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Violence against Women
in the Globalized Economy
of the Americas

An Amnesty International Canada
Briefing Paper

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COVER PHOTOS

TOP RIGHT:

Activists with AI Chile stage a public protest on behalf of women victims of violence.

March 2004 © AI

MIDDLE RIGHT:

Women take to the streets in Miami to call for jobs with justice, as the hemisphere's trade ministers engage in talks to establish the Free Trade Area of the Americas.

November 2003 © AI CANADA

BOTTOM RIGHT:

Crosses commemorate the hundreds of young women, some of them migrants and others maquila workers, whose mutilated bodies have been found in the northern Mexico state of Chihuahua.

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TOP LEFT:

Norma Andrade holds up a photo of her daughter Alejandra, who was abducted and murdered in Ciudad Juárez, Mexico.

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BOTTOM LEFT:

Special riot police are deployed during a peaceful march of people protesting against the Free Trade Area of the Americas (FTAA) in Miami.

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Contents

1. Introduction

A Women's Human Rights Approach to Trade and Investment	2
The Role of Canada	3

2. The Globalized Economy of the Americas

a) The World Trade Organization (WTO)	5
b) The International Monetary Fund (IMF) and the World Bank	6
c) Free trade and investment agreements.	7
i) The North American Free Trade Agreement (NAFTA).	7
ii) The Free Trade Area of the Americas (FTAA).	8
iii) Canada-Central America Four Free Trade Agreement (CA4FTA).	8
iv) The U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA).	9
v) Andean Free Trade Agreement (AFTA).	9
d) Mega-Projects	9
i) Plan Puebla-Panamá (PPP)	9
ii) Andean Regional Initiative (ARI)	10

3. Women at Risk

A. INDIGENOUS WOMEN	11
Multinational Oil Development in the Ecuadorian Amazon: The Testimony of Soraya Cisneros of the Sarayaku	13
The Case of María Teresa Cherres Mesías	14
Hydro-electric Mega-Project in Northern Colombia: The Testimony of Martha Cecilia Domicó of the Embera Katío	15
B. MIGRANT WOMEN	16
i) Migration and Violence at the U.S./Mexico Frontier	17
a) The Case of Ciudad Juárez	17
b) Crossing the U.S. Border	17
ii) A Violent Journey North	18
C. WOMEN, GLOBALIZATION AND SOCIAL PROTEST	19
i) GUATEMALA	19
a) Opposing Mining Development: The Case of Eloyda Mejía Samayoa	20
b) Opposing the FTAA and Plan Puebla Panamá: The Case of Norma Maldonado and Members of Mamá Maquin	20
ii) ECUADOR	21

a) Violence against Women Human Rights Defenders and Activists	
Opposing State Oil Policies . . . . .	.21
The Case of Guadalupe de Heredia . . . . .	.21
The Case of Lina María Espinoza Villegas . . . . .	.22
b) Violence against women opposing free trade negotiations with the US . . . . .	.23
The Case of María Diocelinda Iza Quinatoa. . . . .	.23
iii) COLOMBIA . . . . .	.24
a) Violence Against Women Trade Unionists and Human Rights Defenders . . . . .	.24
The Case of Sandra Patricia Cordero Tovar . . . . .	.24
The Case of Ludivia Giraldo . . . . .	.25
The Case of Berenice Celeyta Alayón . . . . .	.25
b) Violence Against Members of the Popular Women’s Organization. . . . .	.26
c) Attacks on Women in the Informal Sector. . . . .	.26
iv) MEXICO . . . . .	.27
a) Violence Against Indigenous Women Post-NAFTA . . . . .	.27
b) Violence Against Student Activists: . . . . .	.28
The Case of Emma Beltrán.28

4. Conclusions	29
---------------------------------	----

5. Recommendations	31
-------------------------------------	----

Endnotes	35
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1. Introduction

“Every woman has the right to be free from violence in both the public and private spheres. . . Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights. The right of every woman to be free from violence includes, among others: the right of women to be free from all forms of discrimination.”

Inter-American Convention on The Prevention, Punishment and Eradication of Violence Against Women

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women celebrated its 10th anniversary in 2004, as did the United Nations Declaration on the Elimination of Violence against Women a year earlier. Yet throughout the countries of the Americas, longstanding and pervasive violence against women and violations of women’s human rights remain widespread, jeopardizing the welfare and safety of vast numbers of women.¹

A complex web of factors fuels violence against women, including gender discrimination, impunity, poverty and racism.² A recent Amnesty International report documenting alarming levels of violence against Indigenous women, for instance, highlights the potent impact of those inter-related factors in a Canadian context.³

Amnesty International is concerned that insufficient attention has been paid to the degree to which trade and investment policies can contribute to increasing economic inequality and vulnerability of women to violence.

The important role of economics with respect to the fundamental rights of women was recognized in 1979 when the United Nations adopted the Convention on the Elimination of all Forms of Discrimination against Women. That treaty’s opening paragraphs assert that: *“... the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women.”*

Over the years since the Convention was adopted, a new international economic order—commonly referred to as globalization—has indeed been firmly established, by means of integration and liberalization policies that include



Amnesty International launched its global Stop Violence against Women campaign in March 2004, calling violence against women a human rights atrocity.

deregulation, privatization, and free trade agreements.

These pacts and policies have produced winners and losers. Some countries have achieved economic growth and some sectors of the population—mainly those with higher levels of education, greater ownership of resources and access to capital—have been enriched. At the same time, the new economic order in the Americas, as in other parts of the world, has coincided with growing inequality, a drop in real wages and buying power, deteriorating social conditions, acute poverty and increased hunger.

While these realities affect both men and women, the impacts of the new globalized economic order have often tended to exacerbate existing gender inequalities caused by ongoing patterns of discrimination. Trade liberalization and free trade agreements frequently affect women differently than men because of how women participate in the economy. Women often have less control over earned income, as well as less access to land, credit, education, healthcare and technological training. Women tend to be paid less than men. Yet they may be the first laid off when companies downsize.⁴ Women also are more likely to move in and out of the formal and informal economy in order to cope with their

responsibilities for child rearing and caring for the household.⁵

There is no doubt that some women in the Americas have benefited from new employment opportunities in the globalized economy and achieved greater autonomy. However, Amnesty International is concerned for the rights and safety of many others who are becoming increasingly insecure and vulnerable to violence.

“The effects of economic globalization are leaving more and more women trapped in poverty on the margins of society. Poverty leaves women more exposed to violence, less able to escape it. It severely restricts women’s ability to organize and fight for change. In this, as in so many other ways, governments are failing to address the real ‘terror’ of our world that millions of women face every day.”

— Irene Khan, Secretary General of Amnesty International

This briefing paper does not aspire to review the entire scope of these issues, which are wide-ranging and complex across the Americas. It does provide an overview, however, of some of the institutions, policies and agreements at the heart of the globalized economy in the Americas. The briefing paper also details Amnesty International’s concerns about how three of the most vulnerable groups of women are being affected, examining the impacts of economic change and upheaval on women in Indigenous communities; the specific threats faced by women migrants; and the need to ensure the safety of women when they speak out against

economic policies in order to defend their human rights.

A women’s human rights approach to trade and investment

It should be noted that Amnesty International takes no position on economic policies themselves. Rather these policies are approached from a perspective that examines how universal human rights and, in

this briefing paper, women’s human rights in particular, are affected. Established and accepted international human rights conventions are used as a framework for assessment.

For example, the Universal Declaration of Human Rights calls upon governments, as well as every individual and every organ of society, to protect and promote human rights. For this reason, Amnesty International believes economic actors—be they governments, international financial institutions, trade and investment organizations, or individual companies—are both accountable for the human rights impacts of their activities and responsible to ensure

they make a contribution to safeguarding and promoting human rights. That responsibility arises from the power and influence they have over peoples' enjoyment of their rights.

In the Americas, the human rights responsibilities of economic actors are guided by international standards that have been developed both within the United Nations and the Organization of American States, as well as national legislation. Among the standards are crucial obligations that enshrine and protect women's human rights,⁶ including specific provisions protecting women from violence.⁷ Also relevant are standards and principles that speak directly to the human rights responsibilities of businesses.⁸ This briefing paper highlights particular concerns about the plight of Indigenous women in the Americas, whose fundamental rights as Indigenous peoples are also protected under existing and emerging international legal standards.⁹

The role of Canada

This briefing paper concludes with recommendations to the Canadian government with respect to trade, investment and human rights policy and practice, recommendations which Amnesty International considers necessary to bolster the protection of women's human rights in the Americas.

These recommendations are all the more salient in the wake of the September 11th attacks in the United States, as national security issues have come to dominate the North American political landscape, with repercussions throughout the Americas and around the world. The debate about national security has tended to focus narrowly on how to ensure that national borders remain open to trade and commerce, with minimal attention at best to fundamental human rights concerns. Such a backdrop further underscores the importance of ensuring that decisions about economic policy be firmly grounded in respect for universal human rights norms.

Globally, Canada has been an active proponent of trade liberalization policies within the G-7 group of industrialized countries, and as a voting member of the World

Bank and the International Monetary Fund. Within the Americas, the Canadian government has signed free trade agreements with the United States, Mexico, Chile and Costa Rica, while trade and/or investment negotiations are currently underway with four Central American countries, as well as Peru. Canada has also played a leadership role in efforts to establish the Free Trade Area of the Americas (FTAA).¹⁰ Canada's business presence throughout the Americas has deepened over the past fifteen years, with the support of government-led Team Canada trade promotion delegations, as well as financial assistance from the Canadian International Development Agency (CIDA) and Export Development Canada (EDC).

Conversely, Canada has not demonstrated human rights leadership in the Americas. More than fifteen years after joining the OAS, Canada has yet to ratify any of the key OAS human rights treaties.¹¹ Discussions have been ongoing for many years about possible Canadian ratification of the American Convention on Human Rights.¹² The government has yet to take a position on recommendations made by numerous civil society groups, including Amnesty International, that a strong interpretive declaration regarding article 4 of the Convention¹³ would allay concerns that ratification would jeopardize Canadian laws regarding access to abortion services.¹⁴

2. The Globalized Economy of the Americas

“[Globalization] has... come to be closely associated with a variety of specific trends and policies, including an increasing reliance upon the free market, a significant growth in the influence of international financial markets and institutions in determining the viability of national policy priorities, a diminution in the role of the State and the size of its budget, the privatization of various functions previously considered to be the exclusive domain of the State, the deregulation of a range of activities with a view to facilitating investment and rewarding individual initiative, and a corresponding increase in the role and even responsibilities attributed to private actors, both in the corporate sector, in particular to the transnational corporations, and in civil society.”

UN Committee on Economic, Social, and Cultural Rights¹⁵

A number of interconnecting institutions, policies and agreements are at the heart of the new, globalized economic order. All of them ostensibly aim to reduce or remove barriers to a free flow of trade and investment between and among countries. Few, though, have in any way explicitly incorporated respect for human rights. Some of the most significant of these institutions, policies and agreements are described here, along with a summary of key concerns from the perspective of women’s human rights.

a) The World Trade Organization (WTO)

Founded in 1995, the WTO is the principle body for negotiating and enforcing economic relations between countries. With 148 member nations, the WTO’s stated purpose is to “help trade flow as freely as possible”.¹⁶ The WTO has the judicial power to rule on violations of WTO agreements and enforce the rules they contain. WTO dispute settlement tribunals can impose hard-hitting sanctions on offending countries. This contrasts sharply with the weak enforcement mechanisms available to force governments

to live up to their international human rights obligations, such as those contained in the Convention on the Elimination of all Forms of Discrimination Against Women.¹⁷

A fundamental principle of WTO agreements is that countries must equally grant “most favoured nation” (MFN) status to all trading partners, with respect to terms for the import or export of like goods and services. The UN High Commissioner for Human Rights has noted that, because of unequal levels of development between countries, applying the MFN status to the products of farmers with different resources and capacities, in countries with highly unequal levels of development, could prolong or exacerbate existing inequalities with regard to the enjoyment of economic and social rights. This is particularly true for rural women who are usually the poorest of the poor.¹⁸

To date, WTO trade liberalization rules have been applied in a manner that, amongst other things, has required developing countries to eliminate subsidies that support local producers of food crops, while northern countries continue to subsidize their producers. This has led women’s organizations and others to criticize the WTO for enforcing a “one-sided and unequal globalization”.¹⁹

b) The International Monetary Fund (IMF) and the World Bank

The World Bank and the IMF were established at the end of World War II and have their headquarters in Washington. Their original mission was to help prevent future conflicts by lending for reconstruction in Europe and by providing temporary assistance—and stability—to countries suffering balance of payments problems.

Today, the World Bank Group is comprised of five institutions that operate under a common Board: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation, (IFC), the Multinational Investment Guarantee Agency (MIGA) and the International Centre for the Settlement of Investment Disputes (ICSID).²⁰

Amongst other things, these institutions provide technical advice and financial assistance in the form of low-interest loans, interest-free credit and grants to developing countries for infrastructure projects (like highways, dams and power plants), mining, oil and gas projects, education, health, communications and other purposes.²¹

A partner of the World Bank²², the IMF works “to promote global growth and economic stability” via three activities: 1. monitoring and consulting with member countries on the national and international consequences of their economic and financial policies (the IMF calls this “surveillance”); 2. providing loans to countries experiencing balance-of-payments problems; and 3. technical assistance to help countries “design and implement effective macroeconomic and structural policies, put in place reforms that strengthen their financial sectors, and reduce vulnerability to crises.”²³

Since the 1980s, both the World Bank and the IMF have exerted considerable pressure on poorer countries of the developing world via the conditions placed on their loans.²⁴ In order to obtain much-needed funding and credits, cash-strapped governments have agreed to imple-

ment free market policies known as economic structural adjustments.²⁵ These reforms include:

- Measures to promote exports (rather than measures to encourage, for example, growing food crops for domestic consumption);
- Reduction or elimination of subsidies and price controls;
- Reduction of the role of the State in both the economy and the provision of social services; lower social spending, usually in the areas of health, education and social security; layoffs in the civil service and the

Gender roles mean that women often suffer a differential impact from structural adjustment policies. For example, the World Health Organization reports that cuts in public health spending have...resulted in higher maternal mortality rates.

introduction of new user fees (for example, for health, education and electricity);

- Drastic reduction of trade and exchange controls designed to protect the local economy from foreign competition;
- Currency devaluation and measures such as increases in interest rates to attract foreign investment, amongst other things;
- Privatization of government-held enterprises and strategic sectors such as energy, health and water.²⁶

These economic reforms have been facilitated by World Bank loans provided to governments for the purpose of restructuring and privatizing their economies.²⁷

The UN Commission on Human Rights has noted with concern that structural adjustment policies “have serious implications” for the ability of governments to improve the economic, social and cultural rights of the population.

