

Denouncing sex crimes, a process of double victimization: as seen through the eyes of victims of sexual violence

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semblance

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Abstract

This article first deals with sexual violence as a serious problem surrounded by silence, power, control, dominance and asymmetry between the perpetrator and the victim, and even under certain circumstances its prevalence. The consequences that this kind of violence may bring to the individual are described, since these go beyond the sexual aspect, entering into the social, physical, psychological areas and the area of rights. This violence perpetrated, mainly, against women, reflects a culture that is organized, structured and legitimizes dichotomous relations between genders, in which one is subordinated to the other.

Moreover, a brief history of the attention to victims in Mexico is made, as well as acknowledgement of their rights, placing emphasis on the appearance of attention specialized in sex crimes. Finally, from the viewpoint of the victims of sexual violence we take a look at what happens when the victim denounces the event he/she has undergone at the Special Agency for Sex crimes of the Office of the Attorney General of the Federal District, where people say they are doubly victimized.

Keywords: sexual violence, specialized attention to victims of sex crimes, secondary victimization or double victimization.

Introduction

Sexual violence, an act which transgresses the most intimate facet of an individual, is abuse based on gender,¹ which shows the

system of subordination that one gender exercises over the other. This kind of violence is the most complex to register, since

1 Gender: As a set of social ideas, representations, practices and prescriptions which a culture develops based on the anatomical differences between the sexes, for socially building what "belongs" to men (masculine) and what "belongs" to women

(feminine) (Lamas, 1999, p. 84). It forms part of social relations based on relations which distinguish between the sexes and gender is a form of significant relations of power" (Lamas, *Usos, Dificultades y Posibilidades de la Categoría Género*, 1996, p. 330).

it is surrounded by silence, dominance of one individual over another in an asymmetrical relation of control and power. Furthermore, in the legal sphere it is pointed out that sex crimes are hidden events, and therefore difficult to prove. Numbers on the matter usually come from statistical sources of health and legal (denouncements) services. Information is scarce and fragmented and therefore does not reflect the totality of what has happened in these cases. In this respect, various authors point out that only one out of every ten cases of sexual violence is registered and this kind of violence is difficult to recognize because it is surrounded by silence, stigmas and taboos, which lead victims to not talk about what has happened to them very much out of fear of retaliation, being found guilty or not being believed, shamed, or fear of being submitted to another kind of indignity (National Report on Violence and Health, 2006: 163; Velázquez, 2003).

In this regard, the World Health Organization² defines sexual violence as:

any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work (National Report on Violence and Health, 2006: 1161).

Among the different kinds of sexual violence we may find harassment, exhibitionism, incest, rape, statutory rape, sexual

abuse, child pornography and sexual exploitation.

Similarly, various organisms such as the Inter-American Court of Human Rights, the Law for Access by Women to a Life Free from Violence, the Model for Training to Feel, Attend to and Prevent Family, Sexual and Gender Violence for Professionals of ADIVAC and the Chilean Institute of Reproductive Medicine point out and associate violence with: acts or attempted acts with unwanted sexual content or sexual practices which are carried out involuntarily (obligated), by means of force and coercion caused by control and manipulation; implying also relations of subjection and asymmetry (in the case of children) (National Report on Violence and Health, 2006: 161; Law for Access by Women to a Life Free of Violence, 2008: 4; Martínez, 2008: 15).

What stands out in these contributions is the violent character of one individual against another while carrying out undesired or coercive sexual conduct, using deceit, manipulation, control or dominance which has serious consequences for an individual. Sexual violence is a kind of violence which is usually exerted against women and is reflected in an act of:

subjection based on the power obtained, in this case, by violent sex in inter-generic and inter-generational relations, historically encouraged by culture and made invisible by culture itself (Núñez, Totolero, Verschuur, Camacaro and Mendoza, 2008: 234).

Thus the consequences for an individual of sexual violence are varied and will depend on certain factors, among these:

² From here on out we shall refer to the World Health Organization as WHO

- Kind of abuse
- Length
- Number of times the victim was abused (frequency)
- Identity of the abuser. There will always be a greater impact when the perpetrator is a person close to the victim (father, spouse, uncle, cousin, godfather) because these people are people the victim trusted and expected would provide protection,
- Use of force (Batiz and Pérez, n/d: 2).

The consequences are reflected in effects, among which are:

- *Physical*: sleep problems, nightmares, lose of bladder control, physical disability, pregnancy, sexually transmitted diseases.
- *Behavioral*: self-inflicted behavior.
- *Emotional*: generalized fear, hostility and aggressiveness, shame and feelings of guilt, depression, anxiety, low self-esteem, feelings of stigmatization, rejection of one's own body, distrust and resentment towards adults (in cases where the victims are minors), post-traumatic stress, anxiety disorders, tentative ideas of suicide, personality deterioration, sub-self-esteem.
- *Sexual*: in the case of children, premature and inappropriate sexual knowledge for the age and level of development, problems of sexual identity, excessive sexual curiosity; in the case of adults, negation to exercise one's sexuality.
- *Social*: deficit in social abilities, social retraction, anti-social behavior.

These consequences may range from short to long term and their seriousness

depends on whether the violence is revealed and whether a therapeutic process or denouncement within the legal system takes place (Inmujeres, n/d: 14; Echeburúa and Corral, 2006: 79).

