Managing victims’ identity and political agency: (necro)policies for the management of suffering *vis a vis* drug-related violence in Mexico

Author

Ariadna Estévez (PhD, University of Sussex), National Autonomous University of Mexico (UNAM)


Abstract

Because of the war against drug-trafficking Mexico is currently facing a major human rights crisis. The paper critically examines the question of how Human Rights Non-Governmental Organizations (HRNGOs) have responded to this crisis. Using a Foucaultian framework, the paper argues that they endorse technocratic measures that administrate suffering and inadvertently assist the Mexican government in its necropolitics –the administration of death, as constructed by Slovenian philosopher Marina Grzinik. It addresses the Congress’ theme by further arguing that these groups have become part of the apparatus for the management of suffering, which is intended to shape and contain victims’ identity and mobilization.
Introduction

In 2006 Mexico’s then-president Felipe Calderón declared war on drug trafficking. By 2012 militarisation was widespread, and so was death. Shootouts in the street, people shot in the crossfire, decapitations and car bombings involving government authorities and rival gangs were rife, while kidnappings, extortion, forced disappearances and executions involving civilians became daily occurrences. By 2016, the death toll in this war was over 150,000 with another 27,638 disappeared (7,435 women; 20,203 men); 40,000 feminicides since 1993 (4,306 from 2006-2012); 98,547 Mexican asylum seekers and 481,000 internal displaced, not counting 18,000 women displaced because of sexual violence in Mexico and the Northern Triangle (23% of them, 17 or younger).

It is therefore undeniable that Mexico is facing a major human rights crisis, with a list of victims similar to that of the Southern Cone dictatorships of the 1970s and superior to Mexico’s own “dirty war”\(^1\), also in the 1970s.

This paper critically examines how Human Rights Non-Governmental Organizations (HRNGOs) have responded to this crisis. By HRNGOs the article refers to formal, non-profit, value-concern organizations focused on particular issues, generally institutional and professional, not necessarily linked to social movements. Most tend to carry out litigation, advocacy and lobbying work, and only a few are service providers or engage in direct action\(^2\). HRNGOs are based in Mexico’s capital and receive significant financing (Frey, 2015). While current literature on Mexican HRNGOs focuses on their success in contentious politics and articulation (Ron et al., 2013, Ansolabehere, 2015,}

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\(^1\) During the Pinochet dictatorship in Chile, 1,193 people were disappeared. In Argentina there were 9,000 officially disappeared detainees, although civil society claims there were over 30,000 including unborn babies. In Mexico the Eureka Committee registered almost 600 cases. See: PADILLA BALLESTEROS, E. 1995. *La memoria y el olvido. Detenidos Desaparecidos en Chile*, Santiago de Chile, Ediciones Orígenes.

\(^2\) This is the authors’ definition of NGO used in her previous work, specifically: ESTÉVEZ, A. 2008a. *Human rights and free trade in Mexico: a discursive and sociopolitical perspective*, New York, NY, Palgrave Macmillan.

Based on Michel Foucault’s work on governmentality, the article argues that in the context of drug-related violence Mexican human rights NGOs endorse technocratic measures that administrate suffering and inadvertently assist the Mexican government in its necropolitics –the administration of death. As a consequence of what I term the HRNGO technocratic turn, these groups actively engage in victim necropolicy and become part of the *apparatus for the management of suffering*.

For the development of this argument, the article first presents the theoretical framework of governmentality, necropolitics and apparatuses as understood by Michel Foucault, Achille Mbembe, Marina Gržinič and Giorgio Agamben. This framework helps us understand how current dominant powers pursue the administration of suffering rather than the achievement of justice. Next, based on interviews with human rights activists and documentary data, it will trace when and how HRNGOs turned to policy and eventually to necropolicy. Finally, also based on interviews and secondary data, using the idea of apparatuses of governmentality, the article will illustrate the administration of suffering with two examples: the Mechanism for the Protection of

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3 Edgar Cortez, researcher at the IMDHD; Juan Carlos Gutiérrez, coordinator of I(dh)eas; Michael Chamberlain, human rights adviser for local HRNGOs; Guadalupe Mendoza, an expert in fundraising; and Fabián Sánchez Matus, former director of CMDPDH were interviewed either in person or via Skype for the exclusive purpose of this article between August and September 2014. They were advised of the critical nature of the article and were asked to give their opinions about the role of policy, in particular whether they believed it detached them from grass-roots movements and was a government strategy for delaying justice in drug-related crimes and human rights violations. The information provided was interpreted for the purposes of this article and does not reflect necessarily their viewpoints, although all offered very critical opinions. I am very grateful for their generosity and courage to talk critically about HRNGOs.
Human Rights Defenders and Journalists (The Mechanism), and the National System for Victim Support (The System).