*“...the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies...”*²⁸

Gender roles mean that women often suffer a dif-

ferential impact from structural adjustment policies. For example, the World Health Organization reports that SAP cuts in public health spending have left many families with less money for health and resulted in higher maternal mortality rates.²⁹

Delegates at the Fourth World Conference on Women raised concerns about structural adjustment in their Action Platform, stating: “there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during the last decade. . . it is indispensable to search for new alternatives that ensure that all members of society benefit from economic growth based on a holistic approach to all aspects of development: growth, equality between women and men, social justice, conservation and protection of the environment, sustainability, solidarity, participation, peace and respect for human rights.”³⁰

Those concerns have prompted groups such as Women’s Eyes on the World Bank, Development Alternatives with Women for a New Era (DAWN), Iniciativa Feminista Cartegena, Women’s Environment and Development Organization (WEDO), and Gender Action to lobby the World Bank to change the way it operates and increase the participation of grassroots women in the design of macroeconomic policies.³¹

It should be noted that while the World Bank and the IMF are multilateral institutions, decision-making is very different than at the United Nations where each member nation has an equal vote. At the World Bank and the IMF, voting power is determined by the level of a country’s financial contribution, with the G-7 group of industrialized countries—which includes Canada—holding some 45 percent of the vote.³²



Human rights defenders testify about abuses of labour rights in Mexico at a tribunal set up under a NAFTA side agreement. Enforcement of labour rights has proved difficult.

c) Free trade and investment agreements

i) The North American Free Trade Agreement (NAFTA)

Canada, Mexico and the United States implemented NAFTA on January 1, 1994 with promises that it would raise living standards in all three countries and increase democracy in Mexico. Like other trade agreements, NAFTA cuts tariffs and lifts quotas to set the terms of trade between the three member countries.

In Mexico, exemptions from taxes and duties attracted *maquiladoras*—factories for the assembly of imported component parts into clothing, electronics and other consumer goods for export—creating thousands of new jobs for poor, often young women. While these jobs provide increased autonomy, most women workers continue to live in poverty due to low pay, few benefits and no job security. Violations of labour rights are common, and have included forced overtime, exposure to dangerous chemicals without proper protective equipment, poor ventilation and other unsafe working conditions, forced pregnancy tests and sexual harassment. The right to organize is routinely violated, and women who have attempted to do so have been fired.³³

Labour rights are not included in the core text of NAFTA but dealt with in a side agreement whose provisions have proved difficult to enforce.³⁴ In contrast, Chapter 11 of NAFTA’s core text includes a so-called investor-state dispute mechanism that effectively empowers private investors and corporations to sue the government of Mexico, Canada or the United States if their property assets, including the intangible property of expected profits, are damaged by laws or regulations. A special arbitration tribunal is created to hear each lawsuit and millions of dollars in damages have been awarded to corporate plaintiffs.

The process of investor-state arbitration is controversial for a variety of reasons, including because it provides foreign investors with the ability to mount international

claims without needing to exhaust their domestic legal remedies. In this respect, the system differs markedly from the international human rights system, which offers recourse to international courts or committees only after all domestic legal remedies have been exhausted. In effect, governments have created powerful fast-track mechanisms for asserting and adjudicating investor protections at the international level, while relegating human rights claims to a slow track.

Furthermore, there are no guarantees that the process of investor-state arbitration will not be prejudicial to human rights. Foreign investors may bring international claims against governments for damages, including in circumstances where government actions in furtherance of human rights obligations may have placed some burden on foreign investors. Yet there are no guidelines given to

governments of 32 other countries concluded the first Summit of the Americas in Miami by endorsing a plan to create a hemispheric free trade zone, using NAFTA as a model. Subsequent Summits of the Americas—including the one Canada hosted in Quebec City in 2001—have sought to advance negotiations to create the FTAA. Canada has been a strong proponent of this process.

Women's human rights organizations are concerned that while millions of women throughout the hemisphere would be affected were the FTAA to be implemented, their voices and interests are not adequately represented in the negotiations. Some women's organizations have called on governments to conduct detailed, gender-specific impact assessments before signing any agreement so as to gather the information necessary to change policies

The Canadian government began free trade negotiations with the leaders of El Salvador, Guatemala, Honduras and Nicaragua... human rights are not included in the proposed core agreement.

arbitration tribunals as to how human rights and investor rights shall be reconciled in practice and there is no guarantee that arbitration proceedings will be disclosed—much less open—to the public and to interested stakeholders (such as NGOs and human rights experts) who might seek to intervene in such international adjudication in order to highlight human rights concerns and arguments.³⁵

The UN High Commissioner for Human Rights has expressed concern about investor protections such as those found in NAFTA Chapter 11 and many bilateral agreements. According to the High Commissioner: “the relationship between expropriation provisions and the protection of human rights warrants particular attention as existing cases suggest that investor-to-State tribunals are willing to interpret such provisions broadly, which could affect States’ ability to regulate in favour of human rights.”³⁶

ii) The Free Trade Area of the Americas (FTAA)

In December 1994, Canada, the United States and the

that would negatively affect women's human rights.³⁷

iii) Canada-Central America Four Free Trade Agreement (CA4FTA)

In November 2003, disputes arose in negotiations to create the Free Trade Area of the Americas, causing some countries—including Canada and the United States—to devote increased attention to pursuing their own free trade agreements.³⁸ The Canadian government began free trade negotiations with the leaders of El Salvador, Guatemala, Honduras and Nicaragua—referred to as the Central America Four (CA4)—on November 21, 2001.³⁹ As was the case with NAFTA, human rights are not included in the proposed core agreement, while labour rights and environmental issues will be dealt with in separate, parallel agreements. Civil society organizations have criticized a lack of transparency on the part of the governments involved regarding what new rules are being negotiated. Moreover, there are fears that the core agreement may include an investment chapter similar to NAFTA's controversial Chapter 11, raising the possibility of threatening ac-

tion by corporations to remove human rights protection measures that might have a negative impact on profits.

iv) The U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA)

In July 2005, the U.S. House of Representatives ratified its Free Trade Agreement with the Dominican Republic and Central America, called CAFTA.⁴⁰ Based on the NAFTA model, CAFTA includes services provisions promoting the privatization and deregulation of fundamental public services and strict rules for pharmaceuticals that have caused concern that poor Central Americans will find it increasingly difficult to access essential and affordable medicines.⁴¹ In a Memorandum to the Government of Guatemala in 2005, Amnesty International stated: “Of particular concern is the potential for the implementation of CAFTA to result in retrogression in the realization of the right to the highest attainable standard of physical and mental health.”⁴² The UN Committee on Rights of the Child warned the Government of El Salvador, another signatory to CAFTA, of the “potential negative impact of international trade-related intellectual property agreements on the access to affordable medicines”.⁴³

Women’s groups are also concerned that the removal of tariff barriers on imported agricultural products will make it possible for heavily-subsidized U.S. corn and other basic grains to flood local markets, as they flooded Mexico after the implementation of NAFTA. An influx of cheap U.S. grains would benefit some consumers but if the experience of Mexico is repeated, it could destroy the livelihood of small farmers—including women farmers, who tend to have the smallest plots of land and the least resources to compete.⁴⁴ This is likely to provoke migrations to export processing zones where new employment opportunities for mostly young women have been created in *maquiladora* assembly factories. Ongoing abuses of women’s human rights in the *maquiladoras* of Central America and the Dominican Republic—including sexual harassment and mandatory pregnancy testing as a condition for access to work—have been widely documented.⁴⁵ Given this history, human rights organizations like Human Rights Watch oppose CAFTA because it fails to require compliance with internationally-recognized labour rights

norms, specifically failing to protect women workers against discrimination.⁴⁶

v) Andean Free Trade Agreement (AFTA)

In May of 2004, the U.S. began negotiations for an Andean Free Trade Agreement (AFTA) with Colombia, Ecuador and Peru. So far, these negotiations, much like CAFTA and the FTAA, appear to be based on NAFTA.

During these negotiations, the Andean countries proposed including the elimination of employment and workplace discrimination on the list of “internationally recognized labor rights” identified in the accord. Parties to the agreement would be required to enforce existing domestic non-discrimination laws if this right were added. The United States has, however, reportedly not accepted this proposal.⁴⁷

Women’s organizations have joined human rights, Indigenous, development, labour, church and other civil society organizations in voicing concern about the provisions being negotiated and their capacity to exacerbate inequalities, provoke a deterioration in living conditions, particularly for women, violate the broad spectrum of internationally-recognized human rights, and aggravate a context of militarism and violence.⁴⁸

d) Mega-Projects

i) Plan Puebla-Panamá (PPP)

The PPP was launched in 2001 as a multi-billion dollar development plan for southern Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. Governments and financial institutions, like the World Bank and the Inter-American Development Bank, promote the mega-project as a means to reduce poverty by attracting foreign investment. The plan includes the construction of new ports, airports, railroads, bridges, hydroelectric dams and highways, as well as the integration of upgraded telecommunications facilities and electrical grids. New free trade zones are planned for *maquiladora* assembly-for-export factories.

There has been considerable local criticism that building electricity-generating dams responds to the needs of multinational investors, while ignoring the rights of com-

munities whose lands and crops will be flooded. Moreover, Indigenous peoples say they have not been properly consulted in violation of international agreements.

Meanwhile, there are signs the Plan Puebla-Panamá may have even wider impact in the future. At the beginning of 2004, Colombian President Alvaro Uribe announced he wanted “the total integration of Colombia into the Plan Puebla-Panamá.”⁴⁹ Colombia has since been granted “observer status”, allowing it to participate in some PPP initiatives, including the development of an electrical line to connect Colombia’s grid with Central America.⁵⁰

ii) Andean Regional Initiative (ARI)

Launched in 2001, the Andean Regional Initiative is a multi-million dollar programme of the US government for seven countries of the Andean region: Bolivia, Brazil, Colombia, Ecuador, Panama, Peru and Venezuela. It packages economic growth projects—aimed at addressing “inconsistent progress towards liberalization”⁵¹—together with funding for both counternarcotics and security.

Non-governmental organizations have expressed concern that the Andean Regional Initiative is primarily a military plan that may displace, rather than reduce drug crops, and risks increasing human rights violations.

3. Women at Risk



Throughout Ciudad Juárez pink crosses stand as a stark reminder of the hundreds of women and girls who have been murdered or gone missing over the past decade.

Against the backdrop of an increasingly globalized economy in the Americas, Amnesty International is concerned that insufficient attention has been given to the human rights implications of the structural adjustment policies, trade agreements and negotiations outlined in the previous section.

Governments must commit to a comprehensive approach to assessing the human rights impact of economic policies, including their impact on the fundamental human rights of women. An ongoing failure to do so will almost certainly have serious repercussions for millions of people throughout the Americas as the likely consequences of an approach to trade and investment that is not firmly grounded in human rights are wide ranging.

This briefing paper highlights three particular contexts

in which the vulnerability of women puts their human rights very much at risk: impacts of economic changes and upheaval on women in Indigenous communities; the specific threats faced by women migrants; and violence against women who speak out against economic changes in order to defend human rights.

The situations and individual cases highlighted here are by no means exhaustive. However, they provide a critical snapshot of a range of pressing human rights concerns that require immediate attention.

A) INDIGENOUS WOMEN



Throughout the Americas, Indigenous women and their families often live on lands rich in water, oil, gas, forests, minerals and biodiversity. Already the victims of a long history of

marginalization and dispossession, Indigenous peoples in a number of countries have expressed concern about how economic liberalization policies have opened the door to foreign companies eager to exploit natural resources on Indigenous lands, sometimes risking the rights of Indigenous peoples and the environment on which they depend.⁵²

With international lending institutions providing support for measures to increase foreign investment, many Latin American governments⁵³ introduced substantial changes to their legislation governing mining concessions and offered incentives to attract foreign investment, which surged in the 1990s.⁵⁴ For example, many countries in the region have eliminated barriers to the entry of foreign capital and introduced reforms to eliminate or minimize specific taxes. Through its International Finance Corporation, the World Bank has played a significant role by providing, amongst other things, loans to mining companies, as well as loans to support the development of policies to attract national and international investment.⁵⁵

Resource extraction projects affecting Indigenous territories in Latin America run the gamut from pharmaceuticals extraction throughout the Amazon, gas and water projects in the highlands of Bolivia and forestry developments in Nicaragua, Peru, Colombia, Chile, Brazil and Guyana. Mining for gold, copper, nickel and other minerals is a growth industry in many countries of Central and South America, where an increasing number of Canadian companies have been granted concessions and the right to mine. Canadian companies are active players in the energy sector as well where opportunities have been created as countries like Ecuador and Colombia have opened potentially lucrative areas of the Amazon and beyond to foreign investment.⁵⁶



Mining is a growth industry in Guatemala, affecting Indigenous lands, communities and rights.

Disturbingly, the increase in resource extraction since the 1990s has coincided, in some countries, with increased militarization, repression and violence against Indigenous peoples, and other communities.⁵⁷

Regional human rights bodies have drawn a clear link between protection of the land, resource and territorial rights of Indigenous peoples and fulfillment of a wide range of fundamental human rights, such as the right to food, the right to health, and the right to life. The Inter-American Court of Human Rights has noted that:

“Indigenous groups, by the fact of their very existence, have the right to live freely in their own territory; the close ties of indigenous peoples with the land must

*be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival.”*⁵⁸

ILO Convention 169 Concerning Indigenous and Tribal Peoples calls on states to recognize Indigenous peoples’ rights of “ownership and possession... over the lands which they traditionally occupy” and at a minimum, to consult with Indigenous peoples to both determine how their interests will be affected in any use of the land and to ensure equitable benefit sharing. The UN Committee on the Elimination of Racial Discrimination has called for states to ensure that no decisions directly related to the rights and interests of Indigenous peoples are taken without their informed consent.⁵⁹ The requirement of states to consult with and seek the consent of Indigenous peoples has been affirmed by the UN Committee on Economic, Social and Cultural Rights which recommended to Colombia, for example, that the government “ensure the participation of Indigenous peoples in decisions affecting their lives.”⁶⁰

The UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people

has repeatedly highlighted that extractive industry operations on Indigenous lands can have a detrimental impact on the protection of the fundamental rights of Indigenous peoples:

“Wherever such developments occur in areas occupied by indigenous peoples it is likely that their communities will undergo profound social and economic changes that are frequently not well understood, much less foreseen, by the authorities in charge of promoting them. Large-scale development projects will inevitably affect the conditions of living of indigenous peoples. Sometimes the impact will be beneficial, very often it is devastating, but it is never negligible.

Indigenous peoples are said to bear disproportionately the costs of resource-intensive and resource-extractive industries, large dams and other infrastructure projects, logging and plantations, bio-prospecting, industrial fishing and farming, and also eco-tourism and imposed conservation projects.”⁶¹

Indigenous women throughout the Americas are becoming vocal about the impact of increasing resource extraction projects in their territory, and the sweeping economic changes that facilitate them. At the IV Continental Meeting of Indigenous Women of the Americas held in Lima in April 2004, more than 400 women from diverse Indigenous nations and organizations gathered to share their experiences with globalization. The women’s final declaration issued a clear rejection of free trade agreements, such as NAFTA, and mega-projects, like the Plan Puebla-Panamá, for undermining the rights of Indigenous peoples.⁶² Many Indigenous women throughout the Americas share these concerns, as described here by women from Ecuador and Colombia.

