

“For Women’s Right to Live”

Delegation Reflection

July 29– August 6, 2006

The 2006 “For Women’s Right to Live” Delegation to Guatemala was organized with a focus on the increasingly brutal phenomenon of violence against women in Guatemala. We met with women’s organizations, human rights organizations, survivors, relatives of the victims, and government officials to listen to their perspectives on the issue. In particular, we listened to their thoughts on the reasons behind the recent surge in violence and on courses of action that we, as internationals, could take to support efforts in Guatemala to address the issue.



Delegates on the shore of Lake Atitlán

For Women’s Right to Live

Violence against women in Guatemala has increased exponentially in the past five years. Although statistics vary, the National Civil Police (PNC) reports that 213 women were murdered in 2000, 409

women in 2003, and 690 women in 2005. Women are often found tortured, mutilated, raped, and dismembered. In addition to the horrifying brutality, the most disturbing aspect of these cases is the lack of investigation and punishment for the murders. Of the approximately 2,500 acts of femicide in the past five years, there have been final sentences in only a handful of cases. The impunity only engenders more violence, which results in more impunity, creating a vicious cycle.

As a result, no one knows exactly who is committing the murders. Guatemalan news reports often suggest that the murders are the result of drug trafficking, gangs, or domestic violence. We wanted to find out the truth.

During the eight-day delegation, the fourteen of us visited Quetzaltenango, Lake Atitlán, and Guatemala City, meeting with four different types of groups: those focused on women’s rights, general human rights organizations, government officials, and a Mayan cooperative in a town recently devastated by Hurricane Stan. While the women’s organizations addressed the primary themes of the delegation, the human rights organizations and the cooperative provided a framework within which to understand the history and context of violence in Guatemala, and the officials provided information regarding laws and government policy.

“An Invitation to Kill”

Over and over again, we were told that the laws in Guatemala fail to protect women and, in some cases, even place them at further risk. Domestic violence, sexual assault, and rape by a spouse are not considered crimes in Guatemala. In fact, if a woman is experiencing violence in the home, it is considered a reasonable response to her inability to obey and please her husband. Until recently, a rapist was exonerated if he married the victim, as long as she was over twelve years old. The police told one woman who was trying to report her husband for abuse that there was nothing they could do. In Guatemala, “it is a right to hit a woman, not a crime,” as one woman told us during our meeting at Nuevos Horizontes, one of the only women’s shelters in Guatemala where women can stay with their children for over five days. One month before our visit, there were seventy people living there.

The lack of adequate legislation to protect women is just one as-

pect of the impunity that pervades everyday life in Guatemala. The word “impunity” is often mentioned in reference to Guatemala, but the totality of that concept was difficult to grasp until listening to these women speak. Women know that anything could happen to them at any time and that no one would be punished. “We wake up every morning wondering who will be next,” said one woman. Men know that they can rape, torture, and murder a woman and that no one will investigate the crime and they will never be punished. There is no deterrent. One woman described impunity in Guatemala as “An invitation to kill.”

In one rural community in the department of Quetzaltenango, the same man raped two or three different girls under the age of ten. No one reported him to the authorities. As a midwife in Quetzaltenango explained, the people that commit crimes are often friends with the authorities or make friends with the authorities in order to guarantee their immunity.

When investigations are carried out, the results are poor. We are accustomed to television shows such as “Crime Scene Investigation” in which murder scenes are diligently scanned for DNA and fingerprints. In Guatemala, this couldn’t be further from reality. Crime scenes are not taped off or protected,

and reporters, neighbors, and passersby swarm the area. Blood-stained clothes are not tested after they are removed from the victims’ bodies. Instead the clothes are returned to the families or buried in the coffin, along with any evidence they might have contained. One victim’s file listed her time of death as

after the authorities had discovered her body. The inattention to detailed investigations raises larger questions about seeking justice in Guatemala. As stated by Edda Gaviola of the Center for Human Rights Legal Action (CALDH), “If nothing is investigated, how can the justice system function?”

The authorities have many explanations for the lack of investigations and prosecutions. Gerardo Hurtado from the Public Prosecutor’s Office explained that they have a limited budget and they have to treat each case the same, whether it involves a man or a woman. He added that there are no DNA test-



Delegates visit one of the only domestic violence shelters in Guatemala

ing facilities in Guatemala, so prosecutors have to wait for months for the results of DNA analysis, although a recent U.S. donation will supposedly establish a laboratory for this purpose. On September 1, Congress approved a bill to create the first National Institute of Forensic Science (INACIF), an independent institution that will hopefully improve the quality of investigations. Renato Durán, with the Prosecutor's Office on Crimes against Life, cited a shortage of qualified investigators and the fact that families and witnesses often refuse to participate in investigations for fear of retaliation. Whether the result of the lack of resources, the lack of will, or a bit of both, the failure to resolve these cases deeply affects the surviving relatives.

