



Guatemala – Researched and compiled by the Refugee Documentation Centre of Ireland on 2 December 2015

Information on domestic abuse in Guatemala; whether there is effective state protection.

The 2014 US Department of State country report for Guatemala, in a section titled “Women”, states:

“The government took steps to combat femicide and violence against women. It maintained the PNC’s Special Unit for Sex Crimes, the Office of Attention to Victims, the Office of the Special Prosecutor for Crimes against Women, and a special unit for trafficking in persons and illegal adoptions within the Special Prosecutor’s Office for Organized Crime. The Supreme Court and Public Ministry maintained a 24-hour court to offer services related to violence directed toward women, including sexual assault, exploitation, and trafficking of women and children.” (US Department of State (25 June 2015) *2014 Country Reports on Human Rights Practices – Guatemala*, p.15)

This section of the report also states:

“The law establishes penalties of five to eight years for physical, economic, and psychological violence committed against women because of their gender. Violence against women, including domestic violence, remained a serious problem. The law prohibits domestic abuse, allows for the issuance of restraining orders against alleged aggressors and police protection for victims, and requires the PNC to intervene in violent situations in the home. The PNC often failed to respond to requests for assistance related to domestic violence, and women’s rights advocates reported few officers received training to deal with domestic violence or assist survivors.” (ibid, p.15)

Referring to protection for victims of domestic violence this report states:

“Although the law affords protection, including shelter, to victims of domestic violence, there were insufficient facilities for this purpose. The Office of the Ombudsman for Indigenous Women within COPREDEH provided social services for survivors of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. The office also coordinated and promoted action by government institutions and NGOs to prevent violence and discrimination against indigenous women, but it lacked human resources and logistical capacity to perform its functions on a national level. The office maintained no statistics on its caseload.” (ibid, p.16)

A study conducted by the UN High Commissioner for Refugees, in a section titled “No Safety at Home”, states:

“The women interviewed for this report were unable to find safety at home. All three countries in the NTCA have passed legislation addressing violence against women. Nonetheless, the women consistently stated that police and other state law enforcement authorities were not able to provide sufficient protection from the violence. More than two-thirds tried to find safety by fleeing elsewhere in their own country, but said this did not ultimately help. Sixty per cent of the women interviewed reported attacks, sexual assaults, rapes, or threats to the police or other authorities. All of those women said that they received inadequate protection or no protection at all.” (UN High Commissioner for Refugees (UNHCR) (26 October 2015) *Women on the Run: First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*, p.4)

In a section titled “Severe and Prolonged Domestic Violence” (paragraph headed “Physical and Sexual Violence in the Home”) this study states:

“The most common form of domestic abuse reported by the women interviewed was at the hands of their husbands or domestic partners. Notably, a significant number of the women who described surviving domestic violence were not officially married to their abusive partners, but nonetheless suffered severe harm and were unable to leave that partner and find protection elsewhere in their country. The forms of abuse described were varied and often life-threatening. Women described repeated rapes and sexual assaults. In addition, the women detailed instances of violent physical abuse, including: beatings with hands, a baseball bat, and other weapons; kicking; threats to do bodily harm with knives; and repeatedly being thrown against walls and the ground. The abuse occurred both inside the home and in public. Many women described being in constant fear. One woman described her partner’s calculated decisions about how to beat her: ‘He was smart. He did not hit me in a way that left bruises, so there was not evidence for others to see.’ A rape survivor from Guatemala described constant and debilitating abuse. ‘My husband abused me verbally and physically on a regular basis. He kept me locked in the house. I wore my hair pulled back, and sometimes he would grab my hair, shove my face near the fire, and ask ‘Are you fine here?’ Or he would hold a knife to my neck and ask the same thing. I had to respond ‘yes.’ To me, this is not a life.” (ibid, pp.25-26)

See also section titled “Domestic Violence as the Basis for International Protection” which states:

“Much of the US jurisprudence on this issue involves Central American women. In 2014, in a case involving Guatemalan victims of domestic violence, the federal Board of Immigration Appeals clarified previous rulings and explicitly held that domestic violence could be the basis for refugee protection. The Board went on to reaffirm this position in two very recent decisions, underscoring in these decisions that the person claiming refugee status need not have been married to the abuser in order to qualify.” (ibid, p.35)

An article from the peer-reviewed educational journal *Social Justice* states:

“Violence against Women Is Pervasive in Guatemala and Occurs in the Context of Deep-Rooted Gender Discrimination. The situation is grim in Guatemala. Women are subjected to many forms of grave gender-motivated

harm. The violence, documented by numerous studies, is particularly brutal and occurs at some of the highest rates in the world. Moreover, studies highlight the correlation between domestic violence and femicide in the country, demonstrating the dire consequences of the state's unsuccessful interventions. Violence against women pervades all sectors of Guatemalan society. The violence takes many forms, including intra-familial (or domestic) violence, sexual violence, incest, human trafficking, and, at the extreme end of the spectrum, femicide." (Social Justice (2014) *Crimes without Punishment: An Update on Violence against Women and Impunity in Guatemala*)

