

Policy document

Truth and Justice from Below in Violent Mexico

Utrecht University

Mexico is undergoing a grave security and humanitarian crisis. According to current estimates, violence has resulted in 164,000 homicides between 2007 and 2014. During the last decade at least 28,000 people have been forcibly disappeared. The appearance of mass clandestine graves throughout the country is a chilling indication of this heightened climate of insecurity. Between 2010 and 2013, Mexico's National Human Rights Commission received over 7,000 reports of torture or other ill treatment. None of these complaints resulted in a conviction. Despite assurances by President Enrique Peña Nieto to embark on a new strategy to combat political corruption and cartel-related violence, militarization has persisted. Extrajudicial killings have remained constant. Security has barely improved. Murders are on the up and kidnappings have increased significantly. And impunity still prevails. Only one in every ten violent crimes are reported to the judicial authorities, and of these about 1.5 per cent lead to prosecution.

Aims and approach

The workshop Truth and Justice from Below in Violent Mexico, funded by the Arts and Humanities Research Council (AHRC) of Great Britain and hosted by the Utrecht University in The Netherlands, brought together human rights defenders, activists, scholars, journalists and lawyers working in Mexico and Europe. The intention was to strengthen links and create new networks in order to understand the challenges faced by those affected by the human rights crisis and identify pathways and strategies for improvement. Human rights workers and activists from several Mexican states particularly highlighted the pervasive nature of these trends and the need to work collaboratively in order to affect meaningful change.

To achieve these objectives the workshop focused on popular strategies and practices oriented at building alternative sources of justice, accountability, dignity, fairness and truth. Attention concentrated on the lived experiences of ordinary Mexicans and their efforts to give meaning to and resist the consequences of violence in the hands of distinct armed state and non-state actors. This includes initiatives and organizations that engage with victims and families, mourning, *desaparecidos*, human rights violations by law enforcement agencies, and memorialization, etc. More specifically, the workshop created a platform to discuss the context, practices and moral languages of social



activism that emerged amidst the most difficult circumstances to counteract the enduring sense of injustice, impunity and fractured rule of law. In sum, this workshop made visible innovative and creative popular practices that attempt to contest governmental and international discourses of the 'war or drugs', to articulate alternative voices in a muted public sphere, and a society silenced by horror and fear, and to examine concrete and local solutions to existential problems.

Recommendations

The workshop discussions rendered a number of useful insights for promoting human rights based security policies, for bringing about the reconstruction of societal trust and cooperation, and for the much needed reconstitution of governmental authority and institutions.

First, we need to recognize the crucial importance of local non-state (organized) actors in bringing about legitimate change. Local actors are familiar with the terrain and possess knowledge about social networks, the security situation and the potential social, cultural and institutional sources for societal resilience, mechanisms for truth finding and justice, and information exchange at the community level. We are currently witnessing the emergence from below of new and creative forms of leadership in the form of support mechanisms and organization for families of the disappeared, brigades for exhumation of clandestine graves, legal and psychological counselling, as well as community-based policing and judicial practices. The latter are particularly prevalent in indigenous regions.

Second, we observe the potentiality of these, often very small, initiatives will benefit from the establishment of networks of cooperation and information exchange, since it will enhance their viability, visibility and capacity to transform social realities within the context of legality.

Third, despite the significance of bottom up non-state organizing and demand making, we stress the need to build institutional linkages, state and non-state alike, and particularly at the local level. These are required to accomplish aims of human rights-based security regimes and development through accessing infrastructure, resources and governmental expertise and commitment. Respect for legality doesn't exclude the value of civil disobedience to promote the recognition and public deliberation of impunity, corruption, accountability and truth-finding. Institutionalized cooperation between local actors and judicial, legislative and executive bodies at different levels also contributes to



rebuilding societal trust. A prime example is how human rights organizations successfully push regional attorney general's offices to uphold their obligations of judicial investigation and accountability. Another experience demonstrates the success of constitutional reform through combined communal organization and legal resourcefulness.

Fourth, we emphasize the key significance of external and international support networks. Non-governmental organizations, diplomatic representations, international organizations, and networks must play a role in voicing their concerns about Mexico's security and human rights crisis at different levels, and organizing support for local actors engaged in practices of achieving justice from below and/or through institutional cooperation. This can acquire the form of alert mechanisms, accompaniment (such as with Peace Brigades International), specialized knowledge (e.g. forensic know-how), diplomatic pressure, and information exchange. Promoting international involvement in Mexico's security and human rights crisis, such as in the case of Ayotzinapa, strengthens the position of (local) human rights defenders and organizations vis-à-vis state authorities, and may help to create platforms for dialogue. It may also inspire developing new perspectives and models. Mexico would benefit from a public debate about the model of shared sovereignty in judicial matters, like that developed in Guatemala.

Fifth, we note that local struggles against impunity and in favor of justice and truth-finding should be placed in a wider societal context, as they are always conditioned by wider economic, political and ethnic relations. Community policing in Guerrero grew out broader concerns about infrastructure, education and social development. The reconstitution of indigenous autonomy in Cherán was accomplished through the articulation of strategies concerning electoral reform, security, and the safeguarding and protection of environmental resources.

Utrecht, June 2016

Wil Pansters, Utrecht University

Benjamin Smith, University of Warwick

Peter Watt, University of Sheffield