Sexual Violence in Numbers

With respect to the magnitude of the occurrence of the phenomenon in the international sphere, for the year 2012 WHO estimated that 150,000,000 girls and 78,000,000 boys and young people had been subjected to at least one coerced sexual relation, and that a third of the adolescents in the world began their sexual life with forced sexual intercourse (*Sexual Violence in Educational Institutions*, n/d: 2).

In the concrete case of our country and taking into account the numbers of the National Report on Violence and Health in Mexico, 2006, it is estimated that one in four women in the world have undergone sexual violence at some point in their lives, and that per year 12,000,000 people are the victims of sexual violence. From studies carried out in Mexico and the United States it is estimated that between 40 and 52% of the women who were subjected to physical violence by their partner, have also been the victim of sexual violence by that same partner, pointing out that the most vulnerable age for a women to be the victim of a sexual attack was during adolescence (*National Report on Violence and Health, 2006: 1; Urrego-Mendoza, 2007: 40*).

Sexual Violence is a serious crime for which there are few records in our country. The figures we have access to, as we had mentioned earlier, come from healthcare

and legal services and show sub-recording of these events.

When the models of agencies specialized in sex crimes came into being in 1989, the Office of the Attorney General of the Federal District carried out diagnosis of victims of sex crimes with data from 380 cases for 1984 and 317 for 1988 in which they found that of registered sexual victimization 95.53% were women, of these 65% were between 12 and 18 years old and 24.21% were under 12. With respect to the kind of victimization what was discovered was that 56.06% were rape, 10% statutory rape, 7.63% indecent assault and 1.58% incest. These figures, while they involve registry from two periods, begin to show the tendency of sex crimes which are reported, although they do not reflect the true magnitude of the phenomenon (Lima-Malvido, 2004: 44).

For the year 1997 it was pointed out that in Mexico City 6.3 sex crimes were reported per day and between that year and 2003 53,000 sex crimes committed against minors were reported, an average of 7,600 per year or 21 per day (De la Garza-Aguilar and Díaz-Michel, 1997:2; National Report on Violence and Health, 2006:36).

With respect to the crime of rape, in Mexico it is estimated that every 4 minutes a girl or woman is raped, but some of these are not reported since on the few occasions when the victims look to the legal system for justice, they are treated with suspicion, apathy and lack of respect. Various authors point out that, in general, these figures only reflect the tip of the iceberg since it is estimated that only one in 10 sexual aggressions are denounced

while the other sexual aggressions remain in the realm of silence, hidden and at times the victims may never in their lifetime reveal what happened to them and if they do decide to mention it, it is highly improbable that they will begin a legal process (*Victims por Partida Doble* (Twice Over Victims), 2006:10; Saucedo, 1997: 392; Nuñez, Totolero, Verschuur, Camacaro and Mendoza, 2008).

In relation to sexual violence against children, it was estimated that in the Federal District, for the year 2005, five sex crimes were committed daily against boys and girls in Mexico City. It is also estimated that 1,868 preliminary investigations were begun in the matter of sex crimes against children, rape with 503 cases and sexual abuse with 803 cases. Of the victims 1,654 were girls and 214 boys (Model of Prevention and Attention to Mistreatment and Sexual Abuse of Girls and Boys. Practical Theoretical Guide, 2008: 27).

Besides underreporting of cases of sexual violence there are other challenges faced not only in the concrete case of Mexico, but even in other countries, which have to do with the criteria used and classification of sexual violence of sex crimes in the norms in force today which determine how cases shall be dealt with.

On the classification of sex crimes

The Federal Penal code considers crimes which involve sexual violence are Crimes against the Freedom and Normal Psychosexual Development, while the Federal District considers them to be "Crimes against freedom and sexual security and normal psychosexual development," and

include the term sexual security. In Table 1 we show a comparison between the two codes based on the classification of these crimes.

In this sense, the table only reflects the non-harmonization or lack of homologation of the criteria of sex crimes.

In this sense, the concept of sexual violence has been shown along with the effects they have on the individual, the figures on occurrences and how sex crimes have been typified. In this respect we wonder: what is the attention to victims of sex crimes in Mexico? What happens when a person who has undergone sexual violence decides to denounce the event? The present research was carried out between 2015-2014 and shows the viewpoint of people who have lived through sexual violence and denounced the act in one of the Special Agencies for Sex Crimes dependent on the Office of the Attorney General of the Federal District. It shows how they experienced this process and what some of the effects on the person who underwent sexual violence were when they turn to a system which victimizes them again.

How does the figure of Specialized Attention to Sex crimes arise?

In general we can point out that the institutionalized attention to victims of crime arises in the midst of historic oblivion. And why do we affirm this? Attention had always been given to the perpetrator of the crime, leaving the victim in second place (Rodríguez-Manzanera, 2008: 9). It can be affirmed that the victim has been ignored; greater importance is given to the criminal.

Who are the victims? The United Nations understands victims to be:

persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States (1985: 1).

In Mexico victims are defined as:

Those people who have directly suffered harm or physical or mental injury or in general any acts that put them or their legal goods and rights in danger as the consequence of the commission of a crime (General Law of Victims, 2013: 2).

