

## **Position Paper**

# ***Los Halcones:* The Forgotten Children in Mexico's Organized Crime Conflict**

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### **Abstract**

*Children in Mexico are being increasingly recruited as lookouts for drug trafficking organizations in the on-going criminal conflict in the country. The numbers of minors working with organized crime in Mexico is unclear but human rights groups estimate that 30,000 children are currently involved in the conflict. However, the scholarly interest in the role of children in organized crime in Mexico is scarce, with an on-going acknowledgment of their role but no further discussion surrounding their recruitment, activities, or outcomes in the conflict. This position paper will provide the first overview of the role of children in Mexico's conflict, using scholarly and official references to provide a comprehensive overview of the present situation.*

**Keywords:** organized crime, children, crime, drug trafficking, Mexico

## Introduction

On December 3, 2010, in Cuernavaca, Morelos, Mexican authorities detained Edgar Jimenez Lugo, alias "El Ponchis," convicted of kidnapping, torture, and multiple murders while working for the Beltran Leyva cartel. Whereas Mexico has grown accustomed to high-profile arrests of drug trafficking kingpins and to their corresponding atrocities, the arrest of El Ponchis was markedly different: he was only 15 years old. Initiated into the cartel at the age of 11, his age sent shockwaves through the international media. However, it also highlighted the dangerous trend in Mexico of drug trafficking organizations' (DTO) recruitment of children.

We are now eight years on from the arrest of El Ponchis (who has served his sentence and been released) but any meaningful follow-up to the interest that was brought about by his arrest has failed to develop, either academically or policy-related. Some papers have suggested that the participation of children in organized crime is on the rise (Vásquez Romero, 2012), but beyond that studies have been scarce. A search for academic literature on the subject produces scant coverage, and the majority of what does exist covers just the global North (Parker, 2001). As Atkinson-Sheppard (2018) has pointed out, we know worryingly little about the role of children in organized crime in the global South. Academic coverage is limited, the Mexican government's analysis has been negligent, and statistics are inconsistent and lack transparency. This position paper covers the forgotten topic of children involved in organized crime in Mexico and introduces avenues for research to halt the academic neglect of this important topic.

## Mexico's Security Situation

What has caused this lack of significant attention? Is the problem as big an issue as this paper suggests? By looking at the evidence we do have, we can answer both these questions simultaneously. A systematic failure to provide accurate and transparent data has stymied research, resulting in limited awareness of the problem and continually unchallenged, inadequate statistics.

Mexico has for over a decade been embroiled in an ongoing conflict that has now cost the lives of more than 200,000 individuals (Lakhani, 2016). Violent confrontations and territorial disputes between powerful DTOs have resulted in the high homicide rate of 25 per 100,000 (Calderón, Heinle, Rodríguez, & Shirk, 2019). To combat the violence, the Mexican government has turned to an increasingly militarized approach that has served to exacerbate the violence.<sup>1</sup> Alongside this continual criminal conflict, poverty remains widespread with 21.2 million Mexican children and adolescents living in poverty in 2015 (UNICEF-CONEVAL, 2016). This amounts to 54 percent of the country's children and adolescents being in a position where they are unable to realize their social rights (Azaola, 2012).

As Atkinson-Shepard (2018) has suggested, here lies the crux for the lack of research into the role of children in organized crime. Whereas research into street

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<sup>1</sup> For an overview of the Mexican drug war see Shirk's (2011) report, *The Drug War in Mexico*.

children predominantly leans towards issues of poverty and accessibility to social rights (Ennew & Swart-Kruger, 2003), the field ignores the association of children with criminal enterprises. Further, research into gang involvement has been largely conducted in the global North and research into organized crime in the global South has often focused only on the perspectives of adults (Varese, 2010). Academic interest has neglected and continues to neglect the perspectives of children and their roles in organized crime.

