



“Child testimony is absolutely pivotal”: Margarita Griesbach of Oficina de Defensoría de los Derechos de la Infancia on litigation strategies, communication campaigns, and the importance of child-centered justice systems.

Lissa Harris

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Lissa Harris: Could you introduce yourself and tell me about the problem that you're addressing?

Margarita Griesbach: I'm Margarita Griesbach. Twenty years ago I founded an NGO,[Office of Advocacy of the Rights of Children (ODI)]. Two and a half years ago I left the organization, but I still collaborate with them in some aspects. We've litigated all sorts of cases, from sexual abuse to homicide.

We started getting cases that just really baffled us and we didn't understand. At first we even thought that some of what the children were saying was defense mechanisms and elements of fantasy that would get introduced into their narrative, because what we were hearing was just so weird and so unfathomable. But then we got more and more cases and in a parallel fashion. We kept getting better, because the main focus of our work is accessible justice for children. And a great part of that comes down to child testimony, because the children's main point of participation is testimony. And in a parallel fashion, child testimony got better and better, and we were able to understand more of what the children were saying.

It got to a point where we said, this is happening. What we came to find are public and private schools where up to 10 staff members, from the principal to the people in the cleaning department, were involved in abusing the children together. So multiple adults and large groups of children at the same moment, with all sorts of elements of fantasy involved in the dynamics of abuse.

In the first case we represented 30 children, and these were preschool children. They're between three and five. Maybe a handful mentioned cameras, and others referred to dynamics that made you think of someone taking a picture like posing and saying, "Picture, picture." So they didn't describe the presence of a camera. It makes sense, because child testimony is very subjective, and for a three-year-old, the presence of a camera is not subjectively meaningful, especially now, when people take pictures of food and whatever. So it makes a lot of sense that the presence of cameras would not be something meaningful, but it did bring an element that helped explain what was happening.

Of course, if these are public schools, then that implies organized placement of these people in these institutions. So when we litigated that first case, it was quite mind-boggling, but we started getting more cases, and the identical patterns repeated. The main aspect is multiple adults, multiple children, but also very subtle elements in the dynamics of abuse.

The abuse is very extreme. It's very violent psychologically and sexually, which is unusual for sexual abuse. If you take patterns of sexual abuse in families, for example, the type of abuse that these children described is really unusual for that age group, and certain elements like tricking the children for them to believe and say things that were even more confusing.

I'll give you an example. One little girl was saying that when this happened, her parents were there, and that automatically makes any adult think this [can't be true]. But when we had a better opportunity to hear her narrative in a spontaneous, unobstructed way, she then added that they told her that they had been made invisible. So of course it makes sense. A three-year-old would believe that her parents were made invisible.

We were completely baffled. We didn't understand what we were seeing as we got more cases. Of course, we thought, you have to investigate what's behind this. In that first case, for example, the seven people were sentenced to over 480 years in prison each. Huge, very robust sentences, but you are aware that it's not enough. It's not a coincidence that they work together in a criminal way within that one school. So what's behind must be investigated. That seemed impossible. There was no way that we could get the authorities to investigate that.

And then we got in touch with other organizations. I went to Ethiopia to a global conference on sexual exploitation. And all of a sudden I started, for the first time, hearing about different types of materials that are produced. And everything just fell into place. We didn't know what we were looking at. And then you see it, and you think, "That's it. That's exactly what we're seeing."

One person [told us] there are cases just like that in Israel. So we spent the next six months trying to track down the cases in Israel, which we finally found through the Canadian police and the Australian police. The Queensland Police helped us get in touch with a journalist that did a documentary on cases in Israel. And they were exactly the same in schools. There were Orthodox schools that up to that point had been exempt from the regulation and the supervision that state schools in Israel normally have. Thanks to that documentary—although there were no prison sentences, and the cases themselves were quite corrupted—the school system did incorporate Orthodox schools into regulation and supervision. So that's good. Then we had this reference.

