



# Guatemala's Femicide Law: *Progress Against Impunity?*

Guatemala ranks among the most dangerous places in Latin America, especially for women. While crime and violence affects everyone, particularly community leaders, indigenous rights representatives, judges, and human rights defenders, violence against women and girls has escalated markedly in the past ten years.<sup>1</sup>

In Guatemala, women have been targeted simply for being women. This phenomenon has occurred in other regions such as the border town of Ciudad Juárez, Mexico, where there have been 400 unsolved cases of brutal murders. In South Africa, there are exceedingly high rates of domestic violence, with one woman killed almost every six hours by her partner. Gaza and North Carolina have also been identified as regions with high rates of violence against women<sup>2</sup>.

This pattern of violence has been termed *femicide*. Femicide is officially defined as the murder of a woman because of her gender. Femicide is often carried out with shocking brutality; many victims show signs of torture and mutilation.<sup>3</sup>

A contributing factor to the continued crime of Femicide is the absence of state guarantees to protect the rights of women. The term femicide is often accompanied by the political term *feminicide*. Feminicide holds responsible not only the male perpetrators but also the state and judicial structures that normalize misogyny, tolerate the perpetrators' acts of violence, or deny state responsibility to ensure the safety of its female citizens.<sup>4</sup>

Guatemala suffers from both femicide and feminicide. With a population of fewer than 14 million, the nation registered over 4,000 violent murders of women from 2000 to 2008.<sup>5</sup> An estimated 98% of the cases reported remain in impunity.<sup>6</sup> The stories of Claudina Velásquez and María Isabel Franco are egregious examples of the sadistic and violent murder of young women and have become representative of the thousands of cases that are not properly investigated and are never solved (see inset, page 2).

Recognizing the increasingly violent conditions faced by women, Guatemalan activists worked to achieve official recognition of femicide. They faced an uphill battle against a long history of violence against women, gender inequality, and the institutionalized acceptance of impunity for offenders. The political will to address the situation was slow to materialize and took years of support and lobbying from women's groups and discussion with the international community – including non-governmental organizations and the U.S. Congress.

Their hard work paid off and on April 9, 2008 when the Guatemalan congress passed Decree 22-2008, the Law Against Femicide and Other Forms of Violence Against Women, officially recognizing femicide as a punishable crime. It also codifies an expansive definition of violence against women.

The Femicide Law represents an important step in stemming the targeted and brutal murder of women, and serves as a model for women's rights activists in other countries. This unique piece of legislation is one step in the struggle for women's right to live in Guatemala. However, much more is needed to fight this battle.

A year has passed since the approval of the law; yet the number of women murdered continues to rise. The most violent year to date for women in Guatemala was 2008 with 722 violent deaths reported and many more cases of abuse. In just the first two weeks of January 2009, 26 women were killed; the number grew to 57 by the end of the month.<sup>7</sup> The process of investigation, prosecution and prevention of murders in Guatemala remains weak or non-existent. Victims' families continue to face persecution, fear, and denial of justice from the state entities responsible for investigation of the murders.

Women's rights advocates continue to push for implementation of the law while lawyers, judges, and victims' families are just beginning to become familiar with the new legislation.

This report investigates the history and context of femicide in Guatemala, the components of the law, and reactions and recommendations one year later.

Specifically, this report attempts to answer the questions:

- Why does femicide exist in Guatemala?
- Why does the number of women killed continue to rise?
- What has the law accomplished and what is lacking?

## FEMICIDE IN CONTEXT

"We must seek a way to heal the wounds in order to combat this culture of violence."

--Alba Maldonado, Congresswoman, URNG<sup>8</sup>

To understand why femicide exists in Guatemala, it is important to understand the historical, cultural and socio-political context of gender inequality, misogyny, and continued corruption and impunity.

### A Violent Past

Looking to the past, including Guatemala's 36-year internal armed conflict, sheds light on the current violence against women. The conflict, officially classified as genocide by the United

## TWO CASES

### Claudina Velásquez Paiz

Claudina's life ended abruptly and tragically at age 19, on August 13, 2005. Her case remains unsolved four years after her murder, with no reported suspects and numerous investigational blunders. She was a law school university student going out for the evening. She later called her mother to say she would be home soon, but never returned. Soon after, her parents received a phone call that warned that Claudina was in danger. The authorities ignored the parents' concern; the parents searched frantically for their daughter. Her body was later found with bruises, traces of semen, and a fatal gunshot wound to the head. In June 2006, the Guatemala Human Rights Ombudsman issued a report criticizing the State's investigative procedure for failing "in its obligation to respect and guarantee the right to life, security, and due process," including the failure to interview witnesses, conduct a thorough forensic analysis, and preserve the crime scene. Sadly, the main deterrent to a prompt investigation was the authorities' assumption that Claudina was a "nobody" because she was wearing sandals and a belly button ring.<sup>1</sup>

### María Isabel Franco

On December 16, 2001, 15-year-old María Isabel disappeared. Her body was found several days later, disfigured by torture. She was raped, stabbed, and strangled. Her hands and feet were tied with barbed wire and her fingernails bent backward. The perpetrator(s) placed her body in a bag and abandoned her in an empty lot in Mixco, outside of Guatemala City. María's mother, Rosa Franco, tirelessly fought for justice for her daughter, but was faced with institutional deficiencies and calloused attitudes. The Public Prosecutor's Office failed to conduct a proper investigation, failing to examine the list of phone numbers on María's cell phone and failing to follow up on an anonymous tip for the suspects' place of residence. One and a half years later, officials finally inspected the scene of the crime, which had already been burned. After tirelessly working to find her daughter's killers, Rosa Franco, with the help of organizations such as Network of Non-Violence against Women (REDNOVI), lodged a petition with the Inter-American Commission on Human Rights. The IACHR issued a report criticizing Guatemalan authorities who failed to provide a thorough and comprehensive investigation into María Isabel's murder, and denounced the State for lack of due diligence.<sup>1</sup> Rosa, sponsored by GHRC, shared her testimony at the March 20, 2009 IACHR hearing for her daughter, the first femicide hearing in the history of this international justice system.

Nations, resulted in the rape, torture, and murder of tens of thousands of Guatemalan

women and girls. The war irrevocably damaged the family structure, the community, and the nation.<sup>9</sup> The Guatemalan army, paramilitary (civilian defense patrols) and police used violence against women as a weapon of war.

The rape and torture of women as a military weapon during wartime has been used worldwide. Rape, when used as a weapon of war, is systematically employed for a variety of purposes, including intimidation, humiliation, political terror, extracting information, rewarding soldiers, and "ethnic cleansing."<sup>10</sup> In Guatemala, this form of abuse and torture was used as a counterinsurgency tactic most notably in the early 1980s by the military in the rural highland indigenous regions.<sup>11</sup>

Women are recognized in Guatemala (and many other cultures) as the givers of life, the transmitters of culture and the pillars of the community. Raping, torturing, and killing a woman is a way to destroy not only the individual woman, but to dishonor her family, her community, and her national and ethnic identity. Her honor is destroyed (as well as her emotional, physical, and mental integrity) thus destroying the collective identity and spirit of her family, community, and ethnic group.

The seminal reports on historic and collective memory of the Guatemalan war each have a chapter dedicated to violence against women. The Recovery of Historical Memory project (REHMI) headed by the late Bishop Juan Gerardi of the Archbishop's Human Rights Office includes testimony from thousands of Guatemalan victims, survivors, and witnesses. The report *Never Again* (1998) documents the brutality directed against the Mayan people and specifically the women.

