

ANTI-TRANS NECROPOLITICS: STATE COMPLICITY IN THE CRIME OF TRANSFEMICIDE

INTRODUCTION

In the pre-pandemic period in Mexico, out of every 100 crimes, 6.4 were reported, and of these only 14 out of 100 were solved; in other words, the probability of a crime being resolved was 0.9% (Zepeda, 2017). The figures are even worse in terms of murders and in the post-pandemic era. Mexico City recorded an increase in the level of impunity from 96.8% in 2022 to 100% in 2024 for the crimes of femicide and transfemicide, with the national average being 88.6%. This means that of all the murders of women properly reported in the entity, none were solved, and that in the country, when things go well, only 11 or 12 out of 100 cases are prosecuted (Jiménez, 2024).

The public prosecutor's office, the judiciary, the army, the national guard, and state police—all these institutions of the Mexican state, which are supposed to look after the safety and well-being of the citizens—are simply falling more and more into worse levels of distrust among the inhabitants. In the specific case of the public prosecutor's office, its level of credibility fell by 2.3 points from 2021 to 2022 (Jiménez, 2024). This shows that the institutions themselves are not only ineffective in fulfilling their objectives and functions, but also reach levels of corruption that are reflected in the impunity of criminals and, at the end of the day, affect the perception of the citizens.

In the documentary "Caricia" directed by David Montes (2016), the life of Caricia, a trans woman who works as a stylist and is originally from the southern Mexican state of Guerrero, is portrayed. The short film begins with her testimony, saying that her ex-boyfriend, Jesús, started to assault her, escalating to punches, and then pulling out a firearm and telling her, "well, I'm going to kill you, fucking faggot, you're going to get fucked." Such situations of aggression are not only common but in many cases end in physical assaults, mutilations, torture, and death. However, due to the lack of credibility in the institutions and their complete lack of follow-up on crimes, the state demonstrates, whether by action or omission, that it has no interest whatsoever in defending transgender women and instead prefers to live in complicity with the aggressions and murders given its lack of action in each of the cases reported and omitted before the authorities (González, 2024).

May-ek Querales (2024) mentions in her article that the “official” history, written and told by state institutions, ignores, forgets, omits, and manipulates the facts of the lives of missing persons (p. 63). The same situation happened with the cases of Tlatelolco in 1968 and Ayotzinapa in 2014, when the state ordered the killing of students and later used cover up stories to avoid public retaliation. These crimes committed by the state continue to happen to hundreds of missing persons and targeted groups in the country. The state and its institutions simply evade the truth to protect their interests and those of the people they represent (Funes, 2023). In Mexico, the term transfemicides gained greater diffusion thanks to activist Kenya Cuevas, precisely due to the procedural gaps and the administration of justice in the transfemicide of her friend Paola Buenrostro in 2016 (Tapia, 2024). Paola was considered the first formal victim of transfemicide who mobilized dozens of transfeminist collectives and allies to the cause, demanding justice and the defense of the rights of transgender women in the face of a state and institutions lacking interest in protecting, safeguarding, and offering opportunities to transgender women and, in the case of their murders, in initiating investigations, following up on reports, and even providing a record of the facts.

Is the state complicit and a perpetrator of the transfemicides that occur in the country? The evidence seems to confirm this statement. The countless list of transfemicides, reports of assaults, discrimination, and abuses, not to mention the pile of hundreds of unresolved complaints and crime statistics, point to an affirmative answer. The reality, although denied by the state, institutions, and their defenders, is a truth that is lived day by day in the country’s communities. Now, since it is a factual matter and cannot be hidden, it is necessary to understand why this phenomenon occurs. Why does the state commit these kinds of crimes? Or why does it deny them? What does the state gain or lose with all the murdered trans women? What are the consequences of the state’s actions? These are some questions that will be attempted to be answered in this article, taking into consideration information, statistics, analysis, and details that will provide valuable information to highlight the role the state has played in the perpetration of such hate crimes against transgender women.

WHAT IS THE STATE?

On the first day of class anyone taking an introductory course in law or political science courses will inevitably come across the definition of the state. The most basic definition says that “the state is a political organization of a group of people who live in a territory” (Mexican Association of Justice Providers, 2022). In other words, the

state is made up of: the people who inhabit it, the place where they reside, and the power that governs them. It is logical to think that not all states function the same way since there are different forms of government, interests, and power conflicts within them; a failed state is not the same as an authoritarian one or a democratic one, nor is a place where its inhabitants obey authority the same as one where there is no adherence to the law. This last concept is referred to as the rule of law and refers to “a model of organization of a country in which all members of a society are considered equally subject to publicly disclosed legal codes and processes” (National Electoral Institute, 2020). If there is a rule of law, then the laws are obeyed by all people and institutions inhabiting a territory, so all are subject to sanctions for breaking them as stipulated by the authority. The international report by the World Justice Project (2020) precisely measures the global factors involved in an effective rule of law; in this report, Mexico is ranked 104th out of 128 countries, dropping three positions from the previous measurement. For reference, Niger occupies 103rd place and Madagascar 104th, and at the Latin American level, the Mexican nation is in 26th place out of 30, just above Nicaragua, Bolivia, and Venezuela.

