September 2007

We Want Them Alive: The Culture and Politics of Human Rights

Rosa-Linda Fregoso

Follow this and additional works at: https://scholarship.law.berkeley.edu/bglj

Recommended Citation

Link to publisher version (DOI)
http://dx.doi.org/https://doi.org/10.15779/Z38JT4FS42

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Berkeley Journal of Gender, Law & Justice by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.
Thank you so much for this invitation and thank you to the coordinators for inviting me and giving me this honor to speak before you.

Many of you were at the other session and probably saw the redacted version of the documentary Señorita Extraviada. You saw the beginning and the end basically, so hopefully I can fill in many of the gaps in the documentary.

Feminicide, as many of you probably aware, is considered to be Mexico’s number one human rights problem: the systematic murder of an nearly 400 poor dark women and the disappearance of over a thousand—this is in just a little over a decade to 12 years and in just one border city, Ciudad Juárez, which is across the border from El Paso, Texas.

Of these 400 murders, roughly 130 share similarities: the victims are young, they're slender, they're dark-haired, they’re mixed race and they’ve been subjected to sexual violence including rape, torture, and strangulation. Their bodies are dumped in remote and sparsely populated areas in the outskirts of the city of Ciudad Juárez.

It should also be noted that Ciudad Juárez is the largest industrial city on the Mexican side of the border. It has a population of roughly 1.3 million inhabitants and roughly a third of the city’s population has migrated from other parts of Central Mexico and from Central America to work in the maquiladora industry and cross over to the U.S. The name “El Paso” literally means “the pass,” El Paso del Norte, the pass to the north.

Feminicide is the local expression of the global proliferation of violence on the powerless. It’s the borderland’s form of social cleansing and there’s really no uncomplicated explanation for this local expression of proliferating violences. Mexican feminist anthropologist, Marcela Lagarte, who was formerly a member of the Mexican Congress, calls this the politics of gender extermination.

---

1. Professor and Chair of Latin American & Latino Studies at the University of California, Santa Cruz
The gender, ethnic, and class murders are taking hold in the region—the spreading to other parts of the U.S.-Mexico border, the border states to the interior of Mexico. From 2001 to 2005, hundreds of women have been murdered under similar circumstances throughout Central America; Amnesty International just released the report on Guatemala: 1,700 women there have been murdered, 462 in Honduras, 117 in Costa Rica, 5 per month in El Salvador and so forth.

The Argentinean journalist, Luciana Peker characterizes the recent murders of women in Argentina as “crimines cor marca,” crimes with a mark, carried out with rage and impunity. There is a similarity to the murders of women in Argentina and El Salvador and Guatemala and Ciudad Juárez: sadism, rage, and absolute impunity. Women’s violated bodies are discarded in public places, disfigured and dismembered.

My talk today is part of an ongoing project on feminicide in the Americas where I examine on the one hand, the conditions of possibility for the order of power behind this proliferation of gender based violence and sexual violence, and second, the forces countering feminicide, a project tentatively entitled “Human Rights and the Image.” Given the amount of time, what I want to focus on is a case study of Ciudad Juárez and deal primarily with this turn to human rights. But in light of the context of this conference, I want to begin by talking about the forces that are engendering feminicide.

Those of us trained in feminist theory are well aware of the fact that since ancient times, the female body has been used as a metaphor or an allegory for territory for the borders of kin, community, and people in nations. More recently, it has been a symbol of international crisis, for example, in the grave signification of ethnicity and nationalism that was wrought through female bodies in the former Yugoslavia.

So what is the nature of this crisis signified by feminicide? Well, in the first place, at the level of political economy, there’s a crisis of neoliberalism as an economic model, what the French term “savage capitalism,” a model that has extended a whole range of rights and protections to foreign, economic actors. The transnational corporate sector, especially in export processing zones like Ciudad Juárez, has stripped away a whole range of rights to its citizens through a dis-investment in the public sector.

In Mexico, neoliberal economic policies have resulted in the privatizing and downsizing of the public sector, in particular those institutions responsible for defending the public welfare and for guaranteeing rights and protection, access to work, social services, food shelter and civil rights.

In Ciudad Juárez, the state investment in urban infrastructure and social services is minimal. Half of the city streets are unpaved and 200,000 residents live in areas lacking the most basic services like running water, sewage and electricity.

