

Religious Fundamentalisms in Indigenous Contexts in Chiapas and the Violation of Women's Rights

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Colectivo de Encuentro entre Mujeres (COLEM)
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This case study encompasses two cases involving indigenous women in Tzeltal communities in Chiapas, southeastern Mexico. The two cases were integrated because the context and the ways religious fundamentalisms operate in both are similar. The marginalization and social exclusion experienced by indigenous women negatively impact the exercise of their rights. These women live in an environment in which religious fundamentalist practices and ideas are promoted by state and local actors, with complex impacts on the situation of women. Also, the involvement of Colectivo de Encuentro entre Mujeres de San Cristóbal de las Casas (COLEM, Women's Collective of San Cristóbal de las Casas) in both the cases required a common set of assumptions, actions and strategies.

In one case, a woman was expelled from her community in the 1990s as a result of events linked to religion and cultural practices and customs. The other case involved the rape of a young disabled woman, who was then denied the right to terminate her pregnancy. The young woman faced discrimination when she and her family attempted to seek justice. Both cases involve various violations of women's rights by individuals and leaders in their communities, as well as actions and omissions by the local authorities and state institutions, which aggravated the violations of these women's rights. The religious beliefs, practices and ideas associated with some indigenous customs and practices—as well as sexism, ethnic discrimination and other issues—form the backdrop to these cases of injustice and violence against women in indigenous communities. In this same context, several women and organizations struggle using legal, communications, alliance-building and political strategies to promote the rights of women and the elimination of beliefs and practices associated with Evangelical and Catholic fundamentalisms that also create a situation that violates women's rights.

The case study first seeks to establish an understanding of religious fundamentalisms, as gained through COLEM's experience and critical analysis in advocating for women's rights in Chiapas. Next, it describes the context in Chiapas in general and specifically the Los Altos region in particular, where the two cases occurred. This is followed by a description of the cases themselves. The case study ends with an overview and general conclusions about the two cases.

The names used here are the women's real names. The women have agreed to the use of their real names in order to denounce the events that occurred and as part of the process of demanding their right to the truth.

Religious Fundamentalisms

Religious fundamentalisms are systems of ideas based on religion that are imposed by people or groups in power on a specific population, community, nation or region of the world. These ideas define certain patterns of social behaviour as well as the criteria to judge that behaviour. It also entails the attribution of authority to punish in various ways people who do not conform to those patterns.

Fundamentalist systems of ideas and practices are based on religious texts and/or specific interpretations of those texts, usually a literal and decontextualized interpretation of the sacred texts of a specific religion—which restricts certain customs and may oppose certain cultural manifestations as well as modern scientific advances and developments—or a re-interpretation/modernization of those texts that supports and justifies the control and power of leaders or religious or moral authorities over their congregation. Fundamentalisms are characterized by doctrine that is closed to revision, critique and/or dialogue with other ideas.

In these systems, religion is not only a source of power, but also the vehicle to exercise it because these systems entail control of both the spiritual and material worlds, and therefore translates into economic, social and political control. This is due, among other things, to the fact that these systems are based on ideas about “salvation,” “sanctity,” “truth” and “happiness,” which are established as the ultimate causes of human existence. These ideas are easily accepted because they create an identity and feeling of belonging to an “us,” whether the “chosen people” or simply a group whose identification is centered on god. These groups provide affective or emotional security, belonging, parameters for living together and for existence, as they believe they know and follow divine mandates and that god is a “father” that cares for his “children.” As a result, these groups are inspirational and attractive and they are strengthened by having a powerful starting point and a broad spectrum of action that is applicable to many places and aspects of life.

Fundamentalist groups use the power of identification and religious community to control many other aspects of the life of the community.

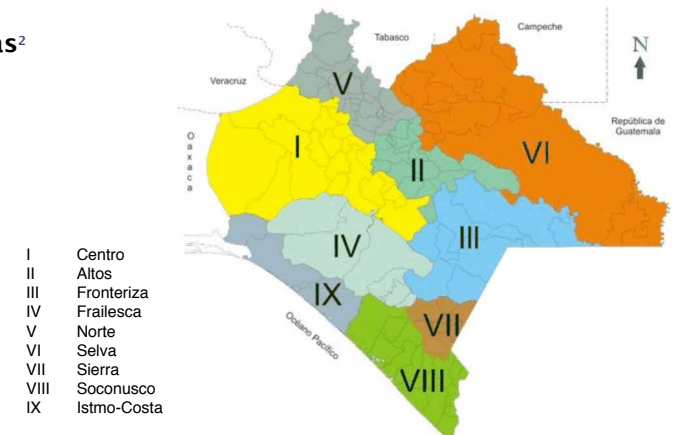
Fundamentalist ideas and groups usually prevent the full exercise of fundamental freedoms, especially women's rights, established by and recognized in international and local rights instruments. This is because an important underpinning of their religious ideas is related to society: the roles of men and women are believed to be “natural,” determined by god, immutable and must adapt to fixed ways of relating and existing. In this framework, female subordination is common and “natural,” and women's functions are centered for the most part on reproduction.

In Chiapas, many social, political and institutional groups and actors are guided by religious fundamentalist beliefs and logic that directly impact women, as show below in María de Jesús's and Hilda's cases.

Context

Chiapas is a state in the south-eastern part of Mexico on the border with Guatemala. It has a large indigenous population. Mexico has more than 7 million indigenous people from 62 ethnic groups; the country ranks eighth among countries with the largest indigenous populations, and the state of Chiapas has the second largest indigenous population in Mexico: almost one million inhabitants (13.5% of the national indigenous population and 25% of the total population of Chiapas).¹ The main indigenous groups in Chiapas are Tzeltal (37.9%), Tzotzil (33.5%), Ch'ol (16.9%), Zoque (4.6%) and Tojolabal (4.5%) with smaller percentages of Chuj, Kanjobal, Mame, Jacalteco, Mochó, Cakchiquel and Lacandón or Caribbean Maya. The majority of these indigenous groups (81.5%) are concentrated in three regions in Chiapas: Los Altos, el Norte and la Selva (the Highlands, the North and the Jungle).

The Regions of Chiapas²



In Chiapas there are notable ethnic, economic, social and cultural differences and inequalities that are a result of the long history of colonization and exploitation. To mention just a few figures, Chiapas is one of the states with the lowest number of health personnel per inhabitant, the second highest maternal mortality, and one of the highest levels of poverty and social backwardness.³ The state also has one of the highest illiteracy rates in the country (21%).⁴ This high marginalization is in spite of Chiapas's rich natural resources, including water and oil, and in spite of its strategic location both economically-commercially and in terms of land travel (due to the Puebla-Panama Plan, the Mesoamerican Corridor, the Mega Proyecto del Istmo/Mega-Project of the Isthmus, etc.).

Problems with land and territory are a part of the history of Chiapas. Its natural wealth has led to a struggle between many sectors, including the native populations—and owners of the land—and the state and federal governments, as well as local, national and foreign private investors, for control and exploitation of its resources. The indiscriminate exploitation of resources by the latter groups has created an ecological crisis, growing poverty and the exploitation of the labour of the local population.⁵

Both the right to own land and the right to territory, which entails the right to free determination, are current concerns. Indigenous peoples have seen how their capacity to organize politically, economically, socio-culturally and developmentally has been affected, as, historically speaking, the national government was imposed on them. In many indigenous communities in Chiapas, as in others in the country, the federal political structure co-exists with the traditional system of customs and practices. In other words, in addition to institutions and authorities of the nation-state, there exist traditional governments, governed by a system of positions (authority or powerful figures, hierarchies, norms, functions and decision-making mechanisms about group issues) associated with the organization of the religious-festive cycle of the community. In the case of indigenous communities, the power structures of the traditional government combine with other intermediate structures of the rural area (such as cooperative boards) and with municipal, state and national structures. Each ethnicity and region differs in the way they intertwine these different organizational-political structures and in the conflicts that can arise from such a complex situation.

