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The Women of Ciudad Juárez

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INTRODUCTION: THE “WOMEN OF JUÁREZ” PHENOMENON

According to recent estimates published by the federal Attorney General’s Office in Mexico, approximately 340 women, most of them young and poor, have been the victims of violent homicide in Ciudad Juárez, Chihuahua since 1993. Although many of these killings appear to have been caused by domestic violence, a disturbingly large number of cases seem to be the work of sexually motivated serial killers.

A common pattern has emerged in these killings: victims are kidnapped, raped and tortured, and their mutilated bodies are left in garbage dumps or in the outlying desert areas of the city. In spite of the gravity and frequency of these crimes, the problem of the “women of Juárez” was barely acknowledged in Mexico until quite recently and no serious action was taken to prosecute the killers or ensure women’s safety.

In a 2004 case, the body of a young woman was found in an irrigation canal only a few feet from the U.S.–Mexico border. The Associated Press reporter who covered the event wrote that “…the case bears some similarities to about 100 eerily similar murders over the last decade in which young, slender, dark-haired women have been sexually abused and strangled to death, and their partially clothed bodies dumped in sparsely populated areas west of the city.”

The problem seems to be spreading to other cities in the region as well. In the state capital, Chihuahua, nine young women, some of them really only girls, have been murdered in the same way, and 10 have disappeared in recent years.

In Ciudad Juárez, many young women and girls have also been reported as missing, but it is hard to tell exactly how many. Estimates vary from 70 to 400, according to which source gives the figure, governmental or nongovernmental. The number of missing women given in the November 2003 National Human Rights Commission report was 4,587.

Who murdered them? Why? For what purpose? And who are these women and girls? Why did this happen to them and not to others? Is there a discernable pattern to these killings?
The truth is, no one really knows how many women and girls have been murdered or have disappeared in Ciudad Juárez in the past 11 years. The motives for their killings are even more unclear. There is a large gap in the figures and in the credibility of the various sources. Families and friends of the victims disclaim the numbers given out by the government and vice-versa.

According to different reports issued by a host of organizations and institutions, there have been between 263 to 370 murders since 1993. However, no one knows for certain how many of these can be considered serial murders. Most reports put the number of serial murders between 90 and 137. ¹

Unbelievable as it may sound, until very recently only one person had been sentenced for any of the murders. An Egyptian chemist by the name of Abdel Omar Sharif Latif, who had previously been convicted of sexual crimes in the United States, was sentenced in 1996 for the murder of one girl, Elisabeth C.G. His sentence is pending on appeal. He has also been accused of allegedly running a ring of serial killers from prison, but this has not been proven.

In October 2004 Victor García Uribe, a bus driver, was sentenced to 50 years in prison for the killing of eight women whose bodies were found in a vacant lot in 2001. And in January 2005, shortly after the new governor took office, two judges found 10 members of two different criminal gangs, “Los Toltecas” and “Los Rebeldes,” guilty of the killings of a dozen more. The verdicts came after some of the men had been in prison for more than eight years. These verdicts have done little to appease the families of the victims, who think that the authorities are more interested in closing the cases than in finding the true culprits. ²

Their doubts are grounded in many years of abysmal police work and forced confessions. In fact, a team of international experts invited by the Mexican government in 2003 corroborated the fears of victims’ families and human rights activists. The team had complete access to the files of all those held under suspicion: 12 alleged killers convicted for 22 cases under investigation. ³

According to their report, the convictions were based on sketchy evidence. The suspects claimed to have been tortured and coerced into confessing crimes that they had not committed. The
experts claimed that their reports were documented and credible, but the convicted men did not succeed in invalidating the charges against them. In fact, the judges refused to even investigate these allegations.  

One such suspect, who was awaiting trial, died in prison last year under mysterious circumstances. His defense lawyer was murdered after announcing that he had received death threats.