The Mexican government basically does more to protect the rights of private property or capital’s rights than it does to ensure the rights, safety, and welfare of its citizens.
Thus there’s a state of war in the region, in large measure created by the State’s failure to promote security and to guarantee safety and welfare of its people. And just as significant to that is the vacuum resulting from the government’s withdrawal from the public sector, filling it by what some term the organizations of uncivil society, particularly in the areas of security, policing, and the application of justice.

Second, the crisis reflected by the history of militarization and armed conflict on the borderland, crisis in what is termed in Spanish, the norms of convivencia of civil society, as a result, on the one hand, of the dirty war that Mexico has waged since the 1960’s against the Left in the region and on the other hand, the more recent transformation of the border into a war zone as a result of the U.S.’s hemispheric war on drugs and the war on terror.

Juárez is home of one of the most powerful drug cartels in the Americas, el Cartel Juárez—a corporation involved in the illicit of trade, drugs, weapons, stolen vehicles and the trafficking of people, and they operate with complicity of the police and public officials. The region is also home of the notorious Secret Police, the Grupo Zeta, a paramilitary group, and we could talk about the significance of these two groups later.

The murders of women began roughly around the same time that the U.S. and Mexican governments began to wage a drug war against the Juárez Cartel. So the history of arm conflict in the region, a product of state policy on both sides of the border, has normalized violence and displaced the norms of conviviencia or co-existence of civil society.

Moreover, this crisis is further accentuated by the culture of impunity permeating the region, a culture of impunity that devalorizes women’s lives, renders them dispensable and disposable, where sexual violence is sanctioned, goes unpunished, and is not considered a serious violation of citizenship rights, much less human rights. And in which gender-based violence is considered a private matter or as the Mexican governor of Chihuahua told the U.N. Committee on the Elimination of Discrimination Against Women: “culturally based in entrenched machismo,”—so we can’t do anything about it. The government transfers its responsibility for the provision of public welfare to the victims of the violence, not only blaming them but also making them responsible for their own safety and security. As Norma Ledesma, the mother and activist with the group, Justice for our Daughters, recently remarked about the impunity: “In the Republic of Mexico the punishment for killing a cow is greater than for killing a woman.”

So how have the social forces countering feminicide responded? Well, they have turned to the framework of International Human Rights and this is what I want to talk about in what follows.

The collectivities that organized to end feminicide in Mexico are part of a renewed democratic movement in Latin America composed of new social alliances that first emerged in the 1970’s as a force mobilized first against authoritarian states, and that flourished with the adoption of neoliberal economic
Beginning in the 1980’s, social movements throughout Latin America became involved in countering the excesses of Neoliberal economic policies, especially the privatization of the welfare state by shifting their political attention away from the take over of State power and to issues of civil and Human Rights and quality of life.

This renewal and reorganization of democratic society involve what Saskia Sassen terms the production of presence, which is a process for staging visibility by those without power.

Even so, the shift to issues of civil and Human Rights among the Left does not mean that there’s unanimity regarding the discourse of Human Rights. In fact, in the recent movement for democratization in Mexico, the Human Rights debate has focused on civil and political rights, relegating women’s rights to the periphery of the National Agenda despite such cases as systemic murders in Juárez.

As I’ll discuss in a moment, the cultural politics of visibility around Human Rights manifested itself in a number of ways, drawing from both secular and sacral notions regarding the conditions of human existence. And one of the aims has been to break the public and private divide and to designate gender based violence and sexual violence as a violation of Human Rights.

In Juárez, the anti-feminicide activists relied on the Human Rights framework in their claims against the State in a number of ways and through a variety of expressive forms from the secular symbolic actions to more spiritual and poetic based representations.

In the span of three years, the alliance of grassroots and Transnational rights NGOs worked to expand the frameworks of Human Rights from a feminist perspective and to mobilize women’s rights communities in order to transform gender politics in Mexico.

As a result of their campaign, feminicide in Ciudad Juárez has become not only a metaphor for gender-based Human Rights violations but also a planetary point of reference for the assertion of women’s rights as Human Rights.

The Mexican Human Rights Commission first framed the murders and disappearances of women in Ciudad Juárez as violations of Human Rights. In 1998, a report issued by its head, Micaela Roccati, implicated the local authorities in the rise of gender motivated violences and the role and responsibility of local state officials for the rise in violence against women. The report strongly criticized local authorities’ lack of interest and failure to investigate the crimes, and their failure to protect the rights of women.

