7 prosecutors;
- 20 senior officials of the Ministry of the Interior;
- 10 junior officials of the Ministry of the Interior;
- 1 deputy head of preliminary investigations;
- 2 heads of preliminary investigations and conciliation processes;
- 24 judicial police officers;
- 17 experts.

With respect to the most recent murders of women, the Federal Special Prosecutor has provided information about the current status of the investigations, stating that the murders of Rebeca Contreras Mancha, Cristina Escobar González, Lorenza Verónica Rodríguez and Irma Leticia Muller Ledesma “do not fit into the category of those sharing similar characteristics or patterns”.

*(c) Programme on reported disappearances of women*

The aim of this programme is to establish the number of reported cases of disappearances of women and, where appropriate, take the necessary action to find them as soon as possible. This will help curb speculation and provide precise, reliable information on reported disappearances of women.

To that end, the Office of the Federal Special Prosecutor has set up a unified database of missing women in Ciudad Juárez, Chihuahua, and analysed the data provided by the various organizations. From the analysis it can be seen that, between 1993 and March 2004, 4,454 reports of disappearances were received, of which 41 are still current, while 4,413 women have been found.

Through the database seven of those women have been found: Catalina Duarte Carrera, Carmen Cervantes Terrazas, Martha Felicia Campos Molina, Rosalía Cuazozón Machucho, María del Rosario Ramos Reyes, Miguelina Guadalupe Meléndez Mora and Celia Espinoza Zamora.

Within the state, specialist units of the State Attorney-General’s Office have been set up to receive reports of disappearances. Such reports are investigated in a serious and responsible manner, since there is always the possibility that disappearances may end in crimes against the integrity or even the life of the victim.

On receiving a report, investigators immediately attempt to obtain all relevant information on every aspect of the disappeared person’s life, in the minutest detail. The aim is to find the person and return them to their family and, where a crime is found to have been committed, to have sufficient detailed and relevant information to be able to continue the inquiry.

Investigations into cases of disappearance are approached and handled in the same way as abductions and using the same techniques and resources.

One important point is that there is no fixed waiting period to be observed between a disappearance and reporting the disappearance. Unfortunately, not all incidents are reported promptly, for various reasons affecting the victims' families. Nevertheless, the current policy in dealing with disappearances is that, as soon as a family comes and reports a disappearance, the allegations are noted and the appropriate inquiries launched.

Officials of the Public Prosecutor's Office have been trained to take such reports seriously, particularly as the speed with which they act is an important factor in locating the victim. Indeed, the first 24 hours following the disappearance are crucial to the investigation.

As soon as a report of a disappearance is received, it is forwarded to the investigating unit of the prosecutor's office, which then takes steps to locate the relatives, friends or others who are in any way involved with the victim and may be able to provide information on their whereabouts. If the person is found, they are brought before the Public Prosecutor to make a statement and describe the circumstances of the disappearance, in particular whether it was voluntary or forced, whether there is any offence to be prosecuted and, if possible, the identity of those responsible. Where an offence has been committed against the victim, an inquiry is opened in order to arrest the perpetrator.

In cases of voluntary disappearance, attempts are made to ascertain what prompted it and, where the victim is of age, the family and the individual concerned are referred to the Crime Victim Support Department, where they are given psychological support with a view to reuniting the family.

Cases involving minors in situations that represent a risk to their development or their physical or mental integrity are referred to the Office of the Procurator for the Defence of Juveniles and the Family for the treatment and formalities required to enable them either to rejoin their families or to move to an environment where they can develop their full potential.

In all cases, once a missing person has been found, the report file is closed and archived. That is to say - and it is important to emphasize this - that the mere fact of reporting a disappearance does not mean the victim stays missing. The majority of cases have been satisfactorily resolved.

Should the same person disappear again, the investigation process is launched with a new report and goes through all the stages described above.

The fact that the case may involve a person who has left the family home on several occasions does not adversely affect the way it is handled, since reports are always taken seriously.

In the beginning there were cases in which the authorities failed to take prompt action on a reported disappearance, but the situation is now quite different and they respond immediately to every report.