Impunity adds insult to injury. To the shock and horror that these terrible murders have produced in the families and friends of the victims, must be added the pain caused by the indifference, the unbelievable incompetence and the bad faith of many of the local authorities charged with the investigation of these crimes. Many of the victims have not even been fully identified, and accounts of families receiving unknown and anonymous bodies for burial abound. Most of the evidence has been destroyed, and the investigations have been so flawed as to make them virtually useless. A number of these investigations seem to have been based on prejudice and forced confessions.  

In a strange twist, the families of the victims and those of the alleged perpetrators are beginning to join forces to fight for truth and justice. This fact led Irene Kahn, the head of Amnesty International, to remark on her trip to Ciudad Juárez in the summer of 2003 that she had never before encountered a situation where the families of the victims and of the alleged victimizers all sat together comfortably at the same table to make their complaints heard.  

The local and state authorities did not, until very recently, carry out their duty to prevent, investigate and punish these heinous crimes. Instead, they attempted to brush them off by stigmatizing the victims as prostitutes and drug addicts. When continuing violence caused public outrage to become widespread, they attempted to discredit this reaction as exaggerated and politically motivated.  

This reaction has led to more violence against those working to solve the crimes and to more impunity. Irene Blanco, now a deputy in Mexico’s federal Congress, was forced to leave
Chihuahua, her native state, in the 1990s after she received death threats and her son was wounded following the legal defense of a suspect in Juárez whom she considered to be illegally and unjustly detained.¹⁰

One thing is certain: these are gender-motivated hate crimes. They have happened and continue to happen because, until recently, nobody in the government tried to do anything serious to stop the violence. Unfortunately, it is still too little, too late. Inertia seems to have set in, allowing this vicious criminal pattern to continue and spread, with all its cruelty and horror.

Why did this happen? How did this happen? These are not easy questions to answer, and I will do my best in the course of this paper to do so.

These terrible crimes were committed in a place where the fabric of society is in tatters and where the state has failed to provide basic security for its citizens by failing to enforce the law. They are an unfortunate indication of how far Mexico really is from enjoying the rule of law.

THE CONTEXT

Everyone agrees that this situation did not arise overnight. It is the result of a long process of social disintegration and institutional failure that has its roots in a very complex set of circumstances. Juárez — a city of 1.3 million inhabitants situated on the border across the river from El Paso, Texas — is a multicultural city which has grown exponentially over the past twenty years from a small border town to one of the most important industrial cities in the country.

After 1965 Ciudad Juárez became a favored place for the establishment of U.S. based assembly plants, commonly known as *maquiladoras*, thus attracting large numbers of migrants from Mexico’s impoverished rural south. Most of these migrants have been poor, unattached, young women. They tend to come from small cities and towns, and they account for at least a third of the city’s population.¹¹

An increase in migration from Mexico and Central America to the United States has
also led to population growth in Juárez. Recent figures put the numbers of these migrants at up to 300,000 a year. Many never make it across the border, and many are sent back by U.S. immigration officials. They tend to cluster around the border area in the hopes of making some money or finding another chance to cross. Some become rootless and even desperate.

Women have traditionally been more numerous than men in Juárez’s maquiladora labor force. According to some researchers, this could explain the enormous amount of violence that is exerted against them. Domestic violence in this context tends to be the result of a breakdown of the traditional roles of women in the family, combined with the fact that women tend to be employed whereas men do not.

Poverty and marginalization are a fact of life in Mexican border towns, and Juárez is no exception. The recent U.S. recession has greatly affected the maquiladora industry, leading to a loss of more than 96,000 jobs in two years. In 2001, 85,000 of the city’s inhabitants were unemployed. By the end of 2003 the figure had risen to 200,000.

Investment in urban infrastructure and social services is also severely lacking. According to official estimates 50 percent of the city’s streets are unpaved, there is an 80 percent deficit in parks and other recreation areas and 200,000 families live in high risk areas.

Ciudad Juárez is a breeding ground for all sorts of criminal activities, but especially organized crime. For over twenty years it has been the seat of the biggest and most powerful drug cartel in Mexico. This fact alone can account for the breakdown of law enforcement in the city.

