'Never truly defeated': Challenging the Impunity of Violence against Women in post-transitional Central America

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In his obituary in Página 12, Rice's wife and children commented:

Former worker priest, former disappeared detainee. A fighter and activist for life and human rights....He lived all his days joyfully, convinced that a just world, one with solidarity and without discrimination, was possible. He taught that to change it [the world] we had to start with our own hands. He knew how to join all the struggles and acts of resistance in the world...¹

Pat Rice was, and continues to be, an inspiration to generations of Irish people who share his belief in a more just world, and admire his work to challenge torture regimes in Latin America. His commitment to a range of struggles and to the importance of engaging in acts of resistance speaks to the importance of political activism in the defence of human rights. In this article, I speak about an ongoing struggle that women in Central America face on a daily basis: the right to a life free from violence. After a brief background to my own experiences in Central America that shape my interest in this subject, I offer an overview of two of the main types of violence against women living in the region: domestic violence and femicide, the murder of women. I argue that violence against women provides a useful prism through which to analyse ongoing obstacles in addressing human rights in the region. It highlights clearly the lack of an adequate rule of law, issues of ongoing impunity and the broader structural inequalities that women must face because of their gender.

For centuries, Ireland has been a country with an international outlook. For a large part, this was out of necessity rather than choice since experiences of poverty and injustice forced people to leave the country in their millions. This diaspora has contributed greatly to the cultural, social and political life of many countries, some of which are reflected in the pages of this journal. However, to narrow down the Irish experience

¹ <u>http://www.pagina12.com.ar/diario/elpais/1-149327-2010-07-12.html</u> accessed 24 January 2011.

abroad into one of forced exile is to overlook the active choice that many Irish people make to live and work in other countries. Pat Rice himself joined the tens of hundreds of Irish men and women who travelled to different parts of the globe in their role as religious missionaries. Many others travelled as part of international solidarity delegations. As a student in the 1990s, I travelled to Latin America; moved by the power of stories such as Rice's and motivated by a desire to work alongside and learn from the struggles of Latin Americans. By sharing his story, Rice, like thousands of others, recognised the power of *testimonio*, the telling of his story as a subversive act in defying the 'official history' put forward by authoritarian regimes. Testimonies of survivors not only challenged the authoritarian state's denials of disappearances and torture but their political purpose was to provide a call to solidarity for people across the world. I studied and worked in both Mexico and Peru as a student, and between 1997 and 2000 I worked with Movimiento de Mujeres Mélida Anaya Montes, a women's organisation in El Salvador. I was supported in this role by the Irish government's Agency for Personal Service Overseas (APSO), the organisation that supported countless Irish Development workers throughout the world between 1993 and 2003.

In my work in El Salvador, I immediately became aware of two things that resonate very strongly with Rice's philosophy for living: the inseparability of life and human rights, and the importance of activism in challenging injustice and discrimination.

With regard to my detention-disappearance, I never really thought that one day it would be my turn. Until this day, I find it difficult to believe how you can have human beings so depraved and perverse that they could torture other humans even while they were utterly defenceless. Now I know that human beings have a singular capacity for brutality and badness... It was certainly an atrocious experience, but I must confess that in the midst of all that pain and uncertainty, I could find God. I never felt truly defeated.²

Rice's words underline two central issues for discussion. The first of which may be unpalatable, but remains important for understanding how abuse happens: terrible atrocities are committed by human beings often those who are friends, neighbours and fellow citizens. This is particularly true in the terror regimes of Central America where state terror worked through 'local worlds' according to Robert Holden in his article 'Constructing the Limits of State Violence in Central America: Towards a New Research

² <u>http://www.redescristianas.net/2010/07/18/murio-un-luchador-por-los-derechos-de-los-sin-voz-despedimos-a-patrick-ricefatima-carlos-blanca-y-amy-rice-cabrera/citing</u> Rice's book on his experiences during the dictatorship: *En Medio de la Tempestad*. (Last accessed 20 April 2012).

