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Linguistic rights, translation, and State-sponsored violence in Mexican prisons

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Abstract

This article examines linguistic violence experienced by incarcerated Indigenous language speaking women in Mexico. Drawing from a survey of incarcerated individuals, we demonstrate that, despite constitutional guarantees for language access, non-Spanish speakers often lack access to translation services. This deprivation is a form of linguistic violence. Furthermore, we find such linguistic violence correlates with predatory behavior from authorities—specifically physical and sexual violence. This predatory behavior is reported more frequently by female Indigenous language speakers than any other group. We propose two reasons why this might be the case: limited Spanish proficiency traps these women in prolonged legal limbo, increasing their interactions with potentially abusive authorities, and the language barrier fosters isolation, hindering their ability to report abuses. This phenomenon illustrates how linguistic violence paves the way for physical violence.

Keywords: translation; gender; prison; women; violence; Mexico

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1. Introduction

Existing literature has shown that carceral systems across the world engage in violations to due process (Sung 2006; Sarkin 2008), and that these violations often target racialized (Cheliotis & Liebling 2006) and gendered minorities (Croux et al. 2020). Such literature has frequently noted that these violations are exacerbated when the State also engages in linguistic violence, specifically by failing to provide interpretation and translation services in the criminal justice system (Ackermann 2010). After all, absent these services, prisoners who do not speak the court's language might not be adequately informed of their rights or the charges they are accused of, are prevented from issuing statements regarding their own cases, and are unable to access legal representation. Thus, linguistic violence has been directly linked to violations to due process and other forms of legal oppression.

In this article we study the consequences of linguistic violence by looking at the case of Indigenous language (IL) speakers in Mexican State prisons, particularly women. Mexico is home to over seven million IL speakers (Instituto Nacional de Estadística y Geografía, INEGI 2020), and it was only in 2001 that the Constitution recognized the right to be assisted in criminal proceedings by a defender or interpreter with knowledge of the accused's language and culture. Sixteen years after this recognition, the Mexican State has simply failed in enforcing this right (Comisión Nacional de Derechos Humanos, CNDH 2022). We investigate whether this failure is associated with another undesirable outcome: predatory behavior from authorities in the form of bribery, torture, and sexual violence. Using a unique survey of incarcerated people in Mexico conducted in 2021 (ENPOL, or *Encuesta Nacional de Población Privada de la Libertad*), our analysis shows that this is the case: reported instances of these abuses are considerably higher among female IL speakers than any other group.

We then suggest two possible mechanisms by which these abuses come about. First, women who do not speak Spanish and have no access to an interpreter who speaks their language spend longer periods in pretrial

detention,² which increases contact between them and the authorities. Second, women who do not speak Spanish are more likely to report fewer visits from the outside and higher rates of bullying by fellow prisoners, so it is possible they are unable to communicate to anyone either inside or outside of the carceral system to report these abuses. Overall, our argument and evidence illustrate how linguistic violence leads to physical violence, furthering a circle of oppression and abuse.

2. Translation, predatory behavior, and gender in Mexican prisons

On 3 August 2006, Jacinta Francisco Marcial, a forty-three-year-old indigenous Hñä-hñú woman, was detained in the Mexican state of Querétaro along two other Indigenous women on charges of kidnapping six federal agents of the Federal Agency of Investigation (AFI). Upon investigating how three women could have overpowered six highly-trained (and probably armed) federal agents, the National Commission of Human Rights (CNDH, following the Spanish acronym) reported that the accusations relied on hearsay testimony and false witnesses (CNDH 2009). Even when Jacinta spoke hñähño (Otomi) and had limited comprehension of Spanish at the time of the arrest, she was not assisted by an interpreter. Instead, she was asked to sign documents in Spanish while the assigned public defender “sat in the corner of the room, without saying anything” (Amnesty International 2009).

It is widely documented that Indigenous people in Mexico live in precarious economic conditions. A 2023 document reports that eight out of ten Indigenous language speakers live below the poverty line, and six out of ten live in extreme

² Pretrial detention (*prisión preventiva oficiosa*) is a judicial measure intended to prevent the defendant from fleeing before their trial. Unless the defendant is accused of a serious crime—in which case it is mandatory—pretrial detention can be applied at the judge’s discretion, with a maximum duration of two years (see Mexico 2020, art. 19). In practice, judicial decisions often rely on biases and lack substantial evidence, undermining the significance of the case and resulting in the incarceration of innocent individuals in many instances.

poverty (Instituto Nacional de las Mujeres, INMUJERES 2021). Even for those who are indirectly affected by the carceral system—family and community members, for example—the cost of a criminal trial and its aftermath might be prohibitive. After all, getting from their communities to courthouses or prisons, for example, implies an extraordinary (and impossible to some) expenditure for transportation (Sieder & Sierra 2011). Encounters with Mexican carceral institutions are even more cumbersome for Indigenous women, whose experiences are compounded by their racial and gender identities. Existing literature, for example, has found that incarcerated women are unfairly accused, endure prolonged periods without trial, face social isolation, are extorted for higher bribes by corrupt officials, and are, overall, more vulnerable to exploitation within a system that prioritizes maintaining a facade of justice administration (Ang & Blajer de la Garza 2024).