As we failed repeatedly [to get] the authorities to investigate, with due diligence, the organized aspects of what was going on, we decided to document and publish the patterns that we were observing. Which is, of course, shooting yourself in the foot if you want serious investigation, because you don't want to [alert the culprits]. But the investigation was not going anywhere. We couldn't get it to move in a more comprehensive way. So we decided to go public, and we documented using [the state] human rights organization. [We published] media reports. Every Mexican state has a human rights institution that's an autonomous organ that documents and recommends actions to state actors, and their recommendations are public.

Journalism in Mexico is a vital source of information. What we published was a report called "It's a Secret," and it just documents the patterns. We're not saying that this is what's happening or that's what's happening. What we're saying are two main things. One, it's alarming enough that it should be investigated to find an explanation for the pattern, and not just the specific events of abuse, but event by event. And the second thing is that, if this is actually happening—schools being captured by organized crime for the production of exploitation materials—it's really easy to prevent.

In society, we have so many hard problems that we should at least get the easy ones right. But that's not the way things work. We don't get those right either. So we published the report, and the response was far beyond what we expected. We knew it would be important. But Mexico is a place where there's so many things happening all the time—I mean, right now we have the judicial reform [movement] where everything gets blown to heaven, and there's a place in Mexico

City that has been underwater for two weeks straight—that important things easily get lost. However, the report did have an astounding effect. The president was directly questioned about it in a press conference twice.

International media followed up on the subject. It just got an amazing amount of press coverage and attention for an entire week, which is like an eternity for a media cycle. But not one public response was obtained, because the strategy with this administration in particular has been, no matter how bad, if you just hang on long enough, this too shall pass. Politically, it's a strategy. And it passed. Now there's more awareness in general, with parents and teachers. We talked to a lot of teachers, because they're very outraged that this could be happening.

And in all of these cases, we also find that children refer to good teachers. Good teachers are the ones that console them, that clean them, that try to make the best in that scenario, but remain silent. And in the context of the organized crime that we have nowadays in Mexico, it makes a lot of sense that people could be threatened. Because the scale of the events in one specific school are to such a degree that it's impossible that anyone would be unaware of what was happening—maybe not the details or the extent, but to some degree aware of what happens. So silence could also be explained that way.

To a certain point we've given up on the criminal side. I think that the levels of corruption in this specific case go very high up. I think that the amount of money that could be on the table is comparable to drug trafficking. It's just a tremendous amount of money. And the other thing is that you have institutional chaos. The amount of people that would have to be wise to what's happening and be involved—there's a lot of bad people, and there's a lot of people willing to turn the other way, but not that many, and not on this specific type of crime.

What explains it then is that you have generalized and systematic corruption in the placement of teachers, for example. So the person that assigns these people to that specific school gets paid to assign them, but not necessarily because he or she knows why they're going to be assigned there. Because the general culture is that I'm asking you to assign a person because he's my friend, he's my nephew. The ordinary way of proceeding is that I get paid to assign people where the union wants them assigned. That's every day, and that makes it easy to infiltrate.

What things should change? It's a hard sell that, sometimes, what's needed to prevent these types of crimes is to take a step back and not necessarily work directly with victims or the criminal events themselves. For example, more robust institutions, in all institutions that have something to do with children. You have a disconnect there between funding that usually—and

rightly so, to a certain extent—wants to go directly to the victims, funding the therapy for the victims or whatever. However, a big part of what helps the victims is funding countries to have more robust institutions. It's less attractive for a funder, maybe, but it's true.

Lissa Harris: Which is a problem that you see recur across a lot of different fields of social change. The stuff that moves the needle is not necessarily the stuff that draws the attention of funders.

Margarita Griesbach: Yeah. A good example is in Israel. Impunity prevailed with those specific crimes, but it did promote change that I think does prevent this from happening. Robust institutions with very basic things like teacher selection and transparency in the areas where children are.

And of course, we've [seen] cases in schools, but I imagine that if organized crime managed to see the opportunity in schools, they can't be blind to hospitals and other institutions that care for children, and have children as a captive audience.

Child testimony is absolutely pivotal. We have all of these efforts that are invested in crimes of sexual exploitation. And usually the way the crimes have been investigated goes from [tracking] the materials produced to the victims and then to the criminals. These materials are becoming ever more ephemeral. We've already gone from printed material to video to digital to live-streaming, which is gone [instantly]. And the only success that's been had with live-streaming is the fetish tendencies of the perpetrators. They often take a screenshot or something, and that's the way that you get to the material, because the material is ever more ephemeral, ever more coded.

