

JUSTICE INTERRUPTED:

THE CIUDAD JUÁREZ FEMICIDES & GLOBAL SOCIAL RESPONSIBILITY

by Elvia R. Arriola

IN

2004, an international collective of feminist activists traveled to Ciudad Juárez to hold a series of public talks as well as intimate gatherings with some of the families who had survived a daughter's untimely death in the killings that have people referring to this bordertown as the "femicide capitol." The ten day conference was memorialized in a book of photography and transcribed testimonials. Grieving mothers, brothers, sisters and grandparents remembered the victims full of life; others spoke of their last day and how it was when they realized the loved one was not only gone, but had also suffered such a violent death. The Juárez memorial portrayed a few of the surviving families who had formed Nuestras Hijas de Regreso a Casa. The identity and life of each of their loved ones could almost serve as a prototype for any of the hundreds of victims who, since 1993 have represented one of Juárez's hundreds of female homicides, or femicides -- a child, a student, a maquiladora worker. For example, Sylvia Morales, was fifteen when she disappeared. She had been studying to be a paramedic and also worked part time at a shoe store in downtown Ciudad Juárez. Before leaving home that day she told her mother Ramona "Set aside some of whatever you cook today; I'll try to be home early." Sylvia was pretty, studious and very helpful around the house on her days off from work or school. Her father who was dying of lung cancer finally passed away three months after Sylvia disappeared.

Like many victims, Sylvia's body was found by a farmer herding animals on September 1, 2003 in Lote Bravo, a desert area on the outskirts of the city. The police drove her mother, Ramona, to the morgue to identify the body. Ramona recognized her daughter's shoes and clothing but then realized that she was looking at the body of another dead girl, not Sylvia. The officers ignored her pleas for clarification. Eventually, she just walked home alone as they stopped paying attention to her or stated they were too busy to answer her questions. As a poor woman her treatment represented the culture of disenfranchisement that surrounds the relationship between the working poor and the government structure in Juárez.

As we approach International Women's Day, I feel a sense of hope and disappointment at once when talking about the ongoing lack of justice and accountability in the Juárez murders. The hope is in the recent decision in December 2009 by the Inter-American Commission on Human Rights (IACHR) issued by a Costa Rican justice who lambasted the Mexican government for its systematic failure all these years to address in an appropriate and responsive manner the abductions and killings of girls and women in Juárez. On the other hand, public discourse

tends so often to focus only on questions of corruption in the government or the sheer incompetence of Mexican officials in solving the crimes and finding the killers that a broader and just as important context from which to view the femicides is consistently marginalized. In the remainder of this essay I would like to slightly change the focus and centralize the context of the role Ciudad Juárez plays as a city and home to the working poor in Mexico's active participation through the North America Free Trade Agreement (NAFTA) in the global economy. I will also briefly incorporate the memory of some of the victims profiled in the Juárez memorial of 2004, an event that itself played a part in the path towards the landmark ruling of the Inter-American Court on Human Rights which will also be addressed.

In each city today which, like Ciudad Juárez, has become an export processing zone, and is important to their nation's participation in the global economy, there is a background context that has contributed to the creation of socio-economic environments that are hostile to women's safety, especially working women's lives. Some of this context is directly linked to the structure of free trade law and policy designed to privilege foreign investors invited into Mexico to do business under NAFTA. Pursuant to that legal architecture, there has been since 1993 a rapid transformation of the border at all levels. Small tourist towns have become new havens for large factory construction in massive plots of land leased from

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major utilities or local government, all with the intent and design for the investor, usually a large American company with offices throughout the world, to benefit from the rules of free trade. Corporate foreign investors relocate business operations to a country that offers cheap labor, generates a product for the consumer economy and exporting it under rules that further enhance profitability with reduced taxes, tariffs and so on.

These operations have generated intense recruitment of workers who often come from the poorest regions of rural Mexico in search of work in a city unprepared to welcome them with proper housing, transportation, social services or accountable government to make their working lives decent and safe. In the maquiladoras a work culture that minimizes the humanity of the worker extends outwards to the environment within which all of Juárez is industrialized to become one of the nation's shining stars in the global economy. The general response to the critique of this work culture often goes like this – “they should be happy to have those jobs; these women would probably end up as prostitutes; they should be grateful.”