For many families, the best and only way to honor their murdered loved one is to fight for justice in her case, but it is a long road. Family members sit by in frustration and watch the cases get buried in corruption, inefficiency, and bureaucracy. Attorney Hilda Morales, a member of the Network of Nonviolence Against Women, explained, "families are re-victimized when they find out that the cases are not moving forward."

Sometimes the victims' families are even forced to defend themselves. The Public Prosecutor's Office accused Maria Elena Peralta, whose sister was kidnapped and murdered in 2002, of pursuing the case out of "ignorance" and said that "she only wanted attention." This was the office charged with defending the victim, supporting the family, and finding the murderer. In this case, prosecutor Renato Durán did the opposite.

Instead of prosecuting the guilty, we were repeatedly told that the authorities blame the women

themselves for the rapes, assaults, and murders. Whether it is the clothes that they wear, the neighborhoods they are in, or the time of day they are out, the women are somehow at fault. Hilda Morales explained that this is the State's way of avoiding responsibility for providing security. If the State can say, "she shouldn't have been out so late," personal safety becomes an individual's problem, not the government's problem. The authorities also link the murdered women to gangs, drug trafficking, and organized crime, as if criminalizing the victim somehow justified her death.

The Guilty Wear Gold

Because the murders are rarely brought to trial, no one knows for sure who is murdering Guatemala's women. Prosecutor Renato Durán said that 75% of



Delegates with a member of the Survivor's Foundation

the murders are gang-related. According to Hilda Morales, however, the authorities sometimes determine the source of the attack based solely on what the woman was wearing. Women with tattoos are considered gang members while women with gold jewelry are labeled drug traffickers.

In spite of the authorities' apparent conviction, the groups that we met with had other perspectives. A woman from the midwife's association explained that the media attributes the crimes to gang violence without reporting on the whole story. "A report will just say a woman was killed but it won't mention that she was raped," she said. A woman at Nuevos Horizontes offered, "They say it's the gangs, but it's not the gangs. It's the lovers and boyfriends." The Network of Nonviolence Against Women estimates that one-third of the murders are related to domestic violence.

Not all groups pointed exclusively to gang violence and domestic abuse as the source of the murders. Some people focused more on the systems that allow those with power to abuse women with impunity. Edda Gaviola mentioned that women detained by the police often suffer rape, torture, and death threats in detention centers, suggesting that police are involved in some of the murders. When a journalist asked about these alleged abuses, a police chief asked why it mattered, since the women had broken the law.

According to Congresswoman Nineth Montenegro, the rates of violence have risen because murders, kidnapping, organized crime, and drug and human trafficking have become ever more profitable as the State shifts from public to private security. She reminded us of the complex networks of powerful individuals that benefit from illegal activities and use violence and power to escape prosecution. These are not entirely new structures, but ones that have been recycled from the past.

The Toll of War

One common thread mentioned throughout the delegation was a legacy of violence. The thirty-six year civil war in Guatemala ended only ten years ago. For some Americans, wars exist either far in the past or on the other side of the world and it is hard for some of us to imagine a war so close, so personal, and so

taxing on every single person. Truth commissions after the war in Guatemala estimated that 200,000 people were killed or disappeared during the war, but human rights

groups now believe the actual number could be twice that many.

During the height of the violence, women were treated as war booty. They were raped, hung in town centers, and mutilated, all to generate terror in the community. Edda Gaviola, Sandra Morán, and others emphasized that this violence is inextricably linked to the femicides. Morán, of Sector de Mujeres, specifically mentioned an exhumation at a mass gravesite in Comalapa during which the bodies of numerous women murdered in the 1980s were discovered. The methods used to kill these women are still used today.

Where are the people that carried out the violence of the war, be they military personnel, guerillas, or members of the civil patrols? They have faded back into society, joining millions of others traumatized by a war that too often did not distinguish between combatants and non-combatants. Thirty-six years of war conditioned people to violence, trained them to torture and kill, and instilled in them an idea that revenge should be handled with weapons, not courts. Ten years after the war, the effects on society, as well as individuals, still linger. Transition from war to peace did not halt the violence, nor the impunity enjoyed by those who had orchestrated it.