In both cases mention is made of the victim who receives harm when a crime is committed; the injury may be of various kinds, physical, emotional and in relation to material goods, among others; therefore specialized attention is needed. But how has the process evolved? Historically the victim of crime has been kept in oblivion by institutions. Upon making a general review of how attention has evolved, we realized that emphasis and interest was always placed on the person who had committed the crime and in showing the crime had been committed, leaving to one side the consequences which the crime had had on the life of the person who was victimized. Therefore the victim was relegated to the background, in the gloom of the process of procuring justice, was even depersonalized.

Table 1 Classification of Sex crimes

Crime	Federal Penal Code	Penal Code of the Federal District
Rape	Consists of carrying out through physical or moral violence copulation with a person of either sex; copulation understood as the introduction of the male member or any other instrument into the body of the victim via vaginal, anal or oral. Article 265 adds that carrying out copulation without violence with a person under fifteen years of age or a person who does not have the ability to understand the meaning of the act or for any other reason cannot oppose the act is equivalent to rape.	This crime is considered to be carrying out copulation with a person of either sex through physical or moral violence; copulation being understood as the introduction of the penis into the human body via vaginal, anal or oral, and introducing any other element, instrument or part of the human body other than the penis into the vagina or anus, by means of physical or moral violence. Article 174 adds that this crime includes when these actions are carried out against someone who is not able to
Sexual abuse	Consists of someone forces a person, without his consent or obligates him to carry out sexual acts on him or another person without achieving copulation. These sexual acts include fondling or obscene body groping or acts which explicitly represent sexual acts or obligating the victim to represent them, when	Consists of the one who without the consent of a person and without the purpose of achieving copulation, carries out on another sexual acts, obligates another to observe him or makes the other person carry out these acts. Article 176 also adds that acts carried out against someone who is not able to understand the meaning of the act or for any other reason is unable to repel the act. Art. 177
Sexual Harassment	Considered when a person repeatedly besieges another with lewdly. It may be a person of either sex, taking advantage of his hierarchical position or subordination (work place, teachers, maids), even if	
Sexual molestation		When someone asks for sexual favors for himself or for another or acts in a way which is sexually undesirable for the other person, which may cause him harm or psycho-emotional suffering which affects his dignity. Article 179 adds that there is an increase in the sentence when there is a hierarchical relationship between the aggressor and the victim (work place, teachers, maids), or when
Statutory rape	Carrying out copulation with a person over fifteen years and under eighteen of age, having obtained his consent by trickery. Art. 262	Carrying out copulation with a person over twelve and under eighteen years of age, having obtained her consent through any kind of trickery.
Incest	When ascendants have sexual relations with their descendants, providing the victim is of age. It is established that when the victim is a minor, this behavior will always	Considered to be siblings and ascendants or descendants in a direct blood relationship who knowingly to the victim have copulation with her. Art. 181

Source: My own elaboration based on the existing Federal Penal Code and the Penal Code of the Federal District.

In a study on the reforms of the social justice system in Colombia, it is mentioned that there has been an abstract vision of the figure of the victim, and that this is loaded with traditional and dogmatic criteria, with pretensions of universalization and dehumanized. The protagonists of the criminal drama (the victims) are stripped from the conflict and the penal process becomes a scenario which only has room for the victimizer and the State, that is to say, the victim is forgotten (Sampedro, 2005: 97).

This proves that the victim of the crime as an important figure within the institutional norms and attention is a recent phenomenon. As mentioned earlier, the victim of the crime has been relegated and the emphasis was on the perpetrator. Rodríguez-Manzanera (2008: 9) affirms that the victim has been ignored, abandoned: more importance is placed on the criminal.

In his work, *Victimología* (Victimology), Rodríguez-Manzanera (2008:30) mentions that the first studies on Victimology in the light of criminology and the first research began in the 30s. In 1956 Benjamin Mendelsohn published a classification of victims. In 1948 Hans von Henting published *The Criminal and His Victim* and Henry Hellenberg began his study called "The Phenomenon of Victim" and also proposed a typology of victims. With these contributions the victim begins to be conceived as a fundamental element in imparting justice. However, texts refer more to the typology of crimes and the relation between criminal and victim, far from looking at the consequences this has on the life of the latter.

It is not until the 70s that the victim is begun to be seen as a key part of denunciations and the workings of the institutional legal system. This has brought about a long process of acknowledging the duties and rights which with the implementing of international as well as national mechanisms has set into motion laws, protocols, models and programs whose goals are to provide attention to victims of crimes, in this case, of sex crimes. In Mexico various institutions have arisen in this respect such as the Fiscalías Centrales de Investigación para la Atención de Delitos Sexuales (Special Prosecutor for Investigation and Attention to Sex Crimes), Ley General de Víctimas (General Law of Victims) (2013) PROVICTIMA (Pro-victim), among others (Pérez, 2004; Rodríguez-Manzanera, 2008).

Attention to Victims. The case of Mexico

In Mexico it was also true that victims were second place. In the Political Constitution of the United Mexican States, Article 20 consecrates the rights and guarantees of victims, but this has not always been so, due to various reforms. We will now make a brief overview of these reforms, pointing out that they have conceded rights and obligations to victims as well as guilty parties:

- The Constitution of 1857. In this document we find the guarantees which the accused shall have in criminal trials. There is no mention made of the rights and guarantees of the victims.
- *The Political Constitution of the United Mexican States of 1917*. In Article 20 this established the guarantees of the

accused in trials of legal proceedings. We shall now mention some of the main reforms to this article and how the figure of victim has been incorporated into the constitution.