Drug trafficking is only one of a series of criminal activities in Ciudad Juárez. Arms trafficking and trafficking in migrants, especially women, are also important criminal activities in this city just across the border from the biggest market in the world for these commodities. Child prostitution is also important in Juárez and controlled by criminal cartels. According to a recent report by the United Nations’ Commission for the Elimination of Discrimination Against Women (CEDAW), there is a broad consensus at all levels of the government and in civil society circles that since Juárez is a border town, it is not impossible to think that the perpetrators of the killings
might live in Texas, or even that the crimes may be committed in U.S. territory and the bodies dumped on the Mexican side of the border.\footnote{15}

To make matters worse, El Paso, which lies directly on the other side of the border, is used as an important seat for halfway houses run by the Texas government for the rehabilitation of sexual offenders on parole from all over the state. According to recent official estimates, there are more than 600 of these persons living in El Paso today. Their presence may be linked to the sexual violence against women on the Mexican side of the border.\footnote{16} For these reasons, activists and victims’ families have sought an agreement between Mexico and the United States for the joint investigation of these murders for many years.\footnote{17}

Organized crime breeds corruption and prospers by encroaching on state institutions in order to ensure its operations and impunity. This is certainly the case in Ciudad Juárez. Examples of the infestation of criminal gangs into different government institutions, especially those dealing with public security and law enforcement abound. (Morfin op.cit. and ONUDD, op.cit.).

Consumption of drugs is also a serious problem in Juárez, especially among the young. According to some sources, more than 100,000 children between the ages of 8 and 18 are addicted to sniffing glue. There are more than 500 known retail places where users can obtain drugs\footnote{18} and more than 900 youth gangs which control the retail trade and different territories.

Schools, churches, parks, recreation centers, hospitals, clinics, sports facilities and movie theaters are virtually nonexistent in vast areas of the city, especially where the poor live, so is it unusual for criminal violence to develop to the extent that it has in a place like Ciudad Juárez?

In fact, the murder rate for young men in Juárez is also very high, even higher than it is for women. The difference is that young men are usually killed over drug deals or due to their gang affiliation, while women are the victims of hate crimes resulting from gender bias.

Violence, and violence against women, is a way of life in this city. It is the predominant form of social relations, and it is faced by many in the huge, dusty, deserted expanses that make up its poor suburbs where scattered, makeshift houses with no water, light or fuel, are inhabited
by uprooted, lonely people who may not even know their neighbors and have nobody to resort to in times of need.

Even in these hostile circumstances, society came up with a response. In the end, it has been the women of Juárez and Chihuahua who have reacted to the violence. Over the years they have gathered the strength and courage to denounce the murders of their daughters and friends to make their plight known to the rest of the world and, at last, to force the state and the federal governments into some sort of action.

THE INSTITUTIONAL RESPONSE

This leads me to the final part of this paper, which is the lack of a serious institutional response to this situation. The government has just begun to respond to the murders and only after much national mobilization and international prodding.

When the first cases of slaughtered women appeared, they were dismissed by the local authorities and never investigated seriously. It took years of mobilization and denouncement on the part of women’s groups and the relatives of the victims for the word to reach other parts of Mexico. Even when the facts became known, very little was done about them, even at the national level. It was considered a local problem in a far away place where horrible things happened all the time.

Slowly the efforts of these groups began to bring attention to the problem. The national press began to cover the issue, and women’s organizations from all over Mexico expressed their concern and their solidarity for the victims and their organizations.