WHY DOES THE STATE DO WHAT IT DOES?

The statistics and information gathered in the previous section say a lot about the reality experienced in the nation. This is in stark contrast to the discourse from those in power. As Ernesto López (2024) points out, former President López Obrador’s success was due to his rhetoric of dissociating social discontent from the security crisis. In other words, the lack of information about security, the failure to address the real causes, and a focus on himself were factors that were exploited to benefit the former president’s popularity. There was never a real strategy to solve the security crisis in the nation; it was only “hugs, not bullets.” This void in public security is something that current president Claudia Sheinbaum faces. Her policy today is that through the army forces, she intends to continue a policy of militarization: soldiers patrol the streets and criminal leaders are eliminated. Once again, the state tries to fix everything with one of its strongest institutions, the army, to combat crime in all its forms, despite the fact that citizens trust the army less. This lack of an effective public policy that addresses security in the streets and the absence of rule of law are the causes of the thousands of the killings of trans women in the country (Jiménez, 2024).

To understand what the state does, one must explore what the concepts of biopolitics and necropolitics mean. Both are concepts that connect the realities of

the Mexican state with the security crisis, the lack of rule of law, and its complicity with the thousands of femicides and transfemicides. The first term, biopolitics, coined by Michel Foucault, describes how political power manages the lives of inhabitants through decisions that affect levels of health and life (Lluch, 2019). Biopolitics and biopower are not 100% effective in all nations and their respective populations. Such is the case of developing nations, where organized crime and the state are more effective at regulating the killing or eradication of certain groups and individuals, in other words, the state and others manage the “death” of its citizens, that’s why it is called necropolitics (Estévez, 2018). Therefore, biopolitics is the management of life, and necropolitics is the management of death of the people. Depending on the country, its conditions, and the population, power through the state manages its institutions to fulfill its bio- or necropolitical policies as these are more efficient. All of the above is done in order to maintain a regime of power that affects vulnerable populations, such as transgender women.

Mexican necropolitics defines who can die, or in other words, be disposable, while also identifying those who are most valuable and deserve protection. Therefore, according to this way of thinking, there are certain visible and measurable characteristics that determine who can or cannot be killed, which lives are expendable, and which are untouchable. These characteristics or markers are, unsurprisingly, the same ones brought by European colonizers, those that to this day are promoted by capitalism and that only a minority can possess: social class, skin color, and gender. Caravaca (2018) points out that the phenomenon of transfemicide, as well as massacres, mutilations, and evictions related to transgender people, are directly or indirectly connected to legislation, policies, orders, and decrees that follow a heterocisnormative logic implanted in modern societies since colonial times. In other words, current societies, through the institution of the state, follow the same model implemented by British, Spanish, and Portuguese colonizers in the then newly discovered continent: the classification of people by sex, gender identity, skin color, and social class. European colonizers dispossessed indigenous groups of their lands, annihilated others for their identity, enslaved many for their skin color, and ultimately subjected everyone under the power of the white European man along with his beliefs, law, religion, and traditions.

Capitalism is the main driving force and influence in current societies, it is a system that just like colonialism keeps the few in power and control at the expense of the vulnerable. Capitalism is financed by resources from industries and businesses that exploit vulnerable populations to achieve excessive enrichment (Deloitte, 2016). The levels of vulnerability are confirmed by a study published by El Colegio de México (2017), in which a fact that was experientially known by everyone in the country was

discovered: skin color is directly connected to social status, job opportunities, and education. The excessive access to and abuse of economic resources, as promoted by capitalism, is therefore the main reason why the state acts or fails to act, since it protects the interests of the small privileged group, just as happened during colonial times, but now with their descendants at the head of power and privilege: the white men of Mexico's business and political class.

