Understanding women’s struggles for justice, healing, and redress: A study of gender and reparation in postwar Guatemala

Report presented to IDRC
For Year II of the Project (1 July 2010 – 30 June 2011)

June 2011

Professor Alison Crosby, York University

Project administered by the Centre for Research on Latin America and the Caribbean (CERLAC), York University
Project Overview

Understanding women’s struggles for justice, healing, and redress: A study of gender and reparation in postwar Guatemala is a collaborative participatory feminist research project between York University, Boston College, and the National Union of Guatemalan Women (UNAMG).

Objectives

The broad aim of this project is to examine forms of reparation for women survivors of massive violations of human rights during the 36-year long armed conflict in Guatemala, as a potential contribution to women survivors’ broader struggles as political actors for justice, healing and redress.

The specific objectives of this project are fourfold:

1. To increase understanding of reparation as a gendered construct, particularly from the standpoint of women survivors of massive human rights violations;
2. To contribute to empirical knowledge of reparations programs and their gendered nature and implementation, through an analysis of the state-sponsored National Reparations Program (PNR) in Guatemala, and an examination of the extent to which the PNR can be seen as a contribution or in fact an obstacle to women survivors’ broader struggles for redress;
3. To contribute to the further development of transnational feminist action research methodological skills, engaging women from the North and global South, and academic and activist communities;
4. To support women’s organizations, community groups, social movements and policy makers in Guatemala and internationally to gain an enhanced understanding of the gendered nature and impact of reparations that can contribute to the subsequent development of more refined and responsive reparations programs and policies.

Contextual Overview: Gender and Reparations in Guatemala

During the 36-year long armed conflict in Guatemala, it is estimated that over 200,000 people were killed or “disappeared,” 626 villages were massacred, 1.5 million were internally displaced, and 150,000 sought refuge outside the country (CEH 1999). The war came to a formal end with the signing of peace accords in 1996. The truth-telling report released by the UN-sponsored Historical Clarification Commission (CEH) in 1999 found that Guatemala’s indigenous Mayan majority were the particular targets of state-sponsored violence, concluding that the state’s actions during the scorched-earth period in the 1980s amounted to genocide. While the CEH report also noted the violence targeted specifically against women, in particular rape, the scope and scale of forms of gender-based violence were underreported and under-examined. Subsequent research by women’s organizations has pointed to the widespread use of sexual violence by the Guatemalan state as a weapon of war (Consorcio Actoras de Cambio 2006; ECAP & UNAMG, en el marco del Consorcio Actoras de Cambio 2009). The CEH issued a series of recommendations to the Guatemalan state to redress the wrongs of the past, including reparation to the victims of the massive violations of human rights committed during the war. The National Reparations Program (PNR) was finally approved by the Guatemalan government in 2003, with a thirteen-year mandate. Sexual violence is included in a list of
the crimes meriting reparation accepted by the PNR. The reparations measures to beneficiaries contemplated include: material restitution (individual and collective); economic indemnification (individual); psychosocial reparation and rehabilitation (individual and collective); dignification of victims (individual and collective); and cultural reparations (collective). According to the first technical report issued by the PNR, as of May 2007, approximately 6,000 survivors had received economic indemnization, and over 300 exhumation processes were financed and implemented. During the first semester of 2007, 7,792 people received psychosocial attention in 105 communities (Carillo 2007, 65-68).

The implementation of the National Reparations Program has been fraught with challenges, as even those in charge readily acknowledge (PNR 2007). Since its creation, the PNR has experienced numerous changes in staff. There has also been an entrenched lack of political will on the part of the state to fulfill its obligations towards the victims of the armed conflict (Paz y Paz Bailey 2006), compounded by the fact that many of those responsible for the massive violations of human rights remain in positions of political power. Thirteen years after the signing of peace accords, impunity for crimes of the past and present continues to be entrenched (UDEFEGUA 2007). The ideology and practice of militarism maintains a grip hold on nation-building. And as can be seen in the targeted, systematic killing of women over the past several years (Amnesty International 2005), which is increasingly referred to as femicide by Guatemalan women’s organizations and feminist scholars (Lagarde 2005; Sanford 2008) to denote the implication of the state in these killings either by acts of commission or omission, impoverished and indigenous women continue to be violently excluded or eradicated from the body politic. Impunity for cases of violence against women (past and present) is estimated at 97% (Diez and Herrera 2004, 114). This research project takes into consideration this political context – and the relationship between past and present forms of violence against women – in understanding the nature of and possibility for reparation in Guatemala. As Lykes and Mersky argue, “reparations without justice” is not reparatory, and therefore, reparations programs need to be situated “within the wider socio-political struggles for justice and against impunity” (2006, 616).