The last time that I was in one of these global conferences, the discussion on the table was about abuse between avatars. It's mind-blowing, the complexity of what we're getting to—except the experience lived in the trauma, that remains the same. And that's the only reason why this continues to be a crime. Because you could say, well, who cares what happens between avatars? No, you do care, because the emotional and the traumatic impact on the victim is the same.

We're looking everywhere except at the victim, because you have all of these efforts going into better technology, spider technology to detect materials—and I'm not saying those shouldn't continue. I'm saying we also need to focus on the victim, because while this is happening, police are in contact with victims of child exploitation every day. They think it's just another case of

child sexual abuse, and it's not. Because the only way to make it visible is to have adequate child testimonies where children have an opportunity to speak spontaneously and extensively in garbled, nonsensical, disorderly fashions and put everything out, and then the adult interprets.

A child does not understand what he's living. Sexual abuse is something that children describe how you or I would describe some sort of extraterrestrial interaction, where it's like, then this thing came out and it was like an octopus. Because they don't understand what they're describing. So it requires specialized child testimony, because we are completely disconnecting the criminal prosecution efforts. You have all of these efforts searching for materials that are disappearing like bubbles in your hand. And you have contact with victims every day, and you're not seeing them. That needs to change.

Lissa Harris: Can you talk about what makes your approach distinct and different from other organizations working on a similar issue?

Margarita Griesbach: What makes it different is the litigation. In Mexico, very few organizations litigate. I think it's a problem in society. Certainly, corporate models have learned this well. In Mexico, there are very few litigators, and a great percentage of the litigators come from a very corrupt culture. They play into a type of litigation that's not technical, it's more political. Even if there's no money involved, it's more political than technical.

One of the things that makes ODI distinct is that it's been consistently focused on very specific technical standards of litigation. And that has opened a lot of doors for us, because we fight with authorities all the time, but we are also quite respected. It's sort of ironic, because they see that we understand. ODI has a tremendous respect for public service. In Mexico, you could either be a soap opera actress or if not, OK, then you can go into public service. It's really not respected, when I think it should be one of the most respected things to do. I certainly wouldn't want to do it!

Lissa Harris: Are there other examples that illustrate the impact of the work that you do? How do you know that what you do is working?

Margarita Griesbach: We've had a lot of impact in Mexico. Not with this case. This case is a wall. You're not going to go anywhere with this one, but I think that justice in Mexico has completely changed, and it has to do at least in part with what we've done. When we started working, we would request certain procedural adaptations for the participation of children, and

we'd be locked out of the room, literally. And now it's not a question of whether the law should adapt, but how it should adapt, and that's a huge difference. That's completely another place.

We published with the Supreme Court a protocol for judicial proceedings where children participate. And I think it has some of the highest standards worldwide, because in a lot of places, children still participate in the courtroom with the accused right there, being able to see them. And then no matter what else you do, you're starting from the wrong place. So that's a huge impact.

Lissa Harris: So in Mexico now, there's respect for not putting the accused and the victim in the same courtroom in these cases?

Margarita Griesbach: Because of the problem of lack of litigators, often these standards are not applied, because nobody knows about them. Nobody demands them or they're misapplied. We've seen a lot of judges that are very interested, but they do it wrong. They make it up as they go along. In the state of Chihuahua, we developed the perfect model: a specialized courtroom for child participation. And that's being replicated.

Some states interpret and do it all wrong, but I think that the basic ideas that have gone through are that the child needs to be in a private place, that the testimony must be taken by a person trained to take children's testimonies, and that free narrative has to be the first part of it. Those are three basic things.

And that the child needs to have an introduction. Because the way children participate—and this is in most countries around the world—is all of a sudden, mom tells you, we're going shopping, and on the way you stop at this building and they take you into a spooky room full of spooky people who start asking you about your sex life or your traumas. It's just so unreasonable that we expect children to do something that any adult would not be willing to do. Children need to understand what they're going to be doing—not what they're going to say, but what they're going to be doing.