Another problem in the region is that of *caciquismo*: a way of exercising power—personal, authoritarian and exclusive—over a specific area, which has arisen in certain areas of Mexico based on specific ideological, socio-cultural, politico-economic, demographic and geographic conditions as a result of cultural and racial mixing and the history of the country. A *cacique* is not necessarily a formal authority, although it is possible, but rather a type of intermediate between the people and the political-

administrative structures of formal power. A *cacique* wields power not based in law, but on access to and exploitation of people and the natural, economic and political resources of a whole area or region (in other words, who acts as a gatekeeper), who establishes a cliental relationship with the population of a given area, which he can control and mobilize.⁷ The cliental relationship entails patronage, guardianship and/or political coercion of specific people or social groups. In some Tzotzil communities in the municipality of Chamula, *caciques* have gained control of the land, monopolize production in the area, and hold economic, political and religious power. They may also engage in illegal activities such as trafficking in immigrants, drugs or weapons.⁸

Amidst this marginalization and unfavourable political situation, in January 1994, the North American Free Trade Agreement (NAFTA) was signed, and the Ejército Zapatista de Liberación Nacional (Zapatista Army of National Liberation, EZLN) staged an uprising. This politico-military organization demanded protection of the rights of indigenous peoples, democracy, justice and freedom and called for an end to the types of social exclusion mentioned above, as well as the repression (persecution, threats, imprisonment, disappearances, torture and murder) of rural, workers and popular movements, which had been occurring for years in Mexico, as well as to other injustices. The military confrontation ended quickly in a ceasefire and a dialogue was established to work towards peace; this has been a difficult process and there is no resolution to date. In Chiapas there are Zapatista communities and communities that sympathize or do not sympathize (the three types belonging to different religious communities and indigenous peoples), as well as pervasive military occupation⁹ and paramilitary groups—which have increased violence to extreme levels in the area—leading to the displacement of entire communities and creating a situation of profound social tension and heightening the economic crisis.

Another facet of this tension is related to the fact that in Chiapas, and particularly in the Altos region, many different religious groups began arriving between 1970 and 1990, in this area that has a long Catholic tradition.¹⁰ The arrival of other groups, while opening a door to religious diversity, also created profound social tensions and divisions, which added to the tensions created by the pre-existing extreme marginalization and political conflicts. For example, in the municipality of Chamula,¹¹ whose population is primarily Tzotzil, there are three churches: the Evangelical Church and two Catholic churches of different sects: a Catholic church of the San Cristóbal Diocese and the orthodox church, San Pascualito, which has more influence.¹² In Chamula, religious power has mixed with political power. While the PRI was in power—that is, while the Partido Revolucionario Institucional (Institutional Revolutionary Party) held power in Mexico via the presidency (and for the most part the

legislative and judicial branches as well) from 1928 to 2000 with an anti-democratic, corrupt and repressive government—the Chamula *caciques* negotiated with the PRI over the election of municipal authorities. These negotiations held such force that it was common for the PRI to win with 100% of the votes during elections. Any situation that could change this control was a threat. As a result, the existence of liberation theology (a Catholic sect which is associated with the San Cristóbal Diocese) and Protestant theology (particularly Evangelical), with different political and/or religious ideas, has been a source of violent conflicts and numerous expulsions of entire families from Chamula.¹³

In this complicated context of polarization of different ethnic, political, religious, social and economic groups with party differences, and in the midst of growing marginalization and social and economic inequality, women are doubly affected. Added to the tension and fatigue caused by marginalization, instability and conflict in the area is the fact that they are the poorest of a poor population, have the highest rates of illiteracy and are often formally excluded from, or at best, under-represented, in traditional systems of government and positions of power. They are also exploited, victims of violence and discriminated against, both at home and in their communities. Other types of vulnerability, such as ethnic origin, physical capacity, age, etc. further complicate the marginalization and discrimination experienced by people in this context.

Religious Fundamentalisms in the Context of Ethnic and Political Conflicts in the Altos Region of Chiapas

In many areas, adaptations of different religions have been added to pre-Hispanic indigenous customs and practices. The influence of different religions in the region has varied and has grown in different ways. This syncretism has resulted in variations that may include a formal relationship between the leaders of different religions and those in the system of positions, a ceremonial cycle that includes saints' festivals alongside the agricultural calendar and/or rituals involving alcohol consumption and other activities. Its proximity to local culture and tradition gains it supporters. This explains, in part, the conditions that foster a relationship between political and religious leaders, which has resulted in the requirement, within certain groups in Chamula, that religious membership be dependent on an obligatory affiliation with the PRI. It also explains the importance of the monopoly of certain products, such as the sale of alcohol, which has ritual usages as well as its obvious economic aspect. The power structures reinforce each other.

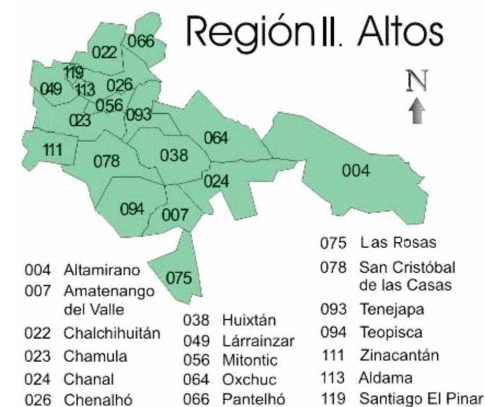
The Altos, where the cases we will describe occurred, is characterized by having the largest number of religious conflicts between 1960 and 2001. During the 1990s specifically, the 235 conflicts that occurred represent almost 70% of the total number recorded in recent decades in Chiapas.¹⁴

The government reported that in Chamula conflicts were primarily or in some part religious, resulting from the intolerance of orthodox leaders (from San Pascualito) and *caciques*, who attacked or expelled from their communities converts to Evangelicalism. These attacks have taken many forms: threat of expulsion, insults, bans on attending public schools or using public services, cancellation of permits to build places of worship or the closing or destruction of places of worship, destruction and stripping of possessions, physical aggression, detention and imprisonment, kidnapping, expulsion, and even murder.

In Chamula, expulsions started in 1974, beginning the phenomenon of displacements and expulsions that forced people to leave their communities on the basis of affiliation with a political party or religious group. The first type of expulsions was orchestrated by members of the San Pascualito Church and targeted Catholics and Evangelicals (as well as some other Protestant groups); the second type targeted members of political parties other than the PRI. There is also third type of expulsion. In these cases, community members are forced to leave by socio-economic and cultural factors in order to find a better way of life or work. A threatening environment is behind these forced migrations; for example, girls between the ages of 12 and 17 who flee their communities to avoid marriages arranged by their parents according to local customs and practices.

Approximately 30,000 people were expelled from Chamula due to religious intolerance in the 1980s alone.¹⁵ Those forced to leave organized and settled outside the old city of San Cristóbal de las Casas and established neighbourhoods and *colonias*.¹⁶ Nueva Esperanza (New Hope), founded in 1977, was the first *colonia* of Evangelicals. More were founded later.¹⁷ The people expelled from their communities of origin for religious reasons mixed in these *colonias* with other indigenous immigrants who had come to the city searching for work. In many cases these *colonias* were founded by land invasions, both by the city and by individuals.

Altos Region, Chiapas¹⁸



Leaders rose among the expelled Evangelical groups. They created the Consejo de Representantes Indígenas de los Altos de Chiapas (CRIACH, Council of Indigenous Representatives of los Altos) to represent the expelled people in the region. Later, other similar organizations were formed, such as the Organización Indígena de los Altos de Chiapas (ORIACH, Indigenous Organization of los Altos, Chiapas), the Sociedad de Cooperativas por el Mejoramiento de Nuestra Raza (SCOPNUR, Association of Cooperatives to Improve Our Race), the Organización de Pueblos Evangélicos de los Altos de Chiapas (OPEACH, Organization of Evangelical Peoples of los Altos, Chiapas), and others. They have weathered conflicts, divisions, mergers, confrontations, etc., and in an initial climate of defencelessness and prejudice, many of their leaders reproduced the systems of power they had fled from, becoming *caciques* in their *colonias* or areas of influence, accumulating power and even weapons, and moved from being victims to oppressors, justified on the grounds of “self-defence.”

These groups have had significant conflicts as a result of disputes over land and politico-economic control. For example, some of the expelled people allied with the PRI even though it was the party associated with the group that had expelled them from Chamula, and others allied with the Partido de la Revolución Democrática (PRD, Party of the Democratic Revolution) or other political-party based factions. Similarly, some have allied with the EZLN and others have not. In other cases, some leaders and communities have responded to development projects and private investment in the area in various ways, sometimes involving collaboration and negotiations, which other groups viewed negatively. This has resulted in confrontations that have even led to the murder of one of the leaders and to armed conflict.

In some cases, military groups—such as the Army of God, created in 2006—have formed that claim to follow divine orders and spread the word of God.¹⁹ They also defend themselves and settle accounts with those whom they have conflicts or differences, whether other *caciques*, religious or community leaders, or the Mexican government or army.



These groups have such power that in many cases, when the municipal authorities try to have an impact in these areas or enforce the law, the *caciques* threaten to withdraw their political support or they attack the police or municipal

government, which can not respond effectively, limit the power of these leaders, reverse the climate of impunity or stop the crimes that occur in these *colonias*.

