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MEXICO

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Introduction

The Political Constitution of the United Mexican States establishes that Mexico is a representative, democratic, federal Republic comprising 31 free states and the Federal District. It is a pluricultural country in which 10% of the population belongs to different indigenous groups speaking 62 languages.

According to the last General Population Census, Mexico had 97,361,711 inhabitants in the year 2000, and held eleventh place in the world for the number of inhabitants. In the same year, a significant political change took place when the party that had governed the country uninterruptedly for the last 70 years suffered a defeat in presidential elections.

We shall try to show that one of the factors that most clearly indicates the weakening of the previous regime was the increase in crime indices during the nineties. This became manifest both through the growing concern of broad social sectors with respect to lack of safety, and increasing distrust of the institutions and authorities responsible for ensuring law and order.

Criminality

During the last few years, Mexico has seen a period of explosive growth in crime that has coincided with one of the severest economic crises the country has ever known. The period of greatest increase in crime was 1994 to 1997 when the crime rate grew at about 64% on

average at a national level. There is no precedent in the country of an increase of this size over such a short period.

With respect to the deterioration in living conditions, in 1998, the World Bank estimated that 40% of Mexico's population survived on less than two dollars a day, while 15% received less than one dollar. Barely two years later, the World Bank estimated that the first group had grown to 42.5% and the second to 18%.

Mexico, like most Latin American countries, has deep inequalities. In 1999, the lowest income group (40% of the population) received barely 11% of total income, while the upper stratum (20%) obtained 58%. The polarization of society and the growing distance between the sectors with the highest and lowest income and opportunities is one of the factors that has contributed to the increase in crime indices.

According to data from the National Public Safety System, 1,373,000 crimes were reported in Mexico during 1998. The most frequently denounced crimes were: theft 43%; injuries 18%; damage to property 10%; crimes against health (drug trafficking) 5%; threats 4%; fraud 4% and homicide 3%, with an average of 583 thefts per 100,000 inhabitants.

Robbery with violence is the crime that has increased most. While in 1990 one robbery with violence was recorded in Mexico City for every two without, 55% of robberies were with violence in 1997. Similarly, the total number of crimes denounced grew ten-fold in this City from 1993 to 1999, beginning to descend in the year 2000.

In 1997, in the 15 to 29 age group, injuries and accidents represented the main cause of death. Accidents and violence together were the second cause of death in the country, 12.4% of the total. The first cause was heart complaints with 14.5%.

The places with the highest crime rates in 1998 were: Tijuana with 3,429 crimes per 100,000 inhabitants; the metropolitan area of Mexico City with 2,851; Ciudad Juárez with 2,803 and Guadalajara with 2,779. In these towns robbery represented 45 to 61% of all

crimes committed. Two of these towns (Tijuana and Ciudad Juárez) are located on the border with the United States and the other two are urban zones with almost one quarter of the country's population as well as an important proportion of its productive activities.

Drug trafficking constitutes one of the main threats to safety, due to both the amount of resources involved and its capacity to penetrate police bodies and the intensive use it makes of violence. This problem is more acute in the northern border states since they are transit zones to the United States through which large amounts of drugs are moved. It should be mentioned that Mexico and the United States share a border 3,000 kilometers long that is considered to have the greatest traffic in the world. Similarly, 70% of the cocaine consumed in America goes through Mexico where it is estimated that the drug trade generates profits of approximately ten million dollars a year.

The drugs business is strongly linked to violence since the different groups compete to control markets. Hence the indices of death from violence have increased dizzily, above all in the northern states of the Republic. Drug consumption has also increased in these zones. Even though marijuana is the drug which is most consumed in Mexico, cocaine consumption has increased considerably over the last few years. In 1998, the Mexican government allocated 754,000,000 dollars to the fight against drug trafficking, and between 1994 and 1999, it arrested 58,000 Mexican citizens involved in the trade.

Deaths from violence have always held one of the first ten places of causes of death in Mexico. Indeed, after Africa, the homicide rate in Latin America and Caribbean is the second highest in the world, with an average 22.9 per 100,000 inhabitants. In Mexico, from 1922 to 1988, the same number of persons died from homicide as from malignant tumors. In 1999, the death rate from intentional homicide was 15.2 per 100,000 inhabitants, 50% higher than the world average of 10.7 and almost twice that of the United States (8 per 100,000).

Although most homicide victims are men who have been involved in fights with other men, violence is also often aimed at women and children. Indeed, one child under five is

murdered every other day, on average, by some family member. A study carried out in Mexico City showed that between 1990 and 1995, 75% of all the persons who had been intentionally injured and were taken to hospital were men and 25% women. Seventy-eight percent of the women were injured by their husbands or some male member of the family. Fifty-six percent of the men, filed statements with the authorities, while only 25% of the women did so. On analyzing the results of the statements, the study concluded that a person who injures a man in Mexico City is almost five times as likely to be punished as one who injures a woman.

Punishment

Impunity is the main problem for safety in Mexico. Of every hundred crimes denounced, 50 are investigated, proceedings are initiated against the person presumed responsible in 8 cases and only in 3 is the guilty person penalized. The impunity index is therefore 97% for reported crimes.