Notwithstanding the creation of this rapid response mechanism to deal with disappearances, the Mexican Government is well aware that there are still women missing and continues to make strenuous efforts to locate them.

The families of 16 of the missing women are receiving psychological support from the Office of the Attorney-General of the State of Chihuahua, as well as legal advice to enable them to pursue their cases in an appropriate manner.

The state government has also encouraged S-MART supermarkets to support the search for missing women by placing their photographs on the store's bags, in windows and in other public spaces in the stores. This is being done in nearly all the border cities, including Ciudad Juárez, Reynosa and Monterrey.

*(d) Crime Victim Support Programme*

The aim of this programme is to provide victims and injured parties, in cases that fall within the special prosecutor's jurisdiction, with the legal advice and guidance they require; to try to ensure they obtain any reparation to which they may be entitled; and to take steps to provide victims and injured parties with any technical assistance they may need.

(a) The programme provides medical and psychological services to the victims' families in cases transferred to federal jurisdiction by the special prosecutors: Mayra Yesenia Nájera Larragoiti, Teresa de Jesús González Mendoza, Gloria Rivas Martínez, Juan Sandoval Reyna, Violeta Mabel Alvidrez Barrios, Esmeralda Juárez Alarcón, Guadalupe Luna de la Rosa, Verónica Martínez Hernández, Bárbara Araceli Martínez Ramos, María de los Ángeles Acosta Ramírez, Mayra Juliana Reyes Solís, Laura Berenice Ramos Monárrez, Claudia Ivette González and Esmeralda Herrera Monreal;

(b) In addition, educational grants have been awarded to the family of Mayra Juliana Reyes Solís to offset education expenses;

(c) The federal Attorney-General's Office has six social workers providing support to the families of victims under this programme; they monitor the respective investigations and provide information, advice and guidance to each family on the status and progress of the case;

(d) The Attorney-General's Office helps arrange for victims' families to obtain benefits from state institutions. Thus, Violeta Mabel Alvidrez Barrios and Mayra Juliana Reyes Solís receive assistance from the system for integral family development; the family of Juana Sandoval Reyna receives a weekly food ration from the police; and the family of Laura Berenice Ramos Monárrez receives psychological support and monthly financial assistance. It has not been possible to provide food rations to the families of Teresa de Jesús González Mendoza, Gloria Rivas Martínez or Esmeralda Juárez Alarcón because, although they have been informed that rations are available, they have not come to collect them.

On 9 February 2004, a working meeting was held with the families of 10 victims to inform them of the programme of work of the Attorney-General's Office and particularly of the Crime Victim Support Programme.

On 11 February 2004 a meeting was held in Mexico City with the families of 18 women victims,

who were accompanied by the Head of the Chihuahua Women's Institute. The meeting provided for an important exchange of information and views on the problems involved in investigating the murders.

On 24 February 2004, a meeting was held with the families of eight women murder victims to inform them that the special prosecutor's office was to set up a forensic genetics database the following day.

To sum up, the Crime Victim Support Programme of this Office is dealing with the families of 35 women victims of murder or forced disappearance; some are dealt with directly by the Attorney-General's Office and others by the Chihuahua Women's Institute, the Crime Victim Support Unit of the Northern Chihuahua State Deputy Attorney-General's Office or civil society associations.

Relatives of murder victims also receive support from the following institutions: the Crime Victim Support Unit of the Northern Chihuahua State Deputy Attorney-General's Office, which provides legal guidance and advice on request; the Chihuahua Women's Institute, which provides financial, medical and psychological support; the FIDEVIDA foundation, a private welfare institution; and NGOs.

### **Forensic genetics database**

On 25 February 2004, a ceremony was held to announce the establishment of a forensic genetics database at the head office of the special prosecutor's department. Representatives of the three branches of government and of civil society organizations attended.

The purpose of this database is to store genetic profiles obtained from biological samples such as blood, saliva, hair, semen and bone, provided by individuals who, as relatives of victims, are involved with prosecutorial and/or judicial investigations.

The Attorney-General's Office has set up this database in compliance with the recommendations of the National Human Rights Commission and the United Nations Office on Drugs and Crime (UNODC).

