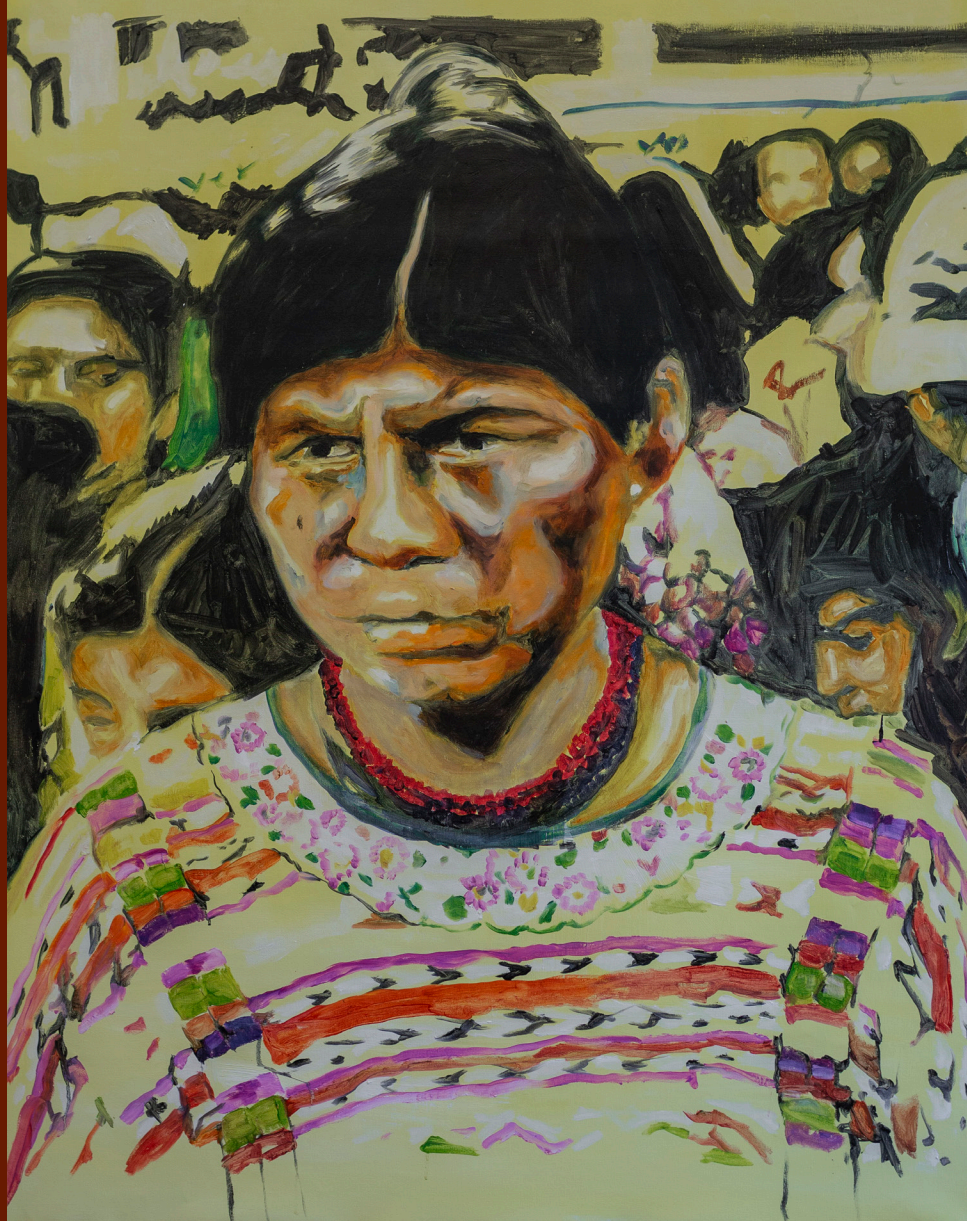




# SEEKING JUSTICE FOR GENDERED VIOLENCE

Courts, Communities, and Care in Guatemala

*Erin Beck and Lynn Stephen*

# Seeking Justice for Gendered Violence



**BUY**

# Seeking Justice for Gendered Violence

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*Courts, Communities,  
and Care in Guatemala*

ERIN BECK AND LYNN STEPHEN

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To survivors and victims of gender-based violence,  
to those who support and advocate for them in many different ways,  
and to all working for a world free of violence

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## Abbreviations

|           |                                                                                                                                        |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------|
| AMLUDI    | Asociación de Mujeres Luqueñas para el Desarrollo Integral (Association of Luqueña Women for Holistic Development)                     |
| AMRIS     | Asociación de Mujeres Río Isquizal (Isquizal River Women's Association )                                                               |
| ASOGEN    | Asociación Generando Equidad, Liderazgo y Oportunidades (Association Generating Equality, Leadership, and Opportunities)               |
| CAIMUS    | Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia (Centers for Comprehensive Support for Women Survivors of Violence) |
| CEDAW     | Convention on the Elimination of all Forms of Discrimination Against Women                                                             |
| COCODE    | Consejo Comunitario de Desarrollo (community development council)                                                                      |
| CONAVIGUA | Coordinadora Nacional de Viudas de Guatemala (National Coordinating Committee of Guatemalan Widows)                                    |
| DEMI      | Defensoría de la Mujer Indígena (Indigenous Women's Ombudsman)                                                                         |
| DMM       | Dirección Municipal de la Mujer (Municipal Women's Office)                                                                             |

|                           |                                                                                                                                                                                                                       |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DPI                       | <i>documento personal de identificación</i> (personal identification document)                                                                                                                                        |
| ECAP                      | Equipo de Estudios Comunitarios y Acción Psicosocial (Community Studies and Psychosocial Action Team)                                                                                                                 |
| EGP                       | Ejército Guerrillero de los Pobres (Guerrilla Army of the Poor)                                                                                                                                                       |
| FPM                       | Fraternidad de Presbiteriales Mayas (Fraternity of Maya Presbyteries)                                                                                                                                                 |
| GAM                       | Grupo de Apoyo Mutuo (Mutual Support Group)                                                                                                                                                                           |
| GGM                       | Grupo Guatemalteco de Mujeres (Guatemalan Women's Group)                                                                                                                                                              |
| INACIF                    | Instituto Nacional de Ciencias Forenses de Guatemala (National Forensic Institute)                                                                                                                                    |
| LGBTQ+                    | lesbian, gay, bisexual, transgender, queer, and questioning                                                                                                                                                           |
| MTM                       | Mujeres Transformando el Mundo (Women Transforming the World)                                                                                                                                                         |
| NGO                       | nongovernmental organization                                                                                                                                                                                          |
| PAC                       | <i>patrulla de autodefensa civil</i> (civil self-defense patrol)                                                                                                                                                      |
| PNC                       | Policia Nacional Civil (National Civil Police)                                                                                                                                                                        |
| specialized<br>VAWG court | Tribunal de Sentencia Penal de Delitos de Femicidio y Otras Formas de Violencia contra la Mujer y Violencia Sexual (Criminal Court for Femicide and Other Forms of Violence Against Women and Sexual Violence Crimes) |
| SVET                      | Secretaría contra la Violencia Sexual, Explotación y Trata de Personas (Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons)                                                                |

2008 VAWG Law

2008 Law Against Femicide and Other Forms of  
Violence Against Women

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UN

United Nations

|       |                                                                              |
|-------|------------------------------------------------------------------------------|
| UNAMG | Unión Nacional de Mujeres Guatemaltecas (National Union of Guatemalan Women) |
| USAID | United States Agency for International Development                           |
| VAWG  | violence against women and girls                                             |

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# Introduction

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## From Courts to Communities

It is July 12, 2018, and we are seated in a courtroom in the city of Huehuetenango in Western Guatemala observing the trial of Ronald René Ramírez Montejo for the murder of his thirty-seven-year-old girlfriend Claudia Eunice Villegas González. The courtroom is simple. Although it is the largest one in the building, it has barely enough space for the four oversized desks with microphones—one for the prosecutors opposite one for the defense, and one for the witness facing a longer, slightly elevated desk for the three judges. Behind the witness desk is a wooden banister separating it from three rows of chairs for observers. Traffic noise echoes through the nondescript building, which blends in with its neighbors, except for the armed security guard at the door and the words *Tribunal de Sentencia Penal de Delitos de Femicidio y Otras Formas de Violencia contra la Mujer y Violencia Sexual Huehuetenango* spray-painted in small black letters on the white concrete wall (Huehuetenango

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Criminal Court for Femicide and Other Forms of Violence Against Women and Sexual Violence Crimes, hereafter specialized VAWG court).