As the hope generated by the Peace Accords fades

and as people become increasingly frustrated with the lack of security, the government has struggled to maintain a positive image. The four government officials we met with highlighted the



Delegates participate in a press conference condemning violence against women

efforts they have undertaken to address the wave of violence.

With respect to violence against women, Congresswoman Myrna Ponce assured us that Congress is soon planning to approve a law to protect women. Prosecutor Renato Durán promised that the Public Prosecutor's Office is scheduled to release a study on the femicides with the aim

to compile the women's profiles and discover any links between the victims. Congresswoman Nineth Montenegro, head of the Congressional Women's Commission, said that the Commission is currently analyzing the budget with a focus on women's issues and health.

Vice Minister of the Interior Julio Godoy, who has since resigned from his post, mentioned the plans to create model police stations and the training on gender. He readily admitted that the efficiency of the police is limited by corruption, the infiltration of organized crime, and a lack of education. He explained that the Ministry has tried to purge corrupt police, but the courts force them to reinstate the officers. He added that there are only 19,000 police to cover the entire national territory and, among those few, authorities are investigating 4,000 cases of corruption. In the past year, soldiers started patrolling the streets as part of the government's efforts to crack down on crime.

Beyond Bullets

In spite of government efforts, violence in Guatemala has now reached wartime levels, with unemployment, inequality, and a lack of adequate social



*Delegates read postcards on the walls
at the Survivor's Foundation*

services contributing to instability. As second-class citizens, women are often denied access to the justice system, employment, education, and health care. This is especially true for poor and indigenous women. As Sandra Morán pointed out, this is the other face of violence against women in Guatemala.

Women from Traditional Midwives told us that

the infrastructure to provide health care exists, even in rural areas, but the buildings are empty and there are not nearly enough doctors and nurses to fill them. The midwives seemed particularly concerned about sexual health. They said that husbands returning from the U.S. have often contracted sexually transmitted diseases and have infected their wives in Guatemala. The doctors that do visit the communities often do not speak Quiché or Mam, the two Mayan languages most commonly spoken in the area. Without understanding the language or the culture, doctors have a difficult time providing care for serious health issues, particularly ones as sensitive as STDs.

Mental health service for survivors of abuse is also woefully inadequate throughout the country. Survivors have to turn to small non-governmental organizations such as the Survivor's Foundation, directed by Norma Cruz. The Foundation offers psychological, legal, and moral support to abused women and children and the relatives of femicide victims. Just one month prior to our visit, the Foundation had opened a new center. The brightly painted walls made the place feel welcoming and safe, but the security guards and cameras reminded

us that helping victims seek justice is dangerous work.

Sandra told us that the lack of access, power, and work is also violence. Labor abuses, particularly within the *maquila* sector, are violence. We heard several times that women working on the *fincas* receive only half the pay that men receive for providing the same agricultural work. Many women lack even the most basic identification cards that recognize them as citizens, without which they cannot vote or own land.

Rebuilding on a Tomb

While our delegation focused on the unequal power relations between men and women, one cannot ignore the equally disparate relations between rich and poor, indigenous and Ladino in Guatemala. The government has shown little interest and ability to address the needs of marginalized communities. Many fear that the implementation of the free trade agreement DR-CAFTA will only exacerbate the already high rates of inequality. As Tomas Chiviliu of the Maya Association explained, DR-CAFTA is “an opportunity if one has the opportunity, but Guatemala is racist and exclusionary.” The legacy of 500 years of resistance in Guatemala is just as relevant as the legacy of the war.

When Hurricane Stan hit Guatemala in October of 2005, the areas hardest hit by the storm were among Guatemala’s poorest indigenous communities. During the delegation, we visited Tzanchaj, a Tz’utuhil community on the banks of Lake Atitlán. Almost ten months after the disaster, we could still see the tracks of the mudslides that had buried an esti-



A building buried in the landslides caused by Hurricane Stan in October of 2005

mated 600 people. Demolished buildings still stood by the side of the road and people were living in plastic, temporary shelters.

Thomas Chiviliu told us how his Maya Association coffee cooperative lost everything and was forced to start from scratch, even while mourning the deaths of family members and friends. In the last ten months, they have rebuilt their coffee processor, raised newborn animals, and built a wall designed to stop future mudslides. The community, however, is not receiving funds from the government. In fact, Chiviliu said the government’s reconstruction



A member of the Maya Association talks to the group about development and reconstruction efforts

efforts have been completely disorganized. Ignoring community members’ requests, the government began construction on top of the destroyed homes in a high-risk area. “They are building another tomb,” one survivor told us. As communities clamor for relief and social investment, the government has turned its attention elsewhere.