- In 1948 the rights of the accused predominate. In this year mention is made for the first time of the victim in function of reparation of material property damage and the amount of reparation for damages.
- In 1969 Article 20 provided a legal basis for publishing the Ley de Auxilio a las Víctimas del Delito (Law for Aide to Victims of Crime). In said law it is acknowledged that the victim has been a "forgotten vertex" in criminal policies and that the inclusion of the victim is extremely important. It was established that the State should provide effective aide in various fields, such as medical, work-related, educational and welfare. A fund was also created for reparation of harm which would consist of economic resources contributed by the State and by individuals, for the purpose of lessening the harm caused to the victim (Law for Aide to Victims of Crime, 1969: 1).
- In 1985 new rights for the accused are included (such as bonds), disregarding the victim despite the fact that in the international sphere the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power had been approved.
- In the reform of 1993 rights were granted to the victim or offended party for the first time. Among these were: the right to legal counsel and

collaboration with the Public Prosecutor's Office.

- In the reform of 1996, while it does not grant rights to victims, the guarantees for the accused are restricted.
- In the reform of 2000 the rights of victims or offended parties are established, separating in separate paragraphs the rights of the accused and the rights of victims. It must be pointed out that for the first time mention is made of sex crimes in the Constitution and six fundamental rights are acknowledged. These are:
 - The right to receive legal counsel from the Public Prosecutor's Office. Said counsel must inform the person of his/her rights set down in the various laws in favor of the condition of victimization, and he/she must be kept up to date on the developments of the procedures.
 - Assist the Public Prosecutor's Office. This consists of putting all of the elements necessary for accrediting the crime at the disposal of the Public Prosecutor's Office (Rodríguez-Manzanera, 1995: 202).
 - Receive emergency medical and psychological attention.
 - Reparation of damages.
 - The right, if the victim is a minor and the crime is a sex crime, to not meet the accused face to face.
 - The right to request the measures of protection and aide that the law provides for.
- In 2008 the following guarantees were included in section C, in addition to the six previous rights:



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- The right to safeguard the identity and other personal data when the crime is sex crimes, organized crime, rape or human trafficking.
 - The right to contest before a legal authority the omissions of the Public Prosecutor's Office in the investigation of the crime, as well as the resolution on the reserve of non-action, withdrawal of legal action or suspension of the proceedings when the victim is not satisfied with the reparation of damages.
- During this period, besides the reforms to Article 20, other normative elements which set guidelines for victims also arose, including:
- In 2001 in the Official Gazette of the Federation, Agreement A/018/01 was published which established, with respect to the guarantees for victims and injured parties, the guidelines to be followed by the Offices of Public Prosecutors. Among these we find:
 - The immediate appearance of the victim and he/she should provide

- her data, she shall be informed of her rights and explained the stages and development of the legal proceeding.
- The obligations of the personnel of the Public Prosecutor's Office are laid down.
- The General Law of Victims (2013). This law stipulates the guidelines for attention to victims of crime and violations of Human Rights. There are events which determine the need to implement the law, ranging from the declaration of war on drugs (more visible during the previous presidential period), forced disappearances, recommendations of international organism in matters of Human Rights and the large numbers of victimization, in which 24.5% of the population over 18 years of age says to have been the victim of some kind of crime (Vértigo Político, 2013). These factors were the framework for the creation of a law which visibilizes and guarantees the rights of victims. But what does this law seek to achieve? Its goal is to acknowledge and guarantee the rights of the victims of crimes and Human Rights violations, through the creation of institutional mechanisms which comply with these ends. The basic assumptions of this law place emphasis on the right to attention, establishing four instances in which attention should be provided:
 1. Assistance to the victim during any administrative proceedings related to his/her condition as a victim;
 2. Assistance to the victim in the legal process during the stage of investigation;
 3. Assistance to the victim during the time of the trial;
 4. Assistance to the victim during the time following the trial. Article 66 (General Law of Victims, 2013: 23).

This section acknowledges that the victim will have different needs in each stage of the process and therefore the services she is given shall be appropriate for each stage. It stipulates that the victim shall be guided by various principles which shall always be followed by the public servants so as the services of aid, attention and assistance reach the victim when he needs and wants them. In Article 5 of this law we find some of the principles, such as:

Dignity. This involves understanding that the person is the holder and subject of certain rights which guarantee he/she shall not be the object of violence and arbitrary decisions by the State or individuals.

Good faith. The authorities shall presume the good faith of the victims. The public servants who intervene in assuring the rights of victims must not criminalize them or blame them for their situation as victim.

Due diligence. With the certitude that the victim is the holder of certain rights, the State should do everything necessary to provide integral attention.

Differential and specialized approach. This principle includes adopting particular measures based on the vulnerability of certain groups of the population, since it is known that some groups require specialized treatment.

Integrity, indivisibility and interdependence. In accordance with this principle

it is established that all of the rights included in the law are interrelated and that if enjoying one right is guaranteed, hence enjoyment of all the others is guaranteed.

It is important to point out two of these principles, since they are the backbone of the effects which institutional mistreatment and violence may have on victims:

The Principle of non-criminalization in which it is established that "the authorities shall not compound the suffering of the victim, nor in any case treat him/her as a suspect or responsible for committing the events which he/she is denouncing".