The Commission for Historical Clarification (CEH), a U.N.-sponsored truth and reconciliation commission ordered under the Oslo Accords of 1994, was created to produce an impartial report on the human rights violations that were committed during the war and make recommendations to encourage peace, preserve the historic memory of victims, and foster mutual respect for human rights. *Guatemala: Memory of Silence* (1999) was created from thousands of interviews with Guatemalans.<sup>12</sup> The CEH report

estimates that 25% (50,000) of the victims of war were women and described rape as "a generalized and systematic practice carried out by State agents as a counterinsurgency strategy... [which] came to constitute a true weapon of terror."<sup>13</sup>

The CEH identified 9,411 female victims of gender violence; of those, 19% were tortured and 14% suffered sexual violence.<sup>14</sup> The victims were primarily adults, although children and the elderly were not exempt; 35% of the victims were under 17 years of age. Sexual violence was routinely implemented during torture or immediately prior to murder, with 25% assassinated after their abuse.<sup>15</sup> The vast majority who suffered sexual violence (88.8%) was Mayan.<sup>16</sup> Women were frequently gang-raped or forced to have sex with soldiers in front of family members; one interview reports 30 men raping a woman and her daughter in Quiché.<sup>17</sup>

Pregnant women in particular were targeted for violence by the Guatemalan military and civilian patrols (PACs). Survivors of the conflict attested to these atrocities, remembering the fetuses that were cut out of women's bodies and even hung on trees.<sup>18</sup>

"Women were seen as war booty that soldiers could make use of as they pleased," states Hilda Morales, a women's rights activist, lawyer, and member of the National Women's Office (ONAM) and the Network against Violence against Women (Red Nacional de Mujeres Contra la Violencia).<sup>19</sup> The REHMI project reported that an act of sexual violence constituted a form of "victory" for the army.<sup>20</sup> Eliminating Mayan women was inextricably linked with that of eliminating the guerrilla, thus "justifying" the extreme acts of violence against women.<sup>21</sup>

The REHMI report, *Nunca Más*, provides testimony that explains how sexual violations constituted much more than physical acts of violence.<sup>22</sup> The consequences for victims of sexual violence include serious and chronic medical problems, psychological damage, life-threatening diseases, forced pregnancy, infertility, and stigmatization and/or rejection by family members and communities. The women were often forced to live in silence in the same community as their aggressor. Women were blamed for the crimes against them, a tactic

used to foster a sense of distrust and skepticism among the general public towards the victims.<sup>23</sup>

Congresswoman Alba Maldonado said it is impossible not to relate the violence during the internal conflict with the current wave of brutal murders of women, given that thousands of men were trained to commit acts of gendered violence and subsequently reintegrated into society.<sup>24</sup> Evidence supports this, as the rise of violence against women in the last decade, including rape, dismemberment, and techniques of torture and mutilation, is reminiscent of tactics used during the war. The wartime practice of stigmatizing and blaming the victim emerges in today's investigative process, whereby many victims are dismissed as prostitutes, gang members, or criminals, unworthy of investigation.

### **A Culture of Violence: Contributing Social Factors**

The suffering endured by women during the internal armed conflict did not end with the signing of the peace accords. Organized crime, gangs, drug trafficking, and human trafficking are part of daily life not only in the capital city, but also throughout the countryside.

Four factors have had a particular influence on women:

- Violence perpetrated by drug trafficking;
- Gang activity;
- A culture of machismo or misogyny that targets women as victims and continues the brutal sexual violence against women;
- A lack of rule of law, including corruption, gender bias and impunity in law enforcement, investigations and the legal system.

### Drug Trafficking

"An estimated 40% of the 6,200 violent deaths in 2008 were related to drug trafficking," said Guatemalan President Alvaro Colom on February 11, 2009. Guatemalan Vice President Rafael Espada, in an interview in February 2009, confirmed that 50% of all street crime is connected to drug trafficking. "Mexican drug cartels are moving across the border because Guatemala is a paradise for drug traffickers. It's a poor country with a lot of corruption and the judicial system is very weak," said Espada.

***"Blaming the women was easier than blaming the military, abandoning the women was a gesture of contempt and sign of superiority of men, to not admit their own shame."***

—Reflection on how Mayan men reacted to the rape of the women in their families and communities; CEH, #99.

Guatemala remains a major drug-transit country for Colombian cocaine and heroin en route to the United States. "80% of the cocaine that arrives in the US passes through Guatemala," said Michael Brian, Drug Enforcement

Administration official in Guatemala City. Large shipments regularly move through Guatemala by air, road, and sea with very little intervention. "There are over 400 clandestine landing strips in the Laguna del Tigre region of Paten alone, where small drug planes land, unload, and take off immediately," he added.

"We estimate about 400 metric tons of cocaine are moving through the Central American corridor, meaning most of it would go through Guatemala," said U.S. Ambassador to Guatemala, Stephen McFarland. The business is worth over \$7 billion, based on the National Drug Intelligence Center's estimated average wholesale price of cocaine in Los Angeles.<sup>25</sup>

Drug-related violence in Guatemala has become increasingly savage since 2006 as powerful Mexican cartels battle each other and Guatemalan traffickers for control over what has become a key link in the cocaine route from Colombia to the United States. The most recent battle, on Nov. 30, 2008 left at least 17 dead in a shootout near the Guatemala-Mexico border in Huehuetenango.<sup>26</sup>

According to the Narcotics Affairs Section (NAS) of the U.S. Embassy in Guatemala, drug

trafficking is a major problem that goes unchecked largely due to massive corruption and vested interests that have infiltrated the national government system.<sup>27</sup> "Drug traffickers run the country. They own the land, the commerce, the politicians," commented a member of the United Nations International Commission Against Impunity.<sup>28</sup> More than the inability of the Government to curb drug trafficking, some of the corruption and drug trafficking "have very close ties to the previous presidents and regularly influence decisions, especially with respect to personnel nominations in the military and the ministry of government," according to former assistant secretary of state for international narcotics affairs, Paul Simon.

### Gangs

Gang violence has risen over the past 15 years in Guatemala; the majority of the estimated 80,000 members belong to the MS-13 Salvatrucha and the M-18 gangs (that originated in Los Angeles). Gang members extort local business owners, bus drivers, local students on their way to school, and other members of society; a portion of this "tax" is spent on weapons.

Gang members include young men and women who are often recruited by force, and threatened with violence and death if they leave the gang, of which they become lifelong members. Gang initiation often includes killing an innocent victim, and several cases of femicide have been linked to this rite of passage. In some instances, female victims garner different levels of "points" for the particular gang.<sup>29</sup>

Kidnapping is higher in Guatemala than in notorious Colombia; women and children are often targets, to extort a ransom from family members. "Express kidnapping" is common in San Marcos, where the kidnapper negotiates a ransom with the family, to release the hostages within hours for a smaller fee.<sup>30</sup>

The social insecurity and violence attributed to gangs is increasingly widespread. Gangs are no longer confined to the cities, but are found in rural areas, indigenous villages, small towns, and small cities including the war torn departments of Quiche, Baja Verapaz, and San Marcos.

### Machismo and misogyny

Societal acceptance and perpetuation of strong gender bias and "machista" attitudes underlies violence against women in Guatemala, on the street, in the home, in the courtroom, and at the scene of the crime. Women are heads of household in increasing numbers (due to abandonment, migration, and other factors) and are forced to work outside the home to provide for their children. Working late, taking public transportation, or walking home late at night increases the risk of becoming a victim of violence. Traditional Guatemalan culture says a woman's place is in the home; if she is attacked on the street, she is blamed for not taking precautions.