Agenda' (Holden, 1996: 437). According to Lauria-Santiago in his 2005 chapter on state terror in El Salvador, it was firmly reliant on the collaboration of neighbours and even family members (Lauria-Santiago, 2005). I would like to draw a parallel here to the processes of violence against women that are overwhelmingly perpetrated by (male) family members and intimate partners, and in recent years we have seen a dramatic increase in the murder of women in the region, notably Ciudad Juárez in Mexico and Guatemala. This not only centres abuse within social and political relationships, but points to the importance of everyday struggles and activism beyond political authoritarianism, to which Rice was so committed. Rice's second point when he expressed that in the midst of all the pain and uncertainty he never felt truly defeated, is also displayed by generations of Latin Americans, who recognise the importance of hope and activism in the face of adversity.

I first went to El Salvador five years after the formal ending of the civil war in 1992. A United Nations (UN) brokered peace deal had paved the way for an internationally recognised 'peace'. In 1995, then Secretary General of the UN, Boutros Boutros Ghali, announced that El Salvador was indeed 'a nation transformed' and that the UN mission helped El Salvador 'take giant strides away from a closed and violent society' (UN, 1995: 3). My first impression of El Salvador was one of confusion because I could not see the transformation to peace. Growing up in the North of Ireland, I understood peace to be the panacea for radical transformations, yet in Central America it seemed that 'something better' was still a long way off (Benson et al., 2008; 39). The levels of poverty since the 1980s had not significantly improved, and although the civil wars had ended, violence and insecurity continued to mark the everyday lives of the region's citizens, especially those who did not have access to economic resources and could not afford to pay for privatised security.

I worked with low-income communities in El Salvador whose lives were still very much affected by the structural inequalities that had provided potent detonators for the civil war. The state remained controlled by the interests of their capital, often referred to in El Salvador as the fourteen families to denote the tight control of the country's resources by a very small number of individuals (ECA, 1999). For the citizens of El Salvador, the issue of human rights during the transition towards peace or democracy did not lessen in importance but in actual fact became more complex. The imperatives of the peace process soon gave way to the imperatives of an aggressive neoliberal agenda that saw the privatisation of state resources, the erosion of workers' rights and the increasing flexibility of labour laws with the arrival of Maquilas or export processing plants throughout Central America (Robinson, 2003). The arrival of transnational corporations meant not only an increasing feminisation of the workforce, but also the mass exodus of economic migrants heading to the US in search of economic security. It has been argued by the authors of 'No more killings! Women respond to femicides in Central America' that both these factors have contributed to escalating violence against women in the region and are viewed as a 'backlash' against those who are challenging gender norms by entering the workforce (Prieto-Carron et al., 2007:25). David Harvey in his article famously suggested that neoliberalism engages a process of 'creative destruction' by channelling wealth from subordinate classes to dominant ones and from poorer to richer countries (Harvey, 2007: 21). It is this story of destruction that marks the experience of the last three decades for a majority of Central Americans. While the horrors of state sponsored violence may have abated, ways in dealing with its legacy became all the more urgent (Panizza, 1995; Menjivar and Rodriguez, 2005). At the time, two pressing tasks presented themselves for human rights activists: how to deal with the past in terms of state accountability, and how to make human rights an integral part of everyday life to challenge the legacy of authoritarianism.

In the remainder of this article I reflect on the second of these challenges.³ Through my own experiences of researching and working with women's groups in El Salvador, I began to understand the complexities of addressing rights in nominal democracies. In particular, I wish to address the challenges of growing violence and crime faced by the human rights community, and locate an analysis of women's rights as central to this struggle. I argue that ongoing violence against women remains indicative of women's continued inequality (Molyneux and Razavi, 2002). Violence against women is rarely analysed as a political crime and is often sidelined from mainstream debates on human rights. I agree with Heise who argues in Ending Violence against Women that 'social institutions in almost every society in the world legitimize, obscure, and deny' the abuse of women (Heise et al, 1999: 9). Instead, it is popularly regarded as a 'private' problem to be resolved within the context of the family. Such sidelining of women's rights has long been a central struggle for feminist activists.

A notable milestone in this struggle includes the ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) by all Latin American states in the early 1980s, and the Vienna Declaration in 1993 that recognised women's rights as an 'inalienable, integral and indivisible part of universal human rights'.⁴ Latin America became the first region to appoint a Special Rapporteur on Violence against Women, and drafted its own domestic violence norms through the Inter-American Convention on the Prevention, Punishment

³ For a discussion of the first challenge, see: Collins, Cath (2010) *Post-transitional Justice: Human Rights Trials in Chile and El Salvador*, Penn State University Press.

