



Demanding Women's Human Rights in Guatemala

Women and girls in Guatemala face widespread violence and discrimination. More often than not, the perpetrators of these crimes walk free.

Indigenous women, women in prisons and women working in *maquilas* (sweatshops) face particularly high rates of violence and discrimination.

In March 2012, MADRE and our partners¹ presented a report before the Human Rights Committee of the United Nations on violations of women's human rights in Guatemala. This report also offers recommendations to ensure that the rights of women and girls in Guatemala are protected.

Below is a summary of that report.

Issue 1: Femicide

Femicide: the systematic killing of women based solely on their gender. Femicide has been known to include rape, torture and dismemberment before and after death.

More than 5,000 women and girls in Guatemala have been murdered in the past ten years—many of them raped and mutilated, their bodies discarded in public places.

“The judge did not have the courage to tell me on the first day that he [the perpetrator] would be released, because he knew that what he was doing was in violation of constitutional law.” – Betty, mother of Rosemary, victim of femicide.



Betty and members of the Women Workers Committee in Guatemala discuss the murder of Betty's daughter, Rosemary. Photo credit: Elizabeth Rappaport

A staggering 99% of femicide cases go unprosecuted. Widespread impunity for femicide has created a climate that perpetuates violence against women. This is due to:

¹ This Report was compiled by MADRE, the International Women's Human Rights Clinic at the City University of New York School of Law, Muixil, Barcenas Women Workers Committee, Colectivo Artesana, Women's Link Worldwide and the Guatemala Human Rights Commission.

- **The failure of the justice system to investigate and prosecute crimes of femicide.** Cases involving femicide and violence against women are not prioritized due in part to persistent gender-based discrimination.
- **Lack of funding to enforce the 2008 Law Against Femicide,** resulting in ineffective implementation.
- **Widespread corruption within the Guatemala National Civil Police (PNC),** which is responsible for investigating crimes of violence against women. In 2009, more than 1,000 credible complaints were made against the PNC, many of them accusing police officers of soliciting bribes and kidnapping, assaulting and raping victims.
- **Failure to create shelters and safe houses for women and girls facing gender-based violence.** Existing shelters are inadequate and underfunded and are not located in areas with the highest levels of domestic and gender-based violence.

Issue 2: Treatment of Women in Prison

Guatemala has continually failed to ensure humane treatment of incarcerated women, as required by international law.

Women are subject to violence and sexual abuse at the hands of National Civil Police officers who work as guards in state prisons. Some [90% of women reported police abuse](#) at the time of their detention, and 75% of those abuses included sexual violence.



Incarcerated women often lose custody of their children, even if they are later found innocent. Photo credit: Bradley Parker

Male guards also conduct searches on female prisoners. These include strip searches, as well as vaginal and rectal searches. International law dictates that properly trained female staff must conduct searches on female prisoners, but this law is not enforced.

What's more, female inmates do not have access to basic medical services or gender-specific health care. Disabled women are also denied services.

Finally, Guatemala uses preventative imprisonment, authorizing detention for people who have been accused of a crime but are not yet declared guilty. Women held in preventative detention may be accompanied by their children

if they are four years old or younger. However, once the child turns five, women lose custody to the state. Even if found innocent, mothers are often unable to retrieve their children.

Issue 3: Violence against Indigenous Women

Indigenous Peoples, and particularly Indigenous women, were especially targeted with human rights abuses during Guatemala's 36 year civil war. During the war, there were at least [9,411 reported female victims of human rights violations](#), of which 1,465 reported being victims of sexual assault. The vast majority who suffered sexual violence—[88.7%—were of Mayan descent](#).

The Peace Accords that ended the civil war were signed in 1996. However, Indigenous women still suffer the effects of the decades of violence they endured. Indigenous women continue to face political, economic and

social discrimination because of their gender and Indigenous identity. They are among the poorest and most marginalized in Guatemalan society.

Guatemala's constitution guarantees the equality of men and women and ensures the protection of Indigenous rights. However, the government has failed to investigate and prosecute cases of violence and discrimination against Indigenous women.

Issue 4: Political Discrimination against Indigenous Women

“I may not know how to read or write, but I know my rights” – Member of Muixil, a MADRE partner and an Indigenous rights organization.

Indigenous Peoples constitute [approximately 40%](#) of Guatemala's population. But their voices are ignored in political and judicial processes in the country.

Indigenous Peoples are excluded from positions within the courts, and there is a lack of court-appointed translators of Indigenous languages.

Indigenous Peoples are also excluded from political processes. Guatemala requires birth certificates or other forms of official identification in order to vote or run for office. But many Indigenous Peoples lost these documents as a result of forced displacement during the civil war.

This lack of access to political and judicial spheres has left Indigenous women with little recourse to demand their human rights or confront impunity for the violence and discrimination they suffer.



Despite a large Indigenous population in Guatemala, Indigenous voices are often ignored in political and judicial processes in the country. Photo credit: Muixil

Issue 5: Violations against Women

Maquila Workers

Guatemalan women working in *maquilas* (sweatshops) face various discriminatory employment policies that violate international law.

“The first question a woman is asked when she applies for a job is, ‘Are you pregnant?’” – Former maquila worker, member of the Women Workers Committee, a MADRE partner organization.

Women *maquila* workers are subjected to discriminatory hiring procedures, such as pregnancy testing, as a requirement for employment.



Sandra Gonzalez, Director of the Women Workers Committee in Guatemala, protests for maquila workers rights. Photo credit: Elizabeth Rappaport

Women *maquila* workers also face discrimination and possible termination when they attempt to unionize. For example, when a woman is fired for joining a union, she is also blacklisted by the *maquila* industry. This prevents her from being hired by other *maquila* companies in the future. These attacks on unions violate international legal standards.

Recommendations

The Guatemalan government must address the violations against women, Indigenous Peoples, prisoners and *maquila* workers. **We urge the Guatemalan government to:**

- Fully fund institutions that aim to address rampant corruption, confront official impunity and strengthen law enforcement;
- Provide law enforcement personnel with proper and comprehensive training on gender-based violence;
- Support shelters for women who report abuse or threats of abuse and seek to flee violence;
- Ensure that police and prison guards who conduct searches of female prisoners are female guards who have been properly trained in appropriate search methods. Furthermore, alternative screening methods should replace strip searches and invasive body searches;
- Only permit female police officers to transport female detainees between facilities, as transportation creates the highest risk for sexual or physical assault by guards;
- Take stronger measures to protect Indigenous women's rights defenders from violence and harassment, and to prosecute those responsible for such violations;
- End impunity for gender-based violence, ensure the fair administration of justice and eliminate political discrimination. The government should strengthen institutions that work to prevent, punish and redress violence against Indigenous women and girls;
- Facilitate access to the court system and strengthen legal aid services to reduce the cost of bringing lawsuits;
- Launch a campaign to document Indigenous women whose birth certificates or identification cards were lost during the civil war so that they may register to vote and exercise their right to participate in political processes;
- Promote the hiring of qualified Indigenous women in political arenas;
- Subsidize radio and television broadcasting in Indigenous languages to ensure that Indigenous women have access to reliable and balanced information;
- Combat labor rights violations, specifically employer's interference with union activities and pregnancy based discrimination.



These missing persons flyers represent just a fraction of the 5,000 women who have been murdered in the past decade in Guatemala. Photo credit: Elizabeth Rappaport

To read this report in full, [click here](#). And for more information on MADRE and our work in Guatemala, [click here](#).