Women face potential violence on several fronts. During the war, an army of approximately 40,000 men and a Civilian Defense Unit of approximately one million men were trained to commit acts of gendered violence, both emotional and physical. After the 1996 Peace Accords, these men returned to civil society with no services available to pave the transition from a wartime mentality.<sup>31</sup>

Domestic violence is another huge contributor to femicide in Guatemala. In 2004 U.N. Special Rapporteur Yakin Erturk estimated that 36% of Guatemalan women faced violence in the home, an admittedly conservative approximation.<sup>32</sup> Between January and August of 2008 61% of femicides were products of domestic violence.<sup>33</sup> During this same period, 45% of the 238 femicides took place at the home of the victim.<sup>34</sup> Equally as appalling is the rise of suicide among female victims of domestic violence, who find little [governmental] support and attention.<sup>35</sup>

### A Lack of Rule of Law

Impunity in cases of violence against women and femicide is staggeringly high. Dr. Carlos Castresana, Commissioner of the International Commission Against Impunity in Guatemala (CICIG), has identified impunity as the overwhelming factor in the femicide crisis.<sup>36</sup>

Between 2005 and 2007 only 2% of 2,000 cases involving the violent deaths of women were "resolved" (some without convictions).<sup>37</sup> Anabella Noriega of the Human Rights Ombudsman's Office also reported that in 2004

only one case out of 500 resulted in a conviction (a rate of .002%).<sup>38</sup>

Families and victims who denounce crimes against women are often faced with corrupt or indifferent police, strong gender bias, and a dysfunctional judicial system.

Authorities have pinpointed the municipalities most prone to femicides (Mixco, Villa Nueva, Escuintla, Quetzaltenango, and Cobán) and note that the majority of the crimes are committed with a firearm. Yet the Guatemalan National Police force is understaffed, lacks training on how to approach female victims of violence, and is notoriously corrupt.

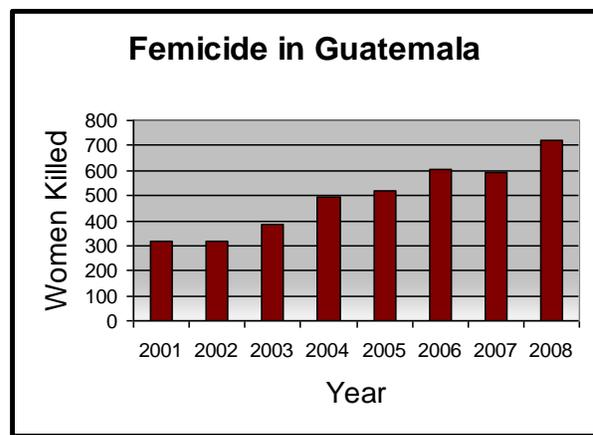
Despite legislation to the contrary, domestic violence is commonly dismissed as a “private” matter. Police are slow to respond to complaints

created to protect the rights of women, including the Women’s Office (Fiscalía de la Mujer), Office of Human Rights (Fiscalía de Derechos Humanos), and Crimes Against Life and Personal Integrity Unit (Fiscalía de Delitos contra la Vida y la Integridad de la Persona).<sup>42</sup> Despite the numerous offices, gender bias permeates the investigative process, resulting in further impunity.

Despite nominal support for women’s rights in these institutions, investigators delay the initial investigation by dismissing the victims as prostitutes, gang members, or criminals. A female victim’s physical attire or appearance are often cause for delay or stigmatization, as in the case of Claudina Velásquez who was initially ignored for her belly ring and sandals.<sup>43</sup>

The practice of blaming the victim is most

Year	Number of Women Killed
2000	213
2001	317
2002	317
2003	383
2004	497
2005	517
2006	603
2007	590
2008	722
<b>Total:</b>	<b>4,159</b>



Source: Office of the Human Rights Ombudsman

of violence against women and sometimes fail to appear at all.<sup>39</sup> Norma Cruz, director of the Survivor’s Foundation, an organization that provides legal, psychosocial, accompaniment, and shelter services for victims of abuse and their families, recounted one incident in which police refused to enter a home where a husband was beating and threatening his wife so as not to interfere with *his* rights.<sup>40</sup> “The system does not respond,” she stated.

Gender bias permeates the investigative process as well. The Public Prosecutor’s Office (MP) is responsible for the investigation of femicide cases.<sup>41</sup> It includes several entities

evident in “crimes of passion,” a violent death at the hands of a lover or former lover. Both Amnesty International and anthropologist Victoria Sanford report that crimes of passion are rarely investigated, with the female victims regarded as unfaithful and “dishonest,” and therefore somewhat responsible for their unfortunate demise.<sup>44</sup>

Hilda Morales and REDNOVI conducted a review of the court system and the implementation of the Domestic Violence Law of 1996. They found that in many cases, authorities simply refused to implement the law that would protect women from domestic violence. Women

were viewed as instigating the acts of violence “because they do not cook well, because they do not do their chores, and because they do not obey their husbands.”<sup>45</sup>

When perpetrators of violence against women operate in a climate of impunity, there is little incentive to change their behavior.<sup>46</sup> The Human Rights Ombudsman (PDH) has concluded that Guatemala is suffering from a psychological problem at a national level; crimes against women are not recognized, not investigated, and not brought to justice.<sup>47</sup> In the April 2008 report on Femicide in Guatemala, the PDH states, “In Guatemala, only 15% of the bodies are hidden, and the rest are left in a public place or in the victim’s home, which indicates that the victimizers are not attempting to hide the crime.”

## A DECADE OF GROWING AWARENESS

Beginning as early as the end of the internal armed conflict in 1996, the Guatemalan government began to address violence against women. Under pressure from the international community and Guatemalan women’s rights networks, the government has passed national legislation, created organizations focused on women’s rights, and supported numerous international agreements condemning violence against women.

Though corruption, gender bias and impunity have diluted the power of these laws, it is worth reviewing the organisms and legal tools that have created the momentum and awareness necessary for the Femicide Law to pass in 2008.

### Legislation preceding the Femicide Law

Guatemala has long had a Penal Code to address violent crime. Though the code addressed gender to some degree, women’s rights advocates lobbied for additional measures that would specifically address violence against women. The *Law to Prevent, Sanction, and Eradicate Domestic Violence* (Decree 97-96, 1996) and the *Law for the Dignity and Comprehensive Promotion of Women* (Decree 7-99, 1999) preceded and prepared the way for the Femicide Law.<sup>48</sup>

The *Law Against Domestic Violence* legally defined domestic abuse as a human rights violation that causes physical, sexual, psychological, and economic harm. This law highlighted violence within the “private” sphere of the home, which remains largely invisible in Guatemala. “Security measures” specified in Article 7 provide for victim protection, immediate removal of the aggressor, limitation/denial of child visitation rights for the aggressor, and the removal of the aggressor’s weapons. However, this law is limited, focused on “violence within the home.”<sup>49</sup> Another criticism of the law is that it is difficult to prove emotional or psychological abuse especially because the Penal Code does not specifically address these issues.<sup>50</sup>

The *Law for the Dignity and Comprehensive Promotion of Women* defines the need to confront and remove the social factors that hinder women’s advancement, such as lack of educational opportunities and equality in the work force.<sup>51</sup>

Guatemala signed several international agreements denouncing violence against women, including the 1948 United Nations Universal Declaration of Human Rights, the 1966 International Covenant of Civil and Political Rights (signed by Guatemala in 1992),<sup>52</sup> the Convention on the Elimination of All Forms of Discrimination Against Women in 1981,<sup>53</sup> the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (the *Convention of Belém do Pará*, an important milestone in defining violence against women as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere).<sup>54</sup>

### Governmental Organizations

Several Governmental organizations have been created to combat violence against women including the Presidential Secretariat for Women (SEPREM) and the National Coordinator for the Prevention of Domestic Violence Against Women (CONAPREVI). Both institutions, approved in 2000, develop policies to combat violence against women and raise awareness.<sup>55</sup> CONAPREVI monitors the enforcement of laws such as the Domestic Violence Law (Decree 97-96).<sup>56</sup>

The First Lady's Secretariat for Social Welfare (SOSEP), established in 1991, provides aid to victims of domestic violence through legal and psychological counseling, low-cost childcare, and physical shelter for up to five days.<sup>57</sup> The office of the Human Rights Ombudsman (PDH) monitors women's safety and equality.