This article also states:

"There is wide consensus that violence against women is a serious problem in Guatemala and that the government has yet to develop an effective response. This view is shared by international human rights bodies, foreign governments (the United States included), and NGOs that have investigated and considered this issue (Human Rights Watch 2012, 4; IAHRC 2012a; MADRE 2012, 1,9; U.S. Department of State 2012,16). Some entities within the Guatemalan government itself echo these concerns. In a recent report analyzing the government's implementation of the 2008 Law, the Procuraduría de los Derechos Humanos (PDH ; Human Rights Ombudsman) of Guatemala lamented that rates of femicide have continued to increase despite the passage of the law (Procuraduría de los Derechos Humanos 2011)." (ibid)

A report from Amnesty International states:

"Authorities in Guatemala are putting the lives of women at risk by systematically failing to protect them and ensure those responsible for the hundreds of killings that take place each year face justice, Amnesty International said today after it emerged two young girls and two women had been brutally slain. On 16 January, the bodies of the two girls were found in a street in Guatemala City. Two other women were also found dead, in separate locations. Around 560 women were murdered in Guatemala in 2012, 631 in 2011 and 695 in 2010, according to official figures. Less than 4 per cent of all homicide cases result in perpetrators being convicted. Guatemala's congress passed a law in 2008 that typified various crimes of violence against women and established special tribunals and sentencing guidelines, but this has not stemmed the violence." (Amnesty International (17 January 2013) *Time to end the inaction over killings of women in Guatemala*)

A report from CNN.com states:

"A 2012 Small Arms Survey says gender-based violence is at epidemic levels in Guatemala and the country ranks third in the killings of women worldwide. According to the United Nations, two women are killed there every day. There are many reasons why, beginning with the legacy of violence left in place after the country's 36-year-old civil war. During the conflict, atrocities were committed against women, who were used as a weapon of war. In 1996, a ceasefire agreement was reached between insurgents and the government. But what followed and what remains is a climate of terror, due to a deeply entrenched culture of impunity and discrimination. Military and paramilitary groups that committed barbaric acts during the war were integrated back into society without any repercussions. Many remain in power, and they have not

changed the way they view women.” (CNN.com (17 March 2015) *Nearly 20 years after peace pact, Guatemala's women relive violence*)

An International Business Times report states:

“There is a long history of violence in Guatemala being accepted,’ Alford-Jones said. ‘Women are one of the most vulnerable and marginalized groups in Guatemala,’ she added. ‘The ways in which they are targeted have been much more brutal than with men ... and there has been a systemic bias against women within the judicial system when it comes to prosecuting crimes.’ In 2011, some 700 women were murdered, many of whom were also sexually assaulted, their bodies then mutilated and left in public view. Many of them are believed to have been targeted as a method of retaliation and intimidation between rival gangs and larger criminal organizations, but a vast majority are victims of domestic violence. Many more cases of rape and of threats of violence go unreported -- again due to language barriers, but also for fear of retaliation, the socially-imposed acceptance of domestic abuse and the cultural stigma that shames the victims -- and in those cases that are reported, the victims are often blamed for the crimes committed against them.” (International Business Times (18 January 2013) *Half The Sky Is Falling: Systemic Violence Against Women In Guatemala Ripples From Brutal Civil War*)

A Financial Times article states:

“Family violence is common throughout Latin America, and Central America, in particular. But Leonor Calderón, representative of the United Nations Population Fund (Unfpa), says that Guatemala has one of the worst records in the western hemisphere. One reason, she argues, is the legacy of the country’s 1960-96 civil conflict, which claimed the lives of an estimated 200,000 people and in which rape, particularly of the majority indigenous population, became a widespread tool of war. ‘Violence, and often brutal violence, was the norm,’ explains Ms Calderon. ‘It is very hard to forget that.’ Last year, authorities discovered more than 20 dismembered female bodies. Other cases included women who had been shot in the face and some who suffered genital mutilation. A second reason is that high levels of impunity – during the last few years, an average of only one in 50 cases have ended with a conviction – send a message that if you commit a crime you are more than likely to get away with it. Adela de Torrebiarte, a former minister and presidential candidate who is now responsible for police reform, admits that the police force suffers chronic under-funding, under-staffing and a lack of professionalism.” (Financial Times (21 January 2012) *Domestic violence looms over Guatemala*)

An article published by the Global Press Journal states:

“By reporting her husband’s abuse, Tigüila joined a small but growing subgroup of indigenous women who are summoning the courage to report abuse. But many other indigenous women, in accordance with long-standing cultural expectations, endure daily abuse in silence, experts say. Indigenous women in Guatemala file far fewer complaints of domestic violence than other Guatemalan women. In the patriarchal system that characterizes indigenous communities, women are silenced by economic dependence and ignorance of their rights, experts and citizens say. Nationwide, Guatemalan women are

standing up to domestic violence. In 2008, Guatemala passed a law prohibiting all forms of violence and discrimination against women. Nationwide media campaigns promoted women's rights under the law. Over the next five years, the number of domestic violence complaints nearly quadrupled." (Global Press Journal (30 March 2015) *Indigenous Guatemalan Women are Standing Up to Entrenched Domestic Violence*)