Governmentality, necropolitics and apparatuses: a framework for understanding necropolicy for the management of suffering

In Foucault’s framework, government does not refer to the institution of government but to “an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and for what happens to them” (Foucault, 1997:67). The governing of human behaviour takes place in the framework of state institutions, not as individuals or a labour force but as a population, a “general system of living beings” or the “the human race”. Because it relates to “a mass of living and coexisting beings who present particular biological and pathological traits and who thus come under specific knowledge and technologies” (Foucault, 1997:71), Foucault referred to this as “biopolitics”. The rationality -governmentality- of biopolitics is liberalism, or in its more contemporary form, neoliberalism (Foucault, 1997:67).

Neoliberal states have ceased to be states that administer justice and have become managerial states because they are no longer interested in shaping individual behaviour through punishment but in managing population growth and mortality for the reproduction of capital through techniques of self-care. The neoliberal State achieves this through the implementation of different types of policy, with policy being defined as State decision-making intended to modify or orientate social action; it takes the form of a set of legal, political and technical elements based on social knowledge (Guendel, 2009:3). In neoliberalism, policy is expected to regulate the health and growth of the population (Foucault, 1997:70-71) but not with direct state intervention as in the Welfare State. The role of the State in neoliberal policy is characterised by a reduction
of social policy to a minimum; providing the least for the poorest sector of society (health and basic education services) while encouraging the wealthy to use the corporate sector for health and education. This forces subjects to assume responsibility for their own personal capital and become involved in policy design (Foucault, 2004).

Consequently, in neoliberalism policy implies concerted interventions “through laws, but also through changes of attitude, of ways of acting and living that can be obtained through ‘campaigns’” (Foucault, 1997:70) for general regulation of the possible actions of subjects, and self-directed actions for the domination of pleasures and desires in the private domain. For instance, during structural adjustment programmes used to dismantle public health and education services, policy was used to promote the idea that health is an individual matter characterised by keeping fit and taking out insurance. Today, policy also involves making civil society believe that participation in policy design and assessment makes them “stakeholders” and grants subjects autonomy while in fact participation legitimates the neoliberal status quo. Human rights-based policies belong to this last generation of neoliberal policies.

Guendel claims that the human rights approach to policy is superior to mainstream approaches because the latter are instrumental whereas the former have a moral, ethical purpose: the redistribution of wealth and political power through the use of the moral principles of human rights law. The human rights approach to policy is based on the idea that the redistribution of political power has to do with the subject’s participation in policy design. By subject, the human rights approach means civil society subjects, that is, HRNGO activists who allegedly represent the interests of the disadvantaged. The “poor”, the “vulnerable” and “victims” become objects of policy that rarely participate actively because they lack the expertise and know-how of HRNGOs (Guendel, 2009).
Furthermore, the human rights approach to policy presents us with a major problem, although human rights advocates and scholars might not consider it such: the lobbying and advocacy of policy is conducted in a space of negotiation rather than political antagonism, meaning the relationship with the state ceases to be political and becomes managerial. Ernesto Laclau & Chantal Mouffe have argued that democratic politics and progressive collective action do not necessarily imply the abolition of political antagonism since movements do not need to reconcile differences and abandon antagonisms amongst themselves and vis a vis the state in order to negotiate joint action. However, the end of antagonism does mean the end of politics understood as confrontation (Laclau and Mouffe, 2001). Consequently, civil society and the state become partners in policy design while human rights activists become key players in the management of social problems rather than antagonists.