That is no answer. That is avoidance of the bigger question of how and why the current set-up of free trade law and policy

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A bus filled with mostly women makes its way from the shanty town of Anapra to Ciudad Juárez, one very early dawn. Most of the women that have gone missing or have been murdered were on their way to work.



Image & Caption: Antonio Zazueta Olmos | www.flickr.com/photos/antonioolmos

only privileges and empowers the factory owners and the large multinational corporations and does not even pretend to empower the workers with the dignity of their human right to protest against unsafe working conditions, which include not just what happens inside the factory but in the surrounding areas and in their communities. As activists in the maquiladoras know well, the voice of the workers is a threat to the stability of a smooth running global factory. Protest to the rules of the game by the peon is unacceptable. One only has to look at the structure of NAFTA and the weakness of the labor side agreement (NAALC) and understand that the social changes initiated by rapid industrialization in some places created a perfect setting for extreme social insecurity and for gendered violence. Anyone can observe this in a typical maquiladora town. The offices of the managers are always beautifully designed and

landscaped. Surrounding the industrial parks or a large factory is the stark contrast of the shantytown “colonias” where workers set up camp because there is no affordable safe housing. Miles of unforgiving poverty. Unpaved, muddy streets. No running water. No flooring. Shack after tiny shack containing large families where the heads of household are holding it together on the wages earned at a maquiladora. Usually not enough to thrive on, maybe to survive but not to move out of poverty, at all. Certainly, not to secure a sense of safety and security in the world, or in one's community. The norm for the world created by the rules of the fair trade game, not just in Juárez, but wherever the stamp of neoliberal economics leaves its mark, is unforgiving dehumanization.

The law can be a tool for positive social change, but in the case of free trade law and policy, as in the NAFTA or now even CAFTA, it may be a major contributor to great social harm. I have previously argued that NAFTA, in fact, allows for the creation of a kind of corporate indifference to the needs of workers, and certainly to the needs of women who live, work, or travel to and from maquiladora factories contributing to the resulting hostile environment for their safety. The privilege to not care about the workers' needs is what I call “fatal indifference” as I will describe further in the facts surrounding the victimization and death of Claudia Ivette González, whose family served as one of the petitioners in the



action that ultimately led to the decision of the IACHR last December, and whose death is arguably linked to a pernicious disciplinary practice used by maquiladora supervisors as a means for social control of the laboring classes.

It is well known that the killings began to surface in the mid 90s, following the signing of NAFTA in 1993 by President Clinton, which opened up the border and its sleepy towns and cities to unprecedented levels of foreign investment, construction of factories and hiring of Mexican workers by American corporations. Very soon after the borders opened up, there began to emerge stories about the findings of women's bodies who had been victims of grotesque, sexualized torture prior to their last breath. The frustration of the victims' families has been the systematic interruption of justice as girls bodies were found in ways that evoked a sense of horror because of the lies associated with the bungled investigation efforts.

For example, the case of Brenda Esther Afrara Luna was described by Casa Amiga's founder the late Esther Chávez to a reporter in 2002. Brenda disappeared around 2000 when she was just fifteen. A few weeks later, the police came to Brenda's mother's home and told her that her daughter's body had been found. The mother knew the body she was viewing was not that of her daughter's. Esther Chávez told the reporter “there are so many cases just like this.”

The murders, which have continued, still average 30 killings of women per year. It is also true that the levels of violence in Juárez have become even more intense, including male victims caught in the web of violence between warring gangs trying to control the drug trafficking routes through Juárez and sending each other messages with beheadings and planned shooting sprees. But the culture of drug violence should not distract us from the other constant image of a city that represents, at once, the height of economic profitability while being the most hostile environment for the next female victim whose prototype is to be young, vulnerable, frequently working in a maquiladora, domestic service or low wage sales job, and typically living in extremely unsafe conditions in the Juárez shantytowns.