In 2004 the Inter-American Commission on Human Rights accused the Guatemalan government of providing limited resources for women seeking help in situations of violence.<sup>58</sup> The government responded by creating the *Commission to Fight Femicide* coordinated by SEPREM. The Commission investigates and analyzes femicide cases and makes policy recommendations to eliminate violence against women.<sup>59</sup>

### Non-governmental Organizations

Several non-governmental organizations lobby for legislative change to address femicide and violence against women. The Guatemalan Group of Women (GGM) assists survivors of domestic violence with legal aid, shelter, and accompaniment. They also research and document violence against women and have an archive and database office.<sup>60</sup> Survivor's Foundation also provides psychological counseling and legal support to female victims and their families. The Network of No Violence Against Women (REDNOVI), Human Rights Legal Action Center (CALDH), and the Women's Sector (Sector de Mujeres) also work to stop violence against women.

Women's rights activists have worked on several campaigns. In 2004, members of CONAPREVI embarked on a 10-year mission to end violence against women. The National Plan for the Prevention of Domestic Violence and Violence Against Women (PLANOVI) includes a research center for collecting statistics regarding violence against women, promoting education, and assistance for female survivors of violence.<sup>61</sup> PLANOVI recommends strengthening the government infrastructure to provide support and protection for women and girls.<sup>62</sup>

Women's groups have also succeeded in attacking specific components of the Penal Code that reflected an obvious insensitivity and lack of understanding for women. Article 200 – not repealed until June 2006 – stood as a prime example, stating that the previous criminal

offenses and all the others located in Chapters 1 through 4 of the Penal Code would be expunged by the "legitimate" marriage of the victim and the aggressor, given that the victim was older than 12 years of age and with the approval of the Public Prosecutor's Office.<sup>63</sup>

Women's rights activists in Guatemala have received some support from the international community for their campaign for gender equality. The Interparliamentary Network Against Femicide includes legislators from Guatemala, Mexico and Spain to coordinate national and international laws protecting women and prioritizing violence against women as a crime against humanity.<sup>64</sup>

U.S. organizations that raise awareness on Guatemala's history of violence and violence against women include the Guatemala Human Rights Commission, through the Women's Right to Live campaign. Amnesty International published a comprehensive review of violence against women in Guatemala, as well as WOLA/Center for Gender and Refugee Studies (CGRS).

Under the direction of Hilda Solis (D-CA), the House of Representatives passed Resolution 100 on May 1, 2007 with 100 cosponsors; the resolution:

- Condemns the ongoing abductions and murders of women and girls in Guatemala
- Expresses condolences and deepest sympathy to the families of victims;
- Recognizes the courageous struggle of the victim's families in seeking justice for the victims
- Recommends specific actions on the part of the U.S. President, Secretary of State, and United States Ambassador to Guatemala, to encourage Guatemala to properly investigate, resolve, and prevent these crimes.
- Aims to stop the cycle of violence against women in Guatemala and seek justice for the families of the victim

On March 10, 2008, Jeff Bingaman (D-NM) led the passing of Resolution 178 in the Senate with 13 cosponsors. Acknowledging the positive measures of abolishing the "Rape Law" and establishing the CICIG, the U.S. legislators

denounced the inadequacy of investigations, charging the State to act swiftly to prosecute the perpetrators, challenge impunity by holding corrupt officials accountable, and develop a detailed plan directed to ending the brutal attacks against women.<sup>65</sup>

Celebrity attention brought the mass media to focus on femicide in Guatemala. In 2003 actress Jane Fonda spent 24 hours visiting Guatemala with independent journalist Marielos Monzon on behalf of the nonprofit organization V-Day. After meeting with 22 women's rights groups, Fonda promised additional coverage on this issue, especially for domestic violence (20,000 cases filed annually). Recognizing that violence in Guatemala surpassed that of Ciudad Juárez, Mexico, Fonda stressed the need for an "army to stand beside Guatemalan women, to say to the world *what is going on here?*"<sup>66</sup>

## THE LAW AGAINST FEMICIDE

"The objective of the present law is to guarantee the life, liberty, integrity, dignity, protection, and equality of all women..."

*Law Against Femicide (Decree 22-2008), Chapter 1, Article 1<sup>67</sup>*

On April 9th, 2008, the Guatemalan Congress approved the Law Against Femicide and Other Forms of Violence Against Women (Decree 22-2008) with 112 out of 158 members.<sup>68</sup> President Alvaro Colom signed the bill into law on May 7, 2008. Shouts of victory erupted as the news spread, especially among activists who worked tirelessly for legal recognition of femicide. "This is an historical moment in the life of our country," declared Rosa María Angel de Frade, vice president of the Congressional Committee on Women.<sup>69</sup>

### EXCERPT OF DECREE 22-2008

#### Categories of Violence Against Women

- Article 6: Femicide, violent murder of a woman motivated by her gender—*25 to 50 year prison term without possibility of reducing the term*
- Article 7: Violence Against Women
  - a. Physical and sexual violence, any type of harm or suffering inflicted on a woman's body, as well as prohibiting a woman from using methods for family planning or the prevention of sexually transmitted diseases—*5 to 12 year prison term in accordance with the gravity of the crime*
  - b. Psychological abuse, including intimidating actions towards woman or her family members or attempting to control her or damage her self-esteem—*5 to 8 year prison term in accordance with the gravity of the crime*
- Article 8: Economic Violence, any action that endangers a woman's right to work or possess and dispose of her property as she chooses, or using other forms of violence to obtain woman's earnings or assets—*5 to 8 prison year term*

#### Provisions to protect women and prevent further violence

- Article 14: The Crimes Against Life and Physical Integrity of Women Unit, a specialized investigative office for cases involving violence against women.
- Article 15: Specialized judicial courts to hear cases of violence against women, available 24 hours a day.
- Article 16: Institutional backing for the Centers of Integral Support for Female Survivors of Violence (CAIMU) under the supervision of CONAPREVI.
- Article 17: Strengthening of institutionalized bodies and other similar non-governmental organizations (NGOs), including CONAPREVI (as state representative/coordinator of public policy for women's well being), DEMI, and SEPREM. Continued support for Public Criminal Defense Institute, which provides free legal aid for female survivors of violence.
- Article 18: Implementation of PLANNOVI, the ten-year strategic plan to eradicate violence against women in Guatemala, under the supervision of CONAPREVI.
- Article 19: Providing a public defense attorney for female victims of violence.
- Article 20: Developing a National System of Information for Violence Against Women, under the National Institute of Statistics, with statistics from the Public Prosecutor's Office, Police Department, Office of Human Rights, and other organizations.

The law defines “femicide” as the “violent death of a woman by virtue of her gender, as it occurs in the context of the unequal gender relations between men and women.”<sup>70</sup> It identifies four types of violence against women including femicide, physical/sexual, psychological, and economic violence.<sup>71</sup> By recognizing gender as the principal motive for the crime, the law takes into account the effects of misogyny, *machismo*, and gender bias that have created gender inequality in Guatemalan society, and for the first time allows women to press criminal charges against partners for domestic violence or the prohibition of family planning methods.<sup>72</sup> The law’s broad definition of “violence against women” does more than recognize physical violence. Economic violence, for example, is defined as impeding a woman’s economic well being, and is recognized as a serious crime.

In addition to outlining these forms of violence, the Law Against Femicide sets out other provisions to better protect women and girls and work towards eliminating violence against women, including special units to investigate violence against women, institutional support of domestic violence intake centers (Centers for Comprehensive Support for Female Survivors of Violence, or CAIMU) and NGOs, and a national statistics database of cases of violence against women.