At present, in countries such as Mexico and in African countries, the management of populations through neoliberal governmentality is not intended to administrate population growth but to oversee its reduction. According to African philosopher Achille Mbembe, since poverty, inequality, violence, massacres, and markets for illicit goods that threaten life are so widespread that what is at stake is no longer life but death. Following Mbembe, Gržinić claims that biopolitics is only for 1st World. In the second and third worlds –former socialist countries and the so called global south in the new political jargon- regulation of life takes place amid extreme dispossession conditions produced by capitalism. Life is managed through death processes, so it is reduced to existence below average levels of dignity. Biopolitics guarantees a good life for white minorities while necropolitics regulates, uses and capitalises death in the second and third worlds, as well as certain geographies of the first world where migrants have been confined, through the war machine (Gržinić and Tatlić, 2014).
In Mexico necropolitics also involves the sharing –by the state and criminal gangs\textsuperscript{4}– of techniques and practices for dominating the population, such as public displays of violence for the purposes of intimidation, and the subjection of bodies to extreme violence (torture, execution, forced disappearance, and persecution) and ultimately death. This is not done to regulate reproduction so much as to decide who should die in a context where corruption and impunity are so widespread that anyone is vulnerable to violence and death (Estévez, 2013c, Estévez, 2013a, Estévez, 2015).

Like biopolitics, necropolitics relies on policy, that is, the purpose of necropolicy is to manage death and its related phenomena, such as the suffering of victims and their relatives. I rely on Kleinman, Das y Lock’s (1997:iix) definition of social suffering for this. According to them, social suffering “brings into a single space an assemblage of human problems that have their origins and consequences in the devastating injuries that asocial force can inflict on human experience. Social suffering results from what political, economic, and institutional power does to people and, reciprocally, from how these forms of power themselves influence responses to social problems”.

Necropolicy is functional to the reproduction of criminal capital since it ensures that suffering does not serve as a basis for mobilisation. It does this by neutralising any existing mobilisations calling for justice, an end to corruption and impunity, or any

\textsuperscript{4} It is not the purpose of the article to show criminal infiltration in Mexican state institutions. I shall rely here on the work of Carlos Antonio Flores Pérez who maintains that the Mexican state fails to function as a proper state due to the dominance of circuits and institutional areas by criminal interests, which are often sponsored by public servants responsible for ensuring collective interests. The implementation of these interests in institutions has obstructed their functions and generated serious deviations from what was initially expected of them. This process of state co-optation is considered from the perspective of "co-opted State Reconfiguration" in which a group of public and non-public actors with shared interests of an illicit nature employ different strategies to use state resources to their benefit, thereby determining or hindering institutional design and operation. The implementation of these interests in institutions has obstructed their functions and led to serious deviations from what was initially expected of them FLORES PÉREZ, C. A. 2012. La lógica del botín: de la cooptación del estado y el estado "fallido". Arenas. Revista Sinaloense de Ciencias Sociales, 13, 11-44. The nature of certain criminal gangs would seem to conform this. For instance, Los Zetas is a drug cartel allegedly formed by former and active soldiers; La Línea is a gang of active policemen providing gore services to the Juárez Cartel; and more recently, the local police in Iguala, Guerrero, was known to provide this type of services to the crime gang Guerreros Unidos.
demands that could potentially damage the economic interests of necropolitics. Suffering could serve as a basis for mobilisation according to Alex Honneth’s theory of intersubjective recognition in which he claims the violation of intersubjective recognition through torture, the lack of rights and solidarity leads to anger and resentment in the subject that in turn becomes the basis for “struggles of recognition” (Honneth, 1995).

Necropolicies are related to what neoliberal governmentality has termed “citizen security and justice”.

Citizen security policy approaches emphasize strengthening democratic governance and focusing on the individual within a democratic context, rather than the coercive functions of the state. The concept of ‘citizen security’ first gained prominence in the region during the 1990s as Latin American and Caribbean countries were consolidating their transition to democracy, as an alternative to the concept of ‘public security.’ The term originally referred to the physical security of persons and goods, but increasingly has become synonymous with activities that also focus on addressing the interrelated issues of reducing crime and violence, improving citizen safety, and increasing a sense of citizenship (Abizanda et al., 2012:6).

These policies include, but are not limited to, the judiciary since they also incorporate other institutions that go beyond the administration of justice. These policies are designed to manage (assess, measure, and count) loss and pain while incorporating “citizens” in the process and deactivating meaningful antagonistic politics. In this sense, it’s a necropolitical citizenship in the way Gržinić & Tatlić (2014) have defined it –the legal rights recognized to people in the context of death processes. This type of policy is intended to manage the suffering of victims in both space and time. In space, because
activists and those who suffer are stuck in the institutional sites where policy is negotiated, giving them the illusion they are in fact working for significant change or achieving justice; and in time, because the subjects who suffer spend precious time in a chain of bureaucratic procedures that lead nowhere. The set of policies intended to control the conduct of activists and victims in such a way that their time and space are functional to necropolitics constitute what the article terms *apparatuses for the management of suffering*.