In this context, violence against women has been frequent and intense. In 1989, in response to the constant reports of sexual violence against women in San Cristóbal de las Casas, a group of women organized. This group began holding marches and protests and then formed a civil society association, the Grupo de Mujeres de San Cristóbal de las Casas, (Women’s Group of San Cristóbal de las Casas, now COLEM, Colectivo de Encuentro entre Mujeres). The organization has responded to egregious rape cases,²⁰ domestic violence and institutional gender violence, including cases involving the wives and daughters of men who were expelled—these women were hit, insulted and even raped publicly by members of their communities, their homes were burned down, their animals killed and their household belongings destroyed.

Opposing groups (*caciques* from Chamula belonging to San Pascualito church and Evangelical *caciques* in their areas of influence) defend a system of cultural and religious beliefs and practices, in this case, through different punishments that may include extreme physical violence. Women are attacked if their behaviour, which is highly regulated, does not conform to religious-moral practices and ideas; they are also attacked for being the daughters, wives or relatives of a man who is involved in a religious-political conflict.

On the other hand, some Catholic groups—with ties to the San Cristóbal Diocese—do not use this type of control, confrontation or reprisals against entire communities, and in some ways and places they have contributed to some extent to the cultural and social advancement of indigenous groups. However, with regards to women’s rights, they still tend to reinforce patriarchal patterns since they do not question them. For example, Catholic groups with ties to liberation theology have supported work for the rights and liberation of indigenous peoples without necessarily advancing the rights of women as a group. It is a complex situation; although women have benefited from literacy campaigns and/or the promotion and exercise of some rights, it is also true that by rallying to the flag of defending local customs and practices, practices that violate women’s rights are left intact. These practices include the marriage of 12- or 13-year-old girls unilaterally arranged by their fathers in exchange for economic and social benefits in the fathers’ interests²¹ or other longstanding traditional practices in indigenous communities that negatively impact women’s rights: they do not have the right to own land, their education is not valued, they are physically attacked and have very limited access to health services, etc. Religious groups have not devoted themselves to eradicating this inequality.

Significant changes to Mexican society in general and in indigenous communities in particular have occurred in recent years due to migration and changes to the composition and organization of communities, as well as the struggles and mobilizations of ideological-political groups (civil society or religious groups or political parties). These changes have created an environment that favours claims to human rights such as liberty, peace and democracy in indigenous communities; the position and situation of women have also changed, but at a different pace, more slowly and unequally in each context. The politicization of many indigenous communities still does not include the human rights of women. Women's organizing efforts have run parallel to and are rarely integrated into the broader struggles of their communities. Their claims have been partially incorporated in some cases and in others, remain marginalized. Although in some places there is a greater awareness of these issues or some conditions have improved, ideas and practices that devalue women and affect them continue, as we will show in the cases we discuss.

Advocacy for and Violations of Women's Rights in Los Altos, Chiapas

María de Jesús's Story²²

María de Jesús is a native Tzeltal woman from the municipality of Amatenango del Valle. Upon the death of her father when she was young, she emigrated to San Cristóbal de las Casas. She has worked since then as a domestic worker. She met her future partner in primary school; before the end of secondary school, he asked her to leave and live with him. María de Jesús says, "I wanted to continue studying, but he didn't let me." Their relationship began in 1991, they lived in various places, even outside of Chiapas, looking for work, and finally returned to the state. By then they were having problems because he was cheating on her and "would leave her for other women."

In 1994, the Evangelical leaders who were establishing new settlements for expelled people began to sell lots in Nueva Maravilla (New Wonder) *colonia*.²³ María de Jesús and her partner decided to buy one. They made a down payment and the first monthly payment to "representatives" of the *colonia*. She made her monthly payments on time and attended the neighbourhood board meetings where they discussed community problems, such as the lack of piped water and drainage; to resolve this problem fees or "cooperations" were charged. However, this money was not used to fix the problem. More than a year later, just before the final payment, María de Jesús and her partner built a "little house of wood and tin" and moved in, although he continued to spend time with other women, until he finally abandoned her and their three children.

In 1997, María de Jesús still lived in that house. She was 26 years old. On June 1st, she was leaving the market when she ran into a group of authorities from La Hormiga (The Ant) *colonia*, another settlement of Evangelicals expelled from Chamula. María de Jesús was accused by a woman—who she did not know—of "going out with [the other woman's] husband." Although she denied the accusation, the authorities from La Hormiga grabbed her, dragged her to the La Hormiga "prison" and took her children. The "prison" was a house used by the leaders of the *colonia* to clandestinely imprison those whom they viewed as having violated their rules. Representatives from the Nueva Maravilla *colonia* were told about María de Jesús's—completely illegal—imprisonment and searched for her partner to give him the children.

The accusation against María de Jesús was that "she had sinned" by committing "adultery." They would not let her leave the "prison" until she accepted their accusation. They threatened to send her to Cerro Hueco prison, the state penitentiary in Tuxtla Gutiérrez. Given this threat, her neighbours suggested she accept the accusation so she could be released and could flee; when told that she would be able to leave and take her children, María de Jesús accepted the accusation.

The inhabitants, authorities and representatives of María's *colonia*, Nueva Maravilla, saw a "sinner as a bad example for the *colonia*" and decided to expel her from the *colonia*. They took her house, her children and did not even give her time to collect personal belongings. When she was allowed to leave the clandestine prison, she went to the workplace of the father of her children and found her children there. He told her that he could not take care of them and returned them to her. María de Jesús and her children arrived in the town where her mother lived at night and stayed there for a few days, paralyzed with fear.

María de Jesús then returned to the city and asked for help from the Grupo de Mujeres de San Cristóbal de las Casas. Although she had been unjustly accused, beaten, illegally deprived of liberty and stripped of her family and belongings, she did not attempt to bring legal action against the authorities of La Hormiga or Nueva Maravilla; she only wanted to get her belongings from her house, recover her land or some of her investment and, above all, arrange for the father of her children to pay her support so she could rent a place to live with her children.

COLEM's Centro de Apoyo a la Mujer (CAM, Women's Support Centre) asked the city's Unidad Jurídico-Social (Socio-Legal Unit) to become involved in the support negotiations with María's ex-partner. They refused, as the police had been attacked on other occasions when they attempted to enforce the law in La Hormiga and other outlying *colonias*. Given this refusal, CAM visited the authorities of Nueva Maravilla and

began a dialogue with them. They were able to gain permission for María to claim personal belongings from her house and to sell the land she had owned. They also got the ex-partner to pay support (at least for a time).

In the *colonia* where she lives now, María de Jesús has neighbours who experience violence. She also knows that there have been other cases like hers in Nueva Esperanza.

Strategies Used to Respond to the Violations of María de Jesús's Human Rights

COLEM's strategies and other similar strategies have been developed in different ways through the organization's more than 19 years of activism on behalf of women; they almost always include legal action on behalf of the victims, publicity campaigns and sometimes protests. The activists involved in María de Jesús's case and in claiming some sort of compensation for the damages developed a strategy that included legal actions, communications activities, activities to publicly denounce and publicize the case, and the creation of social and political alliances. At the time they also provided medical and psychological support to María as part of the integrated services they provide to victims.

Legal actions: The first thing they did in response to María's expulsion was to try to combat the impunity in this situation and in other cases where the government is passive and complicit. Actions related to accessing justice were important because as lawyers they prioritize the effective application of the law. They filed administrative-legal actions against the authorities of the *colonia* with the city; several actions were filed in an attempt to change the attitudes of the legal authorities—who identified this type of case as “political” and not as a violation of basic rights—so that the authorities would comply with their obligation to respond. They filed a familial proceeding against the father of the children for support and followed up on that action.

CAM also undertook strategic litigation. This entails starting with actions that may contribute to the empowerment of the woman who has been victimized, by supporting her decisions and making her the protagonist of legal proceedings, not the object. It also entails involving the international human rights system to pressure local authorities to respond to the case and to provide definitions of the violations that occurred. To this end, a complaint was filed with the Comisión de Derechos Humanos de Chiapas (Human Rights Commission of Chiapas), but the proceedings were very drawn out and did not produce a favourable finding.

Denunciation and publicization: The case was publicized in the local media as a way of pressuring the authorities and in an attempt to change

policies and raise awareness among those involved. María de Jesús's case and other cases were included in a radio program “Voces de Mujer” (Women's Voices), which is broadcast to 11 municipalities in Chiapas. It was also publicized at various events (courses, forums and workshops) that were attended by COLEM members.

Reports were also filed about the State Attorney's Office, local deputies, the Comisión de Equidad y Género (Equity and Gender Committee) of the Chamber of Deputies and in other places where legislation, violence and other issues were being discussed, and public protests before the authorities were held.

Organizing and group support: Another part of the strategy was organizing in support of, unity and solidarity with the victim and the lawyers working on the case by other organizations and women's networks. These organizations and networks were very important as they provided vital support for discussions with the authorities.