Despite its humble accommodations, the building represents an ambitious goal: to combat impunity for violence against women and girls (VAWG) and increase survivors' access to justice, in a country with the world's third highest rate of femicide. *Femicide* is defined as killing a woman *because* she is a woman and reflects the extreme end of a wide range of VAWG in the country. While arguably the more apt term to use in Guatemala is *feminicide*, the gendered killing of women *with the state's complicity or collusion* (Sanford 2008; Fregoso and Bejarano 2010; Lagarde y De Los Ríos 2010), we follow Guatemala's legal terminology of *femicide*, which is more commonly used in the country.<sup>1</sup> Courts such as Huehuetenango's Femicide and Violence Against Women Court were created following the mandates of the 2008 Law Against Femicide and Other Forms of Violence Against Women (hereafter the 2008 VAWG Law), which criminalized a range of public and private violence against women and girls and mandated that specialized criminal justice institutions, including specialized VAWG courts, be created to address shockingly high rates of impunity for the abuse and murder of women and girls.

We sit in the first row for observers, behind the witness table and facing the judges. Next to and behind us are Claudia Eunice Villegas González's sisters, brothers-in-law, cousins, and other family members. It is one of the few times during the more than forty hours we've spent observing in these specialized VAWG courts that the courtroom is full. Usually, we are the only observers, save for the occasional law student or a family member. We watch as a parade of witnesses, including paramedics, forensic doctors, and others, detail the ways in which Claudia's body was beaten, broken, and bruised and how she died. Their testimonies and the physical evidence from her body, the car she was found in, her clothes, texts to different cell phones, and many photographs document her murder. Beside us, her family suffers through her murder again and again in horrifying detail.

Claudia's family members are working- and middle-class Ladinos (non-Indigenous Guatemalans). To attend the many, long hearings on the case, they have sacrificed time from their jobs in small businesses such as making floral and balloon arrangements, selling snacks to kids at the local elementary school, and working in a beauty salon. In the aftermath of Claudia's death, they draw support from their close-knit extended family and the wide circle of friends that they have developed through their participation in the local Catholic church, Boy Scouts, sports, and the community development council.

On other days, the courtrooms and hallways in this building are populated by a mix of people from diverse backgrounds. We might see families in the hallway sitting on the white plastic chairs that line the walls or in the tiny waiting room, chatting in Spanish, Mam, Q'anjob'al, or one of the other Indigenous languages spoken in the department of Huehuetenango, whose capital city is also named Huehuetenango. In hallways and courtrooms, we encounter family members of women who have suffered violence, those being called as witnesses, or people there to support the men accused of various forms of gender-based violence. Many women and a few men wear the Indigenous *traje* (dress) of their area. We also encounter court staff, public prosecutors, defense attorneys, court-provided psychologists and daycare workers, and interpreters. Many of these, save female interpreters who tend to dress in Indigenous *traje*, dress in business attire—men in slacks and dress shirts and women in pant or skirt suits, almost always with very high heels.

The Huehuetenango specialized VAWG courtrooms gather different worlds of working- and middle-class Ladinos, professionals, and court personnel together with Indigenous farmers, agricultural workers, weavers, cooks, and others who inhabit the hamlets and small towns of rural Huehuetenango. Here, the judges, public prosecutors, defense lawyers, police officers, forensic specialists, interpreters, clerks, psychologists, daycare workers, and other court personnel are the face of the state's criminal justice system that was designed to serve victims and survivors of VAWG and their families. Most of them have gone through specialized training in gender analysis, cycles of violence, and how to reduce revictimization of VAWG survivors. In our interactions with and observations of them, many express a seemingly sincere commitment to combating VAWG in their country. To what degree is their work contributing to this admirable goal?

For Claudia's family, the courtrooms are relatively accessible geographically and culturally, at least compared to the situation for many other residents of Huehuetenango, 72 percent of whom live in rural areas and 65 percent of whom are Indigenous (INE 2018a). The family members live in the urban capital of Huehuetenango, where the courts are also located, speak Spanish, and have generally average levels of education. The biggest hurdles they face in getting to the hearings are finding someone to cover for them at work, sacrificing the missed income (a significant burden), and fighting the city of Huehuetenango's excessive traffic. They do not, however, have to worry about traveling long distances, as would someone from Santa Eulalia in northern Huehuetenango, which is a three-to-four-hour bus or car ride away on an uneven, sometimes treacherous dirt road. Nor do they have to worry about navigating the language

most of the court personnel speak (Spanish) or rely on a court interpreter, who sometimes does not speak the exact version of the Indigenous language needed, as would a Mam family from Todos Santos Cuchumatán in northwestern Huehuetenango. And yet, even for them, the experience of specialized VAWG justice is long, slow, emotionally traumatizing, and confusing. Recognizing the stark contrast between the realities faced by Claudia's family and those faced by poor, Indigenous women living in rural areas, we wonder about how this latter group of women's experiences of specialized justice differ from those of Claudia's family and about the many women who experience violence but never step inside these courtrooms.

### From Courts to Communities

For most people who live in the geographically dispersed and ethnically diverse department of Huehuetenango,<sup>2</sup> the specialized VAWG courts described above are distant from their everyday realities, literally and metaphorically. Most women and girls living in the department who experience violence will never enter these courts, either because they do not report the violence that they experience or because, if they do, their cases never get this far. They face multiple, overlapping barriers to accessing these institutions. Given that specialized VAWG courts and public prosecutors are concentrated in urban departmental capitals, people who live in rural areas often must travel significant distances to arrive, pay for transportation, and miss whole days of work—major burdens for the more than 80 percent of people in Huehuetenango living below the poverty line (Secretaría de Planificación y Programación de la Presidencia 2023). Additional demographic information about the municipalities in Huehuetenango, and those in another department called Quetzaltenango, where we conducted our research is available in the appendix of this book. Indigenous women and girls, who are concentrated in rural areas with even higher rates of poverty, are rarely familiar with the criminal justice system and may not speak Spanish. As such, accessing specialized institutions requires traversing linguistic and cultural barriers. Indigenous women, including those who were members of our research team, are intimately familiar with these barriers as well as the significant hurdle of societal and state discrimination against Indigenous women.

