

Understanding Femicide

The Case of Guatemala: Exploring the Historical Connection between Genocide and Femicide

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Through this essay I am going to explore Femicide in Guatemala and the connection it has to the 36 year Civil War that has left a legacy that fosters the continuation of violence against women, specifically those of Mayan decent¹. I would like to warn you that the content of my paper is disturbing. It probes the very essence of what "Human Security" is and how we as a society have reacted to the lack of it to date, demonstrated by a preponderance of evidence. The goal of my paper is to make the connection between the human rights violations perpetrated by the State of Guatemala against its indigenous population during the civil war and the modern crisis of Femicide seen within the country now.² I aim to do this by following the lead of the United Nations (UN) reporter Yakin Erturk and reviewing the historical roots of Femicide in Guatemala through the report of the Commission for Historical Clarifications (CEH) in order to address the current situation of Femicide in Guatemala.

DEFINING FEMINICIDE

Femicide differs from femicide one subtle yet important way.³ Many people are unaware of the difference between femicide and Femicide, often mistakenly using the terms interchangeably. To define Femicide we have to define femicide first.

Femicide is the killing of women by men, because they are women. The word builds on the word genocide, which denotes the killing of a certain group of people due to their genetic affiliation. Often if not always this is a form of terrorism used to suppress the group in question. The goal is the extermination and destruction of the particular group, so as to dominate through oppression. Femicide adds this important component, making Femicide a political term which addresses the impunity, silence and judicial system created by the government to the male component of killing women as described in femicide allowing and even encouraging femicide to continue without any repercussions.⁴

A HISTORY OF BRUTALITY

George Santayana once said, "Those who cannot remember the past are destined to repeat it."⁵ In the case of Guatemala, perhaps it is more true to say those who do not take action on the recent reachable history are choosing to repeat it. This especially true in Guatemala where, I believe, the current crisis is defined by the historical evidence still accessible through the survivors both as victims and government agents still living. UN reporter Erturk notes that violence against women is connected to the civil war conflict and has its roots in the history of inequality, poverty and exclusion⁶.

Erturk states: "there is a need for recognition of the gravity of sexual violence used as a weapon of war during the conflicts and the need for justice for the victims and survivors, the majority of who in Guatemala are indigenous women"⁷. Further, she states that "A comprehensive historical analysis is not within the terms of reference of [her] report; however, in addressing violence against women it is necessary to reflect on the legacy of the conflict and the basic tenets of the success and failure of

¹ Erturk, Yakin. "Integration of the Human Rights of Women and the Gender Perspective." *United Nations*. Version E/CN.4/2004/66/Add.3. United Nations, 8 Mar. 2004. Web. 17 Nov. 2009. <<http://www.un.org/en/search/index.shtml>>

² Erturk, Yakin. "Integration of the Human Rights of Women and the Gender Perspective." *United Nations*. Version E/CN.4/2005/72/Add.3. United Nations, 10 Feb. 2005. Web. 17 Nov. 2009. <<http://www.un.org/en/search/index.shtml>>.

³ Sanford, Victoria. "From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala." *Journal of Human Rights* 7 (2008): 104-122. Print.

⁴ Ibid.

⁵ Santayana, George. "Unknown." *Reason in Common Sense: The Life of Reason Volume 1*. N.e.of 1905 Ed ed. New York: Dover Publications, 1905. 284. Print.

⁶ Erturk, Yakin (10 Feb. 2005.)

⁷ Erturk, Yakin. (8 Mar. 2004.)

the implementation of the Peace Accords”⁸. In order to follow the line of inquiry that Erturk suggests, I turned to the CEH report on Guatemala from 1999.

The CEH estimates the number of persons killed or disappeared to surpass 200,000⁹. During its investigation the CEH reported that its researchers were able to document 42,275 victims of human rights violation and acts of violence connected with the armed confrontation. 83% of fully identified victims were Mayan and 17% were Ladino. A Ladino in Central America is a Spanish-speaking or acculturated Indian; a mestizo.¹⁰ The oppressive and militarized Guatemalan government has been used as an instrument to protect the economic interests of the privileged minority with violence fundamentally directed at the excluded class, principally the poor and above all the Mayan people, as well as any groups that arose to fight for social justice and equality¹¹.

