

# The Inter-American Court must provide justice to the women of Atenco

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*The Atenco case (**Mariana Selvas Gomez and others v. Mexico**) draws attention to the impunity with which state agents have committed violence against women, and is the latest in series of cases involving gender-based violence in Mexico. Lucía Mazzuca and Keina Yoshida explain how the case presents the Inter-American Court with an opportunity to strengthen its jurisprudence.*

On the 29 April 2008 the Inter-American Commission of Human Rights (the “Commission”) received an application by two NGOs on behalf of eleven women from Mexico. The application concerned the now infamous events in San Salvador, Atenco, in April 2006 when the Mexican Government evicted a group of florists from a market in order to carry out a development plan. This operation involved excessive use of force, which provoked an outburst of community support including acts of civil disobedience; in particular, the blocking of a federal highway. In response, in May 2006, the current President of Mexico, at that time Governor of the Mexican State, Enrique Peña Nieto, sent more than 2,000 police agents to remove the blockade. The police killed two people -including a 14 year old boy-, and arbitrarily detained more than 200. Many of those detained were not even participating in the demonstrations.

Several women gave harrowing accounts in live testimony of being subjected to violence, including sexual violence. Police officers stripped, beat, and raped protestors. This degrading and violent treatment was sustained for the duration of the journey from the point of arrest to the prison.

For a decade these women have been unable to find justice in Mexico: domestic proceedings brought at the federal and state levels were thwarted; criminal investigations were deficient, plagued with delays, and brought for the wrong offenses, and giving rise to impunity. Impunity was once again the norm. One of the victims [declared](#): *“that [impunity] has been the hardest, most enraging part of this entire process, watching those who attacked us go free. I was full of anger, thinking nothing happens, even when you find the guilty party, the very person who attacked you, they walk away free.”*

In April 2008 eleven of the women decided to seek justice from the Inter-American Commission of Human Rights. The petitioners alleged incidents of sexual violence, claiming that it constituted a form of discrimination, and various other forms of physical, verbal, and psychological abuse. They claimed that the Mexican State was responsible for violating the rights enshrined in Articles 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 11 (privacy), 24 (equality before the law), and 25 (judicial protection) of the [American Convention on Human Rights](#), in conjunction with the general obligation established in Articles 1(1) and 2 to respect the rights and freedoms enshrined in the international instrument, and for violating Articles 6 (right to be free from violence) and 7 (duties of the State to condemn all forms of violence) of the [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women](#). They also alleged the violation of the obligations set out in Articles 1, 2, 6 and 8 of [the Inter-American Convention to Prevent and Punish Torture](#) regarding the prevention and punishment of torture and the

*La tortura más fuerte sigue siendo el propio proceso de justicia.*



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right to an impartial examination and the conduct of an investigation. The Mexican Government repeatedly tried to reach a settlement, which was [rejected](#) by the petitioners, who explained that they were seeking to set a precedent from the Inter-American Court of Human Rights. Readers may be aware that the Inter-American Court has found Mexico responsible in a number of high profile cases involving violence against women: [Rosendo Cantú](#), [Fernández Ortega](#), [Campo Algodonero](#).

In its decision in the *Atenco* case, the Commission found that sexual torture is consistently and routinely used in Mexico. It also found that the women had been arbitrarily and illegally detained. Some of the women had been raped and the others had endured severe acts of sexual, physical, and psychological violence. Recalling the case of [Ana Beatriz and Celia Gonzalez Perez v Mexico](#), the Commission found that rape committed by public officials amounts to a form of torture. The Commission also found that Mexico did not act with due diligence in investigating these actions and found that the State violated the women's family members' physical and moral integrity. The Commission also considered that Mexico had sought to downplay and hide the actions of its public officials painting a [damning picture of the current President](#).

The Commission recommended, *inter alia*, that Mexico should conduct investigations with due diligence; punish the principal perpetrators of the crimes and those within the chain of command; investigate possible cases of concealment; and take administrative, disciplinary, and/or criminal action against state agents or employees responsible for denying the victims' justice. Mexico admitted responsibility over some of the violations; yet failed to comply with the recommendations issued. In response, the Commission determined that it is necessary for the Court to review this case.

Unfortunately, this is not an isolated case of the use of gendered torture in Mexico. An [investigation](#) carried out by Amnesty International found that sexual violence used as a form of torture has become a routine part of interrogations in Mexico (72% of women reported sexual violence during arrest or in the hours that followed). As a result, during the last decade and under the initiative of the eleven petitioners, women have joined the campaign, "[Breaking the silence](#)". The campaign aims to create a network of victims of sexual violence perpetrated by state actors to share their experiences and raise awareness. There have also been a [number of events](#) internationally in solidarity with the women, which aim to ensure that these acts are not forgotten.

The *Atenco* case presents the Court with yet another opportunity to strengthen its jurisprudence on violence against women and to provide the women with the recognition for which they have fought so hard. This case is one of four cases to be communicated to the Court with two of these cases relating to violence against women and girls. These cases illustrate the difficulties that lawyers and complainants face in implementing international standards on violence against women at the domestic level. But it also demonstrates the resilience and strength of the women who continue to fight for justice and the importance of the Inter-American Court in developing a transformative jurisprudence which obligates States to eradicate these practices.

*This is part of a series of [posts](#) focusing on cases in the Inter-American System involving violations of fundamental rights and State responsibility for violence against women and girls. This is particularly important in the context of the current debates on femicide and the ways in which we can best combat violence against women and girls. The UN Special Rapporteur on Violence against Women, its causes and consequences, [Dubravka Šimonovic](#) has urged all States to focus on prevention of gender related killings of women, and has launched a '[Femicide Watch](#)' to be published on each 25 November – the International Day for the Elimination of Violence against Women.*

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## About the authors



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