Ana María Basilio Juárez, a lawyer who works with the Indigenous Women's Ombudsman (Defensoría de la Mujer Indígena, DEMI) in Huehuetenango and a member of our research team introduced more fully in the next chapter, grew up experiencing racism and discrimination. During the 1980s in the midst of the period known as *el conflicto* (1960–96), in which state-led acts of genocide

were committed against Indigenous communities, Ana María's family fled from Santa Eulalia to the city of Huehuetenango. Her family spoke only Q'anjob'al at home in Santa Eulalia, but once they lived in Huehuetenango, her mother forbade them to speak their language and to use their traditional clothing because of extreme discrimination that Indigenous families experienced in the city. The discrimination, taunts, and racism came anyway. Ana María recalled,

They always told us, "These are the daughters of the Indian women from the other side" [referring to the Cuchumatanes mountain range in eastern Huehuetenango]. . . . They also used it as a mockery and laughed at us. . . . I didn't understand much until I grew up. When I was fourteen or fifteen years old, I began to understand what the discrimination and racism that we were suffering consisted of. . . . I understood that Indigenous peoples like us, specifically women, did not have opportunities. Many women like me did not have opportunities. . . . We began to . . . understand our history because my mother also taught us, she told us that this [racism] was not pleasant for us, that it was not correct, that they shouldn't treat us like that. . . . That's why we had to study. . . . She instilled in us that education was the only way to overcome the discrimination and racism that we were experiencing. (Ana María Basilio Juárez, interview with the authors, January 6, 2025)<sup>3</sup>

Ana María took these lessons to heart, eventually earning a law degree and becoming a champion for other Indigenous women. As a lawyer supporting Indigenous women's legal claims, Ana María hears about and observes ongoing gender-, class-, and race-based discrimination against Indigenous women in schools, police stations, municipal courts, and other public institutions, as well as sexism within families, local authorities, and communities. Representing Indigenous women survivors of VAWG, she interfaces with specialized VAWG courts and has deep, lived understanding of the advances and limitations these institutions offer Indigenous women.

Ana María also spends a lot of time in Indigenous communities, interacting with VAWG survivors, local authorities, and community-based groups of women. This work has shown her what we also learned during our research: For most women living in Huehuetenango, especially poor, Indigenous women in rural areas, the closest faces of the state are not institutions like specialized VAWG courts that are designed with VAWG survivors in mind. Instead, they are municipal-level courts known as *juzgados de paz* (justice of the peace courts), police, and local branches of the public prosecutor's office, institutions in which the women often have low levels of trust based on their own and other



women's previous experiences. In some cases, these authorities associated with the criminal justice system may violate their formal mandates, encouraging women to reconcile with their abusers, demanding bribes, or telling women to come back when they have bruises (all examples that we heard during our fieldwork).

These local criminal justice authorities exist alongside other authorities that are not associated with the criminal justice system but who are central to local governance and justice in Indigenous communities—midwives, religious leaders, auxiliary mayors who resolve intracommunity conflicts, and development council leaders who oversee infrastructure and socioproductive projects, among others. In practice, as we describe in coming chapters, people in rural areas often turn to this latter group of authorities more readily, as they consist of people who are from their communities, whom they trust, who live close by, and with whom they share linguistic and cultural backgrounds. These authorities are known to resolve the average person's problems much more quickly than do the slow-moving and confusing institutions associated with the criminal justice system. Yet for women and girls experiencing violence, these authorities do not necessarily provide reliable help. They may be conduits, alternatives, or obstacles to the criminal justice system.

This view from rural, Indigenous communities reveals that even after criminal justice reforms represented by the 2008 VAWG Law and other legal changes, Guatemalan women in situations of violence who are attempting to access security and justice face multiple legal orders that are “superimposed, interpenetrated, and mixed,” creating spaces of interlegality (see Santos 1987, 297–98; Barrera Vivero 2016, 7–8). These multiple legal orders and authorities intersect in the lives of women who may be immobilized from even reporting violence for fear of retribution, not only from their abuser but from their abuser's family, their own family, community members, and perhaps people who are in positions of authority where they live.

Of particular importance are actors that we label broadly “local authorities.” By this we mean actors that are in women's municipalities and communities that they may look to for help when experiencing violence, whether they are connected to the criminal justice system or not. As noted above and described in chapter 4, these local authorities include police, municipal judges (known as justices of the peace), municipal-level public prosecutors, community development council leaders, directors of municipal women's offices, Indigenous and auxiliary mayors, midwives, and family and religious leaders. Women who overcome fear and decide to report violence must navigate this tangle of actors and institutions that have legal authority in their lives. In the process, they

focus less on authorities' formal mandates and national-level laws and more on asking themselves, "Who in my community solves problems? Who is respected, and whom do I trust? Who asks for bribes? Who speaks my language? To whom did my sister, cousin, or neighbor go when she was having similar problems, and what happened?" As such, our analysis of VAWG and women's access to security and justice in the wake of top-down VAWG reforms goes beyond the courtrooms like the ones described in the chapter's opening, allowing women's lived experiences, local realities, and views of relevant authorities to guide us.

### Community Insights About Gender, Violence, and Collective Solutions

In the course of observations, interviews, and focus groups in rural, Indigenous communities with Ana María and other members of our research team, men and women illuminated the impacts and very real limitations of top-down legal and institutional reforms to address VAWG for their lived realities. They shared insights about their experiences of violence, their views about gender norms and women's rights, and their perceptions of and experiences with multiple local authorities who may or may not help VAWG survivors. Women also shared their ongoing collective strategies to support one another, sometimes leveraging new laws, state institutions, or local authority structures and sometimes avoiding them altogether. These women, and some men, had valuable ideas about the causes of VAWG, the obstacles to security and justice that women face, and ways to combat VAWG outside of state institutions or in conjunction with them. Indigenous men and women also shared ideas about what could be done in their own communities to prevent VAWG, support survivors, and hold local authorities accountable for addressing gender-based violence, as can be seen in the below vignette from a mixed-gender focus group we conducted in 2023 with Ana María.

A group of nine men and women from Santa Eulalia and Aguacatán, Huehuetenango, sit around an oblong table making introductions at the start of a group discussion with us and Ana María. Those from Santa Eulalia speak Q'anjob'al and those from Aguacatán speak Awakateko, two of the Mayan language families in Huehuetenango. They have gathered to talk about community-based experiences and solutions to violence against women and girls. After introductions, the activity progresses and the group splits in two,

each meeting outside in the humid air around smaller tables. A mix of men and women huddle listening to one another, with the conversation proceeding in Spanish but also with asides in Q'anjob'al and Awakateko. Each group is making a list of possible strategies for combating violence against women and girls in their communities. One of the small groups includes two men and two women, who begin by drawing from their own experiences. Pablo, an older and experienced community authority, shares his perspective: "So, what is the man going to do? He has to work, he has to go out, like a farmworker, he has to go out into the fields to work . . . but my wife, she has her responsibility as a woman and mother. She works making food, she works washing, and she works dropping the children off at school. A lot of work. . . . I realized that women do more work than us [men]. So that's where you have to struggle [for change], right?" The other, younger man in the group and two women nod their heads. Then Maribel, a teacher from Santa Eulalia, shares her opinion.

We should start at home . . . give priority to both sons and daughters. . . . We need family members to talk to each other, talk to men, to women, and say that we are all equal. We [teachers] at school talk to the children, we try to have balance, demonstrate equality to both boys and girls. . . . Children in school start from six years old and go up to seventeen years old. We [teachers] talk to them, treat them all the same. . . . Every morning, we offer a motivational talk, and we emphasize that each boy and girl must respect each other. . . . Also, in meetings in the communities we also try to talk about violence, because many women . . . in the villages suffer from violence.

Soon the conversation turns to community authorities such as auxiliary mayors and local development council members, often known as a group as *autoridades comunitarias* (community authorities). The other woman in the small group, Herlinda, speaks up, expressing some doubts about the authorities in her community: "Well, let's take the example of my case in Aguacatán, the authorities that we have, in my personal opinion, are not trustworthy. They are not trustworthy because I have a family member, my sister, who says she was discriminated against [by them]." Some people are nodding (Santa Eulalia and Aguacatán mixed-gender focus group with the authors and Ana María Basilio Juárez, August 4, 2023).

