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IMPUNITY IN MEXICO: THE INDIGENOUS OF CHIAPAS SUFFERING AT THE HANDS OF THEIR GOVERNMENT

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INTRODUCTION

“By throwing ourselves with everything we have into this struggle, we the Mexican indigenous . . . have operated with a universal human impulse: that of rebellion.”⁶

-Subcomandante Marcos

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⁶ Subcomandante Marcos, Presented at the Intercultural Meeting, “The Roads of Dignity: Indigenous Rights, Memory and Cultural Patrimony”

The words “human rights” may have different meanings, depending on the context. In the United States, they often refer to equality, freedom from discrimination and freedom of expression. But in Chiapas, Mexico, human rights can simply mean the rights to live, to eat, to work, to be recognized by fellow citizens, or simply to live a life free from oppression by the Mexican government. As the southernmost state in Mexico, Chiapas exists in relative obscurity from US news and media; however, the state is exceptionally well known to the Mexican government because of its natural resources and revolutionary spirit. Chiapas houses the world’s second largest natural rain forest and provides over half of Mexico’s hydroelectricity.⁷ Thirty percent of all of Mexico’s surface water is found in Chiapas.⁸ In 2001, Chiapas produced 21% of Mexico’s crude oil.⁹ Additionally, Chiapas houses over 8,500 plant species, the “green gold” of Mexico.¹⁰ This attracts many pharmaceutical companies to Chiapas, who seek to expropriate and patent its medicinal plants.¹¹

Despite this wealth of natural resources, Chiapas suffers from some of the highest levels of poverty, marginalization, illiteracy and domestic violence in all of Mexico.¹² Instead of working to eradicate some of these issues, the Mexican government has historically either turned a blind eye to the suffering of the people of Chiapas or has waged direct attacks on them. This history of oppression and poverty has led to civil unrest in the region.¹³ The people of Chiapas have repeatedly made demands for just treatment, but their pleas have been met only with silence or

(Mar. 12, 2001) (transcript available at <http://www.greens.org/s-r/25/25-11.html>).

⁷ *Facts about Chiapas*, http://www.sipaz.org/data/chis_en_01.htm (last visited Apr. 23, 2012).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

violence from the Mexican government.¹⁴ This disturbing reality has drawn international aid and human rights organizations to the state of Chiapas for many years, as well as Professor Leonard Cavise and students from DePaul University College of Law in Chicago, Illinois, who have been visiting Chiapas since 1999.¹⁵

Chiapas is a state rich in ethnic diversity, thanks to a colorful history of ancient prosperity and modern conquest. The state constitutes just a portion of the large region that was once inhabited by the Mayan Indians.¹⁶ For thousands of years, Mayan culture flourished across a large part of central America, a territory sometimes referred to as “El Mundo Maya” (the Maya World).¹⁷ The most common Mayan languages in Chiapas were Tzetsal and Tzotsil, but others such as Ch’ol, Zoque, and Tojalabal were also spoken.¹⁸ The Mayan world view revolved around respect for land and nature, and also emphasized the presence and participation of all community members for the advancement of the whole.¹⁹ At that time, the basic unit of government throughout the Maya World was the *calpulli*—a piece of land where local kinship groups communally worked their *maíz* plots, or *milpas*.²⁰ Each family or clan had a right to use the *calpulli* under conditions laid down by the local chief, the *calpul-*

¹⁴ *Id.*

¹⁵ Professor Len Cavise has a long history of advocating for international human rights. In 1999, he founded the Chiapas Human Rights Practicum, a program designed to educate law students about human rights issues in Chiapas, Mexico. The class culminates in a 10-day trip to Chiapas, where students meet with indigenous and human rights organizations. See DePaul University College of Law: Academic Programs: Chiapas, Mexico, http://www.law.depaul.edu/programs/study_abroad/chiapas.asp (last visited Apr. 23, 2012).

¹⁶ John P. Schmal, *Chiapas - Forever Indigenous*, <http://www.houstonculture.org/mexico/chiapas.html> (last visited Apr. 23, 2012).

¹⁷ *Id.*

¹⁸ *Facts about Chiapas, supra* note 7.

¹⁹ Chiapas Human Rights Practicum, Spring 2011.

²⁰ BILL WEINBERG, *HOMAGE TO CHIAPAS: THE NEW INDIGENOUS STRUGGLES IN MEXICO* 17 (2000).

lec.²¹ Under the *capulli* government, “private and individual ownership of land was as meaningless as private ownership of the sky.”²² The Mayan people had a sense of possession of land, but only insofar as temporary use of the land was concerned.²³ No one had the right to cultivate a plot of land in perpetuity.²⁴

The organic and community-centered indigenous lifestyle came under siege in 1522, when Hernán Cortes and the Spaniards arrived in Mexico. Luis Marín, one of Cortes’ officers, landed in Chiapas in 1523 and commenced the violent and bloody Spanish conquest.²⁵ The indigenous resisted subjugation, but were eventually overwhelmed. One Spanish man, a Dominican friar named Bartolomé de las Casas, boldly opposed the atrocities committed against the indigenous people during the conquest and fought successfully to abolish Indian slavery.²⁶ However, the conquistadors continued to practice debt labor and feudalism and instated a policy of *reducciones*—reducing Indian lands by centralizing the Indians in hamlets.²⁷ These lands were quickly appropriated by the Spanish.²⁸ Only the lands surrounding the hamlets remained in Indian hands, and these became known as *ejidos*.²⁹ The *ejido* was the last surviving remnant of the communal *calpulli*, the last remnant of indigenous autonomy and resistance.³⁰ Spanish control was established throughout most of Chiapas by 1528, and *ejidal* land grew ever scarcer as it came under the control of Spanish cattle ranches and was eventually bought and plundered by capitalist enterprises.³¹

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Schmal, *supra* note 16.

²⁶ WEINBERG, *supra* note 20, at 21.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

By 1970, nearly half of Mexican industry was controlled by foreign firms, including 100% of the tobacco industry.³² For the indigenous groups that remained, the fundamental economic activity was agriculture.³³ The indigenous lives depend upon the cultivation of maize—that most sacred food—as well as beans, squash, potatoes and yucca.³⁴ Unfortunately, after the passage of the North American Free Trade Agreement (NAFTA) and the further expropriation of many *ejidos* by the government, the ability of the indigenous communities to sustain themselves and their communities diminished greatly.³⁵ The indigenous now hold little or no relationship to the land they once thought to be inalienable; they might only pick the fruits of this land before they are exported to more affluent regions of the world.³⁶ Furthermore, the majority of indigenous groups have been exiled to the rockiest and most infertile portions of Chiapas where there is very little agricultural potential.³⁷

Despite numerous revolutions, the obliteration of many native communities and the loss of *ejidos*, a significant indigenous population has remained in Chiapas.³⁸ According to surveys, some 957,255 of the state's residents are indigenous, though the percentages vary according to the criteria used in the research.³⁹ Generally, researchers used “visible” criteria, such as speaking an indigenous language or wearing traditional dress, and also relied on an individual's self-identification as indigenous.⁴⁰ The predominant indigenous groups in Chiapas are: *Tzeltal* (37.9%); *Tzotzil* (33.5%); *Ch'ol* (16.9%); *Zoque* (4.6%); and, *Tojolabal* (4.5%).⁴¹ Additionally, there are smaller percentages of *Mam*,

³² *Id.* at 61.

³³ Schmal, *supra* note 16.

³⁴ *Id.*

³⁵ WEINBERG, *supra* note 20, at 66.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Facts about Chiapas*, *supra* note 7.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

Chuj, Kanjobal, Jacalteco, Lacandon, Katchikel, Mochó (Motozintleco), Quiché and Ixil groups that comprise the remaining 2.7% of the state's indigenous population.⁴²

Today, indigenous people and communities comprise over a quarter of the population of Chiapas, and the majority live in abject poverty.⁴³ Almost half of the state's indigenous people report no income at all, and another 42% make less than \$5 a day.⁴⁴ Despite ranking first in terms of water energy in all of Mexico, the majority of indigenous communities still lack running water and electricity.⁴⁵ Most indigenous suffer from a lack of access to health care, with less than one doctor per 1000 inhabitants.⁴⁶ This leads to many illnesses and deaths from diseases that could be easily prevented with medical attention.⁴⁷ Infectious diseases are the leading cause of illness in Chiapas: 59% are caused by respiratory infections, and 31% are intestinal diseases caused by a lack of potable drinking water or poor sanitation.⁴⁸ Chiapas has the second highest level of malnutrition in all of Mexico, affecting over 70% of the indigenous population.⁴⁹

Additionally, most indigenous Chiapanecos are denied access to an education.⁵⁰ Only a small percentage of indigenous people report having attended more than a few years of school, and 20% report no education at all.⁵¹ On October 2, 1968, a group of university students in Mexico City organized a demonstration at Plaza Tlatelolco, publicly demanding the right to education

⁴² *Id.*

⁴³ Schmal, *supra* note 16.