Traditionally, Mexico has been characterized for the predominance of the executive and lack of independence of the legislative and judicial powers. This situation has begun to change with the loss of the one party majority in Congress and the reform that is being undertaken of the judicial power.

The federal justice system is composed of 183 district courts, 74 appeal courts and one Supreme Court. At a local level, there are 830 penal courts. It should be mentioned that there is highly generalized dissatisfaction and mistrust of the performance of these courts and other bodies responsible for imparting justice.

In this respect, it is appropriate to quote the words ex-President Ernesto Zedillo said in 1995 in his first report to the nation: "society feels deeply wronged and justifiably so... they have every reason to become exasperated when they can prove that in many cases it is the very persons entrusted with guaranteeing order and enforcing the law who trample them underfoot. We bear a strong, completely justified mistrust of the institutions, programs and

persons responsible for public safety... I quite frankly recognize that the backwardness and size of this problem are serious; very, very serious”.

The country has one Attorney General’s Office of the Republic and 32 local law offices; that is, one for each state of the Republic and one for Mexico City. The former is responsible for prosecuting crimes coming under federal jurisdiction and the latter under common law. The performance of the law offices has also been widely questioned.

As of 1990, Mexico has legislation and a public system to defend and protect Human Rights that is entrusted to one National and 32 local commissions. Until 1999, most of the complaints these commissions received (46% of the total) were related to the provision of justice.

There are 446 prisons in Mexico, which had 155,000 inmates in the year 2000, 22,000 of whom were imprisoned in Mexico City. Approximately half have been accused of crimes but have not been sentenced. Drug trafficking, corruption and the sale of services are frequent in the prisons and the extortion of prisoners and their relatives is a common infringement. There is 40% overcrowding in the prisons whose population grew 64% during the nineties. The number of prisoners per 100,000 inhabitants was 153 in the year 2000. Women represent only 3% of the prison population as in other countries with characteristics similar to those of Mexico.

With respect to institutions where children under 18 years of age who have committed crimes can be found, an average of 30,000 children a year were received during the period 1995 to 2000 at a national level. Crime among children does not show the same rhythm of growth as that of adults, but grows more slowly. In Mexico City, only one of every 100 crimes denounced is committed by a child.

The crimes committed with greatest frequency by minors in Mexico City in 1999 were: theft 82%; injuries 5%; sexual crimes 4%; damage to property 2% and homicide 2%. Nine percent of the 2,623 children arrested that year in Mexico City were girls.

It is calculated that there are approximately 320,000 judicial and preventive policemen in the country. The level of training and specialization of most of the policemen is low. In spite of the efforts made, it has not been possible to put an end to corruption, impunity, abuse of power and the unnecessary use of force. Policemen and ex- policemen have taken part in organized crime, particularly in drug trafficking and kidnapping and there is therefore a high level of public mistrust of the different police bodies. As a result, the army has been increasingly involved in tasks relating to public security, which has not led to a decrease in abuse. Some soldiers have been accused of protecting drug trafficking and committing serious abuses in the zones they have been sent to in order to control subversive movements, especially in Chiapas and Guerrero. Indeed, more than 700 persons were executed during the nineties because of their political filiation.

In this respect, after her visit to Mexico in November 1999, Mary Robinson, the UN High Commissioner for Human Rights, stated that there is still a long way to go before impunity, law enforcement problems, the exclusion of indigenous groups and attacks against human rights can be considered a phenomenon of the past. She also mentioned that federal and local judicial power decisions do not enjoy full autonomy.

For her part, the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Asma Jahangir, who visited the country in July 1999, declared that her greatest concern about Mexico is the injustice that permeates the whole system and makes different types of impunity acceptable. She added that selective impunity is the result of a miscarriage of policies and the juridical system.

At a national level, a survey published in the journal *Este País* that was carried out monthly between 1998 and 1999 to measure the degree of confidence in the law enforcement system reported that between 59 and 70% of the persons interviewed showed mistrust, while only 22 to 34% expressed trust in the system.

Another survey carried out in Mexico City by the newspaper *Reforma* in the year 2000 showed that while in 1996, 30.8% of crime victims made a statement, only 28.5% did so in 1997, 25.5% in 1998 and 19.3% in 1999. This has made some specialists doubt the apparent decrease in crime figures observed as of 1998. In another national level survey on victimization conducted by the ACNielsen in the year 2000, 74% of crime victims stated that they had not reported the crime to the authorities.

It should be mentioned that although the surveys were conducted among different populations and at different times, their results are similar and fairly generalized throughout the country.

Conclusions

Over the last few years, Mexico has become a multi-party country, leaving behind the one party regime that operated *de facto* for 70 years. However, the effects of the accumulated erosion of the institutions during that period and of the economic crises that produced a deterioration in living conditions and in the expectations of most of the population cannot be corrected in just a few years. The increase in crime indices has made manifest the deterioration of the institutions as no other indicator can, and also shows the weakening of the social fiber.

It will take longer to reverse the situation and reconstruct this fiber than it did to consolidate democracy and it will depend on the participation of all sectors in the construction of a regime and culture based on respect for the Rule of Law. This may be reached if distances between the different sectors can be shortened, opportunities increased and the quality of life for most of the population improved. Only within this framework is it possible to think of a society less threatened by insecurity, uncertainty and violence.

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