An article from the Los Angeles Times states:

"There is no question that Aminta Cifuentes' marriage was not just bad but a threat to her life. Her husband beat her regularly. He burned her breast with caustic paint thinner. He raped her. When police were called, the officers refused to intervene; then, he threatened to kill her if she called them again. After Cifuentes ran away with her two children, the husband tracked her down and the violence resumed. It was, as a court ruling said, 'repugnant abuse.' But it took place in Guatemala. In 2005, Cifuentes sought asylum in the U.S. Her argument: that in Guatemala's male-dominated culture, where many husbands view their spouses as property and police routinely ignore requests for help, battered wives form a defined social group subject to persecution and thus have standing to seek asylum under U.S. immigration rules." (Los Angeles Times (15 September 2014) *Protecting Guatemala's battered wives; An immigration court rules that such women are a special group that deserves refuge in the U.S.*)

See also article from Arizona-based newspaper which states:

"A decade since Cifuentes fled, Guatemalan girls and women continue to face some of the worst gender violence in the Western hemisphere. Their abusers can count on near total impunity. And it is one of the reasons behind the continuing surge of women and children from there fleeing the country, trying to reach the U.S. border In Cifuentes' home town, where volcanic mountains crumble into the torrid coastal plain, Saïdy Fuentes listed the most painful among the dozens of cases of crimes against women she tackles every day. She is an assistant investigator in the public prosecutor's office. There was the teenage wife with her forehead and shoulder shredded by machete cuts who was so fearful and dependent on her husband that she refused to report him. The mother who brought her raped 7-year-old girl to the hospital — distraught because she did not realize doctors would be required to call the authorities, who ended up charging the father. 'They are called whores, dogs — the machista man always uses these words ... and the woman starts believing that she is worth nothing,' Fuentes, 24, said. 'We try to convince them to keep the complaints going. We got to the point that we say, look, señora, next time he is going to kill you and we are not going to come!' The high rate of domestic violence in Guatemala and other Central American countries that is forcing increasing numbers of women to seek asylum in the U.S. is often blamed on a deeply rooted culture of machismo. It is widely accepted there that men should control all aspects of women's lives." (AZ Central (17 May 2015) *Ruling changes little: Guatemalan women still victims*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (17 January 2013) *Time to end the inaction over killings of women in Guatemala*

<https://www.amnesty.org/en/latest/news/2013/01/time-end-inaction-over-killings-women-guatemala/>

(Accessed 2 December 2015)

AZ Central (17 May 2015) *Ruling changes little: Guatemalan women still victims*

<http://www.azcentral.com/story/news/2015/05/17/ruling-changes-little-guatemalan-women-still-victims/27444317/>

(Accessed 30 November 2015)

CNN (8 April 2015) *Nearly 20 years after peace pact, Guatemala's women relive violence*

<http://www.lexisnexis.com>

(Accessed 30 November 2015)

This is a subscription database

Financial Times (21 January 2012) *Domestic violence looms over Guatemala*

<http://www.ft.com/cms/s/0/80572a7c-43bf-11e1-adda-00144feab49a.html#axzz3t56ZTveD>

(Accessed 1 December 2015)

Global Press Journal (30 March 2015) *Indigenous Guatemalan Women are Standing Up to Entrenched Domestic Violence*

<http://globalpressjournal.com/americas/guatemala/indigenous-guatemalan-women-are-standing-entrenched-domestic-violence>

(Accessed 1 December 2015)

International Business Times (18 January 2013) *Half The Sky Is Falling: Systemic Violence Against Women In Guatemala Ripples From Brutal Civil War*

<http://www.ibtimes.com/half-sky-falling-systemic-violence-against-women-guatemala-ripples-brutal-civil-war-1024178>

(Accessed 1 December 2015)

Los Angeles Times (15 September 2014) *Protecting Guatemala's battered wives; An immigration court rules that such women are a special group that deserves refuge in the U.S.*

<http://www.lexisnexis.com>

(Accessed 1 December 2015)

This is a subscription database

Social Justice (2014) *Crimes without Punishment: An Update on Violence against Women and Impunity in Guatemala*

<http://www.lexisnexis.com>

(Accessed 1 December 2015)

This is a subscription database

UN High Commissioner for Refugees (UNHCR) (26 October 2015) *Women on the Run: First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*

<http://www.refworld.org/docid/56307e2a4.html>

(Accessed 30 November 2015)

US Department of State (25 June 2015) *2014 Country Reports on Human Rights Practices – Guatemala*

<http://www.state.gov/documents/organization/236904.pdf>

(Accessed 30 November 2015)

Sources Consulted:

Amnesty International

Electronic Immigration Network

European Country of Origin Information Network

Google

Human Rights Watch

Immigration and Refugee Board of Canada

Lexis Nexis

Refugee Documentation Centre Query Database

UNHCR Refworld

US Department of State