Alliances between women from COLEM and other organizations facilitated analysis of the cases and supported the legal, communications and other types of strategies. It created a joint, broad action to advocate for human rights and to integrate human rights networks and feminist networks, regionally, nationally and internationally. Participation in these alliances made the movement stronger and entailed joint publicity activities, public exposure of these violations to make these problems more visible, and lobbying for political decision-making on the factors that affect our rights and development.

These activities exposed these illegal practices and the way they particularly affect women through the analysis of the cases and their causes and effects, using a gender perspective. The strategy was directed at indigenous communities as well as legal officials in Mexico and international human rights systems.

Basis of these strategies: The basic intent of these strategies was to prevent fundamentalist leaders and their groups (Evangelical in this case) from continuing to violate women's most basic rights. Because of their ethnic origin and social and economic conditions, women are subjected to rules specific to the *colonias* of expelled Evangelicals who claim moral authority over the community and exercise brutal power and control over it.



These strategies also attempted to show that so-called “customs and practices” of indigenous groups are not value systems and norms inherited in their entirety from pre-Hispanic times, but rather that they have changed and been used according to the interests of groups that fight for power and utilize “customs and practices” as an excuse to commit abuses under the shelter of defending supposed “traditions” or even “divine mandates.”

We must advocate for women subjected to these fundamentalisms so that these violations are punished and to weaken fundamentalist ideas and practices as well as the power of their leaders. In this sense, confronting these leaders, a challenge by a group of women with legal resources, social support, etc. was an emblematic rupture with real and symbolic weight that represented a breaking point in their leadership and control.

Resources for the Development of Strategies

COLEM provided human resources, materials and financial resources. These resources were also provided, in part, by donors who supported assistance for women who had experienced violence in Latin American countries. These resources made it possible to provide María with services, pay transportation and legal fees, and develop the strategy described above.

Choosing their discourse was a key part of the strategy to resist fundamentalisms. A human rights discourse was used to start conversations with the leaders of the *colonia* and traditional indigenous leaders. When they spoke, the banner of knowing the law was in their favour. This was important because one of the bases of this type of fundamentalisms is ignorance, which enables manipulation. Confronting leaders and raising awareness of the communities was useful.

Another resource was the intergenerational composition of the group working on the case, as they shared experiences and knowledge.

One unique aspect that made this initiative possible was the name recognition of COLEM in the area due to its work advocating for and providing services to indigenous women. COLEM already had a presence, which it continued to strengthen, vis-à-vis the fundamentalist groups in these communities. CAM's physical location, practically inside the area where these Evangelical *colonias* were established, contributed to its recognition and its impact on the lives of many of its neighbours who seek help when they are attacked; over the years, even the leaders have brought women who have been attacked to CAM. An important factor in this recognition has been resistance and perseverance. There are many obstacles when advocating for women's rights, but COLEM has worked on this issue for years, which is a source of strength and an expression of it.

Another resource was the combination of the actions of various social actors. In the area there are other movements or groups that are also challenging fundamentalisms. The Centro de Derechos Humanos de la Mujer (Women's Human Rights Centre) in Chiapas, which advocates for women's rights to land; the Movimiento Independiente de Mujeres (Independent Movement of Women) in Chiapas, which brings together activist women from women's and co-ed social organizations; indigenous peoples' pro-rights groups and human rights organizations, such as the Centro de Derechos Fray Bartolomé de las Casas, A.C. (Fray Bartolomé de las Casas Rights Centre), and others, make up this network of actors who challenge different expressions of fundamentalism, strengthen resistance to it, and make a more complete or integral attack on the fundamentalist onslaught possible.

Analysis of the Strategies Used in this Case, Process and Context

Advocacy on behalf of María de Jesús and other indigenous women in the northern part of San Cristóbal de las Casas led to greater visibility of the problem these women face, in which indigenous traditions, religious fundamentalisms, and the consequences of religious, political and economic conflicts of the region intertwine. In addition, it put the organizational capacity of women and our opportunities for action on the table.

It also raised COLEM's profile and forced it to diversify its activities, which in turn forced its members to educate themselves about certain issues to exhaust all legal recourses against fundamentalisms and against impunity. Due to our persistence, it also added to COLEM's recognition locally, nationally and even internationally as a resource in the struggle for women's rights and as a feminist organization. Clearly, this recognition also entails risk, in that the organization has been singled out by fundamentalist groups and/or some leaders as an organization that opposes them and their interests.

The development of the global strategy led to a better understanding of how fundamentalist groups function in this context. We learned that when religious conflicts occur, other social divisions become polarized. We saw that religious fundamentalisms are getting stronger in indigenous communities, in that intolerance and their leaders' power to punish others is not limited only to their followers, because others, who, for various reasons live within or near communities led by fundamentalists, are also affected. They can be attacked and discriminated against. In addition, conflicts are possible between and within religious groups. When inter-religious conflict is not as intense, the oversight and control of the members of their own congregation or community intensifies. Women are

particularly affected as the issue of their rights and freedoms is highly sensitive since it is the basis for enormous power to control.

When this control is resisted or confrontations occur, the leaders who face this opposition react against those who oppose them; there may also be implicit or explicit alliances with other political actors, including the government itself, to consolidate the power of control. Informal agreements or alliances with different religious groups or affiliations and political parties may be made to maintain the subordination of women. In this case we saw that the government ceded law enforcement or simply failed to enforce the law. The same thing happens between leaders of different *colonias* and indigenous communities, which may unite, even if of different religions, when it will make them stronger.

Analyzing the situation in hindsight, we saw that new ways of organizing women are important in order to create a record of the events and monitor actions taken. In María de Jesús's case, before COLEM's involvement, there was a series of outrages (illegal deprivation of liberty, attacks, robberies), which the government did not redress during the hearing because there was a lack of evidence. We need methods to learn the facts and document evidence.

The hearing could have led to further hearings, but María did not want to pursue it due to her emotional, economic and family situation. COLEM's respect for this decision meant that they could not bring her case to international bodies; they believe respect for a woman's decision regarding the handling of her case is important.

Hilda Álvarez's Story ²⁴

Hilda is Tzeltal; she was born in 1984 with permanent and incurable health problems: she has severe Down's syndrome; as a result, her physical appearance is of a 12-year-old girl and her mental age is three. She is 1.4 metres tall. She has kidney and heart problems and suffers from acute malnourishment; when she was five months pregnant she weighed only 38 kg.²⁵ Hers is an impoverished rural indigenous family from a small, isolated mountain community; her parents support and care for her, particularly her mother, Celia Hernández López. Hilda cannot speak, she can stand and sit alone, walk and is able to do simple tasks such as go to the bathroom, eat, dress herself, as well as some simple household tasks such as shuck and grind corn, but she cannot prepare food. She has never received medical care or psycho-pedagogical care for her disabilities, as her community, Ejido San José la Nueva in the indigenous municipality of Huixtán, is two hours on foot from the nearest population centre, which also lacks public or private institutions to treat people with these issues.

During 2002, Hilda was sexually abused in various ways by her neighbour Celestino López Hernández. She became pregnant. Celia, Hilda's mother, only realized it when she noticed her daughter had not menstruated. On January 17th, 2003, Celia brought Hilda to the Public Hospital of the Chiapas Secretary of Health in San Cristóbal de las Casas, more than six hours of difficult travel from their community, for medical attention. At the hospital they told Celia that Hilda was approximately ten weeks pregnant and that it was obviously the result of rape given her physical and mental condition.

Celia went to the Ministerio Público (Justice Department)²⁶ to report the rape and Hilda's pregnancy. She was verbally told that Hilda could terminate the pregnancy, but was not given an official letter or legal order. The Justice Department started a file and began an investigation on the crime of "rape of a person unable to resist due to physical or mental conditions and its results."

Celia, worried about her daughter's health and other possible consequences of the rape and pregnancy, decided in favour of an abortion and brought Hilda to the same hospital so that they could perform it. The attending gynaecologist refused to perform the abortion, stating that it was a "sin" to kill an innocent. He intimidated Celia, telling her Hilda could die from an abortion and that Celia would be prosecuted and imprisoned. He scolded her for not taking care of her daughter and said she was guilty of thinking about "killing a child" (the embryo). The doctor cited fear of divine wrath as the reason he refused to perform the abortion. He told her it was less risky for Hilda and the baby if she brought the pregnancy to term. He stopped further care for Hilda and refused subsequent consultations on the basis that the pregnancy was high risk with possible foetal malformations.