### **Statistical Issues**

Research may have failed to garner the perspectives of children when examining issues related to organized crime but the problem has certainly been exacerbated by a statistical failure in recording involvement of children in Mexico's criminal violence. Jamison (2005) suggests that annually there are over 250,000 child soldiers involved in conflicts globally. Determining a figure of participation in Mexico is more difficult. The statistics that Mexican governments provide are not reported annually so data is irregular and released by differing agencies. According to the French Press Agency, the Mexican government informed the UN Committee on the Rights of the Child that it does not record information regarding minors involved in organized crime (Montalvo, 2012). The Mexican Secretary of Public Security reported in 2011 that 1,044 children had been detained for crimes related to organized crime such as homicide, drug trafficking, and carrying a weapon (Cisneros, 2014). Montalvo (2012) looked at homicide statistics in 2012 and found that 1,188 children had died in armed clashes, which roughly equates to 2.5 percent of the estimated drug related deaths for that year. A figure provided by the Child Rights Network in Mexico (REDIM) could reflect a more accurate estimation. They suggested that there are approximately 30,000 children cooperating with organized crime groups (Sánchez & Aguilar, 2017). A figure of this magnitude would be a massive indictment of the failure of Mexican institutions to provide this category of data.

A number of Mexican states do provide some statistics that can help us assess the situation. For example, Chihuahua State said that between 2008 and 2010, child homicides related to organized crime more than doubled, from 136 to 386 (Gutierrez, 2011). The director of the Zacatecas State Centre for Youth Internment and Comprehensive Care says cases involving children in organized crime increased 150 percent from 2011 to 2012 (Sánchez & Aguilar, 2017). While these are limited statistics from only two states and from different timeframes, they both appear to suggest that the recruitment of children into organized crime is growing. The International Crisis Group (2013) discovered that younger children were increasingly being sought out by criminal groups.

The increased recruitment of children may reflect a broader increase in the scale of organized crime in Mexico. Statistical inaccuracies make it difficult to measure the number of members in criminal organizations, as measurements have moved to measuring the number of criminal groups rather than individuals (Europol, 2000). Certainly, a splintering of cartels has meant that measuring criminal groups has taken precedence in Mexico (Calderón et al., 2019).

### **Recruitment of Children**

The Mexican government's lack of attention to the role of children in organized crime makes understanding their involvement and the recruitment process difficult. The lack of information is exacerbated by the nature of Mexican organized crime groups who are less communicative in terms of discussing their operating practices than some of their southern neighbors. Mexican DTOs generally distance themselves from any atrocities in order to garner support from the public, utilizing narco-banners<sup>2</sup> to blame security services or other groups for violence in the area. Acknowledging recruitment of children into illicit labor roles would be deemed detrimental to the DTOs' public image so we are unlikely to receive information directly from organized crime groups. As a result, our understanding of the recruitment process still lacks clarity, but a number of studies have allowed us a general overview of the process of child recruitment into organized crime.

In their study on children in Mexican criminal groups, Sánchez and Aguilar (2017) identified the structure of these criminal organizations. They found that children are typically recruited as an informant or *halcon* (lookout), and then they are promoted to moving drugs or looking after safe houses. Eventually they are scaled up to kidnapping and homicide. Seemingly harmless positions in context of the grander hierarchy, *halcones* provide information at a specific locale, monitor incoming and outgoing persons of interest, and monitor whether security forces are in the area (San Luis, Hortensia, Avendaño, & Manuel, 2016). Encinas Garza (2016) suggests children at the age of 9 or 10 years old often carry out this job, especially in areas controlled by organized crime. While this role appears relatively non-violent, it is the first step for children being facilitated into normative relations with organized crime groups, making the eventual transition to assassin a dynamic process. In researching gangs in Rio de Janeiro, Dowdney (2002) identified that recruitment generally occurred at around 13 years, with the child progressing to becoming a soldier and carrying a firearm at around 15 years of age. His study further demonstrates the critical need to tackle the issue of child recruitment before they reach full-fledged weapon carrying.

Children are predominantly recruited by DTOs for four main reasons. The first is that they are a necessity for replacing organization members who are killed in the conflict. Conflicts with opposition DTOs or the government forces are costly in terms of human casualties, and children and adolescents are the largest demographic in Mexico (Emmerich, 2014). This continuous recruitment demand causes DTOs to offer opportunities to start a delinquent lifestyle at younger and younger ages (Hernández, 2008). The second rationale for high recruitment of children is the necessity for "dispensable" soldiers in circumstances where an organization seeks to continue pressure upon the state or rival factions. Children are often sent to attack impenetrable military targets, unbeknownst to them, in order to demonstrate the continued threat towards the security forces (Beckhusen, 2013).

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<sup>2</sup> Narco-banners are a form of narco-propaganda that often detail information, messages, threats, or accusations. The banners are traditionally draped over public spaces such as bridges or statues. For a comprehensive anthropological look at the use of narco-banners see Campbell (2014).