Multinational Oil Development in the Ecuadorian Amazon: The Testimony of Soraya Cisneros of the Sarayaku

Soraya Cisneros is a leader of the Sarayaku in Ecuador’s Amazon rainforest province of Pastaza. She is concerned about human rights violations that have occurred since the Ecuadorian Amazon was opened to foreign oil

companies.

In 1996, the Ecuadoran government entered into a contract with the Argentina-based oil and gas company Compañía General de Combustibles, giving CGC the right to start exploring for oil in a two thousand square kilometre concession known as Block 23, most of which falls within the legally-recognized territory of the Sarayaku

of Pastaza. According to CGC’s website, Texas-based Burlington Resources has a 50 percent share in the project.⁶³ In

December 2004, the World Bank Group

via its International Finance Corporation approved \$80 million in financing for CGC, in part to help CGC develop hydrocarbon reserves.⁶⁴

Soraya told Amnesty International that the Sarayaku have opposed the entry of CGC into their territory because they believe oil development poses a grave threat to their territory, their livelihood and their culture.⁶⁵

“We have sacred waterfalls, rivers, lagoons and living mountains. We’re deeply connected to them. We oppose the oil companies because exploration and drilling will destroy our environment. We want the government to respect our culture and protect our biodiversity. Since the company [CGC] arrived, we have the problem of contamination. They’re polluting the river with their garbage, with chemicals and with dynamite. Now they’re using mines for the seismic studies. This creates dangers for us because we could step on a mine when we’re hunting. We want to maintain our culture as our ancestors left it for us and for future generations. We’re struggling to keep our territory healthy but the government doesn’t understand.”

The right to a healthy environment is just one of many rights that may be threatened by the granting of oil con-



Sarayaku Indigenous leader, Soraya Cisneros, is concerned about how oil development violates Indigenous rights.

cessions in Sarayaku territory. Soraya says the Sarayaku were never consulted about oil development that is affecting their land, in violation of ILO Convention 169 Concerning Indigenous and Tribal Peoples. In June 2004, the UN Committee on Economic, Social and Cultural Rights expressed concern that the rights of Indigenous communities in Ecuador were not being fully implemented and that the government had granted concessions for the extraction of natural resources to international companies without the full consent of the communities affected.⁶⁶

Soraya reports that Sarayaku women have played an active role in opposing oil development in Sarayaku territory and have joined Sarayaku men in guarding the edge of their territory from incursions by CGC personnel. This active opposition is overshadowed by fears of violence.⁶⁷

“... Yes, we’re scared. ... But we women are determined not to give up our struggle to defend our territory and our culture against the oil companies. ... We’re good people but now they’re calling us ‘terrorists’ ...

Some sixteen Sarayaku are on a list of people who have been threatened. Each of us is waiting and wondering when our time will come. ... Our President was attacked and beaten in the station.⁶⁸ I was grabbed there too by two men who took all my documents. ...

On March 31st, 2004, a dozen heavily-armed soldiers arrived by helicopter. One of them was General Octavio Romero (Head of the Armed Forces Joint Command). He wanted to know why we’re opposing the oil companies. We explained that our territory is the basis for our survival. It’s where we hunt and fish. Without territory, Indigenous people are nothing. The General was very angry with us. He told us he could militarize our territory with a whole battalion. ... We want to be left in peace to work on our plans for community development. But every day we are fearful the military may come back to make problems for us.”

To date, Amnesty has received no reports of further military incursions into Sarayaku territory. In 2003, the Inter-American Commission on Human Rights, part of the Organization of American States (OAS) ordered the Ecuadorian government to implement measures to protect the Sarayaku.⁶⁹ In January 2004, Ecuador’s Minister

of Energy and Mines reportedly responded by stating that “the OAS does not give orders here (“*la OEA no manda aqui*”). He also reportedly said that the Ecuadorian State would respect the agreement with the CGC and continue its plans to allow oil exploitation in the area. To Amnesty International’s knowledge, the Ecuadorian government has not provided protective measures for the Sarayaku, nor investigated and brought to justice those responsible for the death threats and attacks. As this briefing paper was being written, however, the Sarayaku had not reported any new incidents of threats and intimidation.

The case of María Teresa Cherres Mesías

More recently, other women living in the Amazon region who oppose oil development have become targets for violence. Amnesty International issued an Urgent Action on behalf of María Teresa Cherres Mesías, a community leader from Condor village in the northern Amazon region of Orellana after she was threatened.⁷⁰ The threats appear to be linked to her criticism of an oil company operating in the region, and her defence of both the labour rights of oil company workers, as well as the communities in Orellana where the company operates.

On 24 May 2005, María Teresa Cherres Mesías was one of several community leaders from Condor and the surrounding area who organised a demonstration to demand the Ecuadorian authorities invest more in the infrastructure of communities where the oil company operates. A group of men reportedly asked some of those taking part about who had organised the demonstration. One of the men, who was apparently accompanied by a group of military personnel, allegedly approached María Teresa Cherres Mesías and said, “I hope we never meet when you are on your own” (“*Ojalá que nunca me la encuentre sola*”). She filed a complaint before the Public Prosecutor in the provincial capital, Coca, on 31 May. However, as far as Amnesty International is aware, no investigation has been initiated into the threat.

On 30 June 2005, María Teresa was reportedly followed by a man whom she believes works for an oil company which is operating in the region. The man was seen following her as she conducted a workshop on human rights

education, which was attended by community leaders from around Orellana province. In October 2004, María Teresa reported to local non-governmental organizations that the same man had followed her on a number of occasions, and had asked others about her whereabouts.

Amnesty International is not aware of any action that has been taken by the authorities to ensure that María Teresa Cherres Mesías is able to continue her activities without fear of reprisals.

Hydro-electric Mega-Project in Northern Colombia: The Testimony of Martha Cecilia Domicó of the Embera Katío

Martha Cecilia Domicó is the daughter of Kimy Pernia Domicó, an Embera Katío leader and outspoken critic of the Urrá I multi-national hydro-electric mega-project who was forcibly disappeared on June 2, 2001.⁷¹ Following her father's disappearance, Martha Cecilia assumed a leadership role on behalf of women affected by the mega-project. During a trip to Canada, she spoke out about how the mega-project has led to increased violence that threatens both Embera Katío women and their communities.

According to Martha Cecilia, Embera Katío communities on the tributaries of the Upper Sinú River in Colombia's northern department of Córdoba were not properly consulted about the Urrá I mega-project, in violation of ILO Convention 169 and the Colombian constitution. Export Development Canada contributed \$18.2 million (U.S.) in financing in support of work on the project by a Canadian company. Embera Katío leaders who spoke out against the dam, like Kimy Pernia Domicó, have "disappeared" or been killed. Others have received death threats. Meanwhile, Martha Cecilia says the Embera Katío's right to food and to health has been undermined as fish, their main source of protein, disappeared and land was flooded on which they had grown crops.



Martha Cecilia Domicó, a leader of the Embera Katío, speaks out about human rights violations against critics of the Urrá I hydro-electric mega-project.

"We don't have enough to eat. There is a lot of illness. What once would have been a little flu turns into something much worse. My aunt almost died from dengue. Our environment used to be clean. Now we can no longer grow enough food to sustain us. But when we buy rice in town and try to transport it back to our communities, the army won't let us because they say we're taking it to the guerrilla."

Martha Cecilia also denounces incursions into isolated Embera-Katío communities by soldiers, followed by heavily-armed paramilitaries, who operate with the support or acquiescence of the security forces. *"People in the communities are very scared. The paramilitaries announced they will carry out a 'cleansing'. That's what they said before they "disappeared" my father."*

Since the construction of the mega-project, many Embera Katío women have become human rights defenders and that has exposed them to more violence. Martha Cecilia tells of one incident when a group of women linked arms to prevent armed paramilitaries from taking a young Embera Katío man away. Despite threats and gunshots, the women held their ground and none of them was hurt. On another occasion more than 400 Embera Katío travelled to Bogotá in December 2004 and set up an encampment outside the Ministry of the

Environment to draw attention to ongoing violations of their rights. Martha Cecilia describes what transpired.

"In the early hours of 24 December, we were attacked by police. There were about 200 of them in riot gear. Three Embera Katío women were beaten badly. One of them was pregnant. We rushed her to a doctor. She almost lost her baby. . . We didn't come here to fight. We have not used violence. We only want to be heard by the government, to have the chance to meet and to come to an agreement that respects our rights as Indigenous people."

B) MIGRANT WOMEN



Migration is a growing phenomenon in the globalized economy of the Americas, and it is increasingly clear that many of the migrants are women who are particularly susceptible to violence and exploitation. In the year 2000, women constituted more than half of the migrants in the Americas. Observes UNIFEM, the United Nations Development Fund for Women: “More and more women are migrating on their own, or as the primary earner in their household, but often as temporary workers in low-paid jobs.”⁷²



A woman winnows corn in northern Guatemala. Cuts in subsidies, loans and other supports for small family farms are pushing increasing numbers of women to migrate in search of an adequate livelihood. Impoverished women migrants are vulnerable to abuse and violence.

For increasing numbers of women, decades of economic liberalization policies and free trade agreements have increased incentives and pressures to migrate either legally or illegally in search of employment in another country. Amongst the many “push” factors are cuts in subsidies, loans and other supports for small family farms, many of which are no longer able to provide a livelihood as local markets have been flooded with cheap imports. Other push factors include unemployment caused by privatization and government downsizing, as well as the replacement of secure jobs with short term contract positions. The dispossession of Indigenous communities is yet another motor for migration.⁷³

country. Amongst the many “push” factors are cuts in subsidies, loans and other supports for small family farms, many of which are no longer able to provide a livelihood as local markets have been flooded with cheap imports. Other push factors include unemployment caused by privatization and government downsizing, as well as the replacement of secure jobs with short term contract positions. The dispossession of Indigenous communities is yet another motor for migration.⁷³

In some instances, women who migrate to another country find more secure jobs and higher wages, along with greater autonomy, empowerment and gender equality. However, inequality and discrimination create serious problems for impoverished women migrants in the Americas, making them vulnerable to serious abuse and violence. Often migrant women belong to ethnic or racial groups that experience high degrees of discrimination. When these women migrate to areas where they are disconnected from extended families or communities, they are easy targets for violence because of long standing patterns of discrimination against those ethnic or racial minorities.

Most state borders in the Americas divide the traditional territories of Indigenous peoples. Indigenous women crossing national borders may in fact remain within their traditional territories while entering into the legal jurisdiction of another state, and possibly becoming subject to criminal prosecution for doing so. Uneven and inconsistent recognition and respect for the border crossing rights of Indigenous peoples adds an extra level of insecurity for many Indigenous women in migration.

The Women and Development Unit of the United Nations Economic Commission for Latin America & the Caribbean has concluded:

“Women’s migration differs from that of men in terms of its features and implications; for instance, women find themselves confined to precarious jobs characterized by a high degree of exploitation, such as sex work and domestic service, and are more vulnerable during the migration process, especially where trafficking in persons is involved.”⁷⁴

The Gender Promotion Programme of the UN’s International Labour Organization has carried out studies of migrant women from Nicaragua and Bolivia, where severe economic dislocation followed the implementation of structural adjustment programmes required by international lending institutions. The findings of the studies reveal a pattern of exploitation, abuse and sexual violence:

“Whether in the recruitment stage, the journey or living and working in another country, women

*migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity.*⁷⁵

i) Migration and Violence at the U.S./Mexico Frontier

No other border in the Americas symbolizes migration more than the U.S./Mexico border. Over the past several decades, millions of people from all over the world have crossed that border, legally and illegally, in search of a better life, or in hopes of finding safety and security. Many migrants come from the Mexican countryside or Central America, propelled by a potent mix of desperation and hope. Some come in search of jobs in the maquiladora factories that dot the Mexican side of the border. Others are hoping to find a way across the border, towards more lucrative jobs in the United States. The border promises economic opportunity but it is also a place of exploitation, violence and even death for countless migrants, many of them women.

a) The case of Ciudad Juárez

In Ciudad Juárez—a city just south of El Paso, Texas—hundreds of women have been brutally murdered since 1993. Many suffered sexual violence and torture before they were killed. The police have failed to adequately investigate these crimes, and to provide protection by bringing those responsible to justice.

A large proportion of the women killed or “disappeared” in Ciudad Juárez were migrants who lived in marginalized communities, often with no family support structure. Some worked in *maquiladora* assembly factories that were set up by U.S. and other foreign companies to exploit cheap labour, favourable tariffs and proximity to North American consumer markets.

These cases highlight the link between economic globalization and violence against women. Firstly, the

impact of globalization in rural areas (as discussed in the introduction to this section) has forced thousands of women to seek work in the *maquiladoras* that have mushroomed in cities like Ciudad Juárez, often in situations where they are exposed to abuse, exploitation and violence. Terms of work in the *industria maquiladora* also put women at risk of violence. For example, women who work in the factories often have to work night shifts and forced overtime, leaving them vulnerable when they must travel home, late at night through marginalized communities with no lights. Disturbingly, women who face these dangers in Ciudad Juárez have been denied access to effective protection from the criminal justice system.

Amnesty International has repeatedly pressed the Mexican authorities to respond to this crisis, and has welcomed some recent reforms.

More must be done, however, to ensure safety to the women and girls of Ciudad Juárez. Additionally, multinational companies investing in the area must show human rights leadership and social responsibility by providing appropriate measures and adequate protection to ensure the safety of their workers.⁷⁶

b) Crossing the U.S. Border

Lack of economic alternatives at home, together with lack of documentation to work elsewhere, leave migrants—and particularly women migrants—vulnerable to violence. For women trying to get across the U.S. border



Norma Andrade holds up a photo of her daughter Alejandra, who was abducted and murdered in Ciudad Juárez

that may mean violence at the hands of traffickers called *coyotes* or *polleros*. Advocacy and support groups working with migrants in the border area note that women migrants who have experienced sexual violence are unlikely to report the violence or seek help, for fear of being deported.

The UN Special Rapporteur on the Human Rights of Migrants has expressed concern about “the expansion of trafficking and smuggling networks that unscrupulously exploit migrants’ need to cross the border into the United States”, as well as abuses that include kidnapping, rape and murder.⁷⁷ Many of the victims are women who come from the poorest parts of Mexico and have been promised work as a nanny or a housemaid in the United States. A particularly disturbing case is that of a 12-year-old girl who was smuggled to Laredo, Texas, believing that she was going to work as a housemaid. When the police found her, she was chained to the patio of a house and had been subjected to cruel, inhuman and degrading treatment.⁷⁸

The UN expert found evidence of trafficking networks that recruit migrants on false pretences to work in conditions approaching slave labour on farms or in factories in the United States.⁷⁹ The UN report also raises concern about xenophobic and discriminatory attitudes that have caused ranchers in border areas of the U.S. to shoot and kill undocu-

mented migrants. Migration officials have engaged in violence as well, beating up suspected illegal migrants, while border patrols are reported to have used hollow-point and dum-dum bullets, prohibited under international law, against migrants.



