

FEMICIDE, IMPUNITY, AND CITIZENSHIP: The Old and New in the Struggle for Justice in Guatemala

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Violence against women in Guatemala is not a new story; the staggering increase in the number of crimes and level of violence against women, however, is shocking. Since 2000, the Guatemala National Civil Police records document 2,170 murders of women; in 2005, the average was forty-eight deaths per month (Trujillo 2006). These killings manifest a systemic denial of women's most basic human rights and a culturally embedded misogyny that expresses itself in the brutalization of women. This violence inflicts a generalized sense of fear and intimidation on a society still not healed from the atrocities of the thirty-six-year internal conflict (1960–1996) marked by genocide of civilians, mostly indigenous, by military and clandestine security forces. Despite the efforts of the 1996 Peace Accords, Guatemala's institutional structures and traditional communal systems are proving incapable of protecting women. They fail to act upon the network of forces that function within strategies for power that target women who live in relative obscurity and extreme insecurity in this mostly rural country, which is 25 percent smaller than the state of Illinois, with a population of about 13 million, a high percentage of whom are indigenous. In spite of national and international efforts to stabilize Guatemala, it remains one of the world's poorest and most insecure nations.

The new level of brutality against women exposes a strained, complex web of social, political, and economic relations; the tensions are borne on women's bodies at a moment when women have begun to conceptualize and construct

a social agency and identity that were rare a few decades ago. Although the murders of women are underreported, *Guatemaltecas* (females of Guatemala) collaboratively strategize to transform their lives, their communities, and the country. Through creative, organized responses to the conditions in which they live, Guatemaltecas are redefining the concept of citizenship. They face globalizing forces that simultaneously further oppress them yet offer new resources in their individual and collective efforts to alter the reality of their lives. For women in all areas of Guatemala, femicide forms part of their daily existence.

In this essay, I share observations about femicide and women's actions in Guatemala, the result of numerous interviews with individuals and organizations conducted in March 2005 when I had the opportunity to serve as a member of the Guatemala Human Rights Commission/USA Women's Right to Live Delegation. Our investigation into violent deaths of women quickly revealed a familiar intersection of complicit dominant groups' interests. Our interviewees signaled a web of power relations that, while not explicitly creating the cultural attitudes and sociopolitical factors that target women, nevertheless, directly or indirectly, generates the circumstances that permit the physical and psychological violence against them. Among those responsible, the Guatemala Human Rights Commission/USA (GHRC/USA) identifies the National Civil Police (PNC), military and paramilitary forces, and sanctioned private security forces that exert increased control of public space and suppress public expression. The military, supposedly decommissioned by the 1996 Peace Accords, is rebuilding and reintegrating into the civic arena and, by a variety of measures, delaying the prosecution of or punishment for decades-old crimes of genocide it committed. Government inaction and financial commitment allow an inefficient and intimidated judiciary system to remain unfixed; impunity and incompetency continue unabated. Structural failures, such as the lack of

a central federal medical or health agency, or of a coordinating mechanism to handle the evidence gathered in these cases, constitute a barrier to justice for the murdered women. At the same time, instability increases when neoliberal economic policymakers oversee the privatization of public resources and strategize public relations efforts to attract international investment while drug traffickers and organized crime operate relatively freely outside the law.

As of late 2005, the courts had convicted and sentenced to prison only twelve men in the 1,227 cases of women murdered between 2002 and 2004; only another twenty cases were then pending. These factors foment a climate of intense, palpable fear for women and society at large. The immediate situation remains dire for the individuals and groups who fight against these crimes and for human and gender rights. While in 2004 the number of violent deaths rose in general in Guatemala, murders of men increased by 36 percent while those of women went up by 56.8 percent; in that year, 527 women were reported kidnapped, missing, tortured, and murdered. In 2005, the average was forty-eight deaths per month. A high percentage of the women are between thirteen and twenty-two years old, although a number are over forty-five. They come from different social, economic, and ethnic groups from around the country, although the majority reside in Guatemala City. The murdered women constitute Guatemala's most vulnerable, among them, internal and international migrant women, maquila and other low-wage workers, and sex workers. These are women who, because of migration, geographic location, or employment, lack close family or community ties, have limited access to the legal system, or work in public spaces that cultural values still mark as masculine.