It is important to clarify that she was at a public hospital, in other words a public service provided by a supposedly secular state, in a country with federal and state legislation that allow abortions on three grounds, one of which is rape.²⁷ In this hospital—which has religious icons and other Catholic symbols on the walls (such as a painting of the Virgin Mary), staff from religious congregations (nuns and priests) who provide some medical services, including nursing and administrative services—the staff pointed to moral-religious reasons for denying a service that it is legally required to provide. "You cannot make decisions about the life of an innocent... Only God gives life and only he can take it away," Celia was told when they denied her services and gave her moral lectures for requesting it. The rest of the staff agreed and tolerated, and was even complicit in this situation. They imposed Catholic values that clearly affected the exercise of women's human rights. No one helped Hilda, who was forced to continue her pregnancy, which ended one month later

(when she was six months pregnant) with a premature birth. Hilda had to travel on foot from her community to the hospital. She arrived in a very bad state, the foetus didn't survive and Hilda was hospitalized for more than 15 days in critical condition even though she had been discharged.

At the same time, the Penal Court started a file and issued an order for the apprehension of Celestino López, which was not executed by the legal authorities. They stated that they were not able to reach his home because it was located in an indigenous community where they did not have access. The legal process was characterized by negligence: little attention was given to the case, the investigation, statements, gathering evidence and experts; everything was done slowly and not well. In addition, Celia was humiliated: they branded her as irresponsible and assumed that the sexual abuse was caused by a member of her family, such as Hilda's father or cousins. In other words, they blamed an innocent, which, on the one hand, prevented the real perpetrator from being arrested, and on the other, by punishing or blaming her husband and other close family members (and thereby threatening her with their loss), they reinforced the punishment of Hilda's mother, a "careless" woman who tried to "cause problems" for the community.

When the legal authorities refused to execute the order to apprehend Celestino López, they established a precedent that this type of order can only be executed with the help of the official indigenous authorities of Huixtán (which is legally recognized and has a formal relationship with the state legal authorities). The Huixtán authorities refused to assist them. They argued that they would not detain the rapist because complying with the order of apprehension in their community would result in social conflicts that they were not able to face. They also stated that Celia, who lived in their jurisdiction, had "bypassed their authority" by going to state agencies, and that in their community they governed according to customs and practices. They also stated that the community assembly did not believe that the person named was responsible and therefore they would not help or allow external authorities (such as the legal authorities) to take him into custody. In addition, they stated that they were not "executors for other authorities" (in other words, they were not going to do what other authorities told them to do). These arguments reveal a conflict of power between different types of authorities and a type of "agreement" to not interfere in their respective areas of influence. Above all, they show that women and their rights have little worth.

In response to the indigenous authorities' refusal, the police told Celia that it was her responsibility to get Celestino López to the city of San Cristóbal. Once there, she could tell the legal authorities where he was and they would go to detain him, or Celia and her family could detain him and bring him to the prosecutor's office. The burden of justice,

its administration and application, were placed on a mother without resources and a disabled woman. To date, criminal case 79/2003 is still awaiting the detention of the accused; this demonstrates the environment of impunity that exists in this area.

Celestino López raped Hilda again and got her pregnant again. In April 2008 she gave birth to a premature baby with Down's syndrome, underdeveloped glands and other health problems. Both Hilda and the baby are cared for by Celia. Celia did not attempt to report this rape or seek help from health services this second time. Exhausted by the lack of results, pressured by traditional authorities and her community for her lack of "loyalty" to her people, the climate of enmity against her and fear of other community punishments, as well as the lack of resources to travel to the city, ended her interest in starting or continuing any legal action. Celia devotes herself to caring for two people who need a great deal of attention. She is exhausted and sick.

This case involved the actions of two different governmental actors who made arguments that appeared different but had similar logic and results. On the one side, there were health personnel and legal authorities, members of public institutions, who were clearly influenced by the current, strong presence of religious fundamentalist groups in society and in the government, whose actions invalidate women's human rights. On the other side were local actors, such as community authorities, who referred to a system of fundamentalist customs and practices based on religious and cultural beliefs to deny women's rights. The arguments of both groups show little or no consideration for women or respect for their human rights.

All these groups took action and failed to take action in ways that violated multiple human rights: the investigating prosecutor in charge of the case, her support staff and immediate supervisor; the director of Control de Averiguaciones Previas (Control of Preliminary Investigations); the police; the community police; the Indigenous Peace and Conciliation Judge of Huixtán; and the assistants to the Indigenous Judge of Huixtán. Underlying their actions or lack of actions and fundamentalist ideas and practices are religious beliefs about pregnancy as divine will and the inviolability and sacredness of human life—which includes and mainly protects the foetus—at the same time that they criminalize abortion.

It is important to note that linked to these moral and religious prejudices are other prejudices, based on sex, race and class that, although they do not originate with religious fundamentalisms, combine to negatively impact women, whether by making women the target of violence in general or of discrimination when they seek justice. The number of cases documented by organizations that work for the human rights of indigenous women confirms it.²⁸

Strategies Used to Respond to the Violations of Hilda Álvarez's Human Rights

Various strategies were developed, including service provision; the provision of support and follow up to Hilda with health and legal procedures; strategic litigation, agreed to by the victim and her family; and communication activities.

Legal actions: Hilda's case is paradigmatic because it points to, in one victim, the immense need for access to justice and the negligence of Mexican authorities, who put their own religious beliefs before the law, thereby violating the rights of an indigenous, disabled, isolated, impoverished woman who has a limited capacity to advocate for herself.

COLEM documented and systematized similar test cases involving the denial of public services for the legal termination of pregnancy, as there have been others in the area and even in other states in Mexico, such as Paulina's case.²⁹ This information made it possible to create a strategy to apply pressure on and demand action by the authorities as well as to create alliances with other organizations to obtain justice for this woman and others like her.

We planned to bring Hilda's case to international human rights bodies, as has been done in other cases of sexual violence, because the response is more favourable there. This part of the strategy was only partially implemented. As part of the strategic litigation we publicized the case and submitted it to state and federal human rights committees in March 2007. It was also included in the Report of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people as one of the reasons for his visit to Chiapas in June 2004. The arguments were based on international human rights instruments (CEDAW,³⁰ the Convention of Belem do Pará,³¹ ILO Convention 169,³² etc.) and submitted to the authorities and bodies mentioned. This brought the case to the attention of other civil society organizations and movements in Los Altos, Chiapas, and especially in the cities of Tuxtla Gutiérrez, Huixtán and San Cristóbal de Las Casas. These organizations further publicized the case. The case was not brought to the Inter-American Commission on Human Rights because local remedies had not been exhausted (the criminal case is still open) and because the family would have had to agree to the process, which they did not do.

Communication: Publicizing and providing information about the case to the public was very important. Radio was used to publicize the case and the names of the involved authorities; activities were held in schools addressing violence against women, unwanted pregnancy, sexual and reproductive rights. These talks helped to raise awareness about the case and about these issues among people in general.

The strategy was to raise public outrage about Hilda's case and about the vulnerable situations of other indigenous women (due to their gender, poverty, lack of schooling, health, ethnic origin, etc.) who experience repeated violations of their rights, starting with the right to justice. An important basis of the communications strategy was to draw attention to women, as citizens with equal rights under the law, who had been harmed by the irresponsibility of the state and inequities and obstacles encountered in the legal system in Chiapas because of their gender and especially to draw attention to the ways legal and health staff and officials, as well as indigenous leaders, acted improperly and negatively affected the rights of these citizens.

Another key point of the strategy was to publicize Hilda's case in conjunction with Paulina's.³³ Both cases involved young women who could be anyone's daughter or sister and for whom a termination of pregnancy was more than justified. The youth and innocence of both evoked empathy and support. They broke the stereotype of the kind of people who advocate for abortion, which assumes that women who ask for abortions are "licentious" or "irresponsible." Hilda and Paulina, young women who were visibly harmed, were supported by the people in their quest for justice. Their situations exposed the public to a different perspective on the sexual abuse of girls, indigenous people, people with physical limitations and/or people who are ill. Given this context, the public took an interest in Hilda's case, which obligated the authorities to face their religious beliefs and social prejudices in the areas of health, sexuality and rights.

Publicizing the case was an important factor because urgent action was required, and the media was indispensable in facilitating this process.

Establishing alliances: Another strategy was to establish alliances and relationships with different civil society groups, including Colectivo Feminista Mercedes Olivera (COFEMO, Mercedes Olivera Feminist Group) and Grupo de Mujeres de San Cristóbal de las Casas (COLEM); the groups collaborated to document and take action in Hilda's case.

