

Premature deaths and prison violences in Mexico: imprisoned indigenous women and structural racism

By delving into the lives and premature deaths of four members of the Hermanas en la Sombra Editorial Collective, the author shares her insights on her 12 years long-work with indigenous women in prison: the racism that exists in prisons, the concealment of ethnic profiles during jail censuses, and the prisons' violence and function as an instrument of dispossession. What began for the author as an academic research on the access to justice of indigenous women, has become a life project accompanying the struggle of secluded women through writing.

By Rosalva Aída Hernández Castillo - April 1st, 2021

In Memory of my sisters: Leo, Morelitos, Rosita and Mica.

The feminist geographer Ruth Gilmore defines racism as the act by which the State legitimizes, legally reproduces and exploits the vulnerability of a racialized group in the face of premature death. From this perspective, the prison becomes a racist device by which the premature deaths of indigenous women are produced. The current article narrates the experiences of structural racism suffered by those indigenous women who have been subjected to prison violences. In that same vein, this article also highlights that these women's premature deaths are the product of a violation of their bodies by a justice and security system that is both misogynous and racist.

Many academics and activists have already documented the fact that the majority of bodies that inhabit the prisons in the Americas are racialized and undervalued bodies: Afro-American and Chicana feminists such as [Michelle Alexandre](#), [Angela Davis](#), [Juanita](#)

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[Díaz-Cotto](#) and [Ruth Gilmore Wilson](#); the critical race studies of [Richard Delgado and Jean Stefancic](#); the decolonial feminisms of Latin America such as are developed by [Rita Segato](#) and [Juliana Arens](#); and my own work, [Multiple Injustices](#), with imprisoned women in Mexico.

However, in Latin America, it has been more complicated to set off this debate, in part due to the *myth of mestizaje* which has made it more difficult for racism to be named. Under the logic that the Latin American nations are the product of the intermingling of races, and that therefore, they contain no such contexts of racial segregation as those that characterize the countries of the Global North, it is argued that those who are in jail are “citizens”, in their majority poor ones, whom are just more likely to indulge in crimes because of their context of economic vulnerability. Therefore, even the most critical perspectives on penal justice and the Latin American penitentiary systems point to the criminalization of poverty and the corruption of the justice system as the main problems.

The colour of prisons in Mexico

The works of Rita Laura Segato in *El color de la cárcel en América Latina: apuntes sobre la colonialidad de la justicia en un continente en desconstrucción* (The colour of prisons in Latin America: notes on the coloniality of justice in a de-constructing continent) point to a complicity of academia in silencing the existence of a racist and racialized structure that defines the prisons of Latin America. In the Mexican case, these silencing operations are made clear when the jail censuses utilize linguistic criteria to document the number of indigenous prisoners.

Under these parameters, the most recent information available is from 2017, when the [National Security Commission of the Ministry of the Interior](#) informed that the interned indigenous population in the country’s penitentiary centers amounted to 8 thousand 412 people, of a total population of 247 thousand. Of the indigenous population, 7 thousand

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728 belonged to state jurisdictions (fuero común) and 684 to federal jurisdiction (fuero federal); while 286 were women and 8 thousand 126 were men.

This report also laid out in detail the composition of people that spoke indigenous languages: 1 thousand 849 spoke Nahuatl, 639 spoke Zapotec, 527 Mixtec, 499 Tsotsil, 491 Tseltal, 412 Otomí, 403 Mayan, 361 Mazatec, 356 Totonaca, 334 Tarahumara, 219 Chol, 216 Tepehuano, 212 Chinanteco, 196 Cora, 179 Huasteco, 173 Mixe, 172 Mayo, 158 Tlapanec, 152 Mazahua and 116 Huichol.

However, through my experience in prisons of the state of Morelos and, through visits and workshops in the states of Chiapas, Puebla, Yucatán, Oaxaca and Mexico City, I have been able to witness that many members of indigenous communities tend to be considered as an impoverished population of peasant origin, thereby erasing their ethnic affiliation in the jail censuses. The process of de-identification is even more frequent when dealing with a population that has lost its mother tongue as a consequence of the violent campaigns of castilianization promoted by the public education system in indigenous regions.

These erasures impair the numerical registry of the indigenous population, while the racial hierarchies continue to reproduce themselves in the spaces of seclusion, where the few middle class women tend to be those of whiter phenotypes and who occupy spaces of privilege within the penitentiary structure. Amongst the few studies conducted surrounding the topic of imprisoned women that recognizes their ethnic specificity, the sociologist and human rights defender Ana Paula Hernández has detailed that [indigenous women represent only 5% of the total feminine penitentiary population, but make up 43% of those secluded by drug traffickers.](#)

In this way, indigenous women have become hostages of the war on drugs, they are the *preys of statistics*, as the Mexican government has put in jail the most vulnerable sectors of the drug market pyramid: instead of messing with the drug lords, the government

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targets poor, peasant women, most of them indigenous, who are utilized as cheap and disposable labor.