⁴ Article 18, Vienna Declaration, available at: <u>http://www.unhchr.ch/huridocda/</u> <u>huridoca.nsf/(symbol)/a.conf.157.23.en</u>

and Eradication of Violence against Women in 1994. Following this, and the Platform for Action of the United Nations World Conference on Women in Beijing in 1995, there was a wave of new legislation in 'virtually every country in the hemisphere' (Macauley, 2006: 105). While this legislation is progressive, a number of issues still undermine women's access to justice, namely weak state capacity and the need to challenge norms and values that fail to recognise violence against women as a pressing human rights concern.

One of the key characteristics of Central American countries in the posttransitional phase is high levels of violence. According to the United Nations Office on Drugs and Crime (UNODC) the region is widely seen as one of the most violent areas of the world, displaying high levels of crime and interpersonal violence (UNODC, 2007). The 2010 UN Human Development report focused on citizen security as a major challenge to development in the region. Ill equipped to deal with this wave of violence; state responses have been mixed and all too often revert to authoritarian practices that are so resonant of previous decades (Jones and Rodgers, 2010). The effect of this climate of insecurity on women has been largely understudied.

One of the major barriers to women seeking justice is the problem of weak institutional capacity and lack of political will to recognise the magnitude of violence against women. This is evidenced in limited responses to violence and crime more generally, but research has revealed that throughout the region women face double discrimination on the grounds of their gender and their poverty. Macauley in her article 'Judicialising and (de) Criminalising Domestic Violence in Latin America' indicates that one problematic area is that 'the well-being of the family unit' is prioritised over the rights of the woman and thus, many courts force women to engage in processes of 'conciliation' with her abuser This process places women's rights firmly in a (Macauley, 2005:107). position of lesser importance. Another issue is the ineffectiveness of the state in dealing with the issue of violence against women. The UN Special Rapporteur has expressed concern about levels of impunity regarding violence against women stating that 'socio-economic pressures, a weak legal sector that fosters impunity and machista culture - all combined reinforce a generalised state of violence, which manifests itself in diverse forms' (UN Economic and Social Council, 2004: 9). This widespread impunity has been identified in a 2010 study on violence against women in Guatemala as a significant factor in the growing numbers of cases of violence against women (Musalo et al., 2010).

The broader context of violence creates specific threats for women. Research in Greater San Salvador suggested that the police are reluctant to go into some areas at night, especially if these are neighbourhoods that are known as gang territories. Several interviewees suggested that this is particularly acute with regard to 'domestic' conflicts in which the police can be hesitant to get involved. This is indicative of a broader societal dynamic where violence against women is minimized and often viewed as acceptable or an inevitable consequence of being a woman (Hume, 2009). One of the key findings of the research I carried out with women between 2007 and-2008 is that they do not feel confident enough to turn to the police in cases of domestic violence. Some women had direct experience of reporting violence and felt that the police largely sided with the male perpetrator, urging women not to report 'the father of her children' (Hume, 2008:58). According to one female community leader's personal experience in dealing with the police,

I know that they re-victimise people. There are a lot of men and remember that they are *machista*. I never got any response for what the father of my child did. He beat me, he nearly killed me and [the police] did nothing. They even said how were they supposed to believe that he did something like that and when they got to [the house], they didn't believe me (Hume, 2008: 57).

The very process of denouncing and following up a case of domestic violence is in itself lengthy and confusing. This is particularly problematic for women who do not have the resources to spend entire days pursuing their case. One woman's experience is that,

from the Family Court, they send you to the Attorney General's Office, from the Attorney General's Office, they send you to the Ombudsman, then from the Ombudsman back to the Family Court. No one takes responsibility. Everywhere is the same. It's all paid for by the government so it's the same (Hume, 2008).