The privilege and power of certain groups of people are corroborated by other surveys, in addition to COLMEX, such as ENADIS by INEGI (2022) or EMOVI by the Espinosa Yglesias Study Center (2023). In reference to this reality, FORBES magazine (Solis, 2018) published an article titled "Proven with data: in Mexico you do better if you are white." All of the above demonstrates a systematic preference by some people for all private institutions, public institutions, and the state itself. According to the same surveys analyzed by COLMEX, the population self-identified as white-skinned is composed of only 10-12% of the total population in Mexico, about 12 to 15 million inhabitants in a country of almost 130 million, and they are mostly located in the highest income quintiles (COLMEX, 2017). Although not all white people are privileged, it is shown that a large part of the group with power and privilege are light-skinned. While not all people with darker skin are less privileged, statistics show that they do make up the vast majority of the vulnerable population. Therefore, in Mexico, as in many parts of the world, social class and skin color are interconnected, and combining this with systematic classism and racism in modern populations only worsens the conditions, opportunities, and life development of people who do not belong to the groups in power.

WHOM THE STATE KILLS?

If there is a visible, tangible, and measurable preference for certain privileged groups, then there are many others who are not among the favored. The INEGI sexual diversity survey, ENDISEG (2021), found that there are approximately between 182,000 and 190,000 people in Mexico who self-identify as transgender women, which is only 0.001% of the country's total population. If, within this same group, we consider that 88-90% do not self-identify with a light skin color, the result gives us a range of between 163,800 and 171,000 transgender women in the country. This group of racialized transgender women represents the people who are most exploited, abused, disappeared, and murdered in the country. Since neither the state nor the institutions look after the interests of racialized transgender women, they are considered non-essential, which represents a continuous risk and danger, systematized and structured

by the state itself. Racialized transgender women are left vulnerable and defenseless in the face of a system that ignores, erases, silences, disappears, and kills them, in addition to an economic system that overexploits them and a society that remains silent and blind to the violent, transphobic reality of daily life.

Marisol Alcocer (2020) specifically discusses how racism and sexism intersect in the development of femicides of Afro-descendant women in Mexico. According to the statistics mentioned earlier, the same dynamic can be applied to transfemicides, and as Alcocer reports, there is a lack of information, a systematic invisibilization by the state regarding the murder of racialized women in the country (p. 165). Alcocer emphasizes that it is not only the legal system perpetrated by the state and power, but also that there are feminist studies that do not take into account variables such as social class and skin color for research and analysis of phenomena related to the murders of all women (p. 166). Therefore, there is a systematic and historical denial by the state of the crimes committed against Afro-descendant women simply because the state does not care. This is partly due to the series of discourses given by authorities about those women who were murdered, classifying them as “not good women.” These discourses annul and naturalize the murders of women, as demonstrated by the ineffectiveness of investigations and by providing broad impunity to the murderers (p. 167). Therefore, once again, it is emphasized that the state benefits those who simply attack and assault racialized women, whether trans or not, and who at the end of the day go free and face no consequences. The state allows it, society remains silent, and the murderers get away with it.

The state kills or lets certain groups of people die because it can. In other words, the state has the power. This is another truth learned on the first day of class for someone studying state theory: the state has the monopoly on violence (Burgos, 2017). This is because the state is supposed to be the only one that can administer violence against the enemies of the state, criminals, and people who do not obey it. Regarding power, Patricia Hill Collins (2016) refers to four spheres that interfere in its relations with the citizenry: interpersonal, disciplinary, cultural, and structural. The interpersonal refers to people’s lives, their own ways of relating to others, and who among them is privileged or not within those relationships. Here it is easy to see that people with power and privilege manage others according to their interests; in any case, the relationships between white and non-white people, rich and non-rich, or men and non-men are interrelated and hierarchical binaries that the state itself and modern capitalist society have deemed valid. Regarding the second aspect, the disciplinary, it is understood that different groups of people receive different treatment depending on how the rules are applied. Classist, racist, and sexist comments tend

not to be as severely condemned when they come from someone in power, such as Milei, Trump, Putin, or Pope Leo XIV, while the idea that transgender women exist is condemned and criticized as a matter of gender ideology (France24, 2025). The third point of power is about the cultural sphere; the state and its institutions already have a form of organization and a discourse capable of explaining inequalities and social problems. The state promotes the existence of equality for all people, but the reality is that equality of opportunity is a myth. Not everyone has the same opportunities at birth and as they grow up, and as expected, in most cases, someone privileged dies privileged and someone without privileges dies without them. This is the cultural reality that the state hides, and the discourses are always conditioned by capitalism and its interests. Finally, the structural sphere of power refers to how the different groups of people living in a place are organized. There are great social inequalities that obey a system that classifies people by social class, skin color, and gender; these structures are designed to prevail thanks to the power of the state, the influence of capitalism, and its staunch defenders (Hill Collins, 2016).