Secondary victimization, in which are laid down that "the specific characteristics and conditions of the victim shall not be reasons for denying that he/she is a victim. The State may not demand mechanisms or procedures which aggravate the victim's condition, nor establish prerequisites which obstruct or prevent his exercising his rights nor expose him/her to suffering new damage due to the behavior of the public servants (General Law of Victims, 2013: 4).

Each of these principles seeks to protect the rights of people who have been the victim of a crime and assure that the attention given to them is carried out in keeping with these principles. 30 rights of victims are set down in this law. We shall point out some of them:

- The right to humane and respectful treatment.
- The right to request and receive specialized attention.
- The right to protection of his/her intimacy.

- The right to receive accessible, appropriate, sufficient, prompt and efficient proceedings.
- The right to clearly and precisely receive information.
- The right of non-discrimination.
- The right to be effectively heard.
- The right to access available mechanisms of justice.
- The right to prompt and effective investigation.
- The right to actively participate in the search for the truth.
- The right to freely express his/her opinions and concerns. Art. 7 (General Law of Victims, 2013).

Upon taking up these rights we can clearly see the determinant role played by the personnel in their attention for the effective exercising of these rights, since the personnel are the means for the person who has undergone sexual violence to access these guarantees.

Services of Attention to Victims in Mexico City

With the creation of the Center of Family Violence dependent on the Attorney General's Office of Mexico City in 1990, came the creation of specialized centers which would increase the services to victims of crimes, such as the Center for Violent Crimes which later gave rise to six more centers brought about by a structural change in the PGJDF and the creation of the Dirección General de Atención a Víctimas (General Office for Attention to Victims) (Solís, Aragón and López, 2007).

This is when the victim is once again placed as a central part of crime and becomes subject to rights, in which the

goodwill of the regulations is not enough, but rather it is necessary to provide the infrastructure necessary to achieve the goal of attending victims. This is reflected in the fact that by 2002, 23 states had services of attention to victims, among these the Federal District, and nine had laws for Attention to Victims (Lima-Malvido, 2002: 96-106; 2006: 79).

What about Specialized Attention for victims of sexual violence?

Sex crimes require specialized, integral attention. We have the General Model of Attention to Victims. The General Law of Victims establishes that the State itself must create mechanisms in order to establish specialized attention for some kinds of crimes. This is the case of sexual violence which demands a model with the correct infrastructure. This model of specialization and sensitization that the personnel who provide attention believe in because all kinds of crimes cannot and should not be treated equally; each one needs specific attention: robbery, kidnapping, breach of confidence and rape, among others (Lima-Malvido, 2002: 96).

The Law for Attention and Support for Victims of Crime in the Federal District (2003) establishes that when the crime threatens freedom and normal psycho-sexual development, victims have the right to receive attention from personnel of their same sex. What should be included in this kind of service? It is believed that due to the conditions of gender, the victims, who are mostly women, feel more comfortable in their passage through the legal system (Law for the Attention and Support for Victims of Crime in the Federal District, 2003: 4). The services for victims

of sexual violence consist of integral attention, keeping in mind the areas of affectation which is a consequence of this kind of violence.

The creation of the Model of Agencies Specialized in Sex Crimes, as part of the Model of Attention to Victims in Mexico in 1989 and which today depends on the Central Prosecutor of Investigation for Attention to Sex Crimes of the Office of the Attorney General of the Federal District, makes it necessary to count on services specific to the crime in question. María de la Luz Lima-Malvido was the one who elaborated and coordinated the implementation of this program whose main objectives were:

- To provide attention and assistance to the victim, with therapeutic models as well as providing guidance and information.
- To optimize criminal investigation. Technical specialization and implementation of the operative elements which facilitate the investigation are basic pre-requisites.

In the same way, it presents 44 secondary objectives. Among these the following stand out:

- To create an organism in which decent treatment is provided for victims of sex crimes.
- To provide immediate guidance to the victim of sex crimes so that evidence is handled opportunely.
- To provide information on the support centers which provide complementary help.

- To inform the victim of the importance of their acts (that is, explain to them each step to be followed within the legal process).
- To take the statement in a discreet and anonymous sphere.
- To provide emergency psychological help to persons who have undergone sexual violence that will allow them to counterbalance their feelings of guilt and fear, for example.
- To detect and correct flaws in the ideological handling of concepts which negatively influence the resolution of sex crimes, as well as technical legal-penal flaws.
- To count on a specialized interdisciplinary technical team which is sensitized in matters related to sex crimes (Lima-Malvido, 2004: 37-41).

This model seeks more focus on the victim, abandoning the historical emphasis on the perpetrator, creating, even in a physical sense, more spaces where victims of sex crimes may be helped with dignity, pointing out that the agencies and offices of the public prosecutors are designed for the aggressors and not for the victims and for attention to their needs. In this sense, today this vision lingers. When one goes to one of the six Special Agencies for Sex Crimes, she can observe closed in spaces which are not suitable for taking declarations; in some cases there is no privacy (there are people laughing at one's declaration and at the next desk there is another person suffering from the same fate).