Later the two groups come together, and each makes presentations of their ideas for how to combat VAWG in their communities, involve men, and engage with local authorities and community leaders and forms of organization. They write their ideas on big sheets of white paper and tape them to the wall and

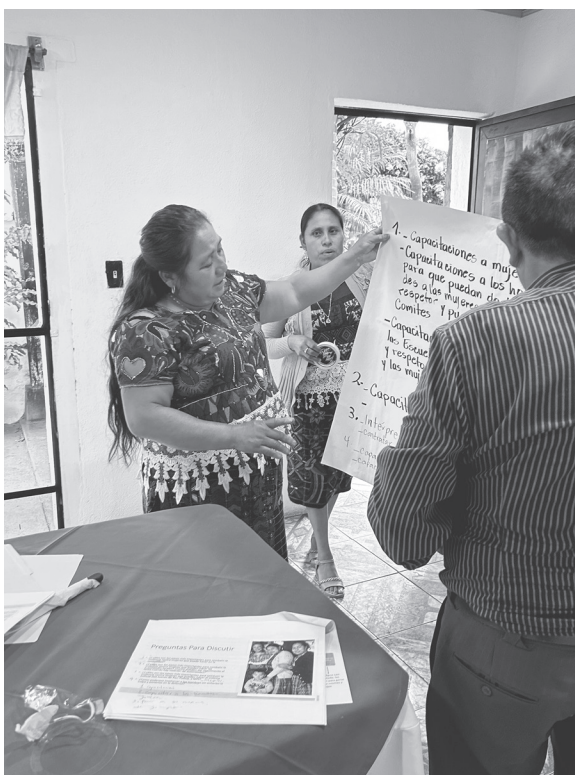


FIGURE 1.1. Mixed-gender focus group sharing recommendations for preventing violence against women and girls. Huehuetenango, Huchuetenango, August 7, 2023. Photograph by Lynn Stephen.

take turns presenting. Claudia, from Santa Eulalia, who was in the other small group from the one quoted above, presents her group's points while an elderly male community authority helps her hold up the piece of paper where they have written their ideas. She begins:

First, [we need] family education on how to combat violence against women from within the family. We have to start in the family. Mom and Dad have to start educating the boy as well as the girl, from an early age [about VAWG]. . . . In addition, we need to educate boys and girls in educational centers, churches, and other places where we can do this. . . . In addition, we need to speak to and educate the COCODES [community development council leaders] and Indigenous mayors. We need the COCODES to fulfill their responsibilities. They should not just listen to

[information like] “There, they are beating a woman, there is violence there,” but instead they should do something. . . . Finally, we need a permanent community committee to prevent violence. The [community development council leaders] are in their roles for just three years . . . then they leave. So, what if it is possible to have a permanent committee to start promoting, educating, helping the community so that this process doesn’t end? And so that the community can see that there is a group looking out for everyone, and that they receive constant training to be able to support and to train new members. (Santa Eulalia and Aguacatán mixed-gender focus group, August 4, 2023)

Participants discuss these ideas, and the other groups report related strategies. Towards the end of the group presentations, Herlinda proposes committees of accompaniment and support by and for women survivors of violence, based on her personal experience supporting VAWG survivors in Aguacatán:

People who have ideas about what to do have already experienced violence in different ways. Maybe [one idea is] having an organization to support women where they are not afraid to talk to others to express their problems. In my case, at one point, I had the courage to speak up [about violence], I didn’t keep quiet, I didn’t flee. Those women [experiencing violence] feel fear or shame. They wonder what others will say if they talk about it. Let’s create an organization of leaders with experience, who have already experienced violence. Let’s make an organization of women survivors [in our communities] to accompany women who are suffering from violence. (Santa Eulalia and Aguacatán mixed-gender focus group, August 4, 2023)

These ideas for community-based strategies for preventing violence, holding local authorities accountable for responding to violence, and caring for survivors suggest the ongoing importance of collective experiences of violence and collective strategies for prevention and care that go beyond the criminal justice system. By putting these on-the-ground perspectives and experiences from communities in conversation with an analysis of legislative and institutional reforms and views from inside specialized state institutions, this book shows how post-conflict VAWG reforms both reshape and provide historical continuity to gendered, classed, and racialized structures of inequality and violence. Reflecting on the daily struggles of Indigenous women and men, their practices of collective solidarity and care, and their ideas about community-based solu-

tions, the book also highlights the limitations of a criminal justice response to VAWG that fails to address structural violence and inequality and that neglects the need for collective care and accountability expressed in the above scene. It shows that women experiencing violence engage with local authorities, the criminal justice system, and networks of solidarity in search of safety and peace, and therefore our solutions to VAWG must address these spheres as an integrative whole rather than isolating and prioritizing one over the others.

### Putting Legal and Institutional Reforms in Context

Around the world, countries are responding to the increased recognition of VAWG as a human rights violation by passing new legislation and creating new government institutions to increase women's and girls' access to security and justice, like Guatemala has done over the past two decades. But new laws and institutions do not enter vacuums. Rather, they interact with historically rooted structures of violence, overlapping inequalities, and preexisting social norms, as well as people's perceptions and experiences with a diverse array of authorities, only some of which are associated with the criminal justice system.

As such, we analyze the design, passage, and implementation of VAWG reforms in Guatemala, but recognizing that there are limits to what a handful of laws can do in the face of deeply rooted structures of gendered, classed, and racialized violence, we also go much further, putting modern-day patterns of violence and state action into a broader context. We thus explore how current patterns of VAWG are historically rooted and actively reproduced; how VAWG reforms interact with ongoing structures of violence rooted in misogyny, racism, and classism; how top-down criminal justice reforms interact with the diverse forms of authority that shape women's and men's lived realities; and how women and some men are developing ideas and practices for collective care and accountability to address VAWG, which may or may not leverage the criminal justice system.

In Guatemala, new laws like the 2008 VAWG Law and new institutions such as specialized VAWG courts were introduced into contexts already shaped by long historical processes associated with ongoing settler colonialism through the Spanish colonial and independence periods, the Guatemalan Revolution (1944–54), internal armed conflict/civil war (1960–96), post-conflict, and neoliberal periods. These historical pinch points and the state institutions they engendered—including legal and institutional reforms—produced ongoing intersecting inequalities rooted in gender, race, class, and place that profoundly shaped and continue to shape people's daily lives and experiences of violence,



as well as their individual and collective strategies to cope with it. Reforms were also introduced into contexts already populated by various authorities that shaped local experiences and practices of governance and justice, many of which were not connected to the criminal justice system. This book therefore seeks to illuminate how VAWG reforms interact with these historically rooted structures of violence against women and girls, local systems of authority, and local strategies of collective care and accountability.

Our research from the top down inside VAWG reforms and specialized VAWG courtrooms and then from the bottom up in ten mostly rural and semirural, Indigenous municipalities in Quetzaltenango and Huehuetenango demonstrates the admirable advances that anti-VAWG advocates have inspired in legislative and institutional reforms but also the limited impacts of these reforms on the lives of most survivors of violence, particularly in rural, Indigenous communities. Reforms like the 2008 VAWG Law have begun to shift understandings of gender relations as they position VAWG as violence, as a matter of public concern, and as between thirty thousand and fifty thousand women each year break their silence to report violence (INE 2023, 8). Women have become aware of new laws through their interaction with media, women's groups, NGOs, and government institutions and in some cases through their engagement with new specialized institutions such as specialized VAWG prosecutors and courts. Despite the high costs and limitations of engagement with the specialized criminal justice system, some women are able to leverage this system in their attempts to escape violence and protect themselves and their children.

However, for many women, particularly Indigenous women, women in rural areas, and poor women, their and other women's past negative experiences of state institutions and the many obstacles to accessing specialized courts prevent them from engaging with or benefiting from the reformed criminal justice system. These women may turn to local authorities not associated with the criminal justice system—family elders, church leaders, development council leaders, auxiliary or Indigenous mayors—whom they find more trustworthy and accessible, but the commitment and capacity of these authorities to help survivors vary greatly from community to community. Other women may find more reliable and effective support in their interactions with women's organizations that have helped them navigate the legal system and local forms of support and solidarity in their own communities.

