Indigenous children and criminal activities in Mexico

Unable to understand Spanish language, not provided with an opportunity to defend themselves in the court and regularly mistreated by the personnel, Indigenous youth in detention live under the burden of sadness, depression and injustice. As a result of their detention, they end up losing contact with their families, their culture, their community life and the environment.

By Elena Azaola - September 1st 2021

Mexico has experienced a significant increase in criminal activity since 2007, particularly so in violent crime: between 2007 and 2020, there was a threefold increase in murders, from 8 to 29 per 100,000 inhabitants. Compared to other adolescents deprived of their liberty, Indigenous youths are far more vulnerable because they come from the poorest and most disadvantaged sectors, have lower levels of education and start working at a very early age. This context deprives them of opportunities in which to develop their capabilities.

While Indigenous youths do, in most cases, speak Spanish at the time of their arrest, their understanding of the language and their ability to express themselves differs considerably. On top of this, when they come into conflict with the law, they are not provided with an interpreter, and it is only after arriving at the detention centre that they understand the meaning of the terms used to prosecute them and why they are being detained.

What’s more, they are often transferred to centres that are very far from their communities, meaning their parents are unable to visit them. They even have difficulty communicating with them by telephone, so they often lose contact with their family. These circumstances can result in feelings of deep depression and hopelessness with the world.
Depression and anxiety

Benito is a 17-year-old Tarahumara youth who has been in detention for two years now, with another seven to go before he completes his sentence: “I have never had a family, I was adopted because I had an accident and my mother left me in the hospital. I stayed in foster homes until I was adopted by a family”. Because his father was killed when he was two months old and his mother was a sex worker who used drugs, Benito left his adoptive family to support his mother. After living on the streets, at the age of seven he went to work on a farm. This was very poorly paid, however, so he also went out stealing.

“I sold drugs with my cousin and we also robbed stores and houses. It was because of our habit, the pills we were taking, that we needed to go out stealing. The drugs were given to us by a man who wanted to get us hooked,” explains Benito. He is currently being held in detention on charges of robbery with violence and homicide: “A man bought marijuana from us and didn’t want to pay. We went to his house and he pulled a knife on us but my cousin and I killed him first”.

Benito’s sadness is as evident as his anxiety, notable from his inability to stop fidgeting while he is speaking. He has not got used to living in a city, let alone a detention centre. All he wants is to be able to go back to the mountains. When he was arrested, Benito recalls that the judicial police beat him up: “They choked me with a bag, they hit me with a machete, they left my belly bruised, they beat me for about four hours”. Although he spoke almost no Spanish, no one explained to him in his own language why he was being detained or what crime he was being accused of. Only when it came to the trial was he offered an interpreter.

The young man comments that there are no special support programmes for the Tarahumara, despite the fact that there are 20 young Tarahumara men locked up in 10 cells: “Here they just use violence against us, they don’t help us with anything. Some of the inmates are getting worse as a result of this experience. There are a lot of fights
because they keep us locked up all the time. Sometimes the guards go too far because they are under a lot of stress, too. They don't understand what we’ve been through, they don't think, they just act. One guy who was a friend of mine hanged himself and that pushed me over the edge. He hanged himself because his family didn't visit and they kept him locked up all the time”.

**The teenager who doesn’t miss her former life**

Leticia expresses herself very intelligently and articulately. She is 15 years old, born in Oaxaca of Chinanteco origin. She never knew her parents and has lived most of her life on the street: “My mother gave me away when I was 20 days old and I got passed around until a shopkeeper picked me up: she took care of me and registered me. I only went to school until third grade. I dropped out of primary because a boy cut my finger with a pair of scissors. When the shopkeeper died, I went to live with her daughter but her husband was abusive to me and so she didn’t want me in her house and threw me out. Then I went to live on the street and started taking drugs and stealing to be able to buy them”.

It was on the street that she met her partner; he was violent towards her and then she became pregnant. They were arrested for robbing a passer-by. They had had a fight earlier that day because Leticia did not like her boyfriend smoking “so much crack” and so he had stabbed her. Since it was her birthday, however, he decided to steal a puppy to give to her. Then, as a man passed by, they stole his phone and her partner took 60 pesos and a pair of glasses from him. Five minutes later, a patrol car turned up and arrested them.