The campaign promise that was not kept

During the presidential campaign, the members of the current center-left government of Andrés Manuel López Obrador announced that they would modify the anti-drug policies so that they would stop criminalizing poverty and the marginalized sectors of society. To this end, the president launched an amnesty to free indigenous prisoners that had not received the support of a translator or that were serving sentences related to minor drug offenses.

[This Amnesty was finally approved by the Legislative Branch on the 22nd of April, 2020](#), as a measure to depressurize the prisons in the country in the midst of the Covid-19 pandemic. The measure opened a window of hope for the release of women that were in prison for the termination of pregnancies, non-violent offenses, crimes against health (the legal category used for “drug dealing”), indigenous that did not have access to a translator, and women above 60 years or with pre-existing conditions that made them more vulnerable to the pandemic. However, almost a year after the issuance of the law, no one has gotten out, half of the country’s prisons have problems of overpopulation, and most don't have access to drinking water in cells, [which makes the whole of the prison population vulnerable in the face of the sanitary crisis](#). Which is to say that the promises of ending the criminalization of poverty and promoting restorative justice, as were announced during the political campaigns, have not been kept.

On the contrary, during López Obrador’s first year of government, 14 thousand people were put in jail, and neither early release benefits nor benefits for humanitarian reasons were advanced. In practice, the amnesty and the campaign promise were never implemented, and so the criminalization of poverty still prevails in Mexico, in spite of the shift in the presidential discourse.

Indigenous women and prison violences

A trait unique to the experiences of imprisoned indigenous women which is not shared by other racialized women, is that, when applying penal law for their criminalization and imprisonment, the State also violates the indigenous jurisdictions recognized by [Article 4th of Mexico's Political Constitution](#) and the ILO's Convention No. 169. Moreover, many Mexican prisons have been built in indigenous territories, disregarding the right to prior consultation and dispossessing the local dwellers from their "ejido" and communal lands.

In Mexico, the criminalization and prisonization of indigenous people has represented yet another form of dispossession and forced displacement, by shattering their community bonds, relocating them in prisons far from their families and exercising multiple forms of violence —both physical and symbolical— over their bodies, from torture to isolation. Indigenous women, more specifically, endure violence before, during and after their detention: from sexual harassment and abuse, to the separation from their daughters and sons, their families and their community, which constitutes another form of torture for them.

Honoría Morelos, Rosa Salazar, Micaela Vargas and Leo Zavaleta are four indigenous women that belong to the Mephaa and Nahua peoples, who learned to read in the workshops organized by the Hermanas en la Sombra Editorial Collective and then told their life histories: either by writing it themselves or by sharing it with other incarcerated women who then put their pen at the service of their colleagues. A documentary titled *Bajo la Sombra del Guamúchil* (Under the Shade of the Guamúchil) captures this process of sororal writing and community building.

For these women, writing was an instrument of self-reflection and denunciation. However, their early deaths cast a doubt on the limits of our feminist activism. Structural forms of violence have such a profound impact on the health of the women we work with, that

cultural projects can not make up for the lasting damage that being in prison inflicted on their lives.

Four stories of lives and deaths in territories occupied by prisons

Honoría Morelos was a Nahua woman from Guerrero's mountain region. When she first attended the workshop, she was 70 years old and had spent seven years in prison without even meeting her public defender. Honoría's children had migrated in search of a better life, leaving her with the custody of two of her grandchildren. One of them fell ill just as Honoría had stopped receiving remittances from her children. She decided to leave her grandchildren under the care of a neighbor while she traveled to Mexico City for the first time, to ask for economic support from some relatives.

On her way to the city, she was detained at a military checkpoint and accused of transporting drugs. Without the aid of an interpreter, she did not even understand the reason she was being detained for. Honoría was then sent to a CERESO (Federal Social Readaptation Center) at Atlacholoaya, a women's prison, where she spent seven years and learned to speak Spanish. The distress she felt over having abandoned her grandchildren back in the mountains of Guerrero led to a stomach ulcer, which was never treated while she was serving time. An entire life of malnutrition, insufficient medical care and domestic violence added up to a frail health that played a part in her premature death, six months after being released from prison. Her release was achieved due to the public pressure generated by a documentary produced by our Collective, which recounted her story. She died without having been able to return to her community. Part of her story has been shared in our radio series *Cantos desde el Guamúchil. Historias de Vida de Mujeres Indígenas en Reclusión* (Songs from the Guamúchil: Life Stories of Indigenous and Peasant Inmate Women).