Three years later, during the Juárez campaign which was also known as Alto a la impunidad, the framing of the murders as Human Rights issues was significantly bolstered when the alliance of grassroots and national and Transnational rights activists joined forces and redefined Human Rights from a gender perspective. In Spanish, as many of you probably know, gender is a code word for feminist. Their efforts have proven to be especially significant in
Mexico, where the shift in political attention, as I mentioned earlier, among the Left has depended on the definition of Human Rights as civil and political rights.

In efforts to redefine Human Rights from a feminist perspective activists petitioned the Inter-American Commission on Human Rights to intervene. IACHR is regional treaty body in the area of women’s rights that provides follow-up for the enforcement of some very progressive instruments, particularly the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, which is also known as the *Convención Belem do Pará*.

Not only did the Juárez campaign aim to bring international pressure to bear through the intervention of the IACHR, but they also fought to present the case of feminicide in Juárez before the Commission as a test case, one that by establishing the “legitimacy of women’s rights as Human Rights” in the Americas would set a legal precedent in terms of extending Human Rights protection in the private realm, especially in terms of holding not just States but private individuals and groups accountable for Human Rights violations that occur in the private sphere of the family, the market culture, as well as in recognizing that sexual violence as a Human Rights violation.

The report produced by Marta Altolaguirre, the Rapporteur for the Human Rights of Women in the Commission finally appeared in 2003 and provided the basis for action at the federal level. It was the first comprehensive overview of the situation; it found that the Mexican government at the federal and state levels had failed in its responsibility, duties, and obligations to protect the rights of women and it had failed to take steps to prevent and punish the violations of women’s Human Rights. The report also contained scores of recommendations at all levels of government at the local, the State and at the Federal level.

Also in 2003, Amnesty International released its much anticipated report *Intolerable Killings*. In it Amnesty International proclaims the responsibility of State authorities in perpetuating Human Rights violations, deficiencies in conducting investigations into the murders, the State’s negligence complicity and tolerance of systematic gender based violence in Mexico, the responsibility of State and Federal officials for creating a climate of impunity on the border, and thus, the State’s lack of compliance with the principles, norms and rules embedded in the framework of International Human Rights.

I realize it sounds repetitive, to go over these details regarding what the Mexican Human Rights Commission did, what the Inter-American Human Rights Commission has done and then what Amnesty International has recommended and what it has stated, but there’s a point to this repetition.

The campaign to transform Human Rights from a feminist perspective was bolstered in 2003 during a seminar on gender, convened by the Spanish Judge, Baltasar Garzón. As many of you will recall, he’s the judge who extradited Augusto Pinochet from Britain to Spain. The seminar featured the case of feminicide in Juárez and a screening of *Señorita Extraviada* on a panel that was moderated by Judge Garzón. And it was out of this forum that a new language
about feminicide in Juárez began to circulate in Mexico through media coverage of the declarations by Judge Garzón and also of the declarations by Maricela Ortiz, the head of one of the Juárez NGOs, who both characterized feminicide in Mexico in the language of International Human Rights Law as crimes against humanity and one of the categories of adjudication by the International Criminal Court, and defined by the 1998 Rome Statue, which established the ICC, as inhumane acts including rape, torture, or murder committed as part of a widespread or systematic attack directed against the civilian population by state and non-state actors.

It was this framing of feminicide in the language of International Human Rights Law as crimes against humanity and rape as an indictable crime against humanity that has been important for shaping the debate in Mexico about extending Human Rights protection in the public realm.

A couple of days ago, as you might know, there was a recent ruling by the Mexican Courts about criminalizing so called marital rape. That was also very important. The Transnational advocacy network working to mobilize the shaming campaign in Mexico, succeeded in inserting feminicide as a violation of the norms of International Rights; it also galvanized international legislative bodies in the adoption of formal resolution and parliamentary initiatives, in various countries throughout Europe, cities throughout Spain, France, Norway and in Latin America, Canada, and Australia.

I also want to mention—and we can discuss this later—that the documentary, Señorita Extraviada helped to galvanize U.S. legislative initiatives as well, such as the concurrent house resolution by Congresswoman Hilda Solis and Jeff Bingham of New Mexico who have introduced the joint House Senate resolution, which just came out a couple of weeks ago out of the House Committee. It is important to emphasize the significance of these various pressures from international NGOs and organizations.