On the other hand, the model is trying to provide immediate, efficient, warm attention to victims so that the person is not

revictimized. This attention contemplates taking the victim's initial statements with the following services:

1. Taking the declaration
2. Medical attention
3. Psychological attention
4. Detectives

What happens when the victim feels violence in this process? Lima-Malvido points out that over half of the victims of crime in the whole world are unhappy with the way their complaints are handled, due to the fact that the personnel attending them has no specialized expert knowledge nor any humanitarian focus which would allow them to be kind and consider the physical and emotional needs of victims. What is it that causes this discontent?

Denouncing sex crimes.

A process of double victimization?

The viewpoint of victims of sexual violence

The results presented here were reached through qualitative research whose purpose was to find the factors which are involved in the probable occurrence of the phenomenon of secondary victimization. In this article we show only part of the results of said research which has to do with the viewpoint of victims in the face of the phenomenon of double victimizations or secondary victimization which takes place while giving her statements at the Special Agency for Sex Crimes, a process which for the purpose of the present investigation we have called "front line attention." This refers to the first contact or first actions

aimed at the attention, respect and protection of citizens who have been victims of criminal acts. This consists of the aid the victim receives from various personnel, police, doctors, psychologists, social workers and centers for specialized attention (Marchiori, 2012); that is to say, aid to the victim in the criminal justice process during the stage of investigation of the crime.

The construction of data was done through semi-structured, focused interviews of direct and indirect victims (parents of victims or sexual violence who were minors and who accompanied them in the process of denouncing the crime) of sexual violence. In order to obtain access to the informants and within ethical criteria and respect, we counted on the support of the Asociación para el Desarrollo Integral de Personas Violadas, Asociación Civil (Association for the Integral Development of Violated Persons, Civil Association) (ADIVAC). The qualitative aspect of this investigation stands out, meaning that the subjects were given voice. This goes beyond learning the data on sex crimes. We point out that it is necessary to understand the particularities of the phenomenon in order to get a deeper view and for this it is necessary that we ask what elements influence the existence of double victimization.

In this section we begin by pointing out that a culture of denouncing does not exist: most sexual violence is not denounced. When someone has experienced some kind of sexual violence, in the first place she will look for psychological or medical services. Sexual violence as one of the kinds of violence which transgresses merely physical aspects, has multiple consequences for the individual, presenting a

huge sub-registration, above all because these kinds of crimes are carried out in hiding. This is when various questions pop up: What happens in the face of this victimization? Is it recorded? Are the illegal events denounced?

The result of the National Survey on Victimization 2012, carried out by the National Institute of Statistics and Geography (INEGI), recorded that 24.5% of the population over 18 years of age had been the victim of some crime, that is, one fourth of the entire population has been victimized. The same survey points out that the figures for non-denounced crimes ascends to 91.6% and this is due, among other factors to: fear of the aggressor, fear of extortion, because the victim thinks the crime is not so important, because the process of denouncing is difficult and making a denouncement is a waste of time, because the authority has a hostile attitude and thus they do not trust them.

In the same way, the text *Violencia Sexual en Latinoamérica y El Caribe: Análisis de Datos Secundarios* (Sexual Violence in Latin American and the Caribbean: an Analysis of Secondary Data) reviewed over 200 documents from all of Latin America, including Mexico, and mentions that the reasons women and girls do not denounce acts of violence are varied. Among these we may point out:

- Stigma, shame and discrimination: these three elements are those most mentioned by victims when asked about why they did not denounce the event nor seek help.
- Fear of retaliation by the perpetrator (many time the perpetrator is among a victim's acquaintances).

- Felling of guilt.
- Denouncing is complicated, dangerous and there is very little possibility of any benefits (Conteras, Bott, Guedes and Dartnall, 2010: 42-43).

In this sense, the motives for which people did not denounce criminal acts including sex crimes have to do in the first place with the negative cultural baggage which prevails towards people who have experienced sexual violence, and later with the almost non-existent trust they have in the State and the authorities who provide the service.

According to the *Survey of Victimization and Perception of Security* of 2011, people who have experienced violent acts do not denounce them for various reasons, among these because they think it is a waste of time, they think that the crime is not very important and also because they do not trust the authorities. This reflects the lack of trust citizens have in the system, not only in the processes, but also in surveillance and exercise of rights.

The National Center for Gender Equity and Reproductive Health of the Ministry of Health estimated that in 2006 over the preceding years there had been 3.5 denunciations for rape in the Federal District. They estimate that this figure only represents 10% of the existing cases and that in reality there are around 130,000 cases of rapes of women per year (*Victimas por Parida Doble. Obstrucciones al Aborto Legal por Violación en México, 2006: 12*) (*Victims Twice Over. Obstructions of Legal Abortions for Victims of Rape in Mexico*).

Human Rights Watch carried out a study between October and December 2005 based on interviews with lawyers, doctors, agents of the Office of the Public Prosecutor, public employees and victims of rape in the regions of Baja California Norte, Chiapas, the Federal District (Mexico City), Guanajuato, Jalisco, Morelos, Nuevo León, San Luis Potosí and Yucatán. Said investigation centered on analyzing different kinds of behavior of public servants which at some point in time became negligent, and which should have been sanctioned since at times this negligence included refusing to inform all of the victims of the possibility of legally interrupting a possible pregnancy. As a result of the investigation Human Rights Watch produced the report called *Victims Twice Over. Obstructions of Legal Abortions for Victims of Rape in Mexico*, which affirms that some of the reasons for which cases of rape continue to go unsanctioned in the country have to do with three fundamental problems:

1. There are few registered denunciations of cases of sexual violence, and therefore there is a sub-estimate of this crime.
2. The legal framework is inadequate in preventing sex crimes, protecting women and punishing the responsible parties.
3. Existing legal standards are weakly implemented (*Victims Twice Over. Obstructions of Legal Abortions for Victims of Rape in Mexico, 2006: 10*).