Third, children are also tactically valuable for DTOs in terms of their physical stature and their developmental malleability. For the former, they can be utilized against enemies due to their perceived unthreatening nature; children can pass checkpoints more easily or enter enemy territories without arousing suspicion (Jayakumar, 2011). For the latter, they are more malleable and obedient than adult soldiers (Beber & Blattman, 2013) making them tactically an attractive proposition for gangs. Finally, Brett, Specht and Grey (2006) point out that children are more willing to enter conflict for non-pecuniary rewards. That is, the status of becoming a gang member can be sufficient to guarantee their enrollment rather than the promises of financial gains. These factors have made children an integral feature of DTOs, and the demand to replace deceased or incarcerated recruits will only drive higher recruitment of minors.

### **Why Children Get Involved**

How can these fearsome groups make vulnerable children so malleable to their advances? This is employment in which the general life expectancy averages around 10 years (Cisneros, 2014). Narco-culture was born from society's experience of living alongside the presence of organized crime in the environment of the ongoing Mexican drug war. With organized crime so prominent in daily life it is of little surprise that a counter-culture has arisen, spreading to songs, films, TV series, and books. However, narcocultura has found its legitimacy challenged as DTOs attempt to hijack the movement as a kind of propaganda for joining organized crime. Different cartels and drug kingpins have commissioned their own *narcocorridos* (narco folk songs) to tell their versions of their lives and depict them as heroic figures. The depiction in commissioned narcocorrido videos show expensive cars, elaborate parties, and fancy clothing, and this glamorization of the culture enables DTOs to then recruit younger people with promises of expensive, materialistic lives. Unlike the intentions of the original narcocultura, this organized crime-driven narcocultura has indeed influenced children who now have aspirations of becoming leaders of DTOs (Encinas Garza, 2016) or at least imitate the behaviors depicted in narco news stories.

Obviously not all of Mexico's street children turn to organized crime as a form of illicit labor, but for those who do, what is the attraction of organized crime? It is very easy to point the finger at cultural influences like narcocultura, but the reality is that many Mexicans have little opportunity for upward mobility. According to the Centre for Studies Espinosa Yglesias (Serrano Espinosa & Torche, 2010), 48 percent of Mexicans in the poorest quintile of the population will never escape that demographic in their lifetime. In an environment of such poor social mobility, it comes of little surprise that drug trafficking is viewed by many as their only opportunity to escape poverty. Cisneros (2014) argues that the reason that children in Mexico are able to kidnap, torture, humiliate, and decapitate other humans goes beyond the coercive recruitment of gangs and is due to a faltering social fabric and lack of economic opportunities.

Children may actively seek out involvement based on the belief that recruitment to DTOs presents a guarantee of quick and easy access to money and power. This perception is furthered by the circumstances that many children and adolescents

face in terms of obtaining legitimate opportunities in employment or education (Muñoz, 2012). Exacerbating their vulnerability, many children, based on their immaturity and without a way of realizing educational aspirations, demonstrate a developmental naivety that prevents them from making an informed choice or understanding the terms of the conflict (Atkinson-Sheppard, 2018). Of the statistics to which we do have access, school dropout age appears to correlate with crime conviction rates for convicted children in Mexico (Cisneros, 2014). Coupled with their circumstances, a desire for power, status, or financial gain moves Mexican youth towards organized crime as the state fails to offer opportunities for them to join the legal labor force.

While economic considerations are significant influences, the social environment is also critical. Some children perceive joining organized crime to be their only option (Sanchez & Aguilar, 2017), with cartels purposefully targeting and recruiting school dropouts and unskilled workers. A recurrent theme in the literature is that a "ruptured social fabric" (Cisneros, 2014; Muñoz, 2012) has pushed children who are excluded from the state, schools, families, and/or society into the welcoming arms of organized crime. Moreover, any child in Mexico of the age of 10 or under has known nothing but the drug war, so they have spent their whole lives with the daily violence associated with the conflict. When children and adolescents are exposed to violence repeatedly or over prolonged periods of time, their bodies and brains adapt to focus on self-preservation (Azaola, 2018). This could lead to children being pushed to criminality as a way to realize a sense of control over their violence-dominated lives. Research has shown exposure to community violence to be connected to developmental difficulties, problem behavior, and physical and mental health effects extending throughout the life span (Danese, Moffitt, & Harrington, 2009). Children are therefore pushed to cope with the emotional complexities that are associated with regular exposure to violence.