The samples are taken from relatives of victims who have been reported missing, in the presence of an official of the federal Public Prosecutor's Office, who certifies the procedure to ensure that such samples — mainly blood and saliva — are taken with full regard for the rights of the victims' families, and that the families have given their prior consent. The samples are taken by fully qualified chemists employed by the Office, the procedure is photographed and the pictures placed in the file. So far, since 29 March, 51 biological samples have been taken.

Samples from 46 other persons have also been added to the database. These were requested by the Head of the Joint Investigating and Prosecuting Agency in Ciudad Juárez, Chihuahua. Thus the forensic genetics database now has a total of 97 records.

### **National Crime Victims Database**

On 25 February 2004, the first terminal for the National Crime Victims Database was installed in the special prosecutor's office. The central register is located in Mexico City in the Office of the Deputy Procurator for Human Rights, Victim Support and Community Services of the Attorney-General's Office.

The database holds information on victims' relatives in murder cases that fall within the jurisdiction of the Attorney-General's Office, as well as on other cases in which prosecutors with that Office are looking into the possibility that federal offences may have been committed. Also input to the system is general information on the victims and their relatives, as well as information on the preliminary inquiries, the medical, psychological and welfare services provided and the families' social and financial situation.

So far, since the installation of the database, information has been input on the families involved in the following cases: eight victims found in the cotton fields and six found in Cerro del Cristo Negro (preliminary inquiry file No. PGR/UEDO/176/03); and one victim found on 10 March 2004 in the vicinity of Arroyo del Mimbres (PGR/VEITA/009/04).

Eleven other victims were registered in the course of preliminary inquiries being carried out by the Joint Agency, under the supervision of the special prosecutor's office, in the following cases: PGR/AMXH/06/03 (1 victim), PGR/AMXH/07/03 (2 victims), PGR/AMXH/08/03 (1), PGR/AMXH/09/03 (1), PGR/AMXH/10/03 (1), PGR/AMXH/CDJ/11/03 (4), and PGR/AMXH/CDJ/013/03 (1).

Security procedures protect the operation of the National Crime Victims Database terminal in the special prosecutor's office, as well as the input and storage of data.

### **Trust fund to support the relatives of murdered women in Ciudad Juárez, Chihuahua**

A fundamental right of the relatives of the murdered women is payment of compensation for the harm done. However, it has not been possible to secure such compensation despite the fact that, in cases where judgement has been handed down, it has been included as part of the sentence. To address that situation, the President of the Republic instructed the Attorney-General to conduct an analysis of the legal and budgetary procedures and mechanisms that would enable the federal Government to support the relatives of the victims when compensation for harm has been unsatisfactory.

Accordingly, it was resolved that the most suitable legal measure would be the establishment of a public trust fund to administer the resources to be used for such purposes.

To that end, a draft public trust fund agreement was drawn up for the administration of the Fund for the support of the relatives of murdered women in Ciudad Juárez, Chihuahua. By virtue of that instrument, the Fund will be established initially with resources from the federal Government. Requests would then be made for contributions from the government of the State of Chihuahua and contributions from public or private bodies or individuals.

The trust fund will include a Technical Committee, which will be competent to draw up the rules

of operation for determining the amounts to be paid, as appropriate, to victims' relatives who have a legal right to receive them.

The draft trust fund agreement is under consideration by the Ministry of Housing and Public Credit. On the instructions of the President of the Republic, 25 million pesos have been allocated to the fund as an initial contribution.

In addition to its earlier actions, the Office of the Attorney-General conducts other promotional activities, such as the commemoration of the International Day against Violence against Women and Children, comprising four forums on social participation with the central theme "Young people and violence". Three working meetings were also with the municipal councillor, president of the Health Commission, and representatives of the "*Ciudades Seguras*" (Safe Cities) organization. Their purpose was to prepare an intensive awareness-raising campaign concerning the prevention of alcohol consumption and abuse by adolescents.

The Office of the Attorney-General conducted meetings with civil society, private charitable institutions, non-governmental organizations (NGOs) and the media.

