The Victims' Movement in Mexico

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Before, the violence existed. Ciudad Juárez has always been stigmatized for its femicides, but (the violence) has risen to another level. Before, there was violence but it was on a smaller scale. Later you began to see shootouts, crime scenes just feet away. Dead people.

Before, there was a maxim: Those who died needed to die, people involved in the business. That changed in 2008 when the violence began to climb and that rule was broken. Now it does not matter who is in the way.

In March 2010, my family and I became part of the violence. My youn in the light of day—the v

Today, numerous organizations work on behalf of victims in Mexico, providing moral support, attention to mental and physical health, guidance for denouncing crimes, and protection for human rights. Yet the power of civil organizations to help victims heal their wounds inevitably falls short when it comes to victims' primal need: justice. Which is why many civil organizations and networks dedicated to protecting victims have made reform of the justice system and a law to protect victims their top goals—both of which have been passed into law but have been inadequately implemented in practice.

These organizations are led and supported in a large part by victims themselves. Victims have become the most visible advocates for the changes they want to see in Mexico, and they have galvanized the nation to reconsider how society views victims of violence and revamp how the country's justice system operates. As the number of victims in Mexico has grown dramatically, the breadth of organizations ofvictims andforvictims have brought together those who have experienced violence rsthand or who have survived the loss of someone close and provided a common front to defend their rights and articulate their goals.

Rifts exist. Although uni ed in their personal su ering and desire for justice, victims' organizations in Mexico are at times disparate and divided by politics, resources, and beliefs about the best path forward. Still, taken together this paper argues they represent a burgeoning social movement. Their respective goals—around justice and protection for their rights as victims—remain more closely related than their frequent inability to reach common ground would suggest. That they encompass widespread and growing groups as drug violence goes on, that many regions of the country have seen victims' organizations spring forth in recent years, and that their ultimate goal—justice—is uni ed even if their means are not always, suggests the makings of a movement. Mexico has a long history of civic engagement by and on behalf of victims, from the dirty war of the 1960s and 1970s forward. But this paper purposefully focuses on the organizations that have emerged in response to the rapid buildup in organized crime in Mexico over the past two decades. The civic initiatives that have emerged during this time set an important example in a country where people are often driven to angry and violent responses to crime, violence, and injustice. A February 2012 legislative study calculated at least 50 cases per year of linchamientos, or public lynchings, of presumed criminals (some of whom are innocent) as a result of rising violence and intractable impunity.[1]

What is certain is that crime victims in Mexico have never been as visible—or as vocal—as they are today. Previously, victims of violent crime faced stigmatization by society and the government, which often prevented them from turning to authorities. High levels of impunity for criminals and a perception of ine cacy,

1 "Alerta estudio por aumento de casos de linchamientos en México," Notimex/Milenio, February 19, 2012, http://www.milenio.com/cdb/doc/noticias2011/e20b3f03d115db8b6dbe7311d7cd4cf4.

ine ciency, and collusion on the part of the state provide powerful disincentives. What is more, denouncing a crime has in the past further exposed victims to retaliation on the part of the perpetrators, which may also be the authorities. Hence Mexico's dismal track record for reported crimes, which amount to only 22 percent of total crimes committed.

of Public Security by INEGI reported the number of households with at least one adult victim of crime at 9,261,721—or nearly 31 percent of Mexican households.

Between March and April 2012, two-thirds of Mexicans perceived the country as unsafe; only half of respondents in the INEGI survey said the authorities did a "very e ective" or "moderately e ective" job at combating insecurity. The survey further reports that the top three reasons cited for why a crime was not reported were the ine cacy of authorities, lost time, and no con dence in the authorities.

Counting Victims

Because few people report crimes and social stigmatism prevents many victims from speaking out, one critical contribution of the victims' movement has been the gathering and analyzing of crime data. Another has been the collection of previously undocumented cases of victims. Both e orts have served to provide the public and government with a picture of the true scope of the problem. México Evalúa tackled the question with its 2011 Index of Visible and Invisible Victims of Serious Crimes, an index it designed as an initial e ort to measure the extent of the issue. The report states in its introduction:

> Until now, neither federal nor local authorities have been able to adequately measure the criminal phenomenon, given that complete information is not available to know who, when, how, where, and why violent crimes are committed in certain areas of the country, nor how many people are a ected directly or indirectly by these crimes, since these crimes take their toll on numerous victims, both visible and invisible. The visible victims are those who are usually taken into account in registries and public policy and the invisible ones are the people who su er the e ects of crime but whom we neither take into account nor measure.[5]

Drawing on information supplied by the National System of Public Security (SNSP)—a compilation of statistics gathered by local ministerios públicos, or public ministries, which handle crime investigations—México Evalúa extrapolated an estimation of the number of victims of crime in Mexico in recent years. The SNSP numbers correlate to reported crimes, and as such México Evalúa warns that its estimations necessarily fall short because they do not take into account the untold number of unreported crimes. (The report presumes that the rate of reporting has held relatively steady over the roughly 18-year period covered.) Yet its ndings have provided some of the rst "hard" data on victimhood in Mexico.