The combination of mistreatment, institutional irresponsibility and lack of resource investment needed to access justice all act as deterrents for women reporting abuse, and erodes faith in the rule of law. This context actively undermines the search for gender justice, and as a result, accurate data is difficult to find since so many women are deterred from reporting the violence. Police figures from Nicaragua show that over 14,000 cases of domestic abuse were reported and over 17,000 cases in 2006. This compared to Guatemala in 2005 where 2,774 cases of intra – family violence were reported.⁵ A simple reading of this might assume that domestic violence was more an issue in Nicaragua. However, the alarming rates of femicide in Guatemala and the deep structures of impunity that characterise the Guatemalan state suggest that these figures reveal only a small tip of a very large iceberg. Moreover, expert groups estimate that one

⁵ Figures taken from Observatorio CentraAmericano de Violencia, <u>www.coavi.org</u>

in three Guatemalan women are victims of domestic violence and that over ninety per cent of incidents go unreported.

Linked to this, institutions can be intimidated by local violent actors, such as gang members, which in turn undermine their capacity to protect victims of violence. For example, research in Greater San Salvador uncovered a case in relation to a woman who was gang raped by twenty members of the eighteenth street gang, and the victim was too afraid to report it for fear of retaliation.⁶ A local doctor, who had been assisting the victim, received veiled threats from the local gang leader (Hume, 2008:55). This feeds into a broader context of perceived lawlessness and impunity especially relating to gender based crimes.

An area where such impunity is dramatically felt is in the issue of femicide. Femicide is a term coined to highlight the deep misogyny of a crime that is motivated purely by gender. A dramatic rise in the murder of women has been noted throughout the region but particularly in Guatemala and Mexico. A report by The Central American Women's Network (CAWN) shows that 3,914 women were killed between 2000 and 2008 in Guatemala alone (CAWN, 2010:12). According to Prieto Carron, 'these are deaths that cause no political stir and no stutter in the rhythm of the region's neo-liberal economy because, overwhelmingly, state authorities fail to investigate them and the perpetrators go unpunished' (Prieto Carron. et al. (2007: 26). Figures demonstrated by CAWN in 2010 show that between ninety seven and ninety nine per cent of these crimes are not investigated (CAWN, 2010: 11).

Although the number of men killed is much higher than women throughout the region, mostly down to the high levels of crime and interpersonal violence in society, the UN Special Rapporteur on Violence against Women between 2003 and 2009, Yakin Erturk, concluded after a 2004 investigation that the female cases 'have a different dimension' because of the ways and reasons why women are killed. 'They are raped, mutilated, and this has a terrible impact on women and society in general' (UN Economic and Social Council, 2004). Raising awareness and challenging the impunity surrounding the murder of women have become key issues for feminist activism in recent years. Femicides occur both within intimate relationships and so-called 'impersonal crimes'. In both cases, the

⁶ There are two main street gangs in El Salvador, the Mara Salvatruch (MS13) and the eighteenth street gang (Mara 18). Both engage in high levels of violence and local level crime. Originating in the 1990s as neighbourhood youth gangs engaged in petty crime such as low level extortion and inter-gang violence, both gangs grew rapidly and have a presence throughout El Salvador, Nicaragua and Honduras, as well as Mexico and the US. Since the mid-2000s, the gangs have become better organised and their ties with organised crime have become more cemented.

woman is killed because of her gender. CAWN recognised six characteristics of femicide in recent years:

- Savagery: mutilation, dismembering, the use of multiple forms of violence or repetition of one form of violence, marks on the body.
- Evidence of rape or sexual abuse: the victim's nakedness and the position of the body.
- Political significance of the murders: messages left nearby or on the body itself.
- Deliberate destruction of identity: damage to the face by burns or other means.
- Massacres: the murder of a woman and her children (generally in the family home).
- Ritualisation of the crime scene: the positioning of the bodies, the manoeuvring of the bodies post-mortem.

The nature of these killings is reminiscent of tactics used in previous decades by state sponsored death squads. Like previous years, there is little political will to investigate these murders. The state either disregards them as crimes of passion or blames gang members. In the former reaction, the crime is justified through gendered norms in case a man's honour was questioned, and in the latter, the deaths are sensationalised as acts of barbaric gangs. Indeed, in many cases, the victims remain nameless or are somehow held responsible for their own deaths because of the clothes they were wearing or the work they are alleged to have. In both cases, the crimes go unpunished. For example, the documentary *Killer's Paradise* (2007) shows how Guatemalan police dismiss murder victims on the grounds that they must be 'prostitutes' because the victim might have been wearing nail polish or a belly button ring. The judging of women on these terms is seen to somehow justify their lack of attention to the investigation, which is not only a glaring statement of misogyny but also of class bias.