According to Foucault, an apparatus (*dispositif*) is a network of discursive and non-discursive elements, such as laws, institutions, infrastructure, etc. with the specific function of maintaining power. In the era of neoliberal governmentality, apparatuses are characterised by being: inclusive, as they tend to include more and more elements; permissive, since they can be added to; and exclusive, since they eliminate what they are aimed at (Foucault, 2006:66-67).

Giorgio Agamben has broadened this concept and claims that: “Further expanding the already large class of Foucauldian apparatuses, I shall call an apparatus literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviours, opinions, or discourses of living beings”. Agamben adds that what comes between a living being and an apparatus is a subject: “I call a subject that which results from the relation and, so to speak, from the relentless fight between living beings and apparatuses” (Agamben, 2009:14).

Apparatuses for the management of suffering bring together several necropolicies – special committees, laws, victim attention units and funds- and have three main features. First, they regulate suffering on different fronts and bring together different kinds of institutions from the Executive, Legislative and Judicial branches in order to enforce a complex set of administrative procedures that give the subject the illusion they
are heading towards justice. Second, the construction of two types of subjects: the active subject, the subject of “citizen participation”; and the passive subject, a subject that is subject to intervention to regulate their suffering and political agency. Apparatuses turn human rights activists into technocrats and victims into objects of state intervention rather than political subjects demanding their rights. In this way the state prevents political confrontation and administrates demands for justice in a way it can handle, which is conflict-free. Third, palliatives for justice, which include money for travel expenses, funds for widows, scholarships for orphans, panic buttons, bodyguards, vigilance. These palliatives eventually become a fetish of justice since subjects are so involved in the negotiation of substitutes that the root causes of suffering –the end of impunity and violence, the search for justice- vanish from the agenda of immediate intervention.

This article argues that HRNGOs have engaged in the necropolicies of the apparatus for the management of suffering due to their recent technocratic turn, as we shall see next.

**From the politics of justice to the technocratic turn**

In the early 1980s, the human rights movement emerged in Mexico as a platform advancing the demands of people who were active on several socio-political fronts, such as justice for the forcibly disappeared and arbitrarily detained, and clean elections. At the same time, it served as a platform for denouncing the structural violence and inequality of neoliberal structural adjustment programmes. Inspired by liberal discourses such as transition to democracy, and Marxist frameworks such as liberation theology, the Mexican human rights movement provided a vibrant political platform involving activists and victims with political and socioeconomic demands. At the heart of the movement was a deep and sensitive desire for political and socioeconomic justice
and this is why the core strategy was articulation and mobilisation against impunity (Estévez, 2008a).

It was in the 1990s that the false dilemma of defending "cases or causes" became central to HRNGO politics and the movement became “legalized”, that is, the political platform of human rights was transformed into an agenda of litigated cases. While the legalization of human rights discourse involved the documentation of cases and litigation was beneficial for the defence of civil and political rights, it served to undermine the agenda of grassroots movements demanding civil and political as well as economic, social and cultural rights (ESCRs). The early comprehensive approach that included political as well as economic rights faded into the background. Apart from the cultural issues raised by the Zapatista Army of National Liberation (EZLN), the democratic agenda dominated the political life of the country since it has been ruled for over 70 years by the same party, the Institutional Revolutionary Party (PRI). At the same time, human rights discourse increasingly became an acceptable framework for multiple movements to discuss different local demands linked to the democratization agenda and hundreds of small grassroots organisations sprang up all over the country (Frey, 2015).

If by the 1980s justice was at the heart of the human rights movement, by the start of the new millennium HRNGOs experienced a technocratic turn, commencing the process of becoming subjects of neoliberal governmentality by actively engaging in policy. The technocratic turn began with the defeat of the PRI in the 2000 presidential elections. Many HRNGOs supported right-wing politician Vicente Fox believing that even the right-wing was better than having the PRI rule the country for another six years. This pragmatic strategy, which activists euphemistically called the “useful vote” strategy, led
to a split in the movement between those supporting Fox and those opposing radical pragmatism.