Consider the case of Berenice Delgado Rodríguez, who was just a child when she was raped and strangled in 2003. The daughter of Juana Rodríguez Bermudez went missing February 10, 2003. “Bere” as her mother called her, had been sent to the corner store to buy sodas. Bere’s biological father abandoned her and her mother Juana, when Bere was a baby. Juana, her mother, was twenty-six and in a common law marriage with Chuy who cared for her two sons and Bere. They had a third son together. At Bere’s disappearance, Chuy was in terrible grief according to Juana.

What shocked Juana and the family was the effort made by the police to find a suspect, any suspect. They chose Chuy, Bere’s stepfather. He was detained, beaten up by the police and urged to confess. Bere’s body had been found on land next to Ferromex, the national railroad service. They kept trying to get Chuy to say that he killed Bere and brought him back to the station two more times where he was roughed up enough to break his ribs. Eventually, new forensic evidence showed that Bere’s tiny hand contained grey hairs released from the killer’s head. Chuy had no grey hair. Juana, Chuy and the children had all lived in Colonia Obrera, or “workers’ colonia.” When it was over; the investigation and the acceptance that her only girl child had been taken from her, the family moved out of Colonia Obrera in search of a place that would make them feel safer. Of course, there have never been apologies from the governmental authorities who have repeated such acts in a number of the bungled investigations of the Juárez femicides.

What is tragic about the killings is this context of the workers’ vulnerability and powerlessness, as well as the social conditions of their lives whether in insecure neighborhoods or toxic workplaces. Juárez has one of the highest levels of production in Mexico under NAFTA. Like Tijuana, Baja California, it had levels of industrialization begun in the 1960s under the Border Industrialization Program, which expanded further under NAFTA and provide the historical context for the presence of over three hundred maquiladoras throughout the city, employing well over a quarter million workers. A city that forty years ago had maybe 20,000 people grew by 60,000 persons a year, most of them coming from extremely poor, rural sections of the Mexican interior. A high majority of those who move to border cities like Juárez, or Reynosa, or Ciudad Acuña, take jobs in the factories bearing names

like Gateway Computers, General Electric, Sony, LG or Kimberly Clark, Levi Jeans, and ALCOA producing everything from clothing and jeans, to computers, cell phones, automobile dashboards and seat belts, handbags, appliances, greeting cards, and even the cutout discount coupons in the Sunday newspapers. Drove of young people board charter buses to show up for work. They wear uniformed aprons. They are all likely to work 10-12 hour days, may earn the

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equivalent of \$40 to \$60 per week, a take-home pay that cannot catch up to the higher costs of living at the border. They perform tasks that might have been done once in a U.S. factory, which shut down, left Americans jobless, outsourced to Mexico, someday to China, always in a race to the bottom of the wage scale. Inside the factories they meet up with the enforcement of harsh sometimes arbitrary rules. “No, you can’t go to the bathroom now, you have to wait until the shift is over.” Lunch is a bare fifteen or twenty minutes in some factories. Lateness is not tolerated. A worker who is late is sent home. Even if the factory is in an isolated area, away from people or public transportation, and no matter at what hour.

The case of Claudia Ivette González represents another prototype of the female homicide victim in Juárez. Claudia was living with her mother. She was a maquiladora worker for the Lear Corporation, which is based in Michigan. The Lear company makes automobile interiors. According to its website, Lear employs over 90,000 workers in 33 countries around the world. And one of their workers was Claudia in a Juárez factory. On the day of her disappearance, Claudia must have missed a bus, or something caused her to be late to work. She was to enter at 7 a.m. Accounts vary as to whether she was four minutes or two minutes late. At home, the family did not worry until she didn’t return from work. By midnight or 1 a.m., they knew something was not right and went to the police who told them to wait 72 hours. The next day they went to the bank where Claudia might have claimed her paycheck. It had not been claimed. Claudia was not known to hang out or stay out late. At the factory her mother was told that Claudia had been sent home for being two minutes late. Meanwhile, Claudia had been looking forward to getting a bonus check that day for not missing a single day of work in three months. During the 72 hour wait, the family began their own search. Claudia’s body was found a month later in the infamous Cottonfield along with twelve other bodies and in a lot next to the offices of the Association of Maquiladoras. At the ten day public forum Claudia’s mother stated “*They are never going to get the assassins. They are being protected. There’s too*

much money involved. The men they went after upon the discovery of the bodies in the cottonfield are not them."