Defining the New Communism

When we spoke with Edda Gaviola, of CALDH, she noted three U.S. government priorities that currently influence the Guatemalan authorities: 1) The war on terrorism, which has been expanded to include people involved in social struggles, such as resistance to free trade agreements, mines, and dams; 2) Policies to combat drug trafficking, organized crime, and migration; and 3) Policies against youth gangs, which unfairly target young people with tattoos, resulting in unnecessary deaths.

In the words of Claudia Samayoa, of the Unit for the Protection of Human Rights Defenders (UPD), the U.S. government has identified a new “internal enemy” for Guatemala based on these priorities. Instead of the communist threat of old, the enemy is now drug trafficking. Drug trafficking is then linked to terrorism, which is linked to youth gangs, which is linked to migrants, which is all finally linked to radical social movements. As Guatemala implements policies that target these “enemies”, the government has done little to address underlying issues, such as poverty, marginalization, impunity, and the power of clandestine groups that have infiltrated every State institution.

As U.S. citizens, one of our primary interests was the involvement of the U.S. government in Guatemala. Although the U.S. has maintained an official ban on military aid to Guatemala since 1990, Claudia Samayoa assured us that the government has found other ways to channel money and support. Among other programs supported by the U.S., there is a U.N. training center for peacekeepers in Cobán and DEA-sponsored fumigation programs in San Marcos, Huehuetenango, and Petén. The week after our delegation left Guatemala, DEA agents reportedly participated in anti-drug raids in rural communities in Ixcán, Quiché.

Finding Hope

Facing overwhelming challenges, human rights defenders such as Claudia Samayoa work extraordinarily hard to protect those struggling for human rights in Guatemala. With each year, this work becomes increasingly difficult. As of August 3, the UPD had recorded 163 attacks on human rights defenders in 2006. Among these attacks was the first murder of a female human rights defender, which was soon followed by two more.

Despite the tragedy of these attacks, Claudia said that every attack on a human rights defender fills her with a ray of hope. Each attack means that the work of that defender is effective enough to scare those with a vested interest in maintaining the status quo. Each time she hears of another attack, she learns of another story of hard work, determination, and faith.

In a meeting at Casa Artesana, Sandra Morán shared her experiences with threats and break-ins at the Sector de Mujeres office. The office was burglarized twice in one week in May of this year. The perpetrators smeared the walls with blood, rifled through the drawers, and left a piece of glass covered with blood in the center of Sandra’s desk, implying a direct threat on her life. Despite the fear and sense of vulnerability that result from the attacks, the Sector continues to function, working for women’s rights with the threat of violence and death hiding in the wings. The fact that human rights organizations function amongst constant threats was both inspiring and humbling.

When we asked what we, as U.S. citizens could do, we received different responses from each group. The women at Nuevos Horizontes asked us to remind the Guatemalan Congress that existing laws do not protect women. Edda Gaviola requested that we ensure that Guatemalan investigators are properly trained and that cases produce concrete results, and to pressure the U.S. government to

promote internal security policies that do not resort to militarization. Nineth Montenegro said that we should support campaigns on violence against women to raise awareness as in the case of Ciudad Juárez, Mexico. Many also asked us to support measures to investigate and eradicate illegal groups and clandestine security apparatus. Finally, Sandra Morán advised us to be more conscious of the way we live our daily lives.

It was impossible to not be affected by this delegation. Tears fell in almost every meeting, as we heard loss, grief, fear, and frustration in every voice. We came away with a more complete picture of a Guatemala that includes passion, strength, and courage as well as violence.

The country continues to heal in the aftermath of the war, breaking the silence and embracing new paths of peace and stability. Yet it is difficult to shed the patterns of terror and murder that defined almost four decades. Violence can only end when crimes are investigated and prosecuted, when there is shame in beating one's wife, when a system of justice and equality are embedded into every facet of daily life. Issues such as poverty, racism, and sexism must be addressed in the transformation of Guatemalan society. This transformation requires that we all join together to do what we can for the Guatemala of tomorrow.



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Thanks to Kelly Turley and Marilyn Walker for their photos and a special thanks to each of the individuals that were able to meet with us during the delegation.



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Founded in 1982, the Guatemala Human Rights Commission/USA is a nonprofit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for and supports survivors of the abuses, and works toward positive systemic change.