The Chihuahua State government has increasingly been recognizing the importance and necessity of dialogue and feedback with civil society. Although it has been providing considerable support for the majority of the victims' mothers and many of the organizations providing follow-up services, one group of NGOs has taken a position more critical of the local government and is not interested in entering into a dialogue with the authorities. Even so, the state government and State Attorney-General's Office have expressed their desire to continue to reach out to civil society and keep the lines of communication open to civil organizations interested in the question. The degree of openness and approachability can be appreciated in terms of the participation by the State Attorney-General's Office in the round-table discussions held on the instructions of the state Governor, Mr. Patricio Martínez García. Even if the discussions were not free of disagreement, they proceeded in a positive manner.

The Government of Mexico acknowledges and is aware that changing the cultural pattern of gender-based discrimination that still exists in Ciudad Juárez will require tireless efforts and the implementation of public policies aimed at gradually bringing about a change in societal attitudes. It also acknowledges that the changes needed in the culture, as well as in the pace of the investigations, would not be possible without adequate personnel training. Accordingly, an unprecedented effort has been made to train personnel involved in the investigations and related processes, thereby ensuring their professionalism.

The Office of the Attorney-General of the State of Chihuahua, with the support of the Office of the Attorney-General of the Republic in obtaining the participation of the FBI and other specialized law enforcement agencies of the United States of America, has implemented the following training programmes, which have proved their usefulness:

**(a) Handling and collection of evidence conducted by the FBI, 28 April to 2 May 2003**

The course offered personnel a hands-on opportunity to deal with evidence collected at the

investigation site, from the body of the victim or from objects located at the crime scene. The course produced immediate results: in subsequent cases, more physical evidence was collected linking the alleged perpetrator with the crime committed. Furthermore, the evidence was properly preserved until such time as the murders were elucidated.

**(b) Interviews and interrogation conducted by the FBI, 18 to 19 June 2003**

Personnel were trained in effective interview and interrogation techniques. They learned how questioning could be used to obtain more information relevant to the solution of a case, including a confession from an alleged perpetrator, using techniques that would not violate the civil rights of the person being interviewed or interrogated. The training has resulted in better conduct of preliminary inquiries as proceedings are more complete and of better quality.

**(c) Practical homicide investigation conducted by Vernon Geberth, 6 to 8 October 2003**

Personnel were trained in the use of universal homicide investigation techniques, which are particularly effective for conducting genuine scientific investigations. The course ranged from locating and securing the crime scene through completion of the investigation. The knowledge acquired is already being applied by the investigation units, resulting in investigations that have the basic elements required for continuity and transparency, and that have already achieved favourable results in some cases.

**(d) Seminar on the child abduction instruction by the police department of El Paso, Texas, and the FBI, 9 to 10 October 2003**

Although this course concentrated on child abduction, it imparted very useful information pertaining to disappearances, establishing a system for handling such cases, including topics such as searches, inquiries and the setting-up of checkpoints. The training served as the basis for ALERTA DESAR, a programme developed by the Office of the Attorney-General of the State of Chihuahua, with the participation of various sectors of society and the media. The programme disseminates information about disappeared women with a view to intensifying search efforts.

In addition, to bring about a change in the culture of discrimination, and in connection with the recommendations contained in paragraphs 267 and 269 of the experts' report, the State Attorney-General's Office, in coordination with the Office of the Attorney-General of the Republic, held a training course for its personnel entitled "Seminar on gender equity", on 21 and 22 October 2003.

The purpose of the seminar was to instruct personnel on the different kinds of treatment to be given to crime victims.

Paragraph 280 of the report states that mothers and relatives of victims must be treated with due respect. The Government of Mexico is also concerned with ensuring respectful treatment and has adopted specific measures to that end. Personnel from the State Attorney-General's Office, mainly from the Joint Agency for the investigation of the murders of women and working in the fields of homicide and disappeared persons, and the Crime Victim Services Unit participated in a course entitled "Seminar on human rights and the system of justice", conducted from 25 to 27 September

by the Office of the Attorney-General of the Republic. The seminar drew the attention of public officials to the importance of treating the relatives of murder victims with dignity, and brought them up to date on practical methods and techniques designed to ease communication between officials and the aggrieved.