We established relationships with the political-judicial authorities locally, regionally and nationally. In some cases this relationship was obligatory, because these authorities were required to respond to the case (such as the Attorney General of the Chiapas Attorney General's Office, its Comptroller's Office, the Justice Department for Indigenous Affairs, San Cristóbal de las Casas Court, its Comptroller's Office, the Judicial Committee of Chiapas, the Secretary of Health of Chiapas, and federal authorities such as the Peace and Conciliation Tribunal in Huixtán). In other cases, these relationships were strategic choices to overcome specific obstacles. For example, we reached out to the Comisión

Nacional de Arbitraje Médico (National Medical Arbitration Commission), the Human Rights Commission of Chiapas, the Comisión Nacional de Derechos Humanos (National Human Rights Commission), the Instituto de Desarrollo Humano del Estado de Chiapas (Institute for Human Development of the State of Chiapas) and the Secretaría para la Atención de los Pueblos Indios de Chiapas (Secretariat for the Indian Peoples of Chiapas). With these bodies and others we took action and/or lobbied to gain their cooperation or even a resolution in the victim's favour. This didn't always occur, and in that case the relationship did not entail a real alliance. However, the strategy included a previously determined map of actors, institutions, and public and private organizations with which we would or could establish a relationship.³⁴

We also introduced issues related to the case to different networks and coalitions, which expanded their agendas, whether they worked on sexual and reproductive rights, youth, indigenous peoples' rights, secularism, etc.

The defence team also took part in relevant political activities, such as the visit of the Special Rapporteur on indigenous people; this participation resulted from activities and alliances, which in turn made it easier to publicize the case and get different actors involved.

Resources for the Development of Strategies

We utilized logistical, financial and human resources as well as the knowledge of the organizations involved.

Litigation costs were covered by COFEMO. Other organizations that work in specific areas, for example, health, contributed resources to cover costs by providing Hilda with medical attention, medicines, etc.

The fact that the organizations involved were a reference point was important because it contributed support and the capacity to dialogue with the authorities. It also increased our ability to mobilize and gain support from other civil society organizations in the region, which responded to calls for solidarity and urgent actions and supported the case and the underlying issues.

Knowledge of the region, a cultural, gender and human rights perspective, and experience in these fields were resources that were mobilized to leverage support for the case.

Similar to María de Jesús's case, in Hilda's case, choosing the discourse was a basic tool. This found expression in associating Hilda's case with Paulina's to break down prejudices about legal abortion and to recover and utilize human rights principles and instruments in support of the case. Likewise,

the discourse advocating for a secular state was vital because it put the issue into perspective, not just on the national level but also on the state level, thereby transcending any individual case involving a young woman and instead creating a general social demand. Advocacy for a secular state has mobilized a significant sector in Mexico due to the presence and increase in power of right-wing groups; as a result, entering this debate, which raised awareness and visibility among people, was relevant.

At the same time, we must not lose sight of the fact that the victims in these broader discourses comprised a central part of our strategies. This discourse started: "Now, her name is Hilda..." Talking about Hilda was a way to both demand justice for her and to question the social structures and contexts that many women experience.

Reflections on the Strategies, Process and Environment

Looking back allows us to measure the value of including this case and its issues on the agendas of other coalitions and networks; it not only strengthened our efforts to publicize and advocate for the case, but also increased attention to other cases or similar situations in contexts where human rights are more likely to be violated.

The same is true for the alternate legal defence strategy, which in this case entailed condemning the violation of Hilda's rights during the process of seeking justice, in accordance with United Nations conventions. From these conventions we can utilize categorizations of rights violations, application of proof, methods of developing arguments, protection measures, sanctions, etc. and apply them locally in Hilda's case and/or use them as the basis for new reforms. This type of work also entails, in accordance with the wishes of the victim, the scope of litigation. In other words, although this case had all the elements that would make it a good test case, it would not be brought before international bodies if it would cause more pain or suffering to the victim and her family.

It is important to create specialized networks in strategic litigation and lobbying for public policies based on successful or paradigmatic cases. Working as part of a network makes it more possible that individual cases will be resolved by making them visible, forcing the authorities to use similar solutions for similar problems (although they are separate cases, individuals, violations, states, etc.) and facilitating the identification of common underlying problems, such as the abuse of power and discriminatory behaviours and ideologies supported by or transformed into religious fundamentalisms.

One of the things we learned is related to the need to change some activities that are part of strategic litigation, especially those related to

exerting pressure on authorities and publicizing the case. We need to create, document and present uncommon evidence that more clearly explains the extent of the injury; for example, previously only physical and medical evidence was accepted to prove the violation, and today, thanks to this type of work, psychological experts' reports are commonly used to prove emotional harm. In addition, anthropological expertise is also becoming increasingly accepted for measuring social harm. We must intensify these types of actions.

Another lesson learned was with regards to the importance of creating alliances with youth groups and organizations that work on the rights of children; we did not invite them to take part in the advocacy and dissemination of this case and it would have been appropriate to do so.

Publicizing the case can have different consequences. It can mitigate and reduce negative consequences for the victims and/or their advocates, or, in contrast, it may increase them. In other words, sometimes success can become a problem. Hilda's case revived social debate about abortion. It is clearly a case that can help the struggle to regulate it in cases allowed by law and also to decriminalize it. However, groups with Catholic ties reacted by campaigning against the issue and the case. When this debate is revived, it makes feminist and civil society groups in Chiapas more visible, which creates new divisions and tensions between those groups. As a result, it is important to focus on sharing information that facilitates discussion, review and recognition of different positions in a way that does not increase tension and also works towards changing positions. For example, creating sympathy and understanding for vulnerable women such as Hilda can help to eradicate prejudices (about abortion and supposedly licentious or irresponsible women), to recognize the negative effects of fundamentalisms and to find common ground in human rights advocacy for all groups in such a situation.

Fundamentalist ideas and practices restrict women's basic rights. In this case, religious beliefs tend to view women as objects or individuals that need to be controlled in accordance with biblical ideas about women's responsibility for the loss of paradise. These ideas were expressed and exacerbated in Hilda's case in conjunction with other religious and ethnic prejudices, as well as prejudices about her disability. According to some beliefs, to be an indigenous person is to have an "impure soul," which can be manipulated by the devil. Having Down's syndrome, a stigmatized disease in this context, can be seen as a doorway to the devil resulting from some sin committed by the mother—who has ultimate responsibility for what happens—or the person who has it, because she lacks the ability to control herself, can be seen as someone who can be used by anyone. In addition, according to Western thought, which looks down on indigenous people, she can be seen as a person lacking developed, modern thought

as well as lacking complete citizenship. Hilda is over-stigmatized; various beliefs—religious or other types—act against her.

And after María de Jesús and Hilda? Looking Forward

Some Conclusions

The relationships that we observed between different groups and fundamentalist ideas and practices are reflected in indigenous and state legal institutions, as well as public health services. There is ignorance, lack of respect and even disdain for the law and human rights of women; religious ideologies (Catholic and Evangelical) predominate over women's rights. The concept of sin underlies the lack of justice in these cases; "impure" sexuality and the "murder of an innocent" become the main concern of the authorities and not the problems of health, violence or women's access to justice.

Constructing an atmosphere where women's human rights are valid requires the work of women and men in different ways: educating people about human rights and the international instruments that protect them and publicizing successful advocacy efforts, which can occur, among other methods, by organizing forums for debate with organizations that advocate for or challenge women's rights, as dialogue between these different groups is important as a part of a secular and democratic state.

Another type of work entails different types of research and education. On the one hand, it is important to address the anthropological, social and legal context in indigenous communities, which requires educational work. María de Jesús's and Hilda's cases make it clear that we need to understand the specific ways religious fundamentalisms operate in order to launch successful counter-strategies that establish better conditions for the exercise and defence of women's human rights. Knowing and compiling information about other similar cases is necessary to understand different "influences," practices and ways that fundamentalisms become a reality in different situations, as well as their effects. Understanding the religious interpretations or ideals of each group, the way they are expressed, the way they interact with other social aspects or structures and with other sources of stigmatization and/or prejudice is particularly important in order to be able to show their incongruities, to provide information and to decrease ignorance about certain issues that are subject to manipulation. We must also know who is influential in mobilizing fundamentalist groups, where they work, their arguments, etc., so that our strategy encompasses their activities (whether political, legal, communications, etc.).³⁵

We must also show, within and outside indigenous communities, that so-called "customs and practices" are systems that have changed with the

passage of time, that culture is dynamic and not static, that “external” religious, cultural and political elements have been introduced, and that no matter how “traditional” they seem, their content and form has changed and can continue to change. To advocate for human rights, and specifically women’s human rights, we must often challenge arguments that regard these rights as values foreign to local traditions and as opposed to indigenous customs. Collective values—of peoples or communities—are prioritized over the rights of their members, particularly women.

In this context it is important to show the sources and evolution of these systems and groups, as well as the way they are constructed, reproduced and sometimes also used. This is essential for efforts to counteract religious fundamentalisms. The way to overturn certain myths, to strip away their “attraction” for people, is through arguments and information that help people to recognize their incongruities, their negative—and even inhuman—effects, to show the ways they affect the community, and therefore make them “politically incorrect” and logically and scientifically unsustainable.