### **Judicial Problems**

The limited statistical coverage we have suggests that child members of organized crime are being arrested. The age of criminal responsibility under the juvenile justice system in Mexico is 14–17; children under the age of 14 are not deemed legally responsible for their crimes, whereas children aged 14–17 usually receive sentences between three and ten years (Azaola, 2018). It has been suggested that this system has begun to be exploited by organized crime groups and is a cause of their heavy recruitment of children: children can commit crimes with relative impunity and if caught, they can be back in the organization's active ranks within a minimum period of time (Emmerich, 2014; Vásquez Romero, 2012). Edgar Jimenez Lugo ("El Ponchis," described above), received a sentence of only three years despite the crimes he had committed due to the juvenile sentencing laws. Mexican laws regarding minors would be commendable if they had a system to protect detained children and to provide them with the education and employment opportunities that would aid them in avoiding returning to crime. However, no such system is in place, and by failing to prevent children returning to crime while detaining them for shorter periods of time than adult detainees, the Mexican judiciary system is making child recruits ever more attractive to organized crime groups.

**Evil or Vulnerable?**

Children are often recruited to organized crime due to external forces such as socioeconomic circumstances and coercion from criminal gangs. Does this alleviate the responsibility of child soldiers for their actions? While frequently considered to be victims, children do indeed commit atrocious crimes. For victims of crimes who are seeking justice, portraying criminal minors as victims is hard to fathom. Some argue that as the child is also a victim, responsibility lies with the gang leaders who manipulate children or threaten them with punishments for refusal. Furthermore, a combination of children being more malleable to persuasion, being too young to understand the consequences, and being drugged to desensitize them to their behaviors supports the argument that they should be not seen as criminally responsible. However, others disagree and some cases of children being fully aware of their crimes and not showing remorse leads to calls for children to face criminal charges.

The Goldin Institute (2011) suggests that responsibility for criminal actions should lie with the child perpetrators because this can allow them to be reintegrated into their communities after detention. Allowing them to be unaccountable means they do not learn from the atrocities they have committed. A complementary argument from Popovski and Arts (2006) is that children should be held accountable as it both serves justice and the child's interests in the long term. Their argument is that because they are not held responsible, gang or militia leaders may purposefully delegate the worst orders to children, an occurrence that may already be present in Mexico. Therefore, Popovski and Arts (2006) believe that by not holding children accountable, they are actually exposed to future risks rather than actually being protected from them. These opposing points of view need to be factored into the effort to achieve some kind of balance in the treatment of Mexican minors arrested in organized crime conflicts.

**Confronting the Issue**

Tackling the problem of children being involved in organized crime in Mexico is mired in the difficulty that we know far too little about the subject. Moreno and colleagues (2012) claimed that numerous justice departments in Mexico hindered their investigation by refusing to provide information on children involved in organized crime. Azaola (2018) has recently undertaken a project to speak to children in Mexican detention centers and hopefully her work will galvanize interest in the subject. Unfortunately, less than one percent of these crimes result in convictions (Insight Crime, 2016), so collating a sample from incarcerated children, as did Azaola, can only serve to tell us part of the story. An immediate concern for Mexico should be to establish a reliable statistical database to keep track of children involved in organized crime. Moreover, the Mexican government and nongovernmental organizations must keep track of the number of children who have lost parents during the criminal conflict (Barra & Joloy, 2011). Azaola (2011) approximates that 40,000 children have become orphans due to the conflict in Mexico, whereas Villagran (2013) estimates a higher figure of 180,000. Children who become orphans either directly or indirectly due to the conflict become a demographic at risk of vulnerability, marginalization, and future enrollment into DTOs. This vulnerability is exacerbated when the lost parent is the primary care

giver or the household's main income earner (Villagran, 2013). Muñoz (2012) suggests that such a demographic may grow disillusioned with the injustice of their circumstances and seek anti-social means to lash out at perceived perpetrators of their situation.