⁴⁴ *Facts about Chiapas*, *supra* note 7.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

for all.⁵² President Gustavo Díaz Ordaz stated, “No more unrest will be tolerated,” and quickly deployed military police to quash the protest, resulting in the death of over three hundred students. Since the massacre, not one government official has been held accountable for the killings.⁵³

Rather than stepping in with aid and assistance, the Mexican government has historically worked to maintain power in the region by oppressing indigenous communities. According to historian John Womack Jr., the 1917 Revolution was not a “revolution for Indians. The Constitution of 1917 did not refer to [the] indigenous . . . and made no special plan for them otherwise.”⁵⁴ The government sought to homogenize the nation by selecting Spanish as the national language, even though indigenous peoples did not speak or understand Spanish, and by passing laws which did not take into account the cultural heritage of indigenous groups.⁵⁵

For decades, the indigenous people of Chiapas have been excluded from participation in the government and denied access to governmental services like education, healthcare, financial aid and other assistance programs.⁵⁶ However, the Zapatista National Liberation Army (EZLN), an armed rebel group comprised of indigenous people, brought hope and gave a voice to the indigenous people of Chiapas. In 1993, the EZLN issued the First Declaration of the Lacandón Jungle, followed by five other declarations.⁵⁷ The declaration demanded an end to the exclusion and oppression of indigenous groups and publicly announced that the indigenous people of Chiapas would no longer

⁵² Joe Richman and Anayansi Diaz-Cortes, *Mexico's 1968 Massacre: What Really Happened?*, <http://www.npr.org/templates/story/story.php?storyId=97546687> (last visited Apr. 20, 2012).

⁵³ *Id.*

⁵⁴ JOHN WOMACK JR., *REBELLION IN CHIAPAS: AN HISTORICAL READER* 8 (1999).

⁵⁵ *Id.*

⁵⁶ *Facts about Chiapas*, *supra* note 7.

⁵⁷ WOMACK, *supra* note 54, 247-49.

endure the denial of services, participation and basic human rights.⁵⁸

On January 1, 1994, the EZLN declared war on the Mexican government and captured nine towns in the state of Chiapas, including San Cristóbal de las Casas.⁵⁹ Referencing Article 39 of the Mexican Constitution, which gave all public power to the people and vested in them the inalienable right to alter or modify their form of government, the EZLN sought a revolution in the current political leadership and autonomous control of the state of Chiapas.⁶⁰ Subcomandante Marcos, the EZLN spokesman, declared as the voice for all indigenous people:

Today we say enough! . . . We have nothing absolutely nothing, not even a decent roof over our heads, no land, no work, no health care, no food, or education; [we are] without the right to freely and democratically elect our authorities. . . without peace or justice for ourselves and our children. We will not cease fighting until we achieve fulfillment of these basic demands of our people.⁶¹

After twelve days of direct conflict, the government declared a cease fire and created the Commission for Peace and Reconciliation, promising to work with the Zapatistas towards achieving rights for the indigenous people.⁶²

On February 6, 1996, more than two years after the Zapatistas declared war on the Mexican government, negotiations between the EZLN and the government culminated in the production of the San Andres Accords.⁶³ Drafted as a treaty between the Mexican government and the people, the Accords purported to publicly and officially recognize the rights of the indigenous people

⁵⁸ *Id.*

⁵⁹ *Id.* at 12.

⁶⁰ *Id.* at 245.

⁶¹ *Id.* at 247-48.

⁶² *Id.* at 12.

⁶³ Lecture, Chiapas Human Rights Practicum, Spring 2011.

of Chiapas, to ensure their participation in governmental decision-making and to allow them to preserve their languages and their lands.⁶⁴ However, the government failed to fulfill its promises or live up to its word; instead, it increased the militarization of EZLN controlled regions, harassed indigenous people who were believed to support the quest for indigenous rights and forced many indigenous communities off of their traditionally held *ejidos*, or communal lands.⁶⁵

The EZLN vowed that it would not engage in discussions further with the Mexican government until the Accords were made law.⁶⁶ Meanwhile, conflicts between the indigenous population and the Mexican government continued to escalate, and top government officials and the media labeled the conflict as the “Chiapas problem.”⁶⁷

The Chiapas problem reached a new level on December 22, 1997 in the small indigenous village of Acteal. Máscara Roja, a paramilitary group trained and funded by the Mexican army, shot and killed forty-five men, women and children who were praying in the town church.⁶⁸ Although Mexican police forces were located approximately two hundred yards from the scene

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ See Tod Robberson, *Mexican Rebels Agree to Discussions on Peace Talks*, WASH. POST FOREIGN SERVICE A29 (Apr. 9, 1995); Mary Beth Sheridan, *Massacre in Mexico More than Local Feud*, SUN SENTINEL (Dec. 31, 1997), available at http://articles.sun-sentinel.com/1997-12-31/news/9712300286_1_zapatistas-chiapas-peace-talks; Mary Beth Sheridan, *Mexico Expels Priest Working in Chiapas*, L.A. TIMES (Feb. 28, 1992), available at <http://articles.latimes.com/1998/feb/28/news/mn-23885>; *Conflict in Chiapas remains at stubborn stalemate*, CNN WORLD (Nov. 18, 1998) available at http://articles.cnn.com/1998-11-28/world/9811_28_mexico.zapatistas_1_commander-tacho-chiapas-rebels-zapatistas?_s=PM:WORLD.

⁶⁸ See Executive Summary, Fray Bartolomé de Las Casas, A.C., *Acteal: Between Mourning and Struggle* (Dec. 1998), available at http://www.frayba.org.mx/archivo/informes/981201_acteal_between_mourning_and_struggle_frayba.pdf.

of the violence, they did not respond and claimed that they did not hear any gunshots.⁶⁹

In the years since the Zapatista uprising, the Mexican government has continued to not only neglect the indigenous people of Chiapas, but also to wage direct and indirect wars on the people, largely without consequence. Although many of the indigenous peoples have given up on the Mexican government, many groups in Chiapas have continued to fight for equal treatment and basic human rights.⁷⁰ Everyday organizations and individual activists in Chiapas work to defend their rights, including the right to live a violence-free life, the right to be heard, equal rights for women and children, the right to an education, the right to work, the right to be indigenous and proud and the right to hold the government accountable for its actions.⁷¹

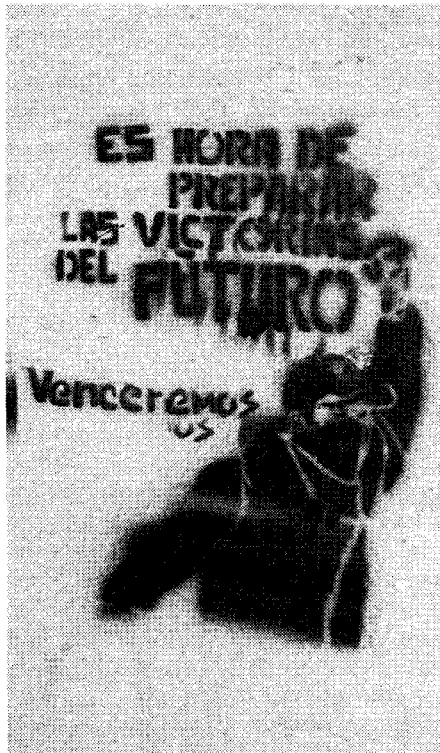
This article provides snapshots of some of the methods that have been employed by the Mexican government to marginalize the indigenous people of Chiapas throughout the years; each snapshot will also highlight the ways in which indigenous groups have resisted this oppression and continue to advocate for themselves in order to protect their way of life. It will provide insight into some of the issues currently facing the children, youth, women and indigenous communities of Chiapas, and the ways

⁶⁹ *Id.*

⁷⁰ Interviews with Frayba, Centro de los Derechos de las Mujeres de Chiapas, Melel Xojobal, and FOMMA in Chiapas, Mexico (May 2011). The Human Rights Center Fray Bartolome de las Casas (Frayba) is a non-profit that was founded in 1989 by Bishop Samuel Ruiz Garcia. Frayba works for the defense and promotion of human rights for the indigenous people of Chiapas. Centro de los Derechos de las Mujeres de Chiapas was formed to serve the needs of women in Chiapas. It trains and educates women, and stands alongside them as they learn to advocate for themselves. FOMMA (Fortaleza de la Mujer Maya) is a community theater group formed by Mayan women in Chiapas that focuses on promoting the rights and education of indigenous women and preserving their culture. Melel Xojobal was founded in 1997 to advocate for the rights of children in Chiapas. It works with indigenous youth and encourages them to defend and to exercise their rights.

⁷¹ *Id.*

that local activists and organizations have rallied in support of indigenous groups. This article was inspired by our classroom discussions as well as our visits to various organizations and locations throughout Chiapas, including, but not limited to: Melel Xojobal, Centro de Derechos de las Mujeres de Chiapas, IN-ICIA (Iniciativas para la Identidad y la Inclusion), Las Abejas, Oventic, CIDECI, La FOMMA and even our walks through the streets of San Cristóbal. The goal of these snapshots is to share both academic research and personal observations in order to shed light on the problems facing the indigenous communities of Chiapas, as well as the ways that committed advocates are rising up to overcome these issues. It is the authors' intent to provide both a history of Chiapas and to convey an appreciation for the revolutionary spirit of the indigenous communities of Chiapas that will not be broken.



