

Mexican Refugees Fleeing Abuse and Violence
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Abstract

The number of Mexican citizens who come to Canada seeking asylum has increased considerably in the past years – from 1,649 claims in 2001 to 7,062 last year. Of these claims, approximately 89% are denied. A large number of refugee claimants are women and their children fleeing abuse and violence. Although abuse and violence against women in Mexico is not a new issue, the alarming increase of crime, corruption and poverty that the country has been experiencing over the past decades have rendered them even more vulnerable. According to some estimations an average of four women are murdered everyday. Mexican authorities have done little to prevent or stop such murders, for instance, a special study found that approximately 90% of assassinated women had sought help from the authorities. Furthermore, in most cases, perpetrators do not face any type of consequences – impunity reigns.

Once in Canada, many women face a lot of barriers when trying to navigate the system. Some of their claims are rejected stating that Mexico is a democracy capable of protecting its citizens when the reality shows the opposite. In some cases, they come escaping from members of drug cartels, criminal organizations, the army, politicians, police officers, and, in general, perpetrators who have the power and resources to abuse women and manipulate the system with complete impunity. Some of these women are seen as economic refugees and thus are not treated fairly. In words of Janet Dench, Executive Director of the Canadian Council for Refugees, "Our concern is whether Mexicans can get a fair hearing, when most people simply assume they are economic migrants," she admits that there is "prejudice against the Mexicans." Canada is one of the few countries that have internationally expressed its committed to protect women from gender-related prosecution. It is important that these women are heard and treated fairly.

Introduction

Maria's story

Maria lived in a small town in Mexico all her life. She arrived to Toronto one month ago, as she saw it as her only chance to get away from her abusive husband of 30 years. Maria met Luis when she was 18 years old and just beginning her studies as a teacher. After a year of dating, she married him against her parents' wishes and immediately started a family. Luis' alcohol intake and his political activities increased during the first year of their marriage. His

rowdy evenings with his political associates led to many intoxicated nights and ended with Maria being assaulted. During all their marriage there were many incidences of family violence which Maria tried to shield her children from. At first, she attempted to seek support from her parents to leave this abusive situation, but she was told that divorce was not an option. She also attempted to go into counselling only to find out that her therapist and her husband were good friends. She soon learned that the therapist disclosed their sessions to her husband. For the next 15 years, Maria raised her children and maintained the family business. When she tried to file for divorce, her husband kicked her out of her home. He allowed her to see the children if she agreed to drop the request. With no income and no support, she agreed. Her attempts at involving the police brought little reward, as the police were close friends with her husband. Her husband would tell her daily that if she left him, he would hunt her down. When she fled to her sister's home in Mexico City, he found her within a day. When she traveled to her parent's home in another state, he searched their home with his police friends until she was found. After 30 years, Maria fled Mexico with her children to seek protection in Canada.

Mexican women seeking asylum in Canada

As clinical counsellors at COSTI Mental Health and Family Services we serve Spanish-speaking women and children who have experienced abuse and violence. We offer individual counselling and a trauma group for women. In the last year, we have noticed a great increase in the number of female Mexican refugee claimants who, as Maria, seek counselling after fleeing violence and all types of abuse (emotional, physical, sexual, systemic, and financial). So much so, that the present intake volume is overwhelming. For example, in the Trauma Group For

Spanish-Speaking Women last fall, we had double the amount of participants as usual, and a long waiting list. About 90% of them were from Mexico.

Through intakes, assessments, individual and group sessions, we have heard multiple stories of women going to Mexican authorities after being assaulted by their husbands, partners, neighbours, employers and members of criminal groups only to find negligence and incomprehension. In some instances we hear stories of women fleeing their abusers only to be the target of further abuse by the abuser's police and politician friends, drug cartel associates, and other types of criminal groups.

We have also heard of several stories of women whose refugee claims have been rejected assuming that they can safely go back to Mexico to seek emotional support and help from the authorities. Indeed, "The standard grounds for denying refugee claims by Mexicans is that there is adequate state protection in the country, that Mexico is a democracy or that the person could move to another part of the country" (Taylor, 2008a). For some of these Mexican refugees returning to Mexico is not an option. As Maria, many of them have tried to look for support from family, friends, counsellors and the police. Many of them have also tried to escape to other parts of the country, only to be found and suffer further abuse. For some women going back is a matter of death or life. And although the risk of remaining underground for some seems like a better option, it also creates further barriers to living a stable, safe life – and a life free of abuse and violence.