As year two of the project is ending, Guatemala is in a political context of elections, where one of the strongest candidates is an ex-military general linked to mass violations of human rights in the Ixil area of the country. The possibility of having a military government signals major setbacks in the work for reparations and justice.
Activities and Results in Year Two

Objective One: To increase understanding of reparation as a gendered construct, particularly from the standpoint of women survivors of massive human rights violations.

Research Strategies and Activities:

1) Community-based workshops
In August 2010, a series of community-based workshops were conducted with the groups of women survivors that UNAMG has accompanied in three regions of the country (Chimaltenango, Huehuetenango and Alta Verapaz/Izabal). 20 women participated in the workshop in Chimaltenango on August 6th; and 22 women in Huehuetenango on August 25th and 26th. Workshops in the region of Alta Verapaz/Izabal included the participation of 18 women on August 17th and a second group of 9 women on August 18th. These workshops focused on women’s notions of integral reparations for the harm they suffered. After reflecting on their participation in the Tribunal of Conscience as a form of ‘alternative justice’, participants used creative methodologies to produce images of their visions of integral reparations through collages and then to analyze these images.

Here is what some of the women said, when asked to explain what types of reparations they included in their images:
- Money: Some people have received it, but it’s not enough. It only buys a bit of medicine, because they left us several illnesses. We ask that they continue giving us the checks, and that they give it to those who haven’t yet received it.
- They gave us money, but money doesn’t heal us.
- We put [an image of] a teacher so that she can teach us, and that she can teach our children.
- Mayan ceremonies: Ceremonies were conducted before the war, for example for the sowing season. Cultural practice [costumbre] was lost during the war. They killed the spiritual guides because they associated them to the guerrilla.
- To forget what happened and be happy.

When women were asked to prioritize the elements that they brought up in their collages and analyses, here is what they prioritized:

- Land
- Housing
- Money
- Health and a healthy environment
- No more violence
- To be organized
- To have a place to speak

In two of the regions justice was also mentioned as something they wanted, however they did not directly link justice to the idea of reparations, since the concept of reparations was mostly linked to the idea of “what they lost”, they’ve never had justice and therefore have not “lost” it.
These workshops also included a mapping of the pathways to criminal justice and a reparations demand that the groups of women are now facing. They discussed their opinions and concerns related to the different possibilities that were presented to them and what they understood as the possible difficulties and challenges.

3) Analysis of secondary sources
To avoid asking women to perpetually retell their stories and potentially retraumatize them, we are using as baseline data for the community-focus groups the results of a recent three-year study of women’s oral histories of the war, conducted by the Actoras de Cambio consortium, of which our project partner the National Union of Guatemalan Women was a member until 2008.

We have also obtained life-history interviews conducted in 2009 by Mujeres Transformando el Mundo (MTM, Women Transforming the World, an association of lawyers working on gender justice in Guatemala, and who is part of the alliance “Breaking the Silence” with UNAMG and ECAP) with 52 women survivors of sexual violence during the Guatemalan armed conflict on women’s visions of integral reparations for the harms they suffered as a result of these violations. MTM has shared this data with us for the purpose of this study.

Objective Two: To contribute to empirical knowledge of reparations programs and their gendered nature and implementation, through an analysis of state-sponsored National Reparations Program (PNR) in Guatemala, and an examination of the extent to which the PNR can be seen as a contribution or in fact an obstacle to women survivors’ broader struggles for redress.

Research Strategies and Activities:
1) Interviews with stakeholders:
The series of open-ended structured interviews that were conducted with key stakeholders in the reparations debate in Guatemala in Year One was continued in Year Two of the project. Interviews were conducted with a Supreme Court judge who had been present at the Tribunal of Conscience for Women Survivors of Sexual Violence, the head of the Presidential Secretariat for Women (SEPREM), the country representative of the United Nations Development Fund for Women (UNIFEM) as well as with the executive directors of UNAMG, ECAP and MTM, three key civil society organizations actively engaged in the reparations debate in Guatemala generally, and in the struggle for justice and reparations for women survivors of sexual violence during the internal armed conflict in particular.

2) Organizational Mapping:
We had initially planned to undertake a mapping exercise of the self-identified victims’ organizations that have come into existence since the creation of the PNR, and analyze the extent to which they can be considered a movement, as well as their relationship to the PNR and broader civil society. However, in conversations with other stakeholders
here in Guatemala, it came to our attention that Impunity Watch (of which Prof. Crosby is a member of the Advisory Board and Prof. Lykes is a member of the Board) and Project Counselling Service (PCS) are currently undertaking a similar mapping exercise, and will share the results of this mapping exercise with us.