HAZME VISIBLE: INDIGENOUS CHILDREN'S RIGHTS IN CHIAPAS

ANITA GUPTA

*"Before I was born, I was already in the struggle."
- Subcomandante Ramona, March 7, 1994*

Chiapas is the home to more children than any other state in Mexico.⁷² Unfortunately, the majority of Chiapas' indigenous children live a life plagued by poverty and malnutrition, lacking access to many basic human rights.⁷³ This section will specifically examine the disparate impact of the Mexican government's actions on indigenous children through the denial of one of the most fundamental human rights: the right to citizenship. The denial of this basic right often leads to the failure of the government to ensure various other human rights that it claims to guarantee for all children, such as the rights to an education, health care and basic social services.⁷⁴

Without access to these basic human rights, children in Chiapas are facing increasingly high obstacles. In 2007, the rate of infant mortality in Chiapas was 21.7 per 1000 live births, the second highest in the country.⁷⁵ In rural areas where most indigenous people reside, the situation is even more alarming, with 75 deaths per 1000.⁷⁶ Furthermore, 70.8 percent of Chiapas' chil-

⁷² La Infancia Cuenta en México 2010 Chiapas, http://www.infanciacuenta.org/acceso_a_datos/2010/chiapas_2010.html (last visited Apr. 24, 2012).

⁷³ Interview with Melel Xojobal (May 16, 2011).

⁷⁴ *Id.*

⁷⁵ *Facts about Chiapas*, *supra* note 7.

⁷⁶ *Id.*

dren are malnourished.⁷⁷ Additionally, Chiapas has the highest rate of illiteracy in the country and the lowest rate of school attendance.⁷⁸ These high rates of malnourishment, illiteracy and early death are indicative of the government's treatment of indigenous populations in Chiapas, as these numbers are much higher than those of any other area in Mexico.⁷⁹ This section will further examine the government's role in creating a context for these shocking statistics.

The Right to Citizenship

A wealth of problems plague indigenous children in Chiapas, but one of the most devastating is the government's refusal to grant a child's right to be recognized as a citizen by the government.⁸⁰ Although Mexico is a party to the Convention on the Rights of a Child, a treaty signed by every country in the world except the United States and Somalia, it traditionally has not fulfilled the requirements of the agreement.⁸¹ The failure by the government to abide by Article 8 of the Convention, Preservation of Identity, has led to the denial of many other rights guaranteed by the Convention on the Rights of a Child, including the rights to health services, social security and education.⁸²

Perhaps the largest obstacle to the right to citizenship is the severe lack of documentation proving citizenship among indigenous children. In Mexico, in order to prove citizenship, one must have a birth certificate.⁸³ It is very difficult to obtain the proper documentation for indigenous children because most indigenous family members do not hold birth certificates for their

⁷⁷ La Infancia Cuenta en Mexico 2010 Chiapas, *supra* note 77, at Salud.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Interview with Melel Xojobal, *supra* note 78.

⁸¹ See Convention on the Rights of a Child, *opened for signature* Nov. 20, 1989. (entered into force Sept. 2, 1990).

⁸² *Id.*

⁸³ Interview with Melel Xojobal, *supra* note 78.

children, as many children were born at home.⁸⁴ Additionally, because many of the hospitals in Chiapas do not have civil registry offices and properly trained civil registry officers within their facilities, they do not issue birth certificates automatically.⁸⁵ In order to obtain a birth certificate for their child, parents must travel to a civil registry office, which is often a long and cumbersome journey on foot from an indigenous community.⁸⁶ Financial constraints are also a factor in obtaining birth certificates.⁸⁷ While issuing birth certificates is supposed to be free, if they are not issued in the child's first year of life, they become much more difficult and more expensive to obtain.⁸⁸ Furthermore, it is nearly impossible to obtain documentation of citizenship if a child's parents and grandparents do not have this documentation.⁸⁹ This perpetuates a cycle, and the family can never be formally recognized by the Mexican government.⁹⁰ Therefore, the problems that today's children encounter in obtaining birth certificates date back through generations of their family members.⁹¹

UNICEF has taken some action to combat this problem by supporting various programs that have sponsored Civil Registration drives in communities.⁹² These birth registration drives are occurring in thirty-seven priority municipalities in Chiapas, and at least twenty-five Civil Registry offices have been established in hospitals across the state.⁹³ These civil registration drives provide indigenous people with a way to obtain birth certificates for

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ See UNICEF, *Supporting Prompt Birth Registration of Children in Chiapas*, Registrarme, hazme visible, http://www.unicef.org/lac/HIS_Mexico.pdf (last visited Apr. 23, 2012).

⁸⁷ Interview with Melel Xojobal, *supra* note 78.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² See UNICEF, *supra* note 91.

⁹³ *Id.*

their children because trained civil registry officers are available in their communities during the drives and issue birth certificates for no cost.⁹⁴ Therefore, families do not have to make the long journey to a civil registry office.⁹⁵ While these efforts are a good start, there is much work to be done, as thousands of indigenous people born in Mexico are still not legally recognized by the government.⁹⁶

The Right to Social Welfare

The denial of the right to citizenship is further compounded because it leads to extreme poverty.⁹⁷ Without proper documentation, families and children can not receive public benefits from the government.⁹⁸ This is a denial of a child's right to health and social security, as outlined in Articles 24 and 26 of the Convention for the Rights of a Child.⁹⁹ For example, indigenous families are often denied the benefits of Oportunidades, one of the most important government programs that targets issues of poverty.¹⁰⁰ Oportunidades is a government social assistance program that combats poverty by making cash payments to impoverished families whose children regularly attend school.¹⁰¹ While the government boasts that poverty levels in Mexico have decreased significantly since the program was founded in 2002, indigenous families in Mexico who are often most in need of programs like these are not eligible for them

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ See La Infancia Cuenta en México 2010 Chiapas, *supra* note 77.

⁹⁷ Interview with Melel Xojobal, *supra* note 78.

⁹⁸ *Id.*

⁹⁹ See Convention on the Rights of a Child, *supra* note 86.

¹⁰⁰ Worldbank, *Mexico's Oportunidades Program*, Shanghai Poverty Conference: Case Study Summary, http://info.worldbank.org/etools/docs/reducing_poverty/case/119/summary/Mexico-Oportunidades%20Summary.pdf (last visited Apr. 23, 2012).

¹⁰¹ *Id.*

because they do not have the proper legal identity documentation, i.e. birth certificates, to qualify for the services.¹⁰²

This lack of documentation also bars families from receiving public medical assistance.¹⁰³ Only 14.8% of the children in Chiapas currently have the proper documentation which entitles them to medical services provided by the government, compared to 41% nationwide.¹⁰⁴ The denial of medical services plays a large role in Chiapas's high rates of child mortality and malnutrition.¹⁰⁵ The overall denial of state-provided social services directly feeds into the problem of overall poverty among indigenous families, even though these social services are intended to target poverty.¹⁰⁶ This is yet another example of government impunity, demonstrating how the government has overlooked indigenous populations, especially children. Although the government has created a program which is intended to benefit Mexican citizens like the indigenous in Chiapas, they have imposed documentation requirements that are simply not feasible for the indigenous people to obtain.¹⁰⁷ Yet the government does not acknowledge this situation or try to find a solution to it, leaving the most poverty-stricken populations without any governmental assistance.¹⁰⁸

The Clash Between the Right to Education and the Right to Work

The denial of the right to citizenship not only strips a child of public benefits, but also strips a child of his or her right to an education, which is not merely guaranteed but mandated by the

¹⁰² Interview with Melel Xojobal, *supra* note 78.

¹⁰³ *Id.*

¹⁰⁴ See *La Infancia Cuenta en México 2010 Chiapas*, *supra* note 77.

¹⁰⁵ Interview with Melel Xojobal, *supra* note 78.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

government.¹⁰⁹ In Mexico, education through Grade Nine is compulsory by law.¹¹⁰ Although the government stresses a child's right to education, a large proportion of Mexican children are not given this opportunity because they do not have sufficient documentation to prove citizenship, which is necessary for enrollment in public schools.¹¹¹ Among the Chiapanecan population over the age of fifteen, 42.76% have not completed primary school, and 20.4% have not received any kind of formal education.¹¹² Among the state's indigenous population, 24.9% do not speak Spanish.¹¹³ Without access to a proper education, children remain illiterate and can not gain the skills necessary to hold financially sustainable jobs that will help their families survive.¹¹⁴ Consequently, Chiapas has the highest rate of illiteracy in the country.¹¹⁵ For the overall Chiapas population aged between eight and fourteen years old, 9.6% can neither read nor write at all, compared to a national average of 3.3%.¹¹⁶

Public schools in Chiapas have often been used as a way to assimilate the youth population into Mexico's national culture, thereby suppressing their indigenous culture, traditions, customs and language.¹¹⁷ For those who do have the opportunity to attend school, public schooling is yet another way the government seeks to eradicate the indigenous way of life.¹¹⁸ However, because many indigenous children do not have access to public education at all, the Zapatista movement has made education one

¹⁰⁹ Gustavo Guerra, *Mexico Children's Rights: International and National Laws and Practices*, Law Library of Cong. (Aug. 2007), available at <http://www.loc.gov/law/help/child-rights/pdfs/childrensrights-mexico.pdf> (last visited Apr. 23, 2012).

¹¹⁰ *Id.*

¹¹¹ Interview with Melel Xojobal, *supra* note 78.

¹¹² *Facts about Chiapas*, *supra* note 7.

¹¹³ *Id.*

¹¹⁴ Interview with Melel Xojobal, *supra* note 78.