The future aim is to conduct a research study to help us shed light upon the case of these many Mexican women who have not found other options but to come to Canada fleeing abuse and violence. One of the many barriers that they have found is misunderstanding from certain sectors of the public, sometimes including the Immigration and Refugee Board of Canada. Some

of these women are seen as economic refugees and thus are not treated fairly. In words of Janet Dench, Executive Director of the Canadian Council for Refugees, “Our concern is whether Mexicans can get a fair hearing, when most people simply assume they are economic migrants,” she admits that there is “prejudice against the Mexicans” (Keung, 2007). Canada is one of the few countries that have internationally expressed its commitment to protect women from gender-related prosecution. It is important that these women are heard and treated fairly.

At the present moment, we are at the beginning stages of the study, gathering data and working on a research plan.

Abuse and Violence against Women in Mexico

Violence against women in Mexico is not a new issue. Mexican women are born and raised in a patriarchal society where women’s submission to men is reinforced everyday by all social institutions – from the family to the state (please see appendix). However, over the past decades, the levels of abuse and violence against women have increased considerably due mainly to the increase of poverty, crime and corruption.

Some studies estimate that an average of four women are murdered everyday (Taylor, 2008a). Of great concern is the fact that in the majority of the cases, the authorities do not intervene to prevent these murders. According to a study conducted by the Special Prosecutor for Attention to Crimes Related to Acts of Violence against Women in the country (FEVIM), “90% of women who were assassinated had sought help from the authorities” (Taylor, 2008a). Furthermore, in most cases, perpetrators do not face any type of consequences – impunity reigns.

According to a study conducted in 2006 by the National Institute of Statistics, Geography and Computer Sciences of Mexico (INEGI, the equivalent to Statistics Canada), 67% of Mexican

women over 15 years of age reported having suffered some type of violence and abuse, “not only from partners but at work, in their family or school” (quote translated by the authors from Godinez Leal, 2007). This percentage might be even higher if we consider that a lot of women fail to report violence and abuse because, since embedded in the social fabric, women tend to normalize and/or minimize an abusive situation. Of this percentage, 43.2% women reported having suffered intimate-partner violence; two out of ten reported having had permanent or short-term injuries due to physical abuse; 29.9% suffered discrimination and harassment at work, and 15.6% at school. Four out of ten women reported having suffered violence in their community, for example, in public spaces, public transportation, movie theatres, public markets, and so on (Godinez Leal, 2007). Mexican women suffer violence at all levels.

The Case of Ciudad Juarez

In some states of the country, the levels of violence and abuse are alarming. Over a decade ago a small city in the northern part of the country, Ciudad Juarez, became the centre of attention of several national and international women’s organizations as women are massively murdered every day. Since 1993, over 470 women and girls have been murdered and over 6 thousand have disappeared. When found, these women’s bodies show severe signs of torture, mutilation, rape, and strangulation (Godinez Leal, 2008; Cato, 2004). The vast majority of these women are low-income employees, maquiladoras laborers, sex workers and exotic dancers (Villalobos Mendoza, 2007).

Ciudad Juarez, a border-city across from El Paso, Texas is known as a centre for drug violence and the hub of the maquiladoras. With NAFTA, the maquiladoras production greatly increased. “The majority of the maquiladora workers are young women, a situation that has

transformed the traditional roles of women in the family” (Cato, 2004). Indeed, they tend to hire fewer men as women are seen as having greater manual dexterity. In reality, women are paid less and are perceived to be less likely to form unions. In a macho society, where men are perceived as the breadwinners, this has caused growing resentment in the male population. Their anger is taken out on their female counterparts through violence as Mexican men try to find where they fit in this new structure. “The breakdown of traditional gender roles factors strongly into the spread of domestic violence” (Cato, 2004).

However, the spread of this violence “cannot be understood apart from the extreme social and economic inequalities of the intimidating, industrial city” (Cato, 2004). The conditions under which women work at the maquiladoras are denigrating – very low wages, long work hours, zero benefits and protection, and high levels of discrimination and harassment. Moreover, in addition to poverty and domestic violence, women are also victims of powerful drug cartels, and organized prostitution and migrant trafficking groups.

The Authorities’ Response

So far, authorities have minimized these murders and disappearances cataloguing them as “run-aways” with boyfriends (Godinez Leal, 2008); they have considered these massive crimes as isolated events, and thus neglect to properly investigate them. In this city, impunity reigns, approximately 75% of the murders and disappearances are unresolved (En 14 estados, resistencias a la ley de proteccion a mujeres, 2008). Poverty, crime and corruption permeate “almost every level of society and ensures that impunity triumphs over the rule of law” (Cato, 2004).

It is important to mention that massive women murders, which in the country have come to be known as *feminicidios* (female massive homicides), not only happen in Ciudad Juarez. Ciudad Juarez has caught the international's public attention, but *feminicidios* happen in other major states such as Jalisco (with 523 murdered women over the last 11 years; Lopez Alvaro, 2008); Estado de Mexico (with over 300 cases every year; Gonzalez Garcia, 2006); and Mexico City (with 106 murders in average every year; Montaña, 2008). Some studies estimate that 70% of the cases are related to domestic violence (Montaña, 2008). A vast majority of these crimes too remain filed and the perpetrators live free with complete impunity.