Between June and December 2003, the State Attorney-General's Office organized 24 courses on prevention of sex crimes in maquiladoras, training a total of 713 persons. The courses were aimed at building confidence between the public and the investigating authorities.

Personnel from the Office of the Attorney-General of the Republic participated in seminars on "Rights of crime victims and how the Office of the Attorney-General of the Republic addresses them" and "The system of justice, human rights and treatment of crime victims". The latter seminar was held on 11 December 2003 in Ciudad Juárez, Chihuahua, with the participation of personnel from the Joint Agency for the investigation of the murders of women. There were also conferences, such as "Human rights of women and the system of justice", conducted in November 2003 in the auditorium at the Office of the Attorney-General of the Republic.

Members of the state Special Prosecutor's Office took part in the International Conference on Forensic Sciences, held in Havana from 13 to 15 October 2003.

All those efforts have led to more professional behaviour on the part of investigating bodies and federal and local organizations, and to a reduction in the likelihood of errors.

### *3.5 Specific cases involving requests by the Committee experts*

#### **Precautionary measures**

In order to guarantee the physical safety of persons involved in the cases, i.e. victims' relatives and human rights defenders, and in response to a request from the Inter-American Commission on Human Rights, the Government of Mexico provided protection to specific persons, for longer periods than prescribed by the Inter-American Commission. Some beneficiaries of such measures expressed their gratitude for the security provided. Agents responsible for protection compiled regular reports which reveal that no particularly serious incident has been recorded.<sup>22</sup>

Special mention should be made of the case of Ms. Marisela Ortiz, who reported that she had been subjected to threats and persecution. Her case was dealt with through the direct intervention of Commissioner Guadalupe Morfin Otero.

In that connection, it is worth noting that Ms. Ortiz made a statement at the Chihuahua Regional Office of the Office of the Attorney-General of the Republic, on 10 November 2003, in which she said that she had been followed or watched by unknown persons and threatened with harm to her family should she inform the authorities.

The Chihuahua Regional Office of the Office of the Attorney-General of the Republic, through the Federal Investigation Agency (*Agencia Federal de Investigación*), assigned someone from that agency to provide Ms. Ortiz Rivera, representative of the NGO *Nuestras Hijas de Regreso a Casa*,

with 24-hour protection. Protection commenced on 26 October 2003 and continues to the present time, although there have been no incidents of note.

Although the authorities have asked Ms. Ortiz, on several occasions, to cooperate more fully in order to facilitate the investigation, she has so far refused.

### **Cooperation with the FBI**

To support the work carried out at both state and federal level in this case, a programme of

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<sup>22</sup> Evangelina Arce, Esther Chávez Cano, Victor Javier García Uribe, Mirian García Lara and Sergio Dante Almaráz, among others.

cooperation between the United States Federal Bureau of Investigation (FBI) has been in place since the end of 1995. This cooperative effort falls under the Treaty on Cooperation for Mutual Legal Assistance between the United States of Mexico and the United States of America and the Standards for improved technical cooperation between the Office of the Attorney-General of the Republic and the Federal Bureau of Investigation (FBI).

At the request of the Attorney-General of the State of Chihuahua and through the United States Embassy in Mexico, in 2002 the Government of Mexico requested the cooperation of the FBI, in particular its specialized advisory and technical support, to obtain information to assist it in solving crimes.

The FBI agreed to provide support to the authorities in Chihuahua in the following areas:

(a) Training of personnel responsible for investigations, on the following topics:

- Policies for communication and dealing with the press;
- Interview and interrogation techniques;
- Preservation of evidence at the investigation site;
- Practical homicide investigation;
- Investigation of serial sexual homicides;
- Investigative photography techniques;
- Craniofacial reconstruction;
- Investigation of cold cases;
- Investigation of disappearances.

(b) Installation of the Violent Criminal Apprehension Programme (VICAP) software: The FBI was requested to provide access to its VICAP database for use by authorities in the State of Chihuahua in the solving of complex violent crimes. VICAP is a program that collects and analyses information concerning violent crimes at the local level, used by police departments in the United States to create a database for comparison of patterns and characteristics with those of crimes committed in other places.