With the issuance of the National Security Doctrine, the State declared “internal enemies,” stating that the Mayan communities were natural allies of the guerilla forces operating in Guatemala during the war. It was based on this position that the State organized massacres and “scorched earth operations”, resulting in the complete extermination of many Mayan communities, including children, women and the elderly, through cruel actions that have outraged the civilized world.¹² Those actions included multiple acts of extreme savagery such as the killing of defenseless children, often by beating them against walls or throwing them alive in pits where later the corpses of adults were thrown; the impaling of victims; the amputation of limbs; the killing of victims by

covering them with petro and burning them alive; the extraction of the viscera of victims while still alive in the presence of witnesses; and the opening of wombs of pregnant women¹³. During this time Mayan women were seen as the mothers of future guerillas and as such became the direct targets of the military’s most exaggerated and cruel acts of genocide.

According to both the UN reports and the CEH report, the act of rape during torture and before murder became commonplace an act aimed at destroying the individual’s dignity.^{14 15} This had the effect of desensitizing society to the horrific nature of rape and other human rights violations, normalizing these acts. According to the CEH, during the most violent and bloody period of the entire confrontation the victims were principally Mayan and Ladinos.¹⁶ The CEH report states it was confirmed and undeniable that the state repeatedly expressed racist doctrines such as a “doctrine of superiority” to explain the massacres and “scorched earth operations,” in particular the brutality of the military actions against the Mayan community in 1981 – 1983, when more than half the massacres and “scorched earth operations” occurred¹⁷.

Though the militarization of Guatemala’s society and state was defined, planned and executed by the Guatemalan army through the National Security Doctrine, the most disturbing concerns arise from the army’s clandestine operations as well as from the *Kaibiles*. The *Kaibiles* was the army’s special counter insurgency force. The training of this particular group included killing animals and then eating them raw and drinking their blood as a way of demonstrating “courage.” This training in cruelty was later put to use in a range of operations carried out by these troops. Their Decalogue was “The *Kaibilil* is a killing machine.” It has been uncovered by the CEH that Kaibiles operations were used to impart and maintain a climate of terror within Guatemala so that even should the violence decline

⁸ Erturk, Yakin (10 Feb. 2005.)

⁹ "Conclusions: The tragedy of the armed confrontation." *AAAS - Science and Human Rights Program*. Commision for Historical Clarification, n.d. Web. 30 Oct. 2009.
<<http://shr.aaas.org/guatemala/ceh/report/english/conc1.html>>.

¹⁰ "Ladino Definition | Definition of Ladino at Dictionary.com."

Dictionary.com | Find the Meanings and Definitions of Words at

Dictionary.com. N.p., n.d. Web. 20 Jan. 2010.

<<http://dictionary.reference.com/browse/ladino>>.

¹¹ "Conclusions: The tragedy of the armed confrontation."

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Erturk, Yakin . (8 Mar. 2004.)

¹⁶ "Conclusions: The tragedy of the armed confrontation."

¹⁷ Ibid.

the terror would remain and endure for a long period of time.¹⁸

Another component of the military were their "Death Squads" which were initially criminal groups made up of private individuals who enjoyed the tolerance and complicity of state authorities. Over time these clandestine groups were taken over by the incorporation of military personnel, or began acting on the commands of the army. The objective of the clandestine groups was to eliminate "subversives" with the help of lists prepared by military intelligence.¹⁹