Let me move now to the role of culture in Human Rights Discourse. My study of the role of culture in Human Rights Discourse builds upon a theory of culture as expedient and as a resource for movements contesting social injustices. Partly my research focuses on documenting the ways in which culture can help to bridge the public and the private divide by raising consciousness about the public significant of sexual violence and gender-based violence. The cultural sphere is very much an important side for integrating private, emotive understandings with cognitive understandings about the atrocities taking place as well as for working through the kind of deeper social and psychic trauma resulting from the violences, especially for the bereaved families of the disappeared and murdered women.

It is in the cultural sphere that we find texts that overflow with meaning from spirituality, inflected rituals aimed at exercising the violence of social and psychic trauma to poetic and ethereal representations that can contribute to a rethinking of Human Rights.

Earlier I utilized a concept, the production of presence, to discuss this kind
KEYNOTE

of rhetorical and discursive spaces that processes of globalization open up for the powerless. Activism is one of them. And this production of presence is most evident in the Human Rights culture that grew in tandem to counter-feminicide activism in Mexico and continues to animate the democratic opposition in the wane of large scale mobilizations and protests.

The production of presence on the part of grassroots and transnational collectivities took form and meaning as choreographed cultural politics of visibility that included stage demonstrations, installations, public art murals, poetry, testimonials, audio visual media in the form of video, graphics, internet art, music and film. And these cultural expressions helped to redefine gender-based violence as Human Rights violations and to focus the eyes and ears of the world on Mexico as a state sponsoring terror against its population directly and indirectly and through its complicity with the terror machine and its negligence in preventing and stopping the disappearance of sexual murders of women on the border.

The cultural sphere played an important role in shaping public understanding about the rape, torture, disappearance, and murders of women as not just a woman’s issue but a human rights issue.

For instance (I skipped over this part in the earlier part of my talk), there was a widespread shaming campaign on the part of political activists that has had a cultural counterpart, as this website on tourism that was developed by a women’s rights group in Spain which was linked to the website of a Juárez-based, Nuestra Hijas de Regreso a Casa. It created a great deal of controversy among the city’s elites as well as public officials who have consistently charged that human rights groups are tarnishing the image of Ciudad Juárez and adversely affecting its tourist industry.

In experiences of disappearance, sexual violence and torture and murder, it is often the language of the poetic that is best suited to represent the trauma and experience of violence or torture. Since the experience of suffering is what is unquantifiable, poetic texts and images have helped to frame sexual murder and disappearance of women human rights violations also in terms of a discourse that is centered on pain and suffering.

However, poetic texts also overflow with meaning and they have helped to emphasize the class-based nature of the murders and disappearance, as well as to convey a belief system that is underpinning this re-appropriation of Human Rights. In this respect, the cultural texts that were created by activists in Juárez drew heavily from religious rituals and symbols for inserting and galvanizing local public protests.

In giving public voice and expression to the private pain and suffering of bereaved families in Ciudad Juárez, the emerging Human Rights culture around feminicide combined political protest with vernacular Catholicism that resonated with local grassroots groups on the border land.

The cross campaign was originally designed by the activists from Voces sin eco in 1999. They started painting crosses in public places, black crosses on pink
backgrounds throughout Juárez but in particular on telephone and electrical poles. The campaign served as the strategy for countering the power of the agents of the state and of the media, who were producing truth, not only through denials and silences but also erasure about the pattern of violence against women. As much as this campaign contributed through the creation of communities of solidarity around feminicide, the cross itself is a physical marker of memory. It materialized and personified the victims of feminicide giving their deaths a presence and in the process served as embodiments of memory as much as they make visible the process of giving meaning to the past. They remind viewers, witnesses, interlocutors of the terror and of the sexual violence that inflicted on each of the victims. But they also disturbed the public and private divide by opening up a space for expressing private emotions in the political or public realm insofar as they validate the use of “affect” in the cultural politics of vernacular practices, and stage public acts of mourning and grieving, very much like roadside memorials to accident victims. The images of crosses summon an engagement with the memory of the life that once existed, forcing its viewers to pause and however, fleetingly, express their grief about the life that’s memorialized in the reliquary.