Rosita Salazar was a Nahua woman from Xoxocotla, Morelos, that ended up in the Atlacholoaya prison because she could not pay 40 thousand pesos to a moneylender, a

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sum she had borrowed to help her son migrate to the United States in search of a better life. She had signed contracts she was not able to read, and due to the lender's ill will, she was sent to the prison at Atlacholoaya. Rosita's parents had been *ejidatarios*, owners of communal land, but, as she was a woman, she could not inherit their lands. She had to work in construction with her husband, who did not own any lands either.

Her community neighbors the town of Atlacholoaya, where prisons for men and women were established. The peasants from this region have had to migrate to urban areas due to the lack of access to productive lands. Simultaneously, the development of the "judicial city" where the prisons are located has entailed the construction of subsidized housing units that have completely transformed the rural landscape. Now, a growing urban sprawl stands out amidst the fields. Prisonization forcefully displaces the indigenous population, as prisons are frequently built in indigenous regions, colonizing the territory formerly occupied by native peoples.

During the four years she spent in prison, Rosita suffered the consequences of inadequate doses of insulin that were applied to her as part of her diabetes treatment: when she was finally released, she was almost blind. The lasting effects of her years in prison had a significant impact on her health, to the point of causing her death. Throughout the two years she survived after her release, Rosita continued to write: her texts denounce the injustices and racism of the judicial system. In her body and her blindness, Rosita carried the ravages of the intersecting forms of violence she suffered for being poor, indigenous and a woman.

Micaela Vargas, a Mephaa woman from Tlacotepec, was incarcerated for drug-related crimes. Subjected to a forced marriage when she was 13 years old, her life was marked by violence: first, by the assassination of his husband, which left her widowed when she was still underage; then, by the domestic violence exerted by her second husband, with whom she had 11 pregnancies, out of which eight children survived. The conditions of extreme

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poverty and malnutrition in indigenous regions, as well as the lack of health infrastructure, make infant mortality commonplace in the lives of many women.

The lack of productive land made her family migrate to the city of Cuernavaca. They settled in the empty wagons of an abandoned train, and sold bread on the streets. After her husband's death due to alcoholism, small-scale drug dealing became a way of survival. When she was captured during a police raid, Micaela was sentenced to ten years and a hundred days in prison. During these years, she learned to speak Spanish and her health deteriorated due to different gastrointestinal ailments. She survived for four years after her release, in and out of public hospitals, until she died with a clinical profile that included diabetes and acute digestive disorders.

Leo Zavaleta was the first person we lost to Covid-19. She was a Mephaa woman from the mountain region of Guerrero. While serving time in prison, she learned to write and became one of the most prolific writers of the Hermanas en la Sombra Editorial Collective. She had the misfortune of being in the wrong place, at the wrong time, completely unconscious under the effects of alcohol. She was detained and sexually tortured by agents of the Federal Investigative Agency (AFI), which triggered a diabetic coma that almost took her life.

After selling her house so that she could afford a private attorney, Leo was declared innocent in a process that lasted four years. Freed, she quit alcohol and published her own book *Los Sueños de una Cisne en el Pantano* ("The Dreams of a Swan in the Swamp") with the Collective's support. However, her diabetes, worsened by the poor nutrition she had sustained during her years in prison and the after effects of torture, left her with a frail health. As a consequence, she was unable to recover after contracting COVID-19.

To remember, to denounce and to honor

The lives and deaths of these four women exemplify the damage inflicted by structural and extreme forms of violence. As they come from racialized geographies, stricken with

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poverty, the lack of health services, the violence of organized crime and armed groups, and militarization, it is possible to claim that their deaths were premature on account of structural racism.

In this sense, racial hierarchies place certain types of bodies in certain spaces, unequally directing resources and public policies towards different territories based on the bodies that inhabit them. In contexts of extreme violence, such as the one currently affecting Mexico, bodies like those of Honoria, Rosa, Micaela and Leo were constructed as disposable and placed in specific territories, in contrast to those that are constructed as the locus of “valuable life”.

Some authors, like Lisa Marie Cacho, talk about *social death*, that in the case of these four indigenous women, came hand in hand with physical death, as racialized illegality and the criminalization of the most vulnerable members of society rendered their value as human beings invisible. These lines aim to remember the value of their lives, to denounce the racism that enabled their deaths and to honor their memories by sharing their texts.

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