To put a human face on these statistics, I recount the story of Rosa Franco, a working-class single mother making her way through legal studies, and her fifteen-year-old daughter, María Isabel Vélez Franco, a quiet, religious teenager, dedicated to her family and her studies, with dreams of attending college. Through their story we see both the brutality of these crimes and Guatemalan women's refusal to react to fear tactics but rather to act against them. In the late afternoon on 16 December 2001, unknown assailants kidnapped María Isabel as she left her part-time holiday job in a boutique in Guatemala City. Three days later, a supposedly anonymous phone call directed authorities to her body, which her killers had deposited in a black plastic bag in a *predio baldío*, a no-man's land, on the outskirts of Guatemala City, near areas known for drug trafficking and gang violence. Her body showed familiar signs of torture: her feet, hands, and throat had been tied with barbed wire. They had fractured her bones. She had a deep knife wound below her heart. María Isabel died of a severe blow to the back of her head, which her assassins then wrapped in a green towel. When authorities found her, María Isabel's arms and hands were frozen at a 90-degree angle, in a position of begging or protecting herself. The firefighters (not the police) called to the scene found her clothing there, covered with blood and large amounts of semen.

María Isabel's mother, Rosa Franco, learned of the discovery when she flipped on the television news after work and saw her daughter's naked, mutilated body on the screen. Although in shock, Rosa fought authorities for the right to see her daughter. When she finally gained access to María Isabel's body, an officer handed Rosa a bag filled with Isabel's clothes and belongings—an obvious mishandling of evidence. Rosa made repeated requests for DNA testing of the semen on her daughter's clothes, but local officials initially refused. When they finally tested the blood on María Isabel's clothes, they confirmed that it indeed was hers. They refused to test the semen that, due to the quantity, Rosa and

her lawyer, Hilda Rosales, believe came from several men. Adding humiliation to emotional pain, assistants at the police station laughed at Rosa, suggesting María Isabel wore skirts too short, was a loose girl, a *puta*, probably a gang member, asking for it.

As Rosa pushed for a proper investigation, suspicious-looking men (whom she later learned were associated with the police) showed up at her place of employment. The officials' stories of how the firefighters (even less qualified than the police to investigate a crime scene) found María Isabel's body made no sense in the face of the evidence. The police refused to follow leads and repeatedly delayed questioning suspects, including Isabel's boyfriend, whom Rosa believes had ties to drug traffickers and who Rosa discovered to be in possession of María Isabel's cell phone after her disappearance. In addition, the case was assigned to a different station from where the crime occurred. A photo of a police officer at that station appeared in local papers. He had been arrested on various corruption charges. The irregularities in this case are too numerous to list here; they nonetheless confirmed for Rosa that her daughter's murder was not a random act of violence.

María Isabel's case, unfortunately, follows a pattern of many reported murders: the duration of the violence before the body is dumped, the torture (strangulation, stabbing, or beating), and rape by more than one person. What distinguishes María Isabel's story from those of other Guatemalan women is the amount of evidence secured. Rosa had been studying law at the time of her daughter's murder; she knew the proper procedures for investigating a crime and handling the evidence. Losing two jobs in order to pursue the case, Rosa has forced local authorities and government officials to at least hear her. She has done this at the cost of personal harassment, stalking, and death threats against her, her younger son, and her elderly mother. This strategy to block

prosecution by fear and intimidation is endemic in Guatemala. In the face of these tactics and the generalized incompetence, corruption, and impunity of the local police, Rosa has worked for more than four years, following leads and suspects that the police refused to investigate. She located María Isabel's cell phone and cell-phone records. She followed up on eyewitness accounts and a note with an address and phone number left on Maria Isabel's work desk. These led Rosa to neighborhoods of suspected drug traffickers and gang members. She walked up to the door of the home of a trafficker, to police stations, to the Rigoberta Menchú Foundation, to national government officials' offices and, eventually, to the office of human rights lawyer Hilda Morales Trujillo of La Red de No Violencia. Morales Trujillo took on Rosa's case, enabling her to testify before the Inter-American Court of Human Rights and the GHRC/USA. Despite their efforts to date, no one has been charged or even questioned by officials, and Rosa feels no closer to justice for her daughter. Yet, María Isabel's case is exceptional, due to the preparation and commitment of Rosa Franco to fight for justice. In most cases fear, intimidation, and lack of funds prevent family members from even reporting the crime, let alone pursuing its investigation.

For insight into femicide in Guatemala, I turn to the assessment of individuals and groups whom we interviewed as part of the GHRC/USA Women's Right to Live Delegation in March 2005. The people who spoke to us during more than twenty-five hours of interviews agreed on basic issues regardless of their geographic location, job, or organization's mission. The main contributing factors, they posit, include:

- the general devaluing of women in Guatemala, especially in rural areas, inscribed in cultural and legal codes. The crimes evidence a backlash against women now visible in public life. The lack

of accountability for them somehow further validates the idea that women deserve the treatment they receive.