By 1993, a total of 25 women had been murdered according to figures compiled by civil society organizations. A sharp increase in the figures followed as the problem became more salient at the national level. The first arrest, of Abdel Omar Sharif, followed in 1995. A year later, after more killings, members of Los Rebeldes were also arrested by the local authorities. However, the rise in the rate of killings continued unabated, and social pressure continued to rise.
In 1998 the National Human Rights Commission of Mexico, then headed by a woman, Mireille Rocatti, a former judge, issued a report on the unexplained and unpunished killings of women in Ciudad Juárez. It strongly criticized the local authorities’ lack of interest and failure to investigate the crimes and recommended that their handling of the cases be investigated. The recommendation has gone unheeded until now, but the intervention of the Commission did result in the nomination of a Special Prosecutor for the Investigation of Violent Crimes Against Women in Ciudad Juárez by the state government.

Shortly thereafter, it became clear that as long as the federal government failed to intervene, the murders would never be solved. The local and state authorities were part of the problem and would continue to foster their impunity.

In 1999, Asma Jahangir, the UN Special Rapporteur for Extrajudicial Executions paid a visit to Mexico and met with the victims’ families and several local nongovernmental organizations. She made a brief mention of the situation in her final report which she submitted to the Mexican government and to the UN Human Rights Commission. Because the subject was not covered in her mandate, she explicitly requested the federal government to invite her colleague, the UN Special Rapporteur on Violence Against Women to take up the matter. The visit was not forthcoming, but the Special Rapporteur for Violence Against Women was able to engage the federal government’s attention on a number of specific cases. Perhaps not much in the way of action on the ground resulted from the efforts of Asma Jahangir, but her visit did result in two crucial developments. One was that local organizations and victims’ families were empowered by her visit and perhaps also protected to a certain degree from the violence and intimidation that their complaints invariably produced. In a way they became interlocutors of the UN, and that always has an effect on the authorities, however minimal. The other consequence was that the murders of Ciudad Juárez began to receive international attention at the highest levels.

Democratic change in Mexico produced an opening to press for the intervention of the federal government. In his inaugural address President Fox announced that the protection of
human rights would be a central policy in his government. Thus, in early 2001, Jorge Castaneda, Secretary for Foreign Relations, issued an open invitation to the international community, and especially to the UN and OAS commissions on human rights, to visit Mexico without having to request formal permission. This provided a window of opportunity to highlight the situation in Juárez and support the efforts of civil society.

The newly created National Institute for Women (Instituto Nacional de la Mujer) — charged with designing public policies to foster greater gender equality — intervened and began to work directly with the relatives of the victims and other civil society organizations in Ciudad Juárez. This was the first time that an agency of the federal government got directly involved in the issue at the local level.

The Senate nominated a special commission to look into the killings, and the House of Representatives followed suit by delegating this task to the Commission for Gender Equity. Both congressional bodies began to press the federal authorities to bring the investigation of the killings under federal jurisdiction.

Two offices of the Secretary for Foreign Relations, the newly created Subsecretariat for Human Rights and Democracy and the Subsecretariat for Global Affairs, joined forces in a common strategy to support the demands of the victims’ relatives and human rights activists in order to press the Fox administration into action. The strategy consisted in bringing more international pressure to bear on the government by encouraging the intervention of the Rapporteur for the Human Rights of Women of the Inter-American Human Rights Commission and by signing the Optional Protocol of the UN Convention for the Elimination of all Forms of Discrimination Against Women, which allows for individual petitions to be examined by the treaty body, among other actions.

These actions, coupled with increased pressure from civil society, took almost two years to produce concrete results. Federal law enforcement authorities and the president himself were extremely reluctant to get involved for a variety of reasons, some of them political (Chihuahua
was governed by the PAN, Fox’s party, when the killings began to take on epidemic proportions. But the floodgate had been opened, and after a while a veritable cataract of pressures, visits and reports ensued, making it impossible for the president and the members of his cabinet charged with law enforcement and public security to continue to look the other way.