In addition, Indigenous people might face an additional language barrier. A judicial process levied against an Indigenous language speaker who is not assisted by an interpreter or defender that can communicate with them is a clear violation of due process (Marcos Escobar 2012). This barrier is even more cumbersome for women: the 2020 census revealed that the illiteracy rate of Indigenous women is almost 20%, almost five times higher than the 4.1% illiteracy rate among non-Indigenous women (INMUJERES 2021). This suggests Indigenous women might be less likely to follow and understand judicial processes conducted in Spanish, especially if these rely on written documents. Furthermore, as Chenaut (2012) has argued, members of Indigenous communities who speak Spanish might do so only in some contexts (for example, in specific social interactions), which indicates they might have limited competence and little chance to successfully fight a charge or face a trial.

In this context of racial, gender, and economic oppression, instances like Jacinta's are distressingly common in Mexico. According to data from the Human Rights National Commission, in 2015 there were 8,500 members of Indigenous communities incarcerated in Mexico (CNDH 2022), and in 2021, the *El País* newspaper reported that almost six thousand Indigenous people in Mexican prisons had not had access to an interpreter while facing a criminal process (Espinosa 2021). Yet, few studies have assessed (1) the prevalence of

Indigenous speakers in prisons, (2) the access—or lack thereof—to translation and interpretation, and (3) whether translation could prevent predatory abuse. In the studies mentioned, for example, it is not clear whether they refer to self-identified Indigenous individuals, or individuals who speak an Indigenous language. This oversight is understandable because until very recently, there were almost no aggregate data on incarcerated people in Mexico. As a result, most studies referenced here use as evidence either a single state or a handful of cases, which prioritizes detailed description over broader patterns of abuse or violence.

3. Evidence and methods: A survey study of the incarcerated

Our article precisely seeks to contribute to existing literature in this regard by addressing the three items listed above. In order to do so, we rely on a unique survey of Mexican prisoners: the National Survey of the Incarcerated Population (*Encuesta Nacional de Población Privada de la Libertad*), hereafter referred to as ENPOL, conducted by the National Institute of Geography and Statistics. ENPOL (INEGI 2021a) is a nationally-representative survey of incarcerated individuals—meaning individuals that are confined either because they have been charged with a crime, or they have been convicted of one—over eighteen years old. The survey was conducted orally and in person between June and July of 2021, and participation was voluntary. The survey included questions on sociodemographic characteristics, details of their arrest, arraignment, trial, and incarceration, as well as the respondents' experiences with authorities and other inmates during these processes. The survey successfully finished 82.96% of the planned interviews (response rate) which resulted in information on 61,449 respondents across all states in Mexico. INEGI is a public but autonomous Mexican institution, so we have no reasons to suspect bias in their reporting of the results.

This does not mean that the survey is not without limitations. Crucially, the available dataset only contains successfully finished interviews but, in their methodological report, INEGI lists as a possible reason to not complete an

interview that the detainee did not speak Spanish (INEGI 2021b). We cannot know if people were excluded from the sample because of this reason, nor how many may have been excluded nor, importantly, whether they spoke an Indigenous language (as opposed to a foreign language). Instead, the ENPOL dataset contains instances of respondents that speak an Indigenous language and that reported the need for interpretation during criminal proceedings. We acknowledge that ENPOL likely does not include respondents who speak an IL and no Spanish, but we believe that if this biases our findings, it is likely that the bias works against our argument. That is, as we show below, the ENPOL survey shows a systematic pattern of linguistic violence that is associated with physical violence. We argue that if we found this association among inmates who speak an IL and enough Spanish to answer a survey, the true association might be even more significant for inmates who cannot speak Spanish.

For the purposes of this article, we have chosen to disregard the 5,995 inmates that are held in federal facilities (*fuero federal*) and instead focus on the 55,417 respondents that are held in state reclusion centers (*fuero estatal*). We do so because the population that we want to focus on are better represented in state prisons: of the 328 female respondents who speak an Indigenous language, only fifteen are held in federal facilities. Although we have no reason to believe that experiences of language violence, isolation, and predatory behavior are different across jurisdictions, we simply do not have sufficient data to explore whether or not this is the case.

Table 1 shows the distribution of respondents according to the two sociodemographic characteristics of interest: sex and whether the respondent reported speaking a national language other than Spanish. As can be seen, we use the variable *sex*—which takes only male or female as values—as a proxy for gender. This variable does not acknowledge the biological reality that sex is not binary and the social reality that gender is on a spectrum. However, the gender data available in the ENPOL survey is not detailed enough to allow us to carry out a more finely-grained analysis.

In addition, we use the answer to the question “Do you speak a national language other than Spanish...?” (see INEGI 2021b, especially question 1.12) to categorize respondents according to their language. Thus, we note that the numbers

presented in the first column indicate respondents who reported speaking an Indigenous language (IL) and not Indigenous respondents. This is worth mentioning because the relationship between indigeneity and language has been at the heart of oppression and violence in Mexico. After all, the post-revolutionary Mexican State—largely building on one of its central ideologies, *mestizaje*³—sought to incorporate Indigenous individuals and communities into the so-called modern State by implementing policies such as Spanish-language public education (see, for example, López Caballero 2021). After decades of such policies, Indigenous languages dwindled at a much faster rate than Indigenous identities.

As a result, in 2022 Mexico, only 7.1 million (30.8%) of the 23.2 million people who self-identify as Indigenous speak an Indigenous language (INEGI 2022). This discrepancy between Indigenous self-identification and language is mirrored in the survey: 10,813 respondents self-identified as Indigenous, but only 2,708 (25%) of them reported speaking an Indigenous language. Given that our argument centers on the relationship between language and violence, our sample of interest consists precisely of IL speakers.