The FBI, in conjunction with the Office of the Attorney-General of the Republic, began installing

the VICAP system in its El Paso, Texas, field office from 8 to 12 September 2003. The Bureau gave an introductory course in the operation of the system to personnel from the Office of the Attorney-General of the State of Chihuahua.

Use of this important technological tool should reveal patterns and similarities among crimes which will help identify the alleged perpetrators.

At the same time, the Government of Mexico is in close communication, through the Office of the Attorney-General of the Republic, with United States authorities to obtain information of significance to the preliminary inquiries being carried out by the Joint Agency for the Investigation of the Murders of Women, the Office of the Deputy Attorney-General for Organized Crime and the Office of the Special Prosecutor for the investigation of the murders of women in Ciudad Juárez, Chihuahua.

In that connection, the FBI has been asked by the Mexican authorities to provide technical support in drawing up genetic profiles, and with anthropometry and facial reconstruction. The Bureau has also been asked to provide information about the migration status of various individuals connected with pending investigations.

These links are firmly established, which allows for a constant flow of information, leading to proper conduct of investigations that yield better results.

### **Specific claims**

The Government of Mexico is committed to providing support for all relatives of victims, with due respect for the relevant legislation. Those relatives are not always willing to recognize the scope of the laws or to accept alternative ways in which their claims may be satisfied.

A case in point is that of grandmothers claiming guardianship of their grandchildren. Under the Chihuahua Civil Code, in a mother's absence guardianship passes directly to the father and if there is no father it is awarded to the child's maternal grandparents; if the latter do not exist or do not wish to accept, it then passes to the paternal grandparents. However, the court is empowered to appoint as guardians those grandparents with whom children have a better relationship or who are in a better position to bring them up.

The Chihuahua State Attorney-General's Office is providing legal assistance for Ms. María de Jesús Ramos Villanueva, a relative of Bárbara Araceli Ramos Monarrez, and has put her in touch with the Local Guardianship Council. To date, Ms. Ramos has been unable to initiate legal proceedings for the guardianship of her granddaughter, since there is no death certificate because she refuses to recognize the body as her daughter's. It is being held in the amphitheatre of the State Attorney-General's Office, and the Office of the Attorney-General of the Republic has indisputable proof of its identity.

In the case of Cecilia Covarrubias, the victim's mother requested two DNA tests, the results of the first having shown that there was no blood relationship between her and the girl she thought was her granddaughter. The second test was conducted in the presence of both and was dispatched to Mexico

City for analysis. However, the results were again negative, which suggests that the girl remains a disappeared person.

In the case of Norma Andrade, the adoption application was inadmissible because Ms. Andrade is already the guardian of the children of her daughter Lilia Alejandra Andrade García, a single mother, and the children were not registered under their father's name. As mentioned above, in such cases the Chihuahua State Civil Code automatically awards guardianship to the maternal grandmother (a copy of the guardianship certificate, in accordance with article 84 of the Chihuahua State Code of Civil Procedure, is found in annex 12). It is not legally possible to grant adoption rights to someone who is already a minor's guardian. Ms. Andrade already has all the rights and obligations deriving from her guardianship of her grandchildren.

In the case of Benita Monarrez, President of the organization known as "Integración de Madres de Juárez" (Juárez Mothers Support Group), it should be mentioned that, through official communication No. 34196 of 20 September 2002, a medical expert of the Department for the Coordination of Expert Services of that institution, after the genetic comparison of a bone-tissue test to liver-tissue samples from the families, concluded that the Ramos Montarrez family bore no genetic relationship to skeleton 190/01 or to skeletons 191/01, 192/01, 193/01, 194/01 or 195/01.

In the case of Ms. Neyra Azucena Cervantes, pursuant to a judicial order issued by the Sixth Criminal Court in Chihuahua City, in case No. 286/03, experts from the Office of the Attorney-General of the Republic were asked to conduct comparative tests for genetic profiles on the skeleton in question and on Ms. Patricia Cervantes and Mr. David Hinojos, the parents of Neyra Azucena Cervantes. On 13 November 2003, through official communication No. 45557, an expert from that Office delivered the results, establishing that "the skeletal remains classified as belonging to Neyra Azucena Cervantes" did show a biological relationship with Patricia Cervantes and David Hinojos.