¹¹⁵ *Facts about Chiapas*, *supra* note 7.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

of its primary demands.¹¹⁹ They have built their own schools in their communities, which not only teach reading, writing and math, but also seek to nourish and develop indigenous language, culture and tradition.¹²⁰

The failure of the government to provide a proper education to indigenous children has implications on one of the most controversial children's rights: the right to work.¹²¹ This right is not universal because countries often disagree about whether the right to work as a minor is a right at all. However, for indigenous children and their families, the right to work can mean the right to survival.¹²² In the state of Chiapas, about 200,000 children work informally.¹²³ A child's right to work is not legally recognized because the Mexican government does not believe that children have the right to work.¹²⁴ This debate contains interesting cultural constructs because in the United States, we advocate that children have the right *not* to work. But in San Cristóbal, the typical American notion of child labor is not the reality. For indigenous communities in Chiapas, many children must work selling embroidered handicrafts in the street or crops in the market to support their families.¹²⁵ Although Mexico's child labor laws establish fourteen years of age as the minimum age to work, this is not feasible for many indigenous families in Chiapas, especially in today's economic climate.¹²⁶ Children in Chiapas begin working at a very young age, as young as five years old.¹²⁷

¹¹⁹ *Id.*

¹²⁰ *See Facts about Chiapas, supra* note 7; Interview with Oventic Zapatista Junta (May 17, 2011).

¹²¹ Interview with Melel Xojobal, *supra* note 78.

¹²² *Id.*

¹²³ *La Infancia Cuenta en México 2010 Chiapas, supra* note 77, at Economía.

¹²⁴ *See* Guerra, *supra* note 114, at 4.

¹²⁵ Interview with Melel Xojobal, *supra* note 78.

¹²⁶ Guerra, *supra* note 114, at 4.

¹²⁷ Interview with Melel Xojobal, *supra* note 78.

The situation for children was not always so grim in Chiapas. The onset of urban sprawl in the 1980s and 1990s brought a new industry to Chiapas: tourism.¹²⁸ Many indigenous people migrated to San Cristóbal de las Casas, which is the third fastest growing city in Chiapas.¹²⁹ However, rather than the typical strip mall notion of urban sprawl in the United States, urban sprawl in Chiapas more closely resembled that of shantytowns in Mumbai and Rio de Janeiro with settlements of people living in poverty without access to electricity or proper sanitation.¹³⁰ These areas are full of outdoor markets with cheap goods.

San Cristóbal, one of the largest cities in Chiapas, is predominantly comprised of young people; over forty percent of San Cristóbal's population is under the age of eighteen.¹³¹ With its temperate climate and scenic views, the government has targeted San Cristóbal as a destination city in its efforts to enhance the tourism industry.¹³² With the influx of new industries and greater job competition, there is a need for skilled workers in Chiapas.¹³³ Indigenous populations cannot meet this demand, as twenty-four percent of indigenous children between the ages of three and eighteen years old work informally in the street instead of attending school.¹³⁴ This leads to a vicious cycle of poverty and neglect for children, including many problems like poor health, discrimination and violence.¹³⁵ When the children are not in school and are alone on the streets, there is no one to watch over them. Teenagers often become involved in violence

¹²⁸ MELEL XOJOBAL, *History*, <http://melelxojobal.org.mx/node/40> (last visited April 25, 2012).

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Facts about Chiapas*, *supra* note 7.

¹³² Interview with Melel Xojobal, *supra* note 78.

¹³³ *Id.*

¹³⁴ See Melel Xojobal, *Infancia Indígena y Trabajo en San Cristóbal de las Casas, Chiapas, Mexico: Sus Actores and Sus Voces*, Melel Xojobal A.C. Proyecto "Calles," June 2009, at 4.

¹³⁵ Interview with Melel Xojobal, *supra* note 78.

and substance abuse.¹³⁶ Children remain illiterate, so they are not able to obtain formal, professional jobs, which perpetuates poverty in their families.¹³⁷ Yet these children have no other choice than to work because their families must keep up with the onset of tourism and try to make a living, as farming is no longer a sustainable way of life.¹³⁸

Instead of attending school, children between the ages of six and thirteen often work on the street, especially in the market and municipal area of San Cristóbal, selling handicrafts to thousands of tourists that pass through San Cristóbal's streets everyday.¹³⁹ The decision is not one between work or attending school or staying safely at home; rather, the child must accompany his parents to work or be left unattended all day.¹⁴⁰ Because the government believes that these children should be in school, officers chase the children out of the market place; however, many of the children are indigenous and undocumented, making them ineligible for state funded schooling anyway.¹⁴¹

While providing education to the children of Mexico should be a clear priority, merely chasing children out of the plaza causes more harm than good.¹⁴² When the children are chased from the plaza, they do not run off to school as the state poorly contends; rather, they are often separated from their siblings or parents, making them more vulnerable, or they are subjected to abuse from the government workers.¹⁴³ When children are separated from their families, they are more likely to become involved in violence or substance abuse, which further perpetuates the cycle of poverty.¹⁴⁴ While the government believes that forc-

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

ing the children from the plaza, sometimes through physical abuse, will place them in school, these actions provide no solution to the real problem that drives these children to the plaza: a need to make money in order to sustain their families and a lack of proper identity documentation to enroll in school.¹⁴⁵ The government punishes these children for their efforts to provide for themselves and their families, yet they have left the indigenous people of Chiapas with few other options for survival.¹⁴⁶

Fighting Back at a Grassroots Level

Several organizations are fighting back at a grassroots level to defend the rights of children and provide indigenous youth with alternative opportunities for schooling and meaningful work. Melel Xojobal is an innovative non-profit organization based in San Cristóbal de las Casas.¹⁴⁷ Melel has taken a comprehensive and innovative approach to defending children's rights in Chiapas and combating the issues that plague the lives of children each day.¹⁴⁸ The organization focuses on children's rights in the context of life for indigenous families acclimating to the realities of modern day Chiapas.¹⁴⁹

Founded in 1997, Melel Xojobal advocates for children's rights to education and health, freedom of association and speech and protection from abuse and violence.¹⁵⁰ Melel works with children of all ages to address issues that each age group battles every day.¹⁵¹ The organization is unique because it does not simply give resources or services to families in need; rather, its primary function is to educate families and children about their rights, so they can help themselves without relying on

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ MELEL XOJOBAL, *supra* note 134, at Mission and Vision.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

others.¹⁵² The majority of the children involved in Melel's programs come from single parent homes, and Melel disseminates information about their programs through a network of single mothers.¹⁵³

Melel breaks their programs down by age group so that specific programs are targeted at the needs of those children.¹⁵⁴ Through two programs, Integration and School Retention and Prevention of Street Risks, Melel helps keep children in school and shield them from the risk of harm they may incur on the streets, all while acknowledging the child's right to work.¹⁵⁵ Their programs promote the development of critical thinking and positive study habits; these diverse initiatives include a scholarship subprogram, a children's library and projects aimed at the prevention of exploitation, human trafficking and child abuse.¹⁵⁶ Through another important program, Melel travels to indigenous communities and conducts informational presentations on how to obtain birth certificates and works with children in order to build the skills needed to succeed in school.¹⁵⁷

While Melel works to show that a child's right to work can coexist with a child's right to education, organizations like CIDECI, la Universidad de la Tierra (University of the Land), provide indigenous teenagers with the practical skill sets needed to become productive members of the work force, so they can keep their families financially afloat.¹⁵⁸ Founded in 1989, CIDECI is much like a vocational school, and their work is especially innovative because the student body is comprised of both boys and girls. CIDECI is not a school in the traditional sense because it focuses exclusively on science.¹⁵⁹ The school is

¹⁵² Interview with Melel Xojobal, *supra* note 78.

¹⁵³ *Id.*

¹⁵⁴ MELEL XOJOBAL, *supra* note 133.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Interview with CIDECI (May 19, 2011).

¹⁵⁹ *Id.*

mainly for indigenous children, who come from their communities and live at the CIDECI campus for one to nine months (sometimes longer) while learning their trade of choice.¹⁶⁰ They do not have to give up their cultural background to attend CIDECI, and they can leave to go back to their communities if needed.¹⁶¹ This makes the program very attractive for indigenous children because it is flexible and understanding of the needs and differences that make indigenous communities so unique.¹⁶²

Ambitious organizations like Melel and CIDECI are making huge strides in tackling the problems facing Chiapanecan children, but real change needs to come from the government. The Zapatista community has given up on the government completely and educates its children on its own.¹⁶³ However, other indigenous communities do not have this opportunity. As long as the government continues to create these problems by overlooking the needs of children as human beings with fundamental rights, true change will be difficult to achieve. Unless the government can develop a viable way to guarantee each child proof of citizenship at birth, then the rights to social services, health care, education and work will never truly be a right guaranteed by Mexican law. The denial of these rights carries with it the threat of violence and malnutrition, placing many young people at risk and struggling for survival in an increasingly urbanized and modern landscape. Without recognition and action from the government, thousands of indigenous children in Chiapas will continue to live in poverty.

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Interview with Oventic Zapatista, *supra* note 125.



THE STRUGGLE FOR WOMEN'S RIGHTS

CAMI TAYLOR

"We have the courage and force needed to demand our rights. Even though we don't know how to read and write, we are learning."

*-Marina, Zapatista leader of La Garrucha,
December 29, 2007*

The indigenous women of Chiapas suffer a "triple oppression": they are discriminated against because they are poor, they are indigenous and they are women.¹⁶⁴ This section will specifically examine the Mexican government's role in perpetuating injustices against indigenous women. The government forces indigenous women to languish in extreme poverty and vulnerability, actively persecutes indigenous women to exhibit its disdain for all indigenous communities and continually exercises impunity when the rights of indigenous women have been egregiously violated.