Throughout Central America, there are strong women's movements that resist and promote alternatives to violence on a daily basis. Given the context outlined briefly above, this is not an easy task in a violent and deeply patriarchal society. Since the ending of the regions' civil conflicts in the 1990s, the regions' women's movements have developed a range of strategies for resisting and transforming violent gender relations. These organisations have campaigned collectively and individually to develop new laws and to afford protection for women in civil codes. These not only provide practical help to survivors of violence, but actively work to promote change in the way violence is interpreted and legislated.

I carried out research in 2007, 2008 and 2011 for a similar campaign organised by Oxfam America Campaign to end gendered violence, entitled, 'Between you and me: a different life' (Entre vos y yo: una vida diferente). The Campaign brings together NGOs with different institutional remits, such as gender, human rights and rural development. These organisations work in coordination with national level and local level actors to raise awareness on violence and rights, provide specialist training to personnel in state institutions, elect representatives, and propose legal reforms that protect women and children. For example, training judges, police, medical staff and other key institutional personnel have been integral to the campaign's approach. Staff, who receive training are then expected to replicate it in their own institution in order to ensure greater institutional practise. In addition, the trainees form local networks and train that citizens at a community level. This approach allows communities to meet institutional representatives and also encourages greater coordination between institutions at the local level.

The campaign engages a variety of methods and approaches, both formal and popular. Street theatre, formal university diplomas, educational activities with youth, and institutional agreements with state agencies all contribute to an overall strategy that targets women, men and youth. Susa Bird, former country representative for Oxfam America, stresses that working with men is an important element in preventing violence against women (Bird et al. 2007). Women associated with the Oxfam America Campaign agreed with the need to work with men, 'because if you only train the woman, the man won't believe her, right? He's the violent one, so you need to talk to them both' (Hume, 2008:31). Patrick Welsh, a pioneer of working with men to promote gender equality, is a Scots-Irish development worker who has been working determinedly for gender equality since the 1980s. Based in Nicaragua, Welsh was one of the founding members of the Men's Movement against Violence, a ground breaking movement that has several hundred active members in more than thirty local government areas in different parts of Nicaragua. The movement focuses on a variety of activities to challenge violent masculinities such as awareness-raising and training to challenge and change men's attitudes and behaviours. It also coordinates local men's groups and networks against violence, and carries out advocacy work in conjunction with the women's movement on local and national levels (Welsh: 2010). The work of Welsh and his colleague have inspired similar movements across the region.

One result of women's advocacy in El Salvador has been the promulgation of the Ley Especial Integral para una Vida Libre de Violencia para las Mujeres (Special Integrated Law for Life Free from Violence), which came into force in 2012. Local women activists are currently working with legal specialists to raise awareness on the law and to demand its proper implementation and directly challenging institutional patriarchy and class biases. Despite the horrendous challenges these women face on a daily level, like Rice, they are 'never truly defeated' in their determination to secure their rights and those of future generations of women.

In conclusion, this article has offered a brief overview of some of the major challenges in Central America in the area of violence against women. Underlining this violent context are continued problems of economic injustice and inequality. I have purposely spent time outlining the issues since the first step of challenging injustice is to recognise it. Breaking the silence that shrouds injustice has been a challenge for human rights movements in Latin America for decades. The very category of 'disappeared' that Pat Rice fought against was a strategic calculation of state terror regimes in order to silence protest. Victims were blamed because they 'must have done something' (algo habrán hecho), further outlining the importance of speaking out and repeating their *testimonios* in the way that Rice did. In similar ways, gender norms and lack of political will serve to protect perpetrators of violence against women in contemporary Central America, but these are being challenged by the voices of women who strive to break the silence. In the words of one community leader from greater San Salvador

I feel that the follow up on cases of violence has been an achievement that the women dare to report them, to talk. It's not like before when we couldn't even mention that a women was being hit because we used to say 'she must have done something' and she was at fault. Not now, we are at another level, knowing that we do not have to put up with being the victim of violence (Hume, 2011: 21).