- remilitarization of the country and the buildup of the security forces responsible for mass disappearances, torture, and genocide of the civilian population during the armed conflict. This tactic is a carryover of the rage and cruelty that characterized these groups' actions during the internal conflict directed specifically at indigenous populations and women.
- continued lack of resources for and oversight of the infamously inefficient and corrupt police system. There were no forensic units to investigate these murders until the summer of 2005 when Argentine and European units arrived to train Guatemalans and also absent was the independent judiciary to prosecute.
- dismissal of gendered crimes by scapegoating youth gangs. Disenfranchised youths have become targets of security-force sweeps and of social cleansing by unnamed sectors of the population, even though very few of the women's murders have been attributed to them.
- groups of untouchables. These include power players, such as military officers, drug traffickers, and state-sanctioned private security forces, who, for complex reasons, remain outside the law.
- continued marginalization of and racism toward indigenous Guatemalans.

- pressure from foreign interests to make Guatemala safe for intensified foreign investment, especially in light of many Latin American governments' movement to the left.
- Central American-Dominican Republic Free Trade Agreement (CAFTA, translated as *Tratado de Libre Comercio* or *TLC*): the recently brokered and U.S. House-approved neoliberal economic agreement. Guatemala's congress approved CAFTA after intense pressure from forces within and without, particularly the United States. The approval came despite widespread, vocal, and at times violent rejection of CAFTA by the Guatemalan populace.

Government officials and the U.S. Department of State Attaché for Labor in Guatemala told us that the police forces historically have been ineffective. They note that even though responsibility for public safety shifted to the police from the military with the 1996 Peace Accords, the police have yet to receive the necessary resources to carry out their job. The fact that no additional funds are allotted reveals the true lack of political will to build a civil police force. Guatemalans interviewed repeatedly cited the suspicious coincidence of the resurgence of the military and private security forces in the role of internal policing. Government officials with whom we spoke claimed this a necessary step in the battle against drugs and gangs. Human and women's rights organization members, miners, religious leaders, still-in-hiding witnesses against the genocide, and ex-guerrillas of the internal conflict assert that the increase in numbers, visibility, and purview of the armed forces relates directly to the establishment of an environment safe for multinational investors.

In addition, a generalized privatization of security forces has occurred: Guatemala has 300,000 police and 120,000 private security guards. Since the

1996 Peace Accords ordered the dismantling of the armed forces (reduced from 27,000 to 15,000 active members), many officers founded private security firms to keep well-to-do Guatemalans safe as crime in general has skyrocketed. The private and public security forces feed each other: the intense level of insecurity and crime goes unchecked—or worse, is fostered by the police, thus increasing demand for the National Security Forces. The violence continues with virtually no prosecutions. Public outrage brings calls for better-trained police. Officials and much of the media blame the gangs, the drug dealers, and enraged abusive husbands. The populace watches as impunity reigns. Most people cannot afford private security. Their frustration and fear, unfortunately, block historical memory and, by complicity and default, the army becomes the only body capable of putting an end to this violence. The army was never truly disempowered, human rights activists contend, but rather sits on the sidelines waiting to be called into action. National Security Forces are visible on the streets, openly supporting local police in joint operations during marches and public demonstrations. U.S. officials weigh in with their support. After almost a decade of withholding monies from the Guatemalan Army because of its human rights record, during CAFTA negotiations in early 2005, the U.S. House of Representatives voted to restore funding. The provision was rescinded in late 2005, after an organized letter-writing campaign by individuals from around the country and world. Nonetheless, Guatemalan Army generals and other officers, some charged with genocide and crimes against humanity, still move freely through the halls of political and economic power.

According to our interviewees, neoliberal economic policy plays a large part in the murders, the lack of prosecution and conviction of the perpetrators, and the increased militarization of Guatemala. The relationship among these factors is complex and is complicated by recent friction between the United States and Latin American countries. The United States negotiated unilaterally

with each country, diminishing the power these countries might have exerted as a bloc. The opposition railed against CAFTA, believing it would increase the number of maquilas, bring more strip mining, take more land from indigenous communities or individuals through privatization, and perpetuate the horrific record of abuse of workers (particularly women) who have no rights to organize and no enforced protection from sexual discrimination, harassment, or abuse. They contend that CAFTA will break the already weak public health care system because pharmaceuticals have brokered a five-year extension on their drug patents, including some already available in generic form.

At first, I was uneasy with a narrow interpretation of the role of the army and neoliberal policy in the femicide, except for the fact that Guatemalans from around the country repeated it almost verbatim. They highlighted the links in our conversations and reiterated them in the banners used in the International Women's Day march in Guatemala City, 8 March 2005, such as this one, which states: "The lack of legislation is also a form of violence. There are many ways to kill a woman."

The International Women's Day march manifested the indomitable energy and vision leading women to collaborate locally, nationally, and internationally across gender, class, and ethnic lines. Their actions constitute a redefining of civic participation. Women are minimally represented in government offices at any level and are unequally protected under the law or public policy (Federación 2006, 30–31). As a consequence, they have formed networks across the country in which women from the local level identify problems and come together at a central location to meet with other women, some trained in the field, to strategize responses to issues ranging from family planning, child care, and domestic violence to unequal wages, harassment in the community or at work, and psychological trauma from present and past events. Successes

are slow in coming, but, as Sandra Morán of Sector Mujeres (Quetzaltenango) noted in an interview, the empowerment of women is essential in the face of the structural failures throughout Guatemalan government and society that the Peace Accords could not fix.