For their part, some men are aware of the laws and the consequences for them if they perpetrate violence and have varied opinions about the new state of affairs. Some are supportive of sociolegal changes, some actively resist them, and many others are unsure and confused given the lack of information, spaces

to discuss gender norms and violence, and avenues for engagement in their local communities. Men in positions of authority—judges, police officers, auxiliary mayors, development council leaders—similarly had varied knowledge and views of women’s new legal rights despite being critical for survivors’ access to help.

Putting legislative and institutional reforms in conversation with the perspectives and lived experiences of women, men, and local authorities reveals that, despite the tendency of the criminal justice system to see VAWG as an incident of interpersonal violence between individuals, VAWG is structural, ongoing, and collectively experienced. Women experience multiple, overlapping, and ongoing forms of gender-, class-, race-, and place-based violence, the effects of which ripple out to their children, families, and communities. We thus adopt the concept of *gendered embodied structures of violence* to connect VAWG to broader historically rooted and ongoing structures of inequality and violence. In contrast to legal frameworks that position violence as operating at the individual level, in reality, the impact of violence, women’s decision-making in the face of violence, and their efforts at escaping it are rooted in the collective. We thus highlight the ways that women’s experiences of violence and of seeking security and justice (inside or outside the reformed criminal justice system) are affected by kin and community relations as well as the need for what we call *collective care and accountability*. We discuss each of these analytical concepts below.

### Gendered Embodied Structures of Violence

While contemporary policy reforms like Guatemala’s 2008 VAWG Law can offer hope for achieving redress for VAWG, we must look deeper to understand how gender-based violence becomes structurally embedded and normalized in the bodies, biographies, and intergenerational experiences of women and men. A settler-colonial lens helps in this regard because it recognizes processes and logics of elimination, displacement, dispossession, and devaluation of Indigenous people as not just historically rooted but ongoing and linked to contemporary structures of violence through their embedding in legal and governance systems, social norms, and political and economic organizations (Wolfe 2006; Lytle Hernandez 2017; Speed 2019). Anthropologist Shannon Speed (2019, 24) applies settler colonialism to Central America and Mexico, suggesting that while it works somewhat differently there than in traditionally labeled settler societies like Australia or the United States, there is historical continuity between “the settler-colonial imperative of dispossession, extraction and



elimination” and modern-day racialized structures that erase, devalue, discipline, and displace Indigenous peoples in these regions. An intersectional lens adds to these insights by recognizing how these ongoing structures are not just racialized but also profoundly shaped by misogyny (Speed 2019, 2022), classism, and biases against rural residents, thus demonstrating how individual lived experiences and acts of violence are embedded in historically constituted structures of power organized around gender, class, ethnicity, and place (Crenshaw 1989, 1991; Collins 2000; Sokoloff and Dupont 2005; Deer 2015).

For example, the work of Indigenous scholars Pam Palmatar (Mi’kmac) and Audra Simpson (Kahnawake Mohawk) on murdered and missing Indigenous women in Canada shows how gendered and raced structures of violence overlap on Indigenous women’s bodies, which “have historically been rendered less valuable because of what they are taken to represent: land, reproduction, Indigenous kinship and governance, an alternative to heteropatriarchal and Victorian rules of descent” (Simpson 2016, 8). This devaluation results in violence that is enacted “either at a bureaucratic or economic level, or through violent indifference” (3) and in disproportionate suffering among Indigenous women, including shorter lives, poverty, lack of education, higher rates of sexual violence, and disappearances.

To signal how these historically rooted and intersecting structures of violence overlap and intertwine in women’s and men’s bodies, biographies, and daily lives, we use the conceptual framework of gendered embodied structures of violence (Stephen 2021). This concept acknowledges that misogynistic, racist, classist structures are not individually distinct relics of the past but overlapping and ongoing structures that are reproduced and experienced in people’s bodies and daily lives. VAWG is thus not a time-bound event or merely interpersonal; it is ongoing, intergenerational, structural, and experienced at collective as well as individual levels.

In Guatemala, sexual violence was used against women during the colonial period as a tool of racial and class domination. Courts seldom heard cases of sexual and other violence against women unless it concerned defending their honor, which Indigenous, poor, and working-class women were deemed not to possess. After independence, patriarchal ideologies that positioned women as “owned” by men were inscribed in civil law codes and religious norms. During the internal armed conflict, sexual violence was used as a weapon of war as part of genocidal violence against Indigenous communities. Indigenous women were targeted during this time based on their roles in social and cultural reproduction and as proxies for or property of guerrillas and guerrilla sympathizers (Consortio Actoras de Cambio 2011; Velásquez Nimatuj 2016). In the post-

conflict period, rates of VAWG and femicide soared and impunity reigned as Indigenous and poor women were deemed disposable and often blamed for their own murders, echoing earlier historical patterns (Sanford 2008; Fuentes 2020). Subsequently, hard-fought legal reforms gave Indigenous people and women new rights on paper, while ongoing patriarchal and racist structures, resource extraction, and neoliberal policies dispossessed and devalued Indigenous women and men and robbed them of their ability to enjoy their rights in practice (Tzul Tzul 2014b).

In applying the concept of gendered embodied structures of violence, we build on the work of Indigenous Guatemalan scholars who analyze the connections between this history and present-day violences. Maya K'iche' scholar Gladys Tzul Tzul (2015a, 91–92), for example, argues that Indigenous women's daily experiences “reveal how the racial-economic structure operate[s] in a country like Guatemala and how this structure crystallize[s] on the bodies of Indigenous women.”<sup>4</sup> Tzul Tzul centers her analysis of Guatemala's economic structure on Indigenous women's role in reproduction and their connections to Indigenous land and in so doing illuminates the links between violence against Indigenous women and broader systems of colonial power, territorial dispossession, and racialized capitalism. These connections are similarly highlighted in the work of Maya Xinka activist and scholar Lorena Cabnal, whose concept of *cuerpo-tierra-territorio* (body-earth-territory) links violences associated with colonialism, capitalism, and patriarchy and highlights the interconnectedness of the fight for land and community autonomy and the fight for women's bodily autonomy (Cabnal 2016; López 2018).

Maya Kaqchikel scholar Aura Cumes Simón similarly argues that “the patriarchal system in Latin America cannot be explained without reference to colonization nor colonization without patriarchal oppression.” She draws on the work of women of color, Black and Indigenous feminists, and feminists from the Third World and from borderlands, who insist “that the complexity and perversity of the system of domination inscribed on their bodies cannot be explained through one-dimensional notions.” Cumes argues against “encapsulating their reality in a simple sum or reducing it to the popular phrase of triple oppression” in favor of “understanding how forms of domination interact, merge, and create interdependencies” (Cumes 2012, 6). Yet these understandings are too often obstructed by attempts to isolate gender or race and ethnicity, obscuring how Indigenous women's present-day challenges are linked to “the colonial-patriarchal structures around which Guatemalan society is organized” (7). As Cumes argues, this is a missed opportunity, as Indigenous women's experiences and perspectives in the context of their historically assigned place

on “the lowest rung of the colonial-patriarchal hierarchy” uniquely positions them “to observe how structures and mechanisms of domination operate” and develop an epistemology that “transcends fragmented ways of understanding reality, which so far have only promoted—for Indigenous women—a limited inclusion or exclusion legitimized by dogmas” (11).

