

# Submission by Society for Threatened Peoples

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## Guatemala

### Femicide – alarming death toll among Guatemalan women

Despite the peace treaty of 1996 which was meant to put an end to the horror of the war and to pacify the country, violence in general and in particular against women have been growing alarmingly fast in Guatemala. On 8 March 2005, a Special Commission for the Investigation on Femicide in Guatemala was established, chaired by the Minister of Women's Affairs, Mrs Gabriela Núñez Pérez. This special focus on the tragic fate of more and more women in Guatemala who become victims of sexual abuse and homicide is highly appropriate.

Among the victims is a considerable number of women of Maya descent. No one knows exactly how many are to be bemoaned as there is no data material that indicates indigenous status. Society for Threatened Peoples (STP) acts on the assumption that the number of victims of femicide of indigenous origin can hardly be overestimated. In fact Maya women are at the losing end of the social scale in many respects: as women in a male-dominated country, as members of a discriminated indigenous people that is being suppressed despite the fact that it forms the majority of the population, and as female victims of harassment, sexual abuse and homicide. They are an eminently vulnerable group, easy prey for violence. Therefore, in order to recognize the dimension of the tragic fate of indigenous women in Guatemala, it would be preferable not only to prosecute cases of violence a lot more extensively than it is being done but to analyze the data also according to ethnic criteria.

During counterinsurgency campaigns led by the Guatemalan army during the early 1980s the vast majority of women who became victims of human rights violations were members of Mayan indigenous groups living in rural areas. Today most of the reported murder victims in Guatemala are ladino women living in urban areas of the country. But many cases remain unreported because relatives are too scared to approach the authorities. Women – mostly between the age 13 and 30 – are raped, tortured, mutilated, murdered, and often left behind in very public places. These brutal murders and the failure of the state to address them properly have left women terrified. Cases of violence against women are rarely prosecuted. Therefore it is impossible to provide exact data on the number of victims. All sources agree, though, that since 2000 homicides against women in Guatemala are increasing considerably each year. Thus according to one source, 665 cases were registered in 2005; 527 in 2004; 383 in 2003 and 163 in 2002. Altogether up to 3,200 women were murdered from 2000 until the end of 2007. Their murderers have been encouraged by the failure of the prosecution to bring them to court and the high probability to remain unpunished.

STP acknowledges that Guatemala has ratified the majority of international and regional instruments providing protection for women's rights, among others the UN Convention on the Elimination of all Forms of Discrimination against Women (1982), its Optional Protocol (2002) as well as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1995). Moreover Guatemala's Constitution affirms the principle of equality between the sexes. However, the authorities failed to install an effective justice system offering the women efficient protection. Characteristically, the penal code does not define violence against women in the family, including marital rape, and sexual harassment as a criminal offence. But domestic violence is responsible for many of the crimes committed against women.

## **Mining activities provoke conflicts with the rural Maya population**

Society for Threatened Peoples is very concerned about growing tensions between the rural Maya population and mining companies. Peaceful protests of Maya peasants trying to protect their livelihood were met with violence and the criminalisation of the indigenous communities. Guatemala is rich in mineral and metallic resources. Thus, the Guatemalan people struggle for fair and self-directed development, equal opportunities and environmental consciousness from the companies that want to mine in Guatemala. Guatemala has ratified the C169 INDIGENOUS AND TRIBAL PEOPLES CONVENTION of the International Labour Organisation which a.o. guarantees indigenous and tribal peoples the right of free and informed prior consent to any measures affecting their livelihoods. However, this right has been violated.

One of the mines in dispute is the Marlin Gold Mine which has caused a number of problems for the local Mayan population in the municipality of San Miguel Ixtahuacán. They belong to the Mam-Maya people. The Marlin deposit was first discovered in 1998, and Glamis Gold acquired its 100 % interest in the property through the merger with Francisco Gold Corp in July 2002. The mine is operated by the Guatemalan subsidiary Montana Exploradora. In the process of open pit gold mining cyanide is used. This method bears great environmental risks for water, soil, crops and cattle and therefore threatens the local Maya with the contamination of their livelihood. According to their testimony they were informed about the mine only after the project was approved. Thus the rule of free prior and informed consent mentioned above has clearly been violated.

The Maya population living in the communities neighbouring the mine (Agel, San José Nueva Esperanza and Salitre and San José Ixcaniche of the municipality of San Miguel Ixtahuacán and Tzalem of the municipality of Sipacapa) has protested peacefully against the mine for many years. They have had to endure the deforestation of their territory, contamination of water sources, extreme dust, dry wells, and competition for water usage with the mine and the accumulation of dangerous waste products from the mine. Moreover, the mining is accompanied by explosions, causing significant crevices and fissures in dozens of homes particularly in the villages Agel and San José Nueva Esperanza – both of them are very close to the mine. But instead of taking their demands seriously and trying to find solutions through dialogue Maya representatives were met with ignorance and violence. On 11 January, 2005, in a confrontation with military and security forces sent to protect a convoy of mining equipment the indigenous farmer Raul Castro Bocel was killed and several others were wounded by the security forces. For 40 days before this confrontation the local Maya had blockaded a road this convoy had to pass in order to get to the mine.

Two years later, on 9 January, 2007, representatives from the Mam-Maya villages neighbouring the mine presented a petition to the company. According to “Rights Action”, the Guatemalan organization for community development, environmental and human rights, they presented their concerns about extremely low payments made to local families for lands which were acquired, according to testimonies, under false preconditions and in some cases even under coercion. Furthermore they complained about the destruction of dozens of homes due to the explosives, the use of cyanide and the release of heavy metals due to the open pit mining process resulting in water contamination and health problems of the people and livestock, and about water depletion due to an apparent lowering of the regional water table resulting in dried-out wells and natural springs and some crop failures.

According to testimonies company representatives denied all responsibility and insulted the community representatives during a second meeting on 10 January, 2007. On their way home the indigenous representatives were even attacked by the company’s private security forces. On the same afternoon about 600 members of the Mam-Maya communities started a peaceful blockade of the roads to the company installations. On 11 January, 2007, community representatives returned to the company’s office trying to start a peaceful dialogue but were again insulted and thrown out of the office. With the arrival of the anti-riot forces of the National Civil Police and Guatemalan Army soldiers tensions grew even higher. But it was only after the company agreed to negotiate on 22 January that the road blockade was lifted.

Instead of negotiating the company filed charges against 22 community members; arrest warrants were issued for seven of them. On 12 November, 2007, the oral presentation in the trial against these seven Maya peasants started.