Lissa Harris: Could you also talk about things that you've tried that didn't work out? Was there an approach that you feel like you learned a lesson from even though it didn't work?

Margarita Griesbach: Well, there's many, many things that didn't work. I think we've had really poor results with several projects that have to do with training for specialized intervention. We

had several projects that were databases or resources for legal actors to use, litigators in particular, that have just not been useful at all. So we've had less success with litigators. When we develop communication materials that are tailored to judges, I think that's gotten a very good reception, but more general materials has been an area where we don't have much success. We don't have a website, for example, so that kind of communication has been really hard.

Lissa Harris: You got a lot of public attention for this one particular case, but you're saying that hasn't translated into success in reaching the general public and driving outcomes?

Margarita Griesbach: Yeah. And I think that part of it is that there's no interest in reaching the general public, because there's not a benefit per se in being known. It depends on who you want to know, and maybe you don't even want them to know you. You want them to know something that's useful for them.

Even with that outlook, I think that one of the elements that we've been consistently unsuccessful with is litigators. The litigation specialized in child participation could be extremely lucrative, because rich people have problems with their children. Statistically, we know that abuse and violence against children cuts across socioeconomic groups. If we had more litigators specializing in demanding adequate standards for child participation, and if we had some of the top legal firms making a lot of money from this, that would, of course, benefit children in general because it propagates that standard.

Lissa Harris: What do you think the main barriers are to solving some of these problems, aside from funding?

Margarita Griesbach: One of the main barriers where we've had a lot of advancement—and I'm trying to think not only in terms of Mexico, but what I see that might be applicable to other countries—is child testimony. I think that continues to be a cornerstone, because although we've advanced, it's always something that needs to be litigated. It doesn't just happen how it should.

The other thing is criminal investigation. I know it's a problem in most countries where sexual exploitation materials are produced. I don't know enough about those institutions to know if the causes are the same. I think that some of the elements that are the same have to do with fragmentation. For different reasons, police institutions are fragmented into specialized groups, and that makes it really hard to investigate complex crime. And when you start detecting enough indicators that this is complex organized criminal activity, so much time has gone by that a lot of the material evidence is lost by then. That makes it very frustrating and hard to

investigate. So, it's not as attractive, but one of the key elements has to do with robust institutions. Robust criminal-justice institutions are necessary to combat these types of crimes. Just like with organized financial crime, you need robust police institutions to do so. Sexual exploitation has a downside and a positive side at the same time because it's a multinational crime. So this makes it on one hand more challenging. But on the other hand, potentially, you can pull knowhow and resources from several police.

Queensland has extraordinary investigators. England has extraordinary investigators, Canada has very good investigators. You can pull those resources, but that requires breaking some of the formal barriers regarding jurisdiction and collaboration. A lot has to go into designing more streamlined criminal investigations.

Lissa Harris: Can you talk about the extent to which shifting cultural norms on the issue is part of what you do?

Margarita Griesbach: We have cultural aversion to the subject, and that's very unhelpful. It's surprising to me how people that are allies, working in human rights and involved with us for a long time, all of a sudden after years say, "But that's organized crime taking over schools!" Haven't we been talking about the same thing for the past year?"

It's so present in such a diverse number of people that I think that it's a human reaction of horror. Obviously this is not dinner-party conversation, but we need to be able to discuss these things. Looking away does not solve the problem. I think that combines with disbelief, and there's no rational explanation why you would disbelieve a three-year-old who describes sexual violence, because we have all of the statistical information that supports this. He's not describing something that we know to be untrue. On the contrary, he's describing something that we know to be true, yet we consistently find adults not believing children when they describe these kinds of things. I think that it has to do with a defense mechanism. We just don't want this to be true. That's a cultural norm that we need to move past.

Lissa Harris: Can you talk about the role of partnerships in pushing your work forward? You talked a little bit about international partnerships. Are there other collaborations that are important?

Margarita Griesbach: Certainly the financial support is important. Money is important, and it's also very important to find allies [in your funders]. When you find funders that are really allies and funders with whom you can say, "Okay, that didn't work at all, that was a really bad idea. I'm

sorry you put all this money into it, but it seemed like a good idea. We thought it would work”—that's really important.