The table shows that, of the 55,377 surveyed inmates under state jurisdiction, 80.24% (44,436) are male, and 19.76% are female (10,941). Around 95% of the sample reports speaking only Spanish, although this percentage is slightly higher among women (97.1%) than men (93.6%). Thus, the percentage of male speakers of Indigenous languages is double that of females—6.4% versus 2.9%. Again, since ENPOL is not a prison census, but a survey, it cannot accurately describe the make-up of the prison population, but it can shed light on patterns of characteristics and relationships about those incarcerated.

³ The ideology of *mestizaje* considers all Mexicans to be *mestizos*, descendants of both European and Indigenous blood. It is an “ideology that ostensibly unifies people of European and indigenous descent into a single, equal Mexican subject while constitutively regarding indigenous people as racially inferior and in need of ‘civilization’ and ‘modernization’ to become more European” (Ang & Islas Weinstein 2023, 6).

	IL speakers	Spanish speakers	Total
Female	313 (2.9%)	10,628 (97.1%)	10,941
Male	2,852 (6.4%)	41,584 (93.6%)	44,436
Total	3,165	52,212	55,377

Table 1. Distribution of languages reported in ENPOL, by sex

Table 1 shows the (somewhat obvious) fact that Indigenous speakers are a (numerical) minority group in prisons. Their status as a minority is even more evident when considering both the geographical spread of incarceration and the differences between men and women. Figure 1 illustrates this difference by showing the concentration of incarcerated IL speakers by state and sex. Unsurprisingly, states with higher numbers of IL speakers (for example, Oaxaca, Yucatán, and Chiapas) also include higher number of IL speakers in the sample. But the map also shows that there are a considerable number of states where the number of surveyed women is quite low: respondent samples in Aguascalientes, Baja California Sur, Durango, and Guanajuato have only one IL-speaking female, and Campeche, Coahuila, Colima, Querétaro, and Tlaxcala have none. Since the data presented here come from a sample of incarcerated individuals, we cannot affirm that these states only have one female IL speaker in the prison, but we can suggest that the female IL population is likely to be quite low.

The map shows geographical dispersion of IL speakers, but it groups all languages under the umbrella term “indigenous.”⁴ Yet in Mexico, 364 variants of sixty-eight Indigenous languages belonging to eleven distinct families are

⁴ For an excellent discussion on the term *indigeneity* as a political and historical category, see Patricia Tovar’s interview with Yásnaya Elena A. Gil (Tovar 2019).

spoken (Excélsior 2018; INEGI n.d.), so not all IL speakers communicate with each other. To illustrate the variety of Indigenous languages represented in the sample, figure 2 shows the languages spoken by the 313 female IL speakers surveyed, by state.

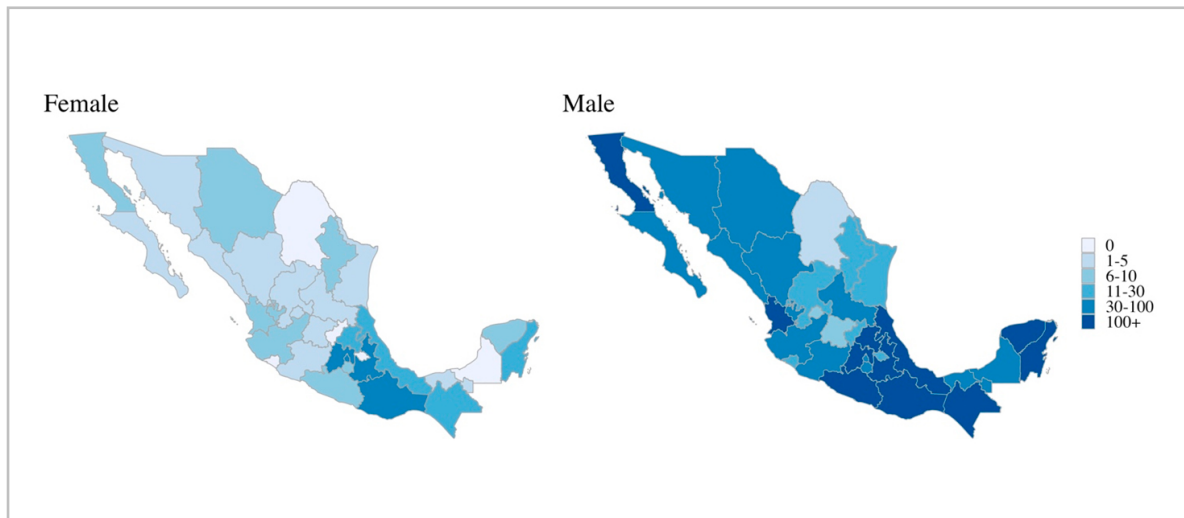


Figure 1. Geographical distribution of IL speakers in Mexico, by sex

Source: Own using ENPOL data and mxmaps

We take the numbers presented so far as evidence of possible linguistic isolation, a term commonly used in immigration studies to describe the lack of communication people experience when the language spoken in their household or community is not the dominant one (see, for example, Siegel, Martin & Bruno 2001; Nawyn et al. 2012). Outside of prisons, linguistic isolation has been linked to relevant social outcomes such as economic deprivation (Shihadeh & Barranco 2010), educational achievements (Drake 2014), and even entrepreneurship (Mora & Dávila 2005). Within the literature on incarceration, linguistic isolation has been linked to social isolation (Gallez 2018), healthcare access (Yildiz & Bartlett 2011; Watt et al. 2018), and poor enforcement of due process (Martínez-Gómez 2018).