Crime has grown nearly without pause over the past 18 years in Mexico, increasing through the consecutive presidencies of Ernesto Zedillo (1994–2000), Vicente Fox (2000–2006), and Felipe Calderón (2006–2012), México Evalúa

5 Leticia Ramírez de Alba Leal, Índice de Víctimas.

AN MPJD CASE REPORT

Seventeen-year-old Gabriela Arlene Benítez Ybarra went missing from her home in Xalapa, Veracruz, sometime between 7:30 a.m. and 9 a.m. on June 13, 2011. Her mother, Barbara Ybarra, said goodbye to her daughter before leaving for work in the morning but when she returned to pick up a forgotten item, Gabriela was not in the house. Barbara called her phone but received no answer and assumed Gabriela had gone out. Later, with still no sign of her daughter, Barbara went looking for her at school; she spoke to the gardener in the park where Gabriela often jogged; she visited her boyfriend's house. No one knew anything. That night, Gabriela did not come home.

Barbara told the Documentation Commission of the Movement for Peace with Justice and Dignity: "The investigations ran their course, but [the authorities] never did anything. They did not investigate. The hypothesis was that the perpetrators were a local gang, someone close to the house. There has been no progress." The authorities charged with looking into the disappearance tried to criminalize Gabriela, suggesting, without evidence, that perhaps she was involved with organized crime.

On September 23, 2011, Gabriela was found murdered. The body appeared in a place the police said they had searched before. "I believe the body was planted in this place to cover up the true perpetrator," Barbara said.

residence, and civil status; the date and time of the crime; and a report of the events as dictated by the victim or a survivor in the case of disappearance or homicide.

All told, the documentation commission collected information on some 700 cases. Roberto Villanueva worked as part of the commission during his participation in the northern and southern caravans as a representative of the National Center for Social Communication A.C. (CENCOS). The documenting of cases had the dual goals of getting victims on record and giving them a face and a name, he said. Many of those who spoke out had never denounced the crimes they now chose to report. In an October 2012 interview, Villanueva said: "As a movement initiated by victims, the victims themselves were the ones to call out to other victims. They came; they spoke. … We wanted to demonstrate that an organized society has no reason to fear, that there are more of us who want peace."

Through the commission's work, a familiar snapshot emerged of the dead and disappeared: The majority of victims were male, under 30, often either a student or blue-collar worker. Yet the reports to the commission of murders, disappearances, and kidnappings cut across socioeconomic and generational lines. The constant among all of them was impunity: Few cases have been resolved.

'Double Victimization'

It is important to mention that crime victims are only part of the equation. The government has a responsibility to protect its citizens, yet abuses of power are prevalent throughout the system—

and the Miguel Agustín Pro Juárez Human Rights Center (Centro Prodh) o er a similar recommendation in their September 2010 report, Abused and Afraid in Ciudad Juarez: An Analysis of Human Rights Violations by the Military in Mexico

> E ectively withdrawing the military from public security tasks is an essential element to disentangle public security and national security responsibilities within Mexico's security bodies and to ensure the resources and energy necessary to strengthen civilian law enforcement institutions.

The report goes on to recommend that military abuses be investigated and prosecuted by civilian, rather than military, authorities—another point on which the MPJD agrees. As noted previously, not all victims groups feel the same way. The new administration of Peña Nieto has made no public statements on how the government plans to utilize troops nor has it released a timeline for their withdrawal from crime- ghting responsibilities.

In the end, though, the public typically has little sympathy for crime suspects—equating custody with guilt—but, whether guilty or innocent, if you are arrested and accused of a crime, you will probably be a victim, too. The number of reports of torture and poor treatment by authorities registered with the CNDH rose from 392 in 2007 to 1,669 in 2011, according to statistics compiled by Amnesty International. Over that ve-year period, reports of torture and poor treatment led with the CNDH totaled to 4,841, most of them complaints against state and municipal police.[8] Amnesty International reports that it knows of no case in which any government agents or agencies accused of torture has been convicted. When the state is unaccountable, society is the victim and no suspect—guilty or innocent—is safe.