International criticism was harsh and unsparing for the newly elected government trying to establish itself as a democracy in the eyes of the international community. For instance, Dato Param Coomaraswamy, the UN Special Rapporteur for the Independence of the Judiciary, issued a report based on his April 2002 visit to Mexico which included a two-day stopover in Ciudad Juárez, which was examined by the UN Human Rights Commission. During his stay, he interviewed the families of the victims, the nongovernmental organizations and the local and state authorities charged with justice and law enforcement. His assessment of the situation was harsh and to the point. He interviewed the Special Prosecutor who claimed to have been surprised by the “absolute inefficacy, incompetence, indifference, insensitivity and negligence” of the police charged with the investigations before her arrival. He noted, however, that after four years she seemed to still be in the process of “putting order in her office” although some action had allegedly been taken. He strongly recommended that the Special Prosecutor pursue a full investigation into all the crimes and that the courts speed up the trials of the accused.

However, it was the report produced by Marta Altolaguirre, the Rapporteur on the Human Rights of Women of the Inter-American Human Rights Commission of the OAS, which finally appeared in 2003, which in fact provided the basis for action at the federal level. It was the first comprehensive overview of the situation, and it contained scores of concrete recommendations for all levels of government: local, state and federal. Coupled with the effect of the individual petitions presented to the Commission by civil society organizations and relatives of the victims, it became a source of constant pressure for the state and federal governments.

The law enforcement authorities of Chihuahua were forced to go to the Commission’s hearings in Washington and face the petitioners in front of an impartial body. The federal
government realized that as far as the international community was concerned, the responsibility for the continued violation of the human rights of the victims and their families produced by the consistent failure to investigate and punish the killings was not a mere local issue to be brushed aside with the argument of federal versus state jurisdiction, but the responsibility of the Mexican state as a whole.

A concrete action plan for the federal government to carry out the recommendations of Altolaguirre’s report was finally produced in the summer of 2003. It comprised 40 specific actions in the fields of justice and law enforcement, human rights and social policy. The action plan called for concerted efforts on the part of a host of federal, state and municipal agencies as well as the Congress and was supervised by the Secretary of the Interior (Secretaría de Gobernación). Civil society was fully included in the action plan.21

However, the action plan fell short of a direct intervention by the federal prosecutor in the investigation of the killings. It did not satisfy anyone. And, since the situation in Juárez remained virtually unchanged, national and international pressure continued to build up during the summer of 2003. In August, Amnesty International stepped in by releasing a tough report on the government’s reluctance to take decisive action to end impunity. The report appeared the very day that Luis Ernesto Derbez, Castañeda’s replacement as Secretary for Foreign Affairs, decided to downgrade the administration’s international human rights policy by dismantling the Subsecretariat for Human Rights and Democracy and firing its head. A source in the presidential office leaked to the press that this was because the Subsecretariat has failed to “protect” Fox from international criticism of his lack of decisive action on the killings in Ciudad Juárez. A veritable uproar ensued, and the president himself was forced to face a problem he had consistently avoided.

On the occasion of his State of the Union address in September 2003, Fox reiterated that his commitment to human rights was real, notwithstanding the recent changes in his government. He also announced the nomination of a Federal Commissioner for the Case of the Women in Ciudad
The nominee, Guadalupe Morfín Otero, a renowned human rights defender, was named the following October.

Her initial task was to coordinate the action plan laid out a few months earlier by the Secretary of the Interior: a difficult mandate made even more challenging by the lack of adequate resources and real political backing. However, Morfín put together an enthusiastic team, and with the support of civil society and the national and international human rights community, began to achieve some concrete results. Among these was a meeting of the president and members of his cabinet with the relatives of the victims, the first of its kind, at the end of 2003. She also promoted the intervention of an Argentine forensic team to help the victims’ relatives identify the remains of their loved ones and undertook numerous activities to restore the social fabric of the city and give victims’ relatives the care and protection they so badly needed.

Shortly after her nomination, in February 2004, her office was upgraded and awarded the legal and administrative capacity to carry out her numerous and complex tasks. However, she continues to be plagued by a lack of funds and political support.