“They haven’t been able to release me because the man we robbed hasn’t shown up to testify. My partner was detained because he’s served time for robbery in the past, although this time they’ve locked him up because he’s also stabbed someone else,” Leticia said. Given such hard experiences, she’s actually relatively happy in the detention centre and does not miss her former life.
Arrested for something he did not do

Wilfrido is a 20-year-old Mixtec who has been in the detention centre for four years. He dropped out of school very quickly because he did not like it and found it difficult to understand Spanish. His parents also did not go to school but focused their activity on working in the fields. Wilfrido is the youngest of eight siblings and he says his parents always took care of him and never mistreated him. That family support is what today gives him hope that there may be light at the end of the tunnel.

“I always used to hang out with my mum and we would work a plot of land together. One day, a next door neighbour was killed and, because I was always around, I was charged with the murder. They claimed a seven-year-old boy saw me. The judge said it must have been me who killed the man because the boy cried when he saw me. But that wasn’t the reason, the child cried because he only spoke Mixteco and didn’t understand what was being said to him,” Wilfrido points out.

His rights were not explained to him at the time of his arrest, nor the fact that he could have a lawyer. He was not allowed to give evidence at the trial. Since his parents and aunts and uncles had always supported him, he felt bad when he was sent to the centre because he felt like he had let them down. His family are only able to visit him three or four times a year because they live very far away and have no money. Despite the anguish of being detained, Wilfrido is excited about the possibility of completing his studies: “I’m here for something I didn't do, but I feel it's good because I'm learning things that will help me get ahead”.

Thinking about his future, Wilfrido would like to start a bakery, have a house, a family, live a quiet and happy life: “I think the judge said: 'You don't even speak Spanish well, that's why I'm going to put you in there'. She led me to believe that it was due to a lack of study. They didn't even have proof that it was me and that made me feel bad”. Wilfrido questions the trial proceedings since the judge rejected his mother’s testimony because of the family
tie and promised him that she would review his case when Wilfrido finished high school, something she has not yet done.

**Waiting for an interpreter**

Leopoldo’s family speak Chatino, his parents did not complete primary school and he has four siblings and one half-brother. Aged 17, he has been held in detention in Oaxaca state for the past year. He hated school and did not finish because his classmates bullied him and his teachers did not support him. By the age of 12, Leopoldo was working in the fields, after which he went to work as an apprentice bricklayer to help bolster the family’s meagre income. When he was 14, his father was killed: “They killed him for something he didn't do. He was a municipal police officer, but he was a good one”.

Leopoldo was accused of murder: “Given that my father was killed, that hurt me a lot. The people who killed him came after me and tried to shoot me but they missed. There was a shoot-out, one of the attackers died and they blamed it on a cousin of mine who was hanging out with bad people. When they caught him, my cousin said that I went with him to kill that person and that's why they brought me here. The people who killed my dad had no problems with him, they did it for his pay cheque because my dad was a municipal police officer”.

When he was arrested, the authorities threatened to kill him if he did not talk: “I told them what I knew, that was all. I couldn't defend myself because I didn't speak Spanish well. I didn't even understand that they were saying they’d kill me”. Leopoldo says that he was also told that he had rights but he did not understand what rights they were talking about. It was only when it came to the first hearing that he was given an interpreter and he was able to understand what the judge was saying.
Community life and customs beyond detention

When Indigenous people are deprived of their liberty, they lose contact with their language, their culture, their family, their environment and their community life. Their vulnerability and disadvantage are thus far greater than that of detained non-indigenous youth. And yet these additional factors are not taken into account, neither by the justice system nor by the detention centres.

Through the testimonies collected, it is clear that Mexico has much to do to provide better living conditions for its children and youth, especially those living in the most vulnerable situations. The justice system has several issues to resolve if it is to be able to provide Indigenous adolescents with the tools to make the transition to adulthood. It needs to provide them with better conditions and minimize their disadvantage in comparison to other young people in the country.

These accounts show that the Mexican State must provide interpreters and take into account their life experiences and the need to maintain family ties. If it fails to do so, it will be condemning these Indigenous children and youths to a life of permanent disadvantage, unable to achieve their full potential and with no opportunity to use their skills to the benefit of themselves or society.

These life stories form part of 73 interviews with Indigenous boys and girls collected during 2016 in youth detention centres. They were conducted as part of the research “Nuestros niños sicarios” (“Our child assassins”) (Fontamara, 2020), which analyses the correlation between the vulnerability of adolescents and the violent crimes for which they have been detained.

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