Daily life has always been difficult for women in the indigenous communities of Chiapas. The government's persistent marginalization of indigenous peoples has led to enduring poverty within their communities, and traditional gender roles and the ravages of warfare tend to shift the brunt of this material hardship onto women.¹⁶⁵ Education is simply not an option for

¹⁶⁴ Petra Purkarthofer, *Autonomy and Resistance in Chiapas: Indigenous Women's Rights and the Accords of San Andres* (2006) (unpublished academic paper) (on file with author).

¹⁶⁵ Rosalva Aida Hernandez Castillo, *National Law and Indigenous Customary Law: The Struggle for Justice of Indigenous Women in Chiapas, Mexico*, In *Gender Justice, Development, and Rights* 384, 387 (2002); Kate

most young women in poor villages; an early and forced marriage is more practical and likely.¹⁶⁶ From the age of fifteen, married women learn to work sixteen to eighteen hours a day performing arduous domestic tasks, such as walking miles to fetch water, chopping wood and making tortillas from scratch.¹⁶⁷ Their inability to speak Spanish, coupled with their lack of education and ignorance of their rights, makes these women extremely vulnerable to mistreatment.¹⁶⁸

The government's role in exacerbating traditional problems of gender inequality may be incidental, but the government also actively uses traditional indigenous customs as an instrument of oppression. The Mexican government has recognized the cultural diversity of this region only where it is convenient to justify the exclusion and marginalization of ethnic minorities and to legitimize pro-government practices.¹⁶⁹ The pretext of "respect for culture" has been used to legally institutionalize traditional indigenous practices that deny basic human rights to women.¹⁷⁰ For example, under Mexican law, indigenous women are denied the right to own land, to inherit family property or to have political power.¹⁷¹ The government's exacerbation and institutionalization of traditional gender oppression has long prevented indigenous women from having any voice or power in their own country.

Despite these deeply ingrained disadvantages, the women's situation began to change with the EZLN movement. Although the EZLN structure does not formally guarantee gender equal-

Sheese, *Contesting Victimhood: Indigenous Women and Violence in Chiapas, Mexico* (May 2008) (unpublished undergraduate essay) (on file with author).

¹⁶⁶ Purkarthofer, *supra* note 169.

¹⁶⁷ Diane Goetze, *The Zapatista Women: The Movement from Within* (Mar. 3, 2012), <http://www.actlab.utexas.edu/~geneve/zapwomen/goetze/thesis.html>.

¹⁶⁸ Purkarthofer, *supra* note 169.

¹⁶⁹ Castillo, *supra* note 170, at 396.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

ity, it does provide women with more opportunities for empowerment.¹⁷² Within the EZLN, women are taught to read and write, to speak freely and to earn their place in the military structure.¹⁷³ This structure allows women to advance based on their “experiences in the mountains,” their capacity to work and their abilities to handle responsibility.¹⁷⁴ Furthermore, women in the EZLN are allowed to make their own decisions and choose their own romantic partners.¹⁷⁵ The prospect of freedom from male dominance is a deciding factor for many of the women who join the EZLN.¹⁷⁶

In many ways, the EZLN has been receptive to and supportive of establishing equal rights for women.¹⁷⁷ On March 8, 1993, the Zapatista women successfully convinced the EZLN’s central political command to accept a Revolutionary Law of the Women.¹⁷⁸ In this document the women demanded the following rights:

- The right to participate in the revolutionary struggle;
- The right to work and a fair salary;
- The right to choose freely how many children they want to have;
- The right to participate in politics;
- The right to education;
- They right to choose their partners freely;
- An end to violence against women;
- The right to occupy positions of leadership and military rank within EZLN; and

¹⁷² Purkarthofer, *supra* note 169.

¹⁷³ Sheese, *supra* note 170.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

- The right to leisure time.¹⁷⁹

Although the law's initial passage was a great encouragement to Zapatista women, there is still a great discrepancy between this set of demands and the reality of life for indigenous women.¹⁸⁰ Circumstances still force many women to marry at a young age; women are still largely unable to afford education; and many are still victims of domestic violence and other forms of abuse.¹⁸¹ More than anything else, the law stands as a symbol to women that they have rights and that their fellow *compañeros*¹⁸² support those rights even if the government does not respect them.

Since the 1994 EZLN uprising, indigenous women have gained more confidence and support within their communities, but are now at a higher risk of harm from external government forces.¹⁸³ In fact, the government has been actively targeting and oppressing indigenous women, both directly and indirectly, since the 1994 uprising. Although the government has never explicitly given a reason for targeting indigenous women, scholars have speculated that this victimization is the government's way of expressing opposition to indigenous autonomy.¹⁸⁴ Research on gender and militarized zones has found that women's bodies tend to become the site for political subjugation and that rape is used to demonstrate power and domination over the enemy.¹⁸⁵ In other words, the government has been harassing, torturing and raping indigenous women in order to make a political statement—a statement of clear opposition to indigenous autonomy.

The Mexican government has not only ignored and contributed to the plight of these struggling women, but also has ac-

¹⁷⁹ *Id.*

¹⁸⁰ Goetze, *supra* note 172.

¹⁸¹ *Id.*

¹⁸² *Compañeros* are companions of the Zapatistas and their indigenous autonomy cause. This is the masculine form of the word.

¹⁸³ Sheese, *supra* note 170.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

tively persecuted them through military abuses and discriminatory laws. Furthermore, the government has demonstrated no interest in bringing justice to the many indigenous women who have been victimized by the discriminatory practices. There are three specific ways in which the Mexican government has been actively oppressing indigenous women since the 1994 uprising: increased militarization, impunity and misapplication of laws.¹⁸⁶

First, the Mexican government has exposed indigenous women to higher risk of sexual abuse and violence by increasing militarization in indigenous areas.¹⁸⁷ Federal soldiers are strategically camped out around most indigenous villages in the Lacandón Jungle.¹⁸⁸ Because of this increased military presence, women in these areas now live in constant fear of intimidation, harassment and rape.¹⁸⁹ They are less free to travel, and chores such as gathering wood and water have become even more burdensome.¹⁹⁰ Three Tzeltal women were raped at a military checkpoint in 1994; three nurses from Public Health were raped and beaten in San Andrés Larráinzar in 1995; and Cecilia Rodríguez, an international representative of the EZLN, was raped by masked men in 1995.¹⁹¹

Additionally, several women of the Popular *Campesino* Union Francisco Villa¹⁹² were detained by a group of judicial police. The women were raped multiple times, tortured and forced to watch the torture of their leader, Reyes Penagos Martínez, who was found dead a few days later.¹⁹³ The police never

¹⁸⁶ See Castillo, *supra* note 170, at 388; Goetze, *supra* note 172.

¹⁸⁷ Goetze, *supra* note 172.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Roasalva Aida Hernandez Castillo, *Between Hope and Adversity: The Struggle of Organized Women in Chiapas Since the Zapatista Uprising*, 3 JOURNAL OF LATIN AMERICAN ANTHROPOLOGY 114, 102-20 (1997).

¹⁹² Campesino mobilizations such as Union Francisco Villa are independent organizations of peasant farmers, similar to workers' unions.

¹⁹³ Castillo, *supra* note 196, at 102-20.

presented any charges against the women, and there was no record of their detention.¹⁹⁴ Even worse, no charges were ever brought against the police officers responsible for raping and torturing the women.¹⁹⁵ Military abuses such as these can quickly strip indigenous women of the freedom and dignity they fought so hard for during the EZLN revolution. These examples are only a small portion of the incidents between the government and indigenous women. Countless other horrific offenses committed by military personnel go both unreported and unpunished every year.¹⁹⁶

Secondly, the government has been using its own purposeful impunity as a tool of oppression against indigenous women. Despite the many military crimes against women, the government has made no attempt to punish these crimes and has instead made every effort to erase them from history. The government operates no control over itself, and purposefully continues to allow impunity for violence and discrimination directed at indigenous women. One example of such impunity is the massacre at Acteal, where women were specifically targeted for mutilation and murder. While the 1997 attack claimed the lives of forty-five people, thirty-two of the victims were women, four of them pregnant.¹⁹⁷ After the attack, paramilitaries returned to mutilate and defile the bodies of the dead women and their unborn children.¹⁹⁸ In the fifteen years since this atrocious crime, no involved party has ever been punished for the events at Acteal, or for any of the other tortures and sexual abuses committed by paramilitaries against women in the villages. Although the Mexican government made some attempt to prosecute those involved in the massacre, the case was officially dismissed in 2009.¹⁹⁹

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ Castillo, *supra* note 170, at 389.

¹⁹⁸ Sheese, *supra* note 170.

¹⁹⁹ For more information, see "The Massacre in Acteal," *infra*.