AI activists in Chile carry candles in memory of the hundreds of women who have been abducted and murdered in northern Mexico. Among the victims are women who had migrated from impoverished rural communities to the free trade factories of Ciudad Juárez.

As this briefing paper was being written, new concerns were raised by the announcement by U.S. President George W. Bush of plans to deploy as many as 6,000 National Guard troops along its southern US border with Mexico to deter illegal immigration.⁸⁰

ii) A Violent Journey North

Women migrants from Central America who cross Mexico’s southern border and travel north towards the United States are also exposed to considerable violence. While

flows of migrants through southern Mexico are not new, they have grown considerably since the 1990s, spurred by the economic dislocation and loss of livelihood that some sectors of the population have experienced as a result of market-based economic reforms.⁸¹

There are numerous reports of migrant women from Central America being attacked and raped as they try to reach the Mexico/U.S. border. The UN Special Rapporteur on the Human Rights of Migrants conducted a fact-finding visit to Mexico in 2002. She heard testimony from women migrants and their children who had been attacked by criminal gangs, including instances of women who were sexually abused and raped by the criminals in front of their husbands.⁸²

The UN expert’s report highlights many other areas of concern as well, including the abuse of migrant women and girls by Mexican officials and by private security officers working for railway companies in Mexico. She notes that the threat of being deported caused the women not to make a complaint about what had happened to them.⁸³

The report also documents concerns about abuse and violence experienced by Central American migrant women and girls who remain in Mexico, particularly those working in domestic service or the sex trade, both voluntarily and forcibly. These migrants are vulnerable to domestic violence as well. The Special Rapporteur documents cases of Mexican

men who married migrants and subsequently threatened to take the children away and have their wives deported if they reported ill-treatment by their husbands.

C) WOMEN, GLOBALIZATION AND SOCIAL PROTEST



Many countries of the Americas are experiencing considerable opposition, resistance and social protest against policies of economic globalization, such as deregulation, privatization and free trade. Amnesty International is concerned that in too many instances, peaceful and legitimate social protest has been met with violence. Whether through the excessive use of force by police or military personnel, growing militarization in the face of open rebellion, or the tactics of covert, para-state agents, women who oppose aspects of the new economy are increasingly vulnerable.

The rights to freedom of expression and freedom of assembly are guaranteed by international treaties including the International Covenant on Civil and Political Rights.⁸⁴ In addition, the International Labour Organization (ILO) has made it clear that if employees are meaningfully to have such a freedom, then they must be permitted recourse to industrial action such as the right to strike.⁸⁵ The right to strike is also specifically guaranteed in the International Covenant on Economic, Social and Cultural Rights.⁸⁶

The International Covenant on Civil and Political Rights allows restrictions on peaceful assembly only in conformity with the law and if they are 'necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others'. Likewise, the limits on freedom

of expression must be necessary 'for respect of the rights or reputations of others' or 'for the protection of national security or of public order (*ordre public*), or of public health or morals'. Therefore, states must draw limits on these freedoms very narrowly and the interference with the rights must be no greater than is necessary to address the pressing social need.⁸⁷



Conflicts over land continue to spawn violence in Guatemala. This woman coffee picker was among 52 families who occupied the Chitocán farm to press for years of unpaid labour entitlements. "I saw them burn my home and it hurt me," she says. "I now only have what I am wearing."

Amnesty International's recent report *Contracting out of Human Rights: The Chad-Cameroon Pipeline Project* serves to illustrate how government obligations to provide protection and security to foreign investors could pressure governments into cracking down on dissent and protest. Although the Chad-Cameroon report looks at investor obligations found in project contracts, the same obligations are found in trade and investment treaties such as the NAFTA, which provides that host states must give "full protection and security" to foreign investors.⁸⁸

i) GUATEMALA

Vastly unequal access to land resources was one of the underlying causes of Guatemala's 36-year internal armed conflict that produced a million refugees and resulted in the death of over 200,000 people. The peace accords that ended this conflict in 1996 promised programs to resolve land claims and redistribute land. Yet little progress has been made and conflicts over land continue to spawn violence.⁸⁹ Meanwhile, Guatemala's economy, like that of other Latin American countries, has been opened to foreign investment, particularly in the resource extraction sector. A new mining code now allows concessions to be 100 percent foreign-owned, and provides incentives such as the elimination of import tariffs on mining equipment and royalty fees of just 1 percent on all minerals extracted. Vast concessions covering as much as one third of Guatemalan territory have been granted to Canadian and U.S. mining companies. As a signatory to ILO Convention 169

Concerning Indigenous and Tribal Peoples, the Guatemalan government is required to consult Indigenous peoples and obtain their consent regarding mining projects that will affect their land and the resources on which they depend. Yet officials admit that local communities were not consulted before hundreds of concessions were granted because consultations do not form part of the new mining code.

Growing discontent over the granting of rights to foreign mining companies is creating the potential for new violence—and violence against women—in a country where repressive practices of the past have continued, protected by a climate of impunity.



Members of the Mesa Global de Guatemala used this banner to protest their government's ratification of a free trade agreement with the U.S. Armed men forced their way into the home of Norma Maldonado, a leader of the Mesa, dragging her and other women in the house to the ground floor, where they searched for information on the group's work.

a) Opposing Mining Development: The Case of Eloyda Mejía Samayoa

Canadian mining company Skye Resources is seeking to work open pit mines in Guatemala, including a concession in El Estor that was previously mined by the Guatemalan subsidiary of INCO, the International Nickel Company of Canada Ltd. INCO is Skye's largest shareholder. Mayan Q'eqchi' communities in the area have complained that previous mining operations have caused significant environmental and public health problems. They say they were not consulted about renewed mining and "have never given our approval that these projects could be undertaken, as they threaten our way of life, our culture and all of our mother nature."⁹⁰

The International Labour Organization (ILO) decided to investigate after receiving a complaint that local communities were not consulted when the government awarded exploration licenses to mining companies in the department of Izabal. At the time this briefing paper was

written, the ILO's report had not yet been delivered.

Eloyda Mejía Samayoa is the President and Legal Representative of Asociación Amigos del Lago Izabal (Association of Friends of Lake Izabal), an environmental organization that opposes mining operations in Izabal. On

18 February, 2004, she was reportedly warned to stop opposing mining activities or risk being killed. Her landlord was also allegedly told that her house would be burnt down if she continued her activities. Three days later, a meeting convened by Asociación Amigos del Lago Izabal to inform locals about the ecological impact of mining activities was interrupted by individuals whose clear intention was to disrupt the meeting.

They threatened Eloyda Mejía Samayoa with death, saying "her head will fall" (*"Que cayera su cabeza"*)⁹¹. She reported the threats to authorities. More than two years later, those responsible for the threats have reportedly asserted that they had only wanted to dissuade her from coming onto company property and that matters got a bit "out of hand."

b) Opposing the FTAA and Plan Puebla-Panamá: The Case of Norma Maldonado and Members of Mamá Maquin

The implementation of trade liberalization measures in Guatemala, as in other countries of Latin America, has coincided with growing disparities and deteriorating social conditions. This has provoked vocal opposition to new free trade agreements such as the recently concluded U.S.-Dominican Republic-Central America Free Trade Agreement (CAFTA), the proposed Free Trade Area of the Americas (FTAA) and mega-projects like the Plan Puebla-Panamá (PPP).

Norma Maldonado works with an umbrella group called *Mesa Global de Guatemala*, which is concerned about the effects on local communities of free trade agreements and the PPP. In July 2003, three armed men forced their way into Norma's Guatemala City home. The intruders dragged those present, including a member of Mama Maquín, a rural Indigenous women's rights group, and a student who had been working with them, to the building's ground floor.

"The intruders made sure we understood that information from our work and documents were their target," states Norma. *"They broke the covers of computer disks and boxes of documents."* When a visitor arrived, the intruders left, taking with them two laptop computers with information on the groups' activities. They also took a camera with footage of a meeting in Ixcán of Mexican and Guatemalan environmental justice advocates opposed to the PPP and CAFTA.

The Ixcán meeting was reported to have been observed by personnel from the local military base and some participants said they received death threats following the meeting. States Norma: *"The Ixcán meeting set a trend of repression against environmental and human rights groups that oppose free trade and mega-projects."* Amnesty International is concerned that business interests with ties to the Guatemalan military may have orchestrated a campaign of intimidation against Norma Maldonado and Mama Maquín, to silence opposition to the free trade agreements and the PPP.⁹²

ii) ECUADOR

Over the past twenty-five years, Ecuador has implemented a series of market-based economic reforms, as part of IMF and World Bank supported Structural Adjustment Programmes.⁹³ These reforms have included wage freezes, privatization of state enterprises, labor market reform and other free trade policies such as the removal of subsidies on cooking fuel and gasoline. Amidst rising prices and deteriorating living conditions for some sectors of the population,⁹⁴ these reforms have provoked social unrest and protests. Organizations representing Ecuador's Indigenous peoples have played a prominent role in the

protests, along with others.

In March and April 2006, a new round of social unrest began as demonstrators took to the streets to signal their opposition to the government's negotiation of a free trade agreement with the United States.

There has been vocal opposition as well to the opening of large parts of the country to oil development, the way in which some concessions have been granted to foreign resource extraction companies without first properly consulting the Indigenous people living in the concession, and to the construction of a massive crude oil pipeline, from the Amazon Basin, over the Andes to the Pacific Coast, by a consortium of multinational investors.⁹⁵ Promoters claim the pipeline will more than double Ecuador's capacity to export crude oil, while critics allege it threatens fragile ecosystems and communities.⁹⁶

The World Bank (through the International Finance Corporation) has provided technical assistance for promoting foreign private investment in Ecuador, supporting the export sector, including hydrocarbons, and providing micro, small and medium sized businesses with technical assistance or financing via intermediaries, conditioning its support in part on progress with economic reform.⁹⁷

Despite its oil revenues, Ecuador's economy is characterized by widespread poverty, with many people unable to enjoy minimum rights to adequate housing, access to quality public health care, universal and free education and food security.⁹⁸ According to the United Nations Development Programme, Ecuador has regressed in terms of human development indicators, falling from 72nd in the world in 1999⁹⁹ to 82nd in 2005.¹⁰⁰

a) Violence against Women Human Rights Defenders and Activists Opposing State Oil Policies¹⁰¹

The Case of Guadalupe de Heredia

Guadalupe de Heredia has been the target of a campaign of intimidation, which has included violent attacks. She is the press officer of the legal team representing Indigenous communities taking legal action against the multinational oil company ChevronTexaco for failing to clean up the pollution caused by decades of drilling in the

oil-rich Sucumbios region of Ecuador. In an Urgent Action issued on 16 May 2006, Amnesty International expressed fear for Guadalupe's life.¹⁰²

On 29 April 2006, a truck with no license plates attempted to force her car off the road and into a ditch, as she was travelling with her daughter near her home in the capital, Quito. She reported this to the Prosecutor's office in Quito on 12 May.

On 21 April 2006, a female friend of Guadalupe came to visit her at her home, and was reportedly attacked by two men as she came through the gate. One of them beat her about the head, while the other stole her notebook. The woman offered her purse to the man who was beating her, to try to make him stop. He showed no interest in her purse, or her jewellery, but eventually both men ran to a car and drove off, taking her purse. Guadalupe's family found their friend bleeding from head wounds. Amnesty International believes the men may have attacked the woman by mistake, thinking she was Guadalupe. She reported the attack to the police the same day.

Members of the legal team Guadalupe was working with have also suffered repeated acts of intimidation and death threats. On 15 November 2005, two unknown men approached the home of Carmen Allauca in Lago Agrio, leader of the Human Rights Committee of the Northeast (Comité de Derechos Humanos del Nororiente) and attempted to abduct her nine-year-old daughter. The girl cried out, alerting neighbours, who prevented her from being abducted. Amnesty International has called on the Ecuadorian authorities to investigate and bring the perpetrators to justice,¹⁰³ but the authorities are not known to have taken any action, or offered any protection to members of the legal team and their families.

Texaco (which merged with Chevron in 2001 to form ChevronTexaco) was drilling for oil in the north of Ecuador from 1964 to 1992. During that time, the lawsuit against the company alleges, the oil company dumped carcinogenic waste in unlined pits, rather than dispose of it properly, in order to save money. The case is being heard in the Superior Court of Sucumbios, in the town of Lago Agrio.

The case of Lina María Espinoza Villegas

Amnesty International issued an appeal for the safety of human rights defender Lina María Espinoza Villegas, who has been helping communities involved in protests against oil companies operating in Ecuador's Northern Amazon region, after she reported receiving anonymous telephone death threats.¹⁰⁴

Lina María is a missionary working in the Catholic Church's Vicariato Apostólico of the city of El Coca, Orellana Province. Between 24 and 26 August 2005, she reportedly received several calls on her mobile phone from a man who warned her, "*If you are taking care of yourself, take good care of yourself (Si se está cuidando, cuídese mucho); Where are you? Where are your sons? (Usted dónde está? Dónde están sus hijos?); If you are all-right now, later you will not be so well (Si usted está bien ahora, después no va [a] estar tan bien).*" Two other threats were left on her voicemail. In the first, left on 27 August, the caller said: "*Red scorpion to black scorpion: where do I unload? [a slang expression meaning "fire a gun"] (Escorpión rojo a escorpión negro: dónde le pongo la carga?).*" The second, recorded on 28 August, was the sound of gunshots. Lina María filed a complaint about the death threats with the Public Ministry in the capital, Quito, but no investigation is known to have begun.

These threats appear to be linked to Lina María's work providing training to peasants and Indigenous people on human rights and how to protect those rights in their campaign against oil companies' activities in Orellana Province. Orellana and the neighbouring province of Sucumbios provide much of Ecuador's oil, but they are among the poorest provinces in the country. In mid-August, 10 days of strikes and demonstrations began in Orellana and Sucumbios provinces. Local communities were demanding that a greater proportion of oil revenues be spent on building roads, schools and hospitals in the areas where the transnational oil companies are operating. During the protests, Lina María visited these communities to talk to the inhabitants about their rights, and document allegations of human rights violations by the police and the armed forces in Orellana. Lina María also took part as an observer in the negotiations between the

communities and the authorities that finally resulted in an agreement that was signed on 25 August.

In the last few years, Amnesty International has received several reports of death threats and other intimidation of human rights defenders and non-governmental organizations in Ecuador who oppose the government's oil extraction policies and support Indigenous peoples' proposals for alternative development projects.¹⁰⁵ For example, a death threat was sent to the mobile phone of Acción Ecológica (Environmental Action) on 5 July 2005 via a text message that said, "*Today you die*" ("*Mueres hoy*").¹⁰⁶ On 22 May 2005, Acción Ecológica's office was ransacked by people who ignored valuables but took computer disks containing information on Indigenous communities and leaders campaigning against oil drilling and its impact on their environment.