Likewise, this work makes it possible to question leaders who brandish and use these beliefs in order to start a dialogue—or confrontation—that demonstrates that their power or leadership is not total, or that it does not have to be. In fact, for example, in the case of the Catholic Church, exposing the double standards of some of its members that are currently facing accusations of pederasty is a way of weakening their moral weight and influence.

These types of actions entail educational work that questions, transforms and/or builds points of reference, ways of looking at the world or beliefs that form a part of identity and subjectivity of values and knowledge that act as a model and/or give meaning to life.

On the other hand, we must implement other educational activities, such as training women, which would raise their awareness, inform them of their rights and empower them in broader terms, and the training of advocates for women’s rights and/or legal officials so that they understand that laws protecting women must be enforced.

Creating actions and training policies for women’s economic and political empowerment, so that they occupy strategic positions in their communities and regions, are also useful to change the personal and social vision of “woman.”

Aspects of the strategies we used here can be applied in other contexts. Legal action is very important so that the victim can enjoy her rights and for reparation for the harm caused. This action should be based on a

gender and human rights perspective and take place within and outside of the community; in other words, it should be applied locally, nationally and even internationally, as it is this publicity and pressure which in the long term influence the government to assume its commitment to creating a culture of respect for women’s human rights.

This type of action should be supported by documentation of the cases at issue and other similar cases and by publicity of the case, which should emphasize the fact that it is not one woman’s problem, or several women’s problem, but rather is a social problem that is related to other complaints about health, justice, housing, life, or other issues. Civil society must monitor events and cases in order to have reports and diagnostic tools that take into account the real situation of human rights and their protection and that reflect Mexico’s compliance with its international obligations.

This action must also be based on local, national and international positioning of human rights activists and of networks that are involved in the cause. Its legitimacy, visibility and support are fundamental. To this end, agreements and alliances with other movements and organizations that sympathize with the cause, even if their work focuses on other issues, are important.

During Hilda’s case we systematically documented the case to publicize it and especially to use it to set precedent and as a test case. We identified inequities and obstacles related to issues of gender, ethnic and class discrimination in formal legal processes, as well as discrimination based on other types of social marginalization in Chiapas. We also drafted a document that synthesized the experience of alternative law with a gender perspective that included proposals for services and access to justice for women victims of violence, taking into account their specific situation and conditions so that they may access justice in equal conditions. This was based on different cases litigated by organizations that work for women’s rights. These materials will be important in new cases and to facilitate the work of activist organizations and groups and should be added to the analysis and dissemination of arguments that have helped to decriminalize abortion in other states and the legal arguments that have blocked decriminalization in others.

We must advocate for a secular state. In this work, together with political pressure, social protest, educational



work, sharing scientific knowledge and information, etc., it is important to have legal studies and other research about religious fundamentalisms that also incorporate a gender perspective and show the violence against women they create. Advocacy for a secular state is urgent in Mexico because the right and other fundamentalist groups are gaining power and influence by occupying strategic political, economic, social and religious positions; although we just won the fight to legally define the state as “secular” in the Mexican Constitution (February 2010), attacks against secularism and actual non-secular practices continue.

In fact, today we face the challenge of ensuring the consistent decriminalization of abortion across Mexico’s federal states. This process has faced numerous set backs since 2008; local legislation in various places (at least 17 of 32 states at the beginning of 2010) has criminalized abortion and similar laws are being debated in other states. As a result, it is urgent that we avoid and reverse this trend and work so that this right and others are enforced locally and federally as fundamental rights. This entails a strategy that brings together actions in these two spheres, as well as internationally, to block the creation of new laws that harm women. Coordinated action between people and organizations that advocate for human rights, unions and professional organizations, such as for lawyers, doctors or health professionals, among others, is necessary.

We recognize that in the cases analyzed here, the refusal of the authorities to comply with the law, which confirmed the injustice and power of community leaders or staff of public institutions, created an environment of impunity that robs strength from or even inhibits women’s efforts to claim their rights. María de Jesús and Celia, like other women, were convinced that they could do nothing in response to the harm committed against them. The process confirmed this belief and led them to choose to not continue with legal actions. This discouragement and lack of confidence are part of the environment in which we must work.

International legal instruments that obligate states, in this case Mexico, to recognize and protect women’s human rights are one of the most important factors for their advance and defence. Likewise, civil society groups and movements that advocate for these rights, monitor cases and actions, and lobby for legislation that would change the law and policies that benefit the full exercise of human rights are fundamental.

Notes:

¹ Criteria to determine the indigenous population may vary. These figures only indicate speakers of an indigenous language; they do not include indigenous people who do not speak one of the native languages, although they may live in an indigenous territory and partially maintain some of the elements of their culture. Government of Chiapas. www.chiapas.gob.mx.

² Map courtesy of Enciclopedia de los Municipios de México (Encyclopedia of Mexican Municipalities) (www.e-local.gob.mx).

³ CONEVAL. [Informe de evaluación de la política de desarrollo social en México 2008](#). (Evaluation report of social development policy in Mexico 2008), Mexico: Consejo Nacional de Evaluación de la Política de Desarrollo Social (National Council to Evaluate Social Development Policy), 2008.

⁴ INEGI, Perfil Sociodemográfico: II Censo de Población y Vivienda 2005 (Socio-demographic Profile: Second Population and Housing Count 2005), Mexico: Instituto Nacional de Geografía y Estadística (Institute of Geography and Statistics), 2005.

⁵ For more information about human rights in Chiapas see Centro de Derechos Humanos Fray Bartolomé de las Casas (Fray Bartolomé de las Casas Human Rights Centre), Balance anual 2008 sobre la situación de los derechos humanos en Chiapas (2008 Annual Statement on the human rights situation in Chiapas), San Cristóbal de las Casas, Chiapas, Mexico: Frayba, 2009.

⁶ Editor’s Note: In Mexico and elsewhere in Central America, the term *Cacique* is a title derived from a pre-Columbian Taíno-language term for tribal chief or leader in parts of the Caribbean. The Spanish colonizers applied the term more broadly in the Americas, using the word as a title for leaders of other indigenous peoples they encountered. In Mexico and elsewhere in Central America, the term is now used even more broadly to refer to any local “political boss.” [Drawn from Wikipedia entry on “*cacique*”]

⁷ Raymond Buve, “Caciquismo, un principio de ejercicio de poder durante varios siglos (Caciquism, a principle of exercising power over the centuries),” *Relaciones*, no. 24(96), 2003: 17-39.

⁸ Hermann Bellinghausen, “[El nuevo camino de Chamula](#) (Chamula’s new road),” *La Jornada*, Mexico, 28 Sept. 2009a.

⁹ According to data from the [Centro de Información y Análisis de Chiapas](#) (CIACH, Chiapas Information and Analysis Centre), there are currently 70,000 troops in Chiapas (www.laneta.apc.org/ciach).

¹⁰ The first Catholic monasteries and churches were founded when the Dominican order arrived in Mexico in 1526. Chiapas was part of a province created in 1551 by various monasteries, which included Central America. By the mid-17th Century, Catholicism had spread to most of Chiapas, with the exceptions of Soconusco and the Lacandona region which were evangelized years later. Manuel Jesús Romero, “[Los dominicos en América Latina y El Caribe. Un esbozo histórico](#) (The Dominicans in Latin America and the Caribbean: A historical outline),” Conferencia Interprovincial de Dominicanos de América Latina y el Caribe (CIDALC, Interprovincial Conference of Dominicans in Latin America and the Caribbean.).

¹¹ It is one of the most populated Tzotzil municipalities in the Altos region. It is made up of 87 “*parajes*” (divisions) that have the same religious ceremonies and festivals and the same religious and political authorities, with a very rigid and authoritarian structure. *Parajes* are communities of entrenched traditionalism that only accept outside influence or change with great difficulty. For example, when the community observes “strange” behaviour by one their members, and by strange, they mean behaviour that goes against their customs, it is considered a serious crime that can be punished with imprisonment without a trial, defamation or expulsion.

¹² The Mexican Orthodox Catholic Church, which is known as the San Pascualito Church in the area, broke with Rome in 1925, is associated with the anti-clergy policy expressed by then president Plutarco Elías Calles against the Catholic Church. How this branch of Catholicism came to Chiapas is not clear, but the San Pascualito cult originated in the city of Tuxtla Gutiérrez and then spread to other places of worship in the state. In 1969, priests from San Pascualito Church came to Chamula, during a period when priests from the Catholic Diocese of San Cristóbal de las Casas were being expelled due to their ties to liberation theology. In this context, associated with power struggles between different factions within the community, local authorities asked the Mexican Orthodox Catholic Church to send a priest to lead religious services. Carolina Rivera Farfán, “*Expresiones del cristianismo en Chiapas* (Expressions of Christianity in Chiapas),” *Pueblos y Fronteras*, 1: 68-91, UNAM, Mexico.