In May 2011, UNAMG participated in a workshop convened by PCS which brought together various organizations working on issues of justice and reparations alongside women survivors of sexual violence and women survivors themselves. This workshop has allowed us to build on the aforementioned mapping exercise. Organizations that were present at the workshop were able to discuss their respective work alongside victims and survivors, while women survivors participated in activities aimed at evaluating the work of accompanying organizations in their process of being a victim to becoming social subjects

3) Analysis of Secondary Sources:
We are currently completing a literature review of secondary sources on gender and reparations in both English and Spanish. As part of this review, we are examining existing data on the PNR, including: the Handbook for the Qualification of Victims and Beneficiaries of the PNR; Reparations Measures of the PNR; Guidelines for the Implementation of the PNR; a study produced by the PNR itself, *La vida no tiene precio: Acciones y omisiones de resarcimiento en Guatemala* (Life does not have a price: Actions and omissions of reparation in Guatemala) (2007); an evaluation of the PNR conducted by the UNDP (2007); and a study on reparations in Guatemala commissioned by the international organization Project Counselling Service, *Cuento la Verdad! Voces sobre reparación en Guatemala* (2010).

Further, the literature review has examined the emergent academic literature on the topic, focusing on comparative critiques from those working in the fields of transitional justice and local initiatives that support survivors. Practitioners and researchers have focused on the following questions/debates: what is lacking in a conventional (or non-gendered) approach to reparations; to what extent large, administrative reparations programs deliver more benefits to women than individualised judicial means; what structural and procedural obstacles continue to prevent gender just reparations; how to broaden the focus of such work beyond the narrow preoccupation with sexual violation evident in many transitional initiatives (Rubio Marin et al, 2009; Couillard, 2007; Theidon, 2007).

In Guatemala specifically, recent research has helped situate the PNR within these larger debates, and though it documents some institutional shifts that aim to increase accountability to women, it also makes clear that the PNR might be improved by incorporating a more extensive and meaningful engagement with victims themselves (PCS, 2010; Duggan, Guillerot and Paz y Paz Bailey, 2008; Paz y Paz Bailey, 2006).
**Objective Three:** To contribute to the further development of transnational feminist action research methodological skills, engaging women from the North and global South, and academic and activist communities.

Research Strategies and Activities:

Preliminary results from Year One of the project were presented to the Latin American Studies Association (LASA) annual conference, held in Toronto from October 6-9, 2010. The panel, titled Confronting Impunity: Women’s Struggles for Justice, Historical Memory and Reparation in Guatemala, brought together psychologists, lawyers, sociologists, and feminist activist researchers who are engaged in struggles for justice and reparations in postwar Guatemala alongside women survivors of sexual violence. With an audience of approximately 50 conference attendees, panelists analyzed initiatives to combat gendered impunity and create historical memory within a transnational feminist agenda for reparation and gender justice.

Olga Alicia Paz Bailey, from Guatemalan psycho-social support organization ECAP, presented a paper entitled *Women Breaking the Silence: The Path to Justice*, in which she discussed a three-year study of women’s oral histories of experiences of sexual violence in the war carried out by the consortium. Brisna Caxaj, of project partner organization UNAMG, presented *The Struggle of the Women’s Movement for Justice and Historical Memory: Women’s Rights for a Life Without Violence* (co-authored with Jeannette Asencio), which focused on the results of the Tribunal of Conscience held in February 2010 in Guatemala City as an example of actions in favour of historical memory of sexual violence. Lucia Morán of MTM presented *The Strategic Use of Legal Action To Break Historical Acts of Impunity Affecting Women*, discussing a precedent-setting court case that brought the first conviction of a member of the Guatemalan state’s security forces for the rape of a detained woman. In *Claiming Subjectivity: An agenda for reparation for survivors of sexual violence* (co-authored with Prof. Brinton Lykes), the project’s Principal Investigator, Prof. Alison Crosby argued that in considering an agenda for gendered reparation, it is important to avoid a hyper-reductionist focus on sexual harm by making visible women’s multifaceted agency and subjectivity as victims, survivors, and resisters within armed conflict and its aftermath. The project’s Research Collaborator, Brinton Lykes of Boston College also participated in the panel, chairing its proceedings, as did Karen Hammink, project coordinator of the Violence Against Women Project at Impunity Watch, who acted as discussant.