Consistent with the literature referenced above, the ENPOL data shows that linguistic isolation is associated with experiences of discrimination, and we also find that this association is even stronger among women. Eighteen percent of

female IL speakers report having suffered language discrimination while in prison, considerably higher than the 0.7% female and 0.5% male Spanish speakers who reported language discrimination, and even higher than the 8.8% of male IL speakers who reported language-based discrimination. Furthermore, female IL-speaking respondents also reported higher rates of discrimination suffered due to either age, skin color, physical features, ethnicity, gender, religion, or socioeconomic status. In short, female IL speakers reported higher rates of all types of discrimination except due to disability, sexual orientation, or because of the charges faced. Tellingly, we find a linguistic component of discrimination *even among those who self-identify as Indigenous*. That is, considering only respondents who self-identify as Indigenous, those who speak an Indigenous language report ethnicity-based discrimination eight times more frequently than those who speak Spanish.

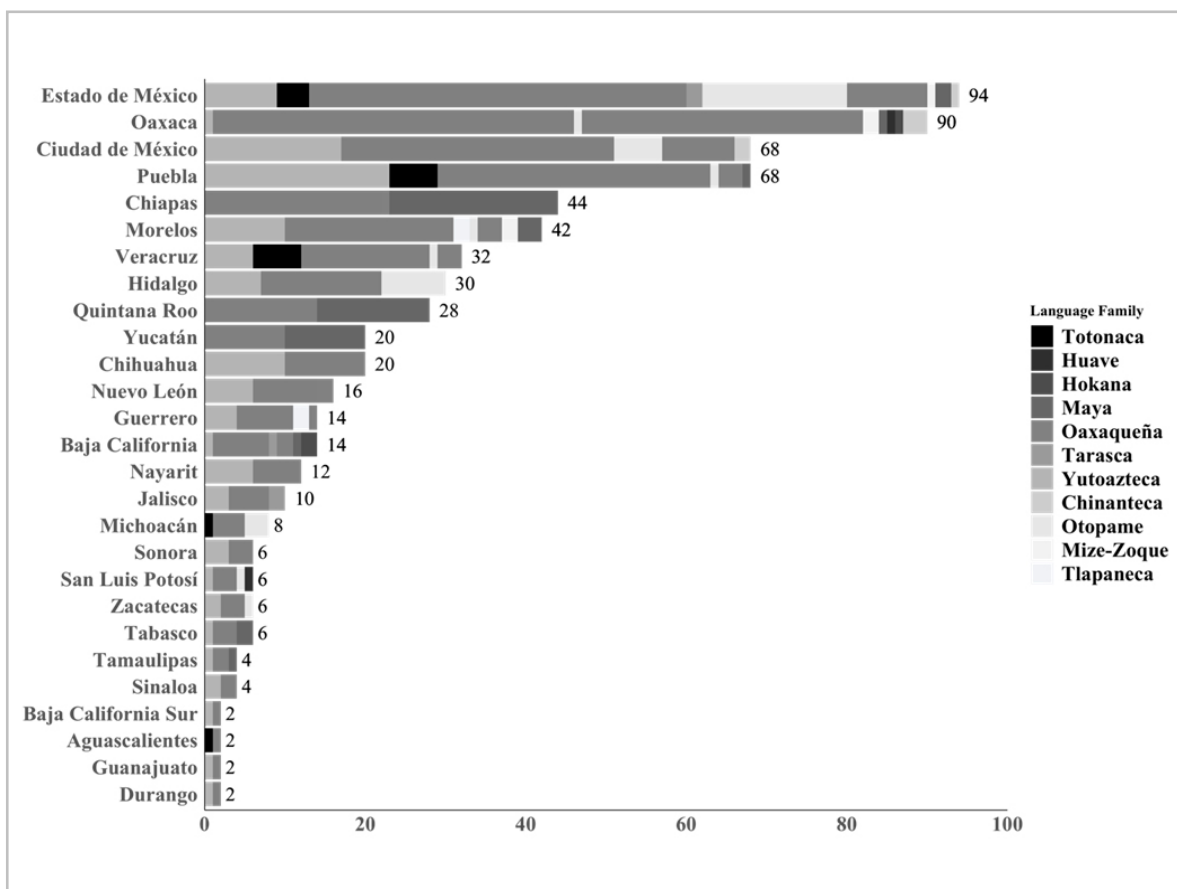


Figure 2. Families of languages spoken in sample (females, by state)

Source: Own using ENPOL data.

Like most carceral systems in the world, Mexican prisons confine those who are deemed—or suspected of being—criminals. But the analysis presented in this section suggests that your gender and which language you speak can worsen life while imprisoned. For women who speak an Indigenous language, prison can be more (linguistically) isolating, and it can engender discrimination. The next section continues with this discussion, emphasizing the role that the Mexican State plays in worsening their experience.

4. Access to translation: The failure of the Mexican State

One way in which linguistic isolation could be reduced—although perhaps not eliminated altogether—is through the implementation of policies that are cognizant of language differences. Case studies of Western countries have found that providing language assistance in judicial and carceral proceedings in the form of translated prison directives and policies, translated brochures (Martínez-Gómez 2018), or literacy programs in different languages (Turnbull & Hasselberg 2017) would better enforce human and linguistic rights, while decreasing linguistic isolation. But of course, providing interpretation and translation during a criminal proceeding, from the moment charges are formulated through any appeal process, is a pillar of linguistic rights, human rights, and due process. Interpretation is the *sine qua non* of a fair process: absent interpretation, detainees do not know which crimes they are being accused of, what is the evidence presented against them, and, crucially, what their rights are.⁵

