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Reflections on the Web of Violence And the Denial of Rights

Except when exercised legitimately by authorities, violence implies the negation of norms and of the effective validity of rights. It undermines the bases of the fabric of society and is an attack against individuals. Different kinds of violence exist, with differing degrees, scopes, and forms of expression, the most evident of which are those linked to the insecurity our country is experiencing and those based on gender, ethnicity, sexual orientations, or ideological differences, among others. Over the last several years, we Mexicans have had to learn to live with violence and understand it as a given in our reality. It is something we know will exist and that most people can do practically nothing about, except to hope not to be yet another of its victims.

This uncertainty has no reason to exist; the logical thing would be to assume that the safety of individuals and property should be reasonably guaranteed by the state and that violence outside the law should be exceptional and responded to decisively by the authorities. Unfortunately, this is not the case in reality. If a person is victim of a crime, in most cases, he/she faces red tape and bureaucratic requirements to even make a complaint, and it will probably not be dealt with in a timely, efficient manner. This means that those responsible for the illegal conduct will not be held accountable under the law.

Illegitimate violence usually implies the commission of a crime, which means when it is repeated and goes unpunished, people expect less and less from institutions and mistrust and distance themselves from them. When a crime is committed, people often say things like, “Happily it was just a matter of money,” or “Material things can be replaced,” or “Of all the bad outcomes, this is the

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least of them.” Frequently, they even paradoxically think that a person was fortunate or had a good day when, for example, having been the victim of a mugging or an assault, he or she is unhurt or has “only” slight injuries after the incident. In this scenario, in which it would seem that impunity and the failure of justice have been institutionalized, many people opt to not report the crimes they are victims of because they consider the intervention of the authorities useless and just a waste of time.

The authorities’ ineffectiveness in preventing insecurity and violence, as well as in guaranteeing that those who break the law are punished for it is one of the main reasons that this kind of behavior not only continues but is propagated. On the one hand, a vicious cycle is established in which the authorities justify the paucity of their results with the argument that impunity exists because most people do not report the crimes they are victims of. However, this overlooks the fact that, even when the number of reports is lower than the number of crimes really committed, when crimes are reported, the percentage of those solved and the perpetrators prosecuted under the law is very low. According to the 2020 National Statistics and Geography Institute (INEGI) National Survey on Victimization and Perception of Public Security, in 2019 a little over 29 percent of households included at least one member who was the victim of a crime, with a total estimate of 22 300 000. While 92.4 percent of crimes were not even reported, of the 7.6 percent actually reported, only 69.1 percent were investigated. Of those, 44.5 percent were not followed up or the investigation provided no answers.

These figures clearly show that when a person commits a crime, the probability of being arrested and punished is very small, which is why those who decide to do so do not consider it a real risk. The fact is that every day, women are attacked or killed, people are kidnapped, robberies with violence and extortion are committed, and people are abused, among other crimes, because those who perpetrate them know and feel that they can do so and they will probably not be held accountable. When society realizes that those responsible for acts of violence and other crimes escape being investigated and punished according to the law, it creates a public perception that the authorities are useless or only of limited value and that norms can be followed or applied discretionally. This makes it impossible to encourage and consolidate a cul-

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ture of legality based on an unavoidable commitment to the rule of law.

Everyone should be reasonably certain that the different authorities will comprehensively fulfill their obligations, always act in accordance with the law, enforce and apply the existing norms, and set a basic priority that guarantees that day-to-day living can proceed with minimal safety. In Mexico, these suppositions are not fulfilled. That is why to a great extent, society as a whole perceives the authorities as having abandoned it to its own devices; this creates fertile ground for crime and violence to continue.

The problem is not that Mexico lacks norms or institutions. We have a wide variety of them for criminal proceedings, both in terms of content and of procedure, and a broad, complex institutional system for the administration of justice. However, clearly the efforts in terms of norms and institutional design are insufficient for solving the existing problems. Impunity subsists in most cases, becoming “*de facto* impunity,” a phenomenon in which, despite the fact that norms and institutions exist, for some reason that transcends or is alien to the legal system, they are not applied or do not operate. The forms are covered, but the essence is left to one side.