¹³ Hermann Bellinghausen. *Chamula, el primer pueblo indio que disputa mecanismos de poder a mestizos* (Chamula, the first Indian town to dispute power with mestizos),” *La Jornada*, Mexico, 9 Feb. 2003.

¹⁴ M. Lisbona, C. Rivera and M. García, “Chiapas religioso (Religious Chiapas),” *Lecturas para entender a Chiapas (Readings to understand Chiapas)*, State Government of Chiapas, Dirección de Divulgación de la Secretaría de Educación (Secretary of Education’s Public Relations Department), Mexico, 2004.

¹⁵ Hermann Bellinghausen, *Impune, asesinato de tzotzil en Mitzitón* (Impunity for the murder of Tzotzil in Mitzitón),” *La Jornada*, Mexico, 36 July 2009b.

¹⁶ A *colonia* is a geographic-governmental division. In Mexico, towns or municipalities are divided in *colonias*, which are comprised of several neighbourhoods.

¹⁷ They include: San Antonio de los Montes, La Hormiga, Getzemaní, Diego de Mazariegos, La Quinta, Santa Cruz Cascajal, Paraíso, Nueva Palestina, Nueva Tlaxcala, Morelos, Benito Juárez, La Selva, Artículo 115 and Ex-Carmen. The cases we examine here occurred in the colonias Nueva Maravilla and La Hormiga.

¹⁸ Map courtesy of *Enciclopedia de los Municipios de México (Encyclopaedia of Mexican Municipalities)* www.e-local.gob.mx.

¹⁹ Bellinghausen, 2009b, *op. cit.*

²⁰ Gang rapes of one person, in this case, one woman, by many men.

²¹ Currently these arrangements are in exchange for money and Coca-Cola, which in some communities is a type of currency with economic and symbolic value. Coca-Cola, whose sale is controlled by caciques, is used in religious rituals and at the end of

public conciliations or trials to symbolize the agreement of the parties involved. This beverage has become a valuable product in different ways; offering it to a visitor can be a sign of the person’s importance, and not offering it can be a sign of stinginess or a lack of respect. Cooperative authorities may impose a fine for common-law crimes to be paid in Coca-Cola, which is shared among the authorities. In other communities, caciques that monopolize its sale have imposed a weekly consumption quota for the entire population to benefit their business; they attack those who refuse to meet their quota. Reprisals may be as severe as burning down someone’s house. Accounts of such events can be found at the Kalpulli tlahuikayotl blog, “*Coca-cola en Chiapas: agua, contaminación y pobreza* (Coco-Cola in Chiapas: Water, pollution and poverty).”

²² María de Jesús’s case study was conducted by Guadalupe Elizalde Molina from COLEM. It focuses on the organization’s work on violence against women.

²³ The expelled people settled on land that they did not own. Nevertheless, once they settled there, the leaders began to sell lots or parcels of land through an informal credit system. After periodic payments and a certain amount of time, the people would own their lots. The caciques not only profited from the illegal transactions, but the sale of this land increased the numbers of people on the land, thereby making it more difficult for the government to displace them. The authorities were wary of setting off new conflicts in Los Altos, which could have strengthened the EZLN, and so did not block the growth of these settlements.

²⁴ This part of the case study was written by Martha Guadalupe Figueroa Mier. COLEM’s response in this case was primarily in the area of sexual and reproductive rights.

²⁵ 38 kg/1.40 metres is 84 lbs./4’7”. This information, included in the medical report, shows the gravity of Hilda’s condition and the high risk to her of continuing the pregnancy.

²⁶ The Ministerio Público is the name generally given to the agency that takes reports, investigates, assembles evidence and categorizes the crime and arrests the perpetrator.

²⁷ In Mexico, federally, there are three grounds for legal abortion: rape, when the life or health of the woman is in danger, or when the foetus is unviable. However, there is no regulation on the exact enforcement of this law; as a result, this right is often blocked in practice.

²⁸ The general lack of data on this issue itself provides information about the situation; for what information does exist, see the reports and newsletters of the Red Todos los Derechos Para Todos y Todas (All Rights for All Network) and the Report of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people from his visit to Chiapas. The number of indigenous women in prison also speaks to the situation. This has been analyzed in some legal-anthropological studies and academic reports, including the report by R. Aída Hernández Castillo, “*El derecho positivo y la costumbre jurídica: Las mujeres indígenas de Chiapas y sus luchas por el acceso a la justicia* (Positive law and legal custom: Indigenous women in Chiapas and their struggles to access justice),” Marta Torres Falcón (editor), *Violencia contra las mujeres en contextos urbanos y rurales (Violence against women in urban and rural contexts)*, Mexico: El Colegio de México, Programa Interdisciplinario de Estudios de la Mujer (Women’s Studies Inter-disciplinary Program, College of Mexico), 2003.

²⁹ Paulina's case is particularly relevant. Paulina Ramírez, a 13-year-old adolescent living in Baja California, Mexico, became pregnant after she was violently raped in 1999. She was denied an abortion, also on the basis of the religious and personal beliefs of the state officials who attended to her. The case was widely publicized and received support from a large portion of society and feminist groups. It was brought to the Inter-American Commission on Human Rights. The Commission required Mexico to recognize its responsibility and to commit to work towards legislative reform to prevent similar situations from occurring in the future. In addition, the settlement included reparations for damages and payment of the costs of litigation, to be covered by the Mexican government. Some of these measures apply only to the state of Baja California and others to the entire country.

³⁰ [Convention on the Elimination of All Forms of Discrimination Against Women.](http://www2.ohchr.org/english/law/cedaw.htm) (<http://www2.ohchr.org/english/law/cedaw.htm>)

³¹ [Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women.](http://www.oas.org/juridico/english/treaties/a-61.html) (<http://www.oas.org/juridico/english/treaties/a-61.html>)

³² [Convention 169 of the International Labour Organization on Indigenous and Tribal Peoples Convention in Independent Countries.](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169) (<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>)

³³ *Ibid.*

³⁴ It is important to note that in the complex context of Chiapas, which includes armed and paramilitary conflict, the alliances of civil society organizations with state bodies is not only difficult but may be “politically incorrect”; as a result, the opportunities, advisability and method of creating alliances with different public and private actors are limited and vary in each specific situation.

³⁵ We must not forget that any fundamentalist group is supported not just by its leaders but also its followers. In this case, there are men and women, especially old women, “guardians” of tradition or of moral doctrine, that play a censoring role vis-à-vis young women, as well as other women in their communities who do not adapt to the established patterns, in order to enforce stereotyped models of womanly behaviour. Recognizing their role and designing strategies that target them is also necessary.

Author Bios:

Guadalupe Elizalde Molina is a lawyer and has been an activist for women's human rights since 1996. For seven years she provided direct legal assistance to victims of domestic and sexual violence at COLEM; independently, she also facilitated workshops for indigenous women and provided consulting, coordination and research services. She teaches law at the university and coordinates groups of alumnae to train women lawyers on a gender perspective.

Martha Guadalupe Figueroa Mier is a feminist and a lawyer who works with women with a methodology based on alternative law and a gender perspective; she has worked in indigenous communities, including the emerging Autónimo Zapatista, in the Mexican statutory law and international systems. She is a founder and member of various feminist organizations and networks, such as COLEM, the Colectivo Feminista Mercedes Olivera, the Red Milenio Feminista (Feminist Millennium Network), the Observatorio Nacional del Femicidio (National Femicide Observatory), the Observatorio de Género (Gender Observatory), the Inter-American Commission on Human Rights Lawyers Coalition, and others. She studied human rights, indigenous peoples' rights, women's rights and many other topics. She is a member of the Comisión del Fomento de las Actividades de las Organizaciones de la Sociedad Civil (Committee for the Promotion of Activities by Civil Society Organizations) of the Consejo Técnico Consultivo (Technical Consultive Council); she is a legal representative of women in armed conflict situations who are the victims of torture, rape and extrajudicial execution with the IACHR; a lecturer; speaker; and author and co-author of texts on the different issues in which she specializes.

Organizational Bio:

The Colectivo de Encuentro entre Mujeres (COLEM), previously the Grupo de Mujeres de San Cristóbal de las Casas, Chiapas, AC, is a non-profit feminist organization that has worked in Los Altos de Chiapas, Mexico, since 1990 for the rights of women and against sexual and domestic violence. COLEM provides support and popular education, and works to disseminate, communicate and research these topics.