Maya K’iche’ anthropologist Irma Alicia Velásquez Nimatuj comes to similar conclusions in her analysis of the experiences of the Q’eqchi’ women of Sepur Zarco, who survived six years of sexual and domestic slavery in and around a military outpost (1982–88) after the military massacred their husbands for challenging local landowners (discussed further in chapter 3). She examines the violence that the women of Sepur Zarco endured in the 1980s as a continuation of a longer history of sexual violence and forced labor used to control and extract from Indigenous women since colonization:

The lives of the women of Sepur Zarco point to and are an example of the sexual violence, together with the obligatory work, to which Indigenous women have been subjected throughout history by the sectors controlling the state and the economy. This subjugation was central for building and consolidating the wealth that has been concentrated and kept within [a] small group of elites, whose descendants, in this twenty-first century, are still enjoying the privileges inherited from the sixteenth. And this wealth has been buttressed on the bodies and minds of Indigenous women, who, historically, have never been assumed to have dignity. (Velásquez Nimatuj 2021, 123)

Overlapping systems of racism, patriarchy, and capitalism, she argues, continue to subject Indigenous women to violence even in the post-conflict period despite national and international laws that recognize their rights on paper. This violence takes the shape of the systematic denial of Indigenous people to “education, health care, infrastructure, fair employment, and, above anything else, justice” (117).

Drawing on the insights of these scholars, the framework of gendered embodied structures of violence moves us beyond the incident-based, interpersonal conceptualization of VAWG that is so common in international accords and national legislation. For example, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women provides a definition of VAWG that has been a template for much of Latin American national legislation: Violence against women, according to this convention, is “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private

sphere” (Organization of American States 1994, chap. 1, art. 1). Recognizing violence against women in the private sphere as violence and as a matter of public concern is a significant step forward. But definitions like this one separate women’s individual experiences of violence from the larger sexist, racist, and classist structures identified by the above scholars that create the socialization and material and symbolic conditions for normalized VAWG to begin with.

In applying the concept of gendered embodied structures of violence, we are also reflecting on the knowledge and experiences of the many Guatemalan women and men we learned from in our research. Their life stories and personal experiences illuminated how extreme economic precarity, intergenerational memories of state-backed genocide, racial discrimination, lack of services in their rural communities, displacement, and abuse in the family or interpersonal relationships were intertwined in their daily lives in ways that were not separable. They shared not only their stories but those of their mothers, sisters, and neighbors, demonstrating how collective memory shaped their understandings of violence, their sense of the possibility of security or justice, and their ongoing strategies. Our conversations with Guatemalan women and men also revealed subjective experiences they defined as violence that international accords or national laws would not recognize as such. The concept of gendered embodied structures of violence allows us to follow the lead of scholars such as Emily Rosser (2015) and Alison Crosby and M. Brinton Lykes (2019) by using this knowledge and our protagonists’ categories, rather than legal ones, to structure our analysis of violence.

The concept of gendered embodied structures of violence also connects with the work of Cecilia Menjivar (2011, 39–74), who shows that in Guatemala, everyday violence and interpersonal violence are interwoven with structural violence, symbolic violence, political violence, and state terror. We combine her insights with those of Rosa-Linda Fregoso and Cynthia L. Bejarano (2010, 3–4) and other feminists who highlight how “power dynamics and relationships of gender, sexuality, race, and class,” as well as place, produce patterns of feminicidal and gender-based violence and intertwine in communities and individual experiences and bodies. We add to these literatures attention to how these structures affect not just women and girls but also men and boys, as well as those who locate themselves outside of the gender binary. In Guatemala these structures render trans and nonbinary people as, ironically, simultaneously invisible and “dangerous.” We can see this in recent legislative attempts to “protect families” from LGBTQ+ rights and to reinscribe the traditional gender binary, alongside the complete lack of recognition of trans women as

women or of any category of people other than women or men in Guatemala's VAWG legislation and specialized VAWG institutions.

These same structures place particular burdens on men and subject them to different gendered forms of violence. We argue that in Guatemala these structures of violence have promoted what we call a *masculine-protector ideal* that positions men as the owners of and providers for subordinate members of their households and protectors against internal and external threats. This ideal is woven through Guatemalan history at the household, community, and national levels. It has often been militarized to protect the nation against racialized internal enemies—most notably during the internal armed conflict, when entire populations of Indigenous communities across the country were labeled as subversives and Indigenous men and boys from rural areas who were deemed expendable were forcibly enlisted in military and paramilitary forces. Today, these gendered, classed, and racialized structures continue to prevent lower-class and Indigenous men from meeting the masculine-protector ideal and deny them socially acceptable outlets to express vulnerability, self-doubt, despair, and depression. Some of our most illuminating conversations were with Indigenous men across Huehuetenango and Quetzaltenango who connected extreme poverty, lack of employment opportunities, unsafe working conditions in their jobs, disproportionate harms created by climate change, dangerous migration, and violence in their own lives to the impossible, harmful gendered expectations placed on them. Men respond in various ways to these interlocking structures of oppression: Some turn to alcohol or drugs, some attempt to reassert their identity through violence, and some seek solidarity with their female partners, kin, and community members. The experiences of men and women in Indigenous rural communities often seem to exist in parallel to the Guatemalan state, institutions, authorities, and laws.

Zooming out, it is worth asking how we can understand a Guatemalan state that reproduces gendered, racialized, and classed structures of violence and inequality while also adopting legal and institutional reforms to address VAWG. As is the case with any state, Guatemala is not a uniform monolith; it is internally heterogeneous, rife with internal conflicts and contradictions (Migdal 2001), and affected by diverse institutional gender regimes (Haney 1996). Guatemalan women and Indigenous activists skillfully located openings in the post-conflict neoliberal context to push for legal and institutional reforms that for the first time recognized women's rights to live free of violence and birthed state institutions with targeted mandates and trained personnel to address VAWG. Yet because these reforms were not connected to deeper transformations and coexisted alongside other policies that reinforced racial-

ized and gendered hierarchies, what was left behind was a “patchwork state” (Beck 2021), which was fundamentally uneven in its effectiveness in and commitment to addressing VAWG.

Today, women’s experience of this patchwork depends on their geographic and sociocultural location, with women in rural areas, Indigenous women, and poor women having the most contact with state institutions that are unable or unwilling to meet their needs or that may actively violate their rights. This is both because state institutions in rural, poor, and Indigenous areas are under-resourced and underreformed *and* because many state institutions are affected by the very structures of classism, racism, and sexism that are historically embedded and actively reproduced. Entrenched, overlapping inequalities and the patchwork state thus relegate poor, Indigenous women living in rural areas into what Guillermo O’Donnell (1993, 1360–61) calls “brown areas”—the “frontiers of various regions and class, gender and ethnic relations” in which “components of democratic legality and, hence, of publicness and citizenship, fade away.”

### Collective Experiences of Violence and the Need for Collective Care and Accountability

Despite legal frameworks that depict VAWG as an interpersonal crime committed by individual perpetrators against individual victims, women do not experience violence as individuals, nor do they make decisions about what to do when they experience violence in isolation. When women experience violence, the effects ripple out to their children, families, and communities. It shapes family and community expectations, creates shared traumas, leaves intergenerational wounds, and robs the community of women’s full participation and contributions. When deciding what to do in the face of violence, women consider not only their safety but also their ability to provide for their children, their families’ and communities’ expectations, and available support systems. They weigh whether they should report violence and to whom based on collective archives of knowledge—stories and advice from female family members and neighbors and memories of past experiences. For example, when we asked Indigenous women in focus groups what they thought about the local municipal-level judge, police, or Indigenous mayor, even women who had never directly interacted with these local authorities shared stories of what happened when their sister or female neighbor went to the judge, police, or Indigenous mayor for help. Women who successfully escape situations of violence do so with collective support from their families, communities, women’s groups, or other organizations. This collective support may look like a father accompanying his



daughter to her legal appointments and offering her and her children a place to stay when she flees an abusive partner. It may take the form of neighbors advising VAWG survivors of which authorities are helpful and which they should avoid. Or it may come in the form of an NGO or DEMI office providing survivors legal and psychological support. Indigenous women in particular draw on long histories of communal resistance and collective solidarity (Tzul Tzul 2014a, 2015b, 2019).