The Law represents an important step in challenging the history of gender violence and rampant impunity. “We now have a legal framework that we can use to defend our rights. The new law is a starting point for our struggle,” said Fabiola Ortiz of CONAPREVI.<sup>73</sup>

## ANALYSIS OF THE LAW

A year after its successful passage, the Femicide Law is still an infant. Specific successes should be recognized and applauded. Yet overall, the law has yet to make a marked impact on national statistics.

### Positive results

Furthermore, by criminalizing *all* forms of violence against women, the law symbolizes a gradual shift in the perception of women and recognizes unequal power relations between men and women. As of late 2008, 37 cases of

economic violence were reported and entered the court system.<sup>74</sup>

The State has made progress in implementing certain articles of the Law Against Femicide. The CAIMU, supervised by CONAPREVI have been providing much-needed shelter, medical care, and therapy to female victims of domestic violence and their children. One CAIMU in the capital of Guatemala assisted 400 cases in the first seven months following the Law’s approval. There are four additional centers in other cities. Although similar organizations existed prior to the law, the State’s official backing and financial aid of \$8 million Quetzales (\$1 million US) provides funding to assist more women.<sup>75</sup>

Perhaps the greatest measure of success has been the first conviction under the law. In February of 2009, Calixto Simón Cum was sentenced to five years in prison for repeated domestic violence towards the mother of his children and for a particularly violent incident on June 2, 2008 in which he threatened her life. Vilma de la Cruz, the victim, testified that she had endured three years of violent physical and emotional behavior before finally deciding to confront her aggressor. Her case, supported by the Survivor’s Foundation, encouraged other victims of domestic violence to speak up.<sup>76</sup> A second case has gone to trial in which William Alexander Fernández Gómez has been accused of physical acts of violence towards his wife on July 31, 2008. He has denied all charges. In both cases, the children were witnesses.<sup>77</sup>

These cases are hopefully the first of many to come. The Guatemalan National Police (PNC), under the new leadership of Marlene Blanco Lapola, has made considerable advances, including detention of 1400 individuals in 2008 for sexual assault and aggression.<sup>78</sup>

The CICIG, through their investigation, provided sufficient evidence to issue an arrest warrant for Byron Humberto Vargas; he was detained on February 16<sup>th</sup>, 2009. A reputed drug and arms dealer, Vargas has pending charges of femicide, having reportedly murdered three women in 2008.<sup>79</sup>

Blanco Lapola has urged greater coordination between the judicial sector and Public Prosecutor’s office (MP) to secure more convictions.<sup>80</sup> Other women’s groups, most notably the Survivors Foundation (Fundación

Sobrevivientes), have labored to bring 32 additional cases to conviction under the Law Against Femicide.<sup>81</sup> The Guatemalan Congress, in a promising gesture, has begun an evaluation of the law with input from human rights organizations and women's groups.

### Critiques

Unfortunately, these advancements seem small in comparison to rising levels of violence against women. The number of women murdered in 2008 was higher than ever before. In January 2009, fifty-seven women were killed.<sup>82</sup> As of March 2009, 90 women were brutally murdered, mostly within the department of Guatemala.<sup>83</sup> The number climbed to an estimated 137 by the beginning of April.<sup>84</sup> Most significantly, there has not been an increase in the number of perpetrators brought to justice.

As organizations and government bodies try to evaluate the progression of the law's implementation, many name problematic factors including a lack of understanding of the law, continued social unrest, poor media portrayal, and inadequate efforts on the part of the implementers.

There has yet to be wide understanding of how and when the Femicide Law can and should be used instead of the Penal Code.

Congresswoman Delia Back, President of the Women's Commission, notes that the Penal Code is easier to apply, and highlights confusion between femicide and murder.<sup>85</sup> The Director of the Crimes Against Life Unit (created under Article 14 of the Femicide Law) admitted that his understanding of femicide requires a marital or common-law relationship, which is not outlined in the Law.<sup>86</sup>

Furthermore, the law hasn't made a dent in Guatemala's culture of violence. In new cases, gender bias and "blaming the victim" remain major obstacles to productive investigations. GGM activist Cecilia Alvarez urges authorities to examine the victim's acquaintances to find evidence, witnesses, and often the perpetrator. Instead, authorities continue to depict female victims as possible gang members of and organized crime networks. Hilda Morales has also criticized this approach, calling the current notion of justice antiquated and outdated.<sup>87</sup>

CICIG Commissioner Castresana has argued that the government structure is too weak to effect change and adhere to the promises set forth by the Law.<sup>88</sup> The case of María Isabel, discussed earlier, became the first case technically classified as Femicide to be heard at the Inter-American Commission for Human Rights, a process initiated only when a country's own legal system is deemed inadequate or unresponsive.

The media portrayal of femicide and violence against women continues to rely on blood, gore, nudity, and torture to sell the issue to readers more interested in photos than analysis. Insensitivity to the victims and their families is yet another result of the violent crimes. A March 2008 report estimated that 90% of over 3,000 cases of violent deaths were depicted from a sensationalist perspective.<sup>89</sup>

Silvia Hernández, coordinator of SEPREM (the Presidential Secretariat for Women), stressed the importance of the media's ability to raise awareness about violence against women and the tools provided under the Law Against Femicide. With the general population still largely unaccustomed to the new terminology and components of the legislation, the media has great potential to spread the message of women's rights and contribute to social justice in the country.<sup>90</sup>

Yet SEPREM, the organization charged with developing strategies and influencing policies to protect the well being of Guatemalan women, has itself been criticized for focusing too much on public image and not enough on women's issues. The Mutual Support Group (GAM) analyzed SEPREM's media campaigns, budget, and hiring policies and drew some disparaging conclusions. Although meeting its fundamental goals, SEPREM was found lacking in competent workers who fully understood the struggles of women in the country. Furthermore, GAM criticized the lavish public relations spending in comparison to the little contact SEPREM officials actually maintain with other women. SEPREM has, in their opinion, focused more on establishing an international image rather than advancing women's rights and security in Guatemala.<sup>91</sup>

## RECOMMENDATIONS

First and foremost, the law must be fully implemented in order to bring victimizers to justice, move towards gender equality, contribute to a paradigm shift in recognizing women's rights, and begin to reduce violence against women in Guatemala. As this publication goes to print, many articles of the law have not been fully implemented. At the same time, there needs to be thorough investigation into what is lacking and what can be improved.

The following recommendations from Guatemalan women's rights organizations and the U.S. based Guatemala Human Rights Commission are divided into four categories: investigation/legislation, protection, education, and recognition/healing.

### Investigation/Legislation

There remains much to be done within the investigative and legislative arena in order to better implement the law and ensure the safety of Guatemala's women and girls. GHRC joins with our partners to recommend:

- The improvement of crime scene investigation, training of investigators, and access to forensic laboratories.
- Full implementation of the Crimes Against Life and Physical Integrity of Women Unit, established in Article 14 of the Law Against Femicide.<sup>92</sup>
- Full support of, and collaboration with, the CICIG in order to continue the investigations on organized crime and impunity.<sup>93</sup> (President Colom and the United Nations renewed a two-year mandate for the CICIG on April 22, 2009.)
- Prosecution of femicide cases to help restore public confidence in the judicial system and advance women's rights (specifically with the 32 femicide cases that are close to trial).<sup>94</sup>
- Arms regulation to decrease weapons on the street; the majority (90%) of femicides are committed with a firearm.<sup>95</sup> The Arms and Munitions Law (April 2009) does little to cut down on gun violence.
- Coordinated efforts between the PNC and the Public Prosecutor's office for the first 72 hours following the crime.<sup>96</sup>

- The full implementation of a national public information system (a database of femicides and crimes against women), called for in the Anti-Femicide law.