Amnesty International has called upon the Ecuadorian Government to investigate threats and intimidation of human rights defenders and other advocates critical of State oil extraction policies. To date nobody has been charged and brought to justice for these acts of violence.

b) Violence against women opposing free trade negotiations with the U.S.

The case of María Diocelinda Iza Quinatoa

On 21 April 2006, Amnesty International issued an Urgent Action to signal concern about a campaign of threats and intimidation against María Diocelinda Iza Quinatoa, an Indigenous leader and President of the women's section of the Unión de Organizaciones Campesinas de Cotopaxi (UNOCANC), the Cotopaxi Peasants Organizations' Union.¹⁰⁷

María was responsible for coordinating the participation in the capital Quito, of Cotopaxi Indigenous communities in mass demonstrations in March and April 2006 against the proposed free trade agreement with the United States. Indigenous organizations believe that a free trade agreement will have a negative impact on local producers and trade. On 10 April, María participated in a meeting with other Indigenous leaders in Quito. Afterwards, as she walked down the street, she was allegedly threatened with a knife by two unknown women. One of the women

asked her, "*Are you back here organizing the demonstrations?*" ("*ya nuevamente vienes a organizar las movilizaciones?*") Her rucksack which contained confidential documents as well as personal identification was then reportedly stolen.

María reported the incident to the National Judicial Police in Quito on the same day. Although she insisted that she was robbed, the police officer allegedly registered the complaint as lost documents. Two days later, on 12 April she again reported the incident to the National Judicial Police in Cotopaxi, where similarly the officer in charge completed a form for lost identification documents. Amnesty International is aware that an investigation has not been opened into this incident and is concerned that her complaint has not been taken seriously.

Previously, on 23 March, María attended a meeting with other Indigenous leaders to organize demonstrations and events in Quito. Whilst she was at that meeting, a van belonging to her family, which was parked nearby, was stolen. Her husband Luis Tigse Alomoto reported the incident to the Pichincha Judicial Police Headquarters. The police officer who received the complaint told him: "*This happened because you participated in the demonstrations. You see, you even lost your car.*" ("*Es que esto pasa por estar en movilizaciones. Va ve hasta el carro se pierde*").

In the months prior to these incidents, María reportedly told local non-governmental organisations that she had received several threatening phone calls on her home telephone number until she changed it.

On 1 February 2004, an assassination attempt was made on María's brother, Leonidas Iza, a former President of the Confederation de Nacionalidades Indígenas del Ecuador (CONAIE), Confederation of Indigenous Nationalities of Ecuador, in Quito. He escaped unharmed, but four of his relatives, including María Iza Quinatoa's son Daniel Tigse, who were accompanying him at the time of the attack, were injured. The assassination attempt took place as Leonidas Iza arrived home from Cuba, where he had taken part in a meeting against the Free Trade Area of the Americas (FTAA).¹⁰⁸

iii) COLOMBIA

Under the guidance of international lending institutions, successive Colombian governments in recent years have introduced a series of economic reforms, commonly referred to as “*la apertura*” (the opening).¹⁰⁹ This process has involved labour market reforms to make hiring procedures more flexible and reduce barriers to dismissals, public sector layoffs, privatization of state companies, and legislative changes to increase foreign investment.¹¹⁰ The current government of Alvaro Uribe Vélez has continued to follow a program of structural adjustments approved and financed by the International Monetary Fund and World Bank.¹¹¹ This has included moves to privatize more state enterprises, restructure pensions and social security, and raise the sales tax, applying it to a wider range of products and services.¹¹² President Uribe also helped launch talks for a U.S.-Andean free-trade agreement and, inserted Colombia into the Plan-Puebla-Panamá mega-project involving Mexico and countries of Central America. These policies have met with vocal opposition and social protest organized by different sectors of the Colombian population, and have coincided with alarming levels of repression by state security forces and army-backed paramilitary against a wide range of social organizations critical of state policies. As this briefing paper was being completed, Amnesty International received reports that on the morning of 16 May 2006, security forces allegedly shot at protestors who blockaded parts of the PanAmerican highway to protest against economic and agrarian policies. Tear gas and three army helicopters also were reportedly used to clear some 15,000 Indigenous, peasant farmer and Afro-descendent demonstrators. Colombian organizations listed at least five women and a seven-year-old girl as being among a list of 19 people reportedly “disappeared”. One man was killed and many others injured.¹¹³



Trade union leader Sandra Cordero reports being followed and threatened on several occasions because of her role in efforts to stop privatization of telephone service in Bogotá, Colombia. The threats escalated when four men arrived at her home, delivering a chilling message.

a) Violence Against Women Trade Unionists and Human Rights Defenders

Colombia’s trade unions have been vocal in their opposition to labour market reforms and the privatization of telecommunications, education, hospitals, mining and other sectors, a process which has reportedly resulted in layoffs and a drop in the number of workers who benefit from any kind of collective bargaining agreement.¹¹⁴

In Colombia, there is a heavy price to be paid for standing up for workers’ rights and opposing privatization, particularly since trade unionists, together with human rights defenders and community activists, have been at the forefront of a wider struggle for political, social and economic rights in Colombia. Over 750 Colombian trade unionists have been assassinated since 2000 and at least a hundred more have been “disappeared”. In 2005 alone, 73 trade unionists were either killed or “disappeared”, while over 200 received death threats.¹¹⁵ The toll in bloodshed is growing. By April 2006, some 26

trade unionists had been killed, a 27 percent increase in comparison to a similar period in 2005. Women are often the targets of this violence. Between January and September 2004 alone, nine women trade unionists were murdered.¹¹⁶ Many others have been threatened, attacked or forced into exile.

The Case of Sandra Patricia Cordero Tovar

Escalating threats of violence forced Sandra Patricia Cordero Tovar, a member of the executive of SINTRATELEFONOS (Trade Union Workers of the Bogotá Telecommunications Enterprise), to flee Colombia.

Sandra says she began to fear for her life in 1997 when she and 23 others were fired for their involvement in organizing work stoppages to protest plans to privatize telephone service in the capital. According to Cordero, the telephone company accused the activists of being terrorists. They responded by launching legal action against

the company for wrongful dismissal. They also continued to mobilize protests against privatization of their sector, as well as the oil sector, water and other public utilities. *"We were clear that policies of globalization were not just causing problems for us,"* says Sandra, *"but for many others too."*¹⁷

The trade union leader says she began to be followed, that her telephone was tapped and death threats were delivered by phone and by fax to the union's office, where she continued to serve on the executive, first as Press Secretary and then as Secretary General.

"I started to have terrible headaches every day. They were so bad that I went to the hospital emergency," remembers Sandra. "They were symptoms of the stress I was under. . . It was very difficult, especially since so many friends in the union movement were being assassinated."

Sandra moved 14 times in six years in an effort to hide her whereabouts.

But her fears escalated after four men came to her home while she was away, delivering a chilling message to her mother, who had opened the door: *"Tell her to take care of herself. One day we'll get her because we know where she lives."* (*"Digale que se cuide. Un día le vamos a agarrar por que sabemos donde vive."*). Reports Sandra: *"I began to live like a gypsy. I had to stay the night in different people's homes. . . I was prepared to sacrifice my life for this struggle. But I saw that not only my life was in danger but that my kids were now in danger too. I couldn't stay in this situation."*

Sandra and her family came to Canada as refugees in July 2002. More than three years later, she remains scarred by the violence she suffered. *"I believe I will be affected for the rest of my life. . . I still do not feel safe."*

The Case of Ludivia Giraldo

Ludivia Giraldo is head of the human rights department of the union SINTRAMINERCOL (Sindicato de Trabajadores de la Empresa Nacional Minera), which represents work-

ers from the state mining corporation MINERCOL and is engaged in a bitter struggle to stop its privatization. SINTRAMINERCOL has also repeatedly filed complaints about human rights violations in mining areas allegedly committed by security forces and paramilitary forces that collaborate with them. Recently, the union published a report called *The Profits of Extermination* that denounces

alleged connections between multinational mining companies and paramilitaries who use terror in order to establish control over areas of mineral wealth. People who make such complaints are frequently attacked or killed in retaliation.

On 29 September 2004, Ludivia Giraldo reported being followed by four men in a yellow taxi from 6 pm to 8.30 pm, raising fears for her life. In the past, trade union activists and other human rights defenders have frequently been kept under surveillance before attempts are made on their lives. SINTRAMINERCOL's President Francisco Ramírez Cuel-

lar has survived several attempts on his life in the past few years, and has reported being watched and followed.

The Case of Berenice Celeyta Alayón

Berenice Celeyta Alayón is a human rights defender whose work was recognized with a Robert F. Kennedy Human Rights Award in 1988. As President of the Association for Research and Social Action (NOMADESC), Berenice has worked with the Colombian Mine Workers Union (SINTRAMINERCOL) to investigate human rights abuses that caused a mass exodus from a region where there was opposition to the granting of concessions to a foreign mining company. More recently, Berenice has played a prominent role in defending trade unionists opposing the privatization of public services in the city of Cali.

Berenice has been repeatedly threatened and harassed for her work. The most recent threat was reportedly received on 13 October 2005, when an envelope was delivered that contained her name with an invitation to a mass of consolation (traditionally held after someone has



Berenice Celeyta Alayón has faced repeated threats for defending critics of State economic policies.

died). Trade unionists were among other names included in the macabre death threat.

In August 2004, opposition politician Alexander Lopez went to authorities after reportedly finding leaked evidence of a plan involving retired and active State security forces to assassinate Berenice and other activists involved in efforts to stop the privatization of public services. Her name was reportedly second on the list of those to be killed.

Amnesty International issued an Urgent Action on behalf of Berenice in June 2001 after she reported finding a message on her home answering machine: “we are going to kill you, you old bitch” (“la vamos a matar vieja hijueputa”). The following day, a funeral wreath was left on her doorstep. At the time, NOMADESC was calling on the government to take action against paramilitaries accused of assassinating trade unionists in Valle del Cauca department.

b) Violence Against Members of the Popular Women’s Organization

Members of the Popular Women’s Organization (Organización Femenina Popular, known as OFP), are vocal in their denunciation of economic policies they say are failing to protect the human rights of Colombia’s poorest citizens, including their right to food and health. As organizers of community kitchens (called *comedores populares*) that provide a nutritious daily meal to those who could not otherwise afford it, the OFP reports that hunger is growing amidst privatizations, layoffs and the elimination of supports for growers of food crops for local consumption. The OFP helps women and their communities organize to defend their rights, even when that means challenging multinational mega-projects and the incen-

tives given to attract foreign companies whose operations may displace local communities from their livelihood.¹¹⁸ The OFP also opposes increasing paramilitary presence in the neighbourhoods they serve.

But the price is high. Amnesty International has expressed concern for the safety of OFP leader Yolanda Becerra on numerous occasions, due to death threats and reported plans to assassinate her. Amnesty also expressed

concern about the safety of Inez Peña in early 2004 after paramilitaries forced her into their car and drove her around the city of Barrancabermeja, threatening to kill her unless she left the OFP.¹¹⁹ The paramilitaries reportedly scalded Peña’s feet with boiling water and shaved her head before they released her, an act perceived by OFP members as an attack on her womanhood. Peña, pregnant at the time, was left unable to speak. She was not the only woman who was traumatized. “*The violence that was done to Inez was a message to all of the women who belong to the OFP,*” stated Ana Teresa Rueda Lozada, another member of the OFP in an interview with Amnesty International.¹²⁰

c) Attacks on Women in the Informal Sector

As mentioned previously, Colombia initiated a series of structural adjustment reforms beginning in the 1990s that included downsizing the public sector, privatizing public services and changing labour laws to facilitate layoffs. Permanent salaried employment—with benefits like social security, unemployment insurance, vacations and shift premiums—was increasingly replaced with a system of short-term contracts and casual work. Unemployment nearly doubled from 10.5 percent in 1990 to 19.7 percent in 2000, while the



A community kitchen (comedor popular) in Barrancabermeja, Colombia organized by members of the Popular Women’s Organization. There has been a heavy price to pay for their defence of women’s human rights.

percentage of the workforce enjoying the protection of a union diminished significantly.¹²¹

As a result, growing numbers of Colombians—and growing numbers of women—have been forced to seek a livelihood, or a much-needed supplement to low paid, insecure contract work¹²² in the so-called informal sector, often as street vendors.

These same women have also become vulnerable to violence in Colombia, since street selling was banned in an apparent attempt to boost sales tax income by removing the formal consumer economy's more economical alternative. "There is a lot of repression against street vendors in Barrancabermeja," Ana Teresa Rueda Lozada of the Organización Femenina Popular (OFP) told Amnesty International.¹²³ "The police use violence and beatings to chase them off the streets. The situation is even worse in the capital."

In July 2003, Amnesty expressed concern for the safety of street-sellers in the municipality of Pereira, department of Risaralda, after receiving reports of a number of threats, killings and beatings of street traders.¹²⁴ The violence erupted following a ruling by the Mayor's Office of the municipality of Pereira to remove street traders from the centre of Pereira, apparently as part of a municipal "urban renewal plan". Among the reported incidents was the assault on 8 May 2003 by municipal officials and police officers of female street traders Argenis Ramírez and Yolanda Restrepo.

iv) MEXICO

Since the implementation of the North American Free Trade Agreement (NAFTA), women in Mexico have become experienced violence amidst protest and rebellion against State policies. In this context, Amnesty International is concerned that violence against women has been used by security forces in instances where it may have been intended to disrupt resistance and assert social control.

a) Violence Against Indigenous Women Post-NAFTA

Implementation of the North American Free Trade Agreement (NAFTA) between Canada, the United States and

Mexico was preceded in Mexico by sweeping changes aimed at opening up the economy and making Mexico NAFTA-ready. This included removing a constitutional guarantee of communal lands for Indigenous peoples (known as *ejidos*), making it possible for these lands to be bought up by investors. As well, production subsidies and loans for small farmers were cut, while tariffs on the import of agricultural products were removed.

NAFTA continued these policies of deregulation and tariff removal, opening the border to a flood of cheap U.S. rice and corn that would make it impossible for many Mexican farmers to survive on their land. On January 1, 1994, the same day that NAFTA came into effect, the largely Mayan Emiliano Zapata Army of National Liberation (*Ejército Emiliano Zapata de Liberación Nacional* or EZLN) emerged and briefly took control of a number of municipalities in Mexico's resource-rich, southern state of Chiapas. At the time, EZLN spokesman Subcomandante Marcos called NAFTA "a death certificate for the Indian peoples of Mexico".¹²⁵

The EZLN quickly retreated into hiding. As many as 70,000 soldiers fanned out across the state to find the rebels and assert control in the context of considerable civilian support for the Zapatista cause. Hundreds of bases, barracks and military checkpoints were erected. As Chiapas became increasingly militarized, reports of violence against Indigenous women began to emerge.

