



LATINO POLICY & ISSUES BRIEF

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THE MAQUILADORA MURDERS, OR, WHO IS KILLING THE WOMEN OF JUÁREZ, MEXICO?

by

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Since May 1993, over 320 women have been kidnapped and murdered in Cd. Juárez, Mexico, across the border from El Paso, Texas. Their bodies are found strangled, mutilated, dismembered, raped, stabbed, and torched; some have been so badly beaten, disfigured, or decomposed that the remains cannot be identified. Ninety-eight of those crimes have been classified as “violaciones,” according to the official definition of rape in Mexico, which is limited to penile penetration.

After ten years, and despite the incarceration of suspects in 1995, 1996, 1999, and 2001, the murders continue unabated, and copycat killings have started to crop up in other border cities such as Nogales, Matamoros, Mexicali, and Nuevo Laredo, and also in Chihuahua City.

Many of these mostly young and poor women come from small villages and cities in the interior of Mexico and Central America. Many of them share the same physical profile: short, slim, dark-haired, and dark-skinned. The average age is 15-18, although girls as young as six years old and women in their sixties and seventies have also counted among the casualties. Of the victims whose occupation was known, more than half were employed by or seeking employment from a maquiladora, and nearly one in six were students (Fragoso 2003). In Juárez, according to the 1990 Mexican census, 50% of the economically viable population works at a maquiladora, and most of these workers are female.¹ Interestingly, not all of the slain were Mexican citizens; at least six were U.S. citizens of Mexican descent from El Paso, Texas, and Las Cruces, New Mexico; another was from the Netherlands and still another from Honduras.

Why are these women being killed in such a brutal, dehumanizing, and misogynistic fashion? What is so threatening about their presence on the border? Who is benefiting from their deaths? And what accounts for the silence that has surrounded the crimes and protected the perpetrators on both sides of the border?² While grassroots organizations in Juárez have attempted to raise consciousness about this issue, the official silence in both Mexico and the United States has generated more hearsay and urban myth than understanding of the conundrum of these murders.

Popular Theories About Who the Killers Are ...

- Serial killers
- Satanic cults
- Egyptian chemist “mastermind” (arrested in 1995)
- Los Rebeldes (local gang arrested in 1996)
- Los Choferes (band of bus drivers arrested in 1999)
- Corrupt Mexican police
- Well-protected sons of rich families
- Drug cartels

... and Why Women Are Being Murdered

- Snuff films
- Organ harvesting
- White slavery
- The victims were leading double lives as prostitutes
- The victims dressed like “maqui-locas,” in short dresses and high heels that provoked their attackers
- Unemployed men are resentful of women getting jobs at the maquiladoras

Recently, Amnesty International and Eve Ensler’s V-Day have drawn attention to the impact of the North American Free Trade Agreement (implemented January 1, 1994). In particular, they have criticized the Mexican government for its failure to address the murders, but also the transnational corporations whose maquiladora factories attract hundreds of young women from southern Mexico and Central America. In this brief, we examine two critical problems facing an investigation into these ongoing

murders: the restricted Mexican definition of sex crimes and the discrepancy in the number of murders.

DEFINING SEX CRIMES IN MEXICO

The Mexican penal code makes a distinction between rape and sexual abuse. A sex crime is considered to be a “rape” if the “passive subject” is under fourteen years old, is a private citizen of sound mind, or is an infirm person; if the person is forced into vaginal, anal, or oral copulation; and if the person is unable to resist the attack. As per the most recent reforms to the Mexican penal code (August 2001), rape is punished with a prison sentence of 3 to 12 years, and a fine of 50 to 100 times the assailant’s salary. Cases in which a rape is perpetrated on a victim younger than fourteen years old or is carried out by two or more assailants are punished with a 5- to 15-year prison sentence and a fine of 80 to 200 times the assailants’ salaries. However, if the victim is at least twelve years old and is a “proven prostitute,” no legal sanctions apply to assailants as the victim is an “active subject.” A caveat was added in the August reforms to the penal code that diminished the punishment for rape to only 1 to 6 years if the victim led the attacker on and then later refused to go through with the sexual act.

Sexual abuse, as opposed to rape, is defined as a sexual act other than copulation that takes place by force. The sentence for sexual abuse is 6 months to 2 years in jail

and a fine of 30–80 times the assailant’s salary. Sanctions increase to 1 to 4 years in prison and 50-100 times the assailant’s salary when the sexual abuse is perpetrated by two or more agents, on non-prostitutes under fourteen years old, or on persons of sound mind over fourteen years old. Cases in which vaginal or anal penetration occurs with anything other than the penis, or “miembro viril,” are considered to be sexual abuse cases. They are punished with a 2- to 6-year sentence or a 4- to 12-year sentence if the crime is perpetrated on non-prostitutes under fourteen years old or on persons of sound mind over fourteen years old.

In other words, under Mexican law, sexual abuse has a lighter punishment than rape. Although the Mexican legal system categorizes only 98 of the 320+ violent murders of women and girls in Juárez as rape cases, many more of the bodies were found sexually violated in ways other than copulation. Victim #16, for example, a 50-year-old woman who was murdered in 1993 and found in her own home, had a deep wound in the skull and a piece of wood inserted in her vagina. This crime would not be considered a rape case according to the Mexican penal code.