Furthermore,

- U.N. Special Rapporteur Yakin Erturk called for a simplification of the women's organizations and institutions in order to avoid duplicating efforts. REDNOVI has echoed this concern, highlighting the joint effort between women's rights groups to enact change most effectively.<sup>97</sup>
- Former Guatemalan Ambassador to Mexico Arturo Soto has advised a greater cooperation between the governments of Guatemala, Mexico, and other Central American countries to halt the flow of criminals across borders.<sup>98</sup>
- REDNOVI suggests that the Women's Commission of Congress supervise and monitor the funding allotted to implement the Law Against Femicide.<sup>99</sup>
- Dr. Lina Barrios, Guatemalan anthropologist, recommends increased participation of women in the national and local legislative body. Women occupy only 5% of representative positions in municipalities.<sup>100</sup>

### Protection

Greater protection is needed for women survivors of violence, their children, and the families of femicide victims. Furthermore, each social/ethnic group requires assistance particular to their situation (such as indigenous women, students, housewives, or sex workers). GHRC recommends:

- Increased police forces with specific training for violence against women. The Guatemalan Police force is severely understaffed (currently 19,000 officers, with an estimated 50,000 required to provide adequate security for the population of 14 million). Current police training needs to include awareness, knowledge, and specialized courses on women's rights, how to interact with a female victim and preserve valuable evidence when arriving on the scene of the crime, and a thorough knowledge of victim's rights and emergency services available to survivors.<sup>101</sup>

- Support of alternative models for justice centers. The U.S. funded model 24-hour police and judicial center located in Villa Nueva (Guatemala City) has been more effective in providing services to citizens than the traditional model. Police officers are stationed every 2-3 blocks in gang neighborhoods to stem extortion and sexual assault of girls.<sup>102</sup>
  - Increased protection for civil servants in the judicial sector who are often subject to intimidation and threats.<sup>103</sup>
  - Protection for human rights officials and their families. The case of Gladys Monterroso, wife of Sergio Morales, Human Rights Ombudsman, is an example of how women family members are attacked for political purposes and to generate and perpetuate a climate of terror. (Ms. Monterroso was kidnapped, tortured, and raped on March 25, 2009).<sup>104</sup>
  - USAID funding for witness protection programs and legal aid to encourage victims and families to speak out against violent crimes and seek justice.<sup>105</sup>
  - Expansion of services for women who are victims of violence outside the home. While the CAIMU are an important service, they serve only victims of domestic violence.<sup>106</sup>
- ensure outreach and communication with women's groups across the nation.<sup>108</sup>
- Workshops that redefine gender roles and break down machismo by promoting gender equality, the dangers of physical/emotional violence, and the importance of education in ensuring a full and happy life. Topics could include: *What is machismo? What is misogyny? What does "violence" look like?* (GAM, for example, is beginning to teaching new gender roles through workshops for children, to address the roots of domestic violence.)
  - Greater media participation in spreading the message of gender equality, the dangers of domestic violence, and a no-tolerance approach to violence against women.<sup>109</sup>
  - Clearer legal distinction between "femicide" and "violent death" for greater efficiency in the investigative process and trial.<sup>110</sup>
  - USAID funding for Guatemala should be directed towards national campaigns for women's rights and raising awareness about the components of the Law Against Femicide. Specific training (on how to approach, investigate, and provide support for women victims of violence) for officials in the Public Prosecutor's Office, judicial sector, and Police Department is strongly urged.<sup>111</sup>

## Education

A national education campaign concerning women's rights and legislative tools for seeking justice in cases of violence against women is sorely lacking. The majority of the Guatemalan public does not understand the term "femicide" and the tools available for women's rights in the Law Against Femicide. An energetic national dialogue is needed to raise community awareness. Billboard campaigns that have occurred in the capital city attempt to challenge gender inequality but fall far short of the needed paradigm shift. GHRC joins Guatemalan organizations and other US NGOs to advocate for:

- Increased funding for women's organizations.<sup>107</sup>
- Greater supervision of the Presidential Secretariat for Women (SEPREM) budget, to

## Recognition/Healing

As the Historical Clarification Commission report stated, Guatemala is in dire need of healing on a national level. The wounds of war, violence, and hatred must be recognized and addressed in order to move forward. Guatemala needs:

- A national outreach program for Mayan women in communities brutalized during the war is needed for recognition and healing. *Guatemala: Memory of Silence* (CEH report) highlighted the use of violence against women as an internationally recognized war crime that destroys cultural identity, families, and communities. Many women who were victims of wartime violence (torture and rape) have never spoken out due to stigmatization, fear, shame, and trauma.
- Specialized grief counseling for children of survivors and victims, many of whom were witnesses to violence and murder.

- Civic responsibility must be restored and reinstated, as parents, activists, lawmakers, business people become increasingly aware of their role as protagonists in improving the human rights situation. Human rights journalist and editor of *Central America Report* Louisa Reynolds suggests an objective approach in understanding the Law Against Femicide, placing violence against women within the framework of human rights for Guatemalan people as a whole.<sup>112</sup>

The Law Against Femicide is one step towards justice for women in Guatemala. The safety and security of women requires increased civic participation, national awareness, strong support and enforcement by the government, judicial system, and national police, and the courage of those who will challenge impunity, gender inequality, misogyny and violence.

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## ENDNOTES

<sup>1</sup> For more information, see "En dos décadas han sido asesinados 332 periodistas, según recuento de la SIP." *Prensa Libre*. 14 March 2009. <http://www.prensalibre.com/pl/2009/marzo/14/301779.html>

<sup>2</sup> For more on Femicide in other regions of the world, see "Femicides of Juarez Fact Sheet." National Organization for Women. <http://www.now.org/issues/global/juarez/femicide.html>; Ellis, Estelle. "Dying at the hands of their lovers." *Cape Argus*. <http://www.capeargus.co.za/index.php?fSectionId=49&fArticleId=2130110> See also Matthews, Shanaaz, et al. "Intimate Femicide-Suicide in South Africa: a cross-sectional study." *Bulletin of the World Health Organization*. July 2008, 86 (7) <http://www.who.int/bulletin/volumes/86/7/07-043786.pdf>; "OPT: 'Femicide' on the rise in conflict zone." *IRIN*. UN Office for the Coordination of Humanitarian Affairs. 7 March 2007. <http://www.irinnews.org/Report.aspx?ReportId=70554>; Moracco, Kathryn. "Femicide in North Carolina, 1991-1993." *Homicide Studies*, Vol. 2, No. 4, 422-446 (1998). <http://hsx.sagepub.com/cgi/content/abstract/2/4/422>

<sup>3</sup> See Radford, Jill and Diane E. H. Russell, (eds.) *Femicide: The Politics of Woman Killing*. New York: Twayne Publishers, 1992, 6-7. For a summary of the text, see Sunshine for Women. Book Summaries. <http://www.pinn.net/~sunshine/book-sum/femicide.html> For information on Diane Russell, see "Femicide." <http://www.dianarussell.com/femicide.html> Russell coined the term "femicide" in the early 1990s. though both "femicide" and "feminicide" are used to describe violence against women. For the purpose of this report, the term "femicide" will be used as it appears in the written law. For a comprehensive study, see Grupo de Apoyo Mutuo (GAM). "Guatemala 1999-

2006: Origin, manifestación, y tendencias del feminicidio." *Feminicidio 2007*. <http://www.gam.org.gt/public/publi/pdf/feminicidio%202007.pdf> See also Sanford, Victoria. "From Genocide to Femicide: Impunity and Human Rights in Twenty-first Century Guatemala." *Journal of Human Rights*, 7:104-122, 2008. Routledge, Taylor and Francis Group. [http://johnjay.cuny.edu/From\\_Genocide\\_to\\_Femicide.pdf](http://johnjay.cuny.edu/From_Genocide_to_Femicide.pdf)