Not Guilty, but Condemned

Rights violations extend to a more subtle, yet no less damaging, injury: the stigmatization of victims. This comes most often in the form of accusations that a victim was somehow involved in criminal activity or perceptions that the violence was deserved. From the outset, the Calderón administration made claims that more than 90 percent of those killed in the drug war were criminals—claims that were quieted late in the administration only after survivors' repeated outcries. Such stigmatism damages survivors' search for justice and their ability to seek support in their communities.

Of the poor treatment victims often encounter as they seek justice in a crippled system, the businessman Eduardo Gallo, whose 25-year-old daughter was kidnapped and killed in 2000, explains: dandn Tm [(t(-3S(c)-16.-21.1(h)(n Tm 3.6(e v)-3

hand you were a victim of crime. Then you are a victim of the attorney general's o ce that sees your case. Then you are a victim in the courts of the abuse that also happens in the judicial branch—not as much in the federal arena but without a doubt in the state arena. Or you become a victim of other things that come up along the way." Among those "other things" is the stigmatism associated with being a victim in Mexico, especially of violent crime.

When someone is targeted by organized crime, comments such as "

THE VICTIMS' RIGHTS MOVEMENT: A TIMELINE

The above issues illustrate the precarious position of victims in Mexico's recent upsurge in crime and violence. Victims are often afraid to come forward, and often go unheard or unsatis ed when they do. In the worst cases, victims nd themselves abused byBDC BT /T1_1 1 T8erty s-22.1(ay-20.61s)-7.2(t)-21.4(e)-5(m)DC BT /T1_ BT

favor of security, legality, and justice.[13] The organization has also been vocal on the issue of drug decriminalization.

MUCD became both a refuge and channel for social activism for others like Ricaño de Nava, including Gallo and Dr. María Elena Morera, whose husband was kidnapped in 2000 and survived. (She would later found another victims' group, Common Cause.) Gallo would personally search for and deliver to authorities the perpetrators of his daughter's murder—a response that has defined several of Mexico's most high-profile kidnapping cases (see breakout).

Although MUCD has in recent years been criticized for its handling of funds and the participation of executives who have been implicated in scandal, the organization remains a player in the national dialogue for improved public security in Mexico.

2002: 'Justice for Our Daughters'

Justicia para Nuestras Hijas is a nonprofit organization dedicated to seeking justice for the hundreds of women raped, tortured, murdered, or who have disappeared in Ciudad Juárez and Chihuahua. The serial femicides that drew widespread international condemnation during the past decade continue, although news of the women's murders has in recent years been overshadowed by the death toll of the drug war. The organization describes its founders as mothers who live in the city's barrios, who take public transportation, have a primary school education, and earn minimum wage.

The mission of Justice for Our Daughters is "to find the girls and women who have disappeared in Chihuahua state and to propel access to justice for the victims and their families."[14] The organization lists among its goals raising public awareness of the issue, accompanying victims through legal processes, providing legal and psychological counseling, as well as offering workshops to inform and empower the mothers of victims.

Justice for Our Daughters in Chihuahua and other Ciudad Juárez-based organizations engendered one of the first waves of civil defenders of victims'

JUSTICE IN THEIR OWN HANDS

Eduardo Gallo and Isabel Miranda de Wallace both lost their children at the hands of brutal kidnapping rings. They also both took the decision to investigate the crimes on their own.

After police found the bodies of three of Paola Gallo's kidnappers and detained a fourth in the days and weeks after her death, the investigative authorities of Morelos state closed the case. Gallo protested that the evidence did not add up; more people had to have been involved. The district attorney told him, "You're not a police of cer; you're a father." [15] Gallo, who had directed a national hotel chain and now worked as a consultant, left his job

2005: A 'Stop' to the Violence

After the kidnapping and death of her son (see breakout), Isabel Miranda de Wallace founded Asociación Alto al Secuestro, to Stop the Kidnapping, to promote an anti-kidnapping law. The General Law to Prevent and Punish Crimes of Kidnapping (La Ley General para Prevenir y Sancionar los Delitos en Materia de Secuestro) took effect in February 2011. Alto al Secuestro, much like MUCD, provides support to "direct and indirect" victims of violent crime.[17] Additionally, Alto al Secuestro has supported the creation of other citizens' groups whose objective is to promote security and respect for victims' rights.