THE CURRENT ECONOMIC CONDITION

Here is some basic statistical information about Guatemala's current economic condition that I would like to share with you to assist in demonstrating my claim that the Inquisitional approach remains intact and successful in Guatemala in current times. There are extreme social-economic disparities as well with unequal land distribution and income disparity in Guatemala: There are extreme social-economic disparities as well as unequal land distribution and income disparity in Guatemala particularly: 2% of the population in Guatemala owns 70-75% of all productive lands, 77% of small farmers do not own the land they work with an estimated 60% of these farmers being Mayan. 64% of all indigenous women live in rural areas and are predominantly unpaid domestic workers, have no land access, credit or productive resources. The poorest 20% of the population shares 2.6% of the income and the richest 20% of the population shares 64.1% with 75% of Guatemalans living below the poverty line. 80% of the indigenous population is reportedly extremely poor. The estimated income per capita of women in 2002 was \$2007 U.S. to the male counterpart of \$6092 U.S. Public spending of the

GDP is 1.7% on education and 2.3% on health care, resulting in only 30% of all births taking place

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in medical facilities and the vast majority of women and infants being put at risk. According to UN Reporter Erturk, indigenous women in Guatemala are discriminated against on four levels: 1) for

their indigenous standing, 2) for their poverty, 3) for their sex and 4) for being rural inhabitants; language in another primary cause for the exclusion of indigenous women. All these compounded issues results in a marginalized citizenship for Mayan women who live predominantly in rural Guatemala.

CURRENT POLITICAL CONDITIONS IN GUATEMALA

Since the Peace Accord was signed in 1996, violence against women has continued with impunity, as authorities fail to investigate cases much less prosecute and punish perpetrators.^{20 21} The absence of law has caused a notable perpetuation of violence against women.²² Further, there is no political will to press for the reforms detailed by the government in the Peace Accords. In fact, it is widely acknowledged by the United Nations that even with the intervention of human rights groups and the United Nations, violence towards women has increased at an alarming rate, with state agents being accused as principal players in the crimes.²³ Despite the signing of accords, and recent court cases, no moves have been made to reform the key institutions, namely police, public prosecutors and the courts. As late as 2005, the

²⁰ Erturk, Yakin. (8 Mar. 2004.)

²¹ Erturk, Yakin. (10 Feb. 2005.)

²² Erturk, Yakin. (8 Mar. 2004.)

²³ NGO, Society of Threatened Peoples. "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development." *United Nations*. Version A/HRC/7/NGO/50. United Nations, 25 Feb. 2008. Web. 17 Nov. 2009. <<http://www.un.org/en/search/index.shtml>>.

¹⁸ Ibid.

¹⁹ Ibid.

military influence in state affairs continued, garnering a budgetary increase of up to 85% for military support.²⁴

Language and education are primary causes of exclusion for women, affecting their access to opportunities and their ability to seek protection. Social and societal barriers further hamper women's awareness of their rights, restrict their leverage with partners and increase their vulnerability to violence in the public and private spheres.

Erturk's report states that "One observer has noted that counter-insurgency security that evolved during the war [is] still present and [has] become for the most part [...] organized crime, and that it is these structures and elite interests that represent a significant obstacle to the implementation of the 1996 Peace Accords."²⁵ Erturk goes on to clarify that the term "clandestine groups" refers to criminal networks involving the business sector, private security companies, common criminals and gang members, with investigations implicating members of the police and both former and current members of the military. These clandestine groups are closely linked both to organized crime, and to so-called "hidden or parallel powers," an informal group of powerful individuals embedded within the state structure who use their power to control lucrative illegal activities and guarantee impunity from prosecution. Many of the increasing number of attacks against human rights defenders, while often disguised as common crimes are believed to be carried out by members of these clandestine groups.²⁶

FEMINICIDE FACTS IN GUATEMALA

Murder:

- Majority of victims are between 13-30 yrs old
- Majority are abducted, gang raped, tortured, mutilated and killed

- Bodies are usually disposed of in public places
- Most frequent victims: housewives, victims of domestic violence, students.

To date only two cases of Femicide have ever led to trial and sentencing, one with a sentence of 25 years and the second with a sentence of 40, both in 2009. Throughout all UN reports, from 2004 to 2009, only token efforts towards reform have been documented, yet the violence against women has steadily escalated and branched out to encompass workers for human rights organizations working directly within the women's rights arena.