President Fox, from the right-wing National Action Party (PAN), fancied himself a democrat and performed actions that eventually involved HRNGOs in technocratic government. He firstly co-opted human rights leaders engaged in the “useful vote” campaign through the creation of human rights jobs specifically for them and then invited HRNGOs to take part in a nation-wide human rights diagnostic that would serve as the basis for a national human rights programme.

Participation in the national human rights programme marked the active engagement of HRNGOs in human rights policy since they believed Fox was genuinely a democrat and that civil society had a good chance of influencing the government’s human rights agenda. Accordingly, they gave up antagonistic politics and became part of negotiating committees and groups. However, at the end of the Fox administration, activists were disappointed with his failure to encourage real human rights change and many of those who accepted jobs in public administration went back to the HRNGO world, but with the added baggage of their newly acquired expertise in technocratic government.

Two simultaneous organisational changes also reinforced the technocratic turn. One of these changes was that HRNGOs diversified their agendas. Since NGO demands for democracy had been answered and calls for an end to impunity were partly addressed during the short democratic spring of the Fox administration –Fox set up a special committee for the investigation of political crimes during the PRI era and signed a number of international human rights instruments-, HRNGOs began to tackle a number of ESCR issues such as migration, housing, the right to food, and labour rights. The problem was that diversification also meant further division since they could not articulate demands in a unified agenda. HRNGOs became individual negotiators rather
than a unified political front demanding fulfilment of their demands, thus spelling the end of antagonistic politics (Laclau and Mouffe, 2001). Michael Chamberlain claims that ESCRs were in fact a “Trojan Horse” since they served as a useful tool to address socioeconomic issues the movement had failed to deal with in legal strategies. However, at the same time this encouraged HRNGOs to become permanent interlocutors with State institutions, leading to de-politicisation of their work in many areas where politics are essential.

Another change was professionalisation of the human rights community with junior activists doing postgraduate studies both at home and abroad. These postgraduate programmes included the newest methodologies and political approaches in mainstream, technocratic public administration, such as policy-making. Since the wave of democratisation throughout the world made human rights an important axiological framework for addressing social policy, many universities in Mexico and abroad offered human rights postgraduate degrees for young people eager to work in the human rights field. Given that not only activists enrolled in these programmes, a new type of human rights subject emerged, the human rights technocrat, who gained expertise in the area without having gained any political background in the field.

The role of international human rights funding organisations was also crucial to this technocratic turn. Based in North America and Europe, these organisations provide the money and only finance the topics they find of interest. Funding organisations also use technocratic discourses and agendas and define the priorities of HRNGOs according to their own political interests, which are not significantly different from those of the establishment, including policy-making. During the Fox administration, funding organisations significantly reduced support for their Mexican counterparts, arguing that
true structural change after the authoritarian rule of PRI could not be achieved in just six years. As a result, they favoured long-term policy approaches to rights.

For activists policy has many advantages. Interviewee Edgar Cortez believes that policy has a positive side, although this cannot be achieved due to the nature of Mexican party politics. In their view, as soon as the there is a new government, policy also changes. However, he does believe that funding organisations prefer policy-making projects because they are non-antagonistic: less uncomfortable for the public sector and more “politically correct”. Fundraising expert Guadalupe Mendoza is aware that HRNGO workers have Masters’ degrees and even PhDs in the social sciences and law, and believes that policy-making strategies are a sign that HRNGOs are now more experienced, specialised, professional and up-to-date in human rights methodologies. Furthermore, she believes they react and improvise less, and are more concerned with exerting an influence on decision-making.

However, not all HRNGOs have turned to technocratic methodologies. Frey’s typology helps us understand who has become technocratic. She distinguishes between: independent HRNGOs, including gatekeeper organizations like those in Mexico City set up in the 1980s and early 1990s; umbrella or national networks; state and local HRNGOs; national human rights institutions like the national ombudsman; international organizations; and international human rights funding organisations. While state and local HRNGOs work directly with victims, accompanying them and litigating their cases, gatekeeper, international, and funding organizations are devoted to policy-making and assessment. Most funding goes to gatekeeper NGOs while local organisations operate in difficult and dangerous conditions with limited funds and expertise. Local HRNGOs -and some nationwide ones linked to the progressive Catholic Church- still work directly with victims and confront State power.
This results in the human rights movement in Mexico being “profoundly ‘uneven’ - characterized by asymmetries of power that limit the effectiveness of the human rights movement to bring about sustainable human rights protections” (Frey, 2015:1). In turn, the consequences of asymmetry for the movement as a whole is that their work has little impact: “Despite its breadth and strengths, the human rights movement in Mexico has not implemented an effective policy agenda to improve the protection of human rights” (Frey, 2015:1).