Preventative techniques provide an alternative approach for tackling organized crime violence and could be specifically targeted at children who are yet to be enrolled into DTOs. The Mexican government's approach to tackling the violence has been to treat the problem as a security issue rather than understanding and addressing the socioeconomic conditions that fuel it, such as social marginalization. By instead adopting approaches that tackle structural causes of the violence, the state can begin to institute long-term solutions. The most applicable to the issue of child soldiers would be investing in education opportunities for children. A poll taken by *El Debate* newspaper revealed that 73 percent of Mexican citizens knew a minor involved in the drug trade. The majority of these respondents felt that educational programs would be the most effective way of deterring young people away from DTOs (COHA, 2012). Cisneros (2014) looked at data from apprehensions of minors in Distrito Federal and found that among the arrested children aged 14 to 18, only 17 percent had completed primary or secondary school. Presumably, due to the incapacitation effect (Cornish & Clarke, 1987), children enrolled in school are unable to participate in crime, so school enrollment offers an important avenue for tackling youth-related crime.

Mexico also needs to strengthen its judiciary system if it is to protect children from the clutches of organized crime. The National Commission of Human Rights in Mexico suggests that 60 percent of Mexican prisons are run by crime organizations (Insight Crime, 2013), effectively turning penitentiaries into universities of crime. As studies have shown, it is important to help adolescents in the justice system to heal, answering appropriately to their developmental needs and guaranteeing that the system does not itself inflict further damage (Cunneen & Golson, 2015). Frequently, justice systems rely on punitive measures and pass judgments that are both harmful and ineffective for adolescents who break the law (Meservey & Skowrya, 2015; Cunneen & Golson, 2015).

### **Implications for Research**

There has been a statistical failure to comprehend the scale of children involved in organized crime in Mexico<sup>3</sup>. The numbers we do have vary in quality, validity and reliability, leaving estimations as our main source of understanding. Law enforcement agencies are the main producers of data on illegal markets and organized crime (Savona, 2014). If researchers could collaborate with Mexican security forces, a quantifiable measurement of children involved in crime could be produced. Organized crime statistics have been notoriously difficult to obtain (Shirk, 2011) but researchers working with local police could begin to build smaller data

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<sup>3</sup> The research that has been conducted to date has neglected to examine gender differences of children involved in organized crime. While it appears that females are being recruited to a higher degree (Shirk, 2010) and trends in homicide rates are similar for both genders (González-Pérez, Vega-López, Cabrera-Pivaral, Vega-López, & Muñoz de la Torre, 2012)



sets as part of a larger data collection strategy. A national survey of children's exposure to violence could be an additional source of data. Estimates and trends of victimization, exposure, and participation in violence via survey methods with young people and caregivers could be cross-sectional and provide a larger understanding of the issue.

Qualitative research could also be undertaken by researchers working with investigations obtained from security forces files. If this information is difficult to obtain, building upon the work of Azaola (2018) and collecting information from convicted children could be the best approach. Rather than attempting to quantify the problem, qualitative research could give insight into how children are recruited and determine their levels of accountability. Better understanding of recruitment techniques offers policy makers options for prevention. Research is necessary in all of these avenues of data collection to begin to form a conceptual understanding of the issue of children involved in organized crime.

## **Conclusion**

Finally, returning to the start of this paper, El Ponchis followed his arrest by saying, "I am not afraid, I know what is going to happen to me" (my translation, quote taken from Cisneros, 2014). It is unclear exactly what the 15-year-old meant, whether he was demonstrating "a sense of foreshortened future" associated with trauma and a breakdown of trust and confidence in the world (Ratcliffe, Ruddell, & Smith, 2014), knowing that he would most likely die young or end up in prison, or that with no options away from organized crime, he knows that he need only serve his sentence before returning to the lifestyle he had before incarceration. Ascertaining the perspectives of children such as El Ponchis could be critical to determining what approaches to take to tackle this issue.

This paper has sought to demonstrate the necessity for further research into organized crime conflicts and their impacts upon children, something that has been surprisingly neglected by the academic community. As it stands, the research into organized crime in Central America often tends to focus on adult perspectives of the conflict rather than the role of children. The increased recruitment of children into DTOs not only has consequences for the wider public, but for the children who are enticed into joining these organizations who face short lifespans, usually ending with incarceration or death. If Mexico wishes to decrease its ongoing conflict with drug trade organizations it must seek to reverse the trend of marginalized children becoming involved. It would do Mexico well to remember the adage that the "children of today are citizens of tomorrow."

**Edmund Breckin** is currently in his final year of his Ph.D. at the University of Bradford, completing his research into whether developmental preventative programs can offer an alternative to traditional public security in tackling organized crime. In order to undertake the research, he has been conducting a qualitative analysis on Mexico's Prospera cash transfer program. His research interests include: poverty reduction, organized crime, social protection, transnational security, and criminological theory.

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