MURDER COUNT DISCREPANCIES

No one knows the exact number of victims. Statistics collected by Casa Amiga, a grassroots rape crisis shelter in Juárez, indicate 254 women were murdered between 1993 and 2002 (see table 1). The

Chihuahua State Attorney General’s Office says 252 women were killed between 1993 and 2002 (see table 2). Although the shelter and state totals are close, their year-by-year data is quite different. In addition, Diana Washington Valdéz of the *El Paso Times* says that her research, based on interviews and newspaper accounts, suggests 320 victims between 1993 and June 2002 (see table 3). This discrepancy in the numbers adds to the general confusion that surrounds the crimes, which mystifies activists and authorities alike, increasing the sense that these cases are impossible to solve. Interestingly, the numbers get revised each time there is a change in political party at the state level in Chihuahua (from the PAN administration to the PRI administration, and vice-versa). Investigation is further inhibited because the state police closed their records to public access around 1998.³

While attention has focused on the tangible murders, cases in which bodies have

Table 2. Murders of Women in Ciudad Juárez, Chihuahua, México 1993-2003 according to the Mexican Federal Attorney General’s Office

| Year | Murders |
|---------------------------|------------|
| 1993 | 18 |
| 1994 | 19 |
| 1995 | 34 |
| 1996 | 32 |
| 1997 | 31 |
| 1998 | 29 |
| 1999 | 17 |
| 2000 | 31 |
| 2001 | 28 |
| 2002 | 13 |
| 2003 (January-March only) | 6 |
| TOTAL | 258 |

Source: Provided March 2003 to the Mexican Federal Attorney General’s Office by the Chihuahua State Attorney General’s Office.

Table 3. Murders of Women in Ciudad Juárez, Chihuahua, México 1993-2002 according to the El Paso Times

| | |
|--------------------------------------|-----|
| Total Murders of Women: | 320 |
| Sex-Related Serial Murders of Women: | 90 |
| Number of Convictions: | 0 |

Source: From El Paso Times (retrieved May 23, 2003 at <http://www.elpasotimes.com/borderdeath/page1-2.html>).

Table 1. Murders of Women in Ciudad Juárez, Chihuahua, México 1993-2002 according to Casa Amiga

| Year | Serial Murders | Non-Serial Murders | Total |
|--------------|----------------|--------------------|------------|
| 1993 | 8 | 9 | 17 |
| 1994 | 7 | 11 | 18 |
| 1995 | 14 | 10 | 24 |
| 1996 | 9 | 19 | 28 |
| 1997 | 11 | 15 | 26 |
| 1998 | 12 | 18 | 30 |
| 1999 | 4 | 18 | 22 |
| 2000 | 7 | 22 | 29 |
| 2001 | 13 | 18 | 31 |
| 2002 | 1 | 28 | 29 |
| TOTAL | 86 | 168 | 254 |

Source: Calculated from reports in Diario de Juárez newspaper from 1993 to 2002 by the Eighth of March Group of Ciudad Juárez and translated by Maya Cone (retrieved from the Casa Amiga website at www.casa-amiga.org/Statistics.htm on May 23, 2003). For more information, including summaries in English of the newspaper’s accounts of each murder, see the web site.

been discovered, the actual number of victims may be more than twice as high. The El Paso–based Coalition against Violence toward Women and Families on the Border estimates that at least 400 additional women are still missing in Cd. Juárez (see www.juarezwomen.com).

RECOMMENDATIONS

As Amnesty International has declared, violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim. Below are recommendations for governmental, group, and individual actions that can be taken to address the situation in Juárez. These steps contribute to the larger goal of eradicating violence against women and helping women to achieve lives of equality and human dignity.⁴

1. Create an international task force to investigate the murders in depth, share resources, and develop an action plan and timetable that will lead to the resolution of the crimes.
2. Expand the invitation of the Mexican government to the FBI to include not only training but investigation.
3. Adopt a new standard for counting the number of victims.
4. Make a direct call to action to the Maquiladora Association and demand that American-owned companies in Juárez implement more security for their workers as well as provide financial support to the families of the victims.
5. Promote research on globalization, post-NAFTA immigration patterns, the U.S. Border Patrol, maquiladora working conditions (including enforced birth control and reproductive monitoring for female employees in the factories), and other structural underpinnings of the crimes.
6. Encourage testimonies, proclamations, and resolutions about the Juárez murders

- across the nation, such as those already presented to the Texas Legislature by Norma Chávez and Eliot Shapleigh and the Los Angeles City Council Resolution presented by Nick Pacheco.
7. Introduce legislation to prevent violence on the U.S.-Mexico border and strengthen penalties for sexual assault.
8. Call for binational cooperation of the local, state, and national justice departments in both Mexico and the United States to collaborate in police and public safety work on the border.
9. Encourage national involvement in a binational educational campaign using the air waves, newspapers, and other media sources.
10. Join Amnesty International's online letter-writing campaign to President Fox and President Bush to stop the killings and end the impunity in Juárez.

NOTES

1. After the implementation of NAFTA in 1994, the percentage of maquiladora workers on the U.S.-Mexico border who are female has increased dramatically.
2. Detective Andrea Baca of the El Paso Police Department's Crimes Against Persons Unit told me that El Paso is the largest dumping ground of registered sex offenders in the U.S. This public information has not been used to provide any leads in the investigation of the Juárez crimes.
3. The book, *El Silencio que la voz de todas quiebra: mujeres y víctimas de Cd. Juárez*, authored by seven women journalists in Juárez (Rohry Benitez et al., 1999), made use of this data about the crimes in police files and thus divulged information that the authorities did not want made public. For instance, although the victims were accused of dressing in provocative mini-skirts, 74% of the first 137 bodies that were found still clothed were wearing long pants.
4. Some of these recommendations are taken from Staudt 2003.

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The murder of women in Cd. Juárez, Mexico, across the border from El Paso, Texas, has continued unabated for ten years. More thorough investigation of the killings and their causes is needed as is vigorous action by Mexican and U.S. authorities to stop them.

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