I recently used the story of Claudia in a work entitled, "Accountability for Murder in the Maquiladoras" where I have tried to argue that the violence against women in Juárez, the killings, manifest an extreme version of a dehumanized treatment of workers that is simply regular and common in most of the Mexican maquiladoras. When a kind of disrespect and gendered violence is common and typical inside the factory it is not unusual to have it extend outwards to the whole environment within which the worker is sought, recruited, hired, treated, mistreated and not cared for. Typical systematic patterns of abuse, harassment and violence against women occur day in and day out in the NAFTA

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factories at the border. My aim is to theorize about the lack of social responsibility by the corporate investors. To imagine a reason for accountability when the structure of free trade law policy is heavily biased to protect the corporate investor, to make them immune to any complaint that maybe their shop set-up has some problems when it comes to the safety of their supposedly most valued corporate element – the worker. In other words, the murders can happen because an environment throughout the cities being welcomed into the global economy is hostile to all workers' safety even if they pay lip service and display attitudes to the contrary. Check out the website, for example, of the Lear corporation and its self-proclaimed care for the employee. Hard to believe, when one learns the circumstances surrounding Claudia's death.

Yet, Ciudad Juárez and the femicides are not a unique problem for Mexico or the global economy. If it were, we would not be seeing rising numbers of female homicides also occurring in places like Guatemala and Honduras, countries that are now the object of free trade under the Central American Free Trade Agreement (CAFTA) which was modeled on the same terms as NAFTA, pushed on a very fast track for Congressional approval, and is just as empty of provisions protecting migrant laborers' rights and the enforcement of national or international health, labor, environmental or safety norms.

Let us put the whole phenomenon of the murders into context

–of an industrial city becoming larger and more prosperous as a result of foreign money coming in through NAFTA. Of companies leasing huge plots of land from either the government or from major utilities like the railroad so as to set up factories that import materials from the U.S. parent company and then re-export the assembled product into the U.S. market economy. To produce as quickly as possible for as little as possible. To hire people at cheap wages, to control them, to own them long enough to meet production deadline, to compete in the global economy and remain active on the New York Stock Exchange. To employ ground level managers and supervisors who are paid well enough to live in nice homes in Juárez or even El Paso, while the workers return to "las casas de carton." That is the scenario for the femicides.

For me, the stories of the murders have an important larger context – it should not be separated from the systematic abuse and violence against working class employees who daily face supervisors who sometimes treat them like animals, say the male workers, who are exposed to toxic fumes; or workers who are penalized harshly for small infractions, who have no privacy and no human rights to complain, to organize on their own behalf. Outspoken workers are fired and then they are blacklisted. The list of insensitive and inhumane treatment goes on -- such as women suffering miscarriages on the worksite from being exposed to fumes or having to work long hours in positions that destroy their bodies or expose them to chronic pain or long term respiratory and musculoskeletal damage. They work machines and are treated like extensions of the machinery. And because NAFTA privileges the employer and grants few to no rights to the worker these maquiladoras function as gated communities. Once inside the gates, you belong to the employer.

On the morning Claudia was late, she had become an outsider and sent out the gate. Does it matter that the factory was in an isolated part of the city, typical of many factories, and that she was far from public transportation? That, typical of the maquiladora worker who never had extra cash, she had no other way to get home other than to walk? Is it any surprise that she was vulnerable to the kidnapper and became another victim in Juárez? What would it cost a company like Lear to change its policies? To say, we value our female workers enough that we will escort them to the bus to make sure they get home safely. To have recognized by 2002, with the constant news of violence against women occurring in Juárez, that they would care to set up a different scheme for securing a compliant punctual workforce? Or that, just because they are socially responsible they would never think of sending a young woman home alone, on foot, at just past seven in the morning into a desolate part of the city. What would it mean for a company to "walk the talk" when they state that they care about their most valuable resource – the employee?