#### **4. Obstacles and challenges**

Although much remains to be done, the Government of Mexico has made considerable efforts to address the Ciudad Juárez murders and will continue to strengthen its action. The appointment of the Commissioner for the Prevention and Elimination of Violence against Women in Ciudad Juárez and of the Federal Special Prosecutor to expedite the investigations is expected to lead to better results in the near future, considering that the work of both is aimed at achieving comprehensive measures to address the structural causes of the problem.

One important challenge that has emerged from the murders of the women in Ciudad Juárez and the Mexican Government's attempts to address them is the structural problem posed by the judicial system itself. While this challenge affects the country as a whole and not Ciudad Juárez alone, the Federal Government is fully aware of the need to encourage substantive reforms in this area. The Federal Executive submitted to the Congress of the Union a series of legislative reforms designed to strengthen the Mexican justice system and surmount some of the obstacles identified by the experts of the United Nations Office on Drugs and Crime.

A final major challenge consists in restoring people's confidence in the authorities. It is hoped that, as the measures taken to date become more visible and begin to permeate the daily lives of

individuals, progress can be made in that area. However, the underlying danger of politicizing the issue could well eclipse any achievement, no matter how substantial.

## **5. Measures to be taken in future in response to the Committee's recommendations**

The Government of Mexico wishes to thank the Committee experts for their recommendations. In fact, it should be noted, as shown in this document, that most of those recommendations have been or are being implemented by the authorities, and had begun to be implemented even prior to the visit.

Mexico is committed to fulfilling all the obligations it assumed on ratifying the Convention on the Elimination of All Forms of Discrimination against Women and has many measures to that end. In the case of Ciudad Juárez, the authorities' inattention and inability to tackle the problem during the early years of the case have been dealt with and the situation has generally improved.

Overcoming deficiencies is a priority task. The Federal Special Prosecutor will reinforce the investigation and ensure that public servants who have been guilty of misdemeanours in the performance of their functions are punished.

The Government of Mexico has studied the recommendations of the Committee experts and reiterates its commitment to continue implementing and supplementing those recommendations. Nonetheless, it wishes to point out that in order to facilitate its task of implementation, it would have preferred greater analytical rigour on the part of the experts and more information about the reasons on which their recommendations were based. However, as stated above, the Government of Mexico will continue to implement the recommendations within the appropriate legal framework and with the firm determination to get to the bottom of the Ciudad Juárez issue.

## **Conclusions**

Both the federal and state Governments have focused their efforts on addressing the problem in Ciudad Juárez, Chihuahua. Much of the progress that has been gradually achieved relates to the recommendations of the Committee experts and those of other international bodies. It should be stressed that progress is not deemed to be total; on the contrary, there is much room for improvement.

The Government of Mexico wishes to stress that, while the justice system has its defects, there is nothing to suggest that the State, pursuing a deliberate policy of discrimination against women, is behind those crimes.

On the contrary, ever since Mexico's ratification of the Convention on the Elimination of All Forms of Discrimination against Women and, subsequently, of its Protocol, various legislative and institutional measures have been taken, as well as others involving public policy, resource investment, etc. to promote and encourage the empowerment of women, their full development and their enjoyment of their human rights both nationally and locally in Ciudad Juárez. However, it must be acknowledged that in Mexico there are social situations, stereotypes, attitudes, values and age-old cultural traditions and customs that have been preserved throughout our history and restrict women's

development potential, but which cannot be changed in an instant.

In this context, a variety of measures have been taken, which have generated structural changes throughout our history and are apparent in the changes in specific indicators relating to health, education, access to decision-making positions, employment and property.

In short, the murders of the Ciudad Juárez women constitute a breach of women's human rights, the origin of which lies in entrenched cultural patterns of discrimination. The problem was exacerbated by the authorities' lack of human and financial resources for addressing it in a timely and effective manner. However, it must be recognized that these deficiencies are being made good and that for some years now there has been better follow-up of investigations, substantial resources have been invested and public-policy measures are being taken in order to boost the construction of a culture of equity. The Government of Mexico reiterates its commitment to continue those efforts.