By 2006, the technocratic turn had consolidated and migrated to other areas different from ESCR phenomena, such as the human cost of drug-related violence, which started when President Felipe Calderón took office that year. By the time drug-related violence had spun out of control, in 2010, only a few HRNGOs were working on forced disappearances and extra-judicial executions, essentially those that had worked on cases linked to the committee investigating political crimes from the past that was eventually broken up since the research findings were poor. These HRNGOs consequently failed to address the issue, leaving small HRNGOs in areas consumed by violence and death to deal with it. Gatekeeper HRNGOs were more concerned with technical matters, such as constitutional human rights reform passed by Congress in 2010. Even though this reform made international human rights instruments law throughout the country, murder, torture and kidnappings became widespread.

There was also a breakthrough event in 2010: the murder of the son of poet Javier Sicilia along with several of his friends in the state of Morelos. Sicilia became active in demanding justice, and headed a nationwide movement that declared estamos hasta la madre (we are fed up) of violence: the Movement for Peace with Justice and Dignity (Movimiento por la Paz con Justicia y Dignidad - MPJD). A number of HRNGO activists advised Sicilia from a legal technical point-of-view and helped with lobbying
in Congress, while others briefly joined the demonstrations he organized. While it remains unclear what exactly happened, at some point there was a split between Sicilia’s movement and human rights activists. This was most probably because activists did not know how to address disappearances and extrajudicial executions (lack of expertise since HRNGOs had abandoned the issue believing it was something from the era of the PRI; their focus was policy) and disagreed with the “reactionary ideology” of Sicilia’s sympathisers which equated human rights with the rights of criminals but not of victims. No gatekeeper HRNGO was litigating or legally advising victims and a few months later the movement was completely demobilized when it entered talks for the drawing up of a victims’ bill. In the process of seeking justice through judicial institutions, victims of violence only enjoyed the support of local HRNGOs with limited resources.

There is a possibility that this trend could change in the wake of the arbitrary detention and forced disappearance of 43 students from a technical teacher training school in Ayotzinapa, Guerrero state in September 2014. Thousands of Mexicans have demonstrated throughout the country demanding the government bring the 43 young men back alive after their alleged kidnapping by police officers working with, or for, criminal gangs. HRNGOs marched alongside relatives demanding the safe return of the students, but they also did what they know best: international advocacy, shaming the Mexican government before the United Nations’ High Commissioner for Human Rights.

The long-term consequences of the Ayotzinapa case remain to be seen. At present, both groups –the one assessing Sicilia and the one that disagrees with the ideology of his allies- have been busy with policy-making. They have addressed the question of violence in the apparatus for the management of suffering with active participation in
the design of two policies: an instrument for the protection of human rights defenders and journalists; and a set of new institutions for victim support. The next section shall address these two on-going policies in depth.

Managing suffering: the Mechanism for the Protection of Human Rights Defenders and Journalists, and the National System for Victim Support

While the first section of the article developed a framework to help understand the constitutive nature of policy-making in apparatuses for the management of suffering in Mexican necropolitics, the second section identified the moment when HRNGOs became actively engaged in policy and eventually in necropolicy. In this section the article addresses two relevant questions that bring together these two logics: What is the role of human rights policy and HRNGO subjects if such policy is encouraged by a State so penetrated by crime that they act as one? And, in the framework used here: what is the role of HRNGOs and necropolicy-making allegedly intended to protect victims of murder and disappearance if criminal gangs are part of Mexican State governmentality? The argument here is that the human rights necropolicy HRNGOs are currently engaged in forms part of the Mexican government’s apparatus for the management of suffering and that HRNGOs inadvertently form an active part of them.