This articulation of politics and religion in the culture of Human Rights is very much part of a broader tradition of religious-based morality that is evident in political protest throughout the U.S.-Mexico border; one that incorporates scripture and biblical mandates about what is right and what is wrong into collective condemnation and challenges to the U.S. government policy. The sociologist, Hondagneu-Sotelo and others have called this religious inspired politics, “politicized spirituality,” highlighting the use of symbols and rituals from Mexican Catholic traditions collectively and publicly to stage and choreograph a “postnationalist challenge to U.S. immigration and border policies.”

The intersection of religion, ethnicity and politics is crucial for forging Latino communities of solidarity, of belonging in campaigns of social justice, and of a politics of “affect” between Mexican and Mexican-American Catholic communities and Latino communities on the borderlands.

By fusing religious ceremony like mass demonstration and the use of sacred imagery and rituals like the ceremonial lighting of the *luminarias*, human rights relatives and activists drew from vernacular expressions mixing and matching improvisational practices in order to choreograph political protests that would have most visibility in media affect in terms of Human Rights campaign. And to this date, the pink crosses are basically the most lasting visible symbol for staging public acts of mourning on the border lands.

But also and I want to make a point of highlighting that there is much more at stake in the campaign for the cross. Relatives and activists may have drawn from this vernacular tradition for transforming the cross into an insignia of counter feminicide but also there’s also the cross’ burden of representation and its relationship to canonical Catholicism that must be examined, for the cross can
also induce a conservatism that is problematic for women's bodies and identities.

Most recently, Amnesty International abandoned the use of the cross in its women's human rights campaign for its religious connotation, so AI has replaced the crosses with the face of a woman within the pixels that have the names of all of the victims. But I did want emphasize the problematic aspect of the cross although I expand upon this in the longer version of this talk, where I discuss the downside to this inscription.

Let me turn to the final section of my talk. "We want them alive!" is the activist mother's slogan for demanding the appearance of their disappeared daughters. This refusal to accept the inevitability of disappearance, or disappearance as a finality, is very much a reminiscent of the slogan "Aparición con Vida," which was deployed by the mothers of the disappeared in Argentina in the 1980's.

"We want them alive!" is a demand for justice and state accountability. In Mexico, to disappear someone is not considered a crime. Similar to the photographs of the disappeared held up in demonstrations as an eloquent reminder that the person had been here, "We want them alive!" speaks the language of the ephemeral to mobilize the socially ghostly, to animate the unseen but unfelt presences, the memories of the desaparecidas.

And it also creates an aperture for public discussions about the gendered nature of Human Rights violations. It's a way of inserting into the public realm the assertion that women's rights are Human Rights, of creating consciousness around sexual violence, disappearance, gender-based violence as a violation of Human Rights.

Las Muertas de Juàrez Estan Vivas in the Internet writes Pedro Miguel in La Jornada. They are alive on the Internet in the form of network and information, the virtuality of their presence, and in the plethora of citizen action initiatives, calls to action, research sites, portals and links to grass roots international NGOs, Human Rights NGOs, archives of Human Rights, proclamations and documents, text by journalists and writers, digital art, poetry, song, creative work, images of dead women, photography, essays, links to feminist human rights and alternative globalization networks.

And most of all, they are alive in their animation in a political poster campaign that was developed by a group of graphic designers in Mexico City.

Graphic artist Rafaelo Lópe Castro initially designed the poster campaign in 2002 as part of the International Day for the elimination of Violence Against Women. In the first phase of the poster campaign, a group of nine artists made a series of images for use in protest marches against feminicide and by groups working on issues of gender based violence.

This initial project grew in scope the following year when a second poster campaign was launched for International Women's Day. In this case, graphic artists from all over Mexico designed 60 large format posters that were under the slogan "Las Muertas de Juàrez Piden Justicia," the dead women of Juàrez demand justice. And they exhibited them in a Mexico City subway so that people
who don’t normally go to museums or art galleries could see them.

The production of presence that is invoked in the performance of the slogan, “Las Muertas de Juárez Piden Justicia,” as a structuring device for animating the presence of dead women and for collapsing the discursive categories between the public and the private, the living and the dead, the secular and the divine being in this world and another, the incarnate and the disincarnate subjects and objects, the voice of the dead that are speaking to the living.

Just as significant is the recourse to the iconography of Calaveras, or skulls, as an aesthetic practice that is derived from the blending of political art of Posada, with Catholic rituals and the indigenous sacred ceremony of the Day of the Dead.