Bibliography

Benson, P., Fischer, E. and Thomas, K. Resocializing Suffering: Neoliberalism, Accusation, and the Sociopolitical Context of Guatemala's New Violence', *Latin American Perspectives* 2008, 35(5):38–58.

Bird, S., Delgado, R., Madrigal, L Ochoa, J.B and Tejeda.W 'Constructing an alternative masculine identity: the experience of the Centro Bartolomé de las Casas and Oxfam America in El Salvador', *Gender and Development*, 2007, Vol. 15: 1: 111 – 121.

CAWN, *Feminicidio: Un fenómeno global. De Lima a Madrid* available at: <u>http://www.cawn.org/html/publications.htm</u> (accessed 26 January 2011).

Harvey, David, 'Neoliberalism as Creative Destruction', *The ANNALS of the American Academy of Political and Social Science*, 2007, 610 (1): 21-44.

Holden, Robert H. 'Constructing the Limits of State Violence in Central America: Towards a New Research Agenda', *Journal of Latin American Studies*, 1996, Vol. 28, 2: 435-459.

Heise, L., Ellsberg, M. and Gottemoeller, M., *Ending Violence Against Women* (Baltimore, Johns Hopkins University School of Public Health, Population Information Program, 1999), Population Reports, Series L, No. 11.

Hume, Mo, *The Politics of Violence: community, conflict and gender in El Salvador* (Wiley-Blackwell, 2009).

Hume, Mo, 'Yo sí tengo una vida diferente': Women's changing perceptions of gender based violence in Ahuachapan and San Marcos (Oxfam America: Boston, June, 2008):90.

Hume, Mo <u>Salí de esa cueva donde yo estaba, he salido a la claridad y a la realidad: a</u> *qualitative assessment of the Campaign to Prevent Gender Violence* (Oxfam America, Boston, September 2011):62.

Killer's Paradise. Dir. Giselle Portenier. BBC, 2007.

Lauria-Santiago, A., 'The Culture and Politics of State Terror and Repression in El Salvador' in Menjívar, C. and Rodríguez, N. (eds.), *When States Kill: Latin America, the US and Technologies of Terror* (Austin: University of Texas Press, 2005):85-114.

Macaulay, Fiona, Judicialising and (de) Criminalising Domestic Violence in Latin America', *Social Policy and Society*, 20075:103-114.

Menjívar, C. and Rodríguez, N. (eds.) When States Kill: Latin America, the US and Technologies of Terror (Austin: University of Texas Press, 2005), Social Policy and Society, 5:103-114.

Molyneux, Maxine and Razavi, Shahra Gender Justice, Development and Rights, (co-edited with Maxine Molyneux, Oxford Series on Democratization, (Oxford: Oxford University Press, 2002).

Musalo, K., Pellegrin, E., and Roberts, S., 'Crimes Without Punishment: Violence Against Women in Guatemala' (*Hastings Women's Law Journal*, Vol. 21, 2010: 161-222).

Panizza, F. 'Human Rights in the Processes of Transition and Consolidation of Democracy in Latin America' *Political Studies* 43, 1995: 168–188.

Prieto-Carron, M., Thomson, M and Macdonald, M (2007) 'No more killings! Women respond to femicides in Central America', *Gender and Development* Vol. 15: 1: 25 - 40.

Robinson, W. Transnational conflicts: Central America, social change and globalization (London: Verso, 2003).

United Nations, 'The United Nations and El Salvador 1990-1995', *Blue Book Series*, 1995, vol. 4 New York: UN.

UN (2004) Integration of the Human Rights of Women and a Gender Perspective: Violence against women Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to El Salvador (2-8 February 2004).

UNDP (United Nations Development Programme). Opening Spaces to Citizen Security and Human Development: Human Development Report for Central America, 2009-2010: Main findings and recommendations. UNDP: <u>http://hdr.undp.org/</u> en/reports/regionalreports/latinamericathecaribbean/irdhc-2009-2010summary.pdf (Accessed 7, October, 2010).

Welsh, Patrick, Men aren't from Mars: Unlearning Machismo in Nicaragua (London: CIIR, 2001).

Welsh, Patrick (2010) 'Community development: a gendered activism? The masculinities question', *Community Development Journal* 45 (3) available at: http://cdj.oxfordjournals.org/content/early/2010/05/19/cdj.bsq023/suppl/DC1