<sup>4</sup> Though both "femicide" and "feminicide" are used to describe violence against women, for the purpose of this report, the term "femicide" will be used as it appears in the written law. For a comprehensive study, see Grupo de Apoyo Mutuo (GAM). "Guatemala 1999-2006: Origin, manifestación, y tendencias del feminicidio." *Feminicidio 2007*. <http://www.gam.org.gt/public/publi/pdf/feminicidio%202007.pdf> See also Sanford, Victoria. "From Genocide to Femicide: Impunity and Human Rights in Twenty-first Century Guatemala." *Journal of Human Rights*, 7:104-122, 2008. Routledge, Taylor and Francis Group. [http://johnjay.cuny.edu/From\\_Genocide\\_to\\_Femicide.pdf](http://johnjay.cuny.edu/From_Genocide_to_Femicide.pdf)

<sup>5</sup> Informe Anual Circunstanciado Resumen Ejecutivo 2008". Procurador de los Derechos Humanos. Guatemala, 2009. p 179-180; Fundación Sobrevivientes cited in "Norma Cruz y el derecho de la mujer; años de lucha por dignidad", *Prensa Libre* 1 February 2009. <http://www.prensalibre.com/pl/2009/febrero/01/290913.html>

<sup>6</sup> Orantes, Coralia. "Cicig ve impunidad en casos de femicidio." *Nacional. Prensa Libre*. 23 May 2008. <http://www.prensalibre.com/pl/2008/mayo/23/239895.html>

<sup>7</sup> Norma Cruz, email to the author, 23 February 2009. See also Castillo, Juan Manuel. "Veintiséis mujeres mueren de forma violenta en 16 días." *País. El Periódico*. 17 January 2009. <http://www.elperiodico.com.gt/es/20090117/pais/87032> and Bonillo, Cristina. "Norma Cruz y el derecho de la mujer; años de lucha por dignidad." *Prensa Libre*. 1 February 2009. <http://www.prensalibre.com/pl/2009/febrero/01/290913.html>

<sup>8</sup> Reyes, Adrián. "Guatemala: Brutal Killings of Women Recall Counterinsurgency Techniques." *IPS News*. 22 June 2005. <http://ipsnews.net/print.asp?idnews=29187>

<sup>9</sup> For more on the violence of Guatemala's armed conflict, see Sanford, Victoria. *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave Macmillan, 2003.

<sup>10</sup> Stop Violence Against Women. "Rape as a Tool of War: a Fact Sheet." Amnesty International USA. 2007. <http://www.amnestyusa.org/women/rapeinwartime.html>

<sup>11</sup> See Guatemalan Commission for Historical Clarification (CEH). *Guatemala: Memory of Silence*. 1999. <http://shr.aaas.org/guatemala/ceh/report/english/toc.html> The systematic violence towards women has also been denounced in the United Nations Fourth World Conference on Women, Beijing Platform for Action. 1995. [http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20\\_en](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20_en) Made available by U.N Department for Policy Coordination and Sustainable Development.

<sup>12</sup> See CEH Report. In March of 1999, the Commission released its findings in *Guatemala: Memory of Silence*, reporting that 626 villages massacred, and approximately 1 million displaced. The CEH also found that the State was responsible for 93% of the arbitrary executions and 91% of the forced disappearances. Though to a lesser extent, guerrilla units also committed arbitrary executions and were responsible for 6% of the total violence.

<sup>13</sup> CEH Report (Spanish), "La Violencia Sexual contra la Mujer," Chapter 2, Volume 3, #2. <http://shr.aaas.org/guatemala/ceh/mds/spanish/cap2/vol3/mujer.html>

<sup>14</sup> *Ibid.*, #38.

<sup>15</sup> Ruhl, Katharine. "Guatemala's Femicides and the Ongoing Struggle for Women's Human Rights." Center for Gender and Refugee Studies, 21 (2006). [http://cgrs.uchastings.edu/documents/cgrs/cgrs\\_guatemala\\_femicides2.pdf](http://cgrs.uchastings.edu/documents/cgrs/cgrs_guatemala_femicides2.pdf) In Huehuetenango's festival "Mujeres y guerra" the participants publicly recognized that sexual violence was not new to the civil war, but in reality an ongoing product of the unequal power relations between men and women. See "Declaración Política: Primer Festival regional por la memoria "Mujeres y Guerra." *News. Nisgua: Working for Justice in Guatemala*. 27 November 2008. [http://www.nisgua.org/news\\_analysis/index.asp?id=3275&mode=pf](http://www.nisgua.org/news_analysis/index.asp?id=3275&mode=pf)

<sup>16</sup> CEH Report (Spanish), La Violencia Sexual contra la Mujer," #41.

<sup>17</sup> Human Rights Office of the Archdiocese of Guatemala. Guatemala. Never again! (Nunca Más). REHMI: Recovery of Historical Memory Project. The official report of the Human Rights Office, Archdiocese of Guatemala. Maryknoll: Orbis Books; 1999, Chapter 5, Case 7906. For more information on Bishop Juan Gerardi and his dedication to social justice and the REHMI project, see Goldman, Francisco. *The Art of Political Murder: Who Killed the Bishop?* New York: Grove Press, 2007.

<sup>18</sup> Erturk, Yakın. "Integration of the human rights of women and the gender perspective: violence against women." Report of the Special Rapporteur on violence against women, its causes and consequences." Addendum: Mission to Guatemala. United Nations, Commission on Human Rights. Geneva: 10

February 2005. See also REHMI, Chapter 5, Interview 0803 and 0165, and CEH Report (Spanish), #74, 75.

<sup>19</sup> Reyes, "Brutal Killings of Women."

<sup>20</sup> REHMI, Chapter 5, *Botín de Guerra*. This disturbing trend is presently seen among gang members that target women in violent acts for different levels of "points." See "Guatemala: No protection, no justice: Killings of Women in Guatemala." *Amnesty International*. 2005. <http://www.amnestyusa.org/document.php?lang=e&id=280F8FE94B2826C48025701C00330145>

<sup>21</sup> Ibid.

<sup>22</sup> REHMI, Chapter 5, Case 1871.

<sup>23</sup> Ibid. See also CEH Report (Spanish), #99.

<sup>24</sup> Reyes, "Brutal Killings of Women."

<sup>25</sup> Replogle, Jill. "Mexico Exports its Drug Wars to Guatemala." *Time*. 12 December 2008. <http://www.time.com/time/world/article/0,8599,1866194,00.html>

<sup>26</sup> Painter, James. "Guatemala Fears Mexico Drug Spillover." *BBC News*. 17 December 2008. <http://news.bbc.co.uk/2/hi/americas/7786392.stm> For more information on cocaine ports in Guatemala, see Schneider, Mark. "Guatemala: The Next to Fall?" *Worldview*. *GlobalPost*. 16 April 2009. <http://www.globalpost.com/dispatch/worldview/090416/guatemala-the-next-fall> and Jordan, Mary. "Pit Stop on the Cocaine Highway." *Washington Post*. A20. 6 October 2004. <http://www.washingtonpost.com/wp-dyn/articles/A9499-2004Oct5.html>

<sup>27</sup> Interview with NAS official Sam Rivers by Amanda Martin, GHRC Director, 5 March 2009.

<sup>28</sup> Interview with CICIG, August 2008, Guatemala City.

<sup>29</sup> See "Fracasa lucha contra maras." *Nacional*. *Prensa Libre*. 17 February 2009. <http://www.prensalibre.com/pl/2008/febrero/17/218992.html> and "Guatemala: No protection, no justice." *Amnesty International*.