During the International Women's Day march, participants demonstrated how neoliberal economic policy weighs in on a myriad of social issues. The march brought thousands of women to the capital both to celebrate women's achievements and to mourn and decry the seemingly unfettered violence against them. Women, children, and some men—indigenous, mestizo, and working- and middle-class people—demanded recognition of their place in Guatemalan society and protested the impending passage of CAFTA (the discussion of which, coincidentally, was to begin that same day in the National Assembly). Because of the scheduled debate—which never materialized—thousands of CAFTA protestors had also assembled in the streets of Guatemala City, on a different route from the women's march, but also headed toward the government buildings downtown. Occupying public space, citizens attempted to have their voices heard in response to the sham of a so-called public debate inside the National Assembly. In the police- and national guard-lined streets, public sentiment was obvious: NO to changing the law protecting the availability of generic drugs; NO to no protection for the workers of the maquilas; NO to the pressures of foreign/U.S. interests and to placing the needs of multinationals ahead of the populace; NO to neoliberal economic policy, to renewed strip mining and environmental devastation, and to the privatization of national resources.

The messages of the Women's Day march made most clear the connection women draw between economic policy formulated in the stratosphere of international capitalist boardrooms—a more recent version of globalized

imperialism, in their words—and the violence against women. “TLC foments migration and social disintegration,” “I am a maquila worker, and I say no to the TLC,” and “This body is not for sale” read long purple banners hanging from sewing machines mounted high on a flatbed truck. “I sustain this country,” “I have rights to happiness and pleasure,” and “I should decide” were among the hundreds of signs displayed by a multitude of organizations that included regional indigenous women’s health networks, women in wheelchairs, lesbian coalitions, human rights groups, and schoolgirls in uniform.

The government response to the protests was firm. Using water tanks, the police and army officials sprayed blue-dyed water on protestors on the route, marking them so that even if they ran, officers could arrest them. I met a sixty-year-old woman who had taken a five-hour bus ride to get to the demonstration. Her friend, a woman of the same age who had never before participated in any such public activity, had been sprayed and, five hours later, was still missing. In the following days, the anti-CAFTA protests and standoff intensified around the country. In Huehuetangango, security forces used live ammunition, injuring one protester and killing another. The public debate never happened. Legislators were holed up in the assembly building for more than twenty-four hours, afraid to go home. CAFTA sailed through the vote; the U.S. Congress approved it in the fall of 2005.

Reading the reactions of Guatemalans to this latest show of force by their government was difficult. Do they place much hope on such displays of public resistance as a tool of change? Perhaps the real benefit is the creation of the opportunity for physical connection of human beings in a nation where public space is monitored, insecure, and violent. It is the presence of live bodies that gives testimony to the past and present, that stands as a reminder to participants and to power elites alike of the strength of those bodies, of the

community that is forged, no longer only imaginary but palpable. Visibility, I have argued elsewhere, is not a trap as some might suggest, but an opportunity for self-affirmation, for connection to a broader agency beyond the limits of one's own body (Costantino 2000, 2002).

The public displays we witnessed on 8 March 2005 constitute a manifestation of such community. Some participants were members of the more than 400 Non-Governmental Organizations (NGOs) in Guatemala. They include human rights activists, legal assistants, experts working with women in the rural areas to develop strategies for sustainable economic activity and against domestic abuse and racism against indigenous peoples. They are professionals who train midwives; conduct workshops to develop consultative, collaborative, and nonhierarchical leadership skills; and run the only shelter in the country for battered women and children. They are mental health providers who aid widowed grandmothers whose husbands and children were disappeared and murdered during the armed conflict and who now, despite threats of kidnapping or even death, organize and oversee the exhumation of bodies from mass graves remaining from the thirty-six-year internal conflict. They include union-organized miners who work with scientists gathering evidence in their fight against the opening of more mines that devastate the environment and pose major health and safety concerns. Instead of the slave wages they receive, workers are demanding living wages. Together, all decry the impunity that has survived the armed conflict, the Peace Accords, and now the unimaginable crimes against women.

Guatemalan women are reformulating their roles, their participation, and their position in the relations and structures that affect their individual and collective lives on a daily basis. The circumstances are both familiar and new. Their challenges are as life-threatening as ever; their responses, however, have become empowering and life affirming. Our challenge is to name the injustices

they—Rosa Franco, María Isabel, Hilda Morales, and Sandra Morán and thousands more women—face, to learn to read their efforts to reform their society, and to give visibility to the forces that threaten their physical well-being and dignity.

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