Despite the alarming statistics of abuse and violence against women, police authorities, decision makers, and politicians refuse to see it as a national concern and neglect to implement appropriate measures to prosecute, stop and prevent such crimes. In 2007, after years of strong pressure from family members of the thousands of murdered and disappeared women, several women's organizations and all types of advocates, a new law was enacted, the General Law on Women's Access to a Life Free from Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia) which seeks to guarantee the coordination of all national and local entities "to prevent, sanction, and eradicate violence against women" (quote translated by the writers from, Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, Chapter 1, Article 1). As of March 2008, 14 states out of 31 were still debating over the "utility" of such law; or the approval of the law was pending for different reasons. For example, local congress members of the governing party in Guanajuato, one of the most conservative states in the country, declared that such law "made no sense." During one of the meetings of the Congress Commission to Equality of Gender, one politician, from the governing party as well, diminished this law stating that it was "declarative" (whatever that means), that they were against violence,

but they could not enact declarative laws such as “the right to happiness or to have breakfast everyday” (quote translated by the writers from, *En 14 estados, resistencias a la ley de proteccion a mujeres*, 2008). The political party that is governing the country at this moment, that is P.A.N. (National Action Party), is one of the most conservative and patriarchal parties in Mexico.

As of today, two states have not approved the law – Guanajuato, again, one of the most conservative states in Mexico, and Oaxaca, where it is common practice to trade women as merchandise. According to Kerrie Howard, Amnesty International’s Deputy Director for the Americas Programme, “There is a clear and deplorable lack of state-level commitment to implement the General Law on Women’s Access to a Life Free from Violence” (Mexico: After two years, the law to protect women has had no impact at state level, 2009), and indeed, “Only five [states] have complied with the obligation to establish implementation mechanisms essential for the law to be put into practice” (Mexico: After two years, the law to protect women has had no impact at state level, 2009).

In a patriarchal society in which politicians and policy makers disregard laws that seek to protect women from violence and abuse because they “made no sense”, where corruption pervade all sectors of society, as well as poverty and high levels of crime, everyday women are massively victimized, abused, assaulted, murdered with impunity. Mexican authorities are not just incapable, they are unwilling to protect women, and therefore women sometimes do not have other choice but to escape to other countries such as Canada.

Barriers that some Mexican refugee women have encountered when claiming refugee status in Canada.

Once in Canada, many women face a lot of barriers when trying to navigate the system. Some of their claims are rejected stating that Mexico is a democracy capable of protecting its citizens when the reality shows the opposite.

According to some immigration lawyers who preferred to keep their names anonymous, there are three main factors that the Board takes into consideration when processing a refugee claim. The first one is credibility. The refugee claimant's story, attitudes and behaviour have to be convincing, realistic and credible. In their experience, there are certain linguistic, emotional and communication issues that have prevented some women from presenting a convincing, realistic and credible story. First of all, most of them do not speak English so they have to rely on interpreters and translators. The problem with interpreters and translators is that sometimes they do not convey the message women want to give, they disregard important information or even change it. In other some cases, communication between lawyers and clients is limited as the lawyers fail to provide interpreters or translators. In some instances women have reported not receiving adequate legal counsel, as their lawyers do not take time to explain them the process, what is expected from them, or what documents they need to present; some of them have reported that their lawyers even misplace their documents on a regular basis. Therefore, some of them attend their hearings unprepared.

In addition, some of these refugee women do not have an emotional and psychological support system to help them deal with issues of anxiety, depression or fear. This is an important issue if we consider that the majority of these women suffer from Posttraumatic Stress Disorder (PTSD) due to the abuse they experienced in their country. Their emotional and psychological

state sometimes prevents them from recounting their story during the hearings. They experience flashbacks, some of them “freeze” and are unable to speak; others are unable to remember certain events, dates, the sequence of the events, or get confused; some experience panic attacks. Having to recount their stories brings back a lot of negative feelings and thoughts, and triggers symptoms that prevent them from concentrating and providing a “coherent” and “reasonable” recount (for information on PTSD, please see Herman, 1997). This is easily interpreted by some judges as “not credible”, “not convincing”.

Refugee claimants have also to prove that their country is unable to protect its citizens. As stated before, Mexico is seen as a democracy that has laws that protect women, and actually there are some such as the General Law on Women’s Access to a Life Free from Violence. However, in reality they are not implemented. Politicians, police makers and authorities in general disregard them because “they make no sense”. In real life, women are unprotected.