International actors have been just absolutely strategic in this case in particular because they allow you to see things that you didn't know about. Locally, we have very strong alliances with other organizations, and they're very personal alliances, but not public alliances. We respect and we trust each other and we depend a lot on those.

ODI has developed several defense protocols for security. For example, we do something that we call chain litigation, where everything that you promote before the court has a stamp on it that says this case is being chain litigated, which means that if for reasons of threats or whatever, the lead organization has to step back, the next one in line is committed to taking over. It also means that you put their lawyers into the paperwork so they have legal standing to do so and they're willing to do so. That's a fundamental thing because it disincentivizes the benefits of getting rid of you, which is always a good thing. So we depend on those alliances a lot. In that sense, I think that ODI is unusual because it doesn't have much public participation, but it has very strategic relationships.

Usually cases that are complicated have co-victims. I don't know the word in English, but you have co-complainants. Depending on the case and what it involves, you have visible people, opinion leaders or journalists or academics or whoever, that co-sign along with the victims, and that also helps protect the case. Those kinds of alliances are very useful.

Lissa Harris: Especially if you're dealing with organized crime, I'd imagine that making sure that the case can still go forward is really important.

Margarita Griesbach: That's the main thing. It's something that I wish would happen with journalists. In Mexico, it's a particularly terrible problem that journalists are assassinated all the time. Part of why that happens is because it works. When you kill a journalist, the story ends. And I often think, wouldn't it be just perfect if every time a journalist is assassinated, every other journalist for the entire week writes on the last five stories that journalist was working on. It's that logic, but with litigation.

Lissa Harris: Can you talk a little more about the broad insights or lessons that could be taken from your work that others working in a similar context can use? What advice would you give to other people who want to go about doing work like yours?

Margarita Griesbach: One of the things is just technical [aptitude]. I don't think anything can substitute for that and it's something that ODI has been very fortunate with, but it also comes at a cost. It's hard to find litigators that are very technical. And often it gets washed out in the political aspects. ODI doesn't have a person dedicated to fundraising, and for the past 18 years we haven't had a moment without enough money to do what we want to do. The funding comes along with the recognition of the quality of the work, and that's just putting in the work.

Lissa Harris: What do you think is most needed from other actors in this space to advance change in this field?

Margarita Griesbach: Emphasize those three: Child testimony is fundamental—especially with international actions regarding exploitation. Robust institutions, so safeguarding institutions that have contact with children. And criminal investigation. Those are the three main things I would emphasize.

Lissa Harris: What do you think has the potential to make a significant impact on the field on this problem in the next five years?

Margarita Griesbach: I'm sure that technology is a big part, so, safeguarding technology. Although you're always behind, it's a constant catch-up, I think it has a huge impact.

We developed a series of materials for parents and others on how to speak to your children about abuse, and I think that those are the easy problems. Having massive communication campaigns regarding how to speak to children about these issues. And that means [acknowledging that] this exists, so that when your child says something to you, you know how to recognize it. That would have a great impact, and that's an area that I think is unattended.

Lissa Harris: What do you think it would take to get institutions in Mexico—the legal system, the educational system, criminal justice—to feel responsible for this issue and to act on it?

Margarita Griesbach: I don't know. It's a complicated question. I just published something that talks about criminal investigation and why it doesn't work, and it has a lot to do with political culture and the political ownership of bureaucracy, how institutions are part of the political booty and not of public interest. That's a fundamental aspect of how institutions work. I was surprised to see in Project 2025 that one of the main proposals is making a lot of the bureaucratic posts into political posts, because it is a fundamental way to take over power and to concentrate power. So, Mexico is past 2025. That's the way things work. I think that the US has a very robust

bureaucracy, and public service is understood to be something aside from politics. That guarantee of functionality is fundamental for these types of problems.

Lissa Harris: Thank you so much.

Lissa Harris is a freelance reporter, science writer (MIT '08), and former local news entrepreneur based in upstate New York. She is currently working as a consultant on capacity-building and local solutions-oriented community projects in the rural Catskills.

***This conversation has been edited and condensed.*