The Inter-American Commission on Human Rights, in its report in 2007, points out that little attention has been paid to

the need to confront the discrimination surrounding sex crimes and, therefore, Member States have not had proper performance. In this sense this unleashes violations of Human Rights during the processes of attention to victims (Núñez and Zuluaga, 2011: 140).

Secondary victimization or double victimization is a kind of institutional violence or abuse which is complex when analyzed from the social dimension since it is necessary to study its origins, causes and manifestations, that is to say look at the reasons behind the phenomenon despite that fact that there exists the infrastructure and regulations to confront it.

Various authors point out that the lack of basic infrastructure, patriarchal attitudes and behavior of the people who provide services are some of the responses to permanent double victimization. It is a system which justifies the actions of perpetrators and blames the victims [...] structural problems such as insufficient personnel complicated and overly "bureaucratic" procedures which "have to do with the slowness and ineffectiveness of the social and legal measures taken by authorities in charge of attention to victims" (Conteras, Bott, Guedes and Dartnall, 2010: 10).

This double victimization is understood to be "suffering imposed upon victims by institutions more or less directly in charge of carrying out justice" (Maza, 2000, in Núñez and Zuluaga, 2011: 271).

In reality, people who have experienced sexual violence at times are once again victimized by the system which is supposed to provide justice.

How can we not make value judgments and understand that the hetero-patriarchal system reproduces this concept in models of attention?

The cultural baggage of androcentrism is present within our justice systems and is even a part of the representations which offices of the public prosecutors, detective, psychologists and those who make up the Special Agency of Sex Crimes have. While some of these employees have had training in matters of human rights, gender, violence, among other concepts, of the professionals interviewed only one mentioned having had this kind of training, while the others (Public Prosecutor, detectives and psychologist) said they had been assigned to the area without any previous specialized training, aside from their professional training.

They themselves admit that they have acquired the tools they need in this area as they go along and say that they do the best they can for the people who come in for attention, although they acknowledge the number of people seeking services is far beyond the number of people who work in these agencies.

The people who come for attention are seen as people in a state of constant victimization. They are perceived as vulnerable, hurt and in a state of crisis, with pain. Various authors point out that this first contact is critical, since it affects the victim's recovery. With this in mind we wonder, how do they live the experience? (Marchiori, 2012: 53).

In answer to this, in the findings of our research among the persons who experience a violent act, directly or indirectly, we find some categories such as:

Depersonalization

"The worst violence was when the Public Prosecutor said to me, 'your rapist!'"

Alicia, 34 years old

Event: rape³

Women who had experienced some act of sexual violence, in this case rape, point out that they are constantly called "the victim," without calling them by their names. They are constantly referred to only by numbers or investigations. Many of them wish they had been called by their names, not being considered mere objects. They say themselves that the condition of victims was only during the time that they were being attacked and after that they are citizens exercising their rights, the right to justice.

Guilt-placing

"People look at you as if it was your fault for being a woman."

Miriam, 32 years old

Event: rape

Various authors point out that one of the characteristics of sexual violence is that many of the people who have experienced it feel that in some way they did something to provoke victimization, from girls and boys, adolescents or adults. They say they feel responsible for the events. With respect to this, Martínez (2008: 27) mentions that it is extremely important that when a person has been attacked sexually, she be treated with sensitivity

³ Each of the quotes was taken word for word from the interviews and placed along with the age of the person who experienced sexual violence and the kind of violence she experienced. The names have been changed.

and not make value judgments (place the blame on her).

Lack of credibility

"It seems like they are searching for a lie and not the truth."

Elena, Patricio's mother. Patricio was 10 years old and was sexually abused by his primary school teacher.

"The doctor told me he would make up more things because what he had done to me was not enough for authorities to detain him".

Alicia, 34 years old

Event: rape

In this sense, we can see that the system is permeated by the same patriarchal culture which legitimizes and minimizes sexual violence against women, in contradiction to the good faith established by the General Law of Victims, in which it is pointed out that at no moment and under no circumstances shall victims be criminalized or made to feel responsible for the situation she has experienced. According to various authors, many people who have experienced sexual violence go through the phase of revealing the secret, breaking the silence which has kept them in the condition of victimization, even more so in children who were attacked sexually who ask themselves whether: "they will believe me." Finding oneself up against a system which also doubts their credibility causes the person wear and tear since now she not only faces the consequences of the violent sexual act, but also having to face these kinds of accusations in the process of denouncing.

Lack of information

"I answered 'yes' to everything because no one explained what I was supposed to do."

Alicia, 34 years old

Event: rape

"They didn't tell me it was for an expert report, they told me it was psychological help."

Alicia, 34 years old

Event: rape

"They gave me some things to sign, I signed, later I learned what I had signed."

Dalia, mother of Emilio, 6 years old who was raped by his father.