2008: México SOS

goal is to “actively open channels for holistic attention for victims that contemplates justice in all its forms, not just at an individual level, but collectively.”[19] Among its demands are investigations into unsolved assassinations and disappearances, and the naming of victims, ending the strategy of direct confrontation with the cartels in favor of a focus on citizen security, combating corruption, and impunity as well as the economic roots of crime.

MPJD has been especially outspoken against the deployment of the military to ght organized crime—a position that represents a departure from those of MUCD, Alto al Secuestro, or México SOS, which have been relatively quiet on the issue of the use of force; some outspoken victims in the country’s northern

lessons and achievements that provide an important stepping stone for on-going e orts to promote the rule of law in Mexico. It is important to recognize the profound sense of loss and sadness felt by many victims, who have had to work

cases—30 or 40 emblematic ones—to the president of the republic, to the attorney general, to the Interior Ministry, to the secretary of public security and not one has been resolved? What does that tell you? That the state is incapable. … The nation realizes that it is truly alone, and that it must rebuild its institutions, its society, its community bonds. … That is what the movement has revealed with its actions: The state does not exist."

Milestone Accomplishments

A Victims' Law

On Jan. 9, 2013, crowds filled a conference hall of the presidential palace, Los Pinos, for the public unveiling of the publication of the General Law of Victims—a law backed by Sicilia's Movement for Peace, blocked by Calderón in the waning days of his administration, and revived by President Enrique Peña Nieto less than

and material damages, lost opportunities, and assistance. The law also provides for a fund from which reparations should be made to victims, both direct and indirect (visible and invisible). In a coup for the movement, it de nes "victim" so as to create legal entity with speci c rights under the law. The law de nes "direct" victims as "those persons that have su ered directly some economic, physical, mental, or emotional damage or harm, or in general someone whose legal property or rights have been put in danger as a consequence of a crime or violations of their human rights…" It goes on to de ne "indirect" victims as those "family members or persons in charge of a victim who have a close relationship with him."

The law had its genesis in a series of dialogues on security that began in 2010. Facilitated by the Center for Civic Collaboration (CCC—part of the international network of Partners for Democratic Change), the rst Dialogue for Citizen Security with a Focus on Human Rights included the participation of some 80

articulates victims' rights in a way that is currently lacking. Octavio Amezcua Noriega, defense director of the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), has argued "the current system of rights and obligations in Mexican law does not o er the regulatory framework

Dispelling Stigmatization

This, perhaps, has been one of the victims' movement's most important, if intangible, accomplishments thus far: dispelling the myth of complicity that underpins the victimization. The willingness of victims in recent years to speak out—the mother of the teen murdered in Villas de Salvárcar who, with a voice lled with anger, told Calderón at a news conference that he was not welcome in Juárez; the poet Sicilia's emotional outcry over the senseless killing of his son; the many survivors who have publicly demanded that the memories of their loved ones not be marred by accusations of involvement in crime—has helped reshape the way Mexico views victims of violent crime. Stigmatization remains prevalent, yet many people, authorities in particular, must now think twice before making such assumptions publicly. The reformed victims' law speci es "no criminalization." It states, "Authorities should not aggravate the su ering of the victim, nor under any circumstance treat him as suspicious or responsible for committing the crimes he is denouncing."

The movement's e orts to bring the stigmatization to light opened the door to public e orts to attend to victims' needs. In October 2011, the Calderón government created a new agency called ProVíctima dedicated to serving victims' legal, social, medical, and psychological0 10.5 97.524 415.4:uo-7.5(o)Spa5(o)Spa5(4i(e)-7.95.5(r 2)-21

it has solidi ed the outcry over how the justice system can victimize them doubly. Victims' groups have become a force of civil society with which the government must reckon, instrumental in the creation and passage of key legislation including the 2008 justice reform and the 2013 victims' law.

Yet these important achievements serve to highlight the gulf between what has been won on paper and what has yet to be won in practice. Tens of thousands of homicides related to the drug war still unresolved; tens of thousands of people still missing; a justice system incapable of investigating and resolving more than a fraction of outstanding cases; institutional corruption—these are monumental challenges and their resolution lies at the heart of victims' demands.

"The people's pain cannot wait, o.1(a)827.5(r)-40.1(t of 20.(l)-35.7(i)-11.9(g)-28 -8.4(e)-5(n w