Since the toll of missing and dead is so huge, suffering is also massive. There are thousands of widows, orphans, parents who lost their children, brothers and sisters who lost their siblings, men and women who lost their fiancés, aunts and uncles who lost their nephews and nieces, nephews and nieces who lost their aunts and uncles, women and men who lost their best friends. These people want their loved ones back if they have been reported as forcibly disappeared, or demand justice if they have been killed. These people are organised and they demand justice and police investigations, as shown by the MPJD and in the case of Ayotzinapa.
The Mexican government has introduced an apparatus to contain this conflict and the mobilisation resulting from mass suffering, thereby regulating demands for justice in both time and space. HRNGOs are actively engaged through the two core policies of the apparatus: the Mechanism for the Protection of Human Rights Defenders and Journalists –The Mechanism- (Instituo Mexicano de Derechos Humanos y Democracia, 2015, Cortez, 2014), and the National System for Victim Support –The System- (Sáenz, 2014, Taniguchi, 2012, Comisión Ejecutiva de Atención a Víctimas, 2015). Suffering is effectively managed in the following ways: through an institutional complex; through the construction of active and passive subjects; through fetishized palliatives that replace justice; and through the regulation of space and time to delay justice and prevent mobilisation.

**The Institutional Complex**

The Mechanism is an inter-institutional body designed to prevent, and protect against, violence aimed at journalists and human rights defenders and for the investigation of any such acts of violence. It was set up in November 2012 on the initiative of HRNGOs and basically assesses which activists are worth protecting. It was established through the enforcement of a bill intended to make it permanent and not conditional on political upheavals (Red TDT, 2012). While it enjoys inter-institutional representation, including the participation of HRNGOs, its operation is coordinated by the Interior Secretariat (Secretaría de Gobernación) which has the last word on who receives protection. There are representatives from five government ministries while four of the nine members of the Civil Society Consultancy Council represent the interests of human rights defenders and journalists.

For its part, the National System for Victim Support was set up when the Mexican Congress passed the Victims Law in 2012 in response to the demands of the MPJD,
headed by Javier Sicilia. The law establishes the creation of a committee, the Executive Commission for Victim Assistance (CEAV), whose members are elected by the Senate; it has no HRNGO or grassroots representation. It is formed by the President, the Ministry of the Interior, the Attorney General’s Office, the National Human Rights Commission, state governors and the CEAV.

The law also establishes that the System will include a unit for providing Legal Assistance to Victims, although it has yet to define the nature of this assistance; a National Victims Database intended to provide figures and data about victims of violence and human rights violations; and a Fund for Comprehensive Aid, Support and Reparations for Victims, to be administrated by the CEAV and intended to provide financial compensation and other types of reparations such as scholarships for the children of victims. The System is used to design public policy to provide protection, aid, support and reparations for victims at the local and national levels, although it’s principal achievement is political control of both passive and active subjects.

Both of these necropolicies have a complex institutional composition involving judicial as well as political bodies coordinated by the Executive Branch. Institutional complexity simultaneously gives the appearance of a justice body (attorney general), and the illusion of subject empowerment and autonomy (citizen participation) while guaranteeing maximum political intervention and the delay of justice.

The construction of active and the passive subjects

For the purposes of subjectification, the apparatus establishes limits for determining who can be considered a subject. In this sense, the Mechanism defines journalists as physical persons and mass media organisations working in the information sector; and
human rights defenders as individuals or members of groups whose work or personal aim is to promote or defend human rights.

Similarly, the Victims Law defines a direct victim as any individual who has suffered physical, mental, economic, or emotional harm as a result of a crime or a violation of their rights. Groups, communities or social organisations whose rights, interests or possessions have been harmed as the result of a crime or human rights abuse are also considered victims in this law. Indirect victims are relatives or individuals considered to be dependents of a victim. In order to claim they are a victim, any person who is suffering must fill out an application form that, among other things, demands proof from a governmental agency such as the National Human Rights Commission that this person is in fact a victim.

Both of these necropolicies construct and define two types of manageable subjects: HRNGO activists as active, participating subjects; and victims, journalists and human rights defenders as passive, objectified subjects. While the first is actively engaged in negotiations, with little or no political power for decision-making, the second is the person that suffers, the subject on behalf of which both the participating subject and the governmentalized state intervene. Their existence and suffering is therefore reduced to a manageable number and their political agency disappears in bureaucratic procedures.