Given its interest in power and the consumer capitalism that sustains it, the state ignores the deaths of cisgender and transgender women. Siobahn Guerrero (2018) describes to us the terrible image of the murder of a trans woman in the northern Mexican state of Chihuahua; the body, a victim of transfemicide, had symbolic elements such as being wrapped in a Mexican flag and the replacement of her shoes with men's shoes. According to the statistics cited by Guerrero, the majority of transfemicides were connected to sex work and occurred in public spaces, information that remains current according to data from Trans Europe (TransEurope, 2024). This demonstrates that transfemicides are related to a profession that seeks the sexual satisfaction and pleasure of heterosexual men, who see the bodies of sex workers as disposable (Kelly Beckham, 2012). According to Guerrero (2018), these crimes occur because there is a cis-sexist cultural system that rejects transgender bodies as undesirable, rebellious, and opposed to what is natural, transgressing what is considered "good," "acceptable," and "normal." For these reasons, such bodies must be punished, disappeared, and murdered. These murders are hate crimes perpetrated both by individuals and by elements of the state colluding in necropolitics and acting on their desires to eliminate what can be used and discarded (Rodríguez, 2023, p. 360).

Therefore, the state and its institutions use power through their necropolitical actions to take advantage of the most vulnerable sectors of the population, since they do not have the resources or means to defend themselves. These groups of transgender women are left at the mercy of those who can abuse and exploit them, whether by exploiting them in the informal labor market or, worse, through physical and sexual

abuse, disappearances, and murders. The state allows and also perpetuates these abuses due to its connection with capitalist interests and the total ineffectiveness in following up on the few reported crimes, which remain completely unpunished. Vulnerable populations differ from protected ones due to reasons of social class, skin color, and gender, and for those people—who are the majority of the population that fit this description—they suffer from systematic discrimination that hardly allows them to escape the fateful cycle of oppression, which is ultimately orchestrated by the power of the state and its institutions.

WHAT ARE THE CONSEQUENCES OF THE ACTIONS OF THE STATE?

The climate of insecurity and lack of credibility in the authorities are just some of the many consequences experienced in a state that is complicit, sexist, violent, and murderous. For the trans population there is no other option but to keep living. Insecurity and the fear of aggression and even death are things that become normalized and “learned” to live within the daily lives of all people who openly live as transgender individuals in the country. This is demonstrated by the multitude of testimonies from transgender women who, having no other alternative, go out into the street risking their lives with every step they take (Aesthesis Psicólogos Madrid, 2020).

Reports and testimonies state that when the life of a transgender woman becomes part of the statistics of violence there is no interest by anyone for their bodies. No one claims their bodies and are never sought by their families of origin. The remains of these women are forgotten by everyone: the state, institutions, society, friends, and even their own families (Viña, 2023). An initiative to offer burial to these bodies was started by activist Kenya Cuevas, who began by watching over the bodies of her friends and other murdered trans women. After her activist struggle denouncing transfemicides, the state provided graves in a cemetery in the south of Mexico City. These graves were donated by the government of Iztapalapa, a borough of Mexico City (Swissinfo, 2023). This action taken by the government demonstrates a state initiative to bury trans bodies, continuing its complicity in necropolitical actions; it could not be more evident that instead of helping trans women to thrive in their lives, the state seems only concerned about burying their bodies, hiding and discarding into oblivion.

CONCLUSION

Is the state complicit and a perpetrator in the transfemicides that occur in the country? In 1950, the concept of “sex transition” became public knowledge, which at the time caused a great scandal in society and a major division of opinions, as was the case with Martha Olmos, one of the first trans women to receive media coverage (Jones, 2023). However, despite numerous efforts for recognition, visibility, and support, as well as scientific studies and legal recognition, transgender women populations continue to be ignored and belittled by society, and therefore, of no relevance to the laws and the state. The hegemonic ideals proposed by the state, which, as Ochy Curiel comments, only allowed a cisgender woman to remain at home to fulfill her reproductive and caregiving functions, reject the mere existence of transgender women, transvestites, or anyone similar (Curiel, 2023). If the official discourse inherited by the state, practiced by society, and sustained by the discourses of power maintain ideals that reject trans women and limit their very existence, it is not unbelievable to conceive why both the state and its institutions excuse the aggressions against trans women and transfemicides as cases of people involved in drug trafficking or due to their gender identity (Alcocer, 2020).

In the case of the transfemicide of Paola Buenrostro in 2016, the judge released her killer due to lack of sufficient evidence, despite the witnesses, his own confession, and police reports. There were deficiencies in the process, negligence, human rights violations, and countless factors that not only occurred in Paola’s case, but continue to happen in the multiple transfemicides and feminicides that occur in the country (Olguín, 2024). Murderers remain fugitives, never brought to trial, and ultimately free, while transfemicides remain unpunished in Mexico. The state is in the main responsible for the disappearances of transgender women and transfemicides. Unless groups of power and privilege are confronted and citizens demand justice and results, the complicity and the crimes will continue. For a better future, a more informed and demanding society.

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