Despite Mexico's vast language landscape, and a rarely-enforced law that established the right of IL speakers to be tried in their own language (Giovine Yáñez 2008), it was not until a constitutional reform in August 2001

⁵ Importantly, some scholars have acknowledged that translation can be a tool of empowerment, but that it can also perpetuate judicial ethnocentrism by making justice via modern or Western procedures instead of communal or indigenous ones (Favila-Alcalá 2020).

that the Constitution enshrined the right of IL speakers to be assisted during criminal proceedings by an interpreter or a defender with knowledge of the language spoken by the accused. Yet, as of 2024, we could not find a single state that has built the necessary infrastructure to systematically and universally provide linguistic assistance to IL speakers. That is, some states do provide interpretation and language-appropriate services on an ad-hoc basis (see, e.g., Kleinert & Stallaert 2015; Ang 2023), and there are efforts led by civil society to train and share information regarding interpretation during a criminal process (see Kleinert & Stallaert 2024) but, to our knowledge, there are no State-led policies, protocols, or procedures to ensure that non-Spanish speakers are identified and their linguistic rights enforced. This failure has been amply noted, and even the National Human Rights Commission issued a recommendation in 2021 noting the need to build an office with infrastructure and a budget to enforce the linguistic rights of people facing a judicial process (CNDH 2021).

How frequent, then, is access to translation and interpretation services among IL speakers? ENPOL data can provide an answer, albeit a somewhat limited one. The survey asked respondents whether they had the need for a translator—and whether they had been provided with one—upon arriving at the Ministerio Público (MP),⁶ the station where detainees are taken after arrest and where their charges are read (MP agents, sometimes referred to as *fiscales*, are the equivalent of states' attorneys in the US). As a clarification, although the survey uses the term *translator* (“traductor”) in both questions (INEGI 2021b, especially, questions 4.1.14 and 4.1.16), in colloquial Mexican Spanish, *traductor* can refer to written translation and/or spoken interpretation. We choose to translate this specific use of *traductor* as *translation services*.

The question of access to translation services while at MP is useful because, first, it disentangles speaking an Indigenous language from requiring linguistic

⁶ After the 2008 overhaul of the judicial system, *Ministerios Públicos* became *Fiscalías*. In colloquial language, however, *fiscales* are still referred to as MP agents, and ENPOL uses the term *Ministerio Público* in the questionnaire, which is the term we use in this article.

assistance, a distinction that is sometimes overlooked. In addition, the question also provides information about access to translation in the crucial moment where charges are formulated and when detainees' rights are communicated, a moment where linguistic rights become instrumental in guaranteeing due process (Rubio-Marín 2003). Ideally, of course, we would like to assess whether translation services were provided throughout the entire process—detention, arrival at MP, trial, and appeals—not just while being presented at the MP. Unfortunately, this data is simply not available

Females			
Had translation?			
Needed translation?	No	Yes	Total
No	256 (100%)	0 (0%)	256 (100%)
Yes	34 (63.0%)	20 (37.0%)	54 (100%)
Total	293 (93.6%)	20 (6.4%)	313 (100%)
Males			
Had translation?			
Needed translation?	No	Yes	Total
No	2,196 (100%)	0 (0%)	2,196 (100%)
Yes	352 (59.7%)	238 (40.3%)	592 (100%)
Total	2,612 (91.6%)	238 (8.4%)	2,850 (100%)

Table 2. Access to translation services for IL speakers as reported in ENPOL, by sex

Table 2 shows the importance of distinguishing between people who speak an Indigenous language and people who require translation. The table shows that 256 respondents, or 82.6% of the 313 female IL speakers, reported they did not need translation at the MP. In the case of male IL-speaking inmates, 2,196 out of the 2,850 (77.1%) reported not needing translation services. To be clear, any IL speaker—regardless of whether they speak Spanish or not—has the inalienable

right to face the State in their own language.⁷ The enforcement of this right is even more crucial in criminal trials, where stakes are high, where the language used is highly technical, and where cultural translation is paramount.⁸

Most importantly, the table also shows that of the fifty-four female respondents who reported needing translation services, thirty-four (63%) were not given access to them. This is a very similar percentage to that of male IL speakers who reported needing translation services: 352 out of 592 of them did not receive the desired services (59.7%). These numbers clearly show a failure on the part of the Mexican State to enforce linguistic rights, a failure that has been recognized as a systematic violation to due process of the members of Indigenous communities (Marcos Escobar 2012). However, we also want to emphasize that this failure is also linguistic violence, and a State-sponsored one at that. In using the term *linguistic violence*, we do not mean the use of offensive or mean words when talking to someone (Corsevski 1998). Rather, we mean the use of language—in this case Spanish—as a tool that allows the most coercive of State institutions, the carceral system, to physically confine someone without any possible defense.

Before we move on to the next section, we acknowledge that the sample does not include everyone who was detained or taken to the MP, only those whose process resulted either in pretrial detention or in a guilty verdict. This bias could mean that people who receive translation and interpretation while at the MP are *less* likely to end up in prison (for example, because they can better fend off charges) and therefore, *less* likely to be included in ENPOL. If this were the case, then the numbers reported in table 2 would be biased downwards, meaning that a larger proportion of people in need of translation services receive such

⁷ This right is recognized by human rights doctrines as well as by the Mexican Constitution (Mexico 2020, article 2).