Finally, the Mexican government has been oppressing indigenous women by misapplying and manipulating its own national laws to the detriment of indigenous women.²⁰⁰ For example, in 1992 the government added an amendment to the Fourth Article of the Constitution, which was created to formally recognize the multicultural character of the nation. The amendment stated, in part, “When the accused belongs to an indigenous ethnic group an effort will be made to follow expert testimony in order that the judge may. . . .better understand [the] cultural difference [of the accused] to the national norm.”²⁰¹ The amendment was supposed to help the indigenous communities gain recognition and autonomy, but instead has been used against the indigenous peoples in many criminal trials.²⁰² To illustrate, after the massacre of Acteal in 1997, the Mexican government attempted to create anthropological reports to “explain” the deaths in cultural terms.²⁰³ The plan was to dismiss the killings by “discovering” anthropological evidence that violence and bodily mutilation were cultural practices of the Tzotzil, thus removing any potential blame from the paramilitary groups.²⁰⁴ Fortunately, many anthropologists refused the government’s request for help in this task, and instead argued that the massacre could not have had cultural origins.²⁰⁵

In another instance, the government attempted to explain and dismiss the murder of an indigenous woman by her American husband as nothing more than a cultural event—by showing that the man had simply been attempting to “discipline” his wife in the Lacandón tradition of physical punishment.²⁰⁶ These examples demonstrate how the Mexican government has twisted this amendment and used it against indigenous women. Addition-

²⁰⁰ See Castillo, *supra* note 170, at 388.

²⁰¹ *Id.* at 387-88.

²⁰² *Id.* at 388.

²⁰³ *Id.* at 389.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 388.

ally, the government continues to subjugate indigenous women by creating laws that perpetuate and enforce traditional gender inequalities; for example, legally prohibiting women from owning land, inheriting family property or having political power.²⁰⁷ In this way, the government of Mexico has used the pretext of “respect for culture” to further oppress indigenous women and express scorn for indigenous autonomy.

The indigenous women of Chiapas are dangerously vulnerable to abuse due to governmental impunity. However, these women refuse to stand by as helpless victims and are working together at a grassroots level to educate and support one another.²⁰⁸ Artisanal collectives allow women to make money and be their own bosses, while educational or theatrical organizations educate women about their rights, increase their confidence and give them a voice in the community.

For example, Tsobol Antzetik²⁰⁹ is a nongovernmental weaving cooperative that is completely owned and operated by women.²¹⁰ In a practical sense, the cooperative has been successful because it enables women to take care of their domestic responsibilities and yet remain financially active and socially involved in the community.²¹¹ However, the true success lies in its creation of significant opportunities for indigenous women to work together, make money and engage in dialogue for the first time.²¹²

Similarly, Mujeres Marginadas²¹³ is a baking cooperative which was founded by women to support themselves and their

²⁰⁷ *Id.* at 396.

²⁰⁸ Christine E. Eber, *Seeking Our Own Food: Indigenous Women's Power and Autonomy in San Pedro Chenalho, Chiapas (1980-1998)*, 26 *Latin American Perspectives* 6 (1999) (discussing women's grassroots initiatives in Chiapas, Mexico).

²⁰⁹ Meaning, “Women United.”

²¹⁰ See Eber, *supra* note 213, at 18.

²¹¹ *Id.* at 19.

²¹² *Id.*

²¹³ Spanish for “Marginalized Women.”

families.²¹⁴ This cooperative satisfies the women's need to be socially and financially active, while at the same time allowing them to provide the community with a popular and traditional snack—*semina*, or bread rolls.²¹⁵ The ability to relate as friends and gossip while baking bread has created a space for women to express and share personal problems, such as their experiences with domestic violence.²¹⁶

La FOMMA²¹⁷ is a playwright cooperative where indigenous women can express themselves through theater.²¹⁸ Productions address many of the women's issues in Chiapas, including alcohol abuse, domestic violence, migration and reproductive health.²¹⁹ FOMMA creates a rare safe space where women can practice confronting their fears and demanding dignity in everyday situations. This cathartic simulation allows women to shatter the taboo that their problems must be hidden and suffered through silently.

The Centro de Derechos de la Mujer de Chiapas (CDMCH) is a women's organization which holds educational workshops about issues such as domestic violence, alcoholism and land ownership.²²⁰ One of the Centro's most challenging tasks is teaching the women to express themselves and their needs and helping them to understand and believe that they have rights.²²¹ Through these lessons, the women and their communities are better able to realize the extent of the government's violations against women, and are thus better armed to resist and repair

²¹⁴ Eber, *supra* note 213, at 26.

²¹⁵ *Id.*

²¹⁶ *Id.* at 27.

²¹⁷ An acronym for the Spanish name, meaning "Strength of the Mayan Woman."

²¹⁸ Eber, *supra* note 213, at 15.

²¹⁹ Tamara L. Underiner, *CONTEMPORARY THEATER IN MAYAN MEXICO: DEATH-DEFYING ACTS* 55 (1st ed. 2004).

²²⁰ Centro de Derechos de la Mujer de Chiapas, <http://www.ddhzmujerchiapas.org/index.html> (last visited Apr. 25, 2012).

²²¹ *Id.*

such violations in the future.²²² The Centro also provides legal advocacy to women in a variety of areas, such as domestic violence, divorce, custody, property rights, inheritance and employment discrimination.

Life continues to be difficult for the indigenous women of Chiapas, and true equality is still a long way off. However, these resilient women continue to strive for improvement and equality in the face of persistent abuses by the government.



²²² *Id.*

THE MASSACRE IN ACTEAL

JOEY SCOTT

“Where others forget, [the indigenous] remember. . . [T]hey carry, among other things, our history.”

-Subcomandante Marcos, Six Advances speech

The repression experienced in Mexico has not been limited to social constructs that disfavor the indigenous or the poor. Unfortunately, the conflict has been militarized as well. Historically, the Mexican Army has acted unchecked and without fear of accountability for specific acts of violence. These militarized attacks have happened throughout Mexico, including Chiapas, under numerous circumstances.

In Mexico City on October 2, 1968, students frustrated with the Mexican government congregated in Plaza Tlatelolco at the city center to express their desire for political, social and educational reforms. Due to conflicting reports from journalists, the government and eyewitnesses, all that is known with certainty is that gunfire erupted and somewhere between thirty-two to 300 people were killed.²²³ For many years, the government revealed little information, and even today it is still unknown how many lives were lost. The massacre received very little publicity due to the Mexican government’s extensive efforts to cover up the incident. It was finally revealed thirty years later that top gov-

²²³ See Kate Doyle, *The Dead of Tlatelolco*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB201/index.htm> (last visited Apr. 25, 2012).

ernment officials helped organize the massacre and hide the carnage.²²⁴

On December 22, 1997, forty-five residents of the small indigenous community of Acteal in Chiapas were killed by a paramilitary group called Máscara Roja, a subset of Paz y Justicia, while they kneeled and prayed for peace in the local church. Paz y Justicia was a paramilitary group that received guidance from the Mexican military and government but was not under any official control from either.²²⁵ The Mexican government dismissed the massacre as a skirmish between communities. The official stance was that there must have been religious disagreement, familial squabble or a disagreement between the EZLN²²⁶ and the Acteal community.²²⁷ Because the paramilitary group directly responsible for the violence was comprised of other indigenous people, the Mexican government could blame the massacre on factors beyond its control. The Mexican government has thus far failed to recognize its control over Paz y Justicia and continues to deny its involvement, approval or awareness of Paz y Justicia's activities.²²⁸

Given the heavy military presence in Chiapas following the Zapatista uprising on January 1, 1994, this position is not supported by independent research conducted by grassroots organi-

²²⁴ See Kate Doyle, *The Tlatelolco Massacre*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB99/> (last visited Apr. 2, 2012).

²²⁵ See Monica Sandschafer, *Paramilitary groups supported by government, accusations of genocide*, <http://www.casacollective.org/story/news/paramilitary-groups-supported-government-accusations-genocide> (last visited Apr. 25, 2012).

²²⁶ This theory is somewhat outlandish given the shared goals of the EZLN and the Acteal community. The main disagreement between the EZLN and the Acteal community is the EZLN's choice to take up arms.

²²⁷ See Heidi Moksnes, *Factionalism and Counterinsurgency in Chiapas: Contextualizing the Acteal Massacre*, 76 *Eur. Rev. Latin Am. & Caribbean Stud.* 109, 115 (2004).

²²⁸ See Nat'l Sec. Archive Briefing Book No. 283, *Breaking the Silence: The Mexican Army and the 1997 Acteal Massacre*, (Aug. 20, 2009), available at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB283/index.htm>.

zations like the National Security Archive and INICIA.²²⁹ While the government has actively worked to avoid responsibility and to protect the members of Paz y Justicia from legal prosecution, the community of Acteal has relied on outside sources to fill in the gaps of knowledge. A telegram from the Defense Attaché Office to Washington D.C. in 1999 referenced intelligence officers from the Mexican Army who supervised armed paramilitary groups and refers to the creation of “human intelligence teams” by President Salinas in 1994.²³⁰ The purpose of these teams was to collect information about Zapatista sympathizers and train anti-Zapatista groups on how to protect themselves from arrest.²³¹ As a result, paramilitary groups gained both training and weaponry from the Mexican military. Michael Chamberlin, director of INICIA, has mapped the paramilitary’s formations and found that they employ the same attack strategies as the Mexican Army.²³²

As with the Tlatelolco massacre, answers from the government have not been forthcoming. As Kate Doyle of the National Security Archive in Washington, D.C. has learned, efforts to use Mexico’s freedom of information law in order to obtain information about the massacre have resulted in a “resounding silence.”²³³ According to Doyle, when requests are made to the President’s office, inquirers are directed to the Presidential Archives of the General Archive of the Nation; inside this archive, requests for information on Acteal languish in the “unprocessed files” section.²³⁴

²²⁹ INICIA is a simplified form of “Iniciativas para la Identidad y la Inclusión.”

²³⁰ FOIA Request No. 38.435, Military Involvement with Chiapas Paramilitary Groups (May 5, 1999), *available at* http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB283/acteal_02.pdf.