Based on an alternative cosmology in which the discursive categories of life and death are not mutually exclusive or divisible but appear uncertain and blurred, the hybridity of political and spiritual elements of Calaveras, and embodied in the poetic text of graphic artist, speaks this discourse that I talked about of the ephemeral, and labors to resuscitate the ghostly, the spectral so that the unseen may speak and demand justice as a form for animating political demands for Human Rights.

This category of symbolic acts represents a new cultural politics of visibility around Human Rights in which the animation of ghostly presence serves to raise public awareness about what is historically been considered a private matter.

Let me now conclude. Part of what I’ve been discussing is kind of the philosophical, practical, and political questions underpinning human rights discourse particularly since as, political theorist Wendy Brown notes, activism around human rights is limiting, especially if one uncouples a “moral discourse on pain and suffering” from a “political discourse of comprehensive justice.”

Brown entertains this tension between progressive and reformist Human Rights activism, especially the limits of a moral definition of Human Rights in which “the global problem facing human kind is conceived of or framed as terrible human suffering, consequent to limited individual rights against abusive state power.”

It is limiting in large measure because the focus on the political realm is premised on liberal humanism and as such couches the solution of Human Rights violations in individualist terms.

There’s much to recommend about Human Rights activists’ effectiveness in limiting political violence and in reducing human misery and suffering, especially the emphasis on what Michael Ignatov calls “the elemental principle of Human Rights activism to stop torture, beatings, killings, rape, assault and to improve as best we can the security of ordinary people.”

Consequently, it’s less about what is wrong given that the practice is aimed to “right” human wrongs in the words of Hanna Arendt, but more about the limits of this kind of framing for a progressive agenda, since the focus on “the
immorality of politically induced suffering” on the part of a coercive state often elides social and economic rights. This include the “feminist arguments for rights as substantive and indivisible” especially the emphasis on “the conditions by which people can or cannot exercise their rights.”

The more progressive formulation is linked to a global justice project that considers Human Rights to be indivisible and inseparable from economic rights, and it is a perspective that calls for the transformation of social structures and that defines the human global problem facing people as “both suffering and systematic disenfranchisement from collaborative state of governance,” according to Brown—a disempowerment that includes “the relatively unchecked globalization of capital, post colonial deformation, super power imperialism, combining to disenfranchise people in many parts of the first, second and third worlds from the prospects of self government to a degree historically unparalleled in modernity.’’

In the absence of a guarantee of rights by the Mexican government and constitution, are we returning to earlier pre-modern notion of rights guaranteed by “social, spiritual and religious forces?” Or are the transnational grass roots activist alliance mobilized to stop feminicide in Mexico demanding something much more basic?

An element of rights that as Hannah Arendt wrote about many years ago: “the right to have rights or the right of every human being to belong to humanity should be a guarantee by humanity itself.”

In the realm of human rights culture, symbolic acts such as the cross campaign in Ciudad Juárez are metaphors for re-appropriation and for redefinition of rights in collective terms, not as the violation of individual rights, but of rights of collectivities: the rights of a targeted group of racialized poor women to belong to “a community willing to guarantee any rights.” One of the greatest achievements of the alliance of grass roots transnational and nationally based women’s movements in Mexico is their contribution to a redefinition of violence against women not just as a woman’s issue but as a Human Rights issue in Mexico and their efforts to redefine rights in Mexico to include Human Rights as substantive and indivisible; the right to work and the right to a life free from violence on the border land.

Symbolic acts and rituals framed by a politicized spirituality that is grounded in affect and embodied in vernacular expressions of the local can be read and deployed against multiple forms of power, both cruel and despotic machineries of the state, and the order of the sovereign order.

However, these cultural expressions did more than help establish and define the legitimacy and legibility of Human Rights claims of women in Juárez; they also point to new limits surrounding individual and moral discourse of Human Rights.

By examining the effective power of politics and collectivities, I aim to go beyond the Human Rights as elaborated in the International Instruments and the courts as the U.N. Declaration of Human Rights. Rather than locate the
contestation of Human Rights Discourse in what is now self-evident, the limits of this universal framework, my project couches the limits of individual and moral discourse in a force field.

As a conditioning element for the emergence of a different type of contestation to rights-violations, the order of power in the region changes the field of play around the meaning and appropriation of Human Rights Discourse.