Morfín’s nomination was followed by the designation of a federal prosecutor, María López Urbina, charged with a number of tasks, including investigating those killings which may be considered federal crimes and helping the local authorities in the general investigation of all the crimes. This is still a far cry from the generalized demand for the federal government to carry out the investigations directly, but at least it has provided some badly needed oversight and pressure on the state government.

Thus far, the commissioner and the federal prosecutor have issued three reports on their actions. The prosecutor promised to report every four months on batches of fifty cases. Her first report recommended bringing criminal charges against 81 local and state law enforcement officials suspected of negligence or direct cover-ups of the killings. She handed a list of their names to the state prosecutor charged with the investigation of these crimes who promised to take decisive action. Thus far, none have been arrested, and there are some rumors that she has
been threatened for this.

On the other hand, her regular reports have focused primarily on the cases of death by domestic violence, leaving aside the killings for sexual motives. This has discredited her in the eyes of the families of the victims of sexual crimes, who continue to experience the emotional devastation caused by this new form of indifference to their plight. The commissioner has publicly stated her disagreement with this aspect of the federal prosecutor’s methodology. The recent convictions of the men mentioned at the beginning of this paper, all held in prison during the last eight years, have done little to assuage the fears of the relatives that the government’s actions are more of the same. Some of them were tortured into confessing.

Not long ago, the State Prosecutor of Chihuahua was forced to resign after the bodies of several alleged drug dealers were found in a private home in Ciudad Juárez. This macabre find highlighted the fact that organized crime is still very present in the justice institutions of the state. The United Nations Office on Drug Control’s report on the botched investigations of the sexual killings addresses this problem explicitly. However, it seems that the federal government has decides to side-step the issue for the moment.

Undoubtedly the federal and state governments have recently carried out a broad host of activities designed to rebuild the social fabric in Juárez and deal with the need to provide some form of justice and reparation to the victims and their families. But is it enough? Judging by the report that the treaty body of the UN Convention for the Elimination of all Forms of Discrimination Against Women released last January, it is not.

CEDAW explicitly voices its distress over the lack of an adequate investigation of the sexually motivated killings by stating that “in the cases of sexual crimes justice has not operated. There has never been a vetting of the authorities implicated in the complaints.” It calls upon the federal government to exert its jurisdiction and investigate these crimes directly, which is something that it adamantly refuses to do claiming constitutional limitations.

The CEDAW findings were not received well by the local government and business elites of
Juárez, who are beginning to denounce the report as slander and part of a campaign to discredit the city and its inhabitants.  

Furthermore, on a recent trip to Spain President Fox defended his government’s policy in Ciudad Juárez and minimized the issue. Claiming that the number of killings had decreased significantly and that over half of the cases were solved, he also stated that more than 80 local law enforcement officials who had been negligent or had acted in bad faith had been denounced. It is a pity that he failed to add that the local government has done nothing effective about it.
ENDNOTES

3 Ibidem
4 Ibidem
6 Oficina de las Naciones Unidas contra la Droga y el Delito (ONUDD), Informe de la Comisión de Expertos Internacionales de la Organización de las Naciones Unidas contra la Droga y el Delito sobre la Misión en Ciudad Juárez, Chihuahua, México, noviembre 2003, 54p., p. 16.
9 Personal interview, Mexico City, August 13, 2003.
13 Ibidem, p.15.
16 Ibidem, pp. 21–22.
17 CEDAW, op. cit., Párr. 105, p. 17.
18 Ibidem, p.17.
19 CEDAW, op.cit, Párr. 27.
22 Comisionada del Gobierno Federal para el Caso de las Mujeres de Ciudad Juárez
23 For a comprehensive description and analysis of the Commissioner’s office and its results, see CEDAW, op. cit.
24 Morfin has been promised a total amount of $1.4 million to finance her activities as well as support for two offices, one in Ciudad Juárez and the other one in Mexico City, CEDAW, op. cit., p. 60.
26 ONUDD; Vid. Supra.
27 CEDAW, op. cit., paragraph 150, p. 22. (Translation by the author).


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