Five months after the EZLN uprising, three young Indigenous Tzeltal sisters—20 year-old María Teresa, 18 year-old Cristina and 16 year-old María Méndez Santiz—reported being raped by soldiers of the Mexican army. Amnesty International has documented other sexual attacks against women since the militarization of Chiapas. Indigenous and non-Indigenous women reported being the victims of sexual abuse by unidentified, armed and masked men who attacked them by the roadside and raped them, while other attacks were carried out by so-called *guardias blancas*, paramilitary groups operating in the region with the support of state security forces. Amnesty reported that "the frequency and brutality of these attacks seem to continue unchecked" and "there is no information which would indicate that cases like these are vigorously inves-

tigated by the Mexican Government in order to establish responsibility and bring the perpetrators to justice.”¹²⁶

Rodolfo Stavenhagen, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has reported on the “sexual harassment and abuse of indigenous women”,¹²⁷ as a characteristic of the human rights violations committed in Chiapas since the militarization of that state. In the report of his June 2003 Mission to Mexico, Mr. Stavenhagen concludes: “Women in Chiapas have suffered disproportionately from violence in its different forms.”¹²⁸

b) Violence Against Student Activists

The case of Emma Beltrán

According to Article 3 of the Mexican Constitution, education financed by the state must be free. From 1948 to 1999, tuition at the National Autonomous University of Mexico (UNAM) in Mexico City was practically free, costing just 2 cents a semester. In January 1999, the UNAM’s president and council proposed reforms to the university system, including the institution of fees of \$140 (U.S.) per year.

The proposal prompted fears it could lead to further cost increases and privatization, threatening the right to education, particularly for poor students. In an effort to stop the reforms, a group of students declared a strike in April 1999. Only basic research groups were allowed to continue their activities during the 9-month strike, although many groups of students continued gathering to take courses off-campus.

Amnesty International documented several attacks on students involved in the strike, with some having been abducted, tortured, beaten and even subjected to simulated executions.¹²⁹ Amnesty also expressed fear for the safety of two defence lawyers acting on behalf of some of the students, after they received verbal death threats on 2 January 2000 and one of them was hit in the face.¹³⁰ In February 2000, Amnesty again expressed concern that excessive force was apparently used by 400 officers of the Policía Federal Preventiva (PFP), Federal Preventive Police who entered a university campus on 1 February 2000 and arrested 250 striking students, reportedly beating them as they did so.¹³¹ At least 37 people were reportedly injured.

Emma Beltrán was a student at the UNAM when the

proposal to institute annual tuition fees of \$140 was made public. She says she became active in the student strike and helped start a radio station to transmit news about the students’ efforts to halt the proposal. Amongst other responsibilities, Emma read news bulletins on the radio. The bulletins included messages from organizations supporting the strike, including communiques from the EZLN. Emma says she received threats and as other students involved in the strike were detained and mistreated, she decided to leave Mexico City.

Nine months later, Emma returned to the university. On 23 March 2001, Emma reports she was abducted by heavily armed men in a vehicle with no licence plates:

“Two of them were wearing the uniform of Mexico City police and the third wore the uniform of the Judicial Police. . . but none had a number or any identification on his uniform. The fourth man was dressed in black commando-type clothes and he was the one who gave orders to the others. . . ‘Yes, General’, they said every time he gave an order. . . He had a military-type haircut. . . but no identification.”

According to Emma, her abductors threw her face down onto the floor of the vehicle and took her to an unknown location, where she was held for a week. During that time, Emma alleges, she was tortured and sexually assaulted.

“They insulted me and put a gun to my head. Every time I spoke, they hit me. They applied electric shocks. Various men raped me. They also pulled out some of my teeth. . . They asked me questions about who supported the student strike, who gives money to the radio station, and who supports the EZLN. I didn’t think they were really looking for information because our mobilizations were open and public. . . The man dressed in black threatened to kill me if he heard me again on the radio and he said that. . . his men were all over the country. . . I think their goal was to force me to give up organizing protest around the privatization of education and the damaging impacts of NAFTA. They left me in so much fear that I felt I had no choice but to leave the country.”

Emma Beltrán is now living in Canada, where she was granted refugee status. “It is very hard,” she told Amnesty. “I will be dealing with the scars for the rest of my life.”¹³²

4. *Conclusions*

As the examples highlighted in this briefing paper illustrate, sweeping economic changes associated with globalization in the Americas are the backdrop to serious violations of women's human rights and a range of situations that have resulted in violence against women.

Indeed, the discrimination, subordination and socially-constructed disadvantage that underpin violence against women may often be exacerbated by policies of economic austerity, privatization, deregulation, structural adjustment and free trade that have caused rising unemployment, financial crises and economic dislocation that often hit women the hardest.

While the chain of factors that impact on women's human rights is complex and in some instances may be indirect, governments have a legal obligation to ensure through their membership and participation in international institutions and agreements that global economic actors respect human rights. Given the expanded range of areas into which trade and investment agreements have moved, this means constantly ensuring that trade does not trample on human rights. Concretely, that requires governments not to make any commitments in trade and investment agreements that might adversely affect or prevent enjoyment of the full spectrum of human rights and women's human rights.¹³³ It also requires governments to ensure that third parties—such as international lending institutions and corporations investing in foreign countries—do not adversely affect human rights and women's human rights. This is particularly important in a context in which non-state actors like the World Trade Organization, the World Bank and the International Monetary Fund, as

well as multilateral agreements and powerful corporations, may limit the ability of governments to take actions to protect the full spectrum of human rights.

Above all, international human rights law must be accorded primacy.¹³⁴ All member countries of the WTO, the World Bank and the IMF, as well as governments that have entered into trade agreements in the Americas, have undertaken binding obligations under human rights law, including with respect to the protection of the fundamental human rights of women. Some of those obligations apply universally to all states, as a matter of customary international law. As the UN High Commissioner for Human Rights has noted, “the norms and standards of human rights provide the legal framework for the protection of the social dimensions of trade liberalization as a complement to trade rules.”¹³⁵ Trade and investment rules must be interpreted and applied in a manner that upholds those norms and standards, whatever the treaty commitments of States in trade matters.¹³⁶ Moreover, governments have a duty to promote and protect human rights during both the negotiation and implementation of international trade rules.

Amnesty International concurs with the UN High Commissioner on Human Rights that “the legal imperative of respecting human rights means that States are accountable for ensuring that these entitlements cannot be reduced to mere privileges or luxuries or left subject to the whim of markets.”¹³⁷ As the High Commissioner has recognized, respect for the principle of non-discrimination is “a fundamental means of promoting a more inclusive globalization”.¹³⁸

5. Recommendations

Amnesty International believes it is vitally important that Canada revise its laws, policies and approaches to human rights, business, trade and investment so as to strengthen the protection of the fundamental human rights of women in the Americas. The following recommendations are divided by theme.

Among other measures, the Canadian government should:

A) STRENGTHEN HUMAN RIGHTS PROTECTION IN THE AMERICAS

1. Ratify key human rights treaties within the Organization of American States that constitute the regional legal framework for the effective protection of human rights. These treaties include the American Convention on Human Rights (along with recognition of the competence of the Inter-American Court of Human Rights), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), with accompanying reservations or interpretive declarations needed to strengthen and clarify the human rights protections in those treaties (particularly with respect to sexual and reproductive rights).
2. Enforce and respect the provisions contained in the human rights treaties named above.
3. Develop and implement an action plan for full compliance with international standards for the protection of women's human rights, including the United Nations Convention on the Elimination of all Forms

of Discrimination against Women, the UN Declaration on the Elimination of Violence against Women, the Convention of Belém do Pará, and the Beijing Declaration and Platform for Action.

B) IMPLEMENT A HUMAN RIGHTS-BASED APPROACH TO TRADE AND INVESTMENT

4. Actively protect and promote women's human rights in all its trade and investment negotiations, including those related to the World Trade Organization, proposed trade agreements such as the Free Trade Area of the Americas and the Canada-Central America Four Free Trade Agreement, as well as other bilateral agreements. This means ensuring that any trade/investment agreement does not result in the abuse, violation or denial of human rights, including women's human rights.
5. Ensure that any trade/investment agreement to which Canada is a party is interpreted and implemented in a manner consistent with Canada's prior obligations under international human rights law. This should require that the law applicable to the arbitration of trade/investment disputes will include relevant human rights law obligations.
6. Guarantee effective and genuine participation in trade negotiations by a broad representation of society, including organizations that represent women

from different sectors of society. This requires guaranteeing the right of access to information and the full disclosure of all texts being negotiated.

7. Ensure that the main text of all trade and investment agreements being negotiated includes explicit reference to the full spectrum of international human rights norms, including obligations to progressively realize economic, social and cultural rights. Trade/investment agreements should affirm the two core UN human rights covenants (International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights), other UN human rights treaties (such as the Convention on the Elimination of all Forms of Discrimination against Women), International Labour Organization Conventions (including No. 169 concerning Indigenous and Tribal Peoples), and human rights treaties adopted by the Organization of American States (including the American Convention on Human Rights, the San Salvador Protocol, and the Convention of Belém do Pará).
8. Undertake human rights impact assessments of trade rules during both the process of the negotiations (i.e. prior to undertaking any commitments) and post-negotiation (i.e. after adoption of an agreement). Such assessments should be based on sound empirical evidence drawn from public, independent and transparent evaluation, and participatory consultation with all concerned stakeholders. Human rights impact assessments should pay particular attention to gender effects of trade rules and impacts on those who are the most disadvantaged and vulnerable, such as women in rural areas and Indigenous women.
9. Ensure that financial and technical assistance is made available, when necessary, to enable human rights impact assessments to be carried out in any state with which Canada negotiates trade/investment agreements.
10. Ensure that the findings of gendered human rights impact assessments are explicitly raised in trade negotiations and any problems resolved as a pre-condition to Canada signing on. When a trade/investment agreement is already in effect and human rights impact assessments reveal problems, Canada must ensure that appropriate measures are taken to remedy the situation so as to guarantee that no one is unable to realise his or her human rights because of implementation of the agreement.
11. Within trade and investment agreements, retain and recognize the right to do any of the following, when necessary for the protection of fundamental human rights:
 - impose performance requirements on foreign investors;
 - regulate to protect human rights (including the right to a healthy environment, to water, to food and to other social and economic rights), without having to compensate foreign investors for perceived “expropriation” or lost profits;
 - exempt public services essential to the protection of human rights—such as health, education and water—from the provisions of any agreement;
 - exclude crops essential to ensure food security; and
 - ensure the right to peaceful expression, protest and assembly.
12. Press international financial institutions, notably the International Monetary Fund, the World Bank and regional development banks, to ensure that the broad spectrum of human rights, including women’s right to equality, is not violated either directly or indirectly as a result of their lending policies, credit agreements, structural adjustment policies, growth programmes, economic reforms, development projects and other measures.

C) PROTECT THE RIGHTS OF INDIGENOUS PEOPLES

13. Work to strengthen the international framework of protection for the human rights of Indigenous people by:
 - (a) continuing to support the adoption of strong

- and uplifting Declarations on the Rights of Indigenous Peoples within the United Nations and the Organization of American States; and
- (b) consulting with Indigenous peoples in Canada regarding potential ratification of ILO Convention No. 169.
14. Require that Canadian companies undertaking activities that may impact on the rights and interests of Indigenous peoples:
 - (a) carry out meaningful consultations with the affected communities, including the women of those communities; and
 - (b) obtain the free, prior and informed consent of the affected peoples before proceeding.
 15. Share information with other states in the region on specific threats and patterns of violence against Indigenous women as well as effective measures to address such violence.
 16. Guarantee the internationally-recognized right to self-determination of Indigenous Peoples and the full exercise of their territorial rights, including control over the natural resources found in their territories.

D) PROTECT THE RIGHTS OF MIGRANT WORKERS

17. Ratify the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families and press other governments in the Americas to follow suit.
18. Devise and establish special protection schemes for women migrants, particularly in urban areas and agribusiness regions and press other governments in the Americas to follow suit.
19. Actively call on all governments in the Americas to ratify the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Air and Sea and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
20. Strengthen efforts to combat the smuggling of and trafficking in women migrants.
21. Ensure that victims of smuggling and trafficking

- are not penalized and their human rights are fully respected.
22. Adopt detention policies and conditions for migrants that take account of the particular vulnerability of women and minors, especially unaccompanied women and minors.
 23. Work bilaterally and multilaterally to develop and implement measures to regularize the status of migrant workers and their families so that they can gain access to labour markets where there is a demand for their labour, without the risks that “irregular” border crossings entail. Decisive action should be taken against employers that hire migrants under false pretences and subject them to conditions of slavery.
 24. Undertake campaigns nationally and regionally to prevent discrimination and xenophobia against migrants, including migrant women.
 25. Institute accessible complaint mechanisms to assist undocumented migrant women who are victims of abuse by public officials, employers or relatives.

E) ENSURE CANADIAN COMPANIES RESPECT HUMAN RIGHTS

26. Develop national legal standards, consistent with existing and emerging international standards, to prevent Canadian citizens and companies from violating the broad spectrum of human rights of individuals and communities in other countries.
27. Require Canadian companies to adopt explicit human rights policies which must be disseminated and implemented at all levels of the company and applied to subsidiary and associated companies, partners and subcontractors.
28. Encourage Canadian companies to adopt or improve measures to protect their employees at the work place and on their way to and from work including by working with local government authorities to improve public safety and prevent gender-based crimes in the areas where they are operating.
29. Require Canadian companies to ensure that before they take any action that may interfere with human rights, whether directly or indirectly, there is oppor-

tunity for genuine consultation with those affected; timely and full disclosure of information on the proposed measures; reasonable notice of proposed actions; legal recourse and remedies for those affected; and legal assistance for obtaining legal remedies.

30. Provide strong support for the development of UN-level norms regarding the responsibilities businesses carry with respect to human rights.

Endnotes

¹ Grave violations of the basic human rights of women, and widespread violence against women in particular, have been longstanding and very serious concerns in the Americas, well before recent economic reforms in the region. Recent Amnesty International reports have documented current concerns: *Canada - Stolen Sisters : Discrimination and violence against indigenous women in Canada*, AMR 20/001/2004; *Colombia—“Scarred bodies, hidden crimes”: Sexual violence against women in the armed conflict*, AMR 23/040/2004; *El Salvador—End impunity for violence against women* AMR 29/002/2005; *Guatemala—No protection, no justice: killings of women in Guatemala*, AMR 34/017/2005; *Mexico—Indigenous women and military injustice*, AMR 41/033/2004; *Mexico—Justice fails in Ciudad Juárez and the city of Chihuahua*, AMR 41/007/2005; *Mexico—Intolerable Killings: 10 years of abductions and murder of women in Ciudad Juárez and Chihuahua*, AMR 41/026/2003.

² Amnesty International, *It's In Our Hands: Stop Violence against Women*, ACT 77/001/2004.

³ *Stolen Sisters*, footnote 1.