To some degree the hostility of the social environment in Juárez to women's lives finally found some acknowledgement in the recent landmark decision of the Inter American Court of Human Rights filed on behalf of three of the murder victims found in the cottonfield, including the surviving family of Claudia Ivette González. The findings of the Costa Rican based judge on the Inter-American Court on Human Rights, a part of the Organization of American States, state that by the time of the cottonfield murders in 2002, there had been set a pattern of gender violence in Ciudad Juárez that should have prompted government authorities to find

ways to prevent violence against women. The decision of the court rendered December 15, 2009 is but a start. It finally tells Mexico it must take certain measures to bring about justice to the families that made the human rights complaints and that it must attempt to curb future acts of violence against women.

Because the country of Mexico adheres to the decisions of the IACHR it cannot appeal the decision. The remedies are extensive and include the command that Mexico must conduct a serious murder investigation and investigate law enforcement officials [within one year] who are responsible for obstructing justice in the cotton field case (which included fabrication of evidence and torture of innocent scapegoats). The Mexican government must also hold a public ceremony in Ciudad Juárez to apologize for the crimes and it must build a monument to the three hundred plus women murdered in the border city alone. It must publish the sentence of the international court in the official government record and in newspapers and expand gender sensitivity and human rights training for police. It must step up and coordinate efforts to find missing women and permanently publicize the cases of disappeared women on the Internet; and investigate reported death threats and harassment against members of the families responsible for making the human rights complaint against the Mexican government.

Claudia's mother was reportedly satisfied with the decision even if she knew the killers would never be found or held accountable. We can applaud the lawyers and the activists that brought the complaint to the international courts of justice. But, what is missing is the larger context of the environmental instability that is the norm of industrialization whether under NAFTA or CAFTA or anywhere that the leaders of global finance target as important to the global economy. And that is, that so much change that comes about has gendered implications. So many of the workers of the world are female. So much is at risk when we open the new factory door to the modern woman of an undeveloped country.

And what about the maquiladoras? Don't they bear some responsibility to the victims and the conditions that contribute to women's continued victimization? I would hope so. It is a question worth continuing to pursue. Why is it that companies making money under NAFTA are willing to look the other way or hide behind the obstructions of justice that have pointed the finger at the vulnerability of the worker, especially the female worker? While it is right and just to punish the Mexican government and order them to fulfill these remedies, this is NOT ENOUGH. We must begin to re-think the way in which we promote free trade law and policy.

I want to find a theory for linking closely the hostile environment allowed by free trade agreements that intentionally leave out human rights for the workers, to the hostile environment of a city

that doesn't care about the people who go to those factories and slave all day, and come home to shantytowns, to incomes that barely feed their families, to settings in which there is no safety anywhere, not at work, not in their neighborhoods, not on the way to and from work. I want to ask, for example, was the Lear Corporation arguably partly responsible for putting Claudia Ivette in the path of danger? This is a difficult question because I know that in the language of the law there is no real proximate cause. In the language of ethics and morality and social responsibility, however, sending home a worker at that hour of the day, in a city that already was known to be plagued with gender violence and female murder? They could be responsible. They should at least have to think about it.

I have admitted that it is difficult to make the connection between the disciplinary measures for lateness at the Lear factory and Claudia's eventual abduction and killing. But when a company tells the world on the Internet that we are socially responsible, and we value our workers then it may want to re-think its factory policies, when it enforces one that clearly endangers their workers in and around the workplace.

There's a reason why activists for justice in the maquiladoras say that you can't separate the murders from the gross indifference to the health and safety of the workers employed by the large and powerful NAFTA factories. It is the law that welcomes them to do business, and the elites of those countries that never question their policies or practices. Put them all together, gender abuse and violence, corporate power, government acquiescence, and you have a recipe for an environment clearly hostile and dangerous to women.

It is a tragedy that the victims that were maquiladora workers should have become martyrs for justice in the maquiladoras and in Juárez. The day

Claudia Ivette went to work she was happy about having complied with the company policies and hoping to get a bonus check. But two minutes late is two minutes late. Her record of service was unimportant as was her whole existence to the supervisors that sent her home, whose own policies were approved by the corporate structure all the way to the top. She became a target to a killer that morning, because her life was unimportant to him, as it already had been to her employer. Like Claudia many other workers in the global economy of today are also seen only as essential cogs in the wheels of production. ■

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