In addition to presenting findings at the LASA conference, the panel was also able to discuss the research project and share results with a group of approximately 30 people, including senior undergraduate, graduate students as well as faculty, in a public event organized on York University campus in association with the Centre for Research on Latin America and the Caribbean, the Centre for Feminist Research and the Graduate Program in Women’s Studies.
Objective Four: To support community groups, social movements and policy makers in Guatemala and internationally to gain an enhanced understanding of the gendered nature and impact of reparations that can contribute to subsequent reparations programs and policies.

Research Strategies and Activities:

Since 2010, UNAMG has co-facilitated workshops organized by fellow stakeholder organization MTM with representatives of the judicial system. In October 2010, MTM and UNAMG organized a workshop with 28 judges, which was co-organized with the National Commission for the Prevention of Violence (CONAPREVI) and the School of Legal Studies. The workshop focused on giving the participants tools to litigate cases of sexual violence during the armed conflict, with a discussion of the legal standards used to prosecute cases of sexual violence during the armed conflict and in the present. The harmonization of national laws and international commitments signed and ratified by the Guatemalan State was also discussed. The participants were given the book *Tejidos que lleva el alma* (which collected women survivors oral histories of the war) as a basis for the workshops. UNAMG co-facilitated the workshop, which explained the use of sexual violence as a war weapon.

A series of popular education materials have been produced in Year Two of the project in order to disseminate information about the Tribunal of Conscience as well as more broadly on the theme of justice and reparations for women survivors of sexual violence during Guatemala’s internal armed conflict. A second edition of a set of booklets on women’s human rights and sexual violence committed during the armed conflict was produced. The first, titled *Mujeres Rompiendo el Silencio: Violación sexual contra mujeres durante el conflicto armado interno* (Women Breaking the Silence: Sexual violence against women during the internal armed conflict) was printed and the second, *Derechos humanos de las mujeres* (Human Rights of Women) was produced and is due to be printed in the next few weeks. The final chapter of the radio series *Victoria Rompió el Silencio* (Victoria Broke the Silence), which discusses the Tribunal of Conscience and disseminates its recommendations has been recorded and produced and is set to be broadcast over community radios, reaching an estimated 50 communities. A popularized version of the declaration of the Tribunal of Conscience has also been produced to be distributed to women survivors, other organizations and in communities affected by the internal armed conflict. The public information campaigns that UNAMG launched as part of their activities for the International Day for the Elimination of Violence against Women on November 25th, 2010 and International Women’s Day, March 8th, 2011 also related to themes of justice for women survivors of sexual violence during the internal armed conflict. Messages such as “Se busca justicia para las mujeres” (Wanted: Justice for women) and “Nuestra mirada está en la justicia” (Our aim is justice) were central to radio and billboard campaigns (see images below).

The expert witness reports that were presented to the Tribunal of Conscience by academics and practitioners in the fields of anthropology, medicine, law, forensic anthropology, psychology and gender studies are being compiled to be published together
in a book with the support of HEGOA (Instituto de Estudios Sobre Desarrollo y Cooperación Internacional Universidad del País Vasco, Institute on development and international cooperation studies, Basque Country University). They are accompanied by an article authored by Juana Balmaceda, the Spanish lawyer who acted as prosecutor in the Tribunal, and an article written by the organizers of the Tribunal (UNAMG, ECAP and MTM).

The panels held at LASA and York University in Toronto in October 2010 also allowed us to share results of the research project with a diverse audience in terms of national and professional backgrounds, contributing to building greater understanding of the gendered impact and nature of reparations among academics, practitioners as well as policy makers working on related issues throughout Latin America and beyond.

UNAMG has been participating in the coordination Genocidio Nunca Mas (Genocide no more) where discussions, and analyses of the Ley de Resarcimiento (Reparations Law) have been held. This law was also discussed in the alliance “Breaking the silence” alongside PCS. The congress Comisión de Paz y desminado (Peace and demining commission), was receiving proposals and observations from civil society on this law; however this process has been in an impasse in the past two months.

We have had the first major academic output of this research project accepted for publication by the International Journal of Transitional Justice (Oxford University Press). The article, which is entitled Mayan women survivors speak: The gendered relations of truth-telling in post-war Guatemala, is co-authored by Alison Crosby and M. Brinton Lykes. We will forward copies of the article to IDRC when it is published.

We conclude this report with images from UNAMG’s dissemination campaigns in support of women survivors struggles for justice, as part of the celebrations of the day of Non Violence in November 2010 and International Women’s Day in March 2011.
- March 8th campaign image