²³¹ Nat’l Sec. Archive, *supra* note 233.

²³² Interview with Michael Chamberlain, Director of INICIA, in San Cristóbal de las Casas, Chiapas (May 25, 2011).

²³³ Nat’l Sec. Archive, *supra* note 233.

²³⁴ *Id.*

Despite this attempt by the government to bury the story of the massacre, the community of Acteal has found a way to preserve its memory. On the 22nd of each month, the Acteal community holds a memorial mass; its purpose is not only to commemorate the lives that were lost, but also to preserve the historical memory of the event. At the beginning of the mass, visitors are asked to give introductions, which are then translated into the Tzotzil language of the community. What follows is a three to four hour ceremony that incorporates music, prayer and a visit to the burial site underneath the amphitheater. The community frequently invites visitors to join an afternoon meal and converse with the community. The community hopes that the mass will not only prevent the community from forgetting the lives that were lost, but also encourage visitors to take the history and event with them and spread the word to the outside world.

One organization active in preserving the historical memory of Acteal is Las Abejas, a religious-social organization that predates the massacre. Although Las Abejas sympathizes with the EZLN, they dissent from the EZLN's choice to take up arms and prefer to address the massacre from a philosophy of Christian non-violent resistance.²³⁵ One goal of Las Abejas is to reclaim the agricultural land rights of the indigenous that have been eroded by national and international policies and trade agreements; another is to put pressure on government officials to achieve justice by prosecuting those responsible for the massacre.²³⁶ Although its reach is limited, Las Abejas has been successful at bringing international attention to the failures of the Mexican government in proactively addressing the massacre.

Both answers and justice have proven difficult to obtain for those victimized at Acteal. Relief, in a limited degree, has come largely from localized community groups and international forums. The Fray Bartolomé de las Casas Center for Human

²³⁵ *Las Abejas*, <http://www.lasabejas.org> (last visited Apr. 25, 2012).

²³⁶ Interview with Las Abejas in Acteal, Chiapas (May 27, 2011).

Rights (“Frayba”) is a non-profit organization located in San Cristóbal; it was founded by the late bishop Samuel Ruíz, who was beloved by the indigenous for his tireless fight for equality.²³⁷ On top of reporting on human rights concerns in Chiapas,²³⁸ Frayba has been the legal representative in many judicial cases for the victims of Acteal, both locally in the Mexican judicial system and internationally in front of the Inter-American Commission on Human Rights (“IACHR”). Frayba has been responsible for spearheading most of the work towards justice in the Acteal case.

The Mexican government did begin prosecution of some of the members of Paz y Justicia who allegedly carried out the massacre in Acteal; however, the case ended in 2009 when the Mexican Supreme Court ruled that prosecutors used illegally obtained evidence.²³⁹ As a result, twenty people were released.²⁴⁰ The ruling came as a blow to human rights activists, especially because some of those on trial had confessed to involvement in the massacre. The Supreme Court’s ruling did specify that the dismissal did not necessarily absolve the perpetrators of guilt, but only determined that the case could not proceed because of due process violations.²⁴¹

Following this dismissal, the IACHR agreed to hear the case. IACHR is a panel located in Washington, D.C. which has jurisdiction over human rights cases, especially those originating in Latin America.²⁴² The Commission’s power is limited. Although the court’s rulings do not have any authoritative power over

²³⁷ *About us*, http://www.frayba.org.mx/sobre_nosotros.php?hl=en (last visited Apr. 25, 2012).

²³⁸ *See Reports*, <http://www.frayba.org.mx/informes.php?hl=en> (last visited Apr. 25, 2012).

²³⁹ Press Release No. 166/2009, Suprema Corte de Justicia de la Nación, *Otorga Primera Sala 26 Amparos en Caso Acteal* (Aug. 12, 2009) (on file with author).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *What is the IACHR?*, <http://www.oas.org/en/iachr/mandate/what.asp> (last visited Apr. 25, 2012).

participating countries, a negative ruling from IACHR puts a substantial amount of pressure on countries to reform their practices. On November 1, 2010, IACHR formally determined that it had jurisdiction to hear the Acteal case: the case is currently pending.²⁴³

On September 16, 2011, twelve family members of Acteal victims filed a complaint in the District of Connecticut against Ernest Zedillo, the President of Mexico at the time of the massacre.²⁴⁴ The families filed the claim under the Alien Tort Act,²⁴⁵ under the theory that Zedillo is now the director of the Yale Center for the Study of Globalization at Yale University and resides in Connecticut, thus subjecting him to the jurisdiction of U.S. federal courts. The Act, passed by the First United States Congress as part of the Judiciary Act of 1789, allows actions by aliens for tort. The case has not yet passed the pleading stage.

While the massacres of Tlatelolco and Acteal were separated by almost thirty years, both cases demonstrate the Mexican government's brazen disregard for human life and its enduring tradition of denying all accountability for the actions of its officials. At least now, fifteen years after the massacre occurred in Acteal, we see progress and attempts to hold the government legally responsible for what happened. This progress, led by grassroots organizations, will hopefully end the cycle of governmental impunity and bring justice to the victims of Acteal.

²⁴³ Manuel Santiz Culebra, Petition 212-05, Inter-Am. Comm'n H.R., Report No. 146/10, OEA/Ser.L/V/II., doc. 5 rev. 1 (2011).

²⁴⁴ Complaint, *Doe v. Zedillo*, No. 3:11-CV-1433-AWT (D. Conn., Sept. 16, 2011), available at <http://acteal97.com>.

²⁴⁵ 28 U.S.C. § 1350 (2012).



GRAFFITI: GIVING VOICE TO THE INDIGENOUS

LEAH FARMER AND RACHEL MILOS

*“You are . . . the voice that we speak, the face that makes us visible, the sound that gives us our voice.”*²⁴⁶

-Subcomandante Marcos, March 11, 2001 speech

Mexico’s history of struggle and revolution is reflected on the city walls of San Cristóbal de las Casas in Chiapas, Mexico. The walls are covered with stencil graffiti that proclaims:

- “Stop the torture”
- “October 2 – never forget”
- “In one kiss, a revolution”
- “No more sexual attacks in the streets”

Visible around every corner are the painted faces of Emiliano Zapata and Subcomandante Marcos, two revolutionaries who fought and continue the quest to achieve basic human rights for the indigenous people of Mexico. This effusive graffiti represents an outpouring of silent indignation at the Mexican government’s failure to address the issues plaguing the indigenous population of Chiapas.²⁴⁷ Since the indigenous are denied representation and a voice in the Mexican government, the people of Chiapas have made their voices heard by using the walls of

²⁴⁶ EZLN Words in the Zocalo, <http://www.criscenzo.com/jaguarsun/chiapas/chiapas120.html> (last visited Apr. 25, 2012).

²⁴⁷ *Protest Graffiti in Chiapas, Mexico*, <http://www.sipaz.org/informes/vol14no3/vol14no3e.htm#ARTICULO> (last visited Apr. 25, 2012).

the city as a discussion board.²⁴⁸ It is a visible and powerful form of protest that promotes change and social justice by allowing oppressed groups to express their viewpoints about human rights abuses, past and present.

Stencil graffiti is not a new art form; it has been used by oppressed groups for thousands of years to speak out against repressive governments and to express discontent.²⁴⁹ In Roman times, graffiti covered city walls.²⁵⁰ According to graffiti historian Cedar Lewisohn, it was a popular way of speaking back to authority.²⁵¹ The city walls constituted a place where people could ridicule or complain about the authorities.²⁵² Over the years and around the world, oppressed groups have continued to use graffiti to express their views and their side of the story.²⁵³ The story seen on city walls often contradicts the story told by the government through their media channels.²⁵⁴ Their movement was similar to those seen around the world in other rebellions against oppressive governments. The art, the stencil graffiti and the messages ring loudly with a message that is global. Just as the walls in South Africa were covered with stenciled images of Nelson Mandela during its fight against apartheid,²⁵⁵ the walls in Mexico tell a similar story.

Historians Robert Reisner and Lorraine Wechsler note that graffiti has served as a way for the common man to find a

²⁴⁸ Cedar Lewisohn, *STREET ART: THE GRAFFITI REVOLUTION* 27 (Abrams 2008).

²⁴⁹ Michael V. Uschan, *EYE ON ART: GRAFFITI* 58 (2011) (citing Robert Reisner & Lorraine Wechsler, *Encyclopedia of Graffiti* vi (MacMillan 1974).

²⁵⁰ *Id.*

²⁵¹ Lewisohn, *supra* note 253.

²⁵² Uschan, *supra* note 254.

²⁵³ Josh MacPhee, *Street Art & Social Movements*, http://www.justseeds.org/blog/2009/02/street_art_and_social_movement.html, (last visited March 20, 2012).

²⁵⁴ *Id.*

²⁵⁵ *Art and the journey for freedom in South America*, www.library.thinkquest.org/18799 (last visited Apr. 25, 2012).



voice.²⁵⁶ As they point out, “history books are taken from aristocrats, statesmen, and their paid scribes; but, through graffiti we discovered evidence of another version of history, characterized by oppression and opposition to the official point of view.”²⁵⁷ Historically, people have used graffiti to combat repressive regimes where newspapers, television and radio are manipulated and controlled by the government; the city walls have become a way to reach out to the public and to communicate an alternative version of events.²⁵⁸

Art has been a form of activism in Mexico for many years.²⁵⁹ Before stencil graffiti emerged in Mexico, activists used murals and other art forms to publicly express their discontent and frustration with the Mexican government.²⁶⁰ One of the best known Mexican graffiti collectives formed in Mexico City after the 1968 Tlatelolco massacre of over 300 students in Mexico City’s Plaza Tlatelolco.²⁶¹ After that massacre, a group of artists came together and formed Grupo SUMA, united by the belief that art could serve as an instrument for social change.²⁶² This collective of artist-activists refused to tolerate the gross human rights violations occurring at the hands of the military or the impunity afforded to the Mexican government calling the shots.²⁶³ SUMA created murals that referenced the massacre at Tlatelolco and focused attention on the government’s cover-up

²⁵⁶ Robert Reisner & Lorraine Wechsler, *ENCYCLOPEDIA OF GRAFFITI* vi (MacMillan 1974).

²⁵⁷ *Id.*

²⁵⁸ Uschan, *supra* note 254.

²⁵⁹ Charmaine Picard, *The Art of Urban Recycling: The Artist Collective SUMA*, <http://lanic.utexas.edu/project/ilassa/conference/1999/papers/picard/picard2.htm> (last visited Apr. 25, 2012).

²⁶⁰ *Id.*

²⁶¹ Picard, *supra* note 264; *Chiapas: Forum on Graffiti: Youth and the re-signification of public space*, <http://sipazen.wordpress.com/2009/06/> (last visited March 20, 2012).

²⁶² *Id.*

²⁶³ *Id.*

strategies.²⁶⁴ They used art as a way to remember the incident and to tell their story, refusing to allow the incident to be hushed up and forgotten.²⁶⁵

The reach of SUMA's message can be seen throughout Mexico, and especially in Chiapas, where the collective is known as the "graffiti writers."²⁶⁶ Because stencil graffiti offers the opportunity to express a message with lower costs, it has become a popular medium of expression for the poor and oppressed.²⁶⁷ Stencil designs are cheap, quick, anonymous and universal.²⁶⁸ Artists need only a spray can and a piece of cardboard to create a stencil. They often work in the dark of night and can produce a stencil in thirty seconds to a minute, greatly reducing the chances of being caught and punished by the authorities.²⁶⁹ Like SUMA, the "graffiti writers" have the same goals—giving universal voice to the repressed, creating a visual that the government cannot ignore and keeping the memory of those lost alive.²⁷⁰

The "graffiti writers" are a collective of youth and indigenous activists that have started a "cultural, political, and artistic movement that offers an alternative form of expression to that of an 'intolerant society, [and an] authoritarian, and exclusive'" government.²⁷¹ The influences of SUMA and the Tlatelolco Massacre are evident. In fact, the activist art in Chiapas has been strongly influenced by the impunity afforded to government officials following the Tlatelolco massacre of 1968.²⁷² The massacre mobilized youth and indigenous leaders to publicly de-

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Living Mexican Revolution*, <http://www.casacollective.org/story/issue-42-dec-2006/living-mexican-revolution> (last visited Apr. 25, 2012).

²⁶⁸ Russell Howze, *STENCIL NATION: GRAFFITI, COMMUNITY, AND ART* (2008).

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Chiapas: Forum on Graffiti*, *supra* note 266.

²⁷² *Id.*

mand an end to government repression and impunity through the use of art.²⁷³ In 1994, the trend found another useful purpose.²⁷⁴ After the explosion of graffiti art in the territory, following the Zapatista uprising in 1994, the EZLN and its supporters used graffiti to communicate with one another; after the armed conflict ended, stencil art continued to emerge as a plea that attention be given to the issues of government repression, governmental impunity and the rights of indigenous people.²⁷⁵



As late as May of 2011, the city walls are covered with stencils referencing the history of the government's repression of the people. One stencil depicting a huge red fist rising into the air reads: "Enough repression." Stencil images around the city de-

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

mand liberty for all political prisoners, offer support for same sex couples, plead for an end to domestic violence and call for the prosecution of governmental agents responsible for the violations against humanity. Some stencils use images of past and present activists to communicate a cry for action; the images of Frida Kahlo, Diego Rivera, Emiliano Zapata, Subcomandante Marcos and other EZLN leaders provide inspiration for young activists. For example, one stencil depicts a masked Zapatista with his fist raised high into the air, yelling: “Now is the time for us to prepare for the victories of the future. We will conquer.” Other times, instead of stencils, it is a quick few sprays of paint over other murals that communicate the artist’s message of resistance. One such example is a small black swastika over a Coca-Cola mural to draw attention to the catastrophic affect the company is having on Chiapas and the indigenous communities.²⁷⁶

As the fight continues, it is not without its risks, especially in San Cristóbal de las Casas.²⁷⁷ On May 27, 2009, 16-year-old Martín Penagos Victor Estrada was killed by a hotel guard for painting graffiti on the wall of an abandoned hotel building.²⁷⁸ The murder spurred a June 5, 2009 youth conference where local advocates met to argue for the rights of youth to express themselves through art and to be heard.²⁷⁹ Weeks later, another teenager, José Emiliano Nandayapa Gómez, was beaten unconscious after being caught by police promoting the rights of young people through activist art.²⁸⁰ Police later justified the attack against Gómez by blaming his “subversive haircut.”²⁸¹ Gómez is

²⁷⁶ *Cola Wars in Mexico: Tzotzil Indians in Mexico know the Dangers of Globalization and Soda Pop*, www.inthesetimes.com/article/2840 (last visited Apr. 25, 2012).

²⁷⁷ *Chiapas: Forum on Graffiti*, *supra* note 266.

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Mexico: 16-year-old student kicked unconscious by police for his haircut*, www.amnesty.org.uk/news_details.asp?NewsID=18318 (last visited Apr. 25, 2012).

²⁸¹ *Id.*

admittedly an activist who promotes the rights of Mexican youth through stencil and graffiti painting; his work demands accountability rather than impunity for governmental human rights violations and has criticized many government policies.²⁸² After the attacks, artists did not stop; rather, the art increased with more demands for justice.²⁸³

These stencils demonstrate that the revolutionary spirit remains alive in Chiapas.²⁸⁴ Although indigenous groups continue to be denied basic human rights, they refuse to sit by in silence.²⁸⁵ Although many indigenous people are denied the right to vote and a voice in the political process, graffiti offers them a way to voice their discontent and be heard.²⁸⁶ In Chiapas, the graffiti writers continue their movement, demanding accountability for past atrocities and a future free from similar relapses.²⁸⁷ Zapata and Marcos will continue to appear on the city walls throughout Chiapas for as long as the message needs to be told; their images remind people that the revolutionary spirit cannot be silenced, that the fight will continue. In April of 2010, while mobilizations took place across Mexico to commemorate the assassination of Emiliano Zapata on April 10, 1920, graffiti portraits of Zapata, marked with words like “Zapata Lives,” were part of reminding the community that the fight is not over.²⁸⁸

The activists in Chiapas are as diverse as the graffiti on the walls; both carry strong messages and demand an end to the impunity and the abuses perpetuated by the Mexican government. The graffiti covering the walls of San Cristóbal demonstrates

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ *Chiapas: Forum on Graffiti, supra* note 266.

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ “Memory and repression mark the 91st anniversary of the assassination of Emiliano Zapata,” www.sipazen.wordpress.com/category/mexico/page/12 (last visited March 20, 2012).

that the people of Chiapas will continue to make their voices heard and reminds us of the words of the First Declaration of the Lacandón Jungle: “We will not cease fighting until we achieve the fulfillment of these basic demands of our people.”²⁸⁹



²⁸⁹ *First Declaration from the Lacandon Jungle*, flag.blackened.net/revolt/mexico/ezln/ezlnwa.html (last visited Apr. 25, 2012).

CONCLUSION

While the indigenous people of Chiapas suffer many injustices at the hands of the Mexican government, few people around the world are aware of the situation in Chiapas. In order for change to occur, the indigenous people can no longer stand alone in their struggle.

The 2011 Chiapas Human Rights Practicum ran from May 14 to May 26 and included a group of sixteen first and second year law students. Additionally, three of the students had the opportunity to remain in Chiapas to volunteer for the summer with local NGOs and human rights organizations, including Frayba and El Centro de los Derechos de la Mujer. Prior to the trip, they spent four months researching and learning about the human rights violations that plague Chiapas' indigenous people and the government's role in perpetuating these violations. The classroom component, however, could not prepare us for the reality, the poverty or the inspiring nature of the people of Chiapas.

We were profoundly affected by what we observed and learned in Chiapas. The indigenous peoples affected by the Mexican government's impunity seek recognition and vindication of their human rights. They seek justice for the innocent who have fallen. They seek equal enforcement of the laws that should protect them, and they fight against the laws that threaten their traditions. They advocate for the right to establish their own autonomous government.

Ultimately, the indigenous must continue to speak out in order to effectively combat the government's impunity. Various efforts have been made to accomplish this objective, and many have originated at a grassroots level by the indigenous themselves. Their success, however, as demonstrated by these snapshots, has been limited; the indigenous still live a life plagued by poverty and inequality. Though long overdue, it is time for the legal community outside of Chiapas to add its voice and to lend

support to the indigenous people of Chiapas, in order to help them obtain the rights and respect that they deserve. It is our hope that this article begins that process.

“In summary, we the indigenous are not part of yesterday; we are part of tomorrow.”

*-Subcomandante Marcos,
Roads of Dignity speech, 2001*

