

MEXICAN WOMEN TEAR THE BLINDFOLD FROM JUSTICE

Difficult access to justice and the stigmatization of victims make reporting and winning a case of gender violence a feat in Mexico. But women are determined to raise awareness in a system that looks the other way

In September last year, a group of women broke into Mexico's National Human Rights Commission (CNDH) and made the building a symbol of the feminist struggle and a refuge for victims of violence. In a country with high rates of gender-based violence and femicides, the CNDH became a safe place for women in vulnerable situations who had not received adequate protection from the authorities of the country.

Now, the CNDH and the Frente Nacional Ni Una Menos have signed an agreement to turn the building into a care center in which social and legal assistance is provided to the victims. "With this agreement we will intensify the fight for access to justice and comprehensive reparation of damages," said Yesenia Zamudio, president of Ni Una Menos Mexico. Ms. Zamudio was one of the members who participated in the takeover of the CNDH, but she withdrew days later due to

disagreements with members of the "black block". While the agreement is being formalized, there are still women who continue to occupy the headquarters eight months later and the feminist movement continues to denounce the systematic murders of women, which occur on a daily basis.

Gender-based violence is a particularly worrying issue, since Mexico is the second Latin American country with most femicides, only after Brazil, according to data from the Economic Commission for Latin America and the Caribbean. The country closed 2020 with 3,723 violent deaths of women, adding femicides and intentional homicides, according to official figures.

The cruelty in some cases and the impunity of the aggressors pushed women to the streets and to symbolically take over public buildings such as the CNDH.

Thus, the feelings of injustice and passivity of the authorities have fueled feminist activism in recent years. International Women's Day was an example of this feeling of exhaustion, in which more than 20,000 women protested despite the pandemic, in a climate of growing tension between the president of the government Andrés Manuel López Obrador and the feminist collective.

To make matters worse, the Covid-19 health crisis has triggered an economic crisis that has forced the López Obrador Executive to apply austerity policies, which has affected the protection and aid programs for women. Indeed, the budget for accompaniment and support initiatives has been drastically reduced at a time when 11 women die every day in the country. "There has been a setback in public policies due to the adoption of austerity policies, which are manifested in a cut in the National Women's Institute (INMUJERES) and a weakening of control mechanisms," says Gisela

Zaremborg, professor at the Latin American Faculty in Social Sciences (FLACSO) Mexico and member of the Network of Political Scientists.

Organizations such as INMUJERES or the National Institute of Indigenous Peoples (INPI) provide shelters and centers for women victims of violence, so a cut in those resources can negatively impact the sexual and reproductive health services destined to indigenous women.

Where the State cannot be present, civil society organizations take over. But these associations have suffered a smear campaign and accusations of corruption. In its traditional desire to centralize aid and to operate on the ground, the Mexican Executive has decided to do without the "intermediaries", when these groups are the ones that have brought cases of gender violence to court and those who have exercised pressure for a proper investigation to situations that would have been dismissed otherwise.



Women hang posters with the names of femicide victims in Ciudad de México.
Source: Carlos Ramirez / EFE

In fact, reporting and winning a case of gender violence is quite a feat. Difficult access to justice, the stigmatization of victims, and the weight of traditional gender roles are factors that leave complainants unprotected and without compensation.

Despite this discouraging scenario, there have been significant institutional advances in the implementation of the gender perspective in justice. "There is jurisprudence with a gender approach, by which judges are obliged to apply this principle and a protocol that reinforces this jurisprudential thesis was also developed -explains María Elisa Franco Martín del Campo, professor of Law at the National Autonomous University of Mexico and expert in access to justice and human rights-. The problem lies in the gap between federal justice and local justice. Federal justice has had more budget and has experienced an important strengthening; on the other hand, local justice, which is exercised in each of the Mexican States, has been left aside". Thus, the country does have strong mechanisms and instruments to combat gender-based violence, but the prosecutors' offices of the different regions dismiss, archive, or do not monitor the complaints adequately.

The latter are, according to Franco Martín del Campo, the institutions that need further review and investment in staff training programs with a gender perspective.

Advances in federal justice are notorious, but local prosecutors have yet to adopt a gender perspective

What can an abuse survivor do if she is not treated fairly by the authorities? "There is a complaint resource for malpractice, but officials are

protected by a system that grants them immunity," says the expert.

The high rates of impunity have been a pending issue for the Mexican judicial system; in fact, the country is among the top 10 territories with the worst score in the Global Impunity Index 2020, developed by the University of the Americas Puebla.

Considering the serious challenges of obtaining justice in cases of gender-based violence, budget cuts to civil society groups and defamation of their work have been a hard blow for the associations.

However, the prospects in the political arena are more hopeful. In recent years, Mexico has experienced an advance in political rights, which is manifested mainly in the approval of three laws: the Constitutional Reform of Gender Parity, the law against political violence, and, more recently, the application of quotas for a certain number of people with disabilities, indigenous people, Afro-descendants and the LGTBIQ + collective in the Chamber of Deputies.

"Progress towards political equality creates consensus among women of the different political forces, regardless of the sign of their party," says Professor Zarembeg-. The right to vote and be voted has been a great victory for equality".

Gender parity quotas have also contributed to making women visible in politics, and the law on women's access to a life free of violence explicitly prohibits the restriction or cancellation of the right to vote for women, as well as the slander of female candidates for gender reasons, to undermine her public image or limit or nullify their rights.

Therefore, in the political arena, significant progress has been made in women's rights despite the inflammatory tone of some sectors of the Executive, with reforms such as the Gender Parity Law or the law against political violence.

As for the Mexican justice system, it has implemented strong instruments to combat gender violence, especially at the federal level. But these advances must be transferred to the local sphere with the training of administrative personnel from a gender perspective so that what is already approved at the normative level is put into practice.

And in the streets, feminism makes itself heard, strong and united.

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