The fact that the law is not followed or enforced affects individuals’ rights, but also implies a violation of collective human rights. Mexico is a democracy in which human rights have been at least formally established as the basis for institutional activity. Despite this, multiple issues subsist that contradict the dignity of persons; at least ideally, this should not happen in a law-abiding democratic and social state. Reflecting on the factors that have allowed this state of affairs to prevail in the country and, above all, about what can be done to change it, is of vital importance.

In the first place, we need to break out of the circle of resignation and even indifference that a large part of society is immersed in. The state’s obligation and responsibility to ensure that each and every one of its acts is

carried out in strict compliance of the law are undeniable, as are the promotion, respect for, protection, and guarantee of human rights. It is also true, however, that without the citizenry's active participation, demanding transparency and accountability as well as denouncing and unmasking their absence, the authorities will be under less pressure to act in accordance with the norms and to completely fulfill their functions. Democracy is much more than mere formal procedures for electing the authorities; for it to function, people must also play a more active, responsible role, rooted in solidarity, with regard to public issues.

Respect for and compliance with the law, as well as the recognition of a common dignity that identifies us and makes us recognize in the other a person with equal rights, powers, and capabilities, are values that begin in each member of society, which underline the key for seeking to prevent violence, strengthen legality, and open the door to true tolerance, inclusion, and pluralism. This is the basis for the need for society to strengthen its link to and internalize democracy and human rights as part of its daily existence. The aim of this is to shed patterns of behavior or even cultural practices that promote violence and the infringement of rights, replacing them with others that form the basis for respect, peaceful living, and legality.

In this sense, it is particularly urgent to undertake a real, decided battle in society—not just a rhetorical one—against corruption, something inevitably linked to breaking the law and to the impunity we are beset with. For many, corruption is an inherent part of exercising power, which finds fertile ground for its development in bureaucracies, subject to ineffective, non-transparent regulations without real mechanisms for accountability and that contravene the logic of good government that should reign in the public administration. Corruption is a factor that fosters and aids in perpetuating illegality, inequality, poverty, and exclusion, but above all it is the direct cause of impunity.

In our country, the perception reigns that every situation involving the violation of a norm can be “fixed” and

is not punished; that obeying and enforcing the law is not something certain, but can be the object of negotiation, which depends on each person's economic resources, relations, or political connections. When corruption is the habitual practice, the function of institutions and the nature of laws themselves are perverted; laws are seen as an obstacle that people must overcome to achieve their goals, the best way to which is the manipulation of public power that permits corruption. The consequences of this kind of behavior affect everyone, since it means that rights are no longer in effect, and that, in particular, access to justice is not real but selective. However, those most affected will always be the marginalized, the poorest, those with the greatest dependence on public goods and programs.

This is why it is unavoidable that we must think about and construct a new way of living together that reflects and materializes the kind of society we want to be; a society in which peace, respect for others, the due exercise of rights, the timely fulfillment of obligations, tolerance, solidarity, and inclusion have a place. As I have mentioned, many factors and conditions can be counted among the elements that make up the web of violence and the denial of rights. One is that the state does not fulfill its function of creating the conditions for the consolidation of a safe environment in which the rule of law prevails, and does not honor its basic obligation of being the guarantor of human rights. The very existence of levels of impunity as high as those in Mexico is an incentive for crimes to be committed over and over again, for violence to persist, and for practices opposed to human dignity like torture, disappearances, and homicides, to continue.

Clearly, the main responsibility for this situation changing lies with the state, but society cannot remain indifferent in the face of it and must take a more active role to break the vicious circle made up of violence, impunity, and the denial of rights. Mexico needs to strengthen its institutions and its rule of law. An organized, informed, committed society is called upon to be the driving force and main actor in this process. It must supervise and demand that the authorities on different levels and orders of government become the true professional, responsible, service-oriented bodies that rule and base their actions on obeying the law and respecting human rights. The web of violence, impunity, and denial of rights can change if we understand and deal with it. ■■■

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