In this matter we found that information is understood on two levels. In the agencies many times the victims are not told of their rights and about the processes. In this study we found that only one person had been told about each stage of the process. The others say that they were not informed because they were only told what to do and they even signed papers which they were supposed to read, papers in which it said that they had been notified of their rights and the processes and that they signed declarations of conformity. Another matter which they face is that the system hopes that they completely ignore their rights and the proceedings. Elena, the mother of Patricio, 10 years old, sexually abused by his primary school teacher, says that she turned to a civil association so that someone accompanied her in the process of denunciation so that she did not feel alone. She arrived at the Special Agency for Sexual Crimes with her statement already written, which resulted in constant aggression against her because the Public Prosecutors stated that these

kinds of associations only prevent them from carrying out their jobs.

Lack of Privacy

In this sense, we must remember that sexual violence is an experience which violates a person in many ways. What happens when people who have experienced an act of sexual violence face the lack of privacy when they go to make their denouncement? This lack of privacy may be reflected in many ways. One of these is represented by a 25 year old women who was presenting her statement and pointed out that at the next desk there was a 12 year old girl making her statement about the aggression she had experienced (gang rape), which the women says not only affected the violence she had experienced, but also even more upon hearing the details and circumstances of the crime committed against the girl. Another example of this lack of privacy has to do with the spaces at the agencies (although they have a room for victims and another for the accused) the processes are carried out in common areas. One woman we interviewed said that she could hear everything the man who had attacked her was saying in the next room.

Prejudice towards victimization

"Ah, my poor little thing. Women are vulnerable, you shouldn't live alone."

Alicia, 34 years old

Event: rape

There are many prejudices in relation to reason for sexual victimization. These are reflected in the transfer of responsibility to the persons who experienced sexual violence due to their conditions (being a woman, the clothes they wear) or the

conditions of the place of violence (she was in a lonely place, the people she was with, she was in a dangerous area). This shows the part of our culture which has legitimized the use of a woman's body by others. This vision is prevalent in the offices of the Public Prosecutors, in doctors, psychologists and the personnel at the agencies.

Another way of understanding this aspect is to understand what is expected of a person who has experienced sexual violence: they are in crisis, crying, people expect to constantly see a condition of vulnerability and if this is not the case, if her behavior is outside of this "expected" conduct, her word is questioned. However, although the indicators and emotional symptoms women show may be similar, we cannot generalize or standardize the way that all persons who experience acts of sexual violence will act. Alicia, one of the women who experienced rape, mentioned that she was constantly asked why she wasn't crying and immediately her lack of tears was associated with her not having experienced the act she was denouncing.

Inadequate spaces

"This is a gutter, it looked like a sewer, an indecent place, it isn't even healthy for the people who work here, and much less for you, the user."

Alicia, 34 years old

Event: rape

With respect to the spaces, people say that in the first place it's hard to know where to go to denounce acts of sexual violence and say they even went to ADEVI, CTA or some Public Prosecutor's Office to

make their denouncement and that they had been misinformed and even intimidated as in the case of Dalia, the mother of Emilio, the 6 year old boy who was raped by his father and who went to the Special Agency on Sunday and was not attended due to lack of personnel, then to CTA and accused of obstructing justice for not having denounced the aggression sooner and even threatened with imprisonment for being an accomplice in the rape when she did not know what authority to turn to.

The space in a physical sense is suffocating. There is little ventilation. There are no areas where the victims may be away from the aggressors.

In this sense, we can see that there is no understanding of the implications of sexual violence for the individual, as well as its consequences. The sequels are not only sexual, physical or emotional, but also social in the lives of victims. None of those interviewed had been asked how they felt or whether they needed anything. Although the first line of attention is only the first part of the process, it is seen as a disarticulated process. There is no communication between processes. This is reflected in the fact that the person has to tell about the violence she experiences over and over again. This is when the process victimized the person doubly, without paying attention to the needs of the person and only considering her to be an instrument for proving a crime and continuing a process. The affectations of sexual violence and its sequels are not taken into account. The person's declaration on sexual violence is seen as a gear in the process and the person who experienced it is not visible.

Conclusions

Based on the study carried out we may make conclusions about the details faced by people who experience sexual violence. On many occasions attention to victims of sex crimes aggravates the situation of victimization, resulting in double victimization which brings wear and tear to the people who often say that they wish they had never begun the process of denouncing. This leads us to ponder the sub-registry of denouncements. The truth is they are facing a system which once again attacks, them makes them, as they say, feel like prostitutes.

It is valid to reflect on the fact that this implies a change in paradigm from the system of criminal justice in Mexico, a system in which the condition of sexual victimization is full of stigmas, prejudices, despite the fact that there are laws which in theory guarantee the rights of people who have experienced a violent act or sexual violence, which to the contrary

continues to reproduce and legitimize violence. It is worth mentioning that while there has been progress in acknowledging rights, it is necessary to provide the personnel who attend the public in Specialized Agencies with training, specialization and sensitization.

Social workers also face the challenge of changing the paradigms. If we consider violence from the viewpoint of social aspects and social work, this analysis may be made on different levels: one of these involves understanding the origin and multi-dimensionality of this problem in order to be able to intervene (Velázquez, 2003).

"I could defend myself and they never accepted this. I did not want them to keep calling me victim. The idea exists that people who have experienced sexual violence should be in a constant state of crisis."

Alicia, 34 years old

Event: rape

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