⁴ A 2004 study of Latin America and the Caribbean published by the International Labour Organization shows that women are experiencing unemployment rates that are almost one and a half times those of men. In some countries, unemployment among women has increased, while it has decreased among men. The ILO's *2004 Labour Overview: Latin America and the Caribbean* is based on data from Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Mexico, Peru, Uruguay and Venezuela.

⁵ International Federation for Human Rights, International Fact-finding Mission, *Mexico, The North American Free Trade Agreement (NAFTA): Effects on Human Rights, Violations of Labour Rights*, April 2006.

⁶ United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted in 1979, ratified by Canada in 1981; Optional Protocol to CEDAW, adopted in 1999, acceded to by Canada in 2002.

⁷ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in 1994 and not yet ratified by Canada; UN Declaration on the Elimination of Violence against Women, adopted in 1993.

⁸ Such as the UN Global Compact; the Voluntary Principles on Security and Human Rights; the Organization for Economic Cooperation and Development's Guidelines for Multinational Enterprises; and the draft UN Norms on the Responsibility of Transnational Corporations and

other Business Enterprises, which have been approved by the UN Sub-Commission on Promotion and Protection of Human Rights and have more recently been under review by the UN Commission on Human Rights, now superseded by the newly created UN Human Rights Council.

⁹ International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, adopted in 1989 and not yet ratified by Canada. Efforts have been underway for many years within both the United Nations and the Organization of American States to finalize and adopt declarations regarding the rights of Indigenous peoples. As this briefing paper was being prepared, there was an expectation that a UN-level declaration would be adopted by the end of 2006. Important standards for the protection of the rights of Indigenous peoples have also been elaborated in the recommendations of UN human rights treaty-monitoring bodies, judgements of the Inter-American Court of Human Rights and rulings from the Inter-American Commission on Human Rights.

¹⁰ Canada was Chair of the FTAA process and Trade Negotiating Committee (TNC) from 1998-99 and more recently, called on the current TNC Co-Chairs to revive FTAA negotiations (see “Americas no closer to a hemisphere-wide investment agreement”, Investment Treaty News, Nov. 21, 2005 at http://www.iisd.org/pdf/2005/investment_investsd_nov21_2005.pdf

¹¹ The American Convention on Human Rights and its two Protocols dealing with economic, social and cultural rights (The Protocol of San Salvador) and the death penalty; as well as specific treaties dealing with torture, violence against women, disappearances and disabilities.

¹² The Standing Senate Committee on Human Rights recommended Canadian ratification in its report, *Enhancing Canada's Role in the OAS: Canadian Adherence to the American Convention on Human Rights*, May 2003. At page 6, the report notes that discussions about possible Canadian ratification have been underway since 1991.

¹³ Article 4.1: “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.”

¹⁴ Amnesty International Canada, *Above all Else: A Human Rights Agenda for Canada*, December 2004, pg. 16.

¹⁵ UN Committee on Economic, Social and Cultural Rights, *Globalization and its impact on the enjoyment of economic, social and cultural rights*, E/1999/22, paras. 515-517, 15 May, 1998.

¹⁶ WTO Website, www.wto.org

¹⁷ The UN's Committee on the Elimination of Discrimination against Women can offer "suggestions and general recommendations" (article 21) to state parties after reviewing reports of their record of compliance with the Convention. Under the Convention's Optional Protocol the Committee can receive individual petitions on behalf of women who feel their rights have been violated and can, pursuant to article 7, issue their "views" and "recommendations" regarding such cases. The Committee's suggestions, views and recommendations are not legally binding.

¹⁸ UN Economic and Social Council, *Economic, Social and Cultural Rights: An Analytical Study of the High Commissioner for Human Rights on the Fundamental Principle of Non-Discrimination in the Context of Globalization: Report of the High Commissioner*, E/CN.4/2004/40, see pages 13 – 14.

¹⁹ United Nations Development Fund for Women (UNIFEM), *Progress of the World's Women, 2000*, page 31.

²⁰ ICSID is the World Bank forum which administers the bulk of investment treaty arbitrations between investors and governments. ICSID rules require that the parties to an arbitration consent to any move to open the arbitration proceedings to the public, as well as to release arbitration awards and other documents. The net result is that most of these major arbitrations—including ones where human rights issues might be raised or impacted—are conducted in-camera. The North American Free Trade Agreement is an exception because of a stated commitment by the three NAFTA countries to transparency. Likewise, new Canadian and US treaties pledge transparency of arbitration as well. However, hundred of existing treaties do not take these steps towards openness and the ICSID is powerless to force openness if the parties to an arbitration do not desire it.

²¹ See the World Bank's website at <http://www.worldbank.org/about>

²² The Boards of Governors of the World Bank Group and the International Monetary Fund (IMF) hold their Annual Meetings together to discuss a range of issues related to poverty reduction, international economic development and finance.

²³ See the IMF's website at <http://www.imf.org/external/np/exr/facts/tech.htm>

²⁴ James M. Boughton, *The Silent Revolution: The International Monetary Fund 1979-1989*, International Monetary Fund, 2001. Also see articles by former World Bank Senior Vice President and Chief Economist Joseph E. Stiglitz. It is worth noting that there are many reasons why developing countries have become indebted, many of them beyond the control of the governments who must now make policy decisions in order to service these debts. For more on this subject, see the report of the Independent Expert cited in footnote 26.

²⁵ Throughout the 1980s and 1990s, these policies were referred to as a Structural Adjustment Programme or SAP. In November 1999, the IMF replaced its Enhanced Structural Adjustment Facility (ESAF) with the Poverty Reduction and Growth Facility (PRGF) as its mechanism for providing loans to low income countries. According to the IMF, these loans are now framed around what are called Poverty Reduction Strategy Papers (PRSPs) that are prepared by governments through a participatory process involving domestic stakeholders and external

development partners, including the World Bank and International Monetary Fund. Updated every three years with annual progress reports, PRSPs describe the country's macroeconomic, structural and social policies and programs over a three year or longer horizon (see <http://www.imf.org/external/np/prsp/prsp.asp>). Critics argue that the IMF and World Bank will only approve PRSPs that adhere to the same macro-economic and structural standards that characterized SAPs (for example see C. Abugre, "Still sapping the poor: a critique of IMF poverty reduction strategies", Global Exchange 2000; Association for Women's Rights in Development, "The World Bank and Women's Rights in Development", *Women's Rights and Economic Change*, No. 5, October 2002; CIDSE/Caritas Internationalis, "PRSP: Are the World Bank and IMF delivering on promises?", April 2004, <http://www.cidse.org/docs/200404221144166307.pdf>)

²⁶ UN Economic and Social Council, *Effects of structural adjustment policies on the full enjoyment of human rights: Report by the Independent Expert, Mr. Fantu Cheru, submitted in accordance with Commission decisions 1998/102 and 1997/103*, E/CN.4/1999/50, 24 February 1999; World Health Organization, *Structural Adjustment Programmes*, www.who.int/entity/trade/glossary/story084/en/.

²⁷ For example, in 1991, the World Bank approved a US\$23 million loan to "help the Government of Argentina carry out its Public Enterprise reform program, which included the restructuring and privatization of the state oil and gas companies". Subsequently, the International Finance Corporation "helped mobilize private sector financing for local and international investors in the oil and gas sectors". See <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTOGMC/0,,contentMDK:20217144~menuPK:463163~pagePK:148956~piPK:216618~theSitePK:336930,00.html>.

²⁸ UN Commission on Human Rights, *Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights*, Resolution 2002/29, 22 April, 2002, para. 9.

²⁹ World Health Organization, *Structural Adjustment Programmes*, footnote 18.

³⁰ *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), Chapter II: Global Framework, paragraphs 15 and 16.

³¹ A letter signed by 900 women's organizations from around the world was delivered to the President of the World Bank during the Fourth World Conference on Women in 1994. Since then, the World Bank has taken steps to address some gender concerns. For more see Laura Frade, "Women's Eyes On The World Bank", Social Watch Annual Report 1997, http://www.socialwatch.org/en/informelmpreso/pdfs/womenseyes1997_eng.

³² See <http://www.imf.org/external/np/sec/memdir/members> and <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/EXTANNREP/EXTANNREP2K>.

³³ Amnesty International, *Intolerable Killings*, footnote 1; Human Rights Watch, *A Job Or Your Rights: Continued Sex Discrimination in Mexico's Maquila Sector*, December 1998; Oficina del Alto Comisio-

nado de las Naciones Unidas para los Derechos Humanos en México, *Diagnóstico sobre la situación de los derechos humanos en México*, 2003; International Federation for Human Rights, footnote 5.

³⁴ Human Rights Watch, *Trading Away Rights: The Unfulfilled Promise of NAFTA's Labor Side Agreement*, April 2001.

³⁵ Luke Eric Peterson, International Human Rights in Bilateral Investment Treaties and in Investment Treaty Arbitration, 2003, International Institute for Sustainable Development, available at: <http://www.iisd.org/publications/pub.aspx?id=577>

³⁶ UN High Commissioner for Human Rights, *Human Rights, Trade and Investment*, E/CN.4/Sub.2/2003/9, page 20.

³⁷ For example, the Women's Edge Coalition, The International Gender and Trade Network—Latin America Chapter, and the Hemispheric Social Alliance Women's Committee (whose members include the Red Internacional de Género y Comercio, Red Latinoamericana Mujeres Transformando la Economía—REMTE, Marcha Mundial de las Mujeres, Asociación Caribeña para la Investigación y Acción Feministas—CAFRA; Las Dignas—El Salvador, Red de Mujeres Transformando la Economía—Perú, and the Centro de Investigación Económica para el Caribe - República Dominicana)

³⁸ Canada has already concluded bilateral free trade agreements with Chile and Costa Rica, is in the process of negotiations with four other Central American countries, and is reportedly considering the possibility of trade deals with the Dominican Republic, CARICOM and Andean Community countries.

³⁹ Costa Rica is not included in the agreement since Canada already has a free trade agreement with that country.

⁴⁰ When this briefing paper was written, the agreement had yet to come into force via implementing legislation.

⁴¹ By prohibiting for five years the use of test data necessary to approve new medicines and by extending the patent period, it is widely considered that the implementation of CAFTA will introduce restrictions to the production of generic medicines.

⁴² Amnesty International, "Memorandum to the Government of Guatemala: AI's assessment of the current human rights situation" (AI Index AMR 34/014/2005), 20 April 2005. Also see Amnesty International press release 8 March 2005 (AI Index AMR 34/010/2005).

⁴³ UN Committee on the Rights of the Child, Concluding Observations El Salvador, CRC/C/15/add.232, 4 June 2004.

⁴⁴ The Women's Edge Coalition, *Fact Sheet on the Central American Free Trade Agreement*, http://www.womensedge.org/components/com_kb/attachments/caftadrfact.pdf.

⁴⁵ Human Rights Watch, *Pregnancy-Based Sex Discrimination in the Dominican Republic's Free Trade Zones: Implications for the U.S.-Central America Free Trade Agreement (CAFTA)*, April 2004. Also see the 2004 US State Department's "Country Reports on Human Rights Practices" that cite pregnancy-based discrimination and/or sexual harassment as a problem in the Dominican Republic, Honduras, Guatemala, El Salvador and Nicaragua (with Costa Rica as the only CAFTA country for which the problem is not cited).

⁴⁶ Human Rights Watch, *The United States-Dominican Republic-Central America Free Trade Agreement Falls Short on Workers' Rights*, Written Testimony Submitted to the U.S. House of Representatives Committee on Ways and Means, April 21, 2005.

⁴⁷ Human Rights Watch, "United States: Accept Andean Proposal to Add Non-Discrimination Provision to U.S.-Andean Free Trade Agreement: Letter to United States Trade Representative Robert Portman", September 6, 2005 found at <http://www.hrw.org/english/docs/2005/09/06/usint11670>.

⁴⁸ Red de Mujeres Transformando la Economía (REMTE), Coordinadora de Mujeres Trabajadoras Andinas (COMUANDE), Marcha Mundial de las Mujeres- Américas, Mujeres de ECUARUNARI, *Manifiesto de las mujeres andinas ante la V Ronda de Negociaciones del TLC con EUA*, Guayaquil, octubre 30 de 2004

⁴⁹ *Plantea Colombia sumarse al PPP, Reforma*, Mexico, 14 January 2004

⁵⁰ *Electricity unites Americas*, United Press International, November 22, 2004

⁵¹ *Andean Regional Initiative Fact Sheet*, Office of the Press Secretary of The White House, Washington, D.C., April 21, 2001.

⁵² "Every day we are confronted with violations of our individual and collective rights, especially the right to prior consultation regarding megaprojects and the exploitation of natural resources in our territory," stated Armando Valbuena Goauriyú, then-President of the National Indigenous Organization of Colombia (ONIC) in a communique that explains why the ONIC has challenged Colombia's revised mining code (implemented via Law 685 in 2001) as unconstitutional because it allegedly violates Indigenous rights guaranteed by Colombia's 1991 constitution and ILO Convention 169. In particular, Valbuena criticizes the legislation for failing to guarantee the right of Indigenous peoples to be properly consulted about proposals to exploit mineral deposits in their territory. See Armando Valbuena Goauriyú, "La nueva legislación minera en Colombia y la violación del derecho a la consulta previa de los pueblos indígenas", Organización Nacional Indígena de Colombia (ONIC), www.icmm.com/gmi_conference/422ArmandoValbuena.pdf

⁵³ These countries include Argentina, Bolivia, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Venezuela and Cuba, which enacted legislation in the 1990s. Chile opened up its mining industry to foreign investment in 1974 with the Statute of Foreign Investment.

⁵⁴ Fernando Sánchez Albavera, Georgina Ortiz, Nicole Moussa, *Mining in Latin America in the 1990s*, United Nations Economic Commission for Latin America and the Caribbean (ECLAC): Natural Resources and Infrastructure Series, Santiago, Chile, 2001. Can be downloaded at: <http://www.eclac.cl/id.asp?id=9043>

⁵⁵ See <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTOGMC/0,,contentMDK:20218208~menuPK:463316~pagePK:148956~piPK:216618~theSitePK:336930,00.html>

⁵⁶ In a speech to a Canadian energy industry conference in 2002, Canada's then-Minister of International Trade Pierre Pettigrew reported that "over the last two decades, Canadian linkages to Latin American

petroleum industries have increased noticeably". See Notes for an Address by The Honourable Pierre Pettigrew, Minister for International Trade, at the Energy Issues in Latin America Conference "Expanding our Trade Relationships with Latin America: Challenges and Opportunities", Calgary, Alberta, October 10, 2002 [see w01.international.gc.ca/MinPub/Publication.asp?publication_id=379940&Language=E]

⁵⁷ Amnesty International, *Colombia—A Laboratory of War: Violence and Repression in Arauca*, AMR 23/004/2004, page 9.

⁵⁸ *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Inter-American Court of Human Rights, 31 August 2001, para. 149.