Guatemala's post-conflict VAWG laws' and institutions' focus on individual victims and perpetrators is therefore blinded to the true collective nature of the experience of violence and the search for safety. What is more, criminal justice reforms and institutions focus primarily on jail time as a remedy and tend to equate guilty verdicts with "justice." But they provide at best an incomplete justice because they neglect the long-term and collective effects of violence, which call for what we label collective care and accountability. Collective care refers to safeguarding the well-being of members of a group or community, prioritizing that over individual "self-care," and holding members of the collective mutually accountable for ensuring such care occurs for all. Collective accountability involves shared expectations of being held answerable for common actions, decisions, and values. In the area of gender-based violence, this would entail committing to prevent VAWG in a community and establishing mechanisms such as educational and monitoring committees to ensure that local authorities take violence against women and girls seriously; connect women experiencing violence with relevant groups, organizations, and institutions; and encourage and support survivors.

The concept of collective care and accountability builds on the practices of Indigenous communities in Colombia and elsewhere centered around the idea of collective protection of Indigenous territories and resources. As Mauricio Angel and Sylvan LeFebre (2024, 13) explain, collective protection entails "a set of actions and social practices (organizational, cultural, community, economic and individual)" that increase the collective capacity to act and transform "the balance of power against the backdrop of threats, denial of rights, multiple violence and different systems of oppression (e.g. gender, race, class)." Writing on collective protection, Mauricio Parra Bayona describes a community-based process of identifying risks to "life, freedom, and integrity" to collective subjects (Parra Bayona 2024, 17) and developing individual and collective measures to guard against risks that are untaken by communities and organizations themselves, "even if the resources are provided by state entities" (29).

To distinguish it from our conception of the masculine-protector ideal (discussed in chapter 7), we reconceptualize collective protection as "collective

care,” focusing on the social body through a gendered perspective. This reframing encompasses not just identifying risks to life, rights, and bodies but also actively promoting comprehensive well-being—that is, moving beyond providing security and protection to centering care and accountability. It draws on the work of Indigenous women scholars such as Gladys Tzul Tzul (2014a, 2015a, 2015b, 2019), Daina Sanchez (2024), and Brenda Nicolas (2021) that connects Indigenous women’s roles in social and cultural reproduction with Indigenous practices of collective community construction, often known as *comunalidad*. Evelyn Nakano Glenn (1992, 1) describes social reproduction as “the array of activities and relationships involved in maintaining people on a daily basis and intergenerationally,” including “purchasing household goods, preparing and serving food, laundering and repairing clothing . . . socializing children, providing care and emotional support for adults, and maintaining kin and community ties.” *Comunalidad* includes forms of collective action, governance, support, and decision-making that permit Indigenous peoples to maintain forms of autonomy and action in the face of varied challenges, including ongoing racism and inequality (Nicolas 2021, 53). As Tzul Tzul (2015a, 98) argues, in Indigenous communities these systems are intimately linked to social reproduction: “To approach Indigenous politics, it is necessary to do so from the perspective of reproduction. We Indigenous peoples know from concrete experience that our existence and our struggle against capitalism has been built through the communal (*lo común*). We survive because we organized a communal system to manage, regulate, and govern water, land, and forests. Our histories are shaped by a long series of collective events that have forged political paths of resistance, where the central struggle is over the material means of reproduction.” Tzul Tzul (2014a, 71) further connects these ideas of care and *comunalidad* by discussing Indigenous women’s struggles as simultaneously tied to defending communal territory and the broader struggle for collective life, including women’s bodies and culturally held knowledge such as the “images, ideas, histories, and writings” that are recorded in *huipiles* (traditional woven or embroidered blouses), “one of the most powerful sites of Indigenous symbolic production in Mesoamerica.”

Other Indigenous women activists and scholars have highlighted the connections between caring for bodies, communities, nations, and territories (Mora 2022). Guatemalan Maya Xinka activist Lorena Cabnal illustrates these connections through her narrative of collective land recovery, in which she emphasizes that defending ancestral territory against mining must be linked to protecting Indigenous women’s and girls’ bodies from sexual violence, because “we can’t defend our land and territory without defending the bodies of girls



and women” (López 2018, quoting Cabnal). This framework conceptualizes women’s and girls’ bodies, the collective social body, and Indigenous territories as one unified entity, requiring care and defense through relationships of interdependence and mutuality. Cabnal’s (2016) framework has developed into the political slogan “our body-land-territory is not for sale, it is recovered and defended,” which she explains is about more than geography: “It defines a way of considering and feeling the body as a living and historical territory. . . . It alludes to a cosmogonic and political interpretation about how bodies have a relationship of being and exist in the web of life.”<sup>5</sup>

María de Jesús Patricio Martínez, also known as Marichuy, from Mexico’s Consejo Nacional Indígena (National Indigenous Council), exemplified this perspective in a December 2017 speech in Ciudad Nezahualcóyotl during her presidential campaign when she articulated how violence against Indigenous women represents violence against entire communities: “When a woman is raped, disappeared, imprisoned or murdered, it is as if the entire community, the neighborhood, the town or the family has been raped, disappeared, imprisoned or murdered. [These acts] seek to colonize and pervert the fabric of our collective heart, to turn everything we are into merchandise for capitalist accumulation. . . . Threatening women’s lives, their integrity, dignity, and rights is an attempt against life itself” (Oropeza 2017). This holistic concept of *cuerpo-tierra-territorio* offers a sharp contrast to state-centered geographies and epistemologies, presenting an Indigenous framework that integrates collective accountability and care for land, territory, cultural knowledge, and human bodies.

In our research in Indigenous communities, as seen in the focus group described earlier, we found important ideas, including collective training of authorities in VAWG prevention, training and holding authorities who receive reports of VAWG to account, and establishing collective support networks for women facing ongoing violence, such as local survivor support groups. Such community-based strategies regarding prevention of VAWG and support for survivors of ongoing violence can be considered forms of collective care and accountability that are critical complements to state action. Thus, insights from Indigenous scholar-activists and Indigenous Guatemalans on the ground suggest that while women may leverage the specialized criminal justice system as a potentially useful, while cumbersome, tool for the construction of security and peace for themselves, criminal justice reforms on their own inevitably offer insufficient support and incomplete justice in the face of gendered embodied structures of violence.

## The Contents of This Book

### *Part I: Studying and Contextualizing Violence Against Women and Girls in Guatemala*

To communicate clearly how we did our research and the importance of the contributions of our research team members, we detail our collaborative research process, research methods, and biographies of our Indigenous research team members in chapter 1. Their insights and analyses are cited and spread throughout the book.

Chapter 2 leverages the framework of gendered embodied structures of violence to examine the specific historical moments where state institutions perpetuated gendered, racialized, and classed violence as well as the enduring presence of gendered collective care and accountability in Indigenous communities. Of particular importance in this chapter is how legal codes, state institutions, and social structures devalued women's lives and denied their full humanity and how militarized masculinity was used to incorporate and control disenfranchised Indigenous men and justify VAWG.