<sup>30</sup> See "Guatemalan Police Rescue Kidnapped Woman, Arrest Two." *Latin American Herald Tribune*. 5 March 2009. <http://www.laht.com/article.asp?CategoryId=23558&ArticleId=329115> and "Cops Could Be Behind Kidnappings in Guatemala." *Latin American Herald Tribune*. 9 March 2009. <http://www.laht.com/article.asp?CategoryId=23558&ArticleId=329337>

<sup>31</sup> See "Who Will Defend the Defenders: Criminalization of Human Rights Defenders and Chronic Impunity in Guatemala." *Guatemala Human Rights Commission*. December 2008. <http://www.ghrc-usa.org/Programs/HumanRightsDefenders/HumanRightsDefenders.htm>

<sup>32</sup> Erturk, 11.

<sup>33</sup> "Violencia intrafamiliar propicia femicidio, dice estudio." *Prensa Libre*. 3 October 2008. <http://www.prensalibre.com/pl/2008/octubre/03/267597.html>

<sup>34</sup> Ibid.

<sup>35</sup> López, Fredy. "Violencia intrafamiliar induce a mujeres al suicidio afirma defensora de la PDH." *Cerigua*. 15 January 2009. [http://cerigua.info/portal/index.php?option=com\\_content&task=view&id=6647&Itemid=31](http://cerigua.info/portal/index.php?option=com_content&task=view&id=6647&Itemid=31)

<sup>36</sup> Orantes, "Cicig ve impunidad en casos de femicidio."

<sup>37</sup> Ibid.

<sup>38</sup> Guoz, Abner. "Onu: persiste impunidad y aumentan muertes violentas." *Actualidad: Nacionales*. *El Periódico*. 21 March 2007. <http://www.elperiodico.com.gt/es/20070321/actualidad/37938>

<sup>39</sup> Drysdale Walsh, Shannon. "Engendering Justice: Constructing Institutions to Address Violence Against Women." *Studies in Social Justice*, Vol. 2, No. 1 (2008), Page 7. <http://ojs.uwindsor.ca/ojs/leddy/index.php/SSJ/article/view/668/578>

<sup>40</sup> Ibid.

<sup>41</sup> For more information on the responsibilities of the Public Prosecutor's Office, see Ministerio Público. *Preguntas Frecuentes*. Ministerio Público de Guatemala, C.A. [http://www.mp.gob.gt/preguntas\\_frecuentes.html](http://www.mp.gob.gt/preguntas_frecuentes.html)

<sup>42</sup> Ministerio Público. *Organigrama Area de Fiscalia*. Ministerio Público de Guatemala, C.A. [http://www.mp.gob.gt/images/files/organigrama\\_area\\_fiscalia.pdf](http://www.mp.gob.gt/images/files/organigrama_area_fiscalia.pdf) For additional information on the structure of Guatemala's Public Prosecutor's Office, see <http://www.mp.gob.gt/organigramas.html>

<sup>43</sup> See *This World: Killer's Paradise*. Produced and Directed by Giselle Portenier. Reported by Olenka Frenkiel. Documentary. BBC Two, 2006. See also "Guatemala—Claudina Velásquez." *Amnesty International USA*. <http://www.amnestyusa.org/individuals-at-risk/holiday-card-action/clauidina-velasquez/page.do?id=1011294>

<sup>44</sup> See Sanford, "From Genocide to Femicide," and Amnesty International, "Guatemala: No protection, no justice."

<sup>45</sup> Drysdale Walsh, 7.

<sup>46</sup> See *This World: Killer's Paradise*. Most civilians choose to call the firefighters before the police, though there are hopes of change with a new police chief and greater accountability under President Colom's administration.

<sup>47</sup> "PDH concluye estudio sobre femicidios." *La Hora, Suplemento Politico*. 14 April 2008. [http://www.rel-uita.org/mujer/PDH-estudio\\_femicidios.htm](http://www.rel-uita.org/mujer/PDH-estudio_femicidios.htm)

<sup>48</sup> Godoy-Paiz, Paula. "Women in Guatemala's Metropolitan Area: Violence, Law, and Social Justice." *Studies in Social Justice*, Volume 2, Section 1. Special Issue: Gender and Violence in Guatemala. 2008. <http://ojs.uwindsor.ca/ojs/leddy/index.php/SSJ/article/view/667/577>

<sup>49</sup> Ibid., 10-11.

<sup>50</sup> Ibid., 11.

<sup>51</sup> Ibid.

<sup>52</sup> The Universal Declaration of Human Rights. United Nations. 10 December 1948. <http://www.un.org/en/documents/udhr/index.shtml> See also International Covenant on Civil and Political Rights. Office of the United Nations High Commissioner for Human Rights. 16 December 1966. <http://www2.ohchr.org/English/law/ccpr.htm>

<sup>53</sup> Convention on the Elimination of all Forms of Discrimination Against Women. Division for the Advancement of Women. 1979. <http://www.un.org/womenwatch/daw/cedaw> This convention was also important in setting forth an agreement to abolish the trafficking of women (Article 6). Women's rights in the political sector were also outlined, as well as in those in the home through reproductive rights.

<sup>54</sup> Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women. Inter-American Commission of Women. 1994. <http://www.oas.org/CIM/english/Convention%20Violence%20Against%20Women.htm> The CEH Report also recognized violence against women in several forms, including domestic violence, sexual abuse, torture, trafficking, and sexual harassment. The Commission found that the State tolerated or even condoned this violence. See "Violencia contra las mujeres" section, #12.

<sup>55</sup> See Immigration and Refugee Board of Canada, "Guatemala: Domestic Violence."

<sup>56</sup> Sonia Acabal (REDNOVI), email to the author, 7 April 2009. See also Drysdale Walsh, 2-4.

<sup>57</sup> Immigration and Refugee Board of Canada, "Guatemala: Domestic Violence."

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<sup>60</sup> Immigration and Refugee Board of Canada, "Guatemala: Whether the Grupo Guatemalteco de Mujeres assists women who have been victimized by strangers (not cases of domestic violence); what services the group offers to such women; and what other resources, support, or redress, are available to such women." *UNHCR Refworld*. 1 December 1998. <http://www.unhcr.org/refworld/topic,4565c225b,4565c25f131,3ae6aceb63,0.html>

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<sup>63</sup> Código Penal de Guatemala. Decreto No. 17-73. El Congreso de la República de Guatemala. Page 45. [http://www.oas.org/Juridico/MLA/sp/atm/sp\\_atm-int-text-cp.pdf](http://www.oas.org/Juridico/MLA/sp/atm/sp_atm-int-text-cp.pdf) See also Immigration and Refugee Board of Canada. "Guatemala: Domestic violence; recourse and services available to victims (2005-September 2006)." *UNHCR Refworld*. 18 December 2006. <http://www.unhcr.org/refworld/docid/45f1473d2f.html>

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- <sup>97</sup> Erturk, 20. Also Sonia Acabal, email to the author, 7 April 2009.
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<sup>110</sup> Recommendations from REDNOVI and the Survivors Foundation. Valenzuela, "El riesgo de ser mujer," and Castillo, "MP investiga."

<sup>111</sup> Recommendations from GHRC, WOLA, LAWG, NISGUA, and other U.S. based NGOs. For more information, see Guatemala Policy Memo, 8 April 2009. [http://www.ghrcusa.org/Programs/Immigration\\_Trade/quate\\_memo2009.pdf](http://www.ghrcusa.org/Programs/Immigration_Trade/quate_memo2009.pdf) Also see "Guatemala Country Plan 2004-2009." USAID: Guatemala. [http://www.usaid.gov/qt/country\\_plan.htm](http://www.usaid.gov/qt/country_plan.htm)

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