⁵⁹ *General Recommendation XXIII concerning Indigenous Peoples*, Adopted 18 August 1997, UN Doc. CERD/C/51/Misc.13/Rev.4 .

⁶⁰ *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Colombia*, 30/11/2001. E/C.12/Add.1/74.

⁶¹ *Human rights and indigenous issues, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, E/CN.4/2003/90, 21 January 2003, page 2.

⁶² "Feeling, thinking and shaping the future: following the path of Mama Waku", Final Declaration of the IV Continental Meeting of Indigenous Women of the Americas, Lima, 4-7 April, 2004.

⁶³ See <http://www.cgc.com.ar>

⁶⁴ World Bank Group, *IFC To Finance Energy Company In Argentina*, Press Release, December 10, 2004 found at <http://www.ifc.org/ifcext/pressroom/ifcpressroom.nsf/PressRelease?openform&13C06019BA80F14A85256962006CC687>

⁶⁵ Soraya Cisneros gave her testimony to Amnesty International at the IV Continental Gathering of Indigenous Women of the Americas in Lima, Peru in April 2004.

⁶⁶ Amnesty International, *Report 2005: The State of the World's Human Rights*, page 95.

⁶⁷ It should be noted that members of organizations that support the Sarayaku have also received death threats. For example, on 12 February 2004, a local human rights organization received three anonymous threatening calls. The first gave the message: "Oil means development for the country. If you oppose it you will bear the consequences."

In the second phone call a few hours later, the caller used abusive language. In the third call a few minutes later, an unknown voice said: "We are going to kill you." For more, see Amnesty International Urgent Action 75/04, AMR 28/005/2004, 20 February 2004 and Updates; as well as UA 156/04, AMR 28/014//2004, 26 April 2004 and Updates.

⁶⁸ Amnesty International Urgent Action, AMR 28/007/2004, 3 March 2004. The attack may have been aimed at stopping Sarayaku leaders from travelling to Costa Rica to testify before the Inter-American Court of Human Rights.

⁶⁹ So-called precautionary measures were ordered by the Inter-American Human Rights Commission in May 2003 and extended in December 2003, after members of the Sarayaku community were victims of repeated death threats and were physically and verbally assaulted during a demonstration.

⁷⁰ Amnesty International Urgent Action 184/05, AMR 28/015/2005, 11

July 2005.

⁷¹ Amnesty International Urgent Action 138/01, 5 June, 2001, regarding the disappearance of Kimy Pernía Domicó

⁷² United Nations Development Fund for Women (UNIFEM), *Progress of the World's Women*, 2000, footnote 10, page 31.

⁷³ *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen Addendum MISSION TO MEXICO*, E./CN.4/2004/80/add.2, 23 December 2003, page 16 (paragraph 48).

⁷⁴ Silke Staab, *In Search of Work: International migration of women in Latin America and the Caribbean*, Women and Development Unit, UN Economic Commission for Latin America & the Caribbean, Santiago, Chile, April 2004 (Available online at www.eclac.cl/publicaciones/UnidadMujer/8/LCL2028/lc2028i.pdf)

⁷⁵ Lin Lean Lim, "Foreword" in GENPROM Working Paper No. 6, *Nicaragua: Protecting Female Labour Migrants from Exploitative Working Conditions and Trafficking*, and GENPROM Working Paper No. 1, *Bolivia: An Assessment of the International Labour Migration Situation. The Case of Female Labour Migrants*, Gender Promotion Programme, International Labour Organization.

⁷⁶ Amnesty International, *Mexico: Intolerable Killings*, footnote 1.

⁷⁷ E/CN.4/2003/85/Add.3, *Mission to the Border between Mexico and the United States of America*, Addendum to *Human Rights of Migrants: Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur, in conformity with resolution 2002/62 of the Commission of Human Rights*, page 8.

⁷⁸ *Ibid*, page 12.

⁷⁹ *Ibid*.

⁸⁰ Alan Freeman, "Military to defend U.S.-Mexican border", *The Globe and Mail*, 16 May 2006.

⁸¹ Consultative Group for the Reconstruction and Transformation of Central America, *Technical Working Group on Migration*, Stockholm, Sweden 25-28 May 1999, see http://www.iadb.org/regions/re2/consultative_group/groups/migration.htm

⁸² *Visit to Mexico, Addendum to the Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants to the 59th Session of the UN Commission on Human Rights*, E/CN.4/2003/85/Add.2, 30 October 2002, page 9.

⁸³ *Ibid*, page 10.

⁸⁴ International Covenant on Civil and Political Rights, Articles 19 and 21.

⁸⁵ 'The right to strike is one of the essential means through which workers and their organisations may promote and defend their economic and social interests': ILO Committee on Freedom of Association, Digest of Decisions 1996, para 474.

⁸⁶ International Covenant on Economic, Social and Cultural Rights, Article 8(1)d.

⁸⁷ The International Covenant on Civil and Political Rights (Article 19) 'expressly stresses that the exercise of the right to freedom of

expression carries with it special duties and responsibilities and for this reason certain restrictions on the right are permitted which may relate either to the interests of other persons or to those of the community as a whole. However, when a state party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. Paragraph 3 lays down conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be “provided by law”; they may only be imposed for one of the purposes set out in subparagraphs (a) and (b) of paragraph 3; and they must be *justified as being “necessary” for that state party for one of those purposes*: Human Rights Committee, General Comment 10 Freedom of expression (1983), UN Doc. HR/GEN/1/Rev.1 at 11 (emphasis added), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/2bb2f14bf558182ac12563ed0048df17?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/2bb2f14bf558182ac12563ed0048df17?OpenDocument).

⁸⁸ Department of Foreign Affairs and International Trade, News Release No. 116: “Pettigrew welcomes NAFTA Commission’s initiatives to clarify Chapter 11 provisions”, August 1, 2001.

⁸⁹ For more on this topic, see Amnesty International, *Guatemala: Land of injustice?* (AI Index: AMR 34/011/2006), 29 March 2006.

⁹⁰ “Declaration of the Q’eqchi’ Communities regarding Mining Concessions”, signed by representatives of 36 Q’eqchi communities and the Asociación Estoreña el Desarrollo Integral in El Estor, Izabal on 16 April, 2004.

⁹¹ Amnesty International Urgent Action 89/04, 1 March, 2004.

⁹² Amnesty International Urgent Action, UA 231/03, 1 August, 2003.

⁹³ See for example, *Bank-IMF Relations, and Structural Reforms in the Letter of Intent with the IMF, 2003–04* found at [http://wbln0018.worldbank.org/LAC/LACInfoClient.nsf/5996dfbf9847f67d85256736005dc67c/45a6ebb091ad136c85256d3400774e6e/\\$FILE/Annex_H.pdf](http://wbln0018.worldbank.org/LAC/LACInfoClient.nsf/5996dfbf9847f67d85256736005dc67c/45a6ebb091ad136c85256d3400774e6e/$FILE/Annex_H.pdf)

⁹⁴ *Ibid.*

⁹⁵ Calgary-headquartered EnCana Corporation once had a 30 percent share in the OCP (*Oleoducto de Crudos Pesados*) pipeline and EnCana’s Vice-President of Finance (pipeline and marketing arm) became head of OCP in August 2002. In September 2005, EnCana announced plans to sell its interests to the Andes Petroleum Company (APC), a consortium of Chinese petroleum companies. That deal closed at the end of February, 2006. However, following the seizure of this oil concession by the Ecuadorian government in mid-May, 2006, APC announced it wants compensation from EnCana: Richard Blackwell, “Ecuador seizure roils EnCana’s China deal, *Globe and Mail*, 20 May 2006, pg. B5.

⁹⁶ See, for example, *Wärtsilä expands* in Ecuador found at http://www.wartsila.com/Wartsila/docs/en/power/media_publications/energy_news/15/wartsila_expands_in_ecuador.pdf

⁹⁷ The World Bank, *Report And Recommendation Of The President Of The International Bank For Reconstruction And Development And The International Finance Corporation To The Executive Directors On A Country Assistance Strategy For The Republic Of Ecuador*, Report No. 25817 EC, May 1, 2003 found at [http://wbln0018.worldbank.org/LAC/LACInfoClient.nsf/5996dfbf9847f67d85256736005dc67c/45a6ebb091ad136c85256d3400774e6e/\\$FILE/main.pdf](http://wbln0018.worldbank.org/LAC/LACInfoClient.nsf/5996dfbf9847f67d85256736005dc67c/45a6ebb091ad136c85256d3400774e6e/$FILE/main.pdf)

⁹⁸ Martha Moncada and Juana Sotomayor, Centro de Derechos Económicos y Sociales (CDES), Ecuador: “Oil Prosperity and citizen poverty” in *Social Watch 2005, Roars and Whispers, Gender and poverty: promises vs. action, Social Watch, Montevideo, Uruguay, 2005* http://www.socialwatch.org/en/informeImpreso/pdfs/ecuador2005_eng.pdf

⁹⁹ United Nations Development Program, *Human Development Report 1999*, page 135, found at http://www.hdr.undp.org/reports/global/1999/en/pdf/hdr_1999_back1.pdf

¹⁰⁰ United Nations Development Fund, *Human Development Report 2004*, page 220, found at http://www.hdr.undp.org/reports/global/2005/pdf/HDR05_HDI.pdf

¹⁰¹ Also see the cases of Soraya Cisneros and María Teresa Cherras Mesías on pages 13-15.

¹⁰² Amnesty International Urgent Action 133/06, AMR 28/004/2006, 16 May 2006.

¹⁰³ Letter to Dra. Cecilia Armas Tobar, Ministra Fiscal General del Estado (Attorney General of Ecuador) dated 21 November 2005 (Amnesty Index AMR 28/05.16).

¹⁰⁴ Amnesty International Urgent Action 232/05, AMR 28/017/2005, 8 September 2005.

¹⁰⁵ For more information, see UA 147/05, AMR 28/013/2005, 1 June 2005 and follow-ups; UA 156/04, AMR 28/014/2004, 26 April 2004; UA 36/04, AMR 28/002/2004, 3 February 2004

¹⁰⁶ Amnesty International Update to Urgent Action 147/05, AMR 28/016/2005, 12 July 2005 and Urgent Action 147/05, AMR 28/013/2005, 1 June 2005.

¹⁰⁷ Amnesty International Urgent Action UA 102/06 (AMR 28/003/2006), 21 April 2006.

¹⁰⁸ See Amnesty International Urgent Action 36/04, AMR 28/002/2004, 3 February 2004 and follow up.

¹⁰⁹ For example, see International Monetary Fund, *Colombia: Staff Report for the 1999 Article IV Consultation*, IMF Staff Country Report No. 99/149, December 1999, para. 43, found at <http://www.imf.org/external/pubs/ft/scr/1999/cr99149.pdf>

¹¹⁰ *Ibid.*

¹¹¹ International Monetary Fund, Colombia: Second Review Under the Stand-By Arrangement and Request for Waiver of Performance Criteria-Staff Report; Press Release on the Executive Board Discussion; and Statement by the Executive Director for Colombia, January 15, 2004, found at <http://www.imf.org/external/pubs/ft/scr/2004/cr0415.pdf>

¹¹² *Ibid.*

¹¹³ Amnesty International, *Colombia: Allegations of excessive use of force*, AMR 23/024/2006, News Service No: 129, 17 May 2006

¹¹⁴ Escuela Nacional Sindical, “The Formation of Unions in Colombia Falls Dramatically during the Uribe Administration,” May 12, 2006

¹¹⁵ Amnesty International, *Colombia: Time to Stop the Killing and Persecution of Trade Unionists and Activists*, AMR 23/019/2006, 1 May 2006 found at http://www.amnesty.ca/resource_centre/news/view.

php?load=arcview&article=3458&c=Resource+Centre+News

¹¹⁶ *SOS Colombia: Report on the International Trade Union Conference in Bogotá*, (Reports, 1/10/2004), ICFTU website www.icftu.org

¹¹⁷ Sandra Cordero gave her testimony to Amnesty International in December 2005.

¹¹⁸ The OFP is currently working with women in the community of El Centro who are asking questions about an oil development project, involving the Los Angeles-based Occidental Petroleum Corporation, that they claim threatens to evict them from their homes and their crops. Some of the women have allegedly received death threats.

¹¹⁹ Amnesty International, Further Information on Urgent Action 144/02, AMR 23/006/2004, 30 January 2004.

¹²⁰ Testimony given to Amnesty International in November, 2004.

¹²¹ Tony Avirgan (Global Policy Coordinator for the Economic Policy Institute), "World Bank, IMF threw Colombia into Tailspin", *Baltimore Sun*, April 4, 2002.

¹²² According to Avirgan, per-capita income in Colombia plunged from \$2716 in 1997 to \$1890 in 2002, while the percentage of Colombians living in poverty rose from 50.3 percent to 60 percent.

¹²³ Testimony given to Amnesty International in November 2004.

¹²⁴ Amnesty International, Urgent Action 193/03, AMR 23/047/2003, 2 July 2003.

¹²⁵ Human Rights Watch, www.hrw.org/reports/1995/WR95/AMERICAS-09.htm.

¹²⁶ Amnesty International, *Overcoming fear: Human rights violations against women in Mexico*, AMR 41/09/96, 6 March, 1996, page 11.

¹²⁷ *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenbagen Addendum MISSION TO MEXICO*, E./CN.4/2004/80/add.2, 23 December 2003, page 15.

¹²⁸ *Ibid.*, page 16.

¹²⁹ Amnesty International News Service 109/99, AMR 41/09/99, 4 June 1999 and UA 278/99, AMR 41/28/99, 22 October 1999 and follow up.

¹³⁰ Amnesty International, Urgent Action 03/00, AMR 41/01/00, 6 January 2000.

¹³¹ Amnesty International, Urgent Action 27/00, AMR 41/03/00, , 3 February 2000

¹³² Emma Beltrán gave her testimony to Amnesty International in October 2004.

¹³³ Commission on Human Rights, Subcommittee on the Promotion and Protection of Human Rights, *Human Rights, Trade and Investment, Report of the High Commissioner for Human Rights*, ECN.4 Sub.2/2003/9, page 19.

¹³⁴ Human rights are "the first responsibility of Governments" states the Vienna Declaration and Programme of Action of the World Conference on Human Rights (A/CONF.157/23), Part I, para. 1.

¹³⁵ UN Economic and Social Council, Globalization and its impact on the full enjoyment of human rights: Report of the High Commissioner

for Human Rights submitted in accordance with Commission on Human Rights resolution 2001/32, E/CN.4/2002/54, 15 January 2002, para. 45.

¹³⁶ UN Commission on Human Rights, *Liberalization of trade in services and human rights: Report of the High Commissioner*, ECN.4/ Sub.2/2002/9, 25 June 2002, page 8.

¹³⁷ *Ibid.*

¹³⁸ UN Commission on Human Rights, *Analytical study of the High Commissioner for Human Rights on the fundamental principle of non-discrimination in the context of globalization: Report of the High Commissioner*, E/CN.4/2004/40 15 January 2004, page 18.