### *Part II: Advances and Limitations of VAWG Laws and Specialized Institutions*

Given the long history of gendered, classed, and racialized structures of violence, the fact that the Guatemalan government passed a series of laws and created new institutions to address VAWG may be somewhat surprising. Chapter 3 explains how the women's movement successfully navigated the post-conflict neoliberal context to pressure the Guatemalan state to acknowledge VAWG *as violence*, recognize its gendered nature, and accept it as a matter of public concern. The result was a network of new laws and institutions that expanded official recognition of women's and Indigenous people's rights, provided some women new avenues for redress, and produced a cadre of public employees with specialized knowledge and mandates to challenge impunity for VAWG. Yet this chapter also highlights several factors that undercut reforms' impacts, including the persistence of structural inequalities; unreformed state institutions that discriminated against women, the poor, and Indigenous people; and uneven commitments to implementation. More broadly, the chapter highlights the limits of criminal justice reforms that neglect the collective and structural nature of violence. Throughout we draw on the reflections of our research team, focus group, and interview participants, as well as examples of alternative approaches to supporting women and VAWG survivors.

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Despite the reforms described in chapter 3, most women do not report VAWG. Those who decide to break their silence face an array of authorities that are meaningful in their communities, only some of which are associated with the criminal justice system. Chapter 4 begins by mapping the local authorities that Indigenous women in rural communities navigate and the possibilities and limitations each offer for women looking for help. It then analyzes the institutional paths created by post-conflict VAWG reforms by walking readers through the long and arduous journey that follows a report of VAWG in the specialized criminal justice system. This provides a glimpse into how overwhelming and slow the legal process can be for survivors of violence who have to file a complaint, go through required medical and psychological forensic tests, facilitate collection of evidence for police and prosecutors, attend a pretrial hearing to determine whether there is enough evidence to go to trial, and if so, attend trial dates once their case finally enters the docket of a specialized criminal court. The data on how many cases make it to each stage of the process as well as women's descriptions of their experiences illuminate key roadblocks in the journey from a report of violence to a verdict in a specialized VAWG court. The chapter highlights narratives from key actors in communities and the formal justice system, as well as from those who interface with local authorities and state actors.

From the bird's-eye view, we swoop down to a bottom-up perspective of what specialized justice looks like on the ground for the minority of women whose cases do make it to court. In chapter 5, we offer a detailed ethnography of different kinds of women's experiences in the specialized justice system, contrasting the femicide trial of Claudia Eunice Villegas González, a Ladina public employee from an urban area, with cases of Indigenous and rural women who encounter many obstacles and raced and classed readings of their bodies in court. In this comparison, we see that despite consequential distinctions, the court and evidentiary procedures fragment all women's bodies, measure harm, and create deserving victims. This chapter offers an intimate picture of how structures of violence are literally embodied in the corpses of femicide victims and VAWG survivors' trauma. The legal system imposes another kind of structure of violence through the rules of evidence, which require the documentation and measurement of all forms of physical, psychological, sexual, and economic harm.

### *Part III: Community-Based Perspectives on VAWG and Violence Prevention*

The remaining chapters draw on our collaborations with our research team in Indigenous communities across Quetzaltenango and Huehuetenango to conduct interviews and focus groups with women, men, and local authori-

ties to better understand gender norms, violence, and justice from the community perspective.<sup>6</sup> Chapter 6 uses narratives drawn from interviews and focus groups with Indigenous women to present women's perspectives on different forms, natures, and consequences of the intersecting violences that they experience; the obstacles they face when seeking help; and their views of various authorities in their communities. What comes through strongly in these discussions is how extreme economic precarity and gendered social pressures shape women's everyday realities and render them vulnerable to violence. Additionally impactful are women's strategies to support one another when faced with violence in their daily lives. Local networks and groups that allow women to come together, share information, and provide each other with emotional and other forms of support are extremely important. This is how women create intergenerational archives of knowledge, experience, and strategies to help protect themselves and each other. Their conversations reflect a lot on the men in their lives, but often those men are not engaged in similar discussions.

While men are often viewed as sources of violence or obstacles that women need to overcome, we decided it was important to have conversations with men about gender and violence. Our focus groups and interviews with a wide range of men, including judges, prosecutors, police, local Indigenous authorities, development council members, and male community members, were illuminating. Chapter 7 delves into men's gendered experiences in their communities and how the masculine-protector ideal affects them in a context of economic precarity, racism, and classism. Through narratives drawn from interviews and focus groups with men, this chapter explores men's views of gender norms, the causes and nature of VAWG, new laws that are meant to protect women's rights, and possible solutions for VAWG. We see that men have a diversity of perspectives that challenge stereotypical, essentialized views of them. Some—including authority figures—sense that VAWG laws are biased against men and express nostalgia for masculine authority. Others, in their formal roles or in supporting their female kin, have proven themselves to be allies in the fight against VAWG. Many others are confused about shifting gender and legal norms but express interest in learning more and being included in conversations and efforts that they had previously been left out of. Notably, many men in rural areas expressed that the harsh economic realities of their communities coupled with the social pressure to be providers can result in strong feelings of despair and frustration and conflicts within families. Men and women alike are hurt; and men often lack outlets for expressing vulnerable feelings and for managing differences.

Our conclusion summarizes our key findings regarding the impact of legislative and institutional reforms for Guatemalan women and men alike and draws out the theoretical and policy implications. We find that historically rooted and ongoing gendered embodied structures of violence devalue all women but particularly Indigenous, Black, and poor women and are melded with long-standing social ideals of masculine protection. While state-based legal reforms, laws, and institutions to combat VAWG are important steps forward, they only benefit a small number of women. Access to justice is significantly limited by ongoing structures of inequality and discrimination and chronic underfunding. Women often find more reliable support with one another and in organizations that develop long-term relationships of care and solidarity with them, such as DEMI offices or local nongovernmental organizations. Women and men alike would benefit if criminal justice reforms were complemented by and integrated with community-based solutions that build on Indigenous forms of *comunalidad* and governance to promote collective care and accountability. This chapter includes important insights and analysis from our Indigenous research team.

We close by reflecting on the current situation in Guatemala, characterized by a conservative backlash against women, LGBTQ+ rights, abortion, and those who have defended human rights and the right to live without violence. We offer recommendations for how to address this reality and better combat VAWG by drawing on our research and the insights that our Indigenous research team offered in a 2023 group reflection. Recommendations include developing new societal alliances among women *and* men across diverse communities, leveraging pockets of commitment and expertise within the state such as those found in specialized VAWG courts and DEMI offices, and promoting community-based strategies to promote collective care and accountability.

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## Notes

### INTRODUCTION. FROM COURTS TO COMMUNITIES

1. Still, there are some Guatemalan activists who use the term *feminicide*. Women's Sector activist Martha Godínez suggests that leading up to the passage of the 2008 VAWG Law in Guatemala, activists' terminology was influenced by their connections to either Mexican feminist Marcela Lagarde (who coined the term *feminicide*) or Costa Rican feminists Montserrat Sagot and Ana Carcedo Cabañas (who used *femicide*) (Martha Godínez, interview with the authors, June 1, 2017).

2. Departments are roughly equivalent to US states; there are twenty-two in Guatemala.

3. All material from interviews, observations, focus groups, and conversations with research partners is translated from Spanish by the authors.

4. All translations of published Spanish-language material in this book are by the authors unless otherwise indicated.

5. Cabnal's framework has influenced movements across the region. For example, Indigenous Nahuat women participating in the Ecofeminist Movement of El Salvador draw on Cabnal's work when defending against resource extraction in El Cerrito of Quetzaltepeque. Anthropologist Annalise Gardella (2024, 5) notes: "The flesh of this mountain is part of the community; the cuerpo-tierra-territorio is one connected organism, and the community members' bodies, especially since it is a place where many have died or spilled blood, are part of El Cerrito."

6. Our research team members were Ana María Basilio Juárez, Pedro Maldonado, Argelia Yolanda Poz Mejía, Magdalena Ordóñez, Odilia Jiménez, Diana Rosales, and Carmelina Sam. In recognition of their valuable contributions to our research in Indigenous communities in Huehuetenango and Quetzaltenango, they are listed as coauthors of this section of the book.

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