In other words, Human Rights are contested and expressed differently when power shifts. Poetic texts infused with elements of the ephemeral or ethereal cannot be read simply as an investment in an afterlife; rather, these poetic representations played a pivotal role in challenges to the forms of sovereignty pervasive in the region, including contestations around an order determining who lives and who dies and to a climate of rightlessness on the border.

Symbolic acts and rituals worked to exercise a social and psychic trauma created by gender motivated violence. The cultural realm reminds us about the importance also of alternative cosmologies for understanding in locating the subject of rights discourse.

In so far as cultural text produces an "aura," as Benjamin would say, beyond their documentation and correspondence in the real, they offer us the necessary metaphors for thinking through a politics of affect and in the sacral, and for recognizing the limits of modernist secular notions of human rights.

By way of concluding, let me just update you on some of the recent developments around feminicide. I'll just take five minutes and then open it for discussion.

The Mexican government continues to play lip service to the problem of feminicide, claiming to have instituted all the 30 recommendations and also those of Amnesty International. But in reality the government has instituted what I call the policy of smoke and mirrors.

From the perspective of the relatives of the disappeared and the murdered women, little has changed for them. In 2003, President Vicente Fox responded to these two International rights NGOs and the regional commission responded to the recommendations by naming a special prosecutor for the rights of women within the Federal Attorney General's office. A few months later, in October 2004, Maria Lopez Urbina reviewed all of the 200 cases and she determined that 190 state officials—working in criminal justice, police, prosecutors, forensic experts— all committed acts of negligence, omission, abuse, and direct cover ups. She recommended bringing charges against local and state law enforcement officials and these are also many of the findings of these various other commissions which I kept repeating.

In May of this year, Urbina was dismissed from her role and was replaced by Micaela Rocatti, who was the former Commissioner of Human Right in Mexico. Rocatti served for three months and recently resigned just this past month.

Also in 2003, Fox nominated Guadalupe Morfin, a noted Human Rights
lawyer from the state of Jalisco to serve as a Federal Commissioner for the case of women in Juárez and she’s organizing a series of meetings between the President and family members and brought in an Argentine forensic team to help women of the families identify the remains of their loved ones. Morfin has recommended the charges against many of those that have been convicted be dropped and their sentences be revoked.

Although State officials claim that feminicide have decreased, between 2004 to 2005 fifty women were murdered—24 in 2004, which was up 58% from the previous year. When Portillo finished her documentary in 2002, 260 women had been murdered and now it’s up to 400.

Also this year two young girls, one 8-year old, were sexually tortured, raped and murdered. And also this year, in Tamalipas, a state bordering the state of Chihuahua, the journalist, Guadalupe Garcia Escamilla was murdered. She was a well-known advocate for women who spoke out against feminicide.

By 2002, only one person had been convicted, the Egyptian born chemist, Abdul Latif Sharif and his case is under appeal. And then last year, a new governor to the state of Chihuahua was elected and a series of convictions ensued. Victor Garcia Uribe was found guilty in the cotton field murders. If you remember, these were the murders where 8 women were found in a field across the road from the maquiladora industry’s headquarters.

He was convicted in last year and in this past summer a judge overturned his conviction, ruling that torture had been used to extract his confession and he was also pardoned.

In January, 10 members of the group, Los Toltecas, also known as Los choferes, were convicted. Two hours later on January 6th, another judge convicted 6 members of another gang, The Rebels, Los Rebeldes.

In each instance, there is no material evidence linking any of them to the crime; all have been convicted on the basis of confessions, which they have later recanted, accusing the police of torturing them into confessing. In fact, Marta Altolaguirre noted that it was highly unusual for relatives of the victims to join those convicted of murdering the women, in protesting and demanding their release. I actually witnessed one of these protests, during a demonstration in Ciudad Juárez.

The government has set up special assistance fund for the relatives of the murdered but refuses to call the funds reparations. Finally, let me just say that there is the issue of accountability and jurisdiction and how can these groups—state and non state actors—be held accountable.

The Mexican government has shown little indication that it will pursue those responsible. So my question to you is: “Where is the jurisdiction for this? Is it in the Inter-American Human Rights court we talked about? Is it in the ICC?” You’re all scholars of law, you tell me.

So, I’ll open it up for discussion.