_Palliatives for failed justice_

Bureaucracy for the Mechanism is split between three offices: the Case Reception and Quick Reaction Unit; the Risk Assessment Unit; and the Prevention, Follow-Up and Analysis Unit. Cases usually get stuck in the second phase. For instance, as of March 2014 the Mechanism entered into crisis since many cases were stuck at the “risk assessment” phase with some defenders failing to receive protection because resources
were not made available even when risk assessment had been completed. The funds for implementing these measures were not made available until a year and a half after the Mechanism was created and there is still a backlog of 100 cases.

Three types of measures are made available: urgent protection measures, which are immediate actions that should be enforced in no more than nine hours in order to protect the subject’s life or physical integrity; protection measures, which are actions and measures taken to help the subject deal with risk factors; and prevention measures, which are actions and measures intended to prevent violence. The protection measures usually provided for activists are bodyguards, armoured cars, and “panic buttons”, with the last of these being the most popular. According to interviewee Michael Chamberlain these are given away like “candy”, while some defenders maintain that help often arrives too late or not at all. In one case a panic button call was answered by the office of a private security company. In other cases there was not answer at all. Interviewees also claim that many defenders boast of their guards or armoured cars, thereby creating jealousy.

The Victims Law establishes that the CEAV will assess each case in order to establish whether the victim meets the criteria of “victim” and should receive assistance, support and economic compensation through the Fund for Comprehensive Aid, Support and Reparations for Victims, which is administrated by the CEAV. This fund is intended to provide economic reimbursement and other forms of reparations such as scholarships for the children of victims. In order to gain access to the fund, victims must request registration in the database, which requires the submission of official governmental proof of recognition as a victim or receipts for funeral and similar expenses. Interviewee Juan Carlos Gutiérrez complains that the focus of the victims system is material damage (reparations) as opposed to moral damage (justice).
In these policies, either alleged protection or compensation are the objectives while justice or an end to impunity are not expected in the foreseeable future. These effectively become fetishized in the form of material palliatives such as panic buttons, travel expenses, cars, and scholarships while the process for receiving them is so drawn out that, even if they do arrive, they become fetish objects of justice and palliatives for the end of impunity.

_Regulation of space and time for the delay of justice and the prevention of mobilisation_

Although HRNGOs commenced negotiations for the Mechanism in 2009, it was not established until 2012. The General Victims Law was originally presented to Calderón and members of Congress in 2011 but was not approved until a year later, while the administrative bodies constituting the Victims System did not come into force until January 2014. The administration of suffering in space and time in these two necropolicies occurs from the outset, during the planning period. However, this management of time and space is maximised when activists realise these policies are not working and the focus shifts from the achievement of protection or reparations to demands for the proper operation of these instruments. When HRNGOs go to the press to denounce the failure of these policies, justice and an end to impunity become secondary topics.

To sum up briefly, the institutional complex, the time needed for the classification of subjects, and the time elapsed before receiving a substitute introduce suffering persons and activists into a bureaucratic structure that imposes a procedural timeframe that rarely leads to justice or an investigation of the reasons why a subject is suffering.

**Conclusions**
This article has used a framework of governmentality and necropolitics to analyse how policy is at the heart of what can be called the apparatus for the management of suffering. HRNGOs unintentionally participate in this apparatus through their involvement in its core necropolicies, with policy expertise derived from the technocratic turn of HRNGOs making this possible. The argument set forth here is intended to open up new lines of research in the study of HRNGOs that moves beyond triumphalism.

Nevertheless, one question remains to be answered: is there a way for HRNGOs to avoid becoming involved in necropolicy? I believe there is, but they must begin a process of reflection that includes critical analysis of their work and their role in managing, rather than reversing, suffering. They must also return to their roots and engage in a form of politics that reinforces victim demands for meaningful justice. In order to do this, they must target the root causes of violence rather than measure violence, deaths and the cost of victim attention and once again engage in politics.

**Interviews**


**Bibliography**


ANSOLABEHERE, K. 2015. Mexico’s crisis is a rare opportunity for domestic rights groups *Open Global Rights* [Online]. [Accessed February 12].


RED TDT. Mecanismo de Protección para Personas Defensoras y Periodistas. XLIV Asamblea. 12-14 de octubre de 2012.

, 2012 Tlapa, Guerrero. IMDH.


TANIGUCHI, H. 2012. La Ley General de Víctimas: un logro más para el Movimiento por la Paz. CNN México [Online].

VALENCIA, S. 2010. Capitalismo Gore, España, Melusina