<u>National Civil Police</u>		<u>Guatemala HRC</u>	
2001	303		317
2002	317		317
2003	358		383
2004	489		497
2005			517
2006			603
2007			590
2008			773
2009			708
Total	—		—
4yr period	1467	8yr period	4705

According to a 2008 report submitted by The Society for Threatened Peoples, an NGO, most of the reported murder victims in Guatemala are Ladino women living in urban areas.²⁷ This is not due to the violence being focused on Ladino women, but rather to the fact that violence against women – particularly indigenous women – often goes unreported because most relatives are too scared to approach the authorities. This makes it impossible to provide exact data on the number of victims. In 2008, a written statement by the Society for Threatened Peoples to the UN, under a special consultative non-governmental party, declared that the Society... "act[s] on the assumption that the

²⁴ Erturk, Yakin. (10 Feb. 2005.)

²⁵ Ibid.

²⁶ Ibid.

²⁷ NGO, Society of Threatened Peoples.

number of victims of femicide of indigenous origin can hardly be overestimated”²⁸.

SECONDARY ISSUES

There are several secondary issues directly related to and resulting from Femicide in Guatemala. One of these issues is illegal international adoption of children from Guatemala, at an estimated rate of 5000-6000 children per year, making Guatemala the country with the second highest number of international adoptions, and preceded only by China.²⁹ Each child is adopted out at a cost of 13-40 thousand dollars, an average profit of \$145,750,000 per year.³⁰ During the adoption process, both the state and international laws are not observed and the fate and welfare of the child is disregarded, in direct violation of the established human rights of children.³¹

Another issue arising as a direct consequence of Femicide in Guatemala is human trafficking. Guatemala has become a source, transit and destination country for women and children trafficked for the purpose of sexual exploitation.³² To a lesser extent, there are reports of forced labor trafficking, mainly involving children used in begging rings in Guatemala City³³.

LASTED DEVELOPMENT

On July 5th 2005, the Guatemalan government's Humans Rights Office (PDH) discovered a vast collection of files stored in five buildings belonging to the National Police, the central branch of Guatemala's security forces during the war. The PDH officials estimate 4.5 kilometers or 75 million pages of material. They also found hundreds of rolls of still photography, containing pictures of bodies and detainees; lists of police informants; vehicle license plates; video tapes and computer disks. These records are currently being archived by

George Washington University through the National Security Archive headed by Kate Doyle. These records have this past year been used at the trial in Spain of the Guatemalan government against the perpetrators of the genocidal acts committed during the civil war.³⁴

CONCLUSION

By reviewing the CEH historical research as well as the current reports from the UN on Guatemala, we can see the causes and effects of Femicide in Guatemala. What has remained elusive to me is how we should respond. How we have responded thus far has been partially explored by my report. Remembering that repression and violence has been the *modus operandi* of the previous government, often used in lieu of law, the evidence strongly suggests that the power structure of the elite ruling by means of exclusion and genocide will continue, resulting in the continuance of the condition of Femicide currently observed in Guatemala.³⁵

The violence in Guatemala is not strictly a female issue. These acts of Femicide leave grieving families and motherless children in their wake. The international response has been futile and the response from the state has been slow and deliberately counterproductive. Good intentioned as we may be, we in Canada and the United States have in part become consumers of the gross domestic products creating, or created by, Femicide in Guatemala. This encourages the Guatemalan state to continue to resist the much needed change. In the end I am left with the echoing voices asking the question I would like to also leave with you, “How should we respond?”

²⁸ Ibid.

²⁹ Erturk, Yakin. (8 Mar. 2004.)

³⁰ NGO, Society of Threatened Peoples.

³¹ Ibid.

³² Erturk, Yakin. (10 Feb. 2005.)

³³ Ibid.

³⁴ Doyle, Kate. "The Guatemalan Police Archives." *George Washington University*. George Washington University, n.d. Web. 6 Jan. 2010.

<www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB170/index.htm>

³⁵ Erturk, Yakin. (10 Feb. 2005.)