In addition to considering that Mexico has the laws to protect its citizens, the Immigration and Refugee Board of Canada also assumes that, since the country is so big, women can easily escape to other states to avoid violence and start a new life. This has been called the Internal Flight or Relocation Alternative. Abusers who are connected to the police, to the army, or to other criminal organizations have the power to trace women down wherever they are. And even if they are not associated to any group, women can easily be tracked, for example, Mexican children’s school registration can be tracked through the internet. Several of the women who seek asylum in Canada due to violence and abuse have unsuccessfully travelled that route.

Conclusions

Violence and abuse against women in Mexico is a serious problem that authorities have failed to address. Despite the enactment of laws, women continue to be victimized every day with complete impunity. By July 2008, a year after the General Law on Women's Access to a Life Free from Violence was launched, the number of murders had doubled compared to the number registered in the whole year of 2007 (Muñoz Rios, 2008). Once in Canada they face several barriers that limit their chances of having a fair hearing. In fact, some of them are considered economic refugees and therefore are not given a fair chance.

We are in the beginning stages of a research study that aims to shed some light into the complex case of Mexican women fleeing violence. Since this is a relatively new phenomenon in the GTA, there is limited availability of some data and information. For example, we do not have an exact number of the women who tried to seek the help of authorities back in Mexico, or the exact number of women who managed to go to other cities and states, two determining factors to obtain refugee status in Canada. We know that the number is large based on our daily experience and on the recounts of other community workers and lawyers that serve the Spanish-speaking community. In addition, we need to explore more in depth the type of barriers that these women have encountered when navigating the system. Our immediate actions will focus on conducting surveys and focus groups with these women to collect more data and document their experiences, as well as coordinating our endeavours with other community advocates.

Appendix

Values and beliefs about women in Latin America

Patriarchy refers to the fact that the world is historically defined by men and for men, with women being considered objects and property (Levine, 1982). The patriarchal world view is still deeply ingrained in the Latin American belief system.

As a result of living in a patriarchal world, Latinas have been oppressed for centuries. Many Latinas and Latinos have genuinely internalized the gender role that they have inherited for centuries and that was prescribed for them; the role that they are expected to carry out. Men have a sense of entitlement of their privileges and women believe that their lives revolve around their families and their husbands' desires and decisions (Hardin, 2002). Latinas have internalized the submissive, subordinated and passive role that was prescribed for them as wives and mothers. Women's oppression in its various forms is so common and embedded that it is seen by men and some women as a normal, natural fact of life (Levine, 1982).

A review of the literature revealed that some of the most important Latin American values are: *familismo*, religion, and respect. *Familismo* or family loyalty refers to Latin Americans' deep value for family cohesiveness. The sense of family is communal. For many Latina women it is crucial to have children and to take care of them, and as a man, it is crucial to provide for the family. Several studies agreed in that *familismo* encourages traditional gender roles and that it is still alive in Latin America (Flores, Eyre, & Millstein, 1998 as cited in Raffaelli & Ontai, 2004).

Latinas are socialized at a very early age to believe that raising a family is their principal duty in life; as a consequence, as a result of their fundamental cultural beliefs which include keeping the family together at any cost, some Latinas may stay longer in an abusive relationship

than Anglo American women who also experience intimate partner violence (IPV), (Glodberg, Hokoda & Ramos, 2007). Latinas who suffer IPV may find themselves torn between the duty to keep the family together and the duty to themselves (Glodberg, Hokoda & Ramos, 2007).

Religion is another crucial value in Latin America. The Catholic religion is a powerful vestige of colonialism that facilitated the division of the gender roles in Latin America. The gender role of the ideal woman that Spanish missionaries brought to Latin America is *marianismo*, which is crystallized through the image of the Virgin Mary in her submissive, chaste, and dependent nature (Raffaelli & Ontai, 2004). All these characteristics have masked different types of abuse in Latinas' lives. For Latinas the meaning of love is often translated into giving, sacrificing, looking after others, particularly men and children and sometimes taking care of their elderly parents and relatives.

Respeto or respect is another central value in Latin America. The value placed on *respeto* encompasses the reverence of authority and hierarchy. The male is the head of the household and he is seen as the authority at home (Raffaelli & Ontai, 2004). Respect is taught at home and children see the fatherly authority and power as "the way it is" with no possibility to change or to challenge it. Latinas are taught that males have the right to dominate and control the family affairs and that women are subordinates. *Respeto* may become a gender script that continues throughout one's life where both males and females learn that the ultimate authority in the family is the husband/father (Goldberg, Hokoda & Ramos, 2007, p. 2).

Several research studies agree that the patriarchal system still reigns in Latin America and that some of the appalling repercussions are IPV and violence against women (VAW), which are present, insidious and tolerated (Glodberg, Hokoda & Ramos, 2007; Sagot, 2005; Mattson & Ruiz 2005).

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