⁸ By *cultural translation*, we mean correctly interpreting concepts that might not exist in a given culture. An example is what Chenaut has coined as *conflict of cultural logics* to describe how the same activity can have vastly different meanings across cultures. For example, consuming peyote is a sacred Wixárika ritual, but for the Mexican State, it is a crime (Chenaut 2012). For an argument on cultural translation, see Killeen and Grey's case study of the Khmer Rouge tribunals (2023).

services and ENPOL simply does not capture them. For this reason, we want to emphasize that the conclusions that we draw from the data are applicable only to people who are incarcerated and not to all IL speakers who encounter the criminal justice system.

5. Linguistic violence as enabler of predatory behavior

What are the consequences of this linguistic violence? In this section, we explore how having no access to translation services might enable further abuses by authorities. Specifically, we are interested in three types of abuses by the Mexican state: (1) bribery, (2) torture and physical violence, and (3) sexual violence, and in evaluating whether the effects of linguistic violence are gendered.

Why do we focus on these three outcomes? In a general sense, the criminal justice system can victimize those that are passing through it almost at every point of the justice process. Existing literature has extensively documented the existence of bribery and physical violence at the time of arrest, during the arraignment at the MP, while on pretrial detention, at trial, and then while in prison (Bergman, Azaola & Magaloni 2003; Azaola & Bergman 2009; Forné & Padilla Oñate 2019). Furthermore, empirical studies have found that the Mexican authorities often focus their predatory efforts on women (Azaola 2003), and on Indigenous women more specifically (Ang & Blajer de la Garza 2024). Yet, none of these studies has examined whether failing to provide a crucial service—translation—is connected to extracting money via bribery, forcing confessions through torture, and sexually assaulting detainees.

5.1 Bribery

Table 3 shows the prevalence of bribe-seeking—either asking for a bribe or insinuating that a bribe would be welcomed—while at MP. The prevalence is shown by groups of interest, and groups are formed by sex, need, and access to translation. The numbers shown are within-group percentages, which means, for

example, that 14.7% of women who needed but did not have access to translation reported having been asked for a bribe, whereas 15.1% of women who needed and received translation reported being asked for a bribe.

	Asked for a bribe	Insinuated they wanted a bribe
Female IL speaker, did not have translation	14.7%	2.9%
Female IL speaker, did not need translation	15.1%	6.2%
Female IL speaker, had translation	15.0%	5.0%
Female Spanish speaker	12.9%	6.6%
Male ILS, did not have translation	14.7%	6.8%
Male IL speaker, did not need translation	9.8%	5.0%
Male IL speaker, had translation	8.4%	2.9%
Male Spanish speaker	10.9%	5.8%

Table 3. Report of bribery while at MP (either asked for or insinuated) as reported in ENPOL

Table 3 shows, first, that bribe seeking while at MP is not as common as one would have thought. In Mexico, petty corruption—the corruption that occurs in the daily interaction between low-level bureaucrats and citizens—is so frequent that it does not generate social disapproval (Moreno-Jaimes 2022). But table 3 shows that nearly 15% of respondents report having been asked for a bribe, a percentage that seems low given how normalized bribery is. And, of course, the percentage of respondents that report an insinuation of a bribe are even smaller. Furthermore, we see no discernible pattern across groups, meaning that we have no evidence to conclude that gender, language, or access to translation increases bribe-seeking by authorities, at least not in the MP.

5.2 Torture and physical violence

A second form of predatory behavior from authorities comes in the form of torture and physical violence, a widespread practice commonly used to extract confessions in Mexico (Ruiz Torres & Azaola 2013; Magaloni & Rodriguez 2020). Figure 3 shows the prevalence of different forms of torture and physical violence while at the Ministerio Público by sex. Female respondents are shown in the top panel, and male respondents in the bottom panel. The horizontal axis depicts specific forms of torture asked about on the ENPOL survey, and the vertical axis shows the within-group prevalence in percentages. In this way, for example, 15% of females who needed translation but were not provided with it reported having been bound or tied by the authorities, whereas 12% of females who needed and received translation services reported being bound or tied. The main group of interest, women who needed translation, are identified by the solid markers—a dot for those who did not have access to translation and a square for those who did. The hollow markers are for IL speakers who did not need translation (dot) and for respondents that reported speaking Spanish (squares).

What figure 3 shows, first and foremost, is an appalling prevalence of torture experienced by those incarcerated, with up to 30% of respondents in some groups reporting having been subjected to it. But the figure also shows a pattern that suggests that linguistic violence is, indeed, associated with physical violence: the group with the highest proportion of reported acts of torture for all acts (except one—burning) are those who experienced linguistic violence (marked with the solid black dots). This pattern is true for both sexes: in both the upper and lower panel the group that reports more frequently being tortured are those who did not have access to translation services. The evidence, therefore, suggests a strong link between linguistic violence and torture by the authorities that is unfortunately suffered similarly across genders.

Before presenting the final measure of predatory behavior, we want to discuss two limitations to the analysis presented in this subsection. First, this subsection deals with the relatively small (643 respondents, 54 females and 617 males) subsample of individuals who reported needing translation services. In small samples, single individuals carry more weight due to the mere fact that there are

fewer individuals in total. Thus, we must acknowledge that the observed pattern could be due to one or two respondents in our group of interest, rather than a reflection of an actual association.⁹ Second, our analysis describes an observed association between linguistic violence and other forms of violence committed by the authorities. As such, this analysis does not aim at showing causality and it should not be taken as proof of it.

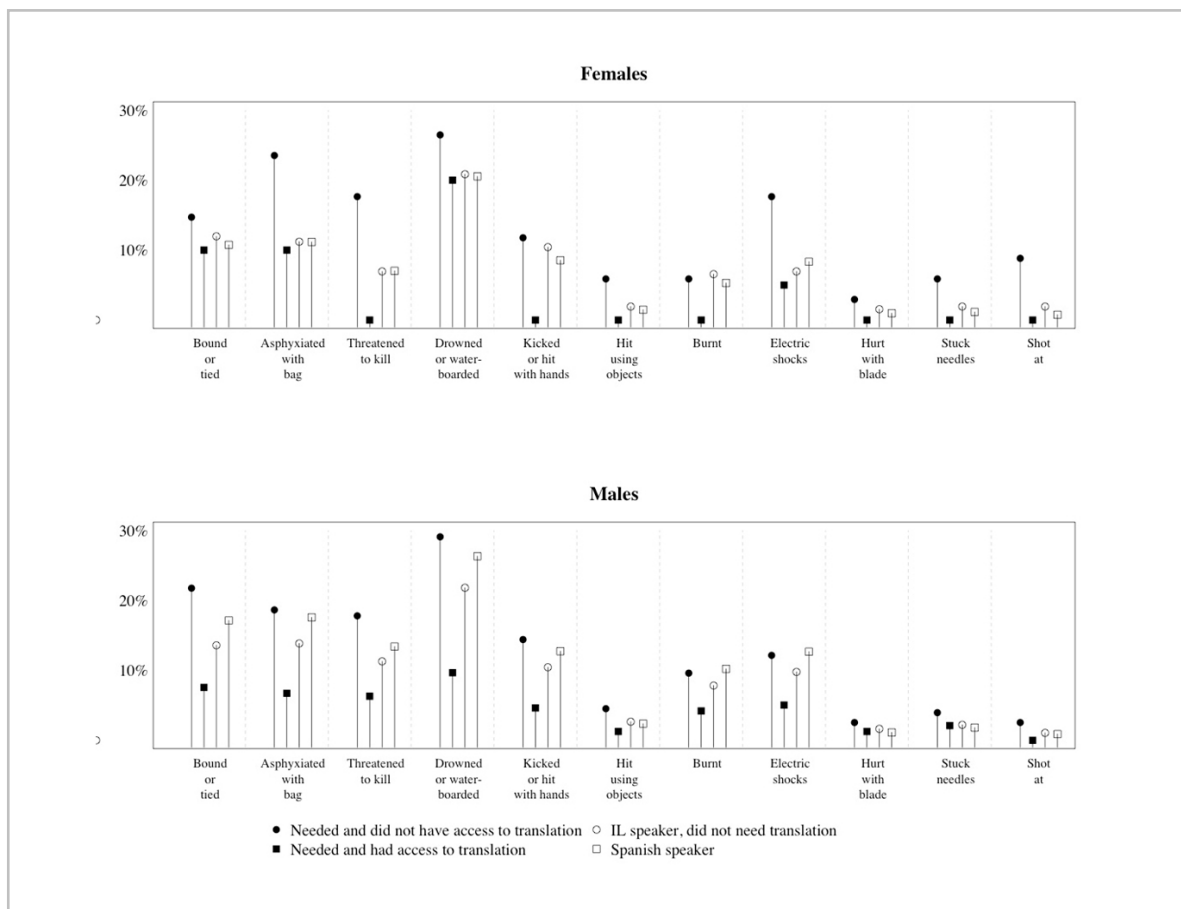


Figure 3. Torture and physical violence while at MP, by groups

⁹ In order to evaluate whether this pattern was merely a product of one or two observations, we conducted a similar exercise as the one depicted on figure 3 but using reports of psychological violence (for example, authorities threatening to hurt respondents or respondents' families). We found very similar results as the ones presented here: the group that most frequently reported psychological violence was those who experienced linguistic violence, suggesting that the pattern is systematic and not due to sample size.

5.3 Sexual violence

So far, we have analyzed two types of predatory behavior: bribery and torture. In our analysis, we found no evidence that people who needed but did not have access to a translator were more frequently asked for bribes, and this lack of association was shared for both men and women. However, we did find that linguistic violence was, in fact, associated with physical violence, specifically in the form of torture, but that this was not necessarily gendered, meaning that this was true for both men and women. We now turn to evaluate whether linguistic violence relates to a type of violence that is often gendered: sexual violence (Heberle 2014).

Table 4 depicts the percentages of respondents who reported three different types of sexual violence: sexual harassment or attempted rape, whether the authorities committed sexual organ abuse, and whether the authorities raped them or forced them to carry out other sexual acts. In this table, there is a clear association between linguistic violence and sexual violence.

	Sexual harassment/ Attempted rape	Genital torture	Forced sexual activity / Rape
Female, needed and did not have access to translation	23.5%	8.8%	11.8%
Female, needed and had access to translation	8.5%	4.2%	5.8%
Female, IL speaker, did not need translation	0.0%	0.0%	0.0%
Female, Spanish speaker	10.4%	3.1%	3.6%
Male, needed and did not have access to translation	6.2%	7.1%	5.1%
Male, needed and had access to translation	1.9%	6.1%	1.7%
Male, IL speaker, did not need translation	0.8%	1.3%	1.3%
Male Spanish speaker	2.1%	7.7%	1.4%

Table 4. Reported sexual violence while at MP based on ENPOL data

For every category of violence, females that were victims of linguistic violence were the group with the highest prevalence of reported sexual abuse by the authorities. This pattern can be seen in table 4, which shows that 23.5% of females that experienced linguistic violence reported sexual harassment or attempted rape by the authorities, twice as many as female Spanish speakers, and three times as many as females who needed and had access to translation. A total of 9% of them reported genital torture, and 12% reported being raped by the authorities.

Crucially, when considering only men or only women, victims of linguistic violence consistently report higher levels of sexual violence—a pattern very similar to the one depicted in figure 3. There is, simply put, an observable systematic association between linguistic violence and specific forms of physical violence. We find no evidence that this association is gendered when it comes to torture or physical violence since both men and women seem to suffer this at similar rates. Unfortunately—if unsurprisingly—we find that sexual violence is more prevalent for women than for men.

6. Is linguistic violence an enabler of other forms of violence?

Before we conclude, we would like to discuss two possible ways in which linguistic violence might enable physical violence. First, existing research has pointed out that confining people in spatial proximity to those with whom they share social bonds decreases isolation (Cochran et al. 2016; Young & Turanovic 2022), and that being incarcerated far from home isolates women in rural areas (for an example from the US, see Beichner & Rabe-Hemp 2014). Thus, it could be that female IL speakers are isolated—as we have shown, they are distributed across the Mexican territory—so they might not have an opportunity to denounce abuses to people outside of prison.

Two pieces of evidence suggest that this could be the case. Although we have no data on spatial distance between social networks and reclusion centers, we do find that 41.2% of female IL speakers are incarcerated outside of the state they were born in. In contrast, 30% of respondents in other groups

reported being incarcerated in a state different than the one in which they were born, suggesting that isolation might be more likely for female ILS. Furthermore, we find that 56.4% of Spanish-speaking inmates report having received at least one external visit in the twelve months prior to the survey. In contrast, only 47.8% of IL speakers report having been visited in the previous year, a difference of 8%. Therefore, we find evidence that female IL speakers are more socially isolated, which could explain how physical violence is enabled by linguistic violence.

A pertinent illustration of this phenomenon can be found in the testimonies presented in Rosalva Aída Hernández's work, *Bajo la Sombra del Guamúchil*, where the experiences of incarcerated Indigenous women are documented. One such narrative is that of Altagracia, an Indigenous woman from Guerrero entrenched in poverty. Despite her efforts to establish a small grocery store, she resorted to drug trafficking alongside her daughter to provide for her family's basic needs, as her husband abandoned his responsibilities and left her to bear the financial burden alone. Following their arrest, Altagracia's husband deserted her, liquidating their store's assets and neglecting their seven children. Throughout her incarceration—which at the moment of the interview spanned seven of the ten years of her sentence—Altagracia endured profound isolation, devoid of familial support (Hernández Castillo 2010, especially Cadena 2010).

The second way in which this association might be coming about is institutional in nature. Non-Spanish speakers often spend longer periods waiting to be tried precisely because the criminal justice system (prosecutors, judges, and even overworked defenders) take time in providing interpretation or translation services. This, in turn, can increase the opportunities for authorities—specifically the MP—to engage in predatory and abusive behavior. To evaluate whether this delay could be explaining abuses, we studied the time spent between detention and sentencing. This is the period in which *fiscales* or MP agents are more likely to be in contact with detainees: before sentencing, MP agents have to build a case, bring charges, question the suspect, etc., but once sentenced, incarcerated people are mostly in contact with prison personnel.

Our analysis of this variable shows a very clear gendered and linguistic pattern in line with our expectations. The females that had been sentenced had spent on average, 21.8 months between detention and sentencing, whereas males had spent 19.2 months, a two-month difference. When we consider the linguistic characteristics in addition to gender, we can see that these differences are exacerbated: female IL speakers spent 25.1 months awaiting sentencing. The rest of the sociodemographic groups had spent around twenty-one months between detention and sentencing (21.7 for female Spanish speakers, 21.6 for male IL speakers, and 21.1 for male Spanish speakers). All in all, female IL speakers spent four months longer waiting for their sentencing than any other group.

7. Discussion and conclusions

Scholars and activists alike have denounced the Mexican State for failing at protecting Indigenous languages (Marcial Pérez 2023), eroding the identity and culture of Indigenous communities.¹⁰ In this article, we show that due process is one more area in which this failure occurs. Using the case of Mexican prisons, we have shown that a necessary right to respect due process—the right to be informed of charges and the criminal process in one’s own language—is not universally enforced in Mexico. In examining this, we contribute to research that has documented how racialized individuals have lower access to both publicly-provided services, such as healthcare and education, and opportunities like employment (Solís, Güémez & Campos-Vázquez 2023). We have also claimed that this lack of access to translation, which is a form of State-sponsored linguistic violence (within the definition of lawfare in this volume, see the introduction by Monzó-Nebot & Wallace), is associated with reports of physical and sexual violence. Our findings, we note, echo Roche’s study on State-sponsored language oppression—the “social death of racialized populations”

¹⁰ See, for example, Roselia Vázquez’s intervention during the 2020 Fair of Indigenous Languages (Instituto Nacional de Lenguas Indígenas, INALI 2020).

(Roche 2022, 37)—and its connection to physical violence, torture, and death (Roche 2022; see also Gravlee 2009).

To conclude, we go back to the story of Jacinta. In 2009, three years after her detention and after a trial where no translation or interpretation were provided, and no evidence was presented, Jacinta was finally released. A decade following her arrest, a federal court resolution compelled the Office of the Attorney General (PGR) to issue a public apology and provide reparations for the harm inflicted upon Jacinta. Unfortunately, as our analysis shows, not all women can rally this same type of support, so a considerable number of them are still incarcerated, isolated, and subject to physical abuses. Apologies and reviews of specific cases like the